

## 1. INTERVIEW TO "THE NATAL ADVERTISER"

[s.s. *Courland*],  
January [13,]<sup>1</sup> 1897

[REPORTER:] How do you view the proceedings of the demonstration committee<sup>2</sup>?

[GANDHI:] I certainly think the demonstration is most ill-advised, especially proceeding from a number of Colonists who say they are loyal to the British Crown, and I should never have expected that the thing would go so far. They are showing a most decided spirit of disloyalty by their demonstration, and the effects of it will be felt not only throughout the Colony, but throughout the British Empire, more especially the Indian Empire.

In what way?

Whatever affects the body of Indians who come over here will most decidedly affect the Indians in India.

You mean to say that it will prejudice the Indians against this country?

Yes, and it will give the Indians a sort of feeling that will not be got rid of easily, besides creating a mutual feeling between sister Colonies against India. I don't say that there is a great ill-feeling between Indians and the Colonists generally at the present moment. I certainly think that, from what the Colonists are doing here, people in India would infer that that would be the attitude of every other British Colony also and, so far as things have gone in that direction, they confirm that impression. So we find in South Africa, so far as we can read from the telegrams and the reports in the newspapers.

Of course, you firmly believe that Natal has no right to stop Indians coming here?

<sup>1</sup> Although the s.s. *Courland*, in which Gandhiji travelled, had reached the Durban harbour on December 18, 1896, the ship was placed under extended quarantine, along with another passenger ship the *Naderi*, ostensibly on the ground that Bombay was infested with plague. The interview took place, Gandhiji says "on the day of the landing, as soon as the yellow flag was lowered" (*vide* "An Autobiography- Part III, Chapter III".) and according to *The Natal Advertiser*, 14-1-1897, which said it took place "yesterday morning", it would be on 13-1-1897.

<sup>2</sup> Committee constituted by the Europeans to organize a demonstration at the harbour against the disembarkation of the Indian passengers

I certainly think so.

On what grounds?

On the ground that they are British subjects and, also, because the Colony of Natal has been importing one class of Indians and does not want to have another class.<sup>1</sup>

Yes.

It is very inconsistent. It seems to be a sort of leonine partnership. They want to get all the advantages that can possibly be gained from the Indians, but do not want the Indians to have any advantage whatever.

What attitude will the Indian Government take on this question?

That I am unable to say. So far I don't know what the feeling of the Indian Government is. The feeling cannot be apathetic towards the Indians. They are bound to sympathize, but what attitude they will take depends upon so many circumstances that it is very difficult to conjecture what it will be.

Is it probable that, if free Indians are stopped, the Indian Government will stop the indentured Indians?

I hope so;<sup>2</sup> but whether the Indian Government will do that is a different thing.

What I think most of is that the demonstrators have not taken any notice whatever of the Imperial aspect of the question. It is an admitted fact that the Indian Empire is the brightest jewel in the British Crown. Most of the trade of the United Kingdom is carried on with the Indian Empire, and it furnishes some of the bravest soldiers to fight the wars of Great Britain in almost all parts of the world.

"They have never been further than Egypt," interpolated the interviewer, and Mr. Gandhi tacitly admitted the correction.

The policy of the Imperial Government has throughout been a policy of conciliation — a policy of winning over the Indians by love and not by force. Every Britisher is agreed that the glory of the British Empire depends upon the retention of the Indian Empire and on the

<sup>1</sup> The reference is to free Indians—traders and artisans—as distinguished from indentured labourers whose immigration was permitted.

<sup>2</sup> South African Indians had, in fact, petitioned both the Imperial and the Indian Governments to disallow further emigration if certain restrictions imposed on indentured labourers on the expiry of their indenture were not removed. *Vide* "Memorial to J. Chamberlain", 11-8-1895 and "Memorial to Lord Elgin", 11-8-1895.

face of this, it looks very unpatriotic of the Colonists of Natal, whose prosperity depends not a little upon the introduction of the Indians, to so vigorously protest against the introduction of free Indians. The policy of exclusion is obsolete, and Colonists should admit Indians to the franchise and, at the same time, in points in which they are not fully civilized, Colonists should help them to become more civilized. That, I certainly think, should be the policy followed throughout the Colonies, if all the parts of the British Empire are to remain in harmony.

Are Indians admitted, at present, to all parts of the British Empire?

Australia has now been endeavouring to exclude them, but the Government Bill has been thrown out by the Legislative Council, and, even if the policy were adopted in Australia, it remains to be seen whether it will be sanctioned by the Home Government. Even if the Australians were successful, I should say it would not be good for Natal to follow a bad example and one which was bound to be suicidal in the end.

What was your main object in visiting India?

My main object in returning was to see my family, my wife and children, from whom I have been separated, almost continually, for the last seven years. I told the Indians here that I should have to go to India for a short time. They thought I might be able to do something for the cause of the Indians in Natal and I thought so also. And here I may state, parenthetically, that we have not been fighting, really speaking, with regard to the position of the Indians in the Colony, but we have been simply fighting for the principle. The object of our agitation is not to swamp the Colony with Indians or to have the status of the Indian in the Colony of Natal defined, but to have the Imperial question decided once for all, namely: 'What status will the Indians outside British India have?' That was the principle we have been striving to determine. The Indian gentlemen interested in the cause in Durban discussed the question with me as to what my plan of action should be in India, and the plan of action was that I should simply get my travelling expenses in India paid by the Natal Congress. As soon as I arrived in India I published that pamphlet.<sup>1</sup>

Where did you prepare the pamphlet?

<sup>1</sup> The Green Pamphlet

I did not prepare it in Natal. I prepared the whole of it while on the voyage home.

How did you secure the information it contains?

I was determined to make myself acquainted with all the facts about the Indians in South Africa, and with that object in view I had translations of the Transvaal laws supplied to me, and I asked friends in the Cape Colony and in other parts of South Africa to furnish me with any information they had on this question. So, I was fully acquainted with the facts before I decided to go to India. In the memorials which have been sent from the Indians of Natal to the Home Government, the Imperial view of the question has always been kept in the forefront.

Were the memorials bearing on the franchise question?

Not exclusively. They treated with the immigration and other laws the Colony has passed, as well as the Transvaal agitation.<sup>1</sup>

What was your object in publishing the pamphlet?

My object in publishing it was to place the entire facts regarding the position of the Indians in South Africa before the Indian public. The people here believe that India does not know exactly how many Indians were outside the country, and what their status was, and the object was to draw their attention to the subject, and it was with that view that the pamphlet was published.

But had you not an ulterior object?

The ulterior object was to have the status of the Indians decided to our satisfaction; that is to say, in terms with the Proclamation of 1858.

Do you hope to be successful?

I certainly hope that, with the help of the Indian public in India, we shall achieve the end very quickly.

What means do you propose adopting?

We desire them to go in for a constitutional agitation in India. At every meeting that has been held, resolutions have been passed authorizing the chairman to draw up memorials addressed to the Indian Government and the Home Government, drawing their

<sup>1</sup> The agitation against the legislation which sought to enforce the Indians to live and trade in specified locations; *vide*, "Petition to Lord Ripon", Before 5-5-1895 and "Petition to Lord Elgin", Before 5-5-1895.

attention to the position of the Indians in South Africa. These meetings have been held throughout the presidencies of Bombay, Madras and Calcutta.<sup>1</sup>

Have you received any encouragement from the Indian Government on the subject?

No; I had to return before I received any reply.

Mr. Gandhi continued:

It has been said that I went to India to blacken the character of the Natal Colonists. This I must emphatically deny. It will be remembered that I addressed an 'Open Letter'<sup>2</sup> to the members of the Natal Parliament about two years ago, and there I gave my view of the treatment the Indians were receiving, and it was exactly that view that I placed before the Indian public.

In fact, I copied an extract from that 'Open Letter', word for word, into my pamphlet.<sup>3</sup> It gave my view of the treatment the Indians were receiving before, and no exception was taken to that portion of the 'Open Letter' when it was published here. No one then said that I was blackening the character of the Colonists, but only when that statement was repeated in India. How that can amount to blackening the character of the Colonists I fail to understand. At the time of discussing the 'Open Letter', almost all the papers said unanimously that I was absolutely impartial, and not a single statement I made was contradicted. Under these circumstances, I thought I was perfectly justified in making the extract from the 'Open Letter'. I am aware that Reuter cabled Home a summary<sup>4</sup> of the pamphlet that could not be borne out by the 'Open Letter', and as soon as you received the pamphlet, both the Durban papers said Reuter had exaggerated its statements.<sup>5</sup> I can hardly be held responsible for Reuter's statements and opinions, and I believe that the leaders of the demonstration party

<sup>1</sup> The Calcutta public meeting which Gandhiji was to have addressed (*vide* "Letter to F. S. Taleyarkhan", November 5, 1896.) had to be cancelled as he had to leave urgently for South Africa (*vide* "Letter to *The Englishman*", 13-1-1896). Perhaps, Gandhiji was alluding to a meeting of the Committee of the British India Association in Calcutta which he addressed and which decided to submit to the Secretary of State for India a memorial in regard to the position of the South African Indians.

<sup>2</sup> *Vide* "Open Letter", Before 19-12-1894.

<sup>3</sup> *Vide* "London Diary", 12-11-1888.

<sup>4</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>5</sup> *ibid*

have not read the 'Open Letter' and the pamphlet; they have taken Reuter's telegram as an accurate summary of the pamphlet, and are, therefore, proceeding on these lines. If this belief is well founded, then I say that the leaders are doing an injustice to the Colonists as well as the Indians. I will say I have not gone beyond what I did here, and my stating the case in India has not prejudiced it in any way.

In your Indian campaign what attitude did you adopt towards the indentured Indian question?

I have said most emphatically, in the pamphlets and elsewhere, that the treatment of the indentured Indians is no worse or better in Natal than they receive in other parts of the world. I have never endeavoured to show that the indentured Indians have been receiving cruel treatment. The question, generally speaking, is not a question of the ill-treatment of Indians, but of the legal disabilities that are placed on them. I have even said in the pamphlet that instances I have quoted show that the treatment that the Indians receive was owing to the prejudice against them, and what I have endeavoured to show is the connection between the prejudice and the laws passed by the Colony to restrict the freedom of the Indian.

I have said that the Indians did not approach the Indian Government, the Indian public, or the Home Government, with the view to having any redress against the prejudices of these Colonists. I have said that Indians are the most hated beings in South Africa, and that they are being ill-treated; but, for all that we do not ask the Government for redress with regard to these things, but with regard to the legal disabilities that are placed upon the Indians. We protest against the legislation passed by prejudice, and redress has been asked for against them. This, then, is simply a question of toleration on the part of the Indian. The attitude taken up by the Colonists, especially by the demonstration committee, is an attitude of intolerance. It has been said in the papers that there is an organized attempt, under my leadership, to swamp the Colony with Indians.<sup>1</sup> This statement is absolutely false. I have as much to do with having induced these passengers to come here as I have with inducing passengers to come from Europe. No such attempt has ever been made.

I should think your agitation in India would have rather the opposite effect?

Certainly. I tried to induce some gentlemen to come who, I

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

thought, would be able to replace me, to work for the cause and I was absolutely unsuccessful.<sup>1</sup> They refused to come.

The number of passengers on board the *Courland* and *Naderi* has been exaggerated. There are not 800 passengers on the two ships, so far as my information goes. In all there are about 600. Of these, only 200 are for Natal, the rest are for Delagoa Bay, Mauritius, Bourbon, and the Transvaal. Now, out of these 200, about 100 are newcomers and of these new comers about 40 are ladies, and so it is a question of admitting about 60 newcomers. These 60 newcomers consist of storekeepers' assistants, traders on their own account, and hawkers. I have nothing whatever to do with bringing passengers to any of the other ports either. A statement has appeared to the effect that there is a printing plant, 50 blacksmiths, and 30 compositors on board—all absolutely false. Such a statement is calculated to inflame the passions of the European artisans and the working people in Durban, though it has no foundation in fact. The leader of the demonstration committee, and anybody in Natal, would be perfectly justified in getting up an agitation—a constitutional agitation, remember—if there was an organized attempt to swamp the Colony with Indians, and Indians of this stamp; but, as a matter of fact, there is not a single blacksmith or compositor on board.

The statement has been made that I have been advising people on board to institute legal proceedings against the Government for unlawful detention.<sup>2</sup> That is another statement that has no foundation in fact. My object throughout is not to sow dissension between the two communities, but to assist at creating harmony between the two, without the Indians having to accept any degradation of their status as conferred upon them by the Proclamation of 1858, when it was stated that all subjects of Her Majesty in India would be treated on a footing of equality without distinction of race, colour, or creed; and I submit, I am justified in requesting every Colonist to tolerate the attitude, however much they have differed from it. Really speaking, there can be no objection to the Indian. The Colonial Patriotic Union<sup>3</sup> have put

<sup>1</sup> *Vide* "Letter to F. S. Taleyarkhan", 10-10-1896, "Letter to F. S. Taleyarkhan", 18-10-1896, and "Letter to F. S. Taleyarkhan", 5-11-1896.

<sup>2</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>3</sup> An association formed by Durban Europeans in November 1896 to resist immigration of free Indians; *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

forward statements that the artisan class are concerned. I say there is no competition between Europeans and Indians.

It is true that few Indians do now and then come to Natal, but the number of those in the Colony is very greatly exaggerated, and certainly there are very few new comers. And how can there be any competition between a high-class European and an ordinary Indian artisan? I don't mean to say that Indian artisans cannot compete successfully with the European artisans, but here, again, the Indian artisans of a high order, and of the right stamp, do not come here, and if they did come, they would not find much employment, just as if other professional men came here they would not find much to do.

What is your object in coming back?

I do not return here with the intention of making money, but of acting as a humble interpreter between the two communities. There is a great misunderstanding between the communities, and I shall endeavour to fulfil the office of interpreter so long as both the communities do not object to my presence.

Had you the approval of the Indian Congress<sup>1</sup> to all the statements you made and the action you took in India?

I certainly think so. I spoke in the name of the people.

Are there not some indentured Indians on board these boats?

No. There are some who come under an ordinary contract to serve merchants here as shop assistants, but none indentured. An unauthorized agency for bringing Indians under contract to render domestic service is illegal, according to the Indian Immigration Law.

Have the Indian Congress no intention of starting a newspaper in Natal?

There was an intention, not by the Indian Congress, but by a body of workers who sympathize with the Congress, of starting a paper, but that idea has to be given up, simply because I could not see any way to devote my time to that and other work. I had instructions to bring material and Indian type, but as I found it would be impossible for me to work it, I did not bring anything. Had I been able to persuade the gentlemen with whom I was negotiating to come over here, I might have brought the material, but as that fell through, I did not do so.

What steps have the Indian Congress taken with regard to this Colonial

<sup>1</sup> The reference is to the Natal Indian Congress



agitation?

So far as I know, the Congress have taken no steps whatever.

What is your plan of campaign?

My plan of campaign now is, if I am allowed time, to show that there is no conflict of interest between the two countries; that the attitude taken up by the Colony at present is indefensible on every ground; and to justify what I have done in the eyes of the Colonists for the sake of the case in which I am interested. Of course, we should resist the passing of any laws to restrict the freedom of Indians entering the Colony. I would naturally expect to have the full support of the Indian Government on that. There is absolutely no danger of the Colony getting swamped. The *Courland*, on one of her voyages, took back as many as a hundred new arrivals, and I, therefore, submit that the leaders should make sure of their facts before they put a drastic policy before the Colony. The free Indian population really remains stationary. The law of supply and demand regulates the inflow and outflow of passengers.

Mr. Gandhi requested the reporter to convey to the editor of the *Advertiser* his best thanks for allowing him to ventilate his views.

In taking leave of Mr. Gandhi, the reporter laid stress on the very strong feeling against him at present in Durban, and advised him, for his own sake, to be exceedingly careful in regard to disembarking, since he was determined to land.

*The Natal Advertiser*, 14-1-1897

## 2. LETTER TO ATTORNEY-GENERAL

BEACH GROVE, DURBAN,

*January 20, 1897*

TO

THE HONOURABLE HARRY ESCOMBE

ATTORNEY-GENERAL

PIETERMARITZBURG

SIR,

I beg to thank you and the Government for the kind enquiries made about me and the kindness shown to me by the officials of

Durban after the incident that happened on Wednesday last.<sup>1</sup>

I beg to state that I do not wish that any notice should be taken of the behaviour of some people towards me last Wednesday, which, I have no doubt, was due to misapprehension on their part as to what I did in India with reference to the Asiatic question.<sup>2</sup>

It is due to the Government to state that, although, under instructions from you, the Superintendent of Water Police offered to take me to town quietly at night, I proceeded to the shore with Mr. Laughton<sup>3</sup> on my own responsibility without informing the Water Police of my departure.

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

Enclosure in Despatch No. 32 of 3rd March, 1897, from the Governor of Natal to the Principal Secretary of State for the Colonies.

Colonial Office Records: Petition and Despatches, 1897

**3. CABLE TO BRITISH COMMITTEE OF THE INDIAN  
NATIONAL CONGRESS, W. W. HUNTER AND  
BHOWNAGREE**

[January 28, 1897]<sup>4</sup>

FROM

INDIANS

TO

- (1) "INCAS"<sup>5</sup>
- (2) SIR WILLIAM HUNTER CARE *Times*
- (3) BHOWNAGREE, LONDON

TWO INDIAN STEAMERS "COURLAND" "NADERI" LEFT BOMBAY 30<sup>6</sup>  
NOVEMBER. ARRIVED 18 DECEMBER. DESPITE CLEAN BILL HEALTH

<sup>1</sup> Shortly after he disembarked from the ship on January 13 Gandhiji had been besieged by demonstrators. He escaped being lynched by the intervention of Mrs. Alexander, the Police Superintendent's wife, and by that officer's resourcefulness when later the house where Gandhiji had taken shelter was also besieged. *Vide "Satyagraha in South Africa"*, Chapter VII and "*An Autobiography*- Part III, Chapter II & III".

<sup>2</sup> Chamberlain had cabled Natal Government to prosecute Gandhiji's assailants and Attorney-General Harry Escombe has sought Gandhiji's assistance in indicting them.

<sup>3</sup> A European advocate of Durban who was friendly with Gandhiji

<sup>4</sup> The cable is undated. *Vide* however the following item.

<sup>5</sup> Telegraphic address of the British Committee of the Indian National Congress in London

<sup>6</sup> The *Naderi* had actually sailed on November 28; *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

THROUGHOUT VOYAGE FIVE DAYS' QUARANTINE. BOMBAY PROCLAIMED  
 NEXT DAY INFECTED PORT. HEALTH OFFICER SUSPENDED. ANOTHER  
 APPOINTED WHO ON 24 VISITED SHIPS ORDERED DISINFECTION AND  
 BURNING OLD CLOTHES MATS ETC. IMPOSED 11 DAYS'  
 QUARANTINE. BURNING ETC. DONE ON 25. ON 28 POLICE OFFICER BOARDED  
 REDISINFECTED AND BURNT BEDDINGS BAGS CLOTHING ETC. HEALTH OFFICER  
 ON 29 VISITED SHIPS SHOWED SATISFACTION AGAIN IMPOSED 12  
 DAYS' QUARANTINE. PRATIQUE DUE 10 JANUARY GIVEN ON 11. AFTER  
 STEAMERS' ARRIVAL MEETINGS CALLED BY VOLUNTEER OFFICERS  
 AND OTHERS TO FORCIBLY PREVENT LANDING PASSENGERS. TOWN  
 HALL USED FOR MEETINGS. SPEAKER DECLARED GOVERNMENT  
 SYMPATHY AND THAT DEFENCE MINISTER SAID GOVERNMENT  
 WOULD NOT OPPOSE MOB. STATED THAT 800 PASSENGERS FOR  
 NATAL ON TWO STEAMERS MOSTLY ARTISANS AND LABOURERS.  
 SCHEME TO SWAMP COLONY WITH INDIANS. PRINTING  
 PLANT ON BOARD ETC. SUCH STATEMENTS PROMOTED  
 AGITATION INFLAMED PEOPLE. TRUTH IS ONLY 600 PASSENGERS  
 NOT MORE THAN 200 FOR NATAL BEING TRADERS THEIR  
 ASSISTANTS RELATIVES WIVES CHILDREN OF OLD RESIDENTS.  
 NO SCHEME TO SWAMP COLONY. NO PRINTING PLANT.  
 ONE OF QUARANTINE COMMITTEE APPOINTED BY  
 GOVERNMENT HEADED SIXTH DIVISION OF MOB.  
 ULTIMATUM ASKING PASSENGERS TO RETURN INDIA UNLESS THEY  
 WOULD FACE OPPOSITION FROM THOUSANDS OF DURBAN  
 PEOPLE. GANDHI ON "COURLAND" THREATENED WITH  
 TARRING FEATHERING LYNCHING. STEAMERS' AGENTS  
 SHOWING ILLEGALITY IN IMPOSING QUARANTINE URGED  
 RELIEF AND PROTECTION FOR PASSENGERS FROM GOVERNMENT.  
 AGENTS' LETTER IGNORED TILL AFTER DEMONSTRATION  
 ON THIRTEENTH. THOUSANDS INCLUDING GOVERNMENT RAILWAYMEN  
 VOLUNTEERS 300 KAFFIRS WITH STICKS MASSED AT WHARF  
 "TO PREVENT LANDING OF PASSENGERS BY FORCE IF  
 NECESSARY". DEFENCE MINISTER BROUGHT SHIPS IN ADDRESSED  
 MOB AND IT DISPERSED. PASSENGERS' SAFETY ASSURED.  
 SOME LANDED AFTERNOON OTHERS NEXT DAY. GOVERNMENT  
 OFFERED GANDHI TO LAND QUIETLY AT NIGHT. HE LANDED  
 LATE AFTERNOON ACCOMPANIED BY ADVOCATE LAUGHTON. ROUGHLY  
 HANDLED. ASSAULTED BY CROWD. POLICE RESCUED. PAPERS  
 CONDEMN DEMONSTRATION AND AGREE AGITATORS PROCEEDED  
 ON FALSE STATEMENTS, JUSTIFY GANDHI. SOME JOURNALS SUSPECT  
 COLLUSION BETWEEN GOVERNMENT AND AGITATORS. PASSENGERS  
 SUFFERED IMMENSELY. GOVERNMENT NOT HEEDING. INDIANS'  
 QUARANTINE RELIEF FUND SUPPLIED BEDDINGS PROVISIONS ETC.  
 DURING QUARANTINE. GOVERNMENT NEGOTIATING WITH HOME  
 GOVERNMENT TO SECURE ANTI-INDIAN LEGISLATION. PLEASE WATCH.

From a photostat of the office copy: S.N. 1883

#### 4. LETTER TO SIR WILLIAM W. HUNTER<sup>1</sup>

DURBAN,  
January 29, 1897

SIR,

I reached Natal on the 18th December but could not land in Durban before the 13th January. The circumstances under which this delay occurred are very painful. The Indian community yesterday sent a very long telegram<sup>2</sup> to you narrating the events of the past 30 days. I venture to give below the circumstances that culminated in a demonstration by about 5,000 Durban men to oppose the landing of passengers on board two ships *Courland* and *Naderi*, the first named being owned by Messrs Dada Abdoolla and Co. of Durban and the second by the Persian Steam Navigation Co. (of Bombay).

About the beginning of August last,<sup>3</sup> the Tongaat Sugar Co. applied to the Immigration Trust Board for eleven Indian artisans to be brought under indenture.<sup>4</sup> This gave rise to an organized agitation by the European artisans against the Indians generally. Well-attended meetings of European artisans were held in Durban and Maritzburg and other towns to protest against the introduction of Indian artisans by the Sugar Co. who, yielding to the voice of the artisans, withdrew their application. But the agitation continued. The leaders assumed certain facts and allowed the agitation to develop into one against the Indians wholesale almost without discrimination. Angry correspondence condemning the Indians, mostly under *noms de plume*, went on. While this was going on, statements appeared in the Press to the effect that the Indians had organized an attempt to flood the Colony with free Indians. About this time appeared also Reuter's telegram<sup>5</sup> regarding my pamphlet which enraged the Colonists. The telegram said that I had stated that Indians were robbed, assaulted, etc.

<sup>1</sup> The source does not mention the addressee, but from Hunter's acknowledgment in his letter of February 22, 1897 (S.N. 2074), it is clear that he had received it. Presumably similar letters were sent to the British Committee of the Indian National Congress and Sir Mancherji Bhownaggee.

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

<sup>3</sup> Cf. however "Memorial to Secretary of State for the Colonies", 15-3-1897, where the date given is April 7.

<sup>4</sup> *Vide* also "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>5</sup> For an extract from this, *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

When, however, the papers received copies of the pamphlet, they acknowledged that I had stated nothing that was not stated in Natal before and that was not acknowledged to be correct. But the general populace, who formed their opinion of the pamphlet from Reuter's summary, continued to retain their bitter feelings. Then came the wires regarding the Bombay and Madras meetings. These, while not inaccurate, were read together with Reuter's summary and made the feelings more bitter.

In the mean while, steamers continued to bring a large number of Indians. The arrivals were prominently reported and exaggerated. The almost equal returns by the same steamers passed unnoticed. And the artisans were led to believe without any ground that these steamers brought mostly Indian artisans. This gave rise to the formation of anti-Indian associations<sup>1</sup> at whose meetings resolutions were passed asking the Natal Government to stop the influx of free Indians, to prevent Indians from owning landed property, etc. These associations are not much countenanced by the commercial people but are composed chiefly of artisans and a few professional men.

At the time this was going on, two ships *Courland* and *Naderi*, bound for Natal and containing Indian passengers, were reported to be on the water. I was a passenger on board the *Courland*. I was to have gone by one of the British Indian boats, but the telegram from Durban, asking me to return at once, necessitated my taking passage by the *Courland*. As soon as the news became public property, the papers and the Durban Town Council urged that Bombay should be declared an infected port. The steamers reached Natal on the 18th and were placed under quarantine for 23 days from the day of leaving Bombay. Proclamation declaring Bombay an infected port was dated the 18th December and published in a *Gazette Extraordinary* on the 19th, that is, one day after the steamers' arrival. The medical officer, who imposed five day, quarantine, making 23 days from the time of departure of the steamers from Bombay, was dismissed and another appointed in his stead. He boarded the steamers after the expiry of the first quarantine and imposed 12 days' quarantine from that day. The Government had appointed a Committee to report as to how the two ships were to be treated and the reports said that 12 days' quarantine

<sup>1</sup> The European Protection Association and the Colonial Patriotic Union; *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

after fumigation, etc., would be necessary. The medical officer gave instructions with regard to fumigation and disinfection during the time. These were carried out. Six days after this, an officer was placed on each ship to watch fumigation, etc. And after that, the medical officer came again and imposed a quarantine of 12 days from that day. Thus, even if the Committee's report were justified, 11 clear days were wasted before the 12 days' quarantine began.

While the ships were thus lying in the outer anchorage, a local butcher, Mr. Harry Sparks, Captain, Natal Mounted Rifles of the Volunteer Force, published a notice under his signature calling "every man in Durban to attend a public meeting to be held on the 4th January for the purpose of arranging a demonstration to proceed to the Point, and protest against the landing of Asiatics."<sup>1</sup> This meeting was very largely attended and held in the Durban Town Hall. It was, however, a compliment that the more sober portion of the community held aloof from active participation in the movement. It is also worthy of notice that the associations before referred to did not take part in the movement. Dr. Mackenzie, one of the members of the Committee alluded to above, and Captain of the Naval Carbineers and Mr. J. S. Wylie, a local solicitor and Captain of the Durban Light Infantry, were the chief movers. Inflammatory speeches were made at the meeting. It was resolved that the Government should be called upon to return the passengers on the two ships to India at the Colony's expense and "that every man at this meeting agrees and binds himself, with a view to assisting the Government to carry out the foregoing resolution, to do all his country may require of him and with that view will, if necessary, attend at the Point at any time when required." The meeting also suggested that the quarantine should be further extended and that a special session be called, if necessary, to extend it, thus, in my humble opinion, showing clearly that the previous quarantine was meant to vex the Indians into returning to India.

The Government, in their telegraphic reply to the resolutions, said that they had no power "apart from such as may be conferred by the quarantine laws to prevent the landing in the Colony of any class of Her Majesty's subjects" and deprecated action suggested by the second resolution quoted above. There-upon another meeting was

<sup>1</sup> *Vide* also "Memorial to Secretary of State for the Colonies", 15-3-1897.

held in the Town Hall. Mr. Wylie moved a resolution, which was carried, to the effect that a special session should be called to extend quarantine. The following are the significant passages of his speech:

The Committee said if the Government did nothing, Durban would have to do it herself and go in force to the Point and see what could be done. They capped that by remarking "we presume that you, as representing the Government and good authority of this Colony, would have to bring force to oppose us." Mr. Escombe, the Attorney-General and Minister of Defence, said, "We will do nothing of the sort. We are with you and we are going to do nothing of the sort to oppose you. But, if you put us in such a position, we may have to go to the Governor of the Colony and ask him to take over the reins of this Colony as we can no longer conduct the Government. You will have to find some other persons.

The second resolution was that, "We proceed by demonstration to the Point on the arrival of the Indians but each man binds himself to conform to the orders of his leaders." The speakers inflamed the hearers particularly against me. A document that was issued for signatures was thus headed: "List of names of members (trade or profession mentioned) who are willing to proceed to the Point and resist by force, if necessary, the landing of Asiatics and to obey any orders which may be given by the leaders." The next stage in the movement was for the Demonstration Committee to send an ultimatum to the Captain of the *Courland*, saying that passengers should return to India at the Colony's expense and that, if they did not do so, their landing would be resisted by thousands of Durban men. This was practically ignored.

While the movement was thus progressing, the Agents communicated with the Government and asked for protection of passengers. No reply was vouchsafed until the day on which the ships were brought in, on the 13th instant. Not much remains to be added to the telegram, of which a copy is enclosed herewith. As to the assault on me, it was due to the misrepresentations that appeared about me in the papers. The assault itself was the work of irresponsible persons and by itself need not be noticed at all. Of course, I narrowly escaped being lynched. The papers agree in saying that I did nothing that another in my place would not have done. I may also state that, after the assault, I was treated kindly by the Government officials and afforded protection.

The Government now intend to introduce, in March next, laws restricting the influx of the Indians. Town Councils have been asking

the Government for widest powers to enable them to prevent Indians from taking out licences to trade, owning landed property, etc. What the outcome will be it is difficult to say. Our only hope lies in you and the gentlemen working in London in our behalf. In any case, it is time some declaration was made as to the policy of the Home Government with regard to the Indians going outside India. The continuation of assisted immigration to Natal under the circumstances seems to be a great anomaly. There is absolutely no danger of the Asiatics swamping the Colony. There is no competition between Indian and European artisans. It may almost be said that for every Indian coming to Natal one returns to India. The whole of this matter will be fully dealt with in a memorial to Mr. Chamberlain that is in course of preparation. This letter has been sent in the mean while to furnish you with a brief summary of the past events. We are aware that your time is otherwise well occupied. But, however reluctant we may be to trouble you with our sorrows, we find no escape from the course if we are to get justice.

Thanking you on behalf of the Indian community in Natal,

*I remain,*  
*Your obedient servant,*  
M. K. GANDHI

From a photostat of the office copy: S.N. 1967

## 5. *LETTER TO THE BRITISH AGENT*

[DURBAN,]  
NATAL,  
*January 29, 1897*

HIS HONOUR THE BRITISH AGENT

PRETORIA

SIR,

Many Indians, intending to proceed to the Transvaal via Charlestown find difficulty in crossing the border. Some days ago, the official on the border allowed Indians possessing £25 to proceed to their destination in the Transvaal. Now it is said the official on the border would not allow the Indians to cross the border under any circumstances, though some may have been able to do so. May I venture to ask if you will be good enough to ascertain, on behalf of Her Majesty's Indian subjects, under what circumstances they will be



allowed to cross the border.

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

The Pretoria Archives and the Colonial Office Records, South Africa, General,  
1897

## 6. LETTER TO "THE NATAL MERCURY"<sup>1</sup>

DURBAN,  
February 2, 1897

THE EDITOR, *The Natal Mercury*

SIR,

I venture to offer a few remarks on the Indian famine, regarding which appeal for funds has been made to the British Colonies. It is not perhaps generally known that India is the poorest country in the world, in spite of the fabulous accounts of the riches of her Rajas and Maharajas. The highest Indian authorities state that "the remaining fifth (i.e., of the population of British India), or 40,000,000, go through life on insufficient food". This is the normal condition of British India. Famines, as a rule, recur in India every four years. It must not be difficult to imagine what the condition of the people would be at such a time in that poverty-stricken country. Children are snatched from their mothers, wives from their husbands. Whole tracts are devastated, and this in spite of the precautions taken by a most benevolent Government. Of the famines of recent times, that of 1877-78 was the most severe. The famine commissioners thus report as to the death-rate:

It has been estimated, and, in our opinion, on substantial grounds, that the mortality which occurred in the Provinces under British administration, during the period of famine and drought extending over the years 1877 and 1878, amounted, in a population of 197,000,000 to 52,50,000 in excess of the deaths that would have occurred had the seasons been ordinarily healthy.

The total expenditure during the crisis was over £11,000,000.

The present famine bids fair to beat the record in point of severity. The distress has already become acute. The worst time has yet to come, when summer sets in. This is the first time, I believe, that the British Colonies have been appealed to from India, and it is to be

<sup>1</sup> This appeared under the title "The Indian Famine",

hoped the response will be generous. The Central Famine Committee at Calcutta must have exhausted all the resources before deciding to appeal to the Colonies. And it will be a great pity if the response is not adequate to the urgency of the appeal.

It is true that the outlook is not particularly cheerful even in South Africa, but it will be admitted that there can be no comparison between the distress in India and that in South Africa. And even if there should be a call on the purse of the Natal magnates on behalf of the South African poor, I venture to trust that that would not deter them from dipping their hands deep into their purses on behalf of millions of their fellow-subjects in India, who are on the verge of starvation. Whether it be in the United Kingdom or in the Colonies, I am sure British philanthropy will assert itself, as it has on previous occasions, on behalf of suffering humanity, no matter where and how often.

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

*The Natal Mercury, 4-2-1897*

## 7. APPEAL FOR FUNDS<sup>1</sup>

[February 3, 1897]

DEAR COUNTRYMEN,

While we are having our meals daily, hundreds of thousands are dying of hunger in India. The dark shadow of famine has caused a gloom over our dear country. The people of India have applied to all under the British flag to send help to the starving millions there. It is, perhaps, not known to all of us that, without famine, 40,000,000 in India do not know what it is to have their hunger satisfied from year's end to year's end. Imagine, then, what must be the condition of our brethren in India during these distressing times. Under such circumstances, it is the duty of every Indian, who is able to get sufficient to feed himself, to part with something for the sake of the dying. It will not do for us to say, 'I gave something only yesterday

<sup>1</sup> The appeal, which was published in the source under the title "The Black Famine in India", was issued by the Committee formed at a meeting of Indians on February 3, to make collections from various centres in Natal. It was translated into the several languages spoken by Indians in Natal as is shown by copies available at the Sabarmati Sangrahalaya.

towards this fund or that.' You would not say so if you saw a man dying at your door of hunger; you would give all you may have to satisfy the hunger of that dying man. In the present case, the only difference is that millions are dying of hunger far away from you in a place which is your Motherland, from which you derive your status whatever it may be, and with whose welfare yours is indissolubly bound up. It would not also do to say that what you may give will be of no use to the ocean of sufferers in India. This is a mistake. If all were to argue that way, there will be no help for them. It is the drops that make the ocean. It is, therefore, the duty of every one of us to give the utmost we can towards the Relief Fund.

If you are not in affluent circumstances, it should be a duty to deny yourself something—some luxury, some jewellery, anything that is not absolutely necessary for you.

The funds will be in the hands of a Committee. The names of all who give 10s. or more will be published in newspapers in India and everyone will get a receipt, signed by Mr. M. K. Gandhi for the Famine Relief Committee, countersigned by the person or persons receiving the contributions. The Committee consists of Messrs Dada Abdoolah and Co., Messrs Mahomed Cassim Camroodeen and Co., Messrs Azam Gulam Hussain and Co., Mr. Mohanlal Ray, Mr. Syed Mahomed, Rev. Simon Velaman, Mr. Adamji Miyakhan, Mr. Parsee Rustomji, Mr. Peermahomed Dawoodji, Mr. Moosa Hajee Cassim, Messrs Dawood Mahomed and Co., Mr. Dunn, Mr. Royappan, Mr. Lawrence, Mr. Godfrey, Mr. Osman Ahmed, Mr. Joshua, Mr. Gabriel, Mr. Hajee Abdoola, Mr. Hasam Sumar, Mr. Peeran Mahomed, Mr. Mogararia, Mr. Gandhi and others.

It is expected that the Indians in the Colony will furnish at least £1,000 for the sufferers, though there is no reason why the funds should not amount to £2,000 and more. It will all depend upon your generosity and sympathy for your brethren in India.

No money should be given without a receipt in English and Tamil, signed by Mr. M. K. Gandhi and countersigned by the receiver.

*The Natal Advertiser, 4-2-1897*

## 8. LETTER TO J. B. ROBINSON<sup>1</sup>

WEST STREET, DURBAN,  
February 4, 1897

J. B. ROBINSON, ESQ.

JOHANNESBURG

SIR,

We, as representing the Indian community in Natal, beg respectfully to approach you, as a Leader of the British community in Johannesburg, on a matter which, we are confident, has your entire sympathy and support.

The present famine in India beats all previous records, and the alarming condition to which people have been reduced by starvation and consequent evils is unparalleled in the annals of Indian famines. The acute suffering is so widespread the authorities as well as the public have called forth the utmost resources of Indian charity. Relief Fund Committees have been formed in all parts of India, but they are found to be entirely and absolutely inadequate to stem the rising tide of distress. The population is being rapidly decimated in spite of the efforts of those that are working heart and soul for the poor, suffering masses of humanity. The Government and the people of India cannot cope with the horrors of the calamity in an effective way, and no wonder the English public has stretched its ever-ready helping hand.

The Press in England has taken up the matter in right earnest, and as you are aware, a Mansion House<sup>2</sup> Fund has been opened. It is stated that even foreign powers have promised help.

Probably, this is the first time in the history of Indian famines that the Colonies have been asked to open relief funds, and we have no doubt every loyal British subject will gladly avail himself of the opportunity of offering what material assistance he can to lessen the horrible suffering of his tens of millions of starving fellow-subjects.

Realizing his responsibility and recognizing his duty, our Mayor has already started a fund in response to Calcutta cablegram from the Chief Justice of Bengal on behalf of Central Committee there.<sup>3</sup> Indians

<sup>1</sup> The signatories to this letter were the members of the Committee named in the foregoing appeal.

<sup>2</sup> The official residence of the Mayor of London. The fund in the end amounted to £550,000. — *Encyclopedia Britannica*, 1965

<sup>3</sup> *Vide* "Letter to Francis W. Maclean", 7-5-1897.

in all parts of the world have been moving actively in the matter, and in Durban alone, by yesterday, they subscribed about £700, two firms contributing over £100 each and one £75 and there are good grounds for the hope that the collection might amount to about £1,500.

We have taken the liberty to approach you, Sir, because we are confident you will sympathize with our aims and objects; we, therefore, venture to request you to start a relief fund. There is no doubt, with your immense influence and energy, you are in position to help materially the public of India in their endeavours to relieve the suffering millions from the terrible consequences of the prevailing famine, and we feel sure that Johannesburg, with its immense riches, can do much more in this direction than all other parts of South Africa put together.

We may be permitted to state here that we have appealed to the Indians in different parts of South Africa to do all they can in this matter.

Hoping that this will receive your immediate attention and with apologies for encroaching upon your precious time,

*We remain,  
Sir,  
Your obedient servants*

From the office copy: S.N. 1996

## *9. TO THE CLERGYMEN OF DURBAN*

BEACH GROVE, DURBAN,  
*February 6, 1897*

TO...

I venture to write to you; about the Indian Famine Fund opened by the Mayor of Durban. I beg to draw your attention to the remark made by the Mayor in the Town Council yesterday to the effect that only one European had so far subscribed.

I need hardly describe the suffering of the millions in India who may have to die simply from want of sufficient nutriment.

I beg to refer you to my letter<sup>1</sup> in the *Mercury* of the 3rd instant which would give you some idea of the volume of distress that is threatening India at the present time.

<sup>1</sup> Gandhiji is evidently referring to his letter of February 2 which appeared in that newspaper on February 4; vide "Letter to *The Natal Mercury*", 2-2-1897.

I venture to think that references to the matter and appeals to the audiences for funds from the pulpit to[morrow?]<sup>1</sup> will go a great way towards exciting the generous sympathy of the public on behalf of the suffering millions in India.

*I beg to remain,  
Your obedient servant,  
M. K. GANDHI*

From a photostat of the office copy: S.N. 3643

*10. LETTER TO A. M. CAMERON<sup>2</sup>*

BEACH GROVE, DURBAN,  
*February 15, 1897*

A. M. CAMERON  
POST OFFICE DARGLE ROAD<sup>3</sup>  
DEAR SIR,

In thank you for your kind letter of the 10th instant and your valuable suggestion. I am very glad that you will be able to spare a few days for coming down to Durban. I enclose herewith a cheque for £3. If you wish to travel first class you may do so and your further expenses will be paid.

*I am,  
Yours truly,  
M. K. GANDHI*

From a photostat of the office copy: S.N. 3645

<sup>1</sup> February 7 was a Sunday.

<sup>2</sup> The addressee was then the Natal correspondent of *The Times of India* (vide "Letter to F. S. Taleyarkhan", 17-12-1897) and Gandhiji had invited him over for consultations about a journal to be started to further the cause of the South African Indians. It was, however, only in 1903 that Indian Opinion came out.

<sup>3</sup> A community village about 20 miles from Pietermaritzburg

*11. MEMORIAL TO SECRETARY OF STATE FOR  
THE COLONIES<sup>1</sup>*

*March 15, 1897*

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN  
HER MAJESTY'S PRINCIPAL SECRETARY OF STATE  
FOR THE COLONIES  
LONDON

THE MEMORIAL OF THE UNDERSIGNED INDIANS  
RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH:

That your Memorialists, as representing the Indian community in Natal, hereby venture to approach you with reference to the Indian question in Natal, with special regard to the demonstration that took place in Durban on the 13th January, 1897, headed by Captain Sparks, a commissioned officer, to protest against the landing of Asiatics on board the s.s. *Courland* and s.s. *Naderi*, two Indian-owned ships which arrived in Durban on the 18th day of December, 1896 with about 600 passengers, which culminated in an assault on one of them who was saved from being lynched by the tact of the Durban Borough Police.<sup>2</sup>

The Indian community in Natal has been suffering from various legal disabilities for a very long time, some of which have been made the subject of memorials to Her Majesty's Government.<sup>3</sup> In those memorials, it has been pointed out that the ultimate extinction of the Indian as a free man is the goal of the Colonists, and that every disability placed on the Indian becomes the forerunner of many more, and that his position is to be so reduced that he cannot exist in the Colony, except as (to quote the Attorney-General of Natal) "a hewer of wood and drawer of water", till the end of his lifetime. On these and such grounds, it was urged that legislation restrictive of the freedom of the Indians in Natal should not be sanctioned by Her Majesty's Government. While, whoever, Her Majesty's Government sympathized with the object of the memorials, they were reluctant to

<sup>1</sup> This was printed and forwarded to the Natal Governor for transmission on April 6; *vide* "Petition to the Natal Governor", 6-4-1897.

<sup>2</sup> The reference is to the attack on Gandhiji.

<sup>3</sup> For the various previous Memorials to the addressee.

refuse the Royal sanction to some of the Bills objected to in the memorials. The encouragement, obtained from the more or less successful issue of their first and test experiments to carry out the final object, has resulted in the formation by the Europeans, during the last seven months, of anti-Indian associations, and the question has assumed a very acute phase. Under the circumstances, your Memorialists, in the interests of the Indian community in Natal, feel it to be their duty to place a review of the last seven months' anti-Indian agitation before Her Majesty's Government.

On the 7th April, 1896, the Tongaat Sugar Company applied to the Immigration Trust Board, indenting for the following Indian artisans—one each: brick-layer, plate-layer, plasterer, house-painter, carriage-builder, wheelwright, carpenter, blacksmith, fitter, turner, iron-moulder, and coppersmith. The Trust Board granted the application. As soon as this information was published in the newspapers, a storm of protest arose of the Colony. Meetings to protest against the action of the Trust Board were advertised for in the local papers, both in Pietermaritzburg and Durban. The first meeting was held in Durban, on the 11th day of August, and is reported to have been largely attended, where angry speeches were made. As a result of the agitation, the Tongaat Sugar Company withdrew their application in the following terms: "As our application for the above appears to have met with an opposition entirely unforeseen on our part, we have decided to withdraw it." The agitation, however, did not die with the withdrawal. Meetings continued to be held and the speakers went beyond the scope thereof. Your memorialists humbly think that the protest against the application was perfectly justified, in so far as the introduction of skilled labour under State protection was contemplated; and that, had the agitation remained within proper bounds, the events that followed might not have taken place. Some of the speakers at those meetings laid stress on the fact that the Indians could not fairly be blamed in the matter, and that it was the Sugar Company that was entirely to blame. The tone, however, of most of the speeches was such as to easily inflame the passions of the audience. The correspondence in the newspapers also was carried on much the same way. Facts were at a heavy discount; the whole Indian question was opened up; and Indians were condemned wholesale. The meetings, in your Memorialists' humble opinion, amply justified the contention of the Indian community that the Indians are the most hated and misunderstood community in the Colony. They were called



“black vermin”. A speaker at one of the Maritzburg meetings said: “A coolie could live on the smell of an oily rag.” One of the audience at that meeting said: “They breed like rabbits, those that are here”, and another added: “The worst of it is we can’t shoot them down.” At one of the Durban meetings, a voice from the audience said, with reference to the application: “If the Indian artisans come, we will go to the Point and stop them.” Another said at the same meeting: “A coolie is not a man.” Thus, it will be seen that the material for the events of January last was being prepared in August, 1896. Another feature of this agitation was that the working classes were induced to take an active interest in the matter.

Hardly had the time for proper reflection over the action of the Trust Board come, when the following telegram appeared in the newspapers, on September 14th, 1896, through Reuter’s agency:

A pamphlet published in India declares that the Indians in Natal are robbed and assaulted and treated like beasts, and are unable to obtain redress. *The Times of India* advocates an inquiry into these allegation.

This telegram naturally roused the indignation of the Colony, and added fuel to the fire. The pamphlet referred to was a statement of the grievances of the British Indians in South Africa by Mr. M. K. Gandhi, who was appointed by the representatives of the Indian community in South Africa to “represent the grievances the Indians are labouring under in South Africa, before the authorities and public men and public bodies in India”.<sup>1</sup>

It is necessary for your Memorialists to digress a little, and to clear up the position. Your Memorialists have no hesitation in saying that the contents of the telegram are not borne out by the pamphlet. This was admitted by all who read both. *The Natal Mercury*, on reading the pamphlet, changed the angry attitude it had taken up on seeing the telegram, in the following words:

Mr. Gandhi, on his part and on behalf of his countrymen, has done nothing that he is not entitled to do, and from his point of view, the principle he is working for is an honourable and a legitimate one. He is within his rights, and so long as he acts honestly and in a straightforward manner, he cannot be blamed nor interfered with. So far as we know, he has always done so, and his latest pamphlet we cannot honestly say is an unfair statement of the case from his point of view. Reuter’s cable is a gross exaggeration of Mr.

<sup>1</sup> Vide “The Credentials”, p. 1.

Gandhi's statement. He enumerates only a number of grievances, but these by no means justify anyone in stating that his pamphlet declares that the Indians in Natal are robbed and assaulted and treated like beasts and are unable to obtain redress. (18th September, 1896)

*The Natal Advertiser* of the same date says:

A perusal of Mr. Gandhi's pamphlet, recently published in Bombay, leads to the conclusion that the telegraphic description of its objects and contents was considerably exaggerated. True, Mr. Gandhi complains of a certain amount of ill-treatment of indentured Indians, but there is nothing to warrant the statement that he alleges that the Indians in Natal are robbed, assaulted and treated like beasts. His is rather the old, familiar grievance that the Indian is regarded and treated by Europeans as belonging to a separate class and race, and not one of themselves. From Mr. Gandhi's point of view this is very deplorable and it is easy to sympathize with him and his compatriots.

To return, although a select few could treat the above telegram at its proper value, the generality kept up their idea of the pamphlet in India derived from the telegram. Correspondence went on in the newspapers, inflaming the Europeans against the Indians. An association, called the European Protection Association, was formed in Maritzburg on the 18th day of September, 1896, at a meeting, according to reports, attended by about 30 persons. Although this meeting was the direct outcome of the action of the Trust Board above referred to, the programme of the Association is very comprehensive.

The principal efforts of the Association, according to *The Natal Witness* of the 8th October, 1896, will be directed to the further reform of the laws regulating the introduction of Asiatics into the Colony, and special attention will be directed to (a) withdrawal of all State-aid, assistance or countenance from all bodies of persons connected with Indian or other Asiatic immigration; (b) press upon Parliament the necessity of enacting such rules and regulations as will really compel the Indian to leave the Colony at the expiration of his term of indenture; (c) take all steps that may be found advisable for limiting the number of Indians introduced into the Colony; and (d) to endeavour to have the Australian laws as to immigration made applicable to Natal.

Following upon that was established an association in Durban on the 26th day of November, 1896, called the Colonial Patriotic Union. The object of the Union is stated to be "to prevent the further influx

of free Asiatics into the country”. The following passages occur in the statement published by the Union:

By preventing the further immigration of Asiatic races into this Colony, the interests of Europeans, natives, and Asiatics now in the country will be protected. The Union will in no way interfere with the introduction of indentured labourers, provided such labourers, with their wives and children, if any, shall be returnable to India on completion of their indentures.

The Union have been canvassing signatures to the following petition addressed to the Government:

We the undersigned inhabitants of the Colony of Natal do hereby most respectfully petition the Government to adopt measures which would prevent the influx of Asiatic races into this Colony: ‘(1) The older and richer British Colonies of Australia and New Zealand have found that this class of immigrant is detrimental to the best interests of inhabitants, and have passed laws having as their object the total exclusion of Asiatics. (2) The disproportion between white and black races is already so great in this Colony that it appears highly injudicious to further increase this disproportion. (3) The continued introduction of Asiatic races is in the highest sense detrimental to the natives of this Colony from the fact that so long as the cheaper Asiatic supply is available so long will the civilization of the natives be retarded, their civilization depending upon their intercourse with the white races. (4) The low moral tone and insanitary habits of Asiatics are a constant source of danger to the progress and health of the European population.’

The Government have declared themselves in entire sympathy with the Union programme. It will be seen that, as your Memorialists feared when the Immigration Law Amendment Bill was passed,<sup>1</sup> which has unfortunately received the sanction of the Home Government, it was simply a step towards further restriction. Whether the Government would bring in a Bill having for its object completion of the indentures in India is another matter. But, your Memorialists humbly submit, the fact remains that the yielding by Her Majesty’s Government to the desire of the European Colonists to establish the principle of compulsory return of the indentured Indians after the completion of their contracts has encouraged them to ask for more. The Indian community is expected to join in a leonine partnership:

<sup>1</sup> This was on July 7, 1894; *vide* Letter to Dadabhai Naoroji”, 14-7-1894.

the Indians are to give all but to receive nothing worth mentioning. Your Memorialists earnestly hope that, whatever be the ultimate outcome of the present position, Her Majesty's Government will never countenance so obviously iniquitous an arrangement and stop further State-aided emigration from India to Natal.

The petition of the Union discloses a sad want of knowledge and grave prejudice on the part of the promoters thereof. Your Memorialists need hardly say that the British Colonies alluded to have not yet been allowed to pass the class legislation of the nature indicated therein. As *The Natal Mercury*, in a leading article on November 28, reminded the Union, "the fact of the matter is that the Acts in operation in those Colonies are almost solely directed against Chinese." And, even if such Acts were to come into operation in future, there is hardly any analogy between this Colony and the others. Natal cannot do without the Indian labourers; it would shut the door against Indians above that level. This is hardly consistent. The Australian Colonies, on the other hand, would have this much in their favour that they would, if they could, exclude all Indians without distinction.

The disproportion between white and black races is certainly very great; but, even if the Indians were to be classed amongst black races, they are not responsible for it, for it is caused owing to there being over 400,000 natives of South Africa, as against 50,000 Europeans. The Indians, who number about 51,000, cannot materially affect the proportion even if their number were to increase to 100,000. The petition states that the introduction "of Asiatic races is in the highest sense detrimental to the natives of this Colony," because of the cheaper Asiatic supply. Now the natives can, if at all, only take the place of the indentured Indians; but the Union does not propose to do away with the indentured Indians. In fact, the highest authorities have stated it as their opinion that the natives cannot, and will not, do the work now being done by the indentured Indians; the very fact that, in spite of all this agitation, the demand for indentured Indians is greater than ever, as seen from the reports of the Immigration Department, proves this; and it is admitted that there is no competition whatever between the free Indians, who alone the Union objects to, and the natives. As to the allegation about the low moral tone and insanitary habits of Indians, your Memorialists need hardly say anything: it simply shows to what extent prejudice has

carried the promoters away. Your Memorialists would, however, crave leave to refer Her Majesty's Government to Dr. Veale's and other certificates of the same tenor, annexed to the petition with regard to the Transvaal Indian Arbitration, to the effect that class considered, the Indians live better and in better habitations than the Europeans.<sup>1</sup> If, however, the Indians do not attend to sanitation as well as the Europeans, the laws are there to see that they do not neglect the duty of observing the sanitary rules. Be that as it may, these meetings, the correspondence they gave rise to, and the statements made therein, without particular regard to accuracy, kept up and added to the excitement of the populace.

On the 18th of December came the two ill-fated steamers the *Courland* and the *Naderi*, the first named being owned by a local Indian firm and the second named by the Persian Steam Navigation Company of Bombay, which was under the agency of the owners of the *Courland*. In dealing with the events after the arrival of the two ships, your Memorialists disclaim any intention to ventilate a personal grievance. The question, as affecting Messrs Dada Abdulla & Company personally as owners and agents of the ships, your Memorialists would endeavour to avoid, except when it is necessary to refer to it in the interests of the Indian community as a whole. The bills of health received by the steamers at Bombay, at the time of departure, stated that there was a mild form of bubonic plague raging in certain districts of Bombay; the steamers, therefore, entered the bay flying the quarantine flag, although there was an absolutely clean bill of health during the voyage. (App. A and B.) The s.s. *Naderi* left the Prince's Dock, Bombay, on the 28th, and the s.s. *Courland* on the 30th of November, 1896. The steamers, on their arrival, were placed in quarantine by the Health Officer "until 23 days had elapsed since leaving Bombay". By a proclamation which appeared in a *Government Gazette Extraordinary*, on the 19th December, 1896, Bombay was declared to be an infected port. On the same day, the owners and agents wrote to the Health Officer, on the strength of a newspaper report, asking the cause of the ships being put in quarantine. (App. C.) No reply was sent to that communication. On the 21st of the same month, a telegram was sent by the owners' solicitors, Messrs Goodricke, Laughton and Cooke, to the Honourable the Colonial Secretary of Natal with reference to the matter, and

<sup>1</sup> Vide "Petition to Lord Rippon", before 5-5-1895, Appendix A.

asking if His Excellency the Governor would receive a deputation. (App. D.) Reply thereto was received from Maritzburg on the 22nd that there would be no need of a deputation, for reasons stated in Appendix E. But after their solicitors had despatched the telegram, they were informed that His Excellency was in Durban, whereupon they wrote a letter to the Honourable Harry Escombe to much the same effect (App. F), and a reply thereto was received, saying that, while the ministers would be referred to for advice in the matter, if it was so wished, a deputation would be received by His Excellency on the 23rd. (App. G.) On the 22nd the master of the *Courland* signalled as follows: "Our days have expired; are we out of quarantine? Please consult Quarantine Officer, report we all well. Thanks." (App. A.) To this a reply was signalled to the effect that the length of quarantine was not decided till then. A similar signal was sent from the *Naderi* with a similar result. Your Memorialists may here parenthetically remark that the owners and agents were kept absolutely in the dark as to what was going on between the masters of the vessels and the officers on shore. On the 23rd, a reply to signals from the *Naderi* said: "Quarantine Officer has no instructions yet." (App. B.) From the solicitors' letter (App. P), it appears that since the Health Officer had ordered that the ships were to remain in quarantine until 23 days had elapsed after the day of their departure from Bombay, he was suspended or dismissed, and Dr. Birtwell put in his place. On the 24th, Dr. Birtwell and the Superintendent of Water Police boarded the vessels and examined passengers and crew, gave instructions as to disinfection, fumigation and burning of soiled clothing, all mats, baskets and useless articles in the donkey furnace, and imposed 11 and 12 days' quarantine on the *Courland* and *Naderi* respectively. (App. A & B.) In accordance with the instructions, much of the old clothing, mats, etc., were burnt, and fumigation and disinfection carried on. On the 28th, a police officer boarded each vessel with instructions to superintend the use of disinfectants. The following signal was hoisted on the 29th, from the *Courland*: "Disinfection and fumigation carried out to satisfaction of officer on board." A similar signal was also sent from the *Naderi* on the same day. The *Courland* signalled again: "We are ready, waiting for the Quarantine Officer", and Dr. Birtwell went, inspected the ships, and declared himself satisfied with the manner in which his orders had been carried out; but placed both the ships under quarantine for a further period of 12 days from that day. Thereupon, the master of the *Courland* gave the signal

that:

By order of the Government, all passengers' bed clothes having been burnt, request Government renew same at once, as passengers' lives are in danger without them. Want written instructions how long quarantine is to last, as verbal time changes with every visit of Quarantine Officer. No case of sickness occurring in the interval. Give notice to the Government our ship has been disinfected every day since leaving Bombay.

The following was signalled from the *Naderi* on the 30th:

Ask Government to supply at once 250 blankets for passengers, instead of those destroyed by Government. Passengers are suffering greatly without them. Otherwise disembark them at once. Passengers suffering from cold and wet; fear sickness in consequence.

These signals were altogether disregarded by the Government. Happily, the Indian residents in Durban started a Quarantine Relief Fund, whereby blankets were supplied to all the passengers on both the ships, and also foodstuffs to the poor passengers, free of charge, involving an expense of not less than £125.

While this was going on board the ships, the owners and agents were busy protesting against the quarantine and the somewhat capricious, because uncertain, ways in which the same was being enforced. They forwarded a petition to His Excellency the Governor, praying that, for reasons stated therein, the Medical Officer of the Port "be directed to grant *pratique* to the said vessels". (App. H.) Certificates from medical gentlemen were attached to it showing that, in their opinion, the quarantine then intended and afterwards imposed on the ships was unnecessary. (Ann.<sup>1</sup> to App. H.) A telegram was sent by the owners' solicitors, asking for a reply to the petition (App. I), but none came. On the 24th December, the owners' solicitors wrote to the acting Health Officer, requesting him to grant *pratique* to the said vessels on the grounds stated therein. (App. J.) The officer in question the same day wrote in reply:

I am endeavouring to do my duty as Health Officer with due regard to all interests. I am willing to authorize the placing in quarantine on the

<sup>1</sup> These are marked Ha and Hb.

Bluff<sup>1</sup> at the cost of the ships, all persons intended to be landed, and when this is arranged for, *pratique* may be given to the ships after my instructions have been carried out. (App. K.)

Your Memorialists respectfully draw your attention to the fact that the Medical Officer fails to state what his instructions are, even in that letter. On the 25th, the owners' solicitors wrote to the Acting Health Officer pressing for a reply to their question contained in their letter of the 24th. (App. L.) The Health Officer replied the same day that he did not consider it safe to grant *pratique* to the vessels except on the conditions stated by him. (App. M.) The owners' solicitors wrote the same day expressing surprise that it did not contain any answer to their question, and pressing for the same, also asking for the exact conditions under which he would grant *pratique*. (App. N.) On the 26th, the Health Officer replied in the following terms:

If the passengers are not landed into quarantine quarters, 12 days must run after fumigation of ship and precautions as regards clothing, namely, by washing and disinfecting, and the burning of sundry old rags, mats, socks, etc., in accordance with instructions given by me to each Captain, before *pratique* can be given. If the owners agree to bear the expense of quarantine, then the landing must be preceded by fumigation and precautions as above, and after the landing is effected, the departure of the steamers will be facilitated; but there must be no contact with shore except under proper restrictions. If you want to get the steamers away, the simplest course will be to arrange for the owners to bear the expense of quarantining the passengers on the Bluff for twelve days after fumigation, etc., of the ship, or for any longer period, should such necessity arise. (App. O.)

The owners' solicitors wrote in reply the same day, drawing his attention to the certificates given by Drs. Prince and Harrison above referred to, and protesting against the conditions imposed by him. They also protested that, although upwards of eight days had elapsed since the arrival of the steamers, no steps had been taken to disinfect the vessels in the way he had proposed. They further said that their clients refused to be party to any proceedings with reference to placing the passengers in quarantine on shore, as they did not consider his refusal to grant *pratique* to be a legal action. They,

<sup>1</sup> This is the bush-clad hill-point of Durban harbour, commanding a vantage view of the bay, where passengers could be lodged in quarantine quarters. *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897, Appendix O.



moreover, recorded the facts that his predecessor had “stated as his opinion that *pratique* could be granted without danger, and that if he were permitted he would do so, but he was thereupon suspended,” and “that Drs. MacKenzie and Dumat, having been privately interviewed by Mr. Escombe on the question, were, at his suggestion, called in by him to give their opinion as to the refusing of *pratique*.” (App., P.)

While the correspondence was thus going on between the Government and the owners’ solicitors with reference to the quarantine, and while the passengers on board the two vessels were being subjected to grave inconvenience and hardship, an agitation was being got up in Durban with a view to prevent the landing of the quarantined passengers. The following notice appeared in *The Natal Advertiser*, for the first time on the 30th December, above the signature of “Harry Sparks, chairman of preliminary meeting”, one of Her Majesty’s commissioned officers:

Wanted every man in Durban to attend a meeting to be held in the large room at the Victoria Cafe, on Monday the 4th January at 8 o’clock for the purpose of arranging a demonstration to proceed to the Point and protest against the landing of Asiatics.

This meeting was ultimately held in the town hall of Durban. Inflammatory speeches were made, and some commissioned officers, besides Captain Sparks, also took part in the animated proceedings. The meeting is said to have been attended by about 2,000 persons, mostly of the artisan class. The following resolutions were passed at the meeting:

That this meeting is strongly of opinion that the time has come to prevent the landing of any more free Indians or Asiatics in this Colony, and now calls upon the Government to take steps to have returned to India, at the Colony’s expense, the Asiatics at present on board the *Naderi* and *Courland*, and to prevent any other free Indians or Asiatics being landed in Durban.

Every man at this meeting agrees and binds himself, with a view to assisting the Government to carry out the foregoing resolution, to do all his country may require of him, and with that view, will, if necessary, attend at the Point any time when required.

The following are extracts from the speech of Dr. MacKenzie, the mover of the second resolution, and one of those who, as stated above, were called by Mr. Escombe to determine the period of quarantine:

Mr. Gandhi, (prolonged hissing and hooting) that gentleman came to Natal and settled in the borough of Durban. He was received here freely and openly; all the privileges and advantages which the Colony could afford him were at his disposal. No contracting or circumscribing influence was brought to play upon him any more than on the audience or himself (the speaker), and he had all the privileges of their hospitality. In return, Mr. Gandhi had accused the Colonists of Natal of having dealt unfairly with Indians, and of having abused and robbed and swindled them. (A voice, 'You can't swindle a coolie.') He (the doctor) quite agreed with that. Mr. Gandhi had returned to India and dragged them in the gutters, and painted them as black and filthy as his own skin. (Applause.) And this was what they might call, in Indian parlance, an honourable and manly return for the privileges which Natal had allowed him . . . It was the intention of these facile and delicate creatures to make themselves proprietors of the only thing that the ruler of this country had withheld from them—the franchise. It was their intention to put themselves in Parliament and legislate for the Europeans; to take over the household management, and put the Europeans in the kitchen . . . Their country had decided that they had enough Asiatics and Indians here, and they were going to treat them fairly and well, provided they behaved themselves; but, if they were going to associate themselves with such men as Gandhi, and abuse their hospitality, and act in the way he had done, they might expect the same kind of treatment that was to be meted out to him. (Applause.) However great a misfortune it might be for those people, he could not get over the distinction between black and white. — *The Natal Advertiser*, 5th January.

Comment is superfluous. That Mr. Gandhi has done nothing to justify the remarks about him will have been seen from what has preceded. That the Indians want legislative powers and that they want to put the Europeans in the kitchen, are but the products of the gallant doctor's fertile imagination. These and such utterances would not have been noticed here but for the hold they had on the popular mind. The Government wired the following reply to Capt. Sparks' telegraphic communication giving the text of the above resolutions:

In reply, I am to state that the Government has at present no power, apart from such as may be conferred by the Quarantine Laws, to prevent the landing in the Colony of any class of Her Majesty's subjects. I am to state, however, that the closest attention has been, is being, and will be given to this question, the extreme importance of which the Government most completely recognizes. Government is in full sympathy with the consensus of

public opinion in this Colony as regards the desirability of preventing the overrunning of the Colony by Asiatics. Government is carefully discussing and considering this question with a view to future legislation; but I am to point out that its action will be thwarted rather than helped by any action or demonstration of the character indicated in the second resolution.

Thus it would appear that the quarantine was meant more to harass the passengers into returning to India than to protect the Colony against the introduction of the bubonic plague. The chairman then telegraphed the Government as follows:

I am instructed by the Committee to thank you for wire, and have now to ask Government to convey to the Asiatics on board the *Naderi* and *Courland* the strong popular feeling against their landing, and request them to return to India at the Colony's expense.

Another meeting, convened by Captain Sparks, was held on the 7th January, again in the Town Hall, when the following resolutions were passed:

That this meeting requests the Government to call a special session of Parliament to take steps to temporarily stop the importation of free Indians, pending the passing of law giving Government these powers; (and) that we proceed by demonstration to the Point on the arrival of the Indians, but each man binds himself to conform to the orders of the leaders.

The speeches at the meeting clearly show that the Government were in full sympathy with its objects, that they would not oppose the mutinous tendency of the meeting, that the imposition of quarantine was nothing but a means to prevent, if possible, the landing of the passengers, and that a special session was to be called in order to pass a Bill indefinitely extending the quarantine. The following are the extracts from the speeches which would illustrate these remarks:

If the Government could not possibly help them, then (a voice, "help ourselves") they must help themselves. (Loud applause.)

Capt. Wylie, in the course of his speech, is reported to have said:

Now, they must be pleased to know this, that the action that they (the meeting) had taken had been characterized by the members of the Government as having done more for this cause than anything that had yet been done within the Colony. (Applause.)

Thus, perhaps inadvertently but surely inducing the promoters to further action.

But at the same time they have to bear in mind in carrying this thing through they must not do anything rash to frustrate the end they had in view. They must be careful not to blindly jump over the wharf and leave it clear for the others to land. (Laughter.)

**Dr. MacKenzie said at the last meeting that:**

The Indian Ocean was the proper place for those Indians (Laughter), let them have it. They were not going to dispute their right to the water there. But they must be careful not to give them the right to dispute the land adjoining that ocean. Mr. Escombe treated the Committee at an interview that morning, extending for about two hours, in a fair and reasonable manner. He said the Government were with them, and wished to help them and expedite the matter in every possible way. He said, however, that they must be careful not to do anything that would hamper the Government's hands. . . . In their argument to him, they replied: 'If you do nothing, we will have to act ourselves, and go in force to the Point to see what could be done.' (Applause.) They further capped that with the remark that the Government of the Colony would have to bring a force to oppose them. Mr. Escombe replied that they would do nothing of the sort (Applause); that the Government were with them, but, he continued, if they put the Government in such a position that they might have to go to the Governor and ask him to take over the reins of the Government, they would have to find some other person, (Interruption.)

(This statement, your Memorialists may remark, remains uncontradicted to the present day, and it can easily be imagined what impetus such a statement would give to the movement.)

Some gentleman said 'extend the quarantine', that was exactly what Parliament was going to do. (Applause, and cries of 'sink the ship'.) He heard a naval volunteer say last night that he would give a month's pay for a shot at the ship; was every man present prepared to pay down a month's pay to carry out the object of that meeting? (Applause, and cries of assent.) Then the Government would know what they had behind them. One of the objects of the meeting was to convey to the Government the wish that they wanted a special session of Parliament to extend the quarantine. (Applause.) They must bear in mind that hasty legislation seldom reached its end; but there might be such legislation that would give them time, and protect them while they were fighting for proper legislation. They suggested to Mr. Escombe, and it met with his approval, that as the quarantine laws did not give power to extend the quarantine for an unlimited period, they asked that Parliament be called together for one, two, or three days if need be, to pass a law which would enable them to say Bombay was an infected district. We declare it to be such,

and until that proclamation was taken off, no Indian could come from Bombay to this Colony.<sup>1</sup> (Loud applause.) He thought that the deputation were quite entitled to infer from the meeting they had with Mr. Escombe that morning, that if they went the right way to work, and did not do anything to hamper the Government, they would get that session of Parliament at the earliest possible date, and thereby prevent the landing of more coolies until they could get time to pass a law which would last for ever. (Applause.)

Dr. MacKenzie:

The men of Durban were unanimous on that point (early Parliament). He said "the men of Durban," because there were a few old women knocking about the place. (Laughter and cheers.) They had only to take the tone of some of the leaders in the papers, and some of the cautious and sage advice they had been meting out to them to get the type of the man who sticks behind the quill—the sort of man who urged that sort of thing—was the man who presumed to say that the burgesses did not know what was right. . . . All but one man on board these boats, lying outside, had no reason to suspect that they would not be agreeably received as emigrants to this Colony. One man might reasonably be supposed to have some suspicions upon that point. That gentleman (Gandhi) was on board one of the boats, and in what he now said, he did not refer to him. They had the right to shut the Port, and they intended to shut it. (Applause.) They would deal fairly by the people, and by the men on these boats, and to that extent, by that solitary individual. But he hoped there would be a marked difference between the character of the dealing. When they got to the Point they would put themselves under their leader, and do exactly what he told them, if he told them to do anything. (Laughter.)

A document headed as follows was circulated amongst the Durban employees by the Demonstration Committee:

List of names of members, trade or profession mentioned,<sup>2</sup> who are willing to proceed to the Point and resist, by force if necessary, the landing of Asiatics, and to obey any orders which may be given by the leaders.

The following passage from Captain Sparks' concluding speech, at the meeting of the 7th, gives an idea of the methods adopted by the committee to enlist men to join the Demonstration:

<sup>1</sup> A Bill was, in fact passed by the Natal Legislature a little later. *Vide* "Petition to Natal Legislative Assembly", 26-3-1897 and Appendix A to "Petition to Secretary of State for the Colonies", 2-7-1897.

<sup>2</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897, of Asiatics, and to obey any orders which may be given by the leaders.

They intended to call upon the merchants of the town to close their places of business to allow the men who wished to take part in the Demonstration to do so. (Applause.) Then they would be able to see who was on their side. Several merchants had already promised to do all they could; others they wanted to show in their true colours. (Cries of “boycott them”.)

At this stage it would be worth while to see what was happening between the owners and the Government to secure the peaceable landing of the passengers. Your Memorialists may here remark that the town, during the first week in January, was in a perfect state of excitement. It was a time of terror and anxiety for the Indian residents, and collision between the two communities was to be feared at any moment. On the 8th January, 1897, the owners and agents of the ships sent a petition to the Government drawing their attention to the state of public feeling that existed in Durban against the landing of Indians, and asking for “the protection of the Government for passengers and property against the lawless acts of any persons whoever they may be,” and signifying their readiness “to co-operate with the Government in taking all the necessary steps for the landing of passengers quietly and unknown to the public in order to render unnecessary any act on the part of the Government which might tend to intensify the excitement” which then existed. (App. Q.) A letter was sent on the 9th January, further drawing the attention of the Government to the circulation of the document hereinbefore referred to for the forcible resistance against the landing of the passengers, as also to the fact that the railwaymen, being employees of the Government, were to take part in the Demonstration, and praying for assurance of the Government that “Government servants will be prohibited from taking any part in the Demonstration”. (App. R.) On the 11th January, the Principal Under-Secretary thus wrote in reply:

Your proposals for the landing of the passengers quietly and unknown to the public is impossible. The Government understand that you have requested the Port Captain not to bring the vessel inside without special instructions. This action on your part, and your letters now under reply, show that you are aware of the intense feeling throughout the Colony against the landing of the Indians, and they certainly should be informed of the existence and strength of that feeling. (App. S.)

Your Memorialists here cannot help regretting that the

Government should have made the concluding remarks in that letter. Instead of giving an assurance of protection when it is asked, the Government advise the owners, in so many words, to induce the passengers to return. This letter, more than anything else, in your Memorialists' humble opinion, shows that the Government indirectly countenanced the agitation, and betrayed their weakness, where a strong expression of opinion might have stifled it and produced a healthy confidence in their just intentions in the minds of the Indian community, apart from their policy with regard to the unrestricted immigration of Her Majesty's Indian subjects. On the 10th January, the Honourable Mr. Harry Escombe being in Durban, Mr. Laughton, of the firm of Messrs Goodricke, Laughton & Cooke, the owners' solicitors, took the opportunity to interview him, and wrote a letter to the honourable gentleman, embodying the substance of their conference. (App. T.) From that letter it would appear that Mr. Escombe repudiated the statement attributed to him by Mr. Wylie and referred to above. It would also appear that the following propositions were recognized by the Government:

That upon the requirements of the quarantine being carried out, *pratique* must be granted to the steamers *Courland* and *Naderi*; that upon *pratique* being granted, the steamers were entitled to discharge their passengers and cargo at the wharf, either by the steamers being brought inside, or by means of tugs and lighters; that the Government is responsible for the protection of passengers and cargo from the violence of rioters.

The reply to the letter dated the 11th January (App. U) said that the interview referred to therein was, it was understood, to be regarded as a private meeting, and did not accept as correct Mr. Laughton's record of what was said by the Honourable Mr. Escombe and Mr. Laughton. On the 12th January, Messrs Goodricke, Laughton and Cooke wrote in reply, explaining how the interview came to be regarded as not private by Mr. Laughton, and in order to avoid misunderstanding, applied for the correction of the alleged inaccuracies committed by Mr. Laughton in recording the interview. (App. V.) So far as your Memorialists are aware, no reply was returned thereto. On the same day the owners wrote to Mr. Escombe in reply to the Principal Under-Secretary's letter, dated 11th January. (App. S.) Their letter expressed surprise at there being no reference in that communication to the various points brought to the notice of the

Government. It contained the following paragraph:

The steamers have now been at the outer anchorage for 24 days, at a cost of £150 per diem to us; and this being so, we trust you will see the reasonableness of your giving us a full answer by noon tomorrow. And we think it right to inform you that failing a definite reply giving us an assurance that we shall be paid £150 per diem from Sunday last, and that you are taking steps to suppress the rioters so as to enable us to disembark the steamers, preparations will be at once commenced to steam into the harbour, relying on the protection which, we respectfully submit, Government is bound to give us. (App. W.)

Mr. Escombe wrote as follows in reply, from the Point, at 10.45 a.m., on the 13th:

The Port Captain has instructed that the steamers shall be ready to cross the bar inwards at 12 o'clock today. The Government needs no reminder of its responsibility for the maintenance of order. (App. X.)

This was the first assurance that the owners received from the Government with regard to the safety of the passengers, and as will appear hereinafter, after all the resources, including threats of violence to induce the passengers to return to India, had been exhausted.

To turn now to the steamers. On the 9th January, the following signal was put up from the *Naderi*: "Quarantine finished. When shall I obtain *pratique*; please reply," and the *Courland* put up a similar signal on the 10th. But the *pratique* was not granted until after the noon of the 11th January, 1897. On the same day a letter was received by the master of the *Courland*, dated the 8th January, 1897, and signed "Harry Sparks, Chairman of Committee", which reads:

Neither you nor your passengers may be aware that the feeling in the Colony against the inflow of Asiatics has been running very high lately, and has culminated on the arrival of your ship and the *Naderi*. Following on that, public meetings have been held in Durban, at which the enclosed resolutions were carried with acclamation. So largely attended were these meetings that all desiring it could not get into the Town Hall. Almost every man in Durban has signed signifying his intention to prevent those on board your ship and the *Naderi* landing in the Colony, and we are most desirous there should, if possible, be avoided a conflict between the men of Durban and your passengers which will most assuredly happen if they attempt to land. As your passengers are ignorant of the state of feeling, and have come here in ignorance, and we have it from the Attorney-General that if your people are



willing to return to India, the Colony will pay the expense. We shall, therefore, be glad to receive and answer from you before the ship comes alongside the wharf, whether the passengers elect to return to India at the Colony's expense, or to endeavour to force a landing against the thousands of men who are ready and waiting to oppose their landing. (App. Aa.)

The masters of both the vessels, on learning that there was an intense feeling against the landing of the passengers, that the Government were in sympathy with the agitation, and that they practically failed to assure protection to passengers, and that the Demonstration Committee practically represented the Government (as would appear from the Committee's letter to the master of the *Courland*, from their unrestricted interference with the passengers on board the s.s. *Greek*, of the Union Steam Ship Company's fleet, which arrived on 11th January from Delagoa Bay with some Indian passengers, from the acquiescence of the Port officials in their conduct, as also from the willingness of the Union Steam Ship Company's management to "obey the orders" of the Committee, etc.), naturally became anxious about the safety of their charge and were induced to parley with the Committee. Consequently, they went ashore on the evening of 11th January, and held consultations with the Demonstration Committee, in the course of which a document was drawn up by the Committee for signature of the captains (App. Wa), which, however, they could not sign, and the negotiations thus fell through.

It might be as well to examine the position of the committee at the time immediately preceding the Demonstration. One of the spokesmen of the Committee, Dr. Mackenzie, observed:

"Their position was the same as at first, viz., that none of the Indians were to land" (Applause).

Another member of the Committee, Captain Wylie, in the course of a speech, in response to "Where is Gandhi?", said:

"Where they hoped he would remain. 'Had they' (deputation sent by the Committee to the steamers) 'seen him?' No. The Captain of the *Courland* had treated Gandhi as he treated the other passengers. (Applause.) He knew their opinion regarding him. There was not much more he could tell them. 'Have you the tar ready for him? Is he going back?' It was their sincere hope that the Indians would be going back. If not, then the Committee would want the men of Durban.

*The Natal Advertiser* (16th January) says “:

When the signal was received that the *Courland* and *Naderi* were daring to come into Port, and the trumpeters galloped through the streets and borough shortly after 10 o'clock on Wednesday morning, the general impression was that the poor Indians were in for a rough time if they attempted to land, and that even if they remained on board, afraid to disembark, they would be deafened and scared into hysterics by the hooting, groaning, and the jeering of the assembly. But the end was to be the same as originally intended—”no landing at any price”.

Long before the owners were informed that the ships were to be brought in that day, the town knew it. The bugles to rally were sounded at 10.30 a.m., the shopkeepers put down their shutters, and people began to flock to the Point, The following is an account of the muster at the Point, taken from *The Natal Advertiser*:

Shortly before 12 o'clock, the muster on Alexandra Square was completed, and as far as could be ascertained, the sections were as follows: Railwaymen, 900 To 1,000—Wylie, leader; assistants: G. Whelan, W. Coles, Grant, Erlsmont, Dick, Duke, Russell, Calder, Titheridge. Yacht Club, Point Club, and Rowing Club, 150—Mr. Dan Taylor, leader; assistants: Messrs Anderton, Goldsbury, Hutton, Harper, Murray Smith, Johnston, Wood, Peters, Anderson, Cross, Playfair, Seaward. Carpenters and Joiners, 450—Puntan, leader; assistants: H. W. Nichols, Jas. Hood, T. G. Harper. Printers, 80—Mr. R. D. Sykes, leader; assistants: W. P. Plowman, E. Edwards, J. Shackleton, E. Trolley, T. Armstrong. Shop Assistants, about. 400—Mr. A. A. Gibson, J. McIntosh, leaders; assistants: Messrs H. Pearson, W. H. Kinsman, J. Pardy, Dawson, S. Adams, A. Mummery, J. Tyzack, Johns, J. Rapson, Banfield, Etheridge, Austin. Tailors and Saddler, 70—J. C. Armitage, leader; assistants: H. Mulholland, G. Bull, R. Godfrey, E. Manderson, A. Rose, J. W. Dent, C. Dowse. Plasterers and Bricklayers, 200—Dr. MacKenzie, leader; assistants: Horner, Keal, Brown, Jenkinson. Point men, a small section—J. Dick, Leader; assistants: Gimber, Clackston, Poyson, Elliott, Parr. General public, about 1,000—T. Adams leader; P. F. Garbutt, Downard. Native section, 500—Mr. G. Spradbrow and Mr. R. C. Vincent organized the natives, and kept them in order on Alexandra Square, while the Demonstration was going on. They told the natives they had appointed a dwarf native as their leader. They were highly amused with this diminutive chap, who marched up and down in front of their ranks officering them, while they went through a number of exercises with their sticks, and danced and whooped. This proved an excellent diversion to

keep the natives out of trouble. Later on, Supt. Alexander appeared on horseback and moved them off the Square.

Your Memorialists cannot do better than quote again from the same paper of 14th a description as to how the steamers were brought in, and what happened then:

Great uncertainty was felt on board the vessels as to what form the Demonstration would assume. Capt. Milne, of the *Courland*, who exhibited the bolder attitude of the two, was allowed to have his vessel taken in first, although she lay further up the coast than the *Naderi*. He decided that some efforts should be made to protect his passengers, as he had received no assurance from Government that any steps had been taken to do so. He, therefore, had the Union Jack run up at the forecandle head, the red ensign was placed above the ship's house flag at the main mast, and the red ensign was also exhibited at the stern. His instructions to his officers were to prevent any demonstrators from coming aboard, if possible, but that, if they did come aboard, to haul down the Union Jack and present it to the invaders, his idea being that no Englishman would seek to molest those on board after this surrender. Fortunately, as matters resulted, it was not necessary to have recourse to this action. As the *Courland* entered the bay, all eyes were on the look-out to see what form the demonstration was taking. A row of people, extending from the south end of the main wharf to some distance along the north pier, could be perceived, but they seemed to take matters very calmly. The Indians on board did not seem much scared, and Mr. Gandhi and a few others who were on deck, looked on with an unperturbed expression. The main body of the demonstrators, who had thronged the vessels at the main wharf, could not be seen from the incoming steamers. The surprise experienced by those on the embankment when they saw the *Courland* laid alongside the Bluff Channel moorings, was seen by their actions. They were seen to rush hither and thither, entirely at a loss how to proceed, and soon they all left to attend the meeting on Alexandra Square. This was the last that the vessels were to see of the much-talked-of Demonstration. Meanwhile, Mr. Escombe was pulled alongside the *Courland* in a rowing boat, which was also occupied by Captain Ballard, Port Captain, Mr. Reid, wharfmaster, and Mr. Simpkins, mooring master. The Attorney-General said: 'Captain Milne, I want you to inform your passengers that they are as safe under the Natal Government laws as if they were in their own native villages.' The captain asked if it was advisable for him to allow them to land. Mr. Escombe replied that he (the Captain) had better see him again first. Having made a similar communication to the *Naderi*, Mr. Escombe was pulled ashore to address the crowd. The *Naderi* and *Courland*

were laid side by side near to the Bluff passenger jetty, the *Courland* being nearest to land.

After the above assurance was given by Mr. Escombe, he went to Alexandra Square, Point, where the muster had taken place, and addressed the men who had assembled there, promising an early session of Parliament to deal with the question and requesting them to disperse. Speeches were also made by some members of the Committee, and the crowd ultimately melted away. It might be useful to note here some of the exclamations from the audience at the time these speeches were being made, as also a few passages from the speeches themselves:

“Send them back.” “Why don’t you bring Gandhi ashore?” “Get the tar and feathers ready.” “Send these Indians back.” “The hold of the British on South Africa would not be maintained by slumming them with the miserable refuge of the social gutters of India.” (Applause.) —Dr. MacKenzie. “He was just as game as anybody to take a coolie by the neck and throw him overboard. (Applause.)... Now about that man Gandhi. (Applause.) They might shout about him. He was a particular friend of his, they might depend upon it. (Laughter). Gandhi was on board one of the boats and the greatest service they could do him would be to do him an injury. He believed Gandhi was very anxious to become a hero and a martyr to his cause. The greatest punishment which could be inflicted upon him was to allow him to live amongst them. If he lived amongst them, they would have an opportunity of spitting on him (Laughter and applause), which they would not have if they wiped him out. He (the speaker) would rather hang himself than be spat upon by every man in the street.” —Dan Taylor.

The passengers landed in small batches in ferry boats, about two hours after the crowd had dispersed. As for Mr. Gandhi, the Superintendent of Water Police was instructed by Mr. Escombe to offer to land him and his family quietly at night that day. Mr. Gandhi accepted the offer with thanks. Later on, the same day, Mr. Laughton paid him a friendly visit on board and suggested that they should land together. The suggestion was accepted,<sup>1</sup> and on his own responsibility, at his own risk, and without previously informing the Water Police, [he] landed near Addington with Mr. Laughton at about 5 o’clock. He was recognized by some boys, who followed him and his companion, and as they were proceeding along West Street, the main street of Durban, the crowd became large. Mr. Laughton was separated from him; Mr. Gandhi was kicked, whipped, stale fish and

<sup>1</sup> Vide “Letter to Attorney-General”, 20-1-1897.

other missiles were thrown at him, which hurt his eye and cut his ear, and his hat was taken off his head. While this was going on, the wife of the Superintendent of Police, who happened to be passing by, bravely afforded protection with her umbrella, and the police, on hearing the yells and the cries, came to the rescue and escorted him safely to an Indian house. But the crowd which had, by this time, become very large, did not leave, and blockading the front of the house, demanded "Gandhi". As darkness deepened, the crowd continued to swell. The Superintendent of Police, fearing serious disturbance and forcible entry into the house, had Mr. Gandhi removed to the Police Station disguised as a police constable. Your Memorialists do not wish to take any advantage of this incident; it is mentioned here as a part of the events. They are prepared to admit that the assault was the work of irresponsible persons and as such unworthy of notice. But at the same time, they cannot help remarking that had not the responsible members of the Committee incited the populace against him, and had not the Government countenanced the proceedings of the Committee, the incident would never have occurred. This closes the Demonstration.

Your Memorialists now crave leave to examine the immediate causes of the Demonstration. Statements appeared in the newspapers to the effect that there were 800 passengers on board the two ships, all being for Natal; that there were 50 blacksmiths and 30 compositors, and that there was a printing plant on board the *Courland*, and that Mr. Gandhi —

had made a big mistake in imagining that the Europeans of Natal would sit still while he organized an independent immigration agency in India to land his countrymen here at the rate of 1,000 to 2,000 per month. (*The Natal Mercury*, 9th January)

The leader of the Demonstration thus explained the cause at a meeting held after the Demonstration:

At the latter end of December he noticed a paragraph in *The Natal Mercury* to the effect that Mr. Gandhi intended suing the Government on behalf of the passengers on the two ships, the *Courland* and the *Naderi*, for damages, by reason of their being placed in quarantine. This made his blood boil with indignation. He was then determined to take the matter up and, meeting Dr. MacKenzie, suggested that a demonstration would be promoted to protest against the landing of these men . . . He concluded: He had been a volunteer and had served for over 20 years . . . He was as loyal as any man there . . . but when they placed the Indian subjects on one side and his home and family on the other, the birthright of his children and the memory of his

dear parents and what they had done to make the Colony what it was, he would do the only thing he could, and the only thing they could expect of him. (Applause.) Rather than this evil, he would be content to hand matters over to the tender mercies of the Transvaal Government—that would be simply a drop in the ocean compared with this evil.— (*The Natal Mercury*, 18th February)

It was also stated that the Indian passengers, instigated by Mr. Gandhi, and possibly by other lawyers that he may have brought with him, were to sue the Government for damages for illegal detention in quarantine. *The Natal Mercury* made the following remarks in its issue of the 30th December:

The report that the Indians on board the s.s. *Naderi* and *Courland* intend bringing an action against the Government for damages for alleged illegal detention in quarantine, almost confirms the rumour that Mr. Gandhi is on board. His keen legal instincts have scented a splendid brief to occupy him immediately on his release from the durance vile of the quarantine and purifying effects of the carbolic bath. The large sums of money said to have been subscribed for the purpose would naturally go to Mr. Gandhi, whether the case was lost or won, and nothing in fact could suit the gentleman better than such an interesting case to devote his attention to, immediately he got on shore. Probably he has some of the other Indian lawyers he said he intended bringing with him on board, and among them they have persuaded the other Indians on board to sue for damages.

*The Natal Advertiser* of the 29th December contained the information about the alleged legal proceedings, and it came out with the following, the next day:

The feeling against the wholesale importation of free Indians has steadily increased in Durban, and the recent arrival of 700 more Indians of this class by the steamers *Courland* and *Naderi*, would seem to have aggravated the feeling. The announcement that an Indian clique intended to sue the Natal Government for heavy damages for the detention of the steamers in the anchorage, apparently brought the question into more painful prominence still, for yesterday afternoon rumours were quickly circulated in town to the effect that some protestation against the landing of any more free Indians should be made. Some suggestions were made in all seriousness that a mass of Europeans should proceed to the Point on the day fixed for the disembarkation of the Indians from the *Courland* and *Naderi*, to actually prevent passengers landing. The method mooted was for the Europeans to form human lines three or four deep, and with locked hands and arms, offer a complete bar to the

immigrants. Such, however, was probably merely general talk. The growth of the anti-Asiatic feeling is unquestionable, and is plainly evidenced by the following advertisement, which appears in another column at the head of the signature of Mr. Harry Sparks: 'Wanted every man in Durban to attend a meeting to be held in the large room at the Victoria Cafe, on Monday evening next, at 8 o'clock, for the purpose of a demonstration to proceed to the Point, and protest against the landing of Asiatics.'

Your Memorialists would beg to draw your attention to the distinction between the causes that led up to the Demonstration and that have been alluded to hereinbefore, and the immediate causes described above. It is quite possible that the Demonstration may not have taken place but for the above-mentioned statements which appeared in the Press. They were, however, absolutely without ground. Even if they were true, your Memorialists submit, the action of the Demonstration Committee could not be justified. As it was, the members of the Committee did an injustice to the European, native, and the Indian communities in the Colony as well as to themselves and Mr. Gandhi: to the European community, because their action created a lawless spirit amongst them; to the native, because the presence of that element at the Point, no matter by whom brought about, tended to excite their passions and warlike spirit, over which, when once aroused, they have little control; to the Indian, because they were subjected to a severe trial, and the bitterness of feeling against them was considerably accentuated owing to the action of the Committee; to themselves, because they took upon themselves the tremendous responsibility of defying law and order, without ascertaining the truth of their statements; and to Mr. Gandhi, because owing to gross misrepresentations, no doubt made unwittingly, about him and his doings, he very nearly lost his life. Instead of there being 800 passengers for Natal, there were only 600 in all, of whom about 200 were for Natal, the rest being for Delagoa Bay, Mauritius, and the Transvaal; and of these 200, over 100 were old residents of Natal who had gone to India and returned, and less than 100 were newcomers, including about 40 ladies, being wives and relations of the Indian residents of Natal; and the remaining 60 were either storekeepers, their assistants, or hawkers. There was not a single blacksmith or compositor on board, neither was there a printing plant. Mr. Gandhi publicly denied, through the interviewer of *The Natal Advertiser*, that he ever instigated anybody on board to bring an action against the

Government for illegal quarantine;<sup>1</sup> and this denial has not been contradicted. Moreover, it is easy to see how the rumour arose. As would appear from what has preceded, the owners and the agents threatened some action against the Government for what they considered to be illegal quarantine and detention. Rumour ascribed such an action to the passengers and *The Natal Mercury* erroneously inferred that Mr. Gandhi must have had a hand in the matter. He has, moreover, denied through the same channel that there is any organization led by him to swamp the Colony with Indians. And your Memorialists may here assure Her Majesty's Government that no such organization exists under Gandhi, who was a passenger on the *Courland*. That he was a passenger by that ship was mere accident. Your Memorialists telegraphed for him on November 13th,<sup>2</sup> and he booked his passage in the *Courland*, she being the earliest convenient boat for Natal after that date. These denials are easy of verification at any time, and if they are true, then, your Memorialists submit, it behoves the Government of Natal to allay popular feeling by publishing their opinion.

Some of the incidents of the quarantine are worthy of record, as showing that the quarantine was more a political move against the Indians than a safeguard against the introduction of the bubonic plague into the Colony. It was first imposed to complete 23 days from the day of departure of the ships from Bombay. The Committee's report above alluded to (App. Q) advised 12 days' quarantine after disinfection and fumigation. No steps were taken to disinfect and fumigate till after the expiry of 11 days after the arrival of the ships at Durban. In the mean while, the signals of distress for water and food were tardily attended to, doctors were said to have been privately interviewed by the Hon. the Attorney-General, and asked to give their opinion regarding the period of quarantine (App. P); passengers' clothing and beds were burnt, and, though they were to remain on board for 12 days after such destruction, the Government made no provision for the supply of bedding and clothing, in spite of the signals from the vessels. And but for the charity of a few well-disposed Indians in Durban,<sup>3</sup> the passengers would have been obliged

<sup>1</sup> Vide "Interview to *The Natal Advertiser*", 13-1-1897.

<sup>2</sup> Gandhiji received the telegram on November 13; vide "Letter to *The Englishman*" 13-11-1896.

<sup>3</sup> Vide "Memorial to Secretary of State for the Colonies", 15-3-1897.



to remain, for that period, without proper clothing and any bedding, perhaps with grievous injury to their constitutions. With due deference to the authorities, your Memorialists cannot help observing further that so much was the disregard shown by them for the welfare of the Indian community that even the mails on board the ships were not taken away and delivered before ten days had elapsed after their arrival causing serious inconvenience to Indian merchants. To further emphasize the above contention, your Memorialists would draw your attention to the fact that, even after the *pratique* was given and the *Courland* was moored into the channel, she was not allowed a berth at the wharf for some days, while the steamers that arrived thereafter were provided with berths before she was, as will appear from the following:

The Captain of the *Courland* calls our attention to the fact that although his vessel has been inside the Port since last Wednesday, he has been unable to secure a berth at the main wharf. Several vessels have arrived within the past few days, and although the *Courland* might have been expected to have prior claim for a berth, the later arrivals have already secured quay berths, while the *Courland* remains in the stream. The *Courland* has about 900 tons of cargo to discharge, and requires about 400 tons of coal. The expense of lighterage to and from the Bluff moorings will amount to a considerable sum.—*The Natal Advertiser*, 19th January, 1897.

Your Memorialists may be permitted to quote from the various newspapers to show how the Demonstration was viewed before and after it took place:

Natal's present action in connection with the immigration of Indians is not well balanced. To the outside world, the fierceness of the agitation, which has suddenly risen at Durban against the landing of more Indians, is in strange contrast to the fact that Natal has all along been, practically, the one gateway through which these Asiatics have found admittance to South Africa. It was hardly to be expected that the country which had for so long openly encouraged Indian immigration should quite suddenly turn round upon two ship-loads of them awaiting disembarkation at Durban, and ostentatiously threaten to resort to violence to prevent their landing. By going to such an extreme, the people of Durban, who have identified themselves with the agitation, can hardly be congratulated on their attitude. It is altogether unfortunate that they have gone so far, because, whatever happens now, they are doomed to disappointment and humiliation. . . After all is said and done, a large number of the people of Natal know that they have derived very

considerable benefit from the presence of the Indian in their Colony. It is surely a fair inference that these continued arrivals of fresh batches of Indians in Natal are the result of the knowledge having reached them that their predecessors had fared well in their new conditions. Now, it may be asked, how could the earlier contingents of Indians have prospered in Natal had they not been, one way or another, assisted by the European settlers? And it may be taken for granted that the Europeans could not thus have assisted the Indian immigrants to prosper had they not, at the same time, been thereby helping on their own prosperity as well. The Indians who come to Natal are of two classes, the indentured and the free. Both these classes have found, despite their superficial antagonism, that the Europeans have been ready to employ or “support” them, and have thereby not merely made them satisfied with their own amelioration but have thus encouraged further arrivals. The indentured Indians are, for the most part, utilized by the European agriculturists; the free Indians who desire to engage in trade are supported by the European merchants, while the remainder are, in one way or another, encouraged to come and to remain in the country for domestic purposes. That the indentured Indian has proved to be an absolute necessity in Natal, owing to the indifferent and unreliable labour procurable from the Kaffir population, is evidenced by the fact that they are employed in thousands as farm and domestic servants, and that further indentures for hundreds more go to India by almost every mail. “But,” it is often said, “the objection is not to the indentured, but to the free Indian.” In the first place, however, the indentured coolie is destined ultimately to become free. So that, while importing them under indentures, the people of Natal are thus practically ensuring large and continuous contributions to the free Indian population. An attempt has been made, it is true, to compel the return of indentured Indians at the conclusion of their contract, but the law could not be made compulsory. Then, as regards the free Indians, these are engaged either in commerce, agriculture, or domestic service. In none of these directions could they possibly succeed except through the direct help of the Europeans. As regards the Indian trader, he receives his initial “support” from the European merchants. It would probably be difficult to find a single commercial house of any standing in Durban which has not scores of Indians as “clients”. The coolie “farmer” is encouraged and maintained by the Europeans in two ways: he has to rent or buy his land from the original European possessor, and his products are, for the most part, consumed in the European households. If it were not for the coolie market-gardeners and hawkers, the people of Durban (and other parts of the Colony) would find themselves very badly off for many kitchen requisites. Then, with respect to the Indian domestic servants, the only remark necessary is that, as a

body, they have proved themselves to be much superior, in capacity, reliability and obedience, to the average Kaffir. It would probably be found, on close examination, that several of those who have associated themselves with the recent agitation have Indians in their employ. Indians are also largely engaged in Government service, while the Government also provides them with the means of education, and consequently of advancement. Seeing, then, that the Europeans are primarily responsible for the benefits that have accrued to those Indians already in the Colony, it has the appearance of unreasonableness on their part to suddenly oppose the landing of any more. But, in addition to all this, there is the Imperial aspect of the question. This is the most formidable of all. So long as Natal remains a part of the British Empire (a circumstance which depends on Britain and not Natal), so long will the Imperial Government insist that the laws of the Colony shall not be repugnant to the general welfare and development of the Empire. India is part of the Empire; and the Imperial and Indian Governments are imbued with a determination to prove to the civilized world that the retention of India by Britain is for the benefit of the Indians. This, however, would not be the case if something could not be done to relieve the congested districts of India of their surplus population. This can only be effected by encouraging the Indians in those parts to emigrate. Britain has not the power nor the wish to force the surplus Indian population upon any country. But she certainly has the power to decline to allow any portion of the British Empire, where her Indian subjects are sought for by one section of the community, to shut its gates against them at the behest of another section of the same community. And so far as Natal is concerned, judging from the number of requisitions that go to India for further supplies of Indian labour, were anything to take place by which that supply was stopped, Natal and not India would be the greater sufferer.—*Star*, Friday, 8th January, 1897.

We regard the proceedings as, to say the least, premature, and we cannot regard without apprehension a demonstration which is practically in the direction of mob law . . . The Colony must guard against putting itself in the wrong, which would be the effect of any outburst of violence, before it was definitely ascertained whether a constitutional agitation would be successful . . . Meanwhile, we would once more urge upon the leaders of the extreme party to weigh well the responsibilities they are incurring. —*The Natal Advertiser*, 5th January, 1897.

If the leaders of the extreme party decide that it is necessary, they must incur a heavy responsibility, and be prepared to face the consequences . . . It might emphasize the fact that Natal wants no more Asiatics, but would it not

also emphasize the allegations of injustice and unfair treatment which have been brought against the Colonists? —*The Natal Advertiser*, 7th January, 1897.

Of the two thousand people said to have been at the meeting, we imagine but a small proportion will be ready to do what is illegal. There exists no lawful power by which the quarantined Asiatics can be sent back, or by which others can be prevented coming in, and, further, the British House of Commons would never consent to any law preventing Indian subjects from migrating to any part of the Empire. Although annoying in the present instance, yet it should not be forgotten that recognition of individual liberty is the sheet-anchor of the Constitution. Great Britain herself is suffering acutely from black and yellow competition . . . Many, who are loudest in their condemnation of the Asiatic in the abstract, do not hesitate to support him concretely by buying from him goods they find he sells cheaper.—*The Times of Natal*, 8th January, 1897.

The leaders of the Demonstration movement assumed grave responsibilities at Thursday's meeting, and some of the speeches were not marked for mildness. Dr. MacKenzie, for instance, did not exercise as much discretion as he might have done, and his dark hints regarding the treatment of Mr. Gandhi were extremely incautious. The mobilization of people to the point of the disembarkation of the Indians from the *Courland* and *Naderi* is to be a "peaceable" one, it is said; but who is to guarantee that no personal harm will befall any of the Indian passengers, after the assembly was worked up? And who will be primarily and morally responsible if harm does attend the Demonstration? One leader, or a hundred leaders, may urge a few thousands of citizens to be calm; but what control would such leaders have over such an assembly, which naturally bears a bitter grudge against all free Indians, intensified against the new arrivals and Mr. Gandhi, by reason of the recent agitations? —*The Natal Advertiser*, 9th January, 1897.

The present agitation is, primarily, the outcome of the attempt to import Indian artisans by the Immigration Board, which the Press instantly and emphatically denounced . . . But because the Press will not go to extremes and support prematurely drastic measures, it is denounced in unmeasured terms . . . We must not blame the Imperial Government for hesitating to take drastic steps for the exclusion of Asiatics, when we recollect that, up to this moment, the Government machinery of Natal itself was utilized for the very purpose of importing these Asiatics to suit our own purposes. It may be argued that there is not the same objection to the indentured Indians as to the free Indians, which is quite true; but may it not appear to the Imperial Government, and to the Indian Government, too that distinction is made purely in our own interests, and that it is scarcely fair to encourage immigration of one class of Indians for our own benefit, and to clamour for the rigid exclusion of another

class, because we imagine they are likely to do us harm?—*The Natal Advertiser*, 11th January, 1897.

They have a rough and ready diplomacy at Durban. There is none of your concerts of the powers, or diplomatic exchanges. The whole town goes down to the jetty, and announces that if certain of their fellow-subjects exercise their undoubted right to land, their blood will be upon their own head. Individually, they would be glad to buy cheaply from the frugal Indian; but collectively, they distrust themselves and each other. It is a pity that the agitators should have based their objections upon fallacious premises. The real grievance is an economical one based upon experience of which the theory is not generally understood. The soundest and most peaceable way is to form trade protection societies which shall insist upon a minimum price and a maximum wage . . . Durban is not east of Suez, being situated on nearly the same great circle; but the Durbanites seem to enter into the category of those among whom 'there aint no ten commandments', to say nothing of the Imperial Statute-book. It is not a method of civilized men to bring about reform by shooting one another in the streets. If the principles of economy are too hard for them, let them at least sail inside the law, which will be found a better friend than rioting, and the 'thousand armed men', that one imaginative agitator conjured up. Britain cannot afford to insult the legions of her Indian Empire; nor does she wish to do so, for protection is classed in the Islands in the deadly sense, and free trade comes in somewhere between the first four and the last six clauses of the decalogue. If Durban wishes autonomy, Durban will get it for the asking; but its people cannot expect the British Isles to countenance illegal action, or encourage unconstitutional agitation. — *Digger's News*, 12th January, 1897.

The Natalians appear now to have lost their heads; and in their hysterical indignation have become desperate and contemplate violence against the much-maligned 'coolie'. A demonstration has been organized, headed by a local butcher, and the whole town and Colony has taken up the hue and cry. There is something pathetically quixotic about this demonstrative body, each member of which binds himself to proceed to the quay and resist 'by force, if necessary' the landing of the Asiatics. It is furthermore said that those participating in the Demonstration intend to prove that they are in earnest, and that the men of Durban can organize an orderly yet emphatic demonstration in contradistinction to a riotous mob. The opinion is that the Indians would not land, and if the ships do bring them inside, those on board will at once recognize the futility of attempting to land when they see the crowd in opposition. Be that as it may, the present Demonstration resembles more the Knight of La Mancha's mad tilt against the windmill than the action

of soberminded Englishmen. The Colonists have become crazy and fanatical, and have lost much of the sympathy which they otherwise would have enlisted. There is nothing more ludicrous, we are told, than a British community in a state of excitement. In the words of Thomas Hood: 'Evil is wrought by want of thought, as well as want of art,' and the Europeans are undoubtedly prejudicing their cause in the action they are now taking.—*The Johannesburg Times*.

The opposition to the immigration of Indians to Natal is by no means the least momentous incident of Mr. Chamberlain's term of office. The interests affected are so large, and so intimately concern Great Britain, that it is slight exaggeration to say the settlement of the difficulty is the most serious problem submitted to him during that time. The discarded immigrants are the representatives of a great population which has been taught to believe itself protected and nurtured by those who now refuse to grant a footing in a new land. India has been encouraged to look upon itself as a favoured daughter of the Empire, and, under the quixotic rule of various Viceroy, it has been taught to assert its independence in a way that is unhealthy for the uneducated Oriental to contemplate. Theory has broken down in practice. The frugal Indian, imported because of his power to assist the Colonist in working his country at a profit, has established himself as a dangerous trade competitor, has himself developed into a settler and a producer, and threatens to oust his old employer from the market. The problem which presents itself to Mr. Chamberlain is, therefore, by no means easy of solution. Morally, Mr. Chamberlain is bound to uphold the righteousness of the Indians' position; economically, he is forced to admit the justice of the Colonists' claim; politically, it passes the wit of man to decide which side to favour. —*Star*, Johannesburg, January 1897.

The mass meeting held in the Town Hall on Thursday afternoon, on account of the wet weather, instead of on the Market Square as previously arranged, lacked nothing either in number or enthusiasm. That hall, crowded with the manhood of Durban, the grimy son of toil sitting cheek by jowl with the professional man, showed unanimity among all classes of the population, and gave evidence of a stern determination to stop the organized attempt to flood the Colony with Asiatics. Mr. Gandhi had made a big mistake in imagining that the Europeans of Natal would sit still while he organized an independent emigration agency in India to land his countrymen here at the rate of from 1,000 to 2,000 per month. He judged the European character badly in thinking that he would be allowed to work such a scheme with impunity. Despite all his cleverness, he has made a sorry mistake, and a mistake that will most certainly defeat absolutely the object he had in view. As the dominant and ruling race in this British Colony, he has forgotten that we have a trust

reposed in us. Our forefathers won this country at the point of the sword, and left us the country as our birthright and heritage. That birthright we have to hand down to our sons and daughters, as it was handed down to us. It was left to us an entailed estate for all of British and European blood, and we should be false to the trust we have received were we to allow this fair land to be overrun with a people alien to us in blood, in habits, in traditions, in religion, and in everything that goes to make up national life. We have also a very serious responsibility as guardians of the welfare of the aboriginal inhabitants of the land. In Natal there are half a million of natives who look to the white man as the child looks to his father, and as a matter of fair dealing, to put the matter in its mildest aspect, we must safeguard, as far as possible, the rights of the natives of Natal, as the legitimate labourers of the Colony. Then, there are Indians already in the Colony. We brought most of them here, and it is only our duty to see that they are not subjected to the disabilities and disadvantages that would follow on such an influx of their countrymen as would make it a difficult matter for them to make an honest living. We have at least 50,000 Indians in the Colony at present—a population in excess of the European—amply sufficient. As regards the attitude of the Government in the matter, that was very ably explained by Mr. Wylie on Thursday afternoon . . .

. . . Dr. MacKenzie said he was thoroughly satisfied with the action of the Government, and all the members of the Committee were with him in that feeling of satisfaction. All, therefore, being in accord on the subject, it is sincerely hoped that the Demonstration will be a peaceable demonstration in every sense of the word. It should be used as an object-lesson to the Indians that the long-open doors of the Colony are about to be shut and that they must not, as hitherto, try to induce their friends and relations in India to follow them. A demonstration in itself, if it is kept well in hand, and if the programme outlined by the leaders is faithfully carried out, can do no harm. Only, as we have already pointed out, crowds are not easily controlled, and therefore, special responsibility attaches to the leaders. The leaders, however, seem confident of their ability to exercise this control, and are determined to carry out their proceeding to the Point, and if all goes well, the Demonstration will be so much more moral backing to the Government. It will also be an illustration of the true earnestness of the movement. Mr. Wylie very truly said that, while they must show the force they possessed, it was the men who could use that force without abusing it who gained their ends. We cannot insist too strongly on the necessity for the most perfect preservation of law and order. Ultimate success depends upon this, perhaps, as much as upon anything else,

and we rely upon the good sense and sound judgment of those in charge of the Demonstration to see that the zeal of their followers does not overstep their discretion.—*The Natal Mercury*, 9th January, 1897.

After all that has been said and done in Durban during the past fortnight, with a view to intimidate the Indian passengers on board the steamships *Courland* and *Naderi* from landing, it must be candidly admitted that the Demonstration has come to an ignominious termination. Although the ringleaders of the Demonstration naturally seek to cover their defeat by claiming a victory, the whole affair has proved an utter fiasco so far as its original and avowed intention is concerned. This was nothing more nor less, than to compel the Indians on board the two steamers to return forthwith to India without touching Natal soil. That has not been accomplished . . . By no sudden and ill-considered action on their part, can the people of Natal interfere with the incursion, allowed by their existing laws, of immigrants from any country. It was, of course, possible that the recent Demonstration, got up against the latest arrivals from India, might have succeeded in scaring them away. But, after all, even supposing that had been the issue, it certainly would have brought the demonstrators little to be really proud of. It would have been a sorry victory had a small contingent of defenceless coolies been frightened away from the shores of Natal from fear of bodily maltreatment at the hands of the European settlers, assisted by a gang of whooping Kaffirs only too glad of an opportunity to demonstrate their dislike to their coolie competitors. It is far better that the Demonstration has “eventuated” as it has done. The only regrettable feature about Wednesday’s proceedings at Durban is the assault committed on Mr. Gandhi. It is true that the folks of Natal are highly incensed at his having published a pamphlet, charging them with badly treating their indentured Indians. We have not seen the publication in question, and if its charges are directed against Natalians as a community, then they are unfounded. There can be no doubt, however, as a case recently tried in the Natal courts plainly showed, that cases of extreme ill-usage have occurred on at least one of the estates, and Mr. Gandhi, as an educated Indian, cannot be altogether blamed if he strongly resents such treatment of his fellow-countrymen, and seeks to effect a remedy. As regards the assault on Mr. Gandhi, it does not, however, appear to have been perpetrated by any of the more respectable portion of the crowd, although the youths who sought to do Mr. Gandhi bodily harm were, no doubt, incited to do so by the unguarded utterances of some of the responsible organizers of the Demonstration. It was owing only to the alertness of the police that Mr. Gandhi escaped without serious injury, and perhaps with his life. . . . But South Africa is evidently passing through a stage in its transition which evolves abortive demonstrations as one of its characteristics. The whole country is still in its boyhood, and there is nothing a boy loves more than to refer his disputes to the gory arbitrement of physical force. Looked at in that way, this week’s doings at Durban may be excused



with an indulgent smile. But regarded from any other standpoint, it is open to severe condemnation, as tending to retard rather than to advance the ultimate solution of a most complex political and economic question, not merely of importance to Natal, but to England, India, and the whole of South Africa.—*Star*, Johannesburg, January 1897.

Of what avail, then, was it to forbid a landing to the few hundred immigrants on the *Naderi* and *Courland* while the system of trading with Indians is in full swing? Years ago, before the present Act of the Volksraad was in force in the Free State, Arab stores were opened in Harrismith, and at once began to undersell the old-established houses by about 30 per cent. The Boers, who of all men protest against colour, flocked to the Arabs, and, while condemning the principle, were not above pocketing the profit. It is much the same in Natal today. The mention of blacksmiths, carpenters, clerks, printers, etc., as being among the passengers, aroused the “working classes”, and their cause was doubtlessly espoused by those who, in other ranks of life, were feeling the pressure of the ubiquitous Hindoo, and yet, probably, none of these men were mindful of the fact that they themselves are helping to make Natal a desirable objective point for the surplus labour of India. The vegetables, fruits, and fish that adorn a Natal dinner table are grown, caught, and hawked by coolies; the table linen is washed by another coolie, and, in all probability, the guests would be served by coolie waiters and partake of fare prepared by a coolie cook. Let the Natalians be consistent, and begin the work of ostracizing the Indian by dealing with their own poorer classes, in preference to coolies, and leave the question of restrictive legislation to their elected representatives. While Natal remains such a desirable abiding place for the Asiatic, and Natalians continue to profit largely by the cheap labour the dark man brings, the work of minimizing arrivals will certainly be difficult, if not hopelessly impossible, without legislation on the subject—*D. F. News*, January 1897.

It is fortunate for all concerned in Durban’s demonstration against the landing of Indian immigrants that, beyond the effervescent effects of the stump oratory of Dr. MacKenzie, and the inciting diatribes of Mr. Sparks and his neophyte Dan Taylor, nothing very serious has happened to the fair Colony of Natal, its distracted inhabitants, or the much maligned “coolies”. The pseudo-patriotic organizers of an ill-advised demonstration have attempted to play the Roman fool, and have died on their own swords, Luckily, we say, nothing more serious happened; but the folly of those who took upon themselves the hazardous task of calling the people together and suggesting

such unconstitutional conduct was never more apparent during the whole time the hubbub lasted, than in the concluding acts of the Durban mob. Unsuccessful in their attempts to prevent the landing of the coolie immigrants, and doubtless humiliated and smarting under the fact that their Demonstration had been somewhat of a fiasco, the mob, in an ill-temper, turned its attention to Mr. Gandhi, an Indian barrister, whose worst crime, in the eyes of Natalians appears to be that he has interested himself in the cause of his fellows, and gratuitously assumed the position of interpreter for the Indians in South Africa. Up to this point the Demonstration had proved quite a harmless one, and might have been likened unto a Christmas pantomime; but, when Mr. Gandhi unostentatiously landed, and was proceeding quietly into town, with Mr. Laughton, an English solicitor, matters took a barbarous turn. We do not presume to take up the cause of the Indian in South Africa, neither do we champion Mr. Gandhi's arguments, but the treatment to which that gentleman was subjected is scandalous and calls for censure. Mr. Gandhi was surrounded by a jeering crowd of hydrocephalous entities, and was made the vile object of kicks and cuffs, while mud and stale fish were thrown at him. One cad in the crowd struck him with a riding whip, while another plucked off his hat. As a result of the attack, we are told that 'he was very much bespattered, and blood was flowing from his neck'. Subsequently, under police protection, Mr. Gandhi was conveyed to the store of a Parsee<sup>1</sup>, the building was guarded by the borough police, and, ultimately, the Indian barrister made his escape incognito. No doubt, all this proved grand fun for the *canaille*, but apart from the morals of law and order, the British love of fair play must be rapidly on the wane in Durban, when Englishmen resort to such ungentelemanly behaviour and brutality towards an unconvicted free man. Downing Street and the Indian Government cannot be apathetic towards the violent attitude which has been adopted by Natalians towards a lawful subject of Britain's "magnificent dependency"—India—a land which is spoken of as the brightest territorial jewel in the English diadem.—*The Johannesburg Times*, January 1897.

The illegal methods of intimidation, which the people of Durban have employed to raise their grievance into the magnitude they wish it to occupy, have been justified by the grave importance of the interests at stake and by the results so far achieved . . . Quietly, and without boast or bluster, they have all along had the movement under their aegis and control, although to some of the purblind people in the Colony it has seemed as if the administrative power had

<sup>1</sup> Rustomji, an Indian Parsi, better known as Parsi Rustomji

been transferred to the leaders of the Demonstration movement.—*The Natal mercury*, January 14th, 1897.

It would be a mere affectation to pretend that the Demonstration was a success from the party's point of view. All the oratory at the Point yesterday, which was couched in a very different key from that at the mass meetings, cannot obscure the fact that the primary object of the Demonstration, the prevention of the landing of the passengers on board the two steamers, has not been achieved. What has been gained could, as we have always maintained, have been equally attained by other means . . . What, we may ask, has been gained by yesterday's proceedings? If it be said that they have shown the imperative need of doing something to stop the Asiatic invasion, we reply that was shown with equal force by the mass meetings, and was, in fact common cause. If it be urged that the Demonstration showed that the people were in were in earnest, we fear we cannot assent to the proposition, because the assembly dispersed on receiving from the representative of Government exactly the same assurances as they received a week ago. The Government then promised to bring in legislation to deal with the question. Mr. Escombe yesterday repeated the assurance; but he gave no further pledges; he did not agree to a special session of Parliament, nor did he promise to send the Indians back. The Committee in fact, now declare their readiness to leave the whole matter in the hands of Government, without the slightest reason for doing so more than existed a week ago, and while the proclaimed object of the Demonstration is unfulfilled. We are not surprised that a good many persons regard the affair as a mere fiasco—a *brutum fulmen*—and express the belief that the Durban people will not be very anxious to figure in another such demonstration. . . . The practical abdication by Government of its functions during the week, in favour of the Committee, was so extraordinary as to irresistibly produce a suspicion that it was all prearranged. The self-elected committee virtually constituted themselves a sort of provisional Government as regards this particular question. They regulated the movements of the steamers, and assumed the right to grant or refuse "permission" to persons to land on our shores who had as much title to be here as they had; they even proposed a Danegeld policy, to carry out which the public funds would be requisitioned. All this time Government looked on, made no preparations for the protection of the passengers, and contented themselves with a perfunctory protest. We are not now arguing whether the Committee were justified in their course. They thought they were, but that does not annul the fact that they virtually and quite illegally superseded the Government. A long series of negotiations ensues, during which the public is kept in a constant ferment of excitement, until at last the bugle sounds and all Durban rushes to the Point, prepared to do or die. Then, quite casually of course, at the psychological moment, the Attorney-General "bobs up serenely", tells the people to be good boys and he will do all that is necessary—"fix your eyes upon your

Escombe and he will pull you through”—the Committee declare, they had the least idea of doing anything in opposition to the Government, and are quite willing to leave it in the hands of the Government—cheers for the Queen—blessings all round—everybody goes home happy—Demonstration melts away as quickly as it gathered—while the now forgotten Indians quietly come ashore, just as if there had never been any demonstration at all. Who can resist the suspicion that it was a prearranged and foregone conclusion? It has been asserted by the Captain of the *Courland* that the Committee led him to believe that they were acting on behalf of the Government; and it has also been stated that Government knew and approved of what the Committee were doing. These statements, if correct, imply a serious imputation of the *bona fides* either of the Committee or the Government. If the Committee had the sanction of the Government, the latter were playing a double game by countenancing in private proceedings which were disapproved in their published reply. If not, the charge of duplicity must be shifted to the shoulders of the Committee. We should be loth to believe these statements, because it is not by such methods that a great cause is conducted to a successful issue.—*The Natal Advertiser*, 14th January 1897.

The letter we published yesterday, from the Demonstration Committee to the Captain of the *Courland*, does not sustain the charge previously made, that the Committee falsely represented themselves as acting on behalf of the Government, although, from its tone, and the reference to the Attorney-General, the Captain may be excused for coming to that conclusion. But it does afford ground for the alternative suspicion that, despite their published warnings against illegal action, the Government were practically in collusion with the Committee. According to this document, the Attorney-General, who had previously admitted that there was no legal means of keeping the Indians out of the Colony, went so far as to pledge the public funds to buying-off policy, at the dictum of a body with no legal status and pursuing illegal methods of intimidation, as is clearly shown by the terms of the letter. When that failed, came the Demonstration, with the opportune appearance of the Attorney-General on the scene. To use the old tag, comment is unnecessary.—*The Natal Advertiser*, 20th January 1897.

After all the speechifying and the parading, and the bugle-blowing of the past week, the citizens of Durban have fallen short of making history—unless, indeed, the discharge of a rotten potato at the eye of the unspeakable Gandhi may be considered as an historical act. The heroics of mob are apt to sink from the sublime to the ridiculous, and indifferent arguments are often accompanied by equally indifferent eggs . . . For a week the Natal Ministry permitted the situation to develop, without pretence at the feeblest

intervention, their policy suggesting and unofficial sanction of the whole business. Then, when the *Naderi* and *Courland* are within a few hundred yards of the wharves, Mr. Escombe appears upon the scene, actively intervenes, and the people disperse, to vent their baffled feelings, a few hours later, by upsetting Gandhi's ricksha, blacking his eye, and savagely assaulting the house in which he is lodged.—*Cape Argus*, January 1897.

A little explanation is still wanting in regard of the presence of a force of several hundred Kaffirs in the Demonstration. Did it mean that the cause of the white man and the cause of the native are one and the same? Or, what else did it symbolize? There is one thing in regard of which public opinion is unanimous. It may be unjust in the conclusion it has drawn. But the fact remains that people will not believe that the whole business was not a plot between the Government and the leaders of the late remarkable movement, but one in which the self-appointed Committee failed to score. It was delightfully dramatic. The Ministry handed over their powers to a Committee claimed to represent the people. Whatever you do, they said, act constitutionally. The word was passed round and the magic of constitutional action took effect, though not a soul to this moment knows what it means. The Ministry acted constitutionally, and promised not to interpose if the peace were broken. They would only go to the Governor, and ask to be relieved of office. The Committee acted quite constitutionally in organizing a force, including natives, to oppose by force the landing of British subjects in a British Colony. The concluding act of this pretty drama was played at the Point, when the Committee handed back their powers to Mr. Escombe, reinstated the Government, and everyone went home satisfied. The Committee claimed a moral victory, though they had been beaten from pillar to post; the Ministry pirouetted on their "single plank"; and the Indians, who were never to be allowed to land, landed promiscuously as soon as the crowd had dispersed.—*The Natal Witness*, January 1897.

Nothing of what Mr. Wylie stated to the Durban meeting, as having been said by Mr. Escombe to the deputation, has even been traversed, much less denied. It stands on record, then, that the Ministry, on the slightest appearance of a riot at Durban, had resolved that mob law should be supreme. "We shall say to the Governor that he will have to take the reins of Government into his own hands." Everyone is aware that we are rapidly nearing another general election, but no one could possibly have thought that any Ministry would have played so low, to gain votes, as to give the population of a large town freedom to break the law.—*The Natal Witness*, January 1897.

They cannot go on importing indentured Indians by the hundreds and at the same time shut out free Indians; otherwise they will meet with disappointment. —*Pretoria Press*, January 1897.

According to Mr. Wylie's report of the interview between the promoters of the anti-Indian agitation and Mr. Escombe, the attitude of the Government in the matter appears to be open to grave animadversion. Plainly, though in covert wording, according to Mr. Wylie's version, the Committee proposed to do what was illegal, and added: "We presume that you, as representing the Government and good authority of this Colony, would have to bring force to oppose us?" To this Mr. Escombe is represented to have replied: "We will do nothing of the sort. We are with you, and we are going to do nothing of the sort to oppose you. But if you put us in such a position we may have to go to the Governor of the Colony and ask him to take over the reins of this Colony, as we can no longer conduct the Government—you will have to find some other persons." According to this account, the Government have made a confession of most deplorable weakness. A minister, on being informed that a body of people propose doing what is unlawful, should, without a moment's hesitation, inform his interviewers that the course of law will in no degree be interfered with, and if the occasion calls for it, that minister should say out bluntly that the law, at all costs, will be supported by all available resources. Mr. Escombe, on the other hand, said in effect that the Government would do nothing to oppose the unlawful action proposed. This playing into the hands of men who speak publicly of the Indian Ocean as being the proper place of the Indian immigrants, shows regrettable weakness in a member of the Government in office.—*The Times of Natal*, January 1897.

The above extracts speak for themselves. Almost every newspaper has condemned the Demonstration, and they further go to show that the Government countenanced the action of the Committee. Your Memorialists may here remark that the leaders of the Demonstration have since denied that there was any "collusion" between the Government and themselves. Nevertheless, the fact remains, and it is patent from the above extracts, that had the Government contradicted the statement made by Mr. Wylie as to the conversation between Mr. Escombe and himself, and publicly declared that the passengers were not only entitled to the protection of the Government, but that it would be given to them, the Demonstration would never have taken place. As the Government organ itself has said, the Government "had the movement under their aegis and control" while it was developing. Indeed, it seems from that article that they were rather anxious that such a Demonstration should take

place, if only the crowd could be managed properly and kept under sway, so that it may serve as an object-lesson to the passengers. To say the least, such a method of intimidation being sanctioned or countenanced by a Government in a British Colony is, with the greatest deference to the Natal Government, a new experience, opposed to the most cherished principles of the British Constitution. The after effects of the Demonstration, in your Memorialists' humble opinion, cannot but be disastrous to the welfare as well of the whole Colony as of the Indian community, who claim to be as much a part of the British Empire as the European British subjects. It has already intensified the estranged feelings between the two communities. It has lowered the status of the Indians. All this, your Memorialists humbly submit and hope, cannot and will not be viewed with unconcern by Her Majesty's Government. If those who are responsible for the upkeep of the harmony of the British Empire and justice between the various sections of the subjects assist in creating or encouraging division and ill feeling between them, the task of persuading those sessions to keep in harmony, in face of conflict of diverse interests, must be ever so much more difficult. And if Her Majesty's Government grant the principle that the Indian British subjects are to have freedom of intercourse with all Her Majesty's Dominions, then, your Memorialists venture to trust that there will be some pronouncement from the Imperial Government that would preclude the possibility of such deplorable partiality on the part of Colonial Governments.

The following remarks by *The Natal Advertiser* of January 16, about the behaviour of the Indian community during the crisis are worthy of record:

The behaviour of the Indian population of Durban during the excitement of the week was all that could be desired. They must have felt sore at the attitude of the townspeople towards their fellow-countrymen. But there was no attempt at retaliation; and by their quiet, peaceable behaviour, and faith in Government, they certainly contributed to the preservation of public order.

Your Memorialists would have refrained from any further reference to the incident in connection with Mr. Gandhi, but for the fact that, since he acts as an interpreter between the two communities in Natal, any misapprehension with regard to his position may seriously damage the Indian cause. Sufficient has been said herein to justify what he did in India in the name of the Indians in South

Africa. But, for further explanations as to the matter, your Memorialists hereby refer Her Majesty's Government to Appendix Y, wherein are collected certain extracts from newspapers. Your Memorialists have been praying Her Majesty's Government, in the memorials that have preceded this, to define the status of Indian British subjects outside India, and humbly submitting that, in virtue of the gracious Proclamation of 1858, that status should be equal to that of Her Majesty's all other subjects. Indeed, it has already been defined by His Excellency the Marquis of Ripon, in a despatch with reference to the Colonies, to the effect that "it is the desire of Her Majesty's Government that the Queen's Indian subjects should be treated upon a footing of equality with all Her Majesty's other subjects", but so many changes have since taken place that a formal pronouncement has evidently become necessary, especially in view of the fact that laws have since been passed in the Colony which are in conflict with that policy.

Another incident of the Demonstration, your Memorialists submit, is worth noting, viz., the massing of natives at the Point. It has already been alluded to above; but the following letter from Mr. G. A. de Labistour, a leading Burgess of the town to the Town Council, and the remarks thereon of *The Natal Mercury*, the Government organ, would give a better idea of the gravity of the situation:

'Gentlemen—I was one of many burgesses who viewed with concern the rowdy behaviour of the natives who took part in the Demonstration yesterday. Along the Point Road several parties of natives, brandishing sticks and shouting at the top of their voices, had taken possession of the pavement, and at the Point about 500 or 600 boys, mostly Togt boys, all armed with sticks and singing and shouting, congregated with, apparently, the avowed object of committing a breach of the peace. Particulars of this deplorable matter are easily available.

The evil effect on the natives in general of yesterday's proceedings will be accentuated, and race hatred fostered, unless steps are at once taken to show that your honourable body, as custodians of law and order in this town, will not countenance conduct of this sort. It can easily be understood that the massing or congregating together of a body of natives, such as that at yesterday's Demonstration, is a source of great danger to the town, as, for instance, was the case on the occasion of the massing of natives on the racecourse in their feud with the police some time ago.

I submit that the native element in yesterday's Demonstration has cast on the fair name of Durban a blot which it is your duty to at once wipe out, and



I venture to say that your taking up the matter with a vigorous hand will be viewed with satisfaction by the majority of your burgesses. I respectfully suggest that, as a first step, the Corporation should cause an enquiry to be made as to who is responsible for the massing of these natives, their behaviour and control on the occasion alluded to; and, further, that to prevent a repetition of such conduct, special bye-laws be passed, in case those at present in force are found insufficient to cope with the evil.

This is rendered all the more necessary as no reference was made by the Honourable the Attorney-General to the rowdy and dangerous element created by the facts referred to. I, however, feel confident that his regrettable omission to do so only arose from the fact that he did not witness what I and others saw. The Togt boys are easily traceable, I should think; others were servants of members of the Committee, one of them especially having taken advantage of the occurrence to advertise his firm by sending down his store boys, each armed with two or three sticks, with his firm's name appearing in glaring letters on their backs.

Mr. Labistour's letter to the Corporation, drawing attention to the danger incurred in the massing of a body of natives armed with sticks for the purposes of the Demonstration on Wednesday, and calling on the Town Council to enquire into the matter, should not be overlooked. We believe the Demonstration Committee were not in any way responsible for the native impi being at the Point; but the natives did not go down there of their own initiative, and it would be as well if the matter were fully investigated and the onus thrown upon the individuals who took upon themselves so grave a responsibility. As Mr. Labistour quite properly remarks, the native element at the Demonstration was a blot on the fair name of Durban, and might have been productive of the most dire results. There is no love lost between the Indian and the native as it is, and to bring together a band of natives and incite them against the Indians may even yet be productive of serious trouble. The native has no reasoning powers in a matter of the kind. His passions are like tinder and his instincts are warlike. The slightest provocation, and he is all aflame and ready for anything where there is shedding of blood. An even more disgraceful incident was inciting the natives to attack Indians after Mr. Gandhi landed and was lodged in Field Street. Had the police not been on the alert and succeeded in dispersing the natives, Wednesday night would have ended in one of the most disgraceful riots any British Colony ever witnessed, in so far that a savage warlike race had been set upon a more civilised, peaceful people by men of a higher race than either. The disgrace would have clung to the Colony for many a long day. Instead of arresting the four kaffirs who flourished their

sticks and whooped in Field Street on Wednesday evening, the white men who brought them there and encouraged them ought to have been brought up before the magistrate and fined as heavily in proportion as the Kaffirs were fined. It was rather hard on the kaffirs to make them scapegoats for really obeying the orders of men who ought to have known better. To call in the natives in a matter of the kind is to exhibit to them a weakness which, above all things, should be avoided, and we trust there will never be a repetition of so dangerous and disgraceful a practice as exciting the racial prejudices of so inflammatory an element as the natives.—*The Natal Mercury*, 16th January, 1897.

It would perhaps assist Her Majesty's Government in coming to a conclusion if certain facts were placed before them pertaining to the matter. The demand for restriction of free immigration of Indians has been based on the supposition that, of late, there has been a very large influx of Indians into the Colony, irrespective of any organization. Your Memorialists, however, have no hesitation in saying that the alarm is not justified by facts. It is not correct to say that more Indians have come to the Colony during the last year than during the last but one. Formerly, they came by the German boats as well as by those of the B.I.S.N. Co. Since the latter boats transshipped their passengers in other boats at Delagoa Bay, the Indians came in small batches and were, naturally, not much noticed. Two Indian merchants bought steamers last year and established a fairly regular and direct service between Bombay and Natal. Most of the Indians wishing to come to South Africa availed themselves of this service, and thus, instead of being divided into small batches, they came all at once, and thus drew attention. Moreover, no one seemed to take any notice of those that returned to India. From the following list it will be clear that there has not been a material addition to the free Indian population; certainly not in any way large enough to justify the alarm. It is also worthy of note that the European immigration is and has almost always been in excess of the free Indian immigration.

A return signed by Mr. G. O. Rutherford, Acting Protector of Immigrants, shows that from August last to January seven steamship firms deported 1,298 free Indians from the Colony; the same companies introduced 1,964 Indians in the same time, most of the immigrants coming from Bombay.—*The Natal Mercury*, 17th March, 1897.

There is no foundation for the statement that there is any competition between European and free Indian artisans. Your Memorialists can speak from their own knowledge that there are very few Indian mechanics and artisans in the Colony, such as blacksmiths,

carpenters, bricklayers, etc., and those that are, are inferior to the European. (The Indian artisans of high order do not come to Natal.) There are a few tailors and goldsmiths in the Colony, but they minister to the wants only of the Indian community. As to the competition between the Indian and European traders, it has been well said, in some of the extracts quoted above, that, if there is any competition, it is rendered possible by the large support given by the European merchants. But the very fact that the European merchants are willing, nay anxious, to support Indian traders, shows that they do not compete with them to any appreciable extent. They, really speaking, act as middlemen and begin where the Europeans leave. The Commissioners, who were specially appointed to report upon Indian matters nearly 10 years ago, thus report as to the Indian traders:

We are convinced that much of the irritation existing in the minds of European Colonists against the whole Indian population of the Colony has been excited by the undoubted ability of these Arab traders to compete with European merchants, and specially with those who have chiefly directed their attention to the supply of articles, notably rice, largely consumed by the Indian immigrant population. . . .

We are of opinion that these Arab traders have been drawn to Natal by the presence therein of those Indians who have been introduced under the immigration laws. Rice is the chief food of the 30,000 Indian immigrants now in the Colony; and these astute traders have so successfully devoted their tact and energy to the supply of that article that the price to all consumers fell from 21s. per bag in former years to 14s. in 1884 . . . It is said that kaffirs can buy from Arabs at from 25 to 30% lower rates than those obtaining six or seven years ago . . .

It does not lie within the scope of our Commission to discuss at length the restrictive measures which some desire to impose upon Asiatics or "Arab" traders. *We are content to place on record our strong opinion, based on much observation, that the presence of these traders has been beneficial to the whole Colony, and that it would be unwise, if not unjust, to legislate to their prejudice.* (The italics are your Memorialists.) . . . Nearly all of them are Mahomedans, either total abstainers from alcoholic liquors or drinking them in moderation. They are thrifty by nature and submissive to the law.

Mr. Saunders, one of the Commissioners, says in his additional report:

So far as concerns free Indian traders, their competition and the consequent lowering of the price of articles of consumption by which the

public benefits (and yet, strange to say, of which it complains), it is clearly shown that these Indian shops have been and are most exclusively supported by the larger firms of white merchants who thus, practically employ these men to dispose of their goods.

Stop Indian immigration if you will, if there are not enough unoccupied houses now, empty more by clearing out Arabs or Indians, who add to the productive and consuming power of a less than half-peopled country, but let us trace results in this one branch of the enquiry taking it as an example of others, trace out how untenanted houses depreciate the value of property and securities, how after this must result stagnation in the building trade, and those other trades and stores for supplies dependent on it. Follow out how this leads to a reduced demand for white mechanics, and with the reduction in spending power of so many, how fall of revenue is to be expected next, need of retrenchment, or taxation, or both. Let this result and others far too numerous to be calculated on in detail be faced, and if blind race sentimentalism or jealousy is to prevail, so be it.

At a meeting lately held in Stanger, one of the speakers (Mr. Clayton) said:

Not only the coolie labourer, he said, but the Arab storekeeper had been of benefit to the Colony. He knew it was an unpopular view to take, but he had looked at the question from every point of view. What did they find? The *erven* round the Market Square were bringing in a good percentage through the presence of Arab storekeepers. The owners of land had been benefited by the coolies taking up land that would never be taken up by anybody else. At the auction sale, the other day, *erven* abutting on the Market Square fetched a price that would have been out of the question years ago. The Indians had created a trade—a trade that would never have been brought here by the old system of storekeeping. He was quite willing to admit that here and there an European storekeeper had been ruined by the Indians, but their presence here was better than the old days when a few storekeepers had the monopoly. Wherever they met with an Arab, they always found him amenable to law. They had heard it said that the Colonists should not give away their birthright—that the Indians should not be allowed to enter upon the possession of their lands. He was pretty confident that his children, rather than have to work any land he might be able to leave them, would prefer to let it to Indians at reasonable rents. He did not think that that meeting was justified in coming to a wholesale condemnatory resolution of the Asiatics.

A regular correspondent of *The Natal Mercury* thus writes:

We brought the coolies here as a necessity, and, undoubtedly they have been a great help towards the progress of Natal. . . .

Twenty-five years ago, in the towns and townships, fruit, vegetables, and fish could hardly be bought. A cauliflower sold for half a crown. Why did not farmers go in for market gardening? There may have been some laziness, but on the other hand, to grow wholesale was useless. I have known the case of cart-loads of fruit, etc., sent a long way, but in good condition to the city, unsaleable. The party who would give half a crown for a stray cauliflower would naturally demur to give a shilling for one, when he saw a wagon-load of them. Here we needed an industrious class of hawkers who could live cheaply and find pleasure and profit in supplying these wants, and we got it in the time-expired indentured coolie. And for waiters and cooks, public or private, the coolie has supplied the want, for in these matters the mass of our natives are awkward, and when not, as soon as carefully taught, are off to their kraals.

The free coolie labourer, if an artisan, will work longer hours and take a lower wage cheerfully than the European mechanic, and the coolie trader will sell a cotton blanket three half-pence cheaper than the white storekeeper. That is all.

Surely the great economic cry of supply and demand, your patriotic league of British subjects, your glorious cry of Free Trade, which John Bull pays through the nose for to show his faith in, all forbid this outcry.

Australia has forbidden coloured immigration. The strikes and band smashes do not make that a grand example. Coolies wear lighter clothes and slippers than Europeans; anyway, that is an advance on our location native, and, many years ago, boots were rarely seen on white men or women on farms, or children even among the uppish classes of the city, except when they went to the park or meeting. Their feet seemed none the worse, though bad for shoemakers. Coolies don't eat meat or drink beer, etc. Again, I dare say, bad for butchers and licenced victuallers. Depend upon it, all these things will find their level, but to force by Act of Parliament (beyond what decency and sobriety call for the common weal) what people are to eat and drink and wear is tyranny, not beneficent legislation. Crowds of white immigrants are kept out. Are they? With our native population, unless you can shunt the whole lot, white men will not work for a mere living wage in this Colony. They would rather be loafers.

We cannot get out of it. Ours is a black Colony, and much as I like our natives in their proper place, and the coolies [*sic*], too, who is more willing to keep it [*sic*] in his, the White man's role is and must be to be boss. Stop at that, I do not want to talk of how poor farmers cannot afford to pay their fashionable friends, the town artisans, their price, and are very glad to put up with even indifferent work by an off-coloured mechanic; but I would appeal to

the skilled workmen to be content to regulate their own tariffs, and not be afraid of indifferent opposition—a good man is always worth his full value—but avoid, because they are numerically strong in the towns, a class agitation, a race quarrel. It is the same with the good tradesmen, and though the owners of country stores may have to cut their prices finer, they won't be ruined. Four hundred gallons of treacle for cash per week isn't bad. Talk of the federation of the Empire, and we are tabooing our fellow-subjects of India, whose warriors have fought shoulder to shoulder with ours, whose armies have upheld the honour of the flag on many a gory field! There are plenty of European stores in India, and well patronized and flourishing, too.

It is, in your Memorialists' humble opinion, because the Indians sell the wares for the European merchants, that there are so many large European houses which afford employment to hundreds of European clerks and assistants. Your Memorialists submit that an industrious and frugal class of men, as the Indians are admitted to be even by their most virulent opponents, cannot but on the whole add to the general prosperity, wealth, and consequently material happiness of the place they go to. *The Star* sums up the situation with regard to the Uitlanders in the Transvaal—the class of people who so inconsistently object to the presence of the Indians in South Africa, in the following words:

South Africa is a new country. It should therefore be open to all. Poverty should be no bar to admission. The vast majority of those now in affluence, came here originally with only the proverbial half-crown in their pockets. By all means let us keep the population reputable; *do so however, by the just and stringent enforcement of local laws against vagrancy and roguery, and not by the arbitrary exclusion of new arrivals before it is possible* to know whether under the better conditions of a new country they might not take their place amongst useful citizens of the land.

These remarks with the necessary changes are word for word applicable to the Indian community; and if the position there taken up is correct and acceptable with reference to the Uitlanders, much more, your Memorialists venture to submit, should it be in the present case.

The Natal Government, in virtue of their promise to the Demonstration Committee, propose to introduce the following three Bills into the Honourable Legislative Assembly, which sits on the 18th instant:

QUARANTINE<sup>1</sup>: (1) Whenever any place has been proclaimed, under Law 4, 1882, as an infected place; the Governor-in-Council may, by a further Proclamation, order that no person shall be landed from any ship coming from such place. (2) Any such order shall also extend to a ship having on board passengers who have come from a proclaimed place, notwithstanding that they may have embarked at some other place, or that the ship has not touched at the proclaimed place. (3) Any such order as aforesaid shall be in force until revoked by a further Proclamation. (4) Any person who shall land in contravention of this Act, shall, if practicable, be at once returned to the ship in which he came to Natal, and the master of such ship shall be bound to receive such person on board, and to convey him from the Colony at the expense of the owners of the ship. (5) The master and owners of any vessel from which any person shall be landed in contravention of this Act shall be liable to a penalty of not less than one hundred pounds sterling for each person so landed, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any penalty, and the vessel may be refused a clearance outwards until such penalty has been paid and until provision has been made by the master for the conveyance out of the Colony of each person who may have been so landed.

LICENCES<sup>2</sup>: (1) Any Town Council or Town Board may, from time to time, appoint an Officer to issue the annual licences (not being licences under Act 38, 1896) required in the Borough or Township by wholesale or retail dealers. (2) Any person appointed to issue licences for wholesale or retail dealers under Law 38, 1884, or any like Stamp Act, or under this Act, shall be deemed to be a "Licensing Officer" within the meaning of this Act. (3) A Licensing Officer shall have discretion to issue or refuse a wholesale or retail licence not being a licence under Act 38, 1896; and a decision come to by a Licensing Officer as to the issue or refusal of a licence shall not be liable to review, reversal, or alteration by any court of law or otherwise than is in the next section provided. (4) There shall be a right of appeal<sup>3</sup> from the decision of a Licensing Officer to the Colonial Secretary as regards licences issuable under Law 38, 1884, or other similar Act, and in other cases to the Town

<sup>1</sup> *Vide* "Petition to Natal Legislative Assembly", 26-3-1897 and "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix A.

<sup>2</sup> For the law in regard to licences as finally enacted, *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix C.

<sup>3</sup> The final provision in the Act for appeal against the decision of the Licensing Officer differed slightly from that in the Bill given here; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix C.

Council or Town Board, according to the circumstances, and the Colonial Secretary, or, as the case may be, the Town Council or the Town Board, may direct that the licence, the subject of appeal, shall be issued or cancelled. (5) No licence shall be issued to any person who, when thereto required, fails to show to the satisfaction of the Licensing Officer that he is able to fulfil the conditions of the Insolvency Law 47, 1887, Section 180, sub-section (a), as regards the keeping of such books of account in the English language as are usual and proper in the business to be carried on. (6) No licence shall be issued in respect of premises which are unfit for the intended trade, or unprovided with proper and sufficient sanitary arrangements, or not affording sufficient and suitable accommodation for salesmen, clerks, and servants, apart from the stores or rooms in which goods and wares may be kept.<sup>1</sup> (7) Any person who shall carry on any wholesale or retail trade or business, or who shall allow licensed premises to be in a condition which could disentitle him to a licence, shall be deemed to have contravened this Act, and shall be liable to a penalty of £20 for each offence, to be recovered by any Licensing Officer in the Court of the Magistrate.

TO RESTRICT IMMIGRATION<sup>2</sup>: (1) This Act may be known as “The Immigration Restriction Act, 1897.” (2) This Act shall not apply to: (a) Any person possessed of a certificate in the form set out in the Schedule A<sup>3</sup> to this Act annexed, and signed by the Colonial Secretary or the Agent-General of Natal or any officer appointed by the Natal Government for the purposes of this Act, whether in or out of Natal. (b) Any person of a class for whose immigration into Natal provision is made by law or by a scheme approved by Government. (c) Any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary. (d) Her Majesty’s land and sea forces. (e) The officers and crew of any ship of war of any Government. (f) Any person duly accredited to Natal by or under the authority of the Imperial or any other Government. (3) The immigration into Natal, by land or sea, of any person of any of the classes defined in the following sub-sections, hereinafter called “prohibited immigrant”, is prohibited, namely: (a) Any person who, when asked to do so by an officer appointed under this Act, shall fail to himself write out and sign, in the characters of any language of

<sup>1</sup> The corresponding clause 8 in the Act as passed on May 9, 1897, had the following words added: ‘in cases where premises are used for both purposes’; *vide* “Petition to the Secretary of State for the Colonies”, 2-7-1897, Appendix C.

<sup>2</sup> For the Immigration Restriction Act, in the form in which it received the Governor’s assent, *vide* “Petition to the Secretary of State for the Colonies”, 2-7-1897, Appendix B.

<sup>3</sup> *Vide* “Petition to the Secretary of State for the Colonies”, 2-7-1897, Appendix B.



Europe, an application to the Colonial Secretary in the form set out in Schedule B<sup>1</sup> of this Act. (b) Any person who is unable to satisfy an officer appointed under this Act that he is possessed of available means of subsistence of his own to the value of not less than twenty-five pounds.<sup>2</sup> (c) Any person who has been assisted in any way by any other person in respect of his passage to Natal.<sup>3</sup> (d) Any idiot or insane person. (e) Any person suffering from a loathsome or a dangerous, contagious disease. (f) Any person who, not having received a free pardon, had been convicted<sup>4</sup> of a felony or other infamous crime or misdemeanour involving moral turpitude, and not being a mere political offence. (g) Any prostitute, and any person living on the prostitution of others. (4) Any prohibited immigrant making his way into or being found within Natal, in disregard of the provisions of this Act, and shall be liable, in addition to any other penalty, to be removed from the Colony, and upon conviction may be sentenced to imprisonment not exceeding six months, without hard labour. Provided such imprisonment shall cease for the purpose of deportation of the offender, or if he shall find two approved sureties, each in the sum of £50, that he will leave the Colony within one month. (5) Any person appearing to be a prohibited immigrant within the meaning of Section 3 of this Act, and not coming within the meaning of any of the sub-sections (d), (e), (f), (g) of said Section 3 shall be allowed to enter Natal upon the following conditions: (a) He shall, before landing, deposit with an officer appointed under this Act the sum of £100. (b) if such person shall, within one week after entering Natal, obtain from the Colonial Secretary or a magistrate a certificate that he does not come within the prohibition of this Act, the deposit of £100 shall be returned. (c) If such person shall fail to obtain such certificate within one week, the deposit of £100 shall be forfeited, and he may be treated as a prohibited immigrant. Provided that, in the case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the colony. (6) Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of any of the sub-sections (d), (e), (f), (g) of Section 3 of this Act, shall not be regarded as a prohibited immigrant. (7) The wife and any minor child of a person not being

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897 and "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

<sup>2</sup> This was later amended to refer to "paupers"; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

<sup>3</sup> This was subsequently deleted; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

<sup>4</sup> The act qualified this by adding: 'within two years'; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

a prohibited immigrant shall be free from any prohibition imposed by this Act. (8) The master and owners of any vessel from which any prohibited immigrant may be landed shall be jointly and severally liable to a penalty of not less than one hundred pounds sterling, and such penalty may be increased up to £5,000 by sums of £100 each for every five immigrants after the first five, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid, and until provision has been made by the master, to the satisfaction of an officer appointed under this Act, for the conveyance out of the Colony of each prohibited immigrant who may have been so landed. (9) A prohibited immigrant shall not be entitled to a licence to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess of any borough or on the roll of any township, and any licence or franchise right which may have been acquired in contravention of this Act shall be void. (10) Any officer thereto authorized by Government may make a contract with the master, owner, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances of life after disembarking from such vessel. (11) Any person who shall in any way assist any prohibited immigrant to contravene the provisions of this Act<sup>1</sup> shall be deemed to have contravened this Act. (12) Any person who shall assist the entry into Natal of any prohibited immigrant of the class (g) in Section 3 of this Act, shall be deemed to have contravened this Act, and shall, upon conviction, be liable to be imprisoned with hard labour for any period not exceeding twelve months. (13) Any person, who shall be instrumental in bringing into Natal an idiot or insane person without a written or printed authority, signed by the Colonial Secretary, shall be deemed to have contravened this Act, and, in addition to any other penalty, shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony. (14) Any police officer or other officer appointed therefore under this Act may, subject to the provisions of Section 5, prevent any prohibited immigrant from entering Natal by land or sea. (15) The Governor may, from time to time, appoint and, at pleasure, remove officers, for the purpose of carrying out the provisions of this Act, and may define the duties of such officers, and such officers shall carry out the instructions from time to time

<sup>1</sup> In Section 11, 12 and 13 of the Act as passed, the reference to the offences was modified by adding the word; 'wilfully'; vide pp. "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

given to them by the Ministerial head of their department. (16) The Governor-in-Council may, from time to time, make, amend and repeal rules and regulations for the better carrying out of the provisions of this Act. (17) The penalty for any contravention of this Act, or of any rule or regulation passed thereunder, where no higher penalty is expressly imposed, shall not exceed a fine of £50, or imprisonment, with or without hard labour, until payment of such fine, or in addition to such fine, but not exceeding in any case, three months. (18) All contraventions of this Act or of rules or regulations thereunder, and suits for penalties or other moneys not exceeding £100, shall be cognizable by magistrates.

Schedule A<sup>1</sup> is a blank certificate that the person whose name is to be filled in "is a fit and proper person to be received as an immigrant in Natal". Schedule B<sup>2</sup> is a form of application to be filled in by a person claiming to be exempt from the operation of this Act.

They will, perhaps, soon be before Her Majesty's Government for consideration. In that case, your Memorialists may have to approach you regarding the measures.<sup>3</sup> For the present, they will content themselves with saying that, while none of the Bills openly show their object, they are all aimed at the Indian community. If, therefore, her Majesty's Government accept the principle that restrictions may be put upon the Indian community in the British Colonies, it will be infinitely better that it were done so openly. That seems to be the feeling in the Colony also, as will appear from the extracts quoted below.

Referring to the Immigration Restriction Bill, *The Natal Advertiser* of 12th March, 1897, says:

It is not an honest and straightforward measure for the reason that it attempts to disguise its real object, and, because it can only be acceptable if it is enforced in a partial manner. If its provisions are strictly enforced against European immigrants, it would be an injury to the Colony. If, on the other hand, it is enforced only against Asiatics it would be equally unjust and unfair in another direction. . . . If it is an anti-Asiatic Immigration Bill the Colony wants, let us have an anti-Asiatic Immigration Bill . . . So far we can approve of the position taken up by the Demonstration Committee; their tactics, however, were not particularly effective . . . It was also another mistake to

<sup>1</sup> *Vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

<sup>2</sup> *Vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

<sup>3</sup> When the three Bills were passed later, a petition was, in fact, presented to Mr. Chamberlain; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897.

drift, as Dr. MacKenzie did, into tall talk about fighting for his rights, and “cocking the rifle at the British Government”. We can assure the worthy doctor that expressions like these only disgust right-thinking Colonists.

*The Natal Witness*, of the 27th February, thus remarks:

There is nothing more repugnant to an Englishman’s feelings than to have recourse to stratagems and chicanery to gain an object, and this Bill to restrict immigration is a flagrant attempt to compass an end by subterfuges. The Colony loses its self-respect and the respect of others in resorting to such means.

Referring to the exemption of the indentured Indians from the operation of the Bill, *The Times of Natal* of 23rd February writes:

The provision indicates the inconsistency of the Colony generally. All know that the indentured Indians settle in the Colony, and yet all, or, at any rate, a big majority of the electorate, are resolved to have indentured Indians. This inconsistency is remarkable and shows unmistakably how divided is public opinion on the whole subject. Indians are objected to on the score of their ignorance; also because they compete as clerks and artisans, and also because of their commercial rivalry. It may be remembered that, during the recent commotion at Durban, a section of the demonstration was about to proceed to a ship which had just arrived with some Indians from Delagoa Bay, for the purpose of preventing their landing, when some individual called out that the Indians were merchants, and this satisfied the mob. That incident in itself was sufficient to show how sectional is the antagonism to the immigration of the coolie.

The most fatal objection, however, against those Bills is that they are intended to check an evil which does not exist. Nor is this all. There will be no finality to the anti-Indian legislation, if Her Majesty’s Government do not intervene on behalf of the Indian British subjects residing in the Colony. The Corporations have applied to the Government for powers to enable them to remove Indians to locations, to refuse to issue licences (this is practically covered by one of the Bills quoted above), and to refuse to sell or transfer immovable property to the Indians. It is believed that the Government have not returned an encouraging reply to the first and the last proposals; still, the proposals are there; and there is no guarantee that, because the Government feel disinclined to entertain the proposals at present, for reasons best known to them, they will remain in the same mood for ever.

In conclusion, your Memorialists pray that, in view of the events narrated and the restrictive legislation forecasted above, a timely pronouncement of the policy with reference to the status of the Indian British subjects, or a confirmation of the despatch referred to above, be made so as to remove and prevent restriction on Her Majesty's Indian subjects residing in the Colony of Natal, or grant such relief as may meet the ends of justice.

And for this act of justice and mercy, your Memorialists shall, as in duty bound, ever pray.

ABDUL CARIM HAJEE ADAM  
(DADA ABDULLA & CO.) AND  
THIRTY-ONE OTHERS

(APPENDIX A)

*Copy*

[January 25, 1897]

By this public instrument of protest, be it hereby made known and made manifest unto all whom it may concern that on this the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and ninety-seven (1897), before me, John Moore Cooke, of Durban, in the Colony of Natal, Notary Public, and in the presence of the subscribed witnesses personally came and appeared, Alexander Milne, master Mariner and Commander of the steamship *Courland*, of the burthen of 760 tons or thereabouts and of 120 nominal horse-power, belonging to this Port, and now lying in the inner harbour of this said Port of Natal, who did solemnly declare and state as follows, that is to say:

That the said steamer, laden with a cargo of general merchandise and carrying 255 passengers, left the Port of Bombay on the 30th day of November last, and dropped anchor in the outer anchorage of this port, at 6.34 p.m., on the 18th day of December, 1896.

Before leaving Bombay the crew and passengers were inspected and counted, and a bill of health and port clearance was granted.

Throughout the voyage, the passengers and crew were absolutely free from sickness of any description whatsoever, and every day during the said voyage, the cleaning, ventilating, and disinfecting of the passengers' quarters was strictly attended to, and upon arrival here the said appearer handed to the Health Officer of this port the usual documents as to the health of all on board and in reply to the said appearer's enquiries, the Health Officer informed him that the said vessel would be placed in quarantine until 23 days had elapsed since leaving Bombay.

On the 19th December, the said appearer signalled the shore: "I am getting short of water and must endeavour to get some." Cleaning and disinfecting of ship strictly attended to.

On the 22nd December, the appearer again signalled the shore as follows: "Our days have expired, are we out of quarantine? Please consult Quarantine Officer, report we all well; thanks", to which the following reply was received: "Length of quarantine not decided yet." During each of these four days of quarantine, the said appearer's vessel was cleaned and disinfected and quarantine regulations were strictly adhered to.

On the 23rd December, the following was signalled by the said appearer: "Distressed for want of water, want grass for horses. Perfect health on board, inform owners, use every exertion to relieve us from quarantine", to which a reply was received as follows: "From owners: condense water, hope to hear relief from quarantine this afternoon; send hay off tomorrow morning; have you a mail?"

On the 24th December, the Health Officer boarded, and ordered that all old mats, dirty rags and old clothes be burnt; that the holds were to be fumigated and whitewashed, and all clothes to be hung up and disinfected; that food stuff was to be kept from coming in contact with passengers, and all the passengers' wearing apparel was to be dipped in carbolic acid, that the passengers themselves were to be washed in a weak solution of carbolic acid, and every effort was to be used to keep the vessel clear of sickness. He also said, the quarantine would be 11 days from this date.

On the 25th December, a large quantity of passengers' sleeping mats were burned; all passengers' quarters, water-closets and urinals whitewashed and disinfected.

On the 26th December, the passengers were washed and their clothing apparel dipped in diluted carbolic acid. The following was signalled to the shore: "Distressed for want of water send at once, also fresh provisions and stuff, according to order of Quarantine Officer. Is there anything to prevent landing horses, Quarantine Officer having visited us. Perfect health on board, and Quarantine Officer's orders being executed. Relieve us quickly, passengers much distressed at delay. Thanks."

On the 27th December, the appearer hoisted the signal: "Are you sending order of yesterday?", in reply to which the following signal was displayed at the signal station: "Have arranged to supply water 9 a.m. tomorrow." "Distressed for want of water" was then signalled by the said appearer and kept flying for 2 hours. As usual, cleaning and disinfecting of the ship throughout was strictly attended to.

On the 28th December, the following signal was made: "Send everything wanted in order of Saturday, also letters, likewise information respecting landing horses." At 11 a.m. the steam tender *Natal* came alongside, and put on board carbolic acid for disinfecting and sulphur for fumigating purposes. The police officer also boarded to superintend the use of the above-mentioned disinfectants. A quantity of fresh water was also put aboard. The ship was thoroughly fumigated with burning sulphur, the upper and lower decks thoroughly washed with carbolic acid, and the

same disinfectant was used throughout the ship. All bedding, mats, bags, baskets, and all other material likely to propagate disease was burned in ship's furnaces.

On the 29th December, the upper and lower decks were washed with carbolic acid, and the same disinfectant used freely throughout the ship. The following signal was hoisted by the said appearer: "Disinfection and fumigation carried out to satisfaction of officer on board. Please inform Quarantine Officer at once." At 10 a.m., four hours later, the said appearer signalled the shore: "We are ready, waiting for Quarantine Officer." At 2.30 p.m. the steam tender *Lion* came alongside and put the Quarantine Officer aboard, who, after inspecting the ship throughout, expressed himself as being perfectly satisfied with the manner in which his orders had been carried out, but said that the vessel should have to remain in quarantine for a further 12 days from this date. At 3 p.m. the following signal was hoisted: "By order of the Government, all passengers' bed-clothes having been burnt, request Government to renew same at once, as passengers' lives are in danger without them. Want written instructions how long quarantine is to last, as verbal time changes [with] every visit of Quarantine Officer. No case of sickness occurring in the interval. Give notice to Government our ship has been disinfected every day since leaving Bombay. Want 100 fowls and 12 sheep." Cleaning and disinfecting of the ship strictly attended to.

On the 30th December, the said appearer signalled as follows: "Reply to our signal of yesterday. Passengers wish to disembark, will pay their own expenses in quarantine."

On the 31st December, the said appearer again signalled the shore as follows: "Do you intend this year to answer my signals of Tuesday and yesterday?" Cleaning and disinfecting of ship strictly attended to as usual.

On the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th and 8th January, 1897, the ship was regularly every day ventilated, cleaned and disinfected throughout, and all quarantine regulations strictly observed.

On the 9th January, the cleaning and disinfecting was repeated. At 5.30 p.m. the said appearer received a letter per the *Natal* from the owners through Mr. Gandhi, advising not to remove the steamer without express instructions from them, as it was dangerous to the lives of the Indian passengers. Not even after receiving *pratique* was the steamer to be moved.

On the 10th January, the following signal was hoisted: "Quarantine having again expired, wish to disembark at once four European passengers. Also send water and fresh provisions. Want instructions as to landing horses. Send fodder. Report we all well." These signals were all understood at the Station on shore and the Answering Pennant hoisted in reply to each. Cleaning and disinfecting repeated as usual.

On the 11th January, the Health Officer visited the ship and granted *pratique*. At 1.30 the tender *Natal* put on board 4,800 gallons of water. Four European passengers landed per *Natal* after hoisting signal, "My European passengers refused a passage on shore by the *Natal*. Please give instructions." At 4 p.m. signals were hoisted on shore, but could not be made out owing to haziness. Cleaning and disinfecting as well as ventilating of holds strictly attended to. A letter was received, signed by Harry Sparks, "Chairman of Committee", and is hereto annexed and marked "A",<sup>1</sup> and copies of which are annexed to the duplicate original and protocol hereof. Certain enclosures were said to be made therewith, but were never received by the said appearer.

On the 12th January, cleaning and ventilating, etc., having been repeated at 4.30 p.m., "Captain will be off tomorrow" was signalled from the shore.

On the 13th January, at 7.10 a.m., the Government tug *Churchill* came alongside with Pilot Gordon, who ordered the said appearer to heave short the cable, and to be ready to go inside at 10.30 a.m., this being a distinct order from Government, through the Port Captain. The said appearer having received instructions from the owners of the said *Courland* not to move without orders from them, requested Pilot Gordon to notify the owners that he was entering the harbour on Government orders. At 11.50, the Pilot came off in the tug *Richard King*, the vessel was got under way and taken across the bar. At 12.45, the Port anchor was let go and the vessel moored head and stern to buoys. At 1.15, Mr. H. Escombe, the Attorney-General for the Colony, came alongside with the Port Captain, and requested the said appearer to inform the passengers that they were under the protection of the Natal Government, and that they were as safe here as they would be in their own Indian villages. At 3 p.m., orders were received from the Port Captain to inform passengers they were free to land.

And the said Alexander Milne did further declare that, since the arrival of his said vessel in the inner harbour of this Port, on the 13th January, till the afternoon of the 23rd instant, his said vessel has been obliged to continue moored in the stream, instead of obtaining a berth at the wharf, while other vessels have arrived, and accommodation has been found for them at the said wharf. And that the Port Captain has refused to explain to the said appearer the reason for such treatment.

On the 16th January, the said Alexander Milne appeared before the Notary, Frederic Augustus Loughton, at Durban, aforesaid, and cause his protest to be duly noted.

<sup>1</sup> Vide the following Appendix.



And the appearer protests, and I, the said Notary do also protest against the aforesaid acts of the Government, or Government officials, and all loss or damage occasioned thereby.

Thus done and passed in due form of law at Durban, Natal, the day, month and year first before written in the presence of the witnesses hereunto subscribing.

As Witnesses:

(Sd.) GODFREY MILLER

(Sd.) GEORGE GOODRICKE

(Sd.) ALEXANDER MILNE,

QUOD ATTESTOR

(Sd.) JOHN M. COOKE,

NOTARY PUBLIC

## (APPENDIX Aa)

*Copy*

*January 8, 1897*

CAPTAIN MILNE

s. s. *Courland*

DEAR SIR,

Neither you nor your passengers may be aware that the feeling in the Colony against the inflow of Asiatics has been running very high lately, and has culminated on the arrival of your ship and the *Naderi*.

Following on that, public meetings have been held in Durban, at which the enclosed resolutions were carried with acclamation. So largely attended were these meetings that all desiring it could not get into the Town Hall.

Almost every man in Durban has signed signifying his intention to prevent those on board your ship and the *Naderi* landing in the Colony and we are most desirous there should, if possible, be avoided a conflict between the men of Durban and your passengers, which will most assuredly happen if they attempt to land.

As your passengers are ignorant of the state of feeling, and have come here in ignorance, and we have it from the Attorney-General that if your people are willing to return to India, the Colony will pay the expense.

We shall therefore be glad to receive an answer from you before the ship comes alongside the wharf, whether the passengers elect to return to India at the Colony's expense or to endeavour to force a landing against the thousands of men who are ready and waiting to oppose their landing.

*Yours truly,*

(Sd.) HARRY SPARKS

CHAIRMAN OF COMMITTEE

## (APPENDIX B)

### *Copy*

[January 22, 1897]

By this public instrument of protest, be it hereby made known and made manifest unto all whom it may concern that, on this the twenty-second day of January, in the year of our Lord, one thousand eight hundred and ninety-seven, before me, John Moore Cooke, of Durban in the Colony of Natal, Notary Public, and in the presence of the subscribed witnesses, personally came and appeared Francis John Raffin, Master Mariner and Commander of the steamship *Naderi*, of the burthen of 1,168.92 tons or thereabouts, and of 160 nominal horse-power, belonging to the Port of Bombay and now lying in the inner harbour of this Port, who did solemnly declare and state as follows, that is to say:

That the said steamer, laden with a cargo of general merchandise and carrying 350 passengers, left the Port of Bombay on the 30th [28th?] day of November last and dropped anchor in the outer anchorage of this Port at noon on the 18th day of December, 1896.

Before leaving Bombay, the crew and passengers were inspected and counted and a bill of health and port clearance was granted.

Throughout the voyage, the passengers and crew were free from sickness save the saloon cook who suffered from swollen feet but who, on being examined on the 19th December by the doctor, was reported to be suffering from a complicated disease of the liver and kidneys of which he died on the 20th December, and upon arrival here, the said appearer handed to the Health Officer of this Port the usual documents as to the health of all on board, and in reply to the said appearer's enquiries, the Health Officer informed him that the said vessel would be placed in quarantine for five days in order to made 23 days from the time of leaving the Port of Bombay.

On the following day the decks, passengers' and crew's quarters were washed and disinfected.

On the 20th December, the decks, passengers' and crew's quarters and the ship were washed down and thoroughly disinfected fore and aft.

On the 21st December, the ship was washed down, and all the water-closets, latrines, etc., were thoroughly disinfected and quarantine rules strictly observed.

On the 22nd December, the decks were washed and the water-closets, latrines, etc., were disinfected.

The five days imposed upon the ship by the Health Officer having expired, during which time the ship was in quarantine, and the rule of quarantine having been strictly observed, the said appearer signalled the shore station as follows: "What was decided about quarantine, answer will oblige", to which the following reply was received, "Length quarantine not yet decided."

On the 23rd December, the decks were washed down and all water-closets and latrines disinfected, and the said appearer again signalled the shore as follows: "What about quarantine?", and received the following reply, "Quarantine Officer has no instructions yet."

On the 24th December, the decks were washed and the water-closets disinfected, and on that day, the Health Officer and Police Superintendent came on board, whereupon the crew and passengers were mustered and inspected, the ship thoroughly disinfected, in which carbolic acid and carbolic powder were liberally employed. The passengers' soiled clothing and all mats, baskets and useless articles were destroyed in the donkey furnace by the Health Officer's instructions and a further term of twelve days' quarantine imposed. The quarantine regulations have been strictly observed up to this date.

On the 25th December, the decks and between decks were washed down with a solution of carbolic and water, in the proportion of 1 to 20, as recommended by the Health Officer.

On the 26th December, the decks were washed and the water-closets disinfected, and quarantine rules strictly observed.

On the 27th December, main deck and between decks were washed and disinfected with a solution of carbolic and water in the proportion of 1 to 20.

On the 28th December, the decks and between decks washed with carbolic solution and the water-closets whitewashed and, up till this date, day by day, quarantine rules were strictly observed. Passengers' beds, bedding, and all soiled clothing destroyed in ship's furnaces, and all the passengers' clothing hung on lines on main and between decks, and nine sulphur fires placed, all hatches closed and fires kept burning till 6.30 p.m. Forecastle, saloon, and second-class cabins, water-closets and alleyways treated in a similar manner. Passengers and crew were washed in the solution, decks washed down, and all passengers' accommodation washed with carbolic and water, and clothing placed in the solution.

On the 29th December, the following was signalled to the shore: "Disinfection completed to the Officer's satisfaction." The Health Officer inspected the ship and declared himself satisfied with the disinfection carried out, and imposed twelve days' quarantine on the ship and crew from this date.

On the 30th December, the following was signalled to the shore: "Ask Government to supply at once 250 blankets for passengers instead of those destroyed by Government; passengers are suffering greatly without them, other wise disembark them at once. Passengers suffering from cold and wet, fear sickness in consequence."

On the 9th January, the following was signalled to the shore by the said appearer: "Quarantine finished. When shall I obtain *pratique*? Please reply."

On the 11th January, the Health Officer boarded and granted *pratique*, the Quarantine flag was hauled down, and the appearer asked permission to land, and was

told that he was not allowed to do so, in the presence of the Police Officer and Pilot. The *Natal* came along with the Pilot who boarded and filled in the papers and port documents, and left orders for the said Francis John Raffin to be ready to enter the harbour, if signalled from shore.

On the 12th January, there were no signals from the shore.

On the 13th January, the *Churchill* came alongside with Government order to be ready to go inside at 10-30 a.m. At half past twelve, the appearer's vessel dropped anchor and moored alongside the steamship *Courland*. At 2.30, orders were received from the Port Captain to inform passengers that they were free to land.

And the appearer protests, and I the said Notary do also protest against the aforesaid acts of the Government or Government officials, and all loss or damage occasioned thereby.

Thus done and passed in due form of law at Durban, Natal, the day, month and year first before written in the presence of the witnesses hereunto subscribing.

As Witnesses:

(Sd.) GEORGE GOODRICKE

(Sd.) GODFREY WELLER [MILLER?]

(Sd.) F. J. RAFFIN

QUOD ATTESTOR

(Sd.) JOHN M. COOKE

NOTARY PUBLIC

## (APPENDIX C)

*Copy*

DURBAN,

*December 19, 1896*

To

THE HEALTH OFFICER

PORT NATAL

S. S. "NADERI"

DEAR SIR,

Have read in this morning's *Mercury* that the above vessel had no sickness on board, and hence we are very much surprised to find her put in quarantine station.

We shall be much pleased to know the cause of her being put in quarantine.

Will esteem it as a great favour for an early reply.

*Yours truly,*

(Sd.) Dada Abdoolla & Co.

(APPENDIX D)

*Copy*

*December 21, 1896*

(TELEGRAM)

FROM  
LAUGHTON  
  
To  
COLONIAL SECRETARY  
MARITZBURG

The two steamers *Courland* and *Naderi* left Bombay twenty-eighth and thirtieth ultimo,<sup>1</sup> and arrived here Friday last. No sickness on board, but each put in quarantine under proclamation signed same day, and printed day after. Am preparing petition to His Excellency on behalf of owners and wish to introduce deputation and appear as Counsel to urge exceptional nature case under the laws, and seeking exemption from quarantine. Loss to owners combined, by detention, one hundred and fifty pounds per day, and the *Naderi* under charter party for freight Mauritius to Bombay. Will His Excellency receive deputation Wednesday next?

GOODRICKE, LAUGHTON & COOKE

(APPENDIX E)

*Copy*

(TELEGRAM)

FROM  
PRINCIPAL UNDER-SECRETARY  
  
To  
F. A. LAUGHTON, ESQ.  
DURBAN

22nd.—Yours of yesterday.—I am directed to reply that the petition in question will be referred by the Governor for advice of ministers, and there will, therefore, be no need of deputation to and argument before His Excellency.

<sup>1</sup> This should be the other way round. The *Courland* left on the 30th and the *Naderi* on the 2th November.

(APPENDIX F)

*Copy*

DURBAN,

*December 21, 1896*

TO

THE HONOURABLE HARRY ESCOMBE

SIR,

I have the honour to enclose a copy of a telegram which I today despatched to you at Pietermaritzburg, not knowing that His Excellency the Governor was at Durban.

The *Courland*, s.s., and *Naderi*, s.s., left Bombay on the 28th and 30th ultimo,<sup>1</sup> and on their arrival here on Friday last, were placed in quarantine under a proclamation dated the same day and published in a *Gazette Extraordinary* dated the day after, although there had been no sickness of any sort on board the respective steamers during their respective voyages.

Under the Law 4 of 1882, it is enacted that it shall be lawful for His Excellency, with the advice of his Executive Council, from time to time, to make such orders and rules as may be deemed necessary to meet exceptional cases, and to determine whether, and under what circumstances, any ship or vessel may be partially or wholly, exempted from the operation of law, and a petition is being prepared to His Excellency with the object of showing that such exceptional circumstances exist, and I am desirous of introducing a deputation to His Excellency to present the petition, and of myself appearing before His Excellency as Counsel for the shipowners in support of their petition.

The vessels are being detained at an expense to the respective owners of one hundred and fifty pounds per diem, and they are, therefore, anxious to appear before His Excellency on as early a day as he will be pleased to appoint.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

(Sd.) F. A. LAUGHTON

<sup>1</sup> This should be the other way round. The *Courland* left on the 30th and the *Naderi* on the 2th November.

(APPENDIX G)

*Copy*

DURBAN,  
*December 22, 1896*

DEAR MR. LAUGHTON,

The Governor desires me to say that, although in such a matter of administration as quarantine, he will, of course, refer to ministers for advice, he will, if it is still wished, receive a deputation tomorrow in Pietermaritzburg, of gentlemen interested in the Subject.

F. A. LAUGHTON, ESQ.

*Yours faithfully,*  
(Sd.) HARRY ESCOMBE

(APPENDIX H)

*Copy*

TO

HIS EXCELLENCY THE HONOURABLE SIR WALTER FRANCIS HELY-HUTCHINSON, KNIGHT  
COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT  
GEORGE, GOVERNOR AND COMMANDER-IN CHIEF IN AND OVER THE COLONY OF  
NATAL; VICE-ADMIRAL OF THE SAME, AND SUPREME CHIEF OVER THE NATIVE  
POPULATION:

THE HUMBLE PETITION OF DADA ABDOOLLA & CO., OF THE TOWN OF DURBAN, OWNERS OF  
THE "COURLAND" (S.S.) AND REPRESENTING THE OWNER OF "NADERI" (S.S.) FOR A  
RELEASE OF THE SAID STEAMERS FROM QUARANTINE

SHEWETH,

That the said *Naderi* and *Courland* respectively left Bombay on the 28th and 30th ultimo, with 356 and 255 passengers respectively, of all classes, on board, and bound respectively for this port, where they arrived respectively, on the 18th instant, at 2 o'clock p.m., and 5.30 o'clock p.m.

That the respective Medical Officers, on board the said respective vessels, reported to the Government Health Officer, on their arrival here, that there was then, and during the respective voyages from Bombay there had been, no sickness whatever on board the said vessels, yet the said Government Health Officer of the Port refused *pratique*, alleging as a ground therefor a Proclamation of Your Excellency.

That the Proclamation referred [to] is dated the 18th instant, and was published in a *Gazette Extraordinary*, dated the 19th instant.

That your Petitioners submit as follows:

- (a) That a proclamation is a “publication by authority, or notice public,” and that the said Proclamation not being published until the 19th instant, could not apply to said steamers which had actually arrived on the 18th instant.
- (b) That by a strict construction of the words contained in Section 1 of Law 4, of 1882, the Proclamation could only apply to steamers which, after the notification of the said Proclamation both left and arrived here from the infected Port.
- (c) That the crowding of large numbers of passengers on steamers of the description of those aforesaid is conducive to illness and epidemic.
- (d) That from the certificates of medical men hereto annexed, it will appear that the passengers could be landed without any danger to the community.
- (e) That in consequence of the acts aforesaid your Petitioners are sustaining damage averaging one hundred and fifty pounds per diem.

Wherefore, your Petitioners pray that the Medical Officer of the Port may be directed to grant *pratique* to the said vessels, or that such relief may be granted in the premises as is meet. And your Petitioners will ever pray, etc.

(Signed) DADA ABDOOLLA & Co.

(APPENDIX Ha)

*Copy*

DURBAN,  
*December 22, 1896*

MESSRS GOODRICKE, LAUGHTON & COOKE  
GENTLEMEN,

Please find replies to your interrogations:

1st. How long after contraction would the symptoms of bubonic fever or plague be manifest?

The period of incubation varies from a few hours to a week (*Crook-shank's*, 4th Edition, 1896). I have killed guinea pigs in 24 hours by inoculating with the cultivation.

2nd. Would you expect the disease to exist on a ship 18 days after leaving the infected port, meanwhile no sickness on board?—No.

3rd. What would be the effect of keeping 350 Indians cooped up in a small steamer at the outer anchorage for a considerable time during this hot weather?—Most disastrous to the Indians.

*Your sincerely,*

(Signed) J. PERROTT PRINCE, M. D.



(APPENDIX Hb)

*Copy*

*December 22, 1896*

DEAR SIR,

For your information regarding the plague now prevalent in Bombay, I will answer your questions seriatim.

Firstly, the incubation period is generally considered to be from 2 to 8 days, though Sir Walter Broadbent considers the period from a few hours to 21 days. Twenty-one days appears to be the outside limit the disease can require to make itself manifest after contraction.

Secondly, in my opinion, if there was beyond doubt a clean bill of health during a 21 days' voyage, there would be no danger of the disease in that boat.

Thirdly, the keeping closely packed of a large number of persons in a confined space is always liable to lead to ill health, and therefore to be avoided if possible.

*I am,*

*Faithfully yours,*

(Signed) N. S. HARRISON,

M.D., B.A., CANTAB.

(APPENDIX I)

*Copy*

(TELEGRAM)

FROM

LAUGHTON

TO

COLONIAL SECRETARY

MARITZBURG

Anxiously awaiting reply re. quarantine. Both steamers are signalling for water forage and provisions.

(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX J)

*Copy*

DURBAN,  
*December 24, 1896*

TO  
DANIEL BIRTWELL, ESQ., M.D.,  
ACTING HEALTH OFFICER  
PORT OF NATAL  
SIR,

We are instructed by Messrs Dada Abdoola & Co., of this town, owners of the *Courland*, s.s., and representing the owners of the *Naderi*, s.s., to bring to your notice that these vessels with 255 and 356 passengers on board respectively, have been lying in the outer anchorage, bound from Bombay to this Port, since Friday last, the 18th instant, without *pratique* being granted to them by you, although the respective masters have been ready and willing, and still are, to sign a declaration in terms of Law 3, 1858, testifying to the perfect state of health of all on board the said respective vessels throughout the voyage, and to do all things necessary to meet the requirement of the law.

We are instructed to request you immediately to grant *pratique* to the said vessels to enable them to enter the harbour and discharge their passengers and cargo.

In case you should refuse to grant our request, we shall be glad if you will inform us of the grounds of your refusal; and as this is a matter of the utmost urgency, we shall feel obliged by giving us [*sic*] your reply at your earliest convenience.

*We are,*  
*Sir,*  
*Your obedient servants,*  
(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX K)

*Copy*

DURBAN,  
*December 24, 1896*

TO  
GOODRICKE, LAUGHTON & COOKE  
GENTLEMEN,

Your letter of today to hand. I am endeavouring to do my duty as Health Officer with due regard to all interests.

I am willing to authorize the placing in quarantine on the Bluff, at the cost of the ships, all persons intended to be landed. And when this is arranged for, *pratique* may be given to the ships after my instructions have been carried out.

*Yours obediently,*  
(Signed) D. BIRTWELL  
AG. MEDICAL OFFICER OF HEALTH

(APPENDIX L)

*Copy*

Durban,  
*December 25, 1896*

TO  
DR. BIRTWELL, ESQ., M.D.  
ACTING HEALTH OFFICER  
SIR,

We have your letter of yesterday, but before replying thereto, we would draw your attention to the fact that you have given us no reply to the question contained in our letter of yesterday. On receipt of an answer thereto, we shall be in a position to answer your letter of the 24th inst.

In view of the fact that each day's detention of the vessels represents a loss of £150, and great risk to the health, if not the lives, of passengers, we trust we shall receive your reply during the morning, and you shall have ours immediately thereafter.

*We are,*  
*Dear Sir,*  
*Your obedient servants,*  
(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX M)

*Copy*

DURBAN,  
*December 25, 1896*

TO  
GOODRICKE, LAUGHTON & COOKE  
GENTLEMEN,

In reply to your of December 25th to hand, in which you state that I have given no reply to the question contained in your previous letter in reference to my

refusal to grant *pratique*, etc., I beg to state that I do not consider it safe to grant *pratique* to the vessels except on the conditions stated by me.

*Yours obediently,*  
(Signed) D. BIRTWELL,  
ACTING MEDICAL OFFICER OF HEALTH,  
DURBAN PORT

(APPENDIX N)

*Copy*

DURBAN,  
*December 25, 1896*

TO

D. BIRTWELL, ESQ., M.D.  
ACTING HEALTH OFFICER

DEAR SIR,

We have your letter of today wherein you state, with reference to your refusal to grant *pratique*, that you do not do so because you do not consider it safe to do so except on the conditions stated by you.

In reply, we beg to draw your attention to the fact that you still give us no reply to the question contained in our letter to you, of yesterday .

In order that there may be no mistake between us, we beg to draw your attention to the Law, by which you will see that *pratique* can be refused on certain grounds, and we ask you to state your grounds in this case.

We venture to express surprise at your evident reluctance in answering a question which our clients are so clearly entitled to put.

*We are,*  
*Dear Sir,*  
*Your obedient servants,*  
(Signed) GOODRICKE, LAUGHTON & COOKS

[PS.]

We also ask for the exact conditions which you make for the granting of *pratique*, as, if you have given them to us, it must be very imperfectly so.

(APPENDIX O)

*Copy*

DURBAN,  
*December 26, 1896*

To  
GOODRICKE, LAUGHTON & COOKE

GENTLEMEN,

I have your letter of December 25th, 1896. I cannot let any risk to the Colony be run by giving *pratique* to the steamers without proper precautions.

If the passengers are not landed into quarantine quarters, 12 days must run after fumigation of the ship and precautions as regards clothing, namely, by washing and disinfecting, and the burning of sundry old rags, mats, sacks, etc., in accordance with instructions given by me to each Captain, before *pratique* can be given. If the owners agree to bear the expense of quarantine, then the landing must be preceded by fumigation and precautions as above, and after the landing is effected, the departure of the steamers will be facilitated; but there must be no contact with shore except under proper restrictions. If you want to get the steamers away, the simplest course will be to arrange for the owners to bear the expense of quarantining the passengers on the Bluff for twelve days after fumigation, etc., of the ship, or for any longer period, should such necessity arise.

As regards any legal points connected with the matter, please write to the Clerk of the Peace, as I have nothing to do with them.

*Yours obediently,*  
(Signed) D. Birtwell

(APPENDIX P)

*Copy*

DURBAN,  
*December 26, 1896*

To  
D. BIRTWELL, ESQ., M.D.

DEAR SIR,

We have your letter of today, We have three times asked you for your reasons for refusing *pratique* to the steamers *Courland* and *Naderi* and each time you have evaded the question. We must, therefore, take it that you refuse to give them.

We have been informed by the Principal Under-Secretary that you have informed the Government that you base your refusal on the fact that the bubonic plague is prevalent at Bombay, and that there is danger of infection if *pratique* is granted to these steamers, and unless we hear from you to the contrary, we shall take

it that this is your reason. Presuming this to be a good ground in law, it would certainly have to be based on reasonable grounds.

Dr. Crookshank, in his recent edition on bacteriology, says “that the period of incubation varies from a few hours to a week.” Drs. Prince and Harrison, in their respective reports which we annexed to our clients’ petition to the Government, say much the same, and you, we are informed, give the period of twelve days. It is now 26 and 28 days respectively since the vessels left Bombay, and they have now, and have had, ever since the commencement of their respective voyages, an absolute clean bill of health; and yet, despite these facts, you declare it as your intention to refuse *pratique* until a period of twelve days have [*sic*] elapsed after you have disinfected the passengers and ships. Our clients instruct us to protest against such a course, and to inform you that you will be held responsible for all loss caused to them by reason of your refused *pratique*, and also for the injury to the health of the passengers, which is likely to ensue from being confined to the steamers for a lengthened period.

We are, likewise, instructed to draw your attention to the fact that the steamers have now been at the outer anchorage for upwards of eight days, and that it would appear from your letter of today that no steps have been taken to disinfect them, although on Thursday morning last you informed the writer that you would probably do it that afternoon; for this delay you will also be held responsible.

With regard to placing the passengers in quarantine on shore at the expense of the owners of the vessels, we have to inform you that our clients regard your refusal of *pratique* as an illegal action, and they will, therefore, be no party to your proceedings, further than to request you, without one hour’s unnecessary delay, to take such steps as you may think proper for what you are pleased to call disinfecting the vessels. Moreover, the course you suggest would not decrease the damage to our clients because they would be unable to land the ships’ cargo.

We beg to record the fact that the Health Officer, on the arrival of the steamers, stated it as his opinion that *pratique* could be granted without any danger, and that, if he were permitted, he would do so, but he was thereupon, suspended by the Government, and you appointed in his place.

Also that Drs. MacKenzie and Dumat, having been privately interviewed by Mr. Escombe on the question, were at his suggestion (as he informed the writer) called in by you to give their opinion as to refusing the *pratique*.

*We are,*

*Sir,*

*Your obedient servants,*

(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX Q)

*Copy*

DURBAN,  
*January 8, 1897*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
MARITZBURG

SIR,

We have the honour to bring the following facts to your notice.

We are the owners of the *Courland* s.s., and we represent the owners of the *Naderi* s.s., which steamers left Bombay for this port on the 30th November last,<sup>1</sup> and arrived here, respectively, on the 18th ultimo at 5.30 p.m. and 2 p.m., having on board, respectively, 255 and 356 of Her Majesty's Indian subjects.

On the following morning, a *Gazette Extraordinary* was issued by the Government, containing a Proclamation of the Governor, proclaiming Bombay an infected port.

The above steamers had absolutely clean bills of health on arrival, and during the whole of their respective voyages, but they were refused *pratique* on grounds which the Acting Health Officer of the Port refused to give, but which, we presume, were given to us by telegram from the Principal Under-Secretary, dated the 24th ultimo, as follows: "That the Medical Committee has advised Government that the period of incubation of the bubonic plague being sometimes as much as twelve days, the quarantine should be of that period after all chances of disinfection [*sic*] have been destroyed, and Committee has also recommended the thorough disinfection of immigrants and their clothing, and the burning of all old rags and dirty clothing. Government has approved the Committee's Report, and has instructed the Health Officer to act upon it, and not to grant *pratique* to the ships until he is satisfied that the conditions of the Report have been fulfilled."

The steamers lay at anchor in the outer anchorage from the 18th ultimo, until the 28th ultimo, without any steps whatever being taken to disinfect them, but on the 29th ultimo, we believe, disinfection was completed, in terms of the above mentioned report of the Medical Committee.

This delay in disinfection cost the owners of the steamers one hundred and fifty pounds per diem, or a sum of £1,650.

Relying on the assurance contained in the Principal Under-Secretary's telegram of the 24th, that *pratique* with all its privileges would be granted to the steamers if they were placed in the hands of the Health Officer, for the purpose of undergoing the requirements of the Medical Committee's Report, steamers were so

<sup>1</sup> This should be the other way round. The *Courland* left on the 30th and the *Naderi* on the 2th November.

placed in his hands to great injury (1) to the passengers, as all their beds bedding and much of their clothing was burned, and for several nights, many of them were left to sleep on the boards; (2) to us as owners, inasmuch as our steamers have been detained during the days of quarantine at an expense of £150 per diem; and (3) to the friends and countrymen of the passengers, who have supplied their wants by furnishing beds, bedding, clothing and food during the detention.

During the last few days, two meetings of excited European townspeople have been held at Durban, called together under the following notice which appeared in several issues of *The Natal Advertiser*:

“Wanted every man in Durban, to attend a meeting to be held in the large room at the Victoria Cafe, on Monday evening next, the 4th January, at 8 o’clock, for the purpose of arranging a demonstration to proceed to the Point and protest against the landing of Asiatics, Harry Sparks, Chairman of Preliminary Meeting.”

The two meetings were largely attended, and in spite of the unlawful objects of such meetings clearly indicated in the above notice, the Town Hall of Durban was opened for such meetings.

We quite recognize the right of Her Majesty’s subjects to ventilate their grievances in public meetings, provided the objects of such meetings are legal, and as regards the first of the said two meetings held on the 4th instant, we would draw your attention to the report of it which appeared in *the Mercury* and *The Natal Advertiser* of the 5th instant, by which you will see that, in spite of declaration by certain speakers to the contrary, violence to the passengers or to some of them was contemplated in the event of the Government not granting their request, and in the event of the passengers being landed.

But as regards Dr. Mackenzie, who formed one of the Medical Committee upon whose report the steamers were placed in quarantine, and who, as on of such Committee, is supposed to have given his opinion with impartiality and fairness, we would venture to bring to your notice extracts of a speech which he delivered to such meeting in proposing the following resolution, that is to say:

“Every man at this meeting agrees and binds himself, with a view to assisting the Government to carry out the foregoing resolution, to do all his country may require of him, and with that view will, if necessary, attend at the Point at any time when required.”

The following are extracts of Dr. MacKenzie’s speech taken from the report of a gentleman employed by us:

“Mr. Gandhi had dragged their reputation about in the gutters of India, and painted them as black and filthy as his own skin. (Laughter and applause.)”

“They would teach Mr. Gandhi to come to the Colony of Natal, to take everything that was fair and good in it, and then to go out of it and blackguard them whose hospitality he had been enjoying. They would teach Mr. Gandhi that they read from his action that the coolies were not satisfied with what they (Colonists) had given him, and that he intended to get something more, and gentlemen, he would get something more. (Laughter and applause.)”



“As the United States sent back some Chinamen to China, and even some people back to Glasgow, because the Yankees did not think them good enough, and they were going to send back a lot of unhealthy bubonic individuals to the place from whence they came.”

In speaking immediately to the resolution which he proposed, Dr. MacKenzie said:

“Well, they saw that that brought them to the Point, (Loud applause.) He hoped they would be all there when required. There was nothing in that that any of them need be ashamed of. Every man, who had any manliness about him, should be prepared to do something for his country when their country required it.”

“But, if the glimmering outlook that they could gather was going to indicate that the Indians were going to place themselves on the same platform as the whites, that could only be done in one way, and it could only be done at the end of the bayonet. (Applause.)”

“They there that night were prepared to go to any extreme in defending their own honour, and in securing to their children places in the Colony, which even now they had given away to the heirs and offspring of Gandhiites. (Applause.)”

“He had come to the meeting in a bit of a hurry, but he thought he had placed before them the leading points, and it meant this, that they were going to back the Government up in this matter, that they believed the Government would co-operate with them, and that not a soul would be allowed to land from those two ships in the harbour of Durban. (Loud applause.)”

We extract the following from the report of the proceedings at the second meeting held on the 7th instant contained in *The Mercury* of today:

MR. J. S. WYLIE: “Somebody said ‘sink the ships,’ and he had heard a naval man say he would give a month’s pay for one shot at the ships.” (Cheers and laughter.) “Was every man prepared to put down a month’s pay in this matter? (Cries of ‘Yes,’ and ‘Unanimous’.)”

MR. SYKES: “They must make up their minds to lose both time and money; they must be prepared to leave their work and proceed to Demonstration. It must be done on an organized system—they must obey their leader. It was no good for everyone to throw one another overboard. (Laughter.) They must strictly obey orders. At the word of command, ‘fall in’, and do what they were commanded.” (Cheers, laughter and encores). He moved: “That we proceed by demonstration to the Point on the arrival of the Indians, but each man binds himself to conform to the orders of his leaders. (Cheers).”

DR. MACKENZIE: “Since they last met, the position had become less acute. They had advanced the line laid down, and they knew exactly the position of the Government, the willingness of the Government to assist them by all the power they had at their disposal. As far as the Government was concerned, he was thoroughly satisfied. The Government on this point were absolutely at one with the burgesses of

Durban, and therefore, they had to set aside any question as to difficulty of conflict with the gentlemen whom the electors had placed, for the time being, in the position of the Government. They were in accord with the Colony, and that was a matter for congratulation. Unfortunately, the Government was so placed that they could not insist on the Indians not landing here, and being sent back in the ships in which they came. That was practically impossible; and the Committee pointed out to Mr. Escombe that this condition of things was an anomaly. There must be some short-fall in the Constitution of the Colony when the best interests and absolute desires of the Colonists could not be achieved and met by the machinery of Government. (Cheers.) They pointed out that the Colonists would insist that that condition of things should cease, and that the Government should be placed in the position of being able to meet the wishes and necessities of the country. Mr. Escombe agreed with them, and they had heard what steps had been taken to meet the urgency of the case. Government was taking all the steps it could, and, within a day or two, he hoped that every meeting held throughout the Colony would show one unanimous desire for and immediate summoning of Parliament. The men of Durban were unanimous. He said the men of Durban—there were a few old women knocking about the place. ('Hear, hear', and laughter.) They had only to take the tone of some of the leaders of the newspapers to see the type of men who stuck behind the quill. Men who wrote that sort of thing presumed that the burgesses did not know what was right, and had not got the pluck that was absolutely necessary to do what was right, because a little bit risk attached to it. (Cheers.) If there were any of those old ladies there, they would, doubtless, have stepped up when the Chairman asked for hands against the resolution. They must presume none were there, and they wanted no connection with that class of persons.

"The resolution had relation to the fair dealing of the Colony of Natal. All but one man on board those boats left India without any reason to suspect that they would not be agreeably received as residents in the colony. One passenger might be reasonably expected to have had some suspicion of that point. (Cries of 'Gandhi', laughter and uproar.)"

"Anything he said regarding the Indians did not refer to that gentleman. ('no gentleman'.) They laid down the rule, and no more Indians should come in.

"They had a right to shut the door, and they intended to shut the door. They would deal fairly also with these people now in quarantine—they would even be fair in dealing with respect to that solitary individual, but he hoped there would be a marked distinction between the dealing. (Laughter.) They were prepared to leave the matter in the hands of the Government so far as constitutional and international relations were concerned, but there was a private relation he did not intend to lay down—personal duty to themselves and the rest of the Colony. They did not intend to lay down the agitation until they achieved something. With that object in view, he wished the

burgesses of Durban to be ready at any time, as they had been in the past, to go down to the Point when called upon to make a demonstration, and they would show the people who came by these boats what the Colonists of Natal meant, and they would also have a further object, which would be gained from instructions of the leaders when they were there. (Cheers and laughter.) Everyone could associate himself with a certain leader, and through him gain information as to a notice they would get, and that notice meant that they got to the Point, they would get, and that notice meant that they had to throw down their tools and go straight to the Point. (Cheers.) When they got to the Point, they would be under orders—each would know if he took the trouble to find out. Then they would do exactly what their leader told them, if he told them to do anything. (Laughter.) In the course of a day or two, some fresh development would take place, and it would again be necessary to refer to them in another public meeting, because they did not wish to have their individual views or styles, but absolutely be the representatives of the people. (Cheers.)”

“The Chairman hoped they would all stick to their ‘guns’. Let them not be unanimous then, and when deeds were wanted find only one third of their number. The Demonstration would be a peaceable demonstration as regards the Indians on board—as regards one man it would be left to the leaders and them to deal with him down there. (Loud cheers and laughter.) They now wanted organization to carry out the object in view. Some men had said they would be able to bring fifty or one hundred men who were in their service, and they wanted volunteers of that kind who would lead so many men and be responsible for them. (A voice, ‘Have a review on Saturday.’)”

“Mr. Wylie said it would assist in the organization, and in the regulation of the Demonstration, if men gave in their names with a list of men who were willing to act with each, and would follow his lead. The Chairman would then know the Section Leaders, to whom to send word, and they in turn would inform their Company. There was, of course, only one leader, Mr. Sparks, but he could not speak to 5,000 men, and this means of communication was necessary. (A voice—It looks more like business now.)”

The meeting appears to have been greatly encouraged, in the carrying out of their demonstration, by the report made to the meeting of a Committee which had waited on Mr. Escombe, Her Majesty’s Minister of Defence in this Colony. The Committee reported as follows:

“Mr. Escombe treated the Committee at an interview that morning, extending over two hours, in a fair and reasonable manner. He said: ‘The Government is with you to a man, and wish to expedite this in every possible way. But you must be careful not to do anything which will hamper our hands. Spurring an unwilling horse to death

is a very different thing to spurring a willing horse to death.' Then the Committee said: 'If the Government did nothing, Durban would have to do it herself, and go in force to the Point, and see what could be done.' They capped that by remarking: 'We presume that you, as representing the Government and good authority of the Colony would bring force to oppose us?' Mr. Escombe said: 'We will do nothing of the sort; we are with you and we are going to do nothing of the sort to oppose you. But, if you put us in such a position, we may have to go to the Governor of the Colony and ask him to take over the reins of this Colony as we can no longer conduct the Government. You will have to find some other persons.' (Uproar.)"

It is not for us to express our opinion regarding such words as these, if they were actually uttered by the Minister of Defence, but we would most respectfully draw your attention to the extreme danger of allowing a large body of excited men to proceed to the point, however peaceful their original intentions may have been, and more especially, when from the utterances of the speakers and the comments thereon of the meeting, the gravest cause of anxiety must be aroused regarding the objects of the Demonstration, and the safety of the passengers on the two steamers.

We would respectfully submit that as law-abiding inhabitants of this Colony, we have endeavoured cheerfully to submit to the requirements of the Government, despite serious loss to us, and that having so complied, we are entitled, on obtaining *pratique*, to discharge our steamers' passengers at the wharf, and that in so doing, we are entitled to the protection of the Government for passengers and property against the lawless acts of any persons, whoever they may be. But, in order to render unnecessary any act on the part of the Government which might tend to intensify the excitement which exists, we are ready to co-operate with the Government in taking all necessary steps for the landing of passengers quietly and unknown to the public. We shall be glad to hear if this suggestion meets with your approval, and if so, what is required of us in carrying it out.

*We have the honour to be,*  
*Sir,*  
*Your obedient servants,*  
(Signed) DADA ABDOOLLA & CO.

(APPENDIX R)

*Copy*

DURBAN,  
*January 9, 1897*

TO

THE HONOURABLE THE COLONIAL SECRETARY

MARITZBURG

SIR

In supplement of our letter to you of yesterday, wherein we placed before you our reasons for entertaining grave apprehensions regarding the legality of the Demonstration and the safety, on landing, of the passengers on board the *Courland*, s.s., and *Naderi*, s.s. we have the honour to submit the following paragraph which appears in this morning's issue of *The Mercury* newspaper: "The declaration—the document which has been extensively signed by employers in Durban, is headed as follows: List of names of members, trade or profession mentioned, who are willing to proceed to the Point and resist by force, if necessary, the landing of Asiatics, and to obey any orders which may be given by the leaders."

We have, also, the honour to draw your attention to the same issue of *The Mercury* newspaper, and under the heading of "The Leaders", you will see it reported that the railwaymen have banded themselves together under the command of Mr. Sparks, and under the captainship of Messrs Wylie and Abrahams, in order to take part in the Demonstration; also that Dr. MacKenzie, member of the Medical Committee, on whose report steamers were quarantined, is in command of the Plasterers and Bricklayers division of the Demonstration.

We shall be glad to receive the assurance of the Government that Government servants will be prohibited from taking any part whatever in the Demonstration.

*We have the honour to be,*  
*Sir,*  
*Your most obedient servants,*  
DADA ABDOOLLA & CO.

(APPENDIX S)

*Copy*

COLONIAL SECRETARY'S OFFICE,  
NATAL, PIETERMARITZBURG,  
*January 11, 1897*

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GENTLEMEN,

I am instructed to reply to your two letters of the 8th and 9th instant.

Your proposal for the landing of the passengers quietly and unknown to the public is impossible. The Government understand that you have requested the Port Captain not to bring the vessels inside without special instructions. This action on your part, and your letters now under reply, show that you are aware of the intense feeling throughout the Colony against the landing of the Indians, and they certainly should be informed of the existence and strength of that feeling.

*I am,  
Gentlemen,  
Your obedient servant,  
(Signed) C. BIRD,*

PRINCIPAL UNDER-SECRETARY

MESSRS DADA ABDOOLLA & Co.  
DURBAN

(APPENDIX T)

*Copy*

DURBAN,  
*January 10, 1897*

TO  
THE HONOURABLE HARRY ESCOMBE  
DEAR SIR,

We have duly advised our clients, Messrs Dada Abdoolla and Co., of the result of Mr. Laughton's conference with you of yesterday, whereat you repudiated Mr. Wylie's public statement of what had fallen from you at your conference with the Committee of the Demonstration, and said that your statement to such Committee was to this effect: That, if the Ministers were unable to cope with a Durban riot, they would be unfitted to hold office, and would resign.

At your conference with Mr. Laughton, you also laid down the following propositions as recognized by the Government:

1. That upon the requirements of the quarantine being carried out, *pratique* must be granted to the steamers *Courland* and *Naderi*,
2. That upon *pratique* being granted, the steamers were entitled to discharge their passengers and cargo at the wharf, either by the steamers themselves being brought inside or by means of tugs and lighters.
3. That the Government is responsible for the protection of passengers and cargo from the violence of rioters.

On the other hand, you were informed by Mr. Laughton that, inasmuch as Indians had to dwell in this Colony with Europeans, our clients recognized it as desirable that, in the landing of passengers, as little as possible should be done which would tend to intensify a feeling, which at present apparently exists amongst a certain class of Europeans against the Indians; and, therefore, that he felt sure, that our clients would co-operate with the Government to the extent of postponing the disembarkation for a reasonable time to enable the Government to make proper arrangements.

We are instructed to inform you that the time of quarantine expires today, and that, under ordinary circumstances, our clients would have proceeded with disembarkation today, but that they are willing to postpone it for a reasonable time to suit the convenience of the Government, provided the loss sustained by them in so doing, that is to say £150 per dies, is borne by the Government.

We trust you will see the reasonableness of this proposal, and that it will be adopted by the Government.

We draw your attention to the fact that several gentlemen holding Her Majesty's commission in Volunteer Forces are organizing the intended riot, called by them a "Demonstration", and have allowed themselves to be advertised in the newspapers and by placards, as being in command of sections of the intending rioters; also, that Captain Sparks has taken the same means of advertising himself as the Chief in command of the proposed riot.

We would most respectfully and reluctantly give it as our opinion that, if the organization had at an earlier stage been proclaimed as illegal, instead of being allowed to swell itself under false hopes, the same excitement would not now exist, and there would have been little difficulty in landing the passengers in due course; and that the organization, or the objects of it, having been publicly declared to have the sympathy of the Government, which declaration was apparently confirmed by Government officers being in command, and by Government employees being in the ranks, it has obtained a hold on the public mind which otherwise it could not have done.

*We have the honour to be,*

*Sir,*

*Your obedient servants,*

(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX U)

*Copy*

ATTORNEY GENERAL'S OFFICE,  
PIETERMARITZBURG, NATAL,  
*January 11, 1897*

DEAR SIRS,

I have received your letter dated 'Durban Club, 10th January, 1897.'

I understood that the interview between Mr. Laughton and myself was to be regarded as a "private meeting", the words used by him in his note of the 9th instant.

I do not accept as correct your record of what was said by Mr. Laughton and myself.

*Yours truly,*  
(Signed) HARRY ESCOMBE

MESSRS GOODRICKE, LAUGHTON & CO.  
DURBAN

(APPENDIX V)

*Copy*

DURBAN,  
*January 12, 1897*

TO  
THE HONOURABLE HARRY ESCOMBE

DEAR SIR,

We have received your letter of the 11th inst., wherein, in answer to our letter of the 10th instant, you state as follows:

"I understand that the interview between Mr. Laughton and myself was to be regarded as a 'private meeting', the words used by him in his note of the 9th instant.

"I do not accept as correct your record of what was said by Mr. Laughton and myself."

In reply, we beg to state that it is quite true that Mr. Laughton, in his note of the 9th inst., asked for a private meeting with you, but we would draw your attention to the fact that, before that interview had continued many minutes, you told Mr. Laughton that he was to recollect that every word which he uttered would be reported by you the following morning to your colleagues in the ministry; and also that you gave him your permission to repeat everything that had taken place between us to our clients.



We beg, on Mr. Laughton's assurance, to assert what was said at the meeting was in effect accurately recorded in our letter to you of the 10th instant, but in order that there may be no misunderstanding, we shall be glad if you will point out the inaccuracies to which you refer.

*We have the honour to be,*  
*Sir,*  
*Your obedient servants,*  
(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX W)

*Copy*

DURBAN,  
*January 12, 1897*

TO

THE HONOURABLE HARRY ESCOMBE

SIR,

We have the honour to acknowledge a letter, signed by the Principal Under-Secretary, of yesterday's date, wherein he informs us that he is instructed to reply to our two letters to the Colonial Secretary of the 8th and 9th instant, as follows:

"Your proposal for the landing of the passengers quietly and unknown to the public is impossible. The Government understand that you have requested the Port Captain not to bring the vessels inside without special instructions. This action on your part, and your letters now under reply, show that you are aware of the intense feeling throughout the Colony against the landing of the Indians, and they certainly should be informed of the existence and strength of that feeling."

We cannot but acknowledge the feeling, which at present exists among a certain class in Durban, against the landing of the Indians. But, at the same time, we must most respectfully inform you that this feeling has been fostered by the Government, rather than discouraged, in the manner pointed out to you in our letters of the 8th and 9th instant.

We beg to express our surprise at your making no reference to the following facts brought to your notice in our above-mentioned letters:

1. That meetings with illegal objects have been held and are being held by certain persons in Durban, without any attempt on the part of the Government to inhibit them. 2. That Dr. MacKenzie, one of the Medical Board, has been one of the most energetic instigators of the objects of these meetings. 3. That it had been stated at some of those meetings that the Government was in sympathy with the objects of the meetings. 4. That the Minister of Defence had stated to the Committee of the organization, practically, that the Government would take no steps to hinder the

rioters in attaining their illegal objects. 5. That we claimed the protection of the Government for passengers and property against the lawless acts of persons, whoever they may be. 6. To the "Declaration" of the rioters, set out in our letter of the 9th instant. 7. To railway employees of the Government taking part with the rioters. 8. To the leadership of the riot being under Captain Sparks and others of Her Majesty's commissioned officers taking subordinate positions under him. 9. To our request that we should receive an assurance of the Government that Government servants will be prohibited from taking any part in the demonstration. 10. To our proposal to postpone the disembarkation for a reasonable time to suit the convenience of the Government, provided the loss sustained by us in so doing, that is to say £150 per diem, is borne by the Government.

We now beg for a reply to each of these allegations and questions, and to request that you will inform us what steps, if any, have been taken to protect the disembarkation of the steamers.

The steamers have now been at the outer anchorage for 24 days, at a cost of £150 per diem to us; and this being so, we trust you will see the reasonableness of your giving us a full answer by noon tomorrow. And we think it right to inform you that, failing a definite reply giving us an assurance that we shall be paid £150 per diem from Sunday last and that you are taking steps to suppress the rioters, so as to enable us to disembark the steamers, preparations will be at once commenced to steam into the harbour, relying on the protection which, we respectfully submit, Government is bound to give us.

In order that there may be no mistake in the minds of the Government as to the objects of the rioters, we beg to enclose the copy of a notice signed by Captain Sparks, and served yesterday by his deputies, Captain Wylie and others, on the Captain of the *Courland*, s.s. (This letter appears elsewhere.<sup>1</sup>)

The effect of this notice signed by Captain Sparks has been to make many passengers afraid of their lives in the event of landing at this port.

We, likewise, beg to enclose a copy of a memorandum written by Captain Wylie and served upon the Captains of each of the steamers for their signatures, and represented by him as embodying the only terms upon which the ships will be allowed to disembark. (App. Wa.)

We beg most respectfully to ask, in conclusion, if the Government will allow such flagrant acts to proceed which can only end in injury, if not death, to many of Her Majesty's subjects.

*We have the honour to be,*  
*Sir,*  
*Your obedient servants,*  
(Signed) Dada Abdoolla & Co.

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897, Appendix Aa

(APPENDIX Wa)

*Copy*

THE CENTRAL HOTEL,  
DURBAN, NATAL,  
[January 11, 1897]

Terms agreed between the Captain of the s.s. *Naderi* and the Committee of the Point Demonstration: 1. The *Naderi* shall not leave the outer anchorage to come into the port of Durban. 2. All wives and children of Natal Indians to be allowed to land. 3. All old Natal Indians to be allowed to land, on the Committee being satisfied that they are returning here. 4. All others to be transferred to the s.s. *Courland* and so many as the *Courland* cannot take, to be taken back by the *Naderi* to Bombay. 4a. the Committee pay the ship the exact amount of passage money required to send back to India the Indians the *Courland* cannot take. 5. The Committee pay to the Indians the exact value, and no more, of the clothing and effects destroyed at this port. 6. The Committee pay to the *Naderi* the extra expense she may be put to in having to coal and take provisions at the outer anchorage instead of in the harbour, and such additional expense as the ship may be put to through the Committee not allowing the *Naderi* to leave the anchorage.

(APPENDIX X)

*Copy*

POINT,  
10.45 a.m., January 13, 1897

MESSRS DADA ABDOOLA & CO.

SIRS,

I have the honour to acknowledge the receipt of your letter dated yesterday.

The Port Captain has instructed that the steamers shall be ready to cross the bar inwards at 12 o'clock today.

The Government needs no reminder of its responsibility for the maintenance of order.

*I have the honour to be,*  
*Sir,*  
*Your obedient servant,*  
(Sd.) HARRY ESCOMBE

## (APPENDIX Y)

SIR,

I observe, in your leader in this morning's issue of *The Mercury*, you give it as your opinion that Mr. Gandhi was ill advised in landing and coming through Durban on Wednesday last; and, as I was certainly a party to his coming ashore as he did, I shall feel obliged by your giving me an opportunity of answering your remark. Hitherto it has been useless to speak unless you were prepared to adopt the programme of the Demonstration party and its particular mode of attaining its ends; but, now that the Committee is dissolved, and the minds of men are no longer being inflamed, I trust that my letter will receive calm and thoughtful consideration. Let me commence by saying that, while the agitation was proceeding, I obtained a copy of Mr. Gandhi's pamphlet published in India, and concerning which we received Reuter's cable some months ago, and I can assure your readers that Reuter not only misrepresented the pamphlet, but misrepresented it so much that, on reading the two, I cannot but come to the conclusion that the writer of the cable had not read the pamphlet. I can say, further, that there is nothing in the pamphlet which anyone could take exception to on the ground of untruthfulness. Anyone can obtain a copy and read it if he chooses. Let your readers do so and answer honestly: Is there anything in it untrue? Is there anything in it which a political opponent was not justified in saying in support of his cause? Unfortunately, the mind of the public was inflamed by Reuter's version of it,<sup>1</sup> and throughout the recent disturbances, there was not a man to point out to the public the difference between the true and the untrue. I don't wish to hurt any man's feelings by repeating the words which he uttered in the hour of excitement and which, I know, in his calmer moments he will deeply regret, but, in order that the position may be understood, I must place before your readers, shortly, what Mr. Gandhi's position was before he took the step of landing and coming into town. I shall, therefore, without mentioning names, give the effect of just a few of the public statements made concerning him: (1) That he had dragged our reputations through the gutters of India, and had painted them as black and filthy as his own face. (2) That he might be allowed to come ashore that we might have the opportunity of spitting at him. (3) That some special treatment, at the word of command, should be meted out to him and that he should never be allowed to land in Natal. (4) That he was engaging himself, on board the quarantined ship, in getting briefs from passengers against the Government. (5) That when three gentlemen, representing the Committee of the Demonstration, went on board the *Courland*, he was in such a 'funk' that he was stowed away in the lowest hold; and, on another occasion, that he was seen sitting on the deck of the *Courland* in a most dejected mood. These are only a few of the things stated against him, but I take them as sufficient for my purpose.

<sup>1</sup> Vide "Memorial to Secretary of State for the Colonies", 15-3-1897.

If the above charges were true, if, in other words, he was a cowardly calumniator, stabbing us when at a safe distance, and if he had acted so that he was a fit object to be spat at, and afraid to return and face the consequences, then he was unfitted to be a member of an honourable profession, or to hold the position of leader in a great political question in which his countrymen take as much interest as we do and are as much entitled to ventilate their political views as we are. Before he went to India, I had met him in business matters on several occasions, and was struck with the anxiety shown by him to avoid litigation and to put matters in dispute on a fair basis, and with the honourable manner in which he dealt with business matters, so much so that I formed a very high opinion concerning him. I say this advisedly and I have no doubt my words will be approved by the members of the profession who know Mr. Gandhi. It was once said by an eminent judge that success at the Bar was not attained by endeavouring to injure opponents at the Bar, but only by so qualifying one's self as to be equal or superior to such opponents. So, in political matters, we must give fair play to an opponent, and answer his argument by counter argument, and not by heaving half a brick at his head. I have found Mr. Gandhi, both in legal matters and on the Asiatic question, a fair and honourable opponent, obnoxious to us as his contentions may be, who would scorn to hit below the belt. To vindicate himself before the public then, it was decided that he should not give his enemies an opportunity of saying that he was 'funking it' on board the *Courland*, where he could have stayed for a week, if he had chosen; that he should not sneak into Durban like a thief in the night, but that he should face the music like man and like a political leader, and—give me leave to say—right nobly did he do it. I accompanied him simply as a member of the Bar, to testify, by so doing, that Mr. Gandhi was an honourable member of an honourable profession, in order that I might raise my voice in protest against the way in which he had been treated, and in the hope that my presence might save him from insult. Your readers have now the whole matter before them, and the reasons which induced Mr. Gandhi, to land as he did. He might have kept to the boat at Cato's Creek, when he saw the crowd collecting to receive him; he might have taken refuge in the police-station; but he did not, he said he was quite ready to face the men of Durban and to trust them as Englishmen. Throughout the trying procession, his manliness and pluck could not have been surpassed, and I can assure Natal that he is a man who must be treated as a man. Intimidation is out of the question, because, if he knew the Town Hall were going to be thrown at him, I believe, from what I saw, that he would not quail. Now, you have the tale impartially told, I hope, Durban has grossly insulted this man. I don't describe the scene; I prefer not [to]. I say Durban, because Durban raised the storm, and is answerable for the

result. We are all humiliated at the treatment. Our tradition concerning fair play appears to be in the dust. Let us act like gentlemen, and, however much against the grain it may be, let us express regret handsomely and generously,—I am, etc., F. A. LAUGHTON.—*The Natal Mercury*, 16th January, 1897.

There has been a good deal said about Reuter's cabled summary of Mr. Gandhi's Indian pamphlet, within the last day or two . . . The general impression that is conveyed by these summaries is unquestionably different to the impression created in the minds of those who read the pamphlet . . . Frankly, it may be admitted that Mr. Gandhi's pamphlet is not an unfair statement of the position of the Indian in South Africa from an Indian's point of view. The European refuses to recognize the Indian as an equal' and the Indian, as a British subject, considers he has a right to all the privileges of the British subjects of European birth in the Colony, and under the Proclamation of 1858, he is legally entitled to that claim. That there is a prejudice in South Africa against the Indian, it would be folly to deny, but at the same time, Mr. Gandhi, we think, might make greater allowance for the fact that, as whole, his countrymen in South Africa are not of a class that, even in India, would be allowed to ride in first-class railway carriages or admitted into the best hotels . . . Coming back to the pamphlet and the cabled summaries, these latter might have been as correctly written of some pamphlet describing the treatment of the Armenians by the Turks, and, in fact, Reuter's cable read by itself gives some such impression. When the pamphlet written by Mr. Gandhi, however, is read in its entirety, the context reveals the fact that, while there are instances of real hardship given, the bulk of it is made up of political grievances in many cases similar to those the Uitlanders complain of in the Transvaal. The pamphlet, in short, contains practically nothing that Mr. Gandhi did not publish previously in Natal, and nothing that is not generally known. On the other hand, it is useless for Mr. Gandhi, or anyone else, to endeavour to have the Indian accepted in South Africa at his own estimate. There is no use being hypocritical in the matter. There is strong and deeply-rooted prejudice against Indians flocking into the country, and against their customs and mode of life. They may be British subjects by law, but they are aliens by what is stronger than law. viz., racial traditions and instincts.—*The Natal Mercury*, 18th January, 1897.

It is now beginning to be admitted that the outcry against Mr. Gandhi was much more bitter and violent than warranted by the facts and that his statement, although perhaps exaggerated, did not amount to such a wilful and deliberate attempt to blacken the character of the Colonists as to justify the vindictive attitude assumed, doubtless, under a misconception, by some extremists. Mr. Gandhi is endeavouring to perform for his compatriots similar services to those which Englishmen have

always been ready to perform, and, when time has been afforded for cool reflection, it will be recognized that, however mistaken his methods, or however untenable his theses, it is the worst possible policy to treat him as an outcast and a pariah, because he is striving to secure what he considers to be the rights of his fellow-countrymen. It has always been the boast of Englishmen that they can take up a side without abandoning all fair play to their opponents. Colonists know that it would be dangerous to the well-being of the Colony to grant what Mr. Gandhi demands; they know that the fundamental and abiding racial distinctions between the Asiatic and European for ever preclude anything like social equality, and that no argument will ever bridge the gulf; they know that, even though abstract justice may apparently be against them, the instinct of self-preservation warns them that theirs is the only safe position; in short, they know that the Colony cannot remain a white Colony if no limit is put to Asiatic immigration. All this, however, may be admitted, without spoiling our case by unfair and unnecessary harshness towards those who quite naturally, take other views. Harm has been done already by the accentuation of the personal element, and it is to be hoped that Colonists will, in future, exhibit that dignity and self-restraint in the conduct of the campaign, without which we cannot expect the approval of disinterested observers.—*The Natal Mercury*, 19th January, 1897.

Mr. Gandhi's statements to the *Advertiser* interviewer<sup>1</sup> have been read with considerable interest, and show that he has a good deal to say for himself. If his assertions are correct, there seems to have been a good deal of exaggeration in the statements made about him and his proposed scheme to swamp the Colony with Indians, which have had much to do with the irritation of the public mind against him. In the interests of justice it is to be hoped this matter will be cleared up. It has been asserted that the Government have information in their possession to prove the existence of this scheme. If so, the evidence ought to be brought forward, because this really constitutes the gravamen of the charges against Gandhi. Mr. Gandhi admits that "the leaders of the Demonstration Committee, and anybody in Natal, would be perfectly justified in getting up a constitutional agitation if there was an organized attempt to swamp the Colony with Indians." So that, if the scheme can be proved, as some people state, Mr. Gandhi's mouth will be closed . . . Then, again, he totally denies the assertion that he was instigating legal proceeding against the Government for unlawful detention. If there is any proof for that charge, it, too, should be produced. He denies, further, that a printing-press and compositors were brought over by him, or that the number of passengers for Natal is anything like so great as alleged. These matters are surely capable of direct proof or disproof, and it would be well if they were settled, because, if what Mr. Gandhi says is true, it would

<sup>1</sup> Vide "Interview to *The Natal Advertiser*", 13-1-1897.

seem that the recent agitation was started on insufficient grounds, and incorrect information . . . It will be necessary, if the aid of the Imperial Government is to be obtained, to have hard facts to go upon. It will not advance our cause to raise an outcry that the country is being swamped, and to talk about thousands of Indians coming across in one or two vessels, and then, when it is all boiled down, find there are only one or two hundred. No good will be gained by exaggeration . . . There is no getting away from the fact that this brutal outrage was committed on the very day of the Demonstration, under the influence of feelings excited by the Demonstration, and what led up to it, and also in defiance of the assurance of the representative of Government that the passengers were absolutely safe. The incident shows what might have happened on a larger scale if the Demonstration had been carried to the lengths which were at first intended. — *The Natal Advertiser*, 16th January, 1897.

Enclosure in Despatch No.62 from the Governor of Natal to H. M.'s Principal Secretary of State for the Colonies, London, dated 10th April, 1897.

Colonial Office Records: Petitions and Despatches, 1897

## *12 . LETTER TO R. C. ALEXANDER*

DURBAN,

*March 24, 1897*

R. C. ALEXANDER, ESQ.  
SUPERINTENDENT, BOROUGH POLICE  
DURBAN

SIR,

We, the undersigned, representing the Indian community in the Colony, herewith beg to present a gold watch with a suitable inscription in grateful recognition of the excellent manner in which you and your police preserved order on the 13th day of January, 1897, and were instrumental in saving the life of one whom we delight to love.

We are aware that what you did was, in your opinion, nothing more than your duty; but we believe that it would be very ungrateful on our part if we did not, in some way, humbly record our appreciation of your valuable work during that exceptional time.



Moreover, for the same reason, we send herewith the sum of £10 for distribution among those of your Force who assisted on the occasion.<sup>1</sup>

*We remain, etc.*

From a photostat of a copy: S.N. 2149

### *13. LETTER TO MRS. ALEXANDER*

DURBAN,  
*March 24, 1897*

MRS. ALEXANDER  
DURBAN  
MADAM,

We, the undersigned, representing the Indian community in this Colony, herewith send you an humble present in the shape of a gold watch, chain and locket with a suitable inscription, as a token of our appreciation of the way in which you defended one whom we delight to love, on the 13th day of January, 1897, during the anti-Indian Demonstration crisis at no small personal risk to yourself.

We are sure that nothing that we can offer will be an adequate return for your act which will ever be a pattern of true womanhood.

*We remain, etc.*

From a photostat of a copy: S.N. 2150

<sup>1</sup> From the letters of acknowledgment from the addressee and his wife (S.N. 1938 and 1939) it seems Gandhiji had himself written to thank them for their intervention on his behalf. However, these letters are not available.

## 14. PETITION TO NATAL LEGISLATIVE ASSEMBLY<sup>1</sup>

DURBAN,  
March 26, 1897

TO  
THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HONOURABLE  
THE LEGISLATIVE ASSEMBLY OF THE COLONY OF NATAL IN PARLIAMENT  
ASSEMBLED,  
PIETERMARITZBURG

THE PETITION OF THE UNDERSIGNED REPRESENTING THE  
INDIAN COMMUNITY IN THIS COLONY

HUMBLY SHEWETH:

That your Petitioners hereby venture to lay before this Honourable House the feeling of the Indian community with reference to the Quarantine, Trade Licences, Immigration and Uncovenanted Indians Protection Bills<sup>2</sup> that are now, or soon will be, before this Honourable House for consideration.

Your Petitioners understand that the first three Bills herein-above referred to are meant, directly or indirectly, to restrict the immigration of Her Majesty's Indian subjects into the Colony. Strange as it may appear there is no mention of the persons whom they are meant to affect.<sup>3</sup> With the greatest deference, your Petitioners venture to submit that such a mode of procedure is un-British and, therefore, it should not receive countenance in a Colony which is supposed to be the most British in South Africa. If it is proved to the satisfaction of this Honourable House that the presence of the Indian in the Colony is an evil and there is an alarming influx of Indians into the Colony, your Petitioners submit that it will be better in the interests of all parties concerned that a Bill directly aiming at the evil be passed.

<sup>1</sup> *The Natal Mercury*, 29-3-1897, published the text of the petition with a few introductory lines and some minor verbal alterations.

<sup>2</sup> For provisions of these enactments, *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix A- D.

<sup>3</sup> Indians were not specifically mentioned in three of the four measures despite the fact that they were implicitly meant to affect the Indians; only the Uncovenanted Indians Protection Bill referred to the Indians by name.

But your Petitioners respectfully submit that it can be easily shown that the presence of the Indian in the Colony, instead of being an evil, is of benefit to it and that there is no alarming influx of Indians into the Colony.

It is an admitted fact that the Indians, whom the Bills are calculated to keep away from the Colony, are "sober and industrious". Such is the opinion pronounced by the highest authorities in the land as well as by those who are their bitterest opponents. And your Petitioners submit that such a class of people cannot but be an economical benefit wherever they may go, more especially in newly-opened-up countries like Natal.

Your Petitioners further urge that the returns published by the Acting Protector of Immigrants<sup>1</sup> show that while 1,964 Indians arrived in the Colony between August and January last, 1,298 left it during the same period. Your Petitioners feel sure that this Honourable House would not consider this increase to be such as to justify the introduction of the Bills under discussion. Nor will this Honourable House, your Petitioners trust, ignore the fact that most, if not all, of the 666 Indians must have proceeded to the Transvaal.

Your Petitioners, however, do not wish to say that the statements made above should be accepted without verification. But your Petitioners submit that the statements furnish a *prima facie* case for enquiry.

Your Petitioners fear that the Bills are a present to the popular prejudice. It is, therefore, respectfully submitted that before considering the Bills this Honourable House should ascertain beyond doubt whether the evil does or does not exist.

Your Petitioners humbly suggest that a census of the free Indian population, and a searching enquiry in the question of the presence of the Indian being an evil, are absolutely essential to enable this Honourable House to arrive at a right conclusion with regard to the Bills. Nor is this a matter that would take so long a time as to render any legislation after the enquiry ineffectual.

An examination of the Bills without reference to their veiled object and premature character, your Petitioners submit, shows that they are unjust and arbitrary measures.

<sup>1</sup> Vide "Memorial to Secretary of State for the Colonies", 15-3-1897.

As to the Quarantine Bill, your Petitioners assure this Honourable House that in criticizing it they have no wish to oppose anything, no matter how hard it may be, that may be necessary in the interestsof the health of the community. Your Petitioners would welcome and, so far as it may be in their power, cooperate with the authorities in carrying out, any measures of quarantine adopted to guard the Colony against the introduction of infectious disease into it. Your Petitioners, however, venture to submit that the present Bill is simply a part of the anti-Indian policy, and against it as such your Petitioners feel it their duty to enter their respectful protest. Your Petitioners venture to think that such a measure in a British Colony would give an opportunity to those Powers, which are jealous of the British power and trade, to justify the vexatious quarantine rules that they are adopting.

As to the Trading Licences Bill, your Petitioners welcome it so far as it is meant to teach the communities residing in the Colony to keep their premises in a good sanitary condition and to provide proper accommodation for their clerks and servants.

But your Petitioners most earnestly though respectfully protest against the discretion being given to the Licensing Officer to refuse or grant a licence "at his own will" and, more especially, against the clause which gives the final power to the Colonial Secretary or the Town Councils or Town Boards, as the case may be. These clauses, your Petitioners are afraid, show most clearly that the Bill is to operate against the Indian community alone. To deny a subject the right to appeal to the highest tribunal of justice against the decisions of persons or bodies who are not unoften guided and carried away by popular feelings or prejudice would be deemed to be an arbitrary measure in any part of the civilized world; in the British Dominions, an insult to the British name and its Constitution which is rightly termed the purest in the world. Nothing, your Petitioners submit, can be more disastrous to the stability of British Rule and the feeling of security that the meanest of Her Majesty's subjects enjoy, than anything that takes away the right of the subject to ventilate his grievance, supposed or real, before the highest tribunals of justice in the British Dominions, which have, under the severest trials, vindicated their fame for absolute impartiality. Your Petitioners, therefore, humbly submit that, no matter what this Honourable House decides with regard to the Bills, it will unanimously reject the clause under consideration.

The clause<sup>1</sup> in the Immigration Restriction Bill, with regard to the form to be filled in European characters makes it a class Bill and the requirement is, in your Petitioners' humble opinion, unjust to the Indian community. In the interests of the present Indian population, your Petitioners submit that the clause requires amending. For most of the well-to-do Indians draw upon India for domestic servants who retire at the end of a certain number of years and are replaced by others. That process does not add to the number of Indians in the Colony and yet is beneficial to the Indians. Such servants could not possibly know English or any other European language. They do not come into competition with the Europeans in any way whatever. Your Petitioners, therefore, submit that for this, if for no other reason, the clause should be altered so as not to affect the Indians of that class. The £25 clause is also objectionable on the same principle.<sup>2</sup> Your Petitioners submit that the interests of the present Indian population of the Colony should, in such matters at any rate, be sympathetically considered.

As to the Bill for the protection of Uncovenanted Indians,<sup>3</sup> your Petitioners are deeply thankful to the Government for their good intentions, especially because the bill owes its origin to a certain correspondence between the Government and certain members of the Indian community with reference to the matter. But the effect of the favour done by the Government will be absolutely neutralized by the 5th clause<sup>4</sup> which exempts those who may arrest free Indians, not having the pass mentioned in the 2nd clause, from liability to action for damages for wrongful arrest. It was only when an officer showed

<sup>1</sup> Section 3(a); *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B; and for the form, Schedule B, "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

<sup>2</sup> The financial qualification in Section 3(b) was later substituted by a clause concerning "paupers"; *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897 and "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

<sup>3</sup> *Vide* "Petition to Natal Legislative Council" 26-3-1897 and "Petition to the Secretary of State for the Colonies", 2-7-1897; and for the text of the Bill as adopted *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix-D.

<sup>4</sup> The provisions referred to are contained in clause 4 of the Act; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix-D.

over-zeal in making arrests that the trouble arose.<sup>1</sup> Your Petitioners think that simple instructions to officials to carry out the clause 31 of Law 25 of 1891 would have been sufficient. The Bill, on the other hand, gives a license to the police to arrest Indians being without passes with impunity. Your Petitioners may mention that the mere taking out of the pass does not render the holder free from vexation. To carry it on the person is not always possible. Instances are on record when Indians, having left their houses without passes for a short time, have been arrested through the over-zeal of officers. Your Petitioners submit that the Bill, therefore, instead of protecting the Indian community, will, because of the clause 5 thereof, render them liable to indignity oftener than usual. Your Petitioners therefore, trust that this Honourable House would so alter or amend the measure as to be a real benefit to the Indian community as it is no doubt intended to be.

In conclusion, your Petitioners may be allowed to repeat that their main objection to the first three Bills is that the evil which they are intended to check does not exist and, therefore, pray that before considering those Bills this Honourable House would order that a census may be taken of the free Indian population of the Colony, an estimate of the annual increase during a certain number of years be taken, and an enquiry be instituted to ascertain whether the presence of the Indian population is detrimental to the interests of the Colony at large.

And that the clause 5 of the Bill for the Protection of Uncovenanted Indians may be expunged therefrom or this House may grant such other relief as it may think fit.

And for this act of mercy and justice, your Petitioners, as in duty bound, shall for ever pray, etc., etc., etc.

(Sd.) ABDUL KARIM DADA & CO.

Pietermaritzburg Archives, Reference NPP, Volume 656, Petition 6

<sup>1</sup> The reference is, evidently, to the case of the Indian lady who was awarded damages for wrongful arrest; *vide* "The Grievances of the British Indians in South Africa: An Appeal to the Indian Public", 14-8-1896.

## 15. LETTER TO NATAL COLONIAL SECRETARY

DURBAN,  
March 26, 1897

THE HONOURABLE THE COLONIAL SECRETARY  
MARITZBURG

SIR,

I have the honour to draw your attention to a despatch of His Excellency the Governor, addressed to the Right Honourable the Secretary of State for the Colonies,<sup>1</sup> printed in today's *Mercury*, wherein he states as follows:

I learn that Mr. Gandhi in coming ashore at so inopportune a moment, when ill-advised persons were angry at the peaceful issue of the demonstration and before passions had had time to cool, acted on advice which he now admits to have been bad.<sup>2</sup>

As I have always considered, and still consider, the advice upon which I acted was excellent, I would be glad if His Excellency would inform me upon what foundation he made the above statement.<sup>3</sup>

*I have the honour to be, etc.,*

M. K. GANDHI

*The Natal Mercury*, 8-4-1897

<sup>1</sup> The despatch contained the following reference to the incident of January 13, 1897: "Mr. Gandhi, a Parsee [*sic*] lawyer, who has been prominent in the agitation which took place amongst the Indians against the recent franchise legislation, and is the author of a pamphlet on the subject of the Indians in South Africa, some statements in which have been much resented here, landed not at the regular landing place, but within the limits of the Borough of Durban, and was recognized by some disorderly persons who mobbed him and ill-treated him." Then followed the paragraph quoted by Gandhiji which concluded with the words: "and accepts the responsibility of his action in the matter." (*The Natal Mercury*, 26-3-1897)

<sup>2</sup> The actual advice tendered by Mr. Laughton, legal adviser to the shipping company, who later escorted Gandhiji to the shore, was that: "I do not think there is any fear of anyone hurting you. Everything is quiet now. The whites have all dispersed. But in any case I am convinced that you ought not to enter the city stealthily." *Vide* "An Autobiography-Part III", Chapter III.

<sup>3</sup> For the addressee's reply, *vide* "Letter to the Natal Governor", 6-4-1897.

## 16. PETITION TO NATAL LEGISLATIVE COUNCIL<sup>1</sup>

March 26, 1897<sup>2</sup>

THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE HONOURABLE  
THE LEGISLATIVE COUNCIL OF THE COLONY OF NATAL, IN PARLIAMENT  
ASSEMBLED,  
PIETERMARITZBURG

THE PETITION OF THE UNDERSIGNED, REPRESENTING  
THE INDIAN COMMUNITY IN THIS COLONY

HUMBLY SHEWETH,

That your Petitioners humbly venture to approach the Honourable House with regard to the Bill for Protection of Uncovenanted Indians now before you for consideration. Your Petitioners are deeply thankful for the good intentions of the Government in introducing the Bill, especially as it seems to be a result of certain correspondence that passed between the Government and certain members of the Indian community. But your memorialists are afraid that the good effect of the Bill will be absolutely neutralized by the clause thereof which renders any officer, who may arrest an Indian for being without a pass, exempt from any liability for an action for damages for wrongful arrest. It was only when an officer showed over-zeal in putting Section 31 of Law 25 of 1891 in operation that any trouble or inconvenience arose. Simple instructions, therefore, to the Police Officers to be considerate in enforcing the Law might, in your Petitioners' humble opinion, have minimized the inconvenience. Under the present Bill, the inconvenience will, it is feared, increase, because the mere taking out of the pass under it does not free the holder from liability to arrest. It has to be carried on the person, a thing that is not always easy to do. Instances are on record when Indians not far from their homes have been arrested for being without a pass and put to a great deal of annoyance. Such cases, if the fifth clause of the Bill is to remain, are

<sup>1</sup> As will be seen, the text of this petition is virtually identical with that portion of the petition to the Assembly dated March 26, which related to the Bill for the Protection of Uncovenanted Indians; *vide* "Petition to Natal Legislative Assembly", 26-3-1897.

<sup>2</sup> This is the date the petition bore (S.N. 2364) though it was presented on March 30.



likely to happen oftener than before. And since the Bill has been introduced in the interests of the Indian community, your Petitioners submit that the feelings of that community should receive some consideration. Your Petitioners, therefore, humbly pray that the fifth clause of the Bill be expunged therefrom, or that this House may grant such other relief as may be considered fit and proper. And for this act of justice and mercy, your Petitioners, as in duty bound, will ever pray, etc., etc., etc.,

Colonial Office Records: No. 181, Vol. 42; also Archives at Pietermaritzburg, NPP Volume 656, Petition 6; also minutes of the proceedings of the Natal Legislative Council, 30th March, 1897

### *17. CIRCULAR LETTER<sup>1</sup>*

WEST STREET,  
DURBAN (NATAL),  
*March 27, 1897<sup>2</sup>*

SIR,

We the undersigned, representing the Indian community in Natal, hereby request the favour of your giving attention to the memorial herewith enclosed, addressed to the Right Honourable Mr. Joseph Chamberlain, which deals with the now all-absorbing Indian question in Natal. It is our sincere hope that the importance of the subject will fully compensate for its length and that, therefore, it will not deter you from perusing the memorial.

The Indian question in this Colony has reached the critical point. It affects not only Her Majesty's Indian subjects residing in the Colony, but the whole population of India. It is preeminently Imperial in its aspect. "May they or may they not," as *The Times* puts it, "go freely from one British possession to another, and claim the rights of British subjects in allied States?" European Natal says they shall not, so far as she is concerned. The memorial discloses a sad tale of oppression because of this attitude of Natal.

<sup>1</sup> Printed copies of this, under the title "The Position of Indians in Natal" were evidently sent to a number of public men in England along with a copy of the Memorial to the Secretary of State for the Colonies on March 15.

<sup>2</sup> The letter was actually despatched after the Memorial it forwarded had been submitted to the Natal Governor on April 6.

There is shortly to be a Conference of Premiers of the British Colonies, in London, where the question how far, if at all, the Colonies will be allowed to legislate to the prejudice of the Indians without such legislation applying to the Europeans, is to be discussed by Mr. Chamberlain with the Premiers. It, therefore, becomes necessary for us to lay before you briefly our position in Natal.

The following are some of the legal disabilities the Indians at present labour under in the Colony:

1. The Indians, unlike Europeans, cannot be out after 9 p.m., unless, practically, they can produce a pass.

2. Any Indian is liable to arrest at any time of the day unless he can show a pass to the effect that he is a free Indian. (The complaint herein is particularly against the manner in which the law is applied.)

3. Indians, unlike Europeans, when driving cattle must be provided with certain passes.

4. A bye-law in Durban provides for the registration of native servants and Indian servants who are described as “others belonging to the uncivilized races of Asia”.

5. An indentured Indian, when he becomes free, must either return to India, his passage being paid for him, or pay an annual poll-tax of £3 as the price of permission to live as a somewhat free man in the Colony. (The *London Times* describes this condition as one “perilously near to slavery”.)

6. Indians, unlike Europeans, in order to be entitled to the Franchise must prove that they belong to a country “possessing elective representative institutions founded on the Parliamentary Franchise,”<sup>1</sup> or, must receive an order of exemption from the Governor-in-Council. (This law was passed last year after the Indians had been in possession of the Franchise right under the General Franchise law of the Colony till then, and that law requires that the candidate voter being an adult male, and not being a native of South Africa, must possess immovable property worth £50, or must be paying an annual rental of £10.)

<sup>1</sup> *Vide* “Memorial to Natal Legislative Assembly”, 27-4-1896 and Memorial to J. Chamberlain”, 22-5-1896.

7. The Government High Schools are closed against Indian students, no matter what their abilities, character and standing.

The following is the statement of legislation to be passed during the present session of the local Parliament:

1. The Governor is to receive the power to refuse to allow any person coming from an infected port to land at all in the Colony, even though such person may have trans-shipped at some other port.<sup>1</sup> (The Premier, in moving the second reading of this Bill, said that it would enable the Natal Government to arrest the immigration of free Indians to the Colony.)

2. The Town Councils and the Town Boards are to be empowered to refuse or grant trading licences at their discretion,<sup>2</sup> their decisions not being subject to review by the highest tribunal of justice in the land. (The Premier, in moving the second reading of this Bill, said that such power was to be given so that the trading licences may be withheld from the Indians.)

3. Immigrants are to be required to fulfil certain conditions, e.g., to have property worth £25,<sup>3</sup> to be able to fill in a form in some European language, the unwritten understanding, according to the Premier, being that these conditions are not to be enforced against the Europeans. (The Government have stated that these measures would be temporary and that, after the Conference hereinbefore referred to, they may be able to bring in such Bills as would apply to Indians or Asiatics exclusively and thus admit of more drastic restrictions and dispense with mental reservations and partial operation.)

4. A pass system is to be established in order to protect free Indians from the unpleasantness of an arrest, and officers arresting Indians without passes are to be exempt from liability

<sup>1</sup> Quarantine Law; *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>2</sup> *Vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix D.

<sup>3</sup> The provision regarding the property qualification was later replaced by a clause, Section 3(b), which disqualified "paupers"; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix B.

to answer any claim for wrongful arrest.<sup>1</sup> The following proposals for further anti-Indian legislation have been laid before the Natal Government:

1. The Indians should not own landed property.
2. Town Councils should be empowered to compel Indians to reside in prescribed locations.

According to the present Premier, Indians in Natal must for ever be and remain “hewers of wood and drawers of water” and that “they must not form part of the South African nation which is going to be built up”. We may state that the prosperity of Natal is admitted to depend mainly upon indentured labour from India, and yet it is Natal which denies freedom to the Indian settler.

Such is, moreover, the position of the Indians, more or less, throughout South Africa. If the Indians are to be denied freedom of intercourse with the British Dominions and allied States, there will be an end to Indian enterprise. Just when, as *The Times* says, Indians, setting aside their long-cherished prejudices, are beginning to show an inclination to emigrate for purposes of trade, etc., the Colonies are endeavouring to shut them out. If this is allowed by the Home Government, and, therefore, by the Imperial Parliament, it will, in our humble opinion, be a grave infringement of the gracious Proclamation of 1858, and would deal a death-blow to Imperial federation, unless the Indian Empire is outside its pale.

We venture to think that the above facts by themselves are sufficient to induce you to extend your unreserved support to our cause.

*We remain,*

*Sir,*

*Your obedient servants,*

ABDUL CARIM HAJEE ADAM  
(DADA ABDOOLLA & CO.) AND  
FORTY OTHERS

From a photostat of the printed copy: S.N. 2159

<sup>1</sup> *Vide* “Petition to the Secretary of State for the Colonies”, 2-7-1897, Appendix D.

18. LETTER TO F. S. TALEYARKHAN

CENTRAL WEST STREET,  
DURBAN (NATAL),  
*March 27, 1897*

DEAR MR. TALEYARKHAN,

I thank you for your two letters, the last of which was received this week. I am sorry I am unable to write a long letter for want of time. The Indian question almost wholly occupies my attention. The memorial to Mr. Chamberlain on the recent events will be ready next week.<sup>1</sup> I shall then send you a few copies. It will give you all the necessary information.

The Natal Parliament is sitting now and has three anti-Indian Bills before it. As soon as the result is known, I shall write to you with reference to your kind proposal for the propaganda in London. It is a question whether it would be advisable, in the present state of public feeling, for you to land in Natal as a public man. Such a man's life in Natal is, at present, in danger. I am certainly glad that you did not accompany me. The quarantine regulations, too, have been specially framed to prevent any more Indians from coming.

*I am,*  
*Yours sincerely,*  
M. K. GANDHI

From the original. Courtesy: R. F. S. Taleyarkhan

<sup>1</sup> This was forwarded to the Governor for onward transmission on April 6; *vide* "Petition to the Natal Governor", 6-4-1897.

## 19. LETTER TO SECRETARY FOR ZULULAND

BEACH GROVE, DURBAN,

*April 1, 1897*

THE SECRETARY TO HIS EXCELLENCY  
THE GOVERNOR OF ZULULAND  
PIETERMARITZBURG

SIR,

May I ask whether the Right Honourable the Secretary of State for the Colonies has sent any reply to the memorial with regard to the Nondweni and Eshowe Townships Regulations<sup>1</sup>.

*I have, etc.,*

M. K. GANDHI

India Office Library: Judicial and Public files, 1897, Vol. 467, No. 2536/19177

## 20. CIRCULAR LETTER<sup>2</sup>

DURBAN (NATAL),

*April 2, 1897*

SIR,

I beg to send a copy of the memorial to Mr. Chamberlain with regard to the recent anti-Indian Demonstration. The approaching Conference of the Colonial Premiers in London, to discuss this among other questions, renders it absolutely necessary that the Indian side of the question should be represented as strongly as possible. I know that the famine and plague absorb the attention of public men in India. But, since this question is now awaiting final decision, I venture to think it should receive the fullest attention of the public men. Emigration is one of the antidotes against famine. And the Colonies are now endeavouring to stop it. Under the circumstances, I submit that the matter deserves the most earnest and immediate attention of the public men in India.

<sup>1</sup> Preventing Indians from owning or acquiring property in the Nondwani and Eshowe Townships; vide "Memorial to J. Chamberlain", 11-3-1896.

<sup>2</sup> The source has this under the title "To public Men in India." It is not ascertainable to which of the public men it was sent.

You will be pleased to learn that the Indian community have subscribed over £1,130 to the Indian Famine Fund.

*I remain,*  
*Yours obediently,*  
M. K. GANDHI

From a photostat of the cyclostyled original: S.N. 2210

*21. LETTER TO F. S. TALEYARKHAN*

DURBAN,  
[On or after *April 2, 1897*]<sup>1</sup>

DEAR MR. TALEYARKHAN,

I am sending you the petition today and other papers. There is hardly time to write more. The question has assumed such a serious phase that the whole of India should rise up against the disabilities that are being placed upon the Indians. *Now* is the time or it will be *never*. And the decision of the question with regard to Natal will be applicable to all the Colonies. Why could not the public associations inundate the India Office with memorials protesting against the ill-treatment? The opinion is unanimous. To secure justice action alone is necessary.

*Yours sincerely,*  
M. K. GANDHI

[PS.]

State immigration, at any rate, may be stopped, if nothing more can be done.

M. K. G.

From the original. Courtesy: R.F.S. Taleyarkhan

<sup>1</sup> The letter was written on the reverse of the circular letter dated April 2, 1897; *vide* the preceding item.

## 22. PETITION TO NATAL GOVERNOR

DURBAN (NATAL),  
*April 6, 1897*

TO

HIS EXCELLENCY THE HONOURABLE SIR WALTER F. HELY-HUTCHINSON,  
K.C.M.G., GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE  
COLONY OF NATAL, VICE-ADMIRAL OF THE SAME, AND SUPREME CHIEF  
OVER THE NATIVE POPULATION

MAY IT PLEASE YOUR EXCELLENCY,

I beg most respectfully to forward herewith to your Excellency a memorial<sup>1</sup> regarding the recent Anti-Indian 'Demonstration' addressed to Her Majesty's Principal Secretary of State for the Colonies, and signed by myself and others.

I humbly request Your Excellency to send it to Her Majesty's Principal Secretary of State for the Colonies, with Your Excellency's favourable remarks.

I beg to enclose, herewith, also two copies of the original petition referred to above.

*I have, etc.,*

ABDOOL CARIM H. ADAM

Colonial Office Records: Petitions and Despatches, 1897

## 23. LETTER TO NATAL COLONIAL SECRETARY

DURBAN,  
*April 6, 1897*

TO

THE HONOURABLE THE COLONIAL SECRETARY  
MARITZBURG  
SIR,

I have the honour to acknowledge your letter of 31st ultimo,<sup>2</sup> wherein you inform me that information cannot be given to me as to the authority on which the paragraph in the Governor's despatch

<sup>1</sup> Dated March 15; *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>2</sup> For Gandhiji's letter to which this was the reply, *vide* "Letter to Natal Colonial Secretary", 26-3-1897.



referred to by me was written, but that a copy of my letter and of your reply will be forwarded by His Excellency for the information of the Right Honourable the Secretary of State for the Colonies.

In reply, I venture to think that, if the information has been derived from any statement made by me, I should be informed thereof. I cannot but most respectfully express my concern that His Excellency should have forwarded to the Right Honourable the Secretary of State such information with reference to me as to its accuracy.

I am sending a copy of this correspondence to the Press.

*I have the honour, etc.,*

M. K. GANDHI

*The Natal Mercury*, 8-4-1897

#### 24. LETTER TO SECRETARY FOR ZULULAND

DURBAN,

*April 7, 1897*

TO

W. E. PEACHEY, ESQ.

SECRETARY FOR ZULULAND

PIETERMARITZBURG

SIR,

I have the honour to acknowledge the receipt of your letter of the 6th instant, informing me that His Excellency the Governor has received instructions from the Secretary of State for the Colonies to issue certain amended Regulations with reference to the sale of *Erven* in Zululand.

*I have, etc.,*

M. K. GANDHI

India Office Library: Judicial and Public Files, 1897, Vol. 467, No. 2536/19177

## 25. LETTER TO "THE NATAL MERCURY"<sup>1</sup>

DURBAN,  
April 13, 1897

THE EDITOR, *The Natal Mercury*

SIR,

As this will be my first contribution after my return from India, on the Indian question, and a great deal has been said about me, much as I would like to avoid it, it seems to be necessary that I should say a few words on the matter. The following charges have been laid against me: (1) That I blackened the character of the Colonists in India, and made many mis-statements;<sup>2</sup> (2) that there is an organization under me to swamp the Colony with Indians;<sup>3</sup> (3) that I incited the passengers on board the *Courland* and *Naderi* to bring an action against the Government for damages for illegal detention;<sup>4</sup> (4) that I have political ambition, and the work I am doing is done in order to fill my pocket.

As for the first charge, I believe I need not say anything since you have absolved me from it.<sup>5</sup> I venture, however, to deny formally that I ever did anything to merit it. As to the second, I repeat what I have said elsewhere: that I have no connection with any organization, nor, so far as I know, is there any organization to swamp the Colony with Indians. As to the third, I have denied and again deny most emphatically that I incited a single passenger to bring an action for damages against the Government. As to the fourth, I may state that I have no political ambition whatever. Those who know me personally know well in what direction my ambition lies. I do not aspire to any Parliamentary honours whatever, and, though three opportunities passed by, I deliberately refrained from getting myself placed on the Voters' List. I receive no remuneration for the public work that I am doing. If the European Colonists can believe me, I beg to assure them

<sup>1</sup> This appeared under the title "The Indian Question".

<sup>2</sup> The reference is to alleged mis-statements in the Green Pamphlet.

<sup>3</sup> Vide "Letter to *The Natal Mercury*", 13-11-1897.

<sup>4</sup> Vide "Interview to *The Natal Advertiser*", 13-1-1897, and "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>5</sup> Vide "Memorial to Secretary of State for the Colonies", 15-3-1897, Appendix-Y.

that I am here not to sow dissensions between the two communities, but to endeavour to bring about an honourable reconciliation between them. In my humble opinion, much of the ill feeling that exists between the two communities is due to misunderstanding of each other's feelings and actions. My office, therefore, is that of an humble interpreter between them. I have been taught to believe that Britain and India can remain together for any length of time only if there is a common fellow feeling between the two peoples. The greatest minds in the British Isles and India are striving to meet that ideal. I am but humbly following in their footsteps, and feel that the present action of the Europeans in Natal is calculated to retard, if not altogether to frustrate, its realization. I feel, further, that such action is not based on good grounds, but rests on popular prejudice and preconceived notions. Such being the case, I venture to trust that, however much the European Colonists may differ from the above opinion, they would be gracious enough to show a spirit of toleration thereof.

There are several Bills<sup>1</sup> before the Natal Parliament prejudicially affecting the interests of the Indians. They are not supposed to represent final legislation with regard to the Indians, but the Honourable the Prime Minister has stated that more stringent measures may be adopted after the forthcoming Conference of the Colonial Premiers has taken place. This is a gloomy outlook for the Indians, and if, in order to avert it, they put forth all the legitimate resources at their disposal, I venture to think that they should not be blamed. It seems that everything is being hurried on as if there was any danger of thousands of Indians of all sorts and conditions pouring into Natal.<sup>2</sup> I submit that there is no such danger and the late quarantine would serve as an effective check, if there was any. The suggestion that there should be an inquiry as to whether the Indian is an evil or a benefit to the Colony has been pooh-poohed and an opinion expressed that he who has eyes can see how the Indians are ousting the Europeans in every direction. With deference, I beg to differ. The thousands of free Indians, apart from the indentured, who have developed the large estates in Natal and given them a value, and turned them from jungles into productive soil, I am sure you will not

<sup>1</sup> The Quarantine, Dealers' Licences, Immigration Restriction and Protection of Uncovenanted Indians Bills

<sup>2</sup> Speaking in Parliament on March 27, the Natal Premier had referred to a systematic plan to overrun the country with free Indian immigrants.

call an evil to the Colony. They have not ousted any Europeans; on the contrary, they have brought them prosperity and considerably increased the general wealth of the Colony. Will the Europeans—can they? —perform the work done by those Indians? Have not the Indians very much helped to make this the Garden Colony of South Africa? When there were no free Indians, a cauliflower sold at half a crown; now, even the poorest can buy it. Is this a curse? Has the working man been injured in any way thereby? The Indian traders are said to “have eaten into the very vitals of the Colony”. Is it so? They have made it possible for the European firms to extend their business in the way they have done. And these firms, because of this extension, can find employment for hundreds of European clerks and book keepers. The Indian traders act as middlemen. They begin where the Europeans leave. It is not to be denied that they can live cheaper than Europeans; but that is a benefit to the Colony. They buy wholesale from European stores, and can sell with a trifling addition to the wholesale prices, and are thus a benefit to the poor Europeans. It might be said in answer to this that the work now done by the Indian storekeepers could be done by Europeans. This is a fallacy. The very Europeans who are now wholesale dealers would be retail dealers but for the presence of the Indian storekeepers, except in isolated instances. The Indian storekeepers have, therefore, raised the Europeans a stage higher. It has, further, been said that, in time to come, Indians may usurp the wholesale trade also from the Europeans. This supposition is not borne out by facts, because the wholesale prices in Indian and European stores are, if not exactly, almost the same, thus showing the competition in the wholesale lines cannot by any means be said to be unfair. The cheaper living of the Indian is not an important factor in determining the wholesale price, because the cheaper living of the one is counterbalanced by the more methodical business habits and the mercantile “home connections” of the other. It is objected, on the one hand, that the Indians buy landed property in Natal and, on the other, that their money does not circulate in the Colony but goes to India, because “they wear no boots, no European-made clothing, and send their earnings to India”, thus constituting a terrible drain on the Colony. These two objections completely answer each other. Assuming that the Indians wear no boots and European-made clothing, they do not send the money thus saved to India, but invest it in buying landed property. What, therefore, they earn with one hand in the Colony they spend with the

other. All, then, that the Indians send to India can only be a portion of the interest in the shape of rents received from such property. The purchase of landed property by the Indians is a double benefit. It increase the value of land, and gives work to the European builders, carpenters, and other artisans. It is a mere chimera to say that European workmen have anything whatever to fear from the Indian community. There is absolutely no competition between the European artisans and the Indian, of whom there are very few, and the few are indifferent workmen. A project to import Indian artisans to construct an Indian building in Durban failed. No good Indian artisans would come to the Colony. I do not know of many Indian buildings which have been constructed by Indian artisans. There is a natural division of work in the Colony, without any community encroaching upon the work of the other.

If there is any reason whatever in the views put forward above, I beg to submit that legislative interference is unjustifiable. The law of supply and demand will naturally regulate the supply of free Indians. After all, if the Indian is really a canker, the more dignified course, since it has been admitted that the Indians can thrive because of the European support, will be that such support should be withdrawn. The Indians, then, may fret awhile, but cannot legitimately complain. But it should appear unfair to anybody that legislation should interfere with the supported on the complaint of the supporters. All, however, I venture to claim on the strength of the above argument is that there is sufficient in it to justify the inquiry hereinbefore suggested. No doubt there would be the other side of the question. If there was an inquiry, both sides could thoroughly be thrashed out and an unbiased judgment obtained. Then there would be some good material for our legislators to go on with and for Mr. Chamberlain to guide him. The opinion pronounced 10 years ago by a Commission of Inquiry, consisting of Sir Walter Wragg and other Commissioners, is that the free Indian is a benefit to the Colony.<sup>1</sup> That is the only reliable material at present before the legislators, unless it is proved that the conditions during the last 10 years have so far changed as to prevent them from accepting that opinion. These, however, are local considerations. Why should not Imperial considerations also guide the

<sup>1</sup> For the findings of the Indian Immigrants Commission, vide "Memorial to Secretary of State for the Colonies", 15-3-1897, also "The Indian Franchise", 16-12-1895, Part VI.

Colonist? And if they should, then, in the eye of the law, the Indian is to have the same rights as all other British subjects. India benefits hundreds of thousands of Europeans; India makes the British Empire; India gives an unrivalled prestige to England; India has often fought for England. Is it fair that European subjects of that Empire in this Colony, who themselves derive a considerable benefit from Indian labour, should object to the free Indians earning an honest livelihood in it? You have said that the Indians want social equality with the Europeans; I confess I do not quite understand the phrase; but I know that the Indians have never asked Mr. Chamberlain to regulate the social relations between the two communities; and so long as the manners, customs, habits, and religions of the two communities differ, there will, naturally, be a social distinction. What the Indians fail to understand is, why that difference should come in the way of the two living cordially and harmoniously in any part of the world without the Indians having to accept a degradation of their status in the eye of the law. If the sanitary habits of the Indian are not quite what they ought to be, the Sanitary Department can, by strict vigilance, effect the needed improvement. If Indians have not got decent-looking stores, licensing authorities can soon turn them into decent-looking ones. These things can only be done when European Colonist, as Christians, look upon the Indians as brethren, or, as British subjects, look upon them as fellow-subjects. Then, instead of cursing and swearing at the Indians as now, they would help them to remove any defects that there may be in them, and thus raise them and themselves also in the estimation of the world.

I appeal to the Demonstration Committee<sup>1</sup>, who are supposed more particularly to represent the working men. They now know that the *Courland* and *Naderi* did not bring 800 passengers for Natal, and that, in what they did bring, [there] was not a single Indian artisan.<sup>2</sup> there is no attempt on the part of the Indians “to put the Europeans in the kitchen, and to become masters themselves”.<sup>3</sup> The European working man can have no complaint against the Indian. Under the circumstances, in my humble opinion, it behoves them to reconsider their position and direct the energy at their disposal in such channels that all sections of Her Majesty’s subjects in the Colony may live in

<sup>1</sup> *Vide* “Interview to *The Natal Advertiser*”, 13-1-1897.

<sup>2</sup> *ibid*

<sup>3</sup> *Vide* “Memorial to Secretary of State for the Colonies”, 15-3-1897.

harmony and peace, instead of under a state of excitement and friction. Information has appeared in the papers that a gentleman is shortly to proceed to England on behalf of the Indians and the evidence against the Colony is being collected. In order that there may be no misunderstanding about the matter, I may state that, in view of the approaching Conference, a gentleman is going to London on behalf of the Indian community in South Africa, to place the Indian side of the question before their sympathizers and the general public, as also, if necessary, Mr. Chamberlain.<sup>1</sup> He is to receive no remuneration for his services but passage and expenses. The statement that evidence is being collected against the Colony is very ugly and, unless it were true, could only be made by a person writing under an assumed name. The gentleman in question will certainly be put in possession of all the information about the Indian question in South Africa, but that appears in the papers already published. The Indians never have wished, and do not now wish, to make out a charge of brutality or general bodily ill-treatment by the Europeans towards them. Nor do they wish to make out that the treatment of the indentured Indians in Natal is worse than elsewhere. Therefore, if collecting evidence against the Colony is meant to convey some such impression, it is a groundless statement.

*Your, etc.,*  
M. K. GANDHI

*The Natal Mercury, 16-4-1897*

## 26. LETTER TO FRANCIS W. MACLEAN

WEST STREET, DURBAN,  
*May 7, 1897*

TO

THE HONOURABLE SIR FRANCIS W. MACLEAN, KNT.  
CHAIRMAN OF THE CENTRAL FAMINE RELIEF COMMITTEE  
CALCUTTA

SIR,

As soon as your telegram addressed to the Mayor of Durban asking for subscriptions to Famine Fund was published in the papers

<sup>1</sup> The reference is to Mansukhlal Hiralal Nazar, who did valuable work in England to inform public opinion about the problem of the South African Indians.

the Indian Community in Durban deemed it their duty to open a Subscription List, and circulars in English, Gujarati, Hindi and Tamil were forthwith issued,<sup>1</sup> copies of which we venture to enclose herewith.

When, however, His lordship the Mayor of Durban opened the General Subscription, we decided to send the collections to the general list.

The collections have been made by special workers from all parts of the Colony of Natal and in some cases, even outside Natal.

The total collections up to date in the hands of the Mayor amount to £1,535-1-9, of which over £1,194 have been received from the Indians.

We herewith enclose a list of subscribers to the extent of 10/- upward and venture to suggest that the list should be published in the chief Indian dailies.

We are grateful for the telegram of thanks received through the Mayor of Durban. Our feeling is that we have done nothing more than our duty. We only feel that we could not do more.

*We have the honour to remain,*

DADA ABDOOLLA & CO.

ON BEHALF OF THE INDIAN COMMUNITY

From a photostat of a copy: S.N. 2317

## 27. *LETTER TO A. M. CAMERON*

53A FIELD STREET,

DURBAN, NATAL,

*May 10, 1897*

DEAR MR. CAMERON,

I had your two kind letters. Owing to my wife being in childbed and pressure of office work I regret to say I was unable to reply to your first letter earlier.

Yes, Mr. Ray has gone. When we heard that the conference of the Premiers was going to discuss this question in London we decided

<sup>1</sup> *Vide* "Appeal for Funds", 3-2-1897.



to send somebody. Mr. Ray volunteered. He gets no *fees*. His passage and expenses will be paid by the Congress.

After the recent work in India<sup>1</sup> it is difficult to induce the people to believe that much more can be done at present in India.

Much of what appears in the papers with regard to the proposed Indian Press<sup>2</sup> is true and I thought of you in connection therewith before the receipt of your kind letter. If it becomes an established fact I shall correspond with you further on the matter. Any hints you can offer will be valued.

*I am,*  
*Yours truly,*  
M. K. GANDHI

[PS.]

A copy of the memorial re Demonstration was forwarded to you on Saturday.

A. M. CAMERON, ESQ.  
P. M. BURG

From a photostat of the original: C.W. 1080. Courtesy: Maharaja Prabirendra Mohan Tagore

## 28. *LETTER TO THE BRITISH AGENT*

PRETORIA,  
*May 18, 1897*<sup>3</sup>

HIS HONOUR THE BRITISH AGENT  
PRETORIA

SIR,

With reference to the interview you were good enough to grant with reference to the British Indians in this Republic, whereat I ventured to submit that, in the event of a test case being brought by

<sup>1</sup> Gandhiji was evidently referring to his own work there in 1896.

<sup>2</sup> *Vide* "Letter to A. M. Cameron", 15-2-1897

<sup>3</sup> There was a mistake in the year in the printed copy of the document available in the Colonial Office Records. Subsequently it was established that the letter belonged to 1897.

the Indian community here as to the interpretation of the Law No. 3 of 1885<sup>1</sup>, the expenses should be paid by Her Majesty's Government, I have to request you on behalf of the deputation to telegraph to the Right Honourable the Secretary of State for the Colonies as to whether Her Majesty's Government would defray the cost of the conduct of the case. The following are the grounds for such request:

1. The test case has been rendered necessary owing to the award of the Chief Justice of the Free State and the arbitration was agreed to by Her Majesty's Government without reference to the feeling on the matter of the Indian community in the Transvaal whose interests were at stake, and in spite of their respectful protest as well against the choice of the arbitrator. (Blue book C. 7911 of 1895, p. 35, paragraph 3.)

2. The Telegraphic despatches published in the above Blue book, pp. 34 (No. 9) and 46 (Enclosure in No. 12), show that Her Majesty's Government contemplated bringing a test case. While the case will be entered in the name of a member of the Indian community, it is, I submit, reasonable to infer that the cost will be defrayed by Her Majesty's Government.

3. The British Indians have already incurred heavy expenses in their struggle against degradation and disabilities sought to be placed upon them in the Transvaal in spite of the protection afforded to them against such degradation and disabilities by the 14th Article of the Convention of 1884, and, comparatively speaking, their pecuniary position is not such as to bear any strain put upon their purse. I venture to hope that in your telegram you would mention a summary of the grounds on which the request as to the costs is based.<sup>2</sup>

Personally and on behalf of the deputation you were kind enough to receive today, I beg once more to tender my thanks for the courteous manner in which you received us and the patient, sympathetic hearing you granted us.

On behalf of the deputation,

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

Colonial Office Records: South Africa, General, 1897

<sup>1</sup> Vide "Memorial to Secretary of State for the Colonies", 15-3-1897, Appendix-A.

<sup>2</sup> The addressee had this forwarded to the Colonial Secretary on May 25. The Imperial Government, however, did not accede to the request.

## 29. ADDRESS TO QUEEN VICTORIA<sup>1</sup>

[Before *May 21, 1897*]<sup>2</sup>

In token of our joy at the approaching completion of the 60th year of your glorious and beneficent reign, we are proud to think that we are your subjects, the more so as we know that the peace we enjoy in India, and the confidence of security of life and prosperity which enables us to venture abroad, are due to that position. We can but re-echo the sentiments of loyalty and devotion which are finding expression among all your subjects and in all parts of your vast dominions on which the sun never sets. That the God Almighty may spare you in health and vigour for a long time to come to reign over us, is our devout wish and prayer.

*The Natal Mercury*, 3-6-1897

## 30. LETTER TO ADAMJI MIYAKHAN

TRANSVAAL HOTEL, PRETORIA,

*May 21, 1897*

DEAR MR. ADAMJI MIYAKHAN<sup>3</sup>,

I hope you have made the necessary arrangements for the address to Her Majesty the Queen.<sup>4</sup> If it has not been already printed or engraved, please put in the following superscription. Please attend to this immediately.

“To

Her Majesty Victoria by the Grace of God of the United Kingdom and Ireland, Queen, Defender of the Faith, Empress of India, Most Gracious Sovereign and Empress

We. . . . .”

Below this should also appear “Durban, May ..... 1897.”

<sup>1</sup> The address, inscribed on a silver shield, and bearing 21 signatures including that of Gandhiji, who had drafted it was presented to the Natal Governor for being conveyed to Queen Victoria, whose Diamond Jubilee was being celebrated on June 22. A similar address was also sent to the Queen by the Indians of the Transvaal.

<sup>2</sup> *Vide* the following item, which would suggest that the address had already been drafted before May 21.

<sup>3</sup> Honorary Secretary of the Natal Indian Congress from June 1896, when Gandhiji had to leave for India, to June 1897

<sup>4</sup> *Vide* the preceding item.

I do not understand why there are no letters at all from Messrs Joseph and Lawrence. I may leave this place on Wednesday.

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the Gujarati: S.N. 3677

*31. LETTER TO NATAL COLONIAL SECRETARY*

[DURBAN],  
*June 2, 1897*

TO  
THE HONOURABLE  
THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

As it is the intention of the representatives of the Indian community in Natal to address a petition to the Rt. Honourable the Colonial Secretary with reference to the Indian Bills<sup>1</sup> of the last session, the last batch of which was published in yesterday's *Gazette*, I have to request you to hold over sending the Despatch<sup>2</sup> with reference to them to the Colonial Secretary till the receipt of the petition which now is in the course of preparation.

*I have the honour to remain,*  
*Sir,*  
*Your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: Ref. C.S.O. 3789/97

<sup>1</sup> The reference is to the Quarantine, Immigration Restriction, Dealers' Licences and Uncovenanted Indians Protection Bills.

<sup>2</sup> The Despatch had, however, already been sent; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897.

### 32. CABLE TO CHAMBERLAIN, HUNTER AND OTHERS

DURBAN,  
*June 9, 1897*

RIGHT HONOURABLE JOSEPH CHAMBERLAIN

SIR WILLIAM HUNTER CARE "TIMES"

INCAS

BHOWNAGGREE

LONDON

INDIAN    BILLS    MENTIONED    LAST    MEMORIAL    GAZETTED    ACTS.  
WE    HUMBLY    REQUEST    DEFERRING    CONSIDERATION.    MEMORIAL  
PREPARING.

INDIANS

From a photostat of an office copy: S.N. 2381

### 33. LETTER TO "THE NATAL MERCURY"<sup>1</sup>

DURBAN,  
*June 24, 1897*

THE EDITOR

*The Natal Mercury*

SIR,

I notice there are some inaccuracies and omissions in the report published in your today's issue with reference to the opening of the Diamond Jubilee Library in Grey Street.<sup>2</sup>

The report about the origin of the Diamond Jubilee Library was read not by me, but the honorary librarian, Mr. Bryan Gabriel, who played the principal part in bringing it about. Mr. J. S. Done, of the Railway Indian School, is the Chairman of the Library Committee. It would seem from the report that His Worship the Mayor attached the blame for the regrettable absence of Indians from the procession to

<sup>1</sup> This appeared in the source under the title "Indians and the Diamond Jubilee".

<sup>2</sup> The library, formally opened by resident magistrate J. P. Waller, represented the joint efforts of the Natal Indian Education Association and the Natal Indian Congress. Initially there were two hundred books, all gifts.

that community. I do not think he said or could mean anything of the kind. I happen to know that, no matter who is to blame for the omission, the Indian community is not.

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

*The Natal Mercury, 25-6-1897*

### 34. LETTER TO "THE NATAL MERCURY"<sup>1</sup>

*June 25, 1897*

THE EDITOR  
*The Natal Mercury*

SIR,

Many sympathizers and friends of the Indian community in Durban have expressed their resentment to the heads of that community that they did not receive the invitation to attend the opening ceremony of the Diamond Jubilee Library. I beg to state that the responsibility for omissions rests with me, though, I trust, the circumstances under which the invitations were issued would be deemed sufficient excuse for any omissions. It was not before 5 o'clock in the evening on Monday last that the invitations could be issued. The list of names was hurriedly drawn up. There was no time to show it to all the leading members. The committee, however, feel deeply grateful to such gentlemen for their anxiety to grace the occasion by their presence. The committee have also directed me to thank those gentlemen who received the cards but were unable to attend the ceremony owing to previous engagements or having received the cards too late to be present. It seems that some invitation cards did not reach their destination.

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

*The Natal Mercury, 28-6-1897*

<sup>1</sup> This appeared in the source under the title "Indian Jubilee Library".

35. *PETITION TO SECRETARY OF STATE FOR  
THE COLONIES*

DURBAN,  
*July 2, 1897*

TO

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN

HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES

LONDON

THE PETITION OF THE UNDERSIGNED BRITISH INDIANS  
REPRESENTING THE INDIAN COMMUNITY IN NATAL

HUMBLY SHEWETH:

That your Petitioners hereby respectfully venture to approach you with reference to four Indian Bills passed by the Honourable the Legislative Assembly and the Honourable the Legislative Council of the Colony of Natal and which, having received the Governor's assent, have been gazetted as Acts. These Bills were, in the order in which they were passed respectively: the Quarantine Bill, the Immigration Restriction Bill, the Trade Licences Bill, and the Bill to protect the Uncovenanted Indians from liability to arrest.

Your Petitioners alluded to the first three Bills<sup>1</sup> in their last memorial and said therein that, if these Bills passed the Natal Legislatures, they might have to approach you again with special reference thereto. It has now become your Petitioners' unfortunate duty so to do, and they confidently trust they would be excused for the trouble they have to give you, seeing that the question underlying these Bills touches the very existence of the Indian community in Natal.

As soon as the last two of these Bills were gazetted as Acts, your petitioners wrote to the Honourable the Colonial Secretary<sup>2</sup> praying that the despatch of the Bills to Her Majesty's Government should be postponed till the receipt hereof; a reply from the Honourable the Colonial Secretary was received to the effect that the Bills had already

<sup>1</sup> Of March 15; *vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>2</sup> *Vide* "Letter to Natal Colonial Secretary", 2-6-1897.

been forwarded. Thereupon, the following humble telegram<sup>1</sup> was sent to you:

Indian Bills mentioned last memorial Gazetted Acts. We humbly request deferring consideration. Memorial preparing.

Copies of the four Bills mentioned are appended hereto, and marked A, B, C and D respectively.

Your petitioners ventured to approach both the Houses of the local Parliament with reference to these Bills,<sup>2</sup> without avail.

Copy of the petition to the Honourable the Legislative Assembly is annexed herewith and marked E<sup>3</sup>. It endeavours to show that restrictive legislation for Indians is not warranted by the circumstances and, therefore, that before embarking upon such legislation a census should be ordered to be taken of the total Indian population of the Colony and inquiry instituted as to whether the presence of the Indian in the Colony is a benefit or an evil to the Colony.

The Quarantine Bill gives the power to the Governor not only to return any ship coming from infected ports without allowing her to land her passengers and cargo, but also prevent any person coming, in the first instance, from an infected port from landing in Natal, even though such person may have transshipped into some other boat on his way to Natal. Your petitioners can have no objection against any Quarantine Law, no matter how severe, so long as it is meant as a protection against the introduction of infectious diseases. But the present Bill is merely a part of the anti-Indian policy of the Natal Government. As has been pointed out in the anti-Indian Demonstration Memorial, the Natal Government made a promise to the Demonstration Committee that a Bill to extend the Governor's powers of imposing quarantine was under consideration.<sup>4</sup> The present Bill has been looked upon as one of the Indian Bills of the session; thus, says *The Natal Mercury*, 24th February 1897, with reference to the Quarantine and other Indian Bills:

The first three Bills published in the *Gazette* this week are in fulfilment of the promise of the Government that measures to deal with the question of Indian immigration would be introduced during the forthcoming session of

<sup>1</sup> *Vide* "Cable to Chamberlain, Hunter and Others", 9-6-1897.

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

<sup>3</sup> This is not reproduced as an appendix to the petition; for the text of the petition to the Natal Legislative Assembly, *vide* "Petition to Natal Legislative Assembly", 26-3-1897.

<sup>4</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.



Parliament. None of the Bills specifically relates to Asiatics and, therefore, [they] do not come under the suspensory conditions attached to such measures. They have been drafted to apply to all and sundry and certainly no fault can be found with their comprehensive character. It may be frankly admitted that the Bills are more or less of an objectionable character, but desperate diseases require desperate remedies. It is to be regretted that such measures are necessary, but that they are necessary is beyond dispute, and however disagreeable it may be to pass such legislation, it has been an imperative duty and must be undertaken. The Bill to amend the laws relating to quarantine may be fairly termed an extraordinary measure of precaution taken in the face of plague-stricken countries. Something more than the ordinary measures are necessary if we are to secure immunity from dread diseases.

The same paper, in answering the objections to the Immigration Restriction Bill, says again in a leading article dated 30th March, 1897:

It has been urged by those people who consider the Bill (i.e., the Immigration Restriction Bill) objectionable because it is not straightforward, that a Bill should be passed against Asiatics in particular, that we should enter upon the "long constitutional fight", and, in the mean time, we should protect ourselves with the Quarantine Act; the inconsistency of such a course is very apparent. It would imply that we were much too high-minded to be dishonest with regard to the Immigration Bill, but we had not the slightest objection to take a mean advantage of the provisions of the Quarantine Bill. To prevent the landing of Indian immigrants in Natal, on the ground that they came from a country infected with dangerous infectious disease within a thousand miles of the district they come from, is just as disingenuous as the operations under the Immigration Restriction Bill.

It is, then, because the Quarantine Bill is intended indirectly to prevent Indian immigration to Natal that your Petitioners deem it necessary to enter their respectful protest against it. For, why should an Indian, trans-shipping into a German liner at Zanzibar bound for Natal, be prevented from landing there while other passengers may do so without difficulty? If an Indian is likely to bring an infectious disease into the Colony, so are the other passengers who have come into contact with him.

The Immigration Restriction Bill provides, among other things, that any person who is a pauper and is likely to become a public charge, and cannot write out an application to the Colonial Secretary according to the form given as a schedule to the Bill, shall be treated as a prohibited immigrant. Thus, an Indian, who is learned in any of

the Indian languages, but does not know any European language, cannot land in Natal even though it be temporarily. Such an Indian may go to the Transvaal, a foreign territory, but may not set his foot on the Natal soil, Even in the Orange Free State, any Indian may remain for two months without having to undergo any ceremony, but he may not do so in the British Colony of Natal. This is, therefore, going further than either of the above independent States. If an Indian Prince wanted to travel round the world and came upon Natal, he would not be allowed to land there unless special permission was accorded to him. Ships on their way to Mauritius, having Indian passengers, have been calling here after the Immigration Law came into operation, and the Indian passengers are not even allowed to land and have exercise or fresh air while the ships are at anchor. By order of the Immigration Department they are kept under strict supervision, and their luggage is stored away in the hold lest they should evade the supervision and land. In other words, British subjects, because they happen to be Indians, are practically treated as prisoners on the British soil.

It has been authoritatively stated that no Government would dream of applying the Law to the Europeans in the same manner as the Indians. In dealing with the clause 3, sub-clause (b) now modified, the Honourable the Prime Minister said as follows, on the second reading of the Bill:

As to immigrants being in possession of twenty-five pounds, when those words were introduced it never occurred to him that it would be applied to the Europeans. It could be so applied if the Government were foolish enough. The object, however, was to deal with the Asiatics. Some people said they liked an honest straightforward course. When a ship was heading against a wind, she had to tack, and by and by she accomplished her goal. When a man met difficulties, he fought against them, and, if he could not knock them over, he went round them instead of breaking his head against a brick wall.

The want of straightforwardness about the Bill has appealed to almost everyone in the Colony. The Farmers' Conference at Maritzburg, the capital of the Colony, a meeting held in the Durban Town Hall for the purpose of giving the members of the Borough an opportunity to express their opinion on the Bills, and other meetings protested against it on the ground that it was un-British; several members of the Parliament also expressed themselves strongly against it. Mr. Binns, the leader of the unformed opposition in the House of Assembly, said:

They ought to guard against taking a purely local view of so serious a question. The Bill was not straight. It did not go straight to the point, and nothing could be more appropriate than the remark that was made in the petition read that afternoon, that it was un-British. Nobody liked the Bill. There was not a man in all Natal that liked the Bill, and the Premier certainly did not like it. He might think that there was a necessity for it, and that the Bill should assume the form it has done. But if there was one thing clear in his speech, it was that he did not like the Bill.

Mr. Maydon, another member of the Assembly,

ventured to strongly express the opinion, and he believed the majority of the Colonists of Natal agreed with him, that rather than accept this measure, they would continue to wallow in the mire of the Asiatic immersion.

Mr. Symons, another member, said:

They could not remove the Indians in our midst, nor withdraw the privileges they possess as British subjects. Would any Englishman that called himself a statesman produce such a Bill, and expect it to pass? The Bill was a monstrous Bill. Such a Bill was a disgrace to a British Colony; why not call it an Asiatic Restriction Bill? They did not talk of tacking in these days of steamship, but went straight ahead.

Thus, seeing that there is no unanimity of opinion about the Bill, your Petitioners submit that their modest prayer that a census should be taken of the Indian population, and an enquiry made as to the allegation that the presence of Indians is an evil to the Colony, might have been complied with before passing such a drastic measure. Your Petitioners submit that there was absolutely no justification for the measure. It has not been proved that the number of the Indians is more rapidly increasing than the number of Europeans. On the other hand, the last report shows that, while there might have been an increase of 666 Indians during the last six months ending January,<sup>1</sup> the increase in the number of the Europeans was close upon 2,000. Further, the class of the Indians whom the Bill is intended to prevent from coming number about 5,000 in the Colony as against 50,000 Europeans. Also, the deliberate opinion of the Commission that sat ten years ago in Natal under the Chairmanship of Sir Walter Wragg, the first Puisne Judge, stands on record, namely:

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

*We are content to place on record our strong opinion based on much observation that the presence of these traders has been beneficial to the whole Colony and it would be unwise if not unjust to legislate to their prejudice.*

This is the only authoritative opinion that the local legislatures could be guided by. In the teeth of these facts, your petitioners yet venture to trust that Her Majesty's Government would order that the inquiry of the nature above indicated be instituted before arriving at a decision as to the necessity of legislation restrictive of the freedom of the British Indians in Natal; that is, if Her Majesty's Government decide that, in spite of the Proclamation of 1858, a British Colony can legislate to the prejudice of British Indians, and if Her Majesty's Government come to the conclusion that the Proclamation does not confer any such privileges as are contended for herein, and, if they are satisfied that the number of Indians in Natal is increasing at an alarming rate, and that the presence of the Indians is an evil to the Colony, it would be far more satisfactory that a Bill specially applicable to the Indians should be introduced.

With the greatest deference, it does seem strange that, while the Transvaal Government have been compelled to withdraw their Aliens Law<sup>1</sup>, the Natal Government have passed an Immigration Act which is far more severe than the Transvaal one.

Your Petitioners would now crave leave to give extracts from the Press, showing how the Immigration Restriction Act is viewed by the Press:

Section 4 defines the penalties to which any prohibited immigrant, making his way into the Colony in disregard of the Act, is liable, viz., deportation and (or) six months' imprisonment. Now, we think most people will agree with us that, however necessary it may be for the Colony, for its own benefit, to impose restrictions on immigration, it is not a crime for any person to endeavour to come into the country. It is morally certain, too, that the class of persons to whom the Bill applies will, as a rule, be totally ignorant of the fact that, by entering the Colony, they are breaking any of its laws. Such a law is in a different position from the ordinary laws of the country, since it applies to people who have no opportunity of making themselves acquainted with its laws. It is, moreover, the duty of the officials appointed, therefore, to see that no prohibited immigrants are landed, and under these circumstances we think deportation is sufficient, and penal laws should be eliminated. A similar criticism applies to Section 5, which provides

<sup>1</sup> Vide "Letter to Dadabhai Naoroji and Others", Before 18-9-1897.

for a deposit of £100 as a sort of guarantee, to be forfeited should the immigrants eventually prove to come under the category of “prohibited immigrants”. We see no justice whatever in annexing this deposit. If he is treated as a prohibited immigrant and compelled to leave the Colony, his money should be returned. The clause imposing heavy penalties on shipmasters is only sure to provoke criticism. It virtually imposes upon the captains of vessels the duty, before leaving the port of departure, of a minute examination into the circumstances and position of every one of their passengers. This may be necessary for the effectual operation of the law, but it nevertheless inflicts a great hardship upon the masters.

The Bill, it will be observed, applies to persons entering the Colony by land and sea. We are of opinion that it would be much less obnoxious and more easily enforced if it applied to immigrants by sea only. There is very little reason to fear any considerable influx of Asiatics by land, and the only other persons are travellers from one South African State to another, who should be as free from restriction as possible, and natives, the greater part of whom would be excluded by the educational tests, possibly to the detriment of our labour supply.—*The Natal Advertiser*, 24-2-'97.

Would it not be a reasonable position to take up to say “If you won’t have the one class, you shan’t have the other?” That this attitude is not an unlikely one is apparent from the tone of the Indian Press. We published, a few days ago, an article from *The Times of India* which practically calls upon Natal to choose between unrestricted immigration or none at all. That may be only a local view, but we think we are not far wrong in saying that it is just the sort of answer we should give if the cases were reversed. It is not an unfair argument to say that if the Colony finds it necessary for its own benefit to exclude a certain class of Indian immigrants it cannot complain if the Indian Government refuses to allow it to import, also for its own benefit, another class of Indian immigrants. —*The Natal Advertiser*, 5-4-'97.

We question whether any Act so drastic in its tendency, and so wide in its scope, has been adopted by any British Colony, and it is no honour to a Colony, which professes such devotion to progress and freedom as ours, to be the first to inscribe such a measure on its statute-book.—*The Natal Advertiser*, 26-2-'97.

It may be fairly argued that, having regard to its purpose, it is dishonest and hypocritical in principle, because its real object is not its ostensible object. It professes to be a measure to restrict immigration generally, when everybody knows that in reality it is intended to stop Asiatic immigration.—*The Natal Advertiser*, 26-2-'97.

Let us try to get what we want by an honest, fair, and aboveboard measure, which does not seek to hide the real issues under a cloud of vague, unworkable and un-English restrictions. Until we can do this, there is ample scope for the energies of Government, and the Colonial municipalities in carrying out local regulations which will do a good deal towards minimizing the evil complained of.—*The Natal Advertiser*, 12-3-'97.

The Natal Immigration Law represents one of the most contemptible tricks to which a Government and legislature could be party.—*The Star*, 20-5-'97.

The session of 1897 will be known hereafter as having given birth to that most objectionable law, which in some respects is even worse than the enactment<sup>1</sup> passed by the Transvaal Volksraad last year with a similar object. It is within the knowledge of everyone that Mr. Chamberlain protested against the law, and that it was promptly repealed by the Volksraad. But it is certain that, if the law is good for Natal, it can scarcely be bad for the Transvaal.—*The Transvaal Advertiser*, 22-5-'97.

The new Natal law is more than a violation of this general principle. It is, in addition, a dishonest law, if the contention produced in favour of passing it is to be recognized. While its terms are of universal applicability, the Government openly admitted in the Legislature that it would only be applied to certain classes. Such a mode of securing class legislation is pernicious in the extreme. Class legislation is generally wrong or undesirable; but when a class law is passed in a shape that does not show it is meant for only one section of the community, its inherent faults become greatly intensified. It is further an act of cowardice on the part of any Parliament to shirk the consequences that may ensue from the candid adoption of a class measure by resorting to the pretence that a law is not meant to be a class one at all. The avowed object of this Natal Immigration Restriction law is to deal with the influx of free Indians; not, be it well marked, with all Indians. Indentured 'coolies' are to be included in the same category of persons exempt from the operations of this law as, say, the Prince of Wales. Yet, as a matter of fact, the indentured coolies brought to Natal largely consist of the very lowest class of natives to be picked out of the gutters of Calcutta and Bombay. Man for man, the free Indian coming to Natal at his own expense is likely to be of a better stamp than the destitute coolie shipped across at other people's expense. But this indentured fellow-countryman of the lowest caste is to be admitted because he is a bondsman. Yet, in five years' time, the semi-slave

<sup>1</sup> The Transvaal Aliens Act

thus allowed in can, if he chooses, demand his freedom and settle in Natal as a free Indian.—*The Star*, 10-5-'97.

The Natal Law cannot with any sense of fairness and justice be countenanced by Mr. Chamberlain after the attitude he has taken up towards a much less offensive enactment passed in his State, which is very much less within his 'sphere of influence' than Natal.—*The Star*, 7-5-'97

The Dealers' Licences Bill<sup>1</sup> is, if possible, the worst of all. It not only requires that traders should keep their books in English, but gives absolute power to the licensing authorities to refuse to issue or renew licence without the right to the aggrieved party to appeal to the highest tribunal of justice. It is thus subversive of one of the most cherished principles of the British Constitution. Your Petitioners cannot better express their objections to the Bill than in the words of Mr. Tatham, a member of the Legislative Assembly:

He had no hesitation in saying that this Bill would establish a monopoly in favour of existing traders. Members who had discussed the Bill discussed from the point of view of the trader apart from the point of view of the consumer. One of the most disastrous courses which legislation could take was a course which had for its object the restraint of trade, and so far was this principle recognized that, by the common law of England, a private contract entered into between two persons was invalid if that contract could be shown to be prejudicial to the community by placing restraint on trade. It was recognized as a principle of trade all the world over that there was nothing like competition, not only for those engaged in the competition but also for consumers. The effect of a Bill of this sort would simply enhance the profits of traders at the expense of the consumers. He dealt with this Bill not from the point of view of its effect as an Asiatic repression Bill, but from the point of view upon which it was presented to the House. The Bill included all sections of the community, whether Europeans or Asiatics, and it contained provisions of an alarming character. It was provided that licences would be issued by one individual, and licences already in existence were liable to be taken away by that individual. That applied to country districts. How did it apply in towns and municipalities? Let him take Durban as an example. The Town Council might consist of a majority of persons who studied their own interests before

<sup>1</sup> For the text of the Bill, *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix-C.

the interests of the community, and might refuse licences to trade in that borough. The Premier would say that these people were subject to the control of the popular vote, but how was the popular vote to be brought into operation when it was a case of one individual against the whole body.

Even the Honourable the Prime Minister found it very difficult to justify the Bill, and was not eager that it should pass. He said:

They asked that powers be given to each municipality, in excess of its present powers, to control the issuing of licences, and there need be no hesitation in saying what their object was. It was to prevent persons who competed with Europeans from getting licences to trade, as Europeans were required to do. This was the intention of the Bill, and, if that intention were accepted, then, of course, the second reading would pass, and then they would have to deal with details. It would not be possible to pass this Bill without appearing to take away a part of the liberty of the subject, because the subject now had a right to a licence as a matter of course, and if this Bill were passed into law, the subject would no longer have the right. He would only have that right if the licensing authority thought fit to grant it. This Bill interferes with the course of law, because the Bill would be defeated in its objects if the courts had jurisdiction. The Town Councils would be responsible to their constituents, and there would be no appeal from their decisions, as regards the granting of licences, to a court of law. The objection had been taken to this Bill that it would not allow the law to have its natural course. The answer was if they should be granted, then they would not pass this Bill; but under this measure the licensing authorities only would have this discretion. (Hear, hear.) He thought it right to emphasize the fact that the courts of law would have no jurisdiction over trade licences under this Bill. This jurisdiction would be exercised by the licensing authorities. If the Assembly thought that the Bill should go through the second reading then there would be a discussion on details in Committee. He submitted the Bill to the Assembly, and wished to point out that the main object of it was to affect those persons dealt with under the Immigration Bill. Ships would not bring these people if they knew they could not be landed, and the people would not come here to trade if they knew they could not get licences.

Mr. Symons “opposed this Bill. He looked upon the measure as most un-English and oppressive.”

It would be noticed that even hawkers, who move about with a few pounds worth of goods from place to place, would be expected to keep their books in English. As a matter of fact, they do not keep any books at all. The objection to the aggrieved party going to the highest



tribunal of justice in the land seems to be based on the ground that the Licensing Officer will not be able to justify the use of his discretionary power in a court of law.

The question also arises as to what would be done with reference to renewals of licences. Are the merchants, with hundreds and thousands of pounds worth of goods, to be called upon to shut up their businesses if the Licensing Officer thought it fit to order so? It suggested itself to Mr. Smythe, a member of the Assembly, who moved that an year's time should be given to persons in possession of licences, and drew the House's attention to the fact that even the Free State gave the traders reasonable time before compelling them to close their businesses. But, unfortunately, the motion was lost.

*The Natal Advertiser*, 5-4-'97. thus expresses itself on the Bill:

It is a matter for regret that so many members, who boldly protested against the violation of British traditions embodied in the Immigration Bill, should have swallowed, without a grimace, the much more serious infringement of the liberty of the subject involved in the Licences Bill. With the object of the Bill we are in thorough accord; and we do not either attach very much weight to the fears of some of the members as to the large powers granted to corporations. A very much graver danger is the negation of appeal to the courts of justice. It is only this, in fact, which could make the powers granted under the Bill dangerous. It would have been easy to frame a measure which would safeguard the interests to be protected quite as effectively as this one, without resorting to the crude and unstatesmanlike expedient of depriving persons of their right to appeal to a court of law. No urgency could justify such a provision. The Premier's argument that "there would be no discretion if the discretion was to be in the Supreme Court or any other court; they could not give discretion to a licensing authority and allow the discretion to be exercised by somebody else," is unworthy of himself and his audience. Licensing authorities under the existing law have discretion, but that does not exclude the ultimate jurisdiction of the Supreme Court. Moreover the argument is destroyed by the provision in the Bill itself which allows appeal to the Colonial Secretary. So that it actually does give discretion to a licensing authority, and then allow the discretion to be exercised by some-body else.

Your Petitioners have not attempted to discuss the details of the above Bills at length, since, in their humble opinion, the principle of the Bills is so utterly opposed to the spirit of the British Constitution, as also of the Proclamation of 1858, that it seems useless to discuss the details.

This is clear, however, that if the Bills are not disallowed, Natal would have gone much further than the Transvaal in oppressing the

Indians. The Indians in virtue of the Immigration Law cannot enter Natal, except a few who are able to read and write English, though they may go to the Transvaal without any hindrance. The hawkers may not get licences to hawk in Natal, though they can get them as of right in the Transvaal. Under such circumstances, your Petitioners venture to trust that, if nothing else is done, Indian immigration to Natal would be stopped, and a great anomaly, i.e., the fact that Natal gets all the advantage of the presence of the Indian in the Colony while she would give none, removed.

The Bill to protect Uncovenanted Indians from liability to arrest<sup>1</sup> is not in answer to the anti-Indian clamour in the Colony, but has its origin in a certain correspondence that passed between the Government and some Indians. Indians that are not under indenture are sometimes arrested under the indentured Indians Immigration Law, as being deserters from their estates. To avoid this inconvenience, some Indians approached the Government with a view to get it minimized. The Government were good enough to issue a Proclamation authorizing the Protector of Immigrants to issue certificates to free Indians, certifying that the bearers were not indentured Indians. It was, however, meant to be a temporary measure, and the present Bill is intended to replace it. Your Petitioners recognize the good intentions of the Government in introducing the Bill; but your Petitioners are afraid that, owing to the clause 3<sup>2</sup>, rendering the Police, arresting any Indians for being without a pass, free from liability for wrongful arrest, takes away all the good that the Bill is no doubt intended to do, and makes it an engine of oppression. The taking out of passes is not compulsory, and it is admitted that only the poorer Indians would take advantage of the pass clause. Before; too, much trouble only arose through the overzeal of officers in making arrests. Now, the 3rd clause gives almost a license to arrest with impunity any Indian they choose. Your Petitioners further draw your attention to the argument against the Bill as set forth in the memorial to the Honourable the Legislative Assembly herein before referred to (Appendix E), and venture to hope that the Bill will be disallowed. Instructions to the Police to use caution when making

<sup>1</sup> For the text of this Bill, *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix-D.

<sup>2</sup> This clause was put as clause 4 in the Act; *vide* "Petition to the Secretary of State for the Colonies", 2-7-1897, Appendix-D.

arrests under the Indenture law would have met the difficulty.

In conclusion, your Petitioners pray that the above Bills be disallowed, in virtue of the power reserved to the Crown under the Constitution Act to disallow any Act within two years after its promulgation, or the enquiry of the nature above indicated be ordered before Her Majesty's Government refuse to disallow the above Acts or any part of them, that a definite pronouncement as to the status of the British Indians outside India be made, and that, should it not be deemed feasible to disallow the above Acts, the indentured immigration to Natal be stopped, or grant such other relief as Her Majesty's Government may think fit.

And for this act of justice and mercy, your Petitioners, as in duty bound, shall for ever pray, etc., etc.

(Sd.) ABDUL CARIM HAJI ADAM  
AND OTHERS

## APPENDIX A

No. 1, 1897

### ACT

#### “TO AMEND THE LAWS RELATING TO QUARANTINE”

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:

1. Whenever any place has been proclaimed, under Law 4, 1882, as an infected place, the Governor-in-Council may, by a further Proclamation, order that no person shall be landed from any ship coming from such place.
2. Any such order shall also extend to a ship having on board passengers who have come from a proclaimed place, notwithstanding that they may have embarked at some other place, or that the ship has not touched at the proclaimed place.
3. Any such order as aforesaid shall be in force until revoked by a further Proclamation.
4. Any person who shall land in contravention of this Act, shall, if practicable, be at once returned to the ship in which he came to Natal, and the master of such ship shall be bound to receive such person on board, and to convey him from the Colony at the expense of the owners of the ship.

5. The master and owners of any vessel from which any persons shall be landed in contravention of this Act shall be liable to a penalty of not less than one hundred pounds sterling for each person so landed, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid and until provision has been made by the master for the conveyance out of the Colony of each person who may have been so landed.
6. This Act and Laws 3 of 1858 and 4 of 1882 shall be read together as one Act.

## APPENDIX B

WALTER HELY-HUTCHINSON  
GOVERNOR

No. 1, 1897

### ACT

#### “TO PLACE CERTAIN RESTRICTIONS ON IMMIGRATION”

WHEREAS it is desirable to place certain restrictions on Immigration:

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:

1. This Act may be known as “The Immigration Restriction Act, 1897”.
2. This Act shall not apply to:
  - (a) Any person possessed of a certificate in the form set out in the Schedule A to this Act annexed, and signed by the Colonial Secretary, or the Agent-General of Natal, or any officer appointed by the Natal Government for the purposes of this Act whether in or out of Natal.
  - (b) Any person of a class for whose immigration into Natal provision is made by law or by a scheme approved by Government.
  - (c) Any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary.
  - (d) Her Majesty’s land and sea forces.
  - (e) The officers and crew of any ship of war of any Government.
  - (f) Any person duly accredited to Natal by or under the authority of the Imperial or any other Government.

3. The immigration into Natal, by land or sea, of any person of any of the classes defined in the following sub-sections, hereafter called “prohibited immigrant”, is prohibited, namely:

- (a) Any person who, when asked to do so by an officer appointed under this Act, shall fail to himself write out and sign, in the character of any language of Europe, an application to the Colonial Secretary in the form set out in Schedule B of this Act.
- (b) Any person being a pauper, or likely to become a public charge.
- (c) Any idiot or insane person.
- (d) Any person suffering from a loathsome or a dangerous contagious disease.
- (e) Any person who, not having received a free pardon, has within two years been convicted of a felony or other infamous crimes or misdemeanour involving moral turpitude and not being a mere political offence.
- (f) Any prostitute and any person living on the prostitution of others.

4. Any prohibited immigrant making his way into, or being found within Natal, in disregard of the provisions of this Act, shall be deemed to have contravened this Act and shall be liable, in addition to any other penalty, to be removed from the Colony, and upon conviction may be sentenced to imprisonment not exceeding six months without hard labour. Provided that such imprisonment shall cease for the purpose of deportation of the offender, or if he shall find two approved sureties each in the sum of fifty pounds sterling, that he will leave the Colony within one month.

5. Any person appearing to be a prohibited immigrant within the meaning of Section 3 of this Act and not coming within the meaning of any of the Sub-sections (c), (d), (e), (f) of the said Section 3 shall be allowed to enter Natal upon the following conditions:

- (a) He shall, before landing, deposit with an officer appointed under this Act the sum of one hundred pounds sterling.
- (b) If such person shall, within one week after entering Natal, obtain from the Colonial Secretary, or a Magistrate a certificate that he does not come within the prohibition of this Act, the deposit of one hundred pounds sterling shall be returned.
- (c) If such person shall fail to obtain such certificate within one week, the deposit of one hundred pounds sterling may be forfeited, and he may be treated as a prohibited immigrant:

Provided that, in the case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the Colony.

6. Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of

any of the sub-sections (c), (d), (e), (f) of Section 3 of this Act, shall not be regarded as a prohibited immigrant.

7. The wife and any minor child of a person not being a prohibited immigrant shall be free from any prohibition imposed by this Act.

8. The master and owners of any vessel from which any prohibited immigrant may be landed shall be jointly and severally liable to a penalty of not less than one hundred pounds sterling, and such penalty may be increased up to five thousand pounds sterling by sums of one hundred pounds sterling each for every five prohibited immigrants after the first five, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid, and until provision has been made by the master to the satisfaction of an officer appointed under this Act for the conveyance out of the Colony of each prohibited immigrant who may have been so landed.

9. A prohibited immigrant shall not be entitled to a licence to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess of any borough or on the roll of any township; and any licence or franchise right which may have been acquired in contravention of this Act shall be void.

10. Any officer thereto authorized by Government may make a contract with the master, owner, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel.

11. Any person who shall in any way wilfully assist any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act.

12. Any person who shall wilfully assist the entry into Natal of any prohibited immigrant of the class (f) in Section 3 of this Act shall be deemed to have contravened this Act, and shall upon conviction be liable to be imprisoned with hard labour for any period not exceeding twelve months.

13. Any person who shall be wilfully instrumental in bringing into Natal an idiot or insane person without a written or printed authority, signed by the Colonial Secretary, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony.

14. Any police officer or other officer appointed therefor under this Act, may, subject to the provisions of Section 5, prevent any prohibited immigrant from entering Natal by sea or land.

15. The Governor may from time to time appoint, and at pleasure remove, officers for the purpose of carrying out the provisions of this Act, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the Ministerial head of their department.

16. The Governor-in-Council may, from time to time make, amend, and repeal rules and regulations for the better carrying out of the provisions of this Act.

17. The penalty for any contravention of this Act, or of any rule or regulation passed thereunder, where no higher penalty is expressly imposed, shall not exceed a fine of fifty pounds sterling, or imprisonment, with or without hard labour, until payment of such fine or in addition to such fine, but not exceeding in any case three months.

18. All contraventions of this Act or of rules or regulations thereunder and suits for penalties or other moneys not exceeding one hundred pounds sterling shall be cognizable by Magistrates.

### **SCHEDULE A**

Colony of Natal,

This is to certify that . . . . . of . . . . . aged . . . . .  
. . . . . by trade or calling a . . . . . is a fit and proper  
person to be received as an Immigrant in Natal.

Dated at . . . . . this . . . . . day of . . . . .  
. . . . .

(Signature)

### **SCHEDULE B**

TO  
THE COLONIAL SECRETARY,  
SIR,

I claim to be exempt from the operation of Act No. . . . .  
. . . . ., 1897. . . . . My full name is. . . . .  
. . . . . My place of abode for the past twelve months has been. . . . .  
. . . . . My business or calling is. . . . . I was born at . . . . .  
. . . . . in the year . . . . .

*Yours, etc.,*

Given at Government House, Natal, this Fifth day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,  
COLONIAL SECRETARY

## APPENDIX C

WALTER HELY-HUTCHINSON,  
GOVERNOR

No. 18, 1897

### ACT

#### “TO AMEND THE LAWS RELATING TO LICENCES TO WHOLESALE AND RETAIL DEALERS”

WHEREAS it is expedient to regulate and control the issue of Licences to wholesale and retail dealers not being Licences under Act No. 38 of 1896.

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:

1. The Annual Licences mentioned in Sub-section (a) of Section 71 of Law No. 19, 1872, shall include Licences to wholesale dealers.

2. For the purposes of this Act the expression “retail dealers” and “retail Licences” shall be deemed to apply to retail dealers and retail Licences of every description, not being Licences under Act 38 of 1896, including hawkers and Licences to hawkers.

3. Any Town Council or Town Board may, from time to time, appoint an Officer to issue the Annual Licences (not being Licences under Act No. 38, 1896), required in the Borough or Township by wholesale or retail dealers.

4. Any person appointed to issue Licences for wholesale or retail dealers under Law No. 38, 1884, or any like Stamp Act, or under this Act, shall be deemed to be a “Licensing Officer” within the meaning of this Act.

5. A Licensing Officer shall have a discretion to issue or refuse a wholesale or retail Licence not being a licence under Act No. 38, 1896, and a decision come to by a Licensing Officer as to the issue or refusal of a Licence shall not be liable to review, reversal, or alteration, by any Court of Law or otherwise than is in the next section provided.

6. There shall be a right of appeal by the applicant, or any other person having an interest in the question, from the decision of the Licensing Officer to the Town Council or the Town Board, if the Licence is sought for in a Borough or Township or to the Licensing Board of the Division appointed under the Liquor Act, 1896, if the Licence is sought for elsewhere than in the Borough or Township; and the Town Council, Town Board, or Licensing Board, as the case may be, may direct that the Licence, the subject of appeal, shall be issued or cancelled.

7. No Licence shall be issued to any person who, when thereto required, fails to show to the satisfaction of the Licensing Officer to the Town council, Town Board,



or Licensing Board, as the case may be, that he is able to fulfil the conditions of the Insolvency Law 47, 1887, Section 180, Sub-section (a), as regards the keeping of such books of account in the English language as are usual and proper in the business to be carried on.

8. No Licence shall be issued in respect of premises which are unfit for the intended trade, or unprovided with proper and sufficient sanitary arrangements, or not affording sufficient and suitable accommodation for salesmen, clerks, and servants, apart from the stores or rooms in which goods and wares may be kept in cases where premises are used for both purposes.

9. Any person who shall carry on any wholesale or retail trade or business without a Licence, or who shall allow Licensed premises to be in a condition which would disentitle him to a Licence, shall be deemed to have contravened this Act, and shall be liable to a penalty not exceeding twenty pounds sterling for each offence, to be recovered in the Court of the Magistrate by the Clerk of the Peace, or if the contravention is within a Borough or Township, by an officer appointed by the Town Council or Town Board.

10. All penalties recovered under the foregoing section in respect of a business or premises within a statutory Borough or Township shall be paid to the funds of such Borough or Township.

11. Rules may be passed by the Governor-in-Council to regulate the mode of obtaining Licences and to regulate appeals from the Licensing Officer to the Board or Council having appellate jurisdiction.

Given at Government House, Natal, this Twenty-ninth day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,  
COLONIAL SECRETARY

## APPENDIX D

No. 28, 189

WALTER HELY-HUTCHINSON,  
GOVERNOR

### ACT

#### “TO PROTECT UNCOVENANTED INDIANS FROM ARREST IN MISTAKE FOR ABSCONDING INDENTURED INDIAN SERVANTS”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:

1. Any Indian who has not been liable to service under indenture in terms of Law No. 25, 1893, or any Act amending the same, may, on application through the Magistrate of his Division to the Protector of Indian Immigrants, or to the Protector of Indian Immigrants direct, obtain a pass in the form provided in the Schedule to this Act, on satisfying the Magistrate, or the Protector of Indian Immigrants, with the information required for the purposes of such pass, and upon providing a shilling stamp to be affixed to the pass.

2. The possession and production of a pass under this Act shall be *prima facie* evidence of the status of the bearer of such pass, and of his exemption from liability to arrest under Section No. 31 of Law No. 25, 1891.

3. No such pass shall be of force after the year in which it was issued, unless in each succeeding year it is endorsed by the Protector of Immigrants to whom it may be sent for that purpose through the Magistrate.

4. If the Protector of Indian Immigrants, or any Magistrate, or Justice of the Peace, or any Police Constable, shall stop or arrest any Indian not carrying a pass granted under this Act, the Indian so stopped or arrested shall not be entitled to make any claim for wrongful arrest or detention merely on the ground that he was not an indentured Indian.

5. Any person who obtains a pass by false representations, or who allows any fraudulent use to be made of his pass, shall be guilty of an offence against “The Fraudulent Passes Act, 1895”.

## SCHEDULE

PASS UNDER ACT NO. 28, 1897

Counterpart of Pass	Pass
	Magisterial Division of . . . . .
Name . . . . .	Name of Indian holding this Pass. . . . .
Sex . . . . .	Sex . . . . .
Native of. . . . .	Native of (Country and Village) . . . . .
Father's Name . . . . .	Father's Name . . . . .
Mother's Name . . . . .	Mother's Name . . . . .
Caste. . . . .	Caste . . . . .
Age . . . . .	Age . . . . .
Complexion . . . . .	Complexion . . . . .
Marks . . . . .	Marks . . . . .
If married, to whom . . . . .	If married, to whom . . . . .
Status . . . . .	Status . . . . .
Residence . . . . .	Residence . . . . .
Employment . . . . .	Employment or means of subsistence.
Date . . . . .	Dated at . . . . . this . . . . . day of . . . . . 189

PROTECTOR OF INDIAN IMMIGRANTS

Given at Government House, Natal, this Twenty-ninth day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,  
COLONIAL SECRETARY

From a photostat of the printed copy: S.N. 2430-35

### 36. PETITION TO THE NATAL GOVERNOR

DURBAN,  
*July 2, 1897*

TO

HIS EXCELLENCY THE HONOURABLE SIR WALTER FRANCIS HELY-HUTCHINSON,  
KNIGHT COMMANDER OF THE DISTINGUISHED ORDER OF SAINT MICHAEL  
AND SAINT GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER  
THE COLONY OF NATAL, VICE-ADMIRAL OF THE SAME AND SUPREME CHIEF  
OVER THE NATIVE POPULATION, ETC., ETC.

P. M. BURG, NATAL

MAY IT PLEASE YOUR EXCELLENCY,

I herewith beg to send the petition<sup>1</sup> to Her Majesty's Principal Secretary of State for the Colonies, on behalf of the Indian community, with reference to the Immigration Restriction, Dealers' Licences, Quarantine and Indian Protection Acts, in triplicate, and humbly request Your Excellency to forward same with such remarks as Your Excellency may think fit to make.

(Sd.) ABDUL CARIM HAJI ADAM

From a photostat of a copy: S.N. 2429

### 37. CIRCULAR LETTER<sup>2</sup>

53A FIELD STREET,  
DURBAN (NATAL),  
*July 10, 1897*

SIR,

I beg to draw your attention to a copy sent to you of the Indian Petition to Mr. Chamberlain regarding the anti-Indian Bills of the last session of the Natal Parliament. The Bills have received the Governor's assent and are Acts in operation. The crown has the power to disallow any Acts of the Colonial Legislatures within two years after

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

<sup>2</sup> The source, which has given this the title "To Public Men in India and England", does not identify the addressees; *vide* however "Circular Letter", 27-3-1897.

their passage, and it is on the strength of this proviso that the petitioners rely for Mr. Chamberlain's intervention.

The Bills, in my humble opinion, have only to be read in order to be condemned. Comment thereon seems superfluous. Unless there is a powerful public opinion against the disabilities that are being heaped upon the Indians in Natal our days are numbered. Natal beats both the Republics<sup>1</sup> in its studied persecution of the Indians, and it is Natal that can least do without Indians. She *must have* them under indenture. She *won't have* them as free men. Would not the Home and the Indian Government stop this unfair arrangement and stop indentured emigration to Natal? We have but to request you to redouble your efforts on our behalf and we may yet hope to get justice!

*I am,*  
*Your obedient servant,*  
M. K. GANDHI

From a photostat of the office copy: S.N. 2448

### 38. LETTER TO TOWN CLERK<sup>2</sup>

53A FIELD STREET,  
DURBAN,  
*September 3, 1897*

WILLIAM COOLEY, ESQ.  
(TOWN CLERK)  
DURBAN  
SIR,

Mr. V. Lawrence is a clerk in my office. He has often to go out in the evening either to attend meetings or to give Tamil lessons which do not terminate before 9 p.m. He was twice or thrice interfered with by the Police and asked to produce a pass. I brought the matter to the notice of the Superintendent of Police who advised that in order to save inconvenience I should apply for the mayor's pass of exemption for Mr. Lawrence. Being of opinion that the by-law No. 106 section P. does not apply to Mr. Lawrence I was loath to take that step. Mr.

<sup>1</sup> The boer Republics of the Transvaal and the Orange Free State

<sup>2</sup> The original letter found in the official records carries a marginal note reading: Recommended Sgd. R. C. Alexander, Superintendent of Police.

Lawrence however was again asked to produce a pass three days ago, though after he had explained where he had gone to, he was allowed to go. In order to save such inconvenience though I still retain the opinion that the Law does not apply to Mr. Lawrence, I think a pass of exemption is necessary for Mr. Lawrence.

I therefore beg to apply for such a pass for him.

*I remain,*  
*Sir,*  
*Your obedient servant,*  
M. K. GANDHI

Durban Town Council Records: Vol. 134, No. 23446

### 39. EXCEPTIONS IN "REGINA V. PETAMBAR AND OTHERS"<sup>1</sup>

*September 13, 1897*

Case resumed from 11th inst.

Messrs Anderson, Smith and Gandhi present for defendants.

Prosecution addresses the court.

Mr. Gandhi replies and takes following exceptions:

FIRST: summary trial without consent.

SECOND: no authority to prosecute from prosecutor produced.

THIRD: all accused tried together.

FOURTH: there is no proof that the accused are prohibited immigrants.

FIFTH: no allegation that they are paupers or that they do not know English.

SIXTH: no proof as to when they entered Natal.

Mr. Attorney Smith points out that the men were in Natal before passing of the Act.

I allow the first exception. Accused discharged.

(Sd.) ALEX D. GILSON  
(RESIDENT MAGISTRATE)

Colonial Office Records: South Africa General, 1897

<sup>1</sup> Petambar and a number of other Natal Indians returning from temporary business visits to the Transvaal had been arrested under the Immigration Restriction Act. *Vide* also "Letter to *The Natal Mercury*", 13-11-1897. The trial, held at Dundee, lasted several days. This is an extract from the report by the Court clerk of the proceedings on September 13.

#### 40. LETTER TO DADABHAI NAOROJI AND OTHERS<sup>1</sup>

[Before September 18, 1897]<sup>2</sup>

SIR,

We are aware that the troubles in Poona as well as in parts of India<sup>3</sup> occupy very largely the attention of the public men interested in Indian affairs and, were it not for the gravity of the situation as regards Indians in Natal, we would not have trespassed upon your time and attention.

*The Natal Government Gazette* publishes this week the address of Mr. Chamberlain to the Colonial Premiers who had assembled in London during the Diamond Jubilee season. The following<sup>4</sup> appears in the address with reference to the legislation in regard to the immigration of Indians to this Colony and other parts of the British Empire.

In spite of Mr. Chamberlain's eloquent tribute to the loyalty of the Indians to the British Crown as well as their civilization, the conclusion is irresistible that the Right Hon'ble gentleman *has completely given up the India cause* and yielded to the anti-Asiatic clamour of the different Colonies. He has indeed granted that the traditions of the British Empire "make no distinction in favour of or against race or colour," but, in the same breath, he accepts the position taken up by the Colonies with regard to the Indians and almost unreservedly approves of the Natal Immigration Restriction Act, Petition regarding which, with copy of the Act, was forwarded to you some months ago.<sup>5</sup>

Mr. Chamberlain cannot be unaware of the fact that the Natal Act was passed with the deliberate intention of applying it *almost*

<sup>1</sup> This was printed under the title "Mr. Chamberlain's Address to Premiers" and sent to a number of public men, not identified in the source, in India and England besides Dadabhai Naoroji and William Wedderburn.

<sup>2</sup> The source gives no date. *Vide* however the following item where Gandhiji mentions this letter having been written.

<sup>3</sup> The troubles related to famine, the plague and plague administration.

<sup>4</sup> The copy available does not furnish the quotation referred to. For the relevant portion of Chamberlain's speech, *vide* "Letter to Dadabhai Naoroji and Others", before 18-9-1897, Appendix.

<sup>5</sup> *Vide* "Petition to the Secretary of State for the Colonies", 2-7-1897 and however "Circular Letter", 27-3-1897.

*exclusively* to the Indians. The extracts quoted in the petition amply prove this. It was also stated by the Right Hon'ble Mr. Escombe, the Premier of the Colony of Natal, at the time of introducing the immigration Bill, that it was because the desired end, namely, the stopping of free Indian immigration, could not be obtained by direct means he had to resort to indirect means.

The measure was almost unanimously pronounced to be un-British and dishonest. It was in fact *a stab in the dark*. And Mr. Chamberlain, much to our disappointment, sets the seal of his approval on such a measure. We do not know now where we are and what we are to do. The Act has already begun to tell upon us. Only a few days ago, seventy-one Indians, who had their rooms in Natal but had gone over to the Transvaal to dispose of their goods and had returned to Natal, were arrested some time after their return and kept in prison for six days for being prohibited immigrants while their trial was going on.<sup>1</sup> They were discharged on technical exceptions but, had it been otherwise, the trial might have gone on for some days more and it might have cost them several hundreds of pounds before they could have got the right to remain on a British soil. As it was, it cost them not a little during the seven days' trial. Such cases are bound to happen from time to time. And then, only those who have been formerly domiciled in Natal could come.

Mr. Chamberlain says that a man may be an undesirable immigrant "because he is dirty or he is immoral or he is a pauper or he has some other objection which can be defined in an Act of Parliament." Indians whom the Natal Act debars from coming to Natal *are*, as Mr. Chamberlain has himself admitted in his despatch to the Transvaal Government, neither immoral nor dirty. They are certainly not paupers. The weakest point in the Natal Act is that it makes *special provision for the admission of those that are perhaps likely to be immoral or dirty* because they are drawn from the lowest strata of society, namely, the indentured Indians. Immediately after the Act was passed, the Indian Immigration Board sanctioned an indent for 4,000 indentured Indians—probably the largest indent yet on record on a single occasion. How could Mr. Chamberlain ignore these facts we do not know. We still venture to maintain, as we have maintained all along, that the agitation against the Indians is due *to colour and trade jealousy*. We have courted an impartial inquiry and,

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



if it is granted, we have no doubt the result will be that the presence of the Indian in Natal will be found to have been beneficial to the Colony. The commissioners, who sat in Natal about 12 years ago to enquire into certain Indian matters, have recorded that the presence of the Indian has been a blessing to the Colony.

Really speaking, Mr. Chamberlain has practically granted that an Indian so soon as he leaves India, ceases to be a British subject, with the awful result that we have to witness, from day to day, the painful spectacle of Indian British subjects deported from or debarred from entering Natal, a British soil, to or to be driven to the Transvaal or Delagoa Bay, both foreign territories.

The Transvaal Alien Act was, comparatively speaking, a boon. An Indian taking a passport from Natal, Delagoa Bay or India, or an Indian getting previous employment in the Transvaal, could enter it while the Alien Law was in force. Moreover, it was not specially applied to the Indians. Therefore, any Indian who was not absolutely a pauper could enter the Transvaal, yet the Transvaal Law, because it told severely upon the Uitlanders, was repealed owing to the pressure from Downing Street. The same pressure, unfortunately for us, though we are British subjects, is not available on the British soil. The Natal Act debarb any Indian from entering Natal who cannot read and write any of the European languages, unless he has been formerly domiciled in the Colony. Therefore, the Mahomedan community would not be allowed to bring to Natal a Moulvi nor the Hindu community a *Shastri*, no matter how learned each may be in his own department, because, forsooth, he does not know English. An Indian merchant who has been domiciled in Natal may come back to the Colony, but he dare not bring any new servants with him. The inability to import new Indian servants and assistants is a very grave inconvenience to the Indian community.

Even if the Immigration Act is to remain on the statute-book of Natal for ever and Mr. Chamberlain refuses to disallow it, the clause with regard to the European languages needs to be modified so as to admit all those who can read and write their own language and are otherwise eligible as immigrants under the Act. We are sure that this is the least that might be granted to us. And we would beseech you to exert your influence in bringing about that change, if nothing else. Mr. Chamberlain's address portends, perhaps, that he would not disallow the other anti-Asiatic Acts also, to which the petition herein

mentioned refers. If that be so, it is practically a notice to the free Indians in Natal to quit the Colony, for that will be the effect of the Dealers' Licences Act, if it is enforced rigorously as it is likely to be now that the Colonists know that they would get almost anything from Mr. Chamberlain for the asking of it-only if what is required to be done is done by indirect, and, shall we say, unfair methods. It breaks our hearts to think that Her Majesty's Principal Secretary of State for the Colonies should approve of any unfair method, but that is the unanimous opinion of the Europeans and the Indians. Even the Europeans who are the bitterest opponents of the free immigration of Indians, though they do not mind it, think and admit, that the above methods of restricting free Indian immigration are unfair.

We are powerless. We leave the case in your hands. Our only hope lies in your again bestirring yourself with redoubled vigour in our favour. And we feel sure that you would do it, for our cause is absolutely just.

(Sd.) CASSIM MAHOMED JEEWA  
AND OTHERS

From a photostat of a handwritten draft bearing corrections in Gandhiji's hand: S.N. 2509

## APPENDIX

### [EXTRACTS FROM CHAMBERLAIN'S ADDRESS]

One other question I have to mention, and only one; that is, I wish to direct your attention to certain legislation which is in process of consideration, or which has been passed by some of the Colonies, in regard to the immigration of aliens, and particularly of Asiatics.

I have seen these Bills, and they differ in some respects one from the other, but there is no one of them, except the Bill which comes to us from Natal, to which we can look with satisfaction. I wish to say that Her Majesty's Government thoroughly appreciate the objects and the needs of the Colonies in dealing with this matter. We quite sympathize with the determination of the white inhabitants of these Colonies which are in comparatively close proximity to millions and hundreds of millions of Asiatics that there shall not be an influx of people alien in civilization, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the existing rights of the labour population. An immigration of that kind must, I quite understand, in the interest of the Colonies be prevented at all hazards, and we shall not offer any opposition to the proposals intended with that

object, but we ask you also to bear in mind the traditions of the Empire, which make no distinction in favour of, or against, race or colour; and to exclude, by reason of their colour, or by reason of their race, all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it. Consider what has been brought to your notice during your visit to this country. The United Kingdom owns, as its greatest and brightest dependency, that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown as you are yourselves, and among them there are hundreds and thousands of men who are every whit as civilized as we are ourselves, who are, if that is anything, better born in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have, in times of great difficulty and trouble, such, for instance, as on the occasion of the Indian Mutiny saved the Empire by their loyalty. I say, you, who have seen all this, cannot be willing to put upon these men a slight, which, I think, is absolutely unnecessary for your purpose, and which would be calculated to provoke ill-feeling, discontent, irritation, and would be most unpalatable to the feeling not only of Her Majesty the Queen but of all her people.

What I venture to think you have to deal with is the character of the immigration. It is not because a man is of a different colour from ourselves that he is necessarily an undesirable immigrant, but it is because he is dirty, or he is immoral, or he is a pauper or he has some other objection which can be defined in an Act of Parliament, and by which the exclusion can be managed with regard to all those whom you really desire to exclude. Well, gentlemen, this is a matter, I am sure, for friendly consultation between us. As I have said, the Colony of Natal has arrived at an arrangement which is absolutely satisfactory to them, I believe, and remember they have, if possible, an even greater interest than you, because they are closer to the immigration which has already begun there on a very large scale, and they have adopted legislation which they believe will give them all that they want, and to which the objection they have taken does not apply, which does not come in conflict with this objection which I am sure you share with us; and I hope, therefore, that during your visit, it may be possible for us to arrange a form of words which will avoid hurting the feelings of any of Her Majesty's subjects, while at the same time it would amply protect the Australian Colonies against any invasion of the class to which they would justly object.

Colonial Office Records: Parliamentary Papers, 1897, Vol. 2, No. 15

#### 41. LETTER TO DADABHAI NAOROJI

53A FIELD STREET,  
DURBAN, NATAL,  
*September 18, 1897*

HON'BLE DADABHAI NAOROJI

LONDON

SIR,

I have the honour to enclose herewith a letter<sup>1</sup> addressed to you by the representatives of the Indian community of Natal with reference to Mr. Chamberlain's address to the Colonial Premiers. The newspaper cutting enclosed<sup>2</sup> was seen after the letter was in print. It gives great force to the argument contained in the letter. Mr. Chamberlain's address has naturally created surprise amongst both the communities, European as well as Indian. I venture to trust that your powerful influence will be exerted in order to bring about the changes in the Immigration Act referred to in the letter if nothing more can be done. The kind of Indians referred to in the letter whom the Act at present debar from entering into Natal, while absolutely necessary for the regular conduct of Indian houses already established, cannot in any way interfere with Europeans if they were allowed to enter the Colony.

Copy of Immigration petition<sup>3</sup> is sent under separate cover.

*I am,*  
*Your obedient servant,*  
M. K. GANDHI

From a photostat of the handwritten original: G.N. 2255

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

<sup>2</sup> Not available. Presumably this was a Press report of the Conference.

<sup>3</sup> *Vide* "Petition to the Secretary of State for the Colonies", 2-7-1897.

#### 42. LETTER TO WILLIAM WEDDERBURN

53A FIELD STREET,  
DURBAN,  
*September 18, 1897*

SIR WILLIAM WEDDERBURN  
LONDON  
SIR,

I have the honour to enclose herewith a letter<sup>1</sup> addressed to you by the representatives of the Indian community of Natal and a newspaper cutting bearing on the point. I venture to trust that your powerful influence will be exerted in order to bring about the changes in the Natal Act referred to in the letter, if nothing more can be done.

Copy of Immigration petition is sent under separate cover.

*I have the honour to remain,*  
*Sir,*  
*Your obedient servant,*  
M. K. GANDHI

From a photostat of an office copy: G.N. 2281

#### 43. LETTER TO "THE NATAL MERCURY"<sup>2</sup>

DURBAN,  
*November 13, 1897*

THE EDITOR  
*The Natal Mercury*  
SIR,

It appears that some people are bent upon keeping up the ill feeling against the Indian community in Natal, and, unfortunately, the newspaper writers have allowed themselves to be duped. Some weeks ago, a correspondent of yours, evidently an irresponsible person, stated that the Indians who were tried in Dundee under the Immigration Act were new arrivals from India, and had surreptitiously entered the Colony. Then appeared the correspondence between the

<sup>1</sup> *Vide* "Letter to Dadabhai Naoroji and Others", before 18-9-1897.

<sup>2</sup> This appeared under the title "Indian Invasion".

Government and the Demonstration Committee on the subject,<sup>1</sup> leading the public to believe that there was an attempt on a large scale to evade the Immigration Act. You based a leader on these and other similar statements that appeared in the papers, accepting them as correct, and further informing the public that these men had secured certificates of domicile at Durban. A telegram was flashed from Delagoa Bay telling the public that 1,000 free Indians had landed at Delagoa Bay, and that they were on their way to Natal. A telegram appears in today's issue of the *Mercury* to the effect that the Government have issued instructions to the police to keep a look-out for Asiatics from the direction of Delagoa Bay. This is all dramatic, and would be highly amusing if it were not calculated to inflame the passion of the European community. The "Man in the Moon" puts the finishing touch to all this by giving a paragraph in his weekly columns. His is the unkindest cut of all, especially because his paragraphs are not only eagerly devoured by the public but they carry weight. So far as I know, this is the second time that he has lost his power of distinguishing between fact and fiction with respect to the Indian question. If it were allowed to the Indians to use strong language on sufficient provocation, there is more than enough of that in the "Man's" paragraph on the subject in question in today's columns to justify the use of such language. But it cannot be. I must simply content myself with placing the facts, as I know them at first-hand, before the public.

I had the privilege, with two brother lawyers, of defending the Dundee Indians, and I deny most emphatically that any of the Indians charged were new arrivals from India. Proofs to that effect are still in possession of the Immigration Officer at Dundee. It is possible to establish conclusively that all those Indians came to South Africa, or rather to Natal, before the passing of the Immigration Act. Their licences, other documents and records in the steamship offices, cannot lie. As soon as the correspondence between the Government and the Demonstration Committee appeared in the papers, I offered to bring most of the men before a competent Court and to prove their innocence; that is to say, to prove that they were all formerly domiciled in Natal, and that, therefore, they had a perfect right to enter the Colony. One of the men is at present in Durban, and he can be brought before the Magistrate at any time the Government likes.

<sup>1</sup> Vide "Memorial to Secretary of State for the Colonies", 15-3-1897.

It is not true to say that these men got their certificates at Durban. Some of them, after their discharge on technical grounds, applied to the Magistrate at Dundee for certificates of domicile. The application was refused. The papers were sent to me, and I went to the Government for the certificates, but failed. Most of the men have now gone to the Transvaal without such certificates. It is true that three Dundee men got their certificates at Durban. Proofs on which the certificates were granted consisted of affidavits which are filed on record. But there is a world of difference between Dundee men getting certificates at Durban, and those who get them contrary to the provisions of the law. A man from Umzimkulu, and men from other districts outside Durban, got such certificates at Durban. The question was fully argued before Mr. Walter before such certificates were ordered to be issued.

There is absolutely no foundation for the fear that the Indians who land at Delagoa Bay enter the Colony in defiance of the law. I will not take it upon myself to say that not one new arrival has attempted to cross the border at Charlestown, but, so far as I know, not one has yet successfully escaped the eagle eye of Sergt. Allan, at Charlestown. Before the Act came into operation, and at the time the Demonstration Committee came into being, it was publicly stated, on behalf of the Indian community, that most of the Indians who landed at Durban from month to month were passengers for the Transvaal. It was particularly stated—and the statement remains to this day without contradiction—that out of the 600 passengers on board the *Courland* and *Naderi*, less than 100 were new arrivals for Natal. The position is not changed now, and I venture to say that, out of the 1,000 passengers alleged to have landed at Delagoa Bay, most of them are passengers for the Transvaal. It is that country which has the capacity to absorb a large number of new-comers of various nationalities, and so long as the Transvaal continues to absorb Indians, and the Government is good enough to let them come, you will find Indians coming to Delagoa Bay in large numbers. I do not say that none of them want to come to Natal. Some of them have inquired about the conditions on which they could come, and, on being told that they could not satisfy them, have remained in the Transvaal. They are certainly not angels, and a few may try to evade the Act, and may enter the Colony if there is no supervision.

My point is that there is no wholesale attempt to defy the law. There is no organization, no advice to set the law at defiance and

come by the back door, such as the “Man in the Moon” conjures up in his fertile imagination. With due respect, his appeal to the Demonstration Committee, advice to the officers and insinuations are painful in the extreme, because unnecessary, and not warranted by facts. One would have thought that he, of all men, holding a very responsible position, would take the greatest care before giving currency to fiction as if it were fact. Mischief once started may not be averted.

The Indian shipowners in Durban, on the Act coming into operation, received a letter requesting them to co-operate with the Government in enforcing it, and I happen to know that they wrote in reply saying while they disapproved of the Act they would loyally abide by it and aid the Government, so far as it lay in their power, as long as the Act remained on the statute-book. And I am not aware that any responsible Indian has departed from the attitude taken up by the shipowners in question. Indeed, whenever occasion has arisen, whether in or out of the Congress Hall, the leaders of the Indian community have endeavoured to impress upon the Indians the necessity of not evading the Act. How could it be otherwise? If the Act is to be ever removed, it can only be by persuasion and by the Indian community showing a clean record. The policy of evasion is on the face of it suicidal, and the past record of the Indian community is not, I venture to submit, such as to justify the belief that the community is likely to commit a suicidal act. After this, is it necessary to assure the “Man in the Moon” that the Indians have no wish to play with the Colony, if only because they cannot afford to do it?

Let, there, however, be a full public inquiry, and if an organization to defy the law is proved to exist, smash it by all means. But, on the other hand, if there be no such organization or “wholesale invasion”, let it be publicly acknowledged, so that causes of friction may be removed. The Government can do it, but you also can do likewise. Newspapers before this have sent special correspondents to make inquiries into public matters, and if you really believe that the Indians, as a community, are attempting to evade the Act, you will render a public service, and lay the Indian community under deep obligation, by instituting a preliminary inquiry, with a view to enable the Government to undertake a public inquiry, or to force their hands if they are unwilling to make any inquiry at all. At any rate the Indians court such an inquiry.



As the matter is very important, I venture to ask your contemporaries to copy this letter.

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

*The Natal Mercury*, 15-11-1897

#### 44. LETTER TO NATAL COLONIAL SECRETARY

DURBAN,  
*November 13, 1897*

THE HONOURABLE THE COLONIAL SECRETARY  
MARITZBURG  
SIR,

I venture to enclose herewith a cutting from the *Mercury*. Reports have for some time been appearing in the papers that the Indians are attempting to defy the Immigration Act by entering, or trying to enter, the Colony *via* Delagoa Bay and Charlestown. It was not, till today, thought necessary to take any notice of the reports; but the cutting puts the matter in a more serious light and is likely to inflame the passions of the European community. I therefore venture, on behalf of the leading Indians in Natal, to suggest that the Government be pleased to contradict the report. I am to say that there is no organization in Natal or elsewhere for the purpose of setting the Act at defiance, and that the responsible Indians in Natal have, ever since the passing of the Act, loyally abided by it, and have impressed upon others the necessity of so doing. If, however, the Government think otherwise, I am to ask for a public inquiry into the matter.

*I have the honour, etc.,*  
M. K. GANDHI

*The Natal Mercury*, 20-11-1897

#### 45. LETTER TO "THE NATAL MERCURY"<sup>1</sup>

DURBAN,  
November 15, 1897

THE EDITOR  
*The Natal Mercury*

SIR,

Perhaps in justice you will allow me to say a few words on your remarks in your today's issue on my letter<sup>2</sup> regarding the alleged organization to evade the Immigration Act. I am afraid my letter has been misread. I have not therein dealt with the treatment of the Indians in Natal. I have, in order to avoid the needless alarm, simply denied the statement that has appeared in the papers to the effect that the Indians who recently landed in Delagoa Bay were on their way to Natal, and such other statements. I do not dispute the right of the Europeans to be on the "*qui vive*, to see that the law of the last Session is not evaded".

On the contrary, I say that the responsible Indians intend to loyally abide by the Act so long as it remains on the statute-book, and to help the authorities so far as they can.

What I do respectfully object to is the circulation of false rumours and assumptions based thereon which are likely to create uneasiness, and disturb the equanimity of the European mind. The inquiry I have suggested, with due deference to your opinion, is clearly necessary. There are two contradictory statements before the public. The one is that there is an attempt at wholesale evasion of the Immigration Act, backed, in the opinion of the "Man in the Moon", by an organization; on the other hand, there is a total denial of the statement. Which story are the public to believe? Would it not be better in the interest of all concerned if there was an authoritative statement as to which story is worthy of credence?

As to what I said in India, you have justified me. You were good enough to say, when the matter was before the public, that from an Indian standpoint I had said nothing to which exception could be taken. And I am yet prepared to substantiate every statement I made there. If I had no faith in the strong sense of justice of the British

<sup>1</sup> This appeared under the title "Indian Invasion".

<sup>2</sup> Vide "Letter to *The Natal Mercury*", 13-11-1897.

Government<sup>1</sup> ; I would not be here. As I have said before elsewhere, I repeat here that British love of justice and fair play are the sheet-anchor of the Indians' hope.

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

*The Natal Mercury, 17-11-1897*

#### 46. LETTER TO NATAL COLONIAL SECRETARY

DURBAN,  
*November 18, 1897*

THE HONOURABLE THE COLONIAL SECRETARY  
MARITZBURG

SIR,

I have the honour to acknowledge your letter of the 16th inst., informing me that the Government has never stated, nor has it reason to believe, that there exists in Natal an organization for the purpose of setting the Immigration Restriction Act at defiance. I am to thank the Government for the letter, and to say that, if attempts to evade the Act are brought to the notice of the Indian community, everything that could be done will be done by the representatives of the Indian community in Natal to prevent their recurrence. I take the liberty to send copies of this correspondence to the Press for publication.

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

*The Natal Mercury, 20-11-1897*

<sup>1</sup> The reference is to the Imperial and the Natal Governments.

47. LETTER TO "THE NATAL MERCURY"<sup>1</sup>

DURBAN,  
November 19, 1897

THE EDITOR  
*The Natal Mercury*

SIR,

I beg to enclose herewith for publication copies of the correspondence<sup>2</sup> between the Government and myself with reference to the reports which have appeared in the papers regarding alleged attempts of Indians to come into the Colony by way of Delagoa Bay.

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

*The Natal Mercury*, 20-11-1897

48. LETTER TO F. S. TALEYARKHAN

53A FIELD STREET,  
DURBAN,  
(NATAL),  
December 17, 1897

DEAR MR. TALEYARKHAN,

This will introduce to you Mr. Alex Cameron<sup>3</sup> sometime correspondent of *The Times of India* in Natal. During the time he was here, he tried to do everything he could for the cause of the Indians in South Africa. He is now proceeding to India to take part in the attempts of the Indians to remove the misunderstanding created about them owing to the recent events and any assistance that may be rendered to him will be greatly valued.

*I am,*  
*Yours truly,*  
M. K. GANDHI

F. S. TALEYARKHAN ESQ.  
BAR-AT-LAW, J. P., & C.  
BOMBAY

From the original Courtesy: R. F. S. Taleyarkhan

<sup>1</sup> This appeared under the title "Indians and the Immigration Act".

<sup>2</sup> For Gandhiji's letters to the Natal Colonial Secretary, *vide* "Letter to Natal Colonial Secretary", 13-11-1897 and 18-11-1897.

<sup>3</sup> *Vide* "Letter to A. M. Cameron".

#### 49. LETTER TO THE BRITISH AGENT

*The Law 3 of 1885, as amended in 1886, denied “the coolies, Arabs, Malays and Mahomedan subjects of the Turkish Empire” citizenship rights, including the right of owning immovable property. The Imperial and the Transvaal Governments differed as to the applicability of the law to Indians. The issue was referred for arbitration to the Chief Justice of the Orange Free State, who decided that the Transvaal Government was bound and entitled, in its treatment of Indian and other Asiatic traders, to enforce the law, subject to interpretation by the law courts if an objection was raised on behalf of such persons that the treatment was against its provisions. The following letter relates to the subsequent development.*

PRETORIA,

February 28, 1898

TO

HER MAJESTY’S AGENT

PRETORIA

SIR,

We the undersigned British Indian subjects resident at Pretoria and at Johannesburg, as representing the British Indian community in the Transvaal, beg respectfully to bring to the notice of Her Majesty’s Government, that, as suggested by Her Majesty’s Government) we are about to take steps in the High Court of the South African Republic<sup>1</sup> to obtain an interpretation of Law No. 3 of 1885, as amended in 1886, according to the terms of the Award of Chief Justice de Villiers at Bloemfontein,<sup>2</sup> for the purpose of having a decision as to whether or not British Indian subjects are entitled to carry on business in the towns and villages of this State.

We cannot refrain, however, from expressing our regret that Her Majesty’s Government has decided not to act on our behalf in this matter to its conclusion, for we had hoped that, inasmuch as Her Majesty’s Government had submitted our case to Arbitration, the matter would be seen through to the end by Her Majesty’s

<sup>1</sup> The Test Case, *Tayob Hajee Khan Mahomed vs. Dr. Willem Johannes Leyds*, Secretary of State, South African Republic, was filed on the same day. It was ultimately, on August 8, 1898, decided against the Indians.

<sup>2</sup> Vide “Open Letter”, before 19-12-1894 and “Letter to Europeans”, 19-12-1894

Government.<sup>1</sup>

*We have, etc.,*

(Signed) TAYOB HAJI KHAN MAHOMED  
HAJI HABEEB HAJI DADA  
MOHAMED CASSIM CAMROODIN & CO.  
M. H. YOOSUB

Enclosure in Confidential Despatch dated 9.3.1898 from the Honourable High Commissioner to the Republic of South Africa to Her Majesty's Principal Secretary of State for the Colonies, London.

Colonial Office Records. C. O. 417, Vol. 243.

### 50. THE SOMNATH MAHARAJ CASE

*Under the Dealers' Licenses Act, 1897, Town Councils and Town Boards in Natal were authorized to appoint "Licensing Officers" for issuing licences to traders and to hear appeals against their decisions and also against their own confirmation of such decisions. The report of the proceedings of the Durban Town Council in the Somnath Maharaj Case, in which Gandhiji appeared in the latter appeal, is given below. This report was incorporated by him as an appendix to the petition of December 31, 1898 to Mr. Joseph Chamberlain, Secretary of State for the Colonies. The adverse decision of the Town Council was set aside by the Supreme Court of Natal in Somnath vs. Durban Corporation, on March 30, 1898 on the grounds of improper procedure. In a further appeal, on June 6 (reported in The Natal Advertiser, 7-6-1898), the Town Council upheld the Licensing Officer's reason for refusal of a licence to Somnath Maharaj—"as the class of trade he was engaged in was sufficiently provided for in the town and borough".*

#### THE INITIAL HEARING

Mr. C. A. de R. Labistour appeared for the applicant, and said his client had ample capital to start in a decent way of business in the premises, which had been most satisfactorily reported upon by the Sanitary Inspector. The applicant was a capable businessman.

Mr. Collins: Have we had the Licensing Officer's reasons?

The Mayor: No.

<sup>1</sup> In his interview, as well as letter, of May 18, 1897, Gandhiji represented that the British Government should bear the costs of the Test Case, but this request was turned down.

Mr. Taylor: I don't think the Licensing Officer need give reasons, unless requested to do so by a majority of the Council. All that we have to do is to decide whether or not we will confirm the Licensing Officer's decision. I move that we confirm it.

Mr. Henwood seconded the motion.

Mr. Collins moved, as an amendment, that the Licensing Officer be requested to give his reasons.

Mr. Ellis Brown seconded, remarking that it would be more satisfactory to have the reasons. The amendment was rejected by four votes to three.

Mr. Collins pointed out that they were establishing a precedent, and he thought they were establishing an undesirable one. Of course, what was done in one case must be done in all, and under the circumstances, he would feel compelled to vote against the resolution.

The Mayor remarked that the Council had by a majority decided not to ask the Licensing Officer for his reasons.

The original motion was then put and carried, and the Licensing Officer's decision was accordingly confirmed.

*[March 2, 1898]*<sup>1</sup>

#### THE SUBSEQUENT APPEAL

An Indian, named Somnath Maharaj, appealed against the refusal of a licence for premises belonging to the Natal Indian Congress, in Umgeni Road.

Mr. Gandhi, who appeared for the appellant and the owners of the premises, said he had written to the Town Clerk for the reasons of the Licensing Officer for refusing the licence, but had been told that the reasons could not be given.

In reply to a question from the Mayor, Mr. Gandhi said that the trustees of the Natal Indian Congress were the owners of the property. Mr. Gandhi, resuming, said he also asked the Town Clerk for a copy of the record, and was told that he could not be furnished with it. He contended that he was entitled by law to have it, as the ordinary rules of procedure in appeal cases would apply before that tribunal, and he was also entitled to the reasons. There was nothing whatever in the Act to show that the ordinary rules of procedure were to be subverted. The 11th section of the Act provided for the rules, which had been framed thereunder, but he did not know that the rules were constitutional. He did not propose to read authorities, because it seemed to him that common sense would show that if a right of appeal were allowed, the

<sup>1</sup> The Natal Advertiser of March 3, 1898, states that the appeal was heard on the previous day.

ordinary procedure would guide the conduct of such appeals. If that were not so, it would appear that the law had given a right to the subject with the one hand and taken it away with the other, for if he appealed to the Town Council and did not know why his licence had been refused, and was not allowed to obtain a record of the application, then he had practically no right of appeal. If he was allowed to appeal, surely he was entitled to a complete record of the proceedings; and, if not, he was an outsider. Was the Council going to decide that he was an outsider, although he had large interests at stake? He was told "You may come, you may say anything you like, without knowing what the ins and outs of, the case are," and he had come before them; but, if there were any reasons, they would be surprised upon him, and if there was a report from the Sanitary Inspector, it would be surprised upon him also. He submitted that he was entitled to a copy of the record of the Council's proceedings, and to the reasons, and if not, then the right of appeal had been refused to him. His client was one of the burgesses, and as such was entitled to every consideration a burgess should receive at the hands of the Council; instead of which he was practically opposed by the whole municipal machinery, had to anticipate the reasons for which his licence was refused, and had had to come to the Council, and then, possibly, after spending a lot of money, would perhaps be told that the Licensing Officer's decision is upheld. Was this an appeal under the British Constitution?

Mr. Evans: Has the applicant had a licence before?

The Mayor: He has kept a store in another part of the Colony, but he has only been in Durban three months.

Mr. Collins said Mr. Gandhi asked their decision on a point of law. They were a lay court, but he did not know that they were competent to give an answer without reference to their legal adviser. Under the law, the Council could require the Licensing Officer to state his reasons in writing, but he was bound to admit that he did not like the law on this point, as it did not seem to him to reflect true justice. However, the law must be abided by, but it also provided means by which the Council could rectify what appeared to him to be an injustice. It was competent for them to get the reasons of the Licensing Officer in writing, and then to adjourn that meeting so as to give the appellant an opportunity of answering them. He thought that line should be adopted and he accordingly moved that the Licensing Officer be asked to furnish his reasons.



Mr. Challinor seconded.

Mr. Evans said that as the reasons of the Licensing Officer were privileged to the Council, he thought they should have them in writing.

Mr. Ellis Brown: Yes; let them be handed round.

Mr. Clark moved that they retire to the Mayor's parlour for five minutes, in order to see the reasons.

Mr. Collins seconded, and remarked that he had often heard that justice was blind, but had never seen so forcible an illustration of it before. Some members of the Council were prepared to vote on the matter without knowing why the licence had been refused.

Mr. Taylor agreed with Mr. Collins that justice was blind, but said there were councillors who could see the Licensing Officer's reasons without looking at a bit of paper. He was sorry there were those present who were so ignorant that they could not see it.

The motion was carried, and the members of the Council then retired.

On returning to the Council Chamber,

Mr. Gandhi: I want a decision on the points I have raised.

The Mayor: The Council is against you.

Mr. Gandhi said that the only fault that could be found with his client was that he had a brown skin, and that he had never held a licence in Durban before. He was told that the Council would refuse any application for new licences, no matter whether the applicants had good business qualifications or not. If that was correct it was unjust, and if a man was not to have a licence because he had a brown skin, such a decision savoured of injustice, and was certainly un-English. There was nothing in the law to show that licences must be refused to persons because of their nationality. The tribunal should not be guided by what was said during the time of panic, but rather by the words of the late Premier, who said it should be borne in mind that the Town Council had been given a giant's strength, but they should take care that they did not use it in that fashion. The applicant had been a storekeeper at Mooi River for six years, and was a thoroughly respectable man, whose straightforwardness and business capacity had been vouched for by four Natal European firms. He hoped the Council would grant the licence.

Mr. Taylor moved that the decision of the Licensing Officer be confirmed.

Mr. Clark seconded the motion, which was carried *nem. con.*

*The Natal Mercury*, 3-3-1898

## 51. APPLICATION FOR REFUND OF FINE<sup>1</sup>

53A, FIELD STREET,  
DURBAN,  
March 9, 1898

THE TOWN CLERK  
DURBAN

SIR,

Jusa Jana and others, who own a squatter's license from the Government, [and] have been selling bread &c. in open at the Point, were charged with keeping an eating house & were each fined £ 1. According, however, to the case of Dyer v Musa, the judgment of the Magistrate in the above case would be incorrect. The appeal in Dyer v Musa was decided after the above cases were decided. Under the circumstances, will the Town Council be pleased to return the fines paid by the men?

*Yours faithfully,*

M. K. GANDHI

[P.S.]

May I also ask for a refund of the fine of 5/0 imposed upon Musa and paid by him, the judgment having been set aside by the Supreme Court.

M. K. G.

Durban Town Council Records: Letter No. 23596, Vol. 134.

## 52. ADDRESS TO G. V. GODFREY

*The following congratulatory address, drafted by Gandhiji, was presented to Mr. G. V. Godfrey on March 18, 1898, at a meeting of Indians in Durban. Gandhiji was among the signatories.*

[Prior to March 18, 1898]

GEO. VINCENT GODFREY, ESQ.  
DURBAN

DEAR MR. GODFREY,

We, the undersigned Indians, hereby beg to congratulate you on your success at the recent Civil Services examination of the Colony. The event derives great importance among the Indian community, as you are the first Indian in the Colony to have gone up for and passed

<sup>1</sup> The letter is in Gandhiji's handwriting.

that examination. The fact that you have failed before, to our minds, speaks in your favour; it shows that you persevered in spite of difficulties and failures, which are but a stepping stone to success. We cannot omit to mention here that Mr. Subhan Godfrey deserves the thanks of the Indian community for having given you opportunity to prosecute your studies. He has indeed set an example to the other Indian parents in the Colony as to what a father should do to educate his children, as you have shown what an Indian youth in this Colony can do in the educational line if he has the opportunity. An even more striking instance of his liberality in educating his children is to be found in the fact of his having sent your eldest brother to Glasgow to pursue his medical studies. We are glad to know that your ambition does not end with the Civil Services examination, but that you still wish to continue your studies much further. We pray that God may grant you health and long life to enable you to fulfil your desires, and hope that your perseverance and industry will be copied by other young Indians in the Colony, and that your success will serve as an encouragement to them.

*We remain,  
your sincere well-wishers  
and friends*

*The Natal Advertiser, 19-3-1898*

### *53. LETTER TO G. V. GODFREY*

[DURBAN,]  
[Prior to *March 18, 1898*]

DEAR MR. GODFREY,

Several Indians—including your friends and well-wishers—have decided to present you with a congratulatory address on your having been the first Indian to have passed the Civil Services Examination of the Colony. I trust you will accept invitation hereby to receive the address at the Congress Hall in Grey Street at 7.45 p.m. on Friday next, the 18th instant.

I have much pleasure in enclosing herewith a proof copy of the address for your perusal.

*I remain,  
Dear Mr. Godfrey,  
Your truly,*

From the photostat of the office copy in Gandhiji's handwriting: S. N. 2730.

## 54. A STATEMENT OF ACCOUNT

March 25, 1898

THE NATAL INDIAN CONGRESS

Dr. to M. K. Gandhi as on the 31st December

25. 4. 97	To check for stamps on memorials registration	2-	2-	4
30.12. 97	To Pitcher's Bill pd. re. cancellation of Bond	0-	9-	6
2. 10. 97	To stamps on memorial	0-	14-	0
16.10. 97	To stamps letter to Nazar <sup>1</sup>	0-	0-	6 <sup>1</sup> / <sub>2</sub>
6. 12. 97	To two chimney pieces	0-	2-	0
9. 12. 97	To check to Bank of Africa re. Fareed's ppty.	300-	0-	0
		<hr/>		
		Balance due	£ 303-	8- 4 <sup>1</sup> / <sub>2</sub>

From the photostat of the office copy: S. N. 2723.

## 55. NOTES ON THE TEST CASE

*This and the following item comprise legal "Notes" prepared by Gandhiji to assist the counsel who represented Tayob Hajee Khan Mahomed in the Test Case.*

[Prior to April 4, 1898]<sup>2</sup>

With deference to Counsel's opinion expressed when I was in Pretoria, I submit that according to Clause 1 in the Act,<sup>3</sup> the Indians to whom an attempt is being made to apply the Law do not come under it.

The Clause reads: "This Law is applicable to the persons belonging to one of the aboriginal races of Asia, among whom are comprehended the so-called Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire."

I take it that the meaning of the various expressions in the clause to be accepted by the Court will be the meaning which a standard

<sup>1</sup> Mansukhlal Hiralal Nazar (1862-1906), who assisted Gandhiji in his work in South Africa.

<sup>2</sup> *Vide* last para of the succeeding item.

<sup>3</sup> Law 3 of 1885, as amended in 1886.

work, as for instance, a Dictionary, would give them, and not the meaning given to them by the populace, either through ignorance or prejudice; I mean, in the absence of a definition of these expressions in the law itself.

If this be so, the meaning of the expression “aboriginal races of Asia” can only be found by a reference to an historical work. A reference to Hunter’s<sup>1</sup> “Indian Empire”, chapters 3 and 4, would shew at a glance who are the aborigines and who are not. The matter is put so plainly that there can be no mistake about the distinction between the two. It will be seen at once from the book that the Indians in South Africa belong to the Indo-Germanic stock or, more properly speaking, the Aryan stock. I do not know that there is any authority that has opposed this view. Works by Morris and Max Müller, easily obtainable in Pretoria, also support this view, and if this meaning of the expression is not accepted, I do not know what other meaning is to be attached to the expression.

A reference to the Green books<sup>2</sup> would shew that even Sir Hercules Robinson (I am not sure as to the name) excepts from the clause under discussion the Indian Traders under somewhat similar grounds, and if the Indians in the Republic are not included in the expression “aboriginal races of Asia”, they are certainly not to be classed among Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire.

Are they Coolies or Arabs? If books and despatches are to be relied upon, they are not either. And it may be stated here parenthetically that, if it was really intended to apply the Law to the Indians, the Law should have stated so clearly by putting the very word in. And if the matter has been left in doubt, the interpretation must be in favour of the Indians, the Law being a restrictive law. To return, the word “coolie”, according to Webster, means an East Indian porter or carrier, especially a labourer transported from India, China, etc., for service in some other country and that is exactly the meaning given to it by the Natal Laws as well as other authorities. Sir Walter Wragg, in his judgment in the case of *Vinden* versus *the Ladysmith Local Board*, deals with the question pretty fully. Copy of

<sup>1</sup> Sir William Wilson Hunter, 1840-1900; authority on Indian affairs and leading member of the British Committee.

<sup>2</sup> The following is a marginal note in Gandhiji’s handwriting: “Green book No. 1, 1894, page 28, paras 7 & 8, also “Petition to Chamberlain”, 31-12-1898”

the full report of the Case is hereto attached, *vide* pp. 10, 11 and 12.<sup>1</sup>

That the Indians in the Republic are not Arabs does not require any authority to support this contention. They never belonged to Arabia, and the Indian Mahomedans, whom the populace miscalls Arabs, are simply converts from Hinduism. That fact no more makes an Indian an Arab than conversion from Buddhism to Christianity would make a Chinese a European.

The word “so-called” appears before “coolies”: I don’t know that that would alter what has been stated above.

From the photostat of the office copy: S. N. 3705.

(Appendix)

#### SIR WALTER WRAGG’S JUDGMENT

Mr. Justice Wragg: It appears to me that the important question, directly put to the Court for decision, is whether or not Mrs. Vinden is a ‘Coloured Person’ within the meaning of Law 15, 1869.<sup>2</sup> I understand that my learned Brethren hesitate to decide this point and therefore what I have to say must be taken as my opinion only. I hold strongly the view that the plaintiff is not a ‘Coloured Person’ within the meaning of that Law, on the following grounds.

Under Law 15, 1869, Sec. 2. any ‘Coloured Person’, who is found wandering abroad unable to give a good account of himself, is liable to punishment. In Section 5 the term ‘Coloured Person’ is defined as including, among others, ‘Coolies’. Before that Law of 1869 was passed, there were in existence several Laws relating to Indian Immigrants. Looking at the preamble of that and the later Laws, we find that the term ‘Coolie’ means persons who, under these Laws, have been introduced from India into this Colony at the public expense, or by private individuals at their own expense, for a particular class of service. Then came the ‘Coolie Consolidation Law’ of 1870, in which the term ‘Coolie’ was again used and in the same sense. Lastly, we have the existing Law No. 25 of 1891, which was passed as the outcome, in many respects, of the labours of the Indian Immigration Commission of

<sup>1</sup> The enclosure referred to is not available, but the judgment of Sir Walter Wragg, taken from the Natal Law Reports, No. 17, dated March 23, 1896, is given as an appendix to the “Notes”.

<sup>2</sup> This case was one of wrongful arrest in which the plaintiff, an Indian Christian woman, Mrs. Vinden, claimed £200 damages, as she was gaoled after being asked for her Pass one night by a Native constable. The question arose whether she was a ‘Coloured Person’ in terms of the Law. The Judge awarded Mrs. Vinden £20 as compensation for wrongful arrest.

1885-1887. In this Law the offensive word ‘Coolie’ does not appear, its place being taken by the term ‘Indian Immigrant’, which, in Section 118, is defined as meaning and including “all Indians introduced from India into Natal under the provision of the Laws regulating such introduction and those descendants of such Indians who may be resident in Natal.” Persons usually described as Asiatics, Arabs, or Arab traders, who have been so introduced, are expressly excluded.

Now Mrs. Vinden came to this Colony at her own expense and she is wife of David Vinden, who was not brought here as an Indian Immigrant. How can either of them be considered a ‘Coloured Person’ within the meaning of Law 15, 1869? I say, most emphatically, that they are not ‘Coloured Persons’ within the meaning of that Law.

A ‘free’ Indian, that is to say, an indentured Indian who, having been introduced under the Immigration Laws, has completed his term of service, is, with his descendants, a ‘Coloured Person’ within the meaning of the Law, because he comes within the definition of Law 25, 1891, Sec. 118. But that is not the case of either David Vinden or his wife.

Vinden V. Ladysmith Local Board, 1896; Natal Law Reports

## *56. NOTES ON THE TEST CASE*

DURBAN,  
*April 4, 1898*

NOTES ON THE EVIDENCE REQUIRED IN TAYOB HAJEE KHAN  
MAHOMED vs. DR. LEYDS

Evidence is required to prove that

- (a) Plaintiff is a subject of the Queen of Great Britain.
- (b) He has been established and [has] carried on business as a merchant in Church Street, Pretoria, since 1893.
- (c) He has during that time conformed to and has obeyed the laws of the land.
- (d) He is not an Arab.
- (e) He is not a Mahommedan subject of the Turkish Empire.
- (f) He is not a Malay.
- (g) He is not a coolie in any sense of the term.

As to (a):

Plaintiff is a native of Porbunder, a port in Kattywar,<sup>1</sup> a Province in the south-west of India. Porbunder is under British administration. Mr. H. O. Quin, styled the State Administrator, manages the States. A reference to any map of the world would show that the Province of Kattywar is included in British India and is marked red. In a separate map of British India, Kattywar and other portions would be found marked yellow. These are two divisions of British India, viz., that portion which is called *Khalsa*,<sup>2</sup> or British India proper, under the direct control of British political officers, and the other, Protected British India, where there is an intermediary between the people and a British Officer. Nevertheless, inhabitants of both parts of India are, for our purposes, equally British subjects and entitled to the same privileges outside India. This portion can be proved by putting in any map, a standard. Geography, or even by getting the evidence of the British Agent. Further, Plaintiff has very often transacted business with the British Agents in his capacity as a British Indian trader and has been accepted as such.

The illuminated address that went to the Queen on behalf of the British Indians in the Transvaal bore his among the other signatures. This also the British Agent could prove. And if that course is thought advisable and adopted, it may lend a certain dignity to the case, if it does nothing else.

I am also told that Plaintiff was, at one time, required to fill in a form by one of the Landdrosts,<sup>3</sup> wherein he described himself as a British subject, and this was accepted by that officer.

As to (b):

It appears that, in 1882, he was a partner of Tayob Ismail; in 1883, joined the firm of Aboobaker Amod and Co., and was the resident partner and manager of the firm's business in Pretoria. Aboobaker Amod and Co. was transformed into Tayob Hajee Abdoolla & Co., in 1888 and, since 1892, he has been carrying on business as Tayob Hajee Khan Mahomed & Co., either with or without partners. He had and has other businesses also in the Transvaal. Many witnesses could prove this, or it might be possible to produce deeds of

<sup>1</sup> This is how Kathiawar was then spelt in documents and maps prepared by Europeans. The collection of former principalities is now merged in Bombay State and is known as Saurashtra.

<sup>2</sup> Territory under direct administration of Government.

<sup>3</sup> Magistrates or judicial officers.



partnership or even the licenses, if they were granted.

As to (c):

Plaintiff has regularly paid taxes for properties belonging to him or occupied by him. There are no convictions against him. Receipts for 'the taxes might be put in. He contributed his share, I believe, to the Commando levy.<sup>1</sup> He has kept his premises in good sanitary condition, as Dr. Veale can testify.

As to (d), (e), and (f):

If (a) is proved, i.e., if he is proved to be a British Indian, (d), (e), and (f) are proved *ipso facto*; for if he is an Indian he cannot be an Arab, or Malay [either], and if he is a British subject he cannot be a Turkish subject. It is not denied that he is a Mahomedan, and the confusion has arisen because of that fact. Somehow or other, people in South Africa have come to look upon Indian Mahomedans as Arabs and Turkish subjects. Plaintiff is neither. He has never been to Arabia, even as a pilgrim, and he has never been to Turkey. An Indian Arab or an Indian Malay is an impossibility. Malays, I understand, are, or were formerly, natives of Java and were first brought to South Africa by the Dutch.

As to (g):

The expression "Coolie" was first officially used by the Natal Legislature when they introduced into the Colony the bona fide "Coolies", i.e., field labourers, for their estates. There were no other Indians in the Colony or South Africa at the time, and it was not before 1870 that the first Indian trader came to South Africa. By this time, there was a large population of Indian field labourers, and they were at the time, without meaning any offence to their feelings, called "coolies" by the white men. As the Indian traders came, white men, not having known any other Indians, called them also "coolies", forgetting the specific meaning of the expression as applied, not to a nation, but to a class of labourers. Gradually, trade jealousy grew up, and the expression degenerated into a term of contempt as applied to Indian traders and began to be freely and consciously used. Some Europeans, having some respect for the traders and in order to make a distinction, began to call the Indian traders "Arabs". The expression "coolie" then followed the Indians wherever they went in South

<sup>1</sup> A tax collected in the Transvaal at the time of the Boer Commando action against the Kaffir Chief, Malaboch, in 1894.

Africa, generally as a term of contempt; and remains so to the present day. For its legal or dictionary meaning, Webster might be taken as an authority. For its commercial and popular meaning as understood there, many merchants might be found willing to testify that they would never think of calling Plaintiff and Indians like himself “Coolies”, except in order to insult them.

Attention is also drawn to my notes sent some time ago specially as to the expression “coolie” and generally as to the interpretation of the Law, as also to the case of *Vinden v. Ladysmith Corporation*, sent herewith, and containing Sir Walter Wragg’s dissertation on the expression “Coolie”.<sup>1</sup>

M. K. GANDHI

From the photostat of a typed copy bearing Gandhiji’s signature: S. N. 3704.

### 57. LETTER TO COLONIAL SECRETARY

53C FIELD STREET,  
DURBAN,  
July 21, 1898

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
P.M. BURG<sup>2</sup>  
SIR,

I applied to the Immigration Officer at Durban for temporary permits for certain four Indians. The officer is prepared to grant the permits on a deposit of £25 each. On my applying to him to take £10 each, he informs me he has no authority to accept such small deposits.

I beg to draw your attention to the fact that a deposit of £10 is accepted at Charlestown. The system of deposits is a source of very great annoyance, and I submit that £10 is ample for the purpose for which the deposit is intended.

If the holders of temporary permits forfeit the deposits, the law can still reach them and they could be deported from the Colony. Under the circumstances, I trust you will be pleased to authorise the Immigration Officer at Durban to accept a deposit of £10 for each

<sup>1</sup> Vide “Notes on the Test Case” given earlier.

<sup>2</sup> Pietermaritzburg

person requiring a temporary permit.

*I have the honour to remain,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

From the original handwritten letter, signed by Gandhiji, available in the Pietermaritzburg Archives, No. C.S.O/4799/98.

## 58. TELEGRAM TO THE VICEROY OF INDIA

JOHANNESBURG, VIA ADEN

*August 19, 1898*

FROM

BRITISH INDIANS

JOHANNESBURG

TO

HIS EXCELLENCY THE VICEROY OF INDIA

SIMLA

WE BRITISH INDIANS TRADING AT JOHANNESBURG RESPECTFULLY  
DESIRE TO BRING TO YOUR EXCELLENCY'S NOTICE THAT HIGH  
COURT HERE HAS DECIDED<sup>1</sup> THAT ALL INDIANS MUST RESIDE AND  
TRADE IN LOCATIONS ONLY.

Foreign Department, Ministry of External Affairs, Government of India: Pros.  
September 1898, Nos. 55-56.

<sup>1</sup> In the Test Case (*vide* "Letter to the British Agent", 28-2-1898, *supra*), the Court held that there was no distinction between places of business and residences, and that Asiatics must reside as well as transact their business in Locations set apart for them by Government.

## 59. PETITION TO INDIAN NATIONAL CONGRESS<sup>1</sup>

*On the Transvaal High Court deciding that Indians must live and trade only in Locations, they made the following representation to the Indian National Congress.*

JOHANNESBURG,  
SOUTH AFRICAN REPUBLIC,  
August 22, 1898

TO  
THE CHAIRMAN AND MEMBERS OF THE  
INDIAN NATIONAL CONGRESS  
GENTLEMEN,

We, the undersigned British subjects residing at Johannesburg, in the South African Republic, desire to respectfully draw the attention of your Congress to the following facts:

1. That we are British subjects, born in British India and trading at Johannesburg as merchants and shopkeepers.

2. That some of us have resided in this Republic for twelve years and upwards, and have valuable stocks of goods in our business premises at Johannesburg.

3. That we respectfully submit that as British subjects we are entitled to the full benefit of the Convention, known as the London Convention, entered into in the year 1884 between Her Majesty's Government and the Government of the South African Republic, Article 14 whereof provides that all British subjects shall have the right to reside and carry on business in any part of the South African Republic.

4. That the High Court of this Republic has recently decided that all Indians and other Asiatics must reside and trade in certain Locations to be pointed-out by the Government of this Republic, and not elsewhere.

5. That the said decision of the High Court was based upon an enactment of the Volksraad<sup>2</sup> of this Republic, passed subsequent to the Convention aforesaid, to wit in the year 1885, being Law No. 3 of 1885, which said Law is in direct conflict with the express terms of the

<sup>1</sup> A similar petition was sent also to the Secretary of State for the Colonies, the Secretary of State for India, and a copy to the British Committee of the Indian National Congress.

<sup>2</sup> Legislative Assembly.

said Convention.

6. That, even assuming that we are bound by the provisions of the said Law No. 3 of 1885, which we deny, then we respectfully submit that the said decision of the High Court of this Republic is bad in law, and manifestly contrary to the true meaning and intent of the said Law, which provides that the Government of this Republic shall have the right to fix places of residence in Locations for Asiatics in this Republic, but in no way restrict the right of Asiatics to trade in any part of this Republic.

7. That the said decision of the High Court is final and no appeal lies therefrom.

8. That we cannot believe that it was or is the intention of Her Majesty's Government to consent to our being deprived of those rights expressly secured to all British subjects by the London Convention aforesaid and to consent to Indian British subjects being placed in a worse position, so far as treaty rights are concerned, than European British subjects.

9. That we have no doubt that the said decision of the High Court of this Republic will be enforced forthwith, and that we will be obliged to close our places of business in and about Johannesburg and to reside and trade in Locations to be fixed at the arbitrary choice of the Government of this Republic, which proposed Locations are situate about three miles from Johannesburg, and adjoining the Kaffir Location; the result of which measure will be that we will be ruined in our businesses, and be deprived of the means of earning a livelihood, and will be compelled to leave this State, as Johannesburg is the only important business centre in this Republic and the place where most of the Indians in this Republic reside and carry on business.

We, therefore, respectfully request your Congress to use its great influence on our behalf with a view to obtaining redress of our grievances.

*We have the honour to be,  
Gentlemen,  
your most obedient servants,  
(Here follow various signatures.)*

*India, 11-11-1898*

## 60. LETTER TO LORD HAMILTON

P. O. Box 1302  
JOHANNESBURG,  
*August 25, 1898*

THE RIGHT HONOURABLE  
LORD GEORGE HAMILTON  
PRIVY COUNSELLOR, ETC.  
SECRETARY OF STATE FOR INDIA  
LONDON, ENGLAND

RIGHT HONOURABLE SIR,

On behalf of ourselves and other Indian British subjects residing at Johannesburg in the South African Republic we beg herewith to hand you the enclosed petition.<sup>1</sup>

*We have the honour to be,  
Right Honourable Sir,  
your most obedient servants,*

A. CHETTY  
A. APPASAMY

Colonial Office Records: Memorials and Petitions: 1898.

## 61. TELEGRAM TO M. BHOWNAGGREE<sup>2</sup>

JOHANNESBURG,  
*August 30, 1898*

SIR MANCHERJEE BHOWNAGGREE  
LONDON

COURT DECIDED GOVERNMENT HAS POWER REMOVE INDIANS  
LOCATIONS FOR TRADE AND RESIDENCE JUDGE JORRISEN DISSENTING.  
GREAT CONSTERNATION. FEAR OF REMOVALS PARALYSING TRADE.  
LARGE ISSUES AT STAKE. RELYING MR. CHAMBERLAIN'S PROMISE  
MAKE REPRESENTATIONS AFTER TRIAL TEST CASE DEFINITE ISSUE  
NECESSARY. PLEASE HELP.

BRITISH INDIANS

Colonial Office Records: Memorials and Petitions, 1898.

<sup>1</sup> The forwarding despatch carried a Colonial Office minute reading: "The petition is word for word the same as that which has also been addressed to Mr. Chamberlain and the I. N. C." (*Vide* the preceding item.)

<sup>2</sup> Member of the British Committee of the Indian National Congress in London.

## 62. TELEGRAM TO “INDIA”<sup>1</sup>

JOHANNESBURG,  
[August 30, 1898]<sup>2</sup>

THE COURT HAS DECIDED THAT THE GOVERNMENT HAS POWER TO REMOVE INDIANS IN THE TRANSVAAL TO LOCATIONS FOR BOTH TRADE AND RESIDENCE. JUDGE JORRISEN DISSENTED FROM THE DECISION. GREAT CONSTERNATION PREVAILS. IT IS FEARED THAT THE REMOVAL TO LOCATIONS MAY PARALYSE TRADE. LARGE INTERESTS ARE AT STAKE. WE ARE RELYING UPON MR. CHAMBERLAIN'S PROMISE TO MAKE REPRESENTATIONS TO THE TRANSVAAL GOVERNMENT AFTER THE TRIAL OF A TEST CASE, WHICH, HE SAID, WAS NECESSARY TO SECURE A DEFINITE ISSUE.

*India, 9-9-1898*

## 63. DADA OSMAN'S CASE

*The following is a report of the proceedings of a case before the Durban Town Council, in the course of which Gandhiji, who appeared in appeal, addressed the Council and made a strong plea against the refusal of trade licences to Indians on racial grounds. The Council dismissed the appeal.*

DURBAN,  
September 14, 1898

A special meeting of the Town Council was held yesterday afternoon, to consider an appeal against the Licensing Officer's decision upon the application of Dada Osman for a wholesale and retail license for the premises No. 117, Grey Street. His Worship the Mayor (Mr. J. Nicol) presided and there were also present the Hon. Mr. Jameson, M.L.C., Messrs. M. S. Evans, M.L.A., Henwood, Collins, Challinor, Hitchins, Taylor, Labistour, Garlicke (town solicitor) and Dyer (Licensing Officer). Mr. Gandhi appeared for the applicant.

The Town Clerk (Mr. Cooley) read the Licensing Officer's reasons for his decision as follows:

“The Act 18 of 1897, as I understand, was passed with a view of

<sup>1</sup> The telegram was published by India as from its ‘Johannesburg Correspondent’. Gandhiji was then acting as the Durban, Johannesburg and South African correspondent of India.

<sup>2</sup> This telegram, the text of which is practically identical to that of the preceding one, was dispatched on the same day. India, being a weekly, published it in the following issue.

placing some check on the issue of trading licenses to certain classes of people, generally regarded as undesirable, and, as I believe I am right in assuming that the applicant in question is one that would be included in that class, and, moreover, as he has never before had a license in Durban, I have felt it to be my duty to refuse the license.”

The report of the Sanitary Inspector on the premises was also read, and was to the effect that they had been previously licensed and were suitable.

Mr Alexander McWilliam, merchant, of West Street, called as a witness, said he had dealt largely with the applicant, who had owed him as much as £500 at a time. He had found him a good business man, and honest in his dealings. In fact, he was prepared to trust him to the extent of £500 again. Witness considered the premises suitable and respectable for such a business as it was sought to carry on.

By Mr. Collins: Is the applicant capable of keeping books?

Witness: I do not know, but from the way he expresses himself in his letters to me, I should imagine that he would be able to keep books.

Dada Osman, the applicant, also gave evidence, and said he had been in Natal about 18 years. He had been engaged in business the whole of that time. He had two stores in Umsinga. He wanted to open a store in Durban, because his family lived here. Witness's private expenses here were £20 per month, and his rent for his house and store amounted to £11 per month with taxes. His house and store were lighted by electricity, and his household furniture, of the value of over £100, was purchased in Durban. He had business dealings with a number of large firms in Durban, and could keep books in English, being acquainted with both single and double entry systems. Applicant's books had been inspected and passed by the Licensing Officer. A license was not absolutely necessary for the supply of his up-country stores but he desired a license so as to cover his living expenses in Durban, where he was obliged to keep a house, as his wife could not very well travel with him between Vryheid and Umsinga, to which places he had to go from time to time in connection with his businesses. He had 2 stores in Umsinga, and had never had a license in Durban. The Umsinga stores had been in his possession over 15 years, and, during that time, he had bought all his goods in Durban. If the Council refused his license, he would not have to shut up his up-country stores. His wife had been in Natal 5 months. He was married in India 8 years ago and had visited India since.

Abdul Cadir, managing partner of the firm Mahomed Cassim & Company, owners of the premises in respect of which the application was made, was called, and said the rent fixed was £10 and taxes. The store had been



licensed before. Witness owned 3 or 4 properties in Durban, amounting in value to between £18,000 and £20,000. Most of this property was let and if Osman did not obtain a license, witness would lose the rent of that particular store. He had known the applicant a long time, and knew that he would be a good tenant.

Further evidence as to applicant's respectability was given by another Indian merchant.

Mr. Gandhi stated that the last occasion on which he addressed the Council he, unfortunately, failed to convince them that the landlord's interests should be considered. The managing partner of the firm of Mahomed Cassim & Company told the Council that day that the present applicant was the best tenant he could get for the premises and that he owned property of the value of £18,000, most of which he hired to persons such as the applicant. He further said that if the license was withheld from the applicant, he would not be able to get a tenant for his premises. It was clear that the landlord's interests ought to be considered. Mr Abdul Cadir was a rate-payer just as good as any of the ratepayers of the Borough, and his voice should be heard by the Council. In the applicant, Abdul Cadir had a tenant whom he had known for a very long time and it would be a hardship to the landlord if the license was refused. The premises were suitable for a store, and it would not be possible for the landlord to hire them for any other purpose. Evidence had been led to the effect that the store had been previously licensed, and Mr. McWilliam, a perfectly disinterested witness, stated that the premises were decent and respectable. Under the circumstances, he hoped the Council would give due weight to the interests of the landlord. As to the applicant himself, testimony had been brought forward to show that his evidence was true, and he desired to do some business in Durban to meet the expenses entailed in maintaining a household here. They had in the applicant a man perfectly decent and respectable, straight in his dealings, who could speak English sufficiently to make himself understood, and kept books in English. Applicant's books had previously been passed, and he thought the Council would admit that the applicant had stood the test very well indeed. There could not be the slightest objection either to the premises or the applicant. There was nothing objectionable in the applicant except what the Licensing Officer had been pleased to state in his reasons, and, with all deference to the Council, he submitted that the Licensing Officer had nothing whatever to do with the speeches made in the Legislative Assembly at

the time the Act was passed. There was nothing in the preamble of the Act to show that this was the intention of the measure. It merely said that it was necessary to regulate the issue of licenses to wholesale and retail dealers, no distinction being made as to desirables or undesirables, and yet the Licensing Officer, who was supposed to have a judicial mind at the time of considering applications, had actually gone out of his way to refer to speeches made at the time the Act was passed. This was a most extraordinary course for a Licensing Officer to take, and he hoped that because the Licensing Officer had seen fit to refuse the license for the reasons given, they would upset the decision. The Licensing Officer stated that he believed he was right in assuming that the applicant would be included in the undesirable class, but what right had he to make such an assumption? He (Mr. Gandhi) would like to know who was an undesirable and how such a person would be described, and would venture to cite the opinion of the Secretary of State for the Colonies on the point. Mr. Gandhi read extracts from a speech delivered by Mr. Chamberlain at the conference with the Colonial Premiers, when the Right Hon. gentleman said they had to bear in mind the traditions of the Empire, which made no distinction in favour of or against a race on the grounds of colour, and referred to the wealth and civilization of Indians, and the services they had rendered the Empire in times of trouble. According to Mr. Chamberlain, it was the character of the immigrants they had to deal with, and it was not because a man was of a different colour to themselves that he was undesirable, but because he was dirty or immoral, or a pauper, or because he was in some other way objectionable. That was what an undesirable immigrant was in the opinion of the Secretary of State for the Colonies, and no such objection could be brought against his client. The only objection that had been raised to the applicant, and that had been discounted by the Secretary of State, was that he was an Indian, and, therefore, came to be classed as an undesirable person. He hoped that that reason would not be accepted by the Council. The Licensing Officer had placed the Indian community under a deep debt of gratitude by giving the only reason for which these licenses were refused. It had been said in that Council Chamber that the objection to Indians was not their colour, or because they were Indians, but because they would not live in a decent manner. That objection could not be advanced against his client. He wished to point out that if the Council refused that license, they would place all Indians in the same scale, and would not encourage them to

live in premises that were decent and respectable and to live in every way like respectable citizens. Everything done with regard to these licenses became known outside, and if a license was refused to such a man as his client, Indians would say that the Town Council did not want them to live decently and honestly, but anyhow. The Council should not allow such a feeling to be created among the Indian population. It was said on a previous occasion that it was necessary that these licenses should not be increased, but that question did not arise in the present case, as the store for which a license was applied for, had been licensed that year. By granting the application the number of licenses would not be added to. If these stores were to be shut up, the Indian landlords would have to shut up their businesses, and he hoped the Council would give due consideration to the appeal, and order the issue of a license to his client.

Mr. Taylor said he was not convinced that the Licensing Officer was in error, and he, therefore, moved that the decision be confirmed.

Mr. Collins said that he was not at all surprised that there was a very great deal of reluctance on the part of the Council to refuse the license, but he believed the license was going to be refused, and he had no hesitation in saying that the reason was not that the applicant was not suitable except for the fact of his being an Indian. What Mr. Gandhi had said was perfectly true, and he (Mr. Collins) felt some relief in saying that most of these licenses, if not all, had been refused mainly on that ground. The Council had been placed in a very unhappy position because it had to carry out a policy which, in the discretion of Parliament, had been considered necessary. Parliament, representing the community, had come to the conclusion that it was undesirable that Indians should increase their hold on the trade of Durban, and it was on that ground that the Council was practically called upon to refuse licenses which were not otherwise objectionable. He thought the applicant would have a grievance by the refusal of the license, but it had been found expedient, as a matter of Colonial policy, that these licenses should not be increased, and he, therefore, seconded Mr. Taylor's motion.

The Mayor said that Messrs. Evans, Labistour, and Hitchins would not be able to vote as they had come in late.

Mr. Labistour said that, with regard to his being late, he thought an apology was due from him to His Worship and the other members of the Council, but he would like to explain that he had studiously avoided attending these licensing meetings, as he thoroughly disagreed with the dirty work they were called upon to do. He had come into that meeting expecting that the licensing business would have been concluded earlier, and that the ordinary

business would be commenced by the time he arrived. The remarks made by Mr. Collins met with his approval, but any councillor could mark his dissent with what they were called upon to do by not taking part in it. He held that, sitting as a court of appeal, it was for them to hear the evidence, and, unless there was some good ground against an applicant, they ought to grant the license. If the burgesses of Durban, or the people of the Colony, wished these licenses to be stopped, they could go to the Legislature and put an end to applications for licenses by members of the Indian community.

On being put, Mr. Taylor's motion to uphold the Licensing Officer's decision was carried *em con.*, and the appeal was consequently dismissed.

*The Natal Mercury*, 15-9-1898

#### 64. NOTICE FOR A CONGRESS MEETING

[DURBAN,]

September 15, 1898,

Thursday

SIR,

A meeting of the Congress will be held tomorrow evening at 8 p.m. punctually to deal with the following matters:

Congress report—Accounts—Consideration of the debt—Sanction for £10 sent to Mr. Nazar<sup>1</sup>—Sanction for £10 sent to Sir Mancherjee Bhownaggaree<sup>2</sup>—Sanction for repayment of debt incurred by Mr. Nazar—Resignation of the Honorary Secretary and other business.

Mr. Nazar will not attend the meeting.

It is hoped that in view of the importance of the meeting, all the members will be present.

Meeting of the Congress will take place tomorrow evening at 8 p.m. punctually to consider report of the Hon. Sec. &c. &c.<sup>3</sup>

M. K. GANDHI

From the original office copy in Gujarati, in Gandhiji's own hand, in the National Archives, New Delhi: S. N. 2807.

<sup>1</sup> Mr. Nazar had been sent to London on the occasion of the Colonial Premiers' Conference held there in 1897.

<sup>2</sup> Gandhiji sometimes spelt it thus.

<sup>3</sup> This last paragraph is typed in English.

## 65. TELEGRAM TO COLONIAL SECRETARY

DURBAN,  
November 3, 1898

FROM  
MAHOMED CASSIM CAMROODEEN & Co.  
TO  
HON'BLE COLONIAL SECRETARY  
P. M. BURG

RULES PUBLISHED GAZETTE RE VISITORS AND EMBARKATION PASSES<sup>1</sup>  
HAVE CREATED GREAT DISSATISFACTION AMONG INDIANS. MEMORIAL  
TO HIS EXCELLENCY BEING PREPARED.<sup>2</sup> HUMBLY REQUEST BEEHALE INDIAN  
COMMUNITY SUSPENSION RULES MEANWHILE.

From the photostat of a handwritten copy which carries Gandhiji's signature:  
S. N. 2845.

## 66. PETITION TO INDIAN NATIONAL CONGRESS

JOHANNESBURG,  
S. A. REPUBLIC  
November 28, 1898

TO  
THE CHAIRMAN OF  
THE INDIAN NATIONAL CONGRESS  
DEAR SIR,

We, the undersigned British Indians, residing at Johannesburg in the South African Republic, beg respectfully to draw the attention of your Congress to the following facts:

1. That by Government Notice No. 621, published in the *Staats Courant* of this Republic, dated November 19, 1898, copy whereof is hereunto annexed, all Indians and other Asiatics are ordered) from and after the first day of January, 1899, to reside and trade only in Locations to be pointed out by the Government of this State.

2. We respectfully submit that the terms of the said Government Notice are in conflict with the provisions of the "London Convention", which provides that all British subjects, without any

<sup>1</sup> For the restrictions imposed, deposit taken and fee levied under the Immigration Act, 1897, *vide* "Letter to Colonial Secretary" July 21, 1898, and "Petition to Chamberlain", 31-12-1898, *infra*.

<sup>2</sup> *Vide* "Petition to Chamberlain", 31-12-1898, *infra*

distinction, shall have the full right to reside and trade in any part of the South African Republic.

3. That should the provisions of the said Government Notice be carried into effect, we will suffer great-pecuniary loss, as many of us have established ourselves in business in Johannesburg and elsewhere in this Republic.

We, therefore, respectfully request your Congress to use its influence on our behalf, with a view to obviating the serious injury that will otherwise be inflicted upon us.

*We have the honour to be,  
Sir,  
your obedient servants,*

V. A. CHETTY  
A. PILLAY AND CO.  
V. MOORROOSAMY MODELAR  
A. KESTNASAMY  
A. APPASAMY

[Annexure]

#### GOVERNMENT NOTICE NO. 621<sup>1</sup>

For general information it is hereby notified that the Honourable Executive Council, by resolution of Art. 1101, dated November 15, 1898, has decided:

1. That the Coolies and other Asiatic Natives who do not at present reside and trade in the specified' locations, but in conflict with the law, live and trade in a town or village or other prohibited area, shall be ordered by the Landdrost or Mining Commissioner, or, acting on their instructions by the Field Cornet, to proceed to live and trade in the specified locations before January 1, 1899, in terms of Law 3 of 1885.

2. The Landdrosts and the Mining Commissioners shall, however, prepare two lists of names of those Coolies or other Asiatic Natives who, for a considerable period, have traded in places other than the specified locations, and for whom it would consequently be difficult to remove their businesses within such a short period. On the one list shall be placed the names of Coolies or other Asiatic Natives to whom, in the opinion of the Landdrost or Mining Commissioner, at the utmost three months' postponement may be given, and on the second the names of those who may receive six months', thus respectively to April 1 and July 1 of 1899, in- which to comply with the law. The Coolies or other Asiatic Natives must themselves ask for such postponement and give reasons therefor.

<sup>1</sup> The Notice appeared originally in Dutch.

3. That should application thereanent be made, in order to assist the Coolies and other Asiatic traders, the question of reserving a piece of ground in the location as a bazaar, or for a covered building with shops, will be favourably considered.

In connection with the above, it is further notified that those Asiatics who consider that they do not fall within the pale of Law 3, 1885, either by virtue of their having entered into an agreement before that date which has not yet expired, or through their having obtained transfer of their property, shall communicate with the Landdrost or Mining Commissioner before January 1 in order that their case may be laid before the Government.

*India, 23-12-1898*

### **67. TELEGRAM TO “INDIA”**

*Gandhiji, as its Johannesburg correspondent, sent the following telegram to India in connection with the question of Locations:*

JOHANNESBURG,  
*December 5, 1898*

THE GOVERNMENT OF THE SOUTH AFRICAN REPUBLIC HAS PUBLISHED AND GIVEN NOTICE REQUIRING INDIANS TO RESIDE AND TRADE IN CERTAIN LOCATIONS ON AND AFTER JANUARY 1 NEXT THEY EARNESTLY HOPE THAT ADVANTAGE WILL BE TAKEN OF THE VISIT OF THE CAPE HIGH COMMISSIONER TO ENGLAND TO ADVANCE THEIR CAUSE. THE PRESENT UNCERTAINTY IS CAUSING ANXIETY.

*India, 9-12-1898*

### **68. BRIEF FOR COUNSEL’S OPINION**

*Gandhiji’s approach to the legal issues involved in the operation of the Dealers’ Licenses Act is indicated by the following brief prepared by him.*

DURBAN,  
*December 22, 1898*

BRIEF FOR COUNSEL’S OPINION UNDER ACT 18 OF 1897 TO AMEND THE LAW RELATING TO LICENSES TO WHOLESALE AND RETAIL DEALERS.

A Town Council issues secret or public instructions to the Licensing Officer appointed by it under the Act:

1. Not to grant licenses to Asiatics.
2. Not to grant licenses to certain persons.

3. Not to grant licenses to most of the Asiatic traders.

Could the Supreme Court be moved by an intending applicant to direct the Town Council to appoint another officer and not in any way to interfere with such Officer's discretion?

A Town Council appoints one of its permanent officials, as for instance, the Town Clerk, the Town Treasurer, the Chief Cashier.

Could an intending applicant move the Supreme Court to direct the Town Council to appoint an absolutely independent person on the ground that the permanent officer would be so much under the influence of the Town Council that he could not be expected to give an unbiassed decision uninfluenced by the views of the Town Council, and on the ground that the intending applicant would practically be denied the right of approaching two separate tribunals—one original and the other appellate?

A Licensing Officer, under the Act, refuses to issue a license to a person on the ground that he is an Indian. Could the Supreme Court be moved to tell the Officer that the fact of a person being an Indian is no reason for a refusal, and that he should reconsider his decision subject to that direction?

If a Licensing officer arbitrarily refuses to issue licenses to all the Indians or a majority of them, can he be said to have used a discretion in either or both the cases?

A person having applied for and been refused a license to trade carries on his trade without a license. He is tried for contravention of Section 9 of the Act, and convicted. He pays the penalty but continues to trade. Is the trading after the conviction, but during the statutory year, a fresh offence?

Does a person trading without a license for so many days commit so many offences under the Act?

What would be the procedure for collecting the fine?

If the person convicted is bonded to another person and if the bondholder takes possession, will the penalty be a preferent charge against the goods so bonded? (Note: All penalties recovered under the Act in respect of a business within a Township are payable to the funds of such Township.)

Will it be competent for the Governor-in-Council to pass, under the last section of the Act, such rules as would control the discretion of the Licensing Officer, and make it practically obligatory on the Licensing Officer to issue licenses under certain conditions?

M. K. GANDHI

From the photostat of the handwritten original: S. N. 2904.



## 69. PETITION TO CHAMBERLAIN

*The manner in which the Dealers' Licenses Act was being operated in violation of the rights of Indians formed the subject of a representation to the Imperial Government which is given below. Gandhiji sent it with a covering letter addressed to the Natal Governor. Vide p. 50, infra.*

DURBAN,  
December 31, 1898

TO  
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN  
HER MAJESTY'S PRINCIPAL SECRETARY OF STATE  
FOR THE COLONIES  
LONDON

THE HUMBLE PETITION OF THE UNDERSIGNED REPRESENTING THE  
BRITISH INDIANS RESIDING IN THE COLONY OF NATAL HUMBLY SHEWETH,

That your Petitioners hereby venture to approach Her Majesty's Government with reference to the Dealers' Licenses<sup>1</sup> Act, against which your Petitioners unsuccessfully protested last year.

Your Petitioners might have approached Her Majesty's Government earlier, but it was their intention, first, to watch the operation of the Act patiently for some time, and to see whether the fears anticipated in the memorial submitted to Her Majesty's Government embodying the above protest were well-founded or not; and, secondly, to exhaust all the resources available in the Colony, and to obtain a proper judicial interpretation of the Act.

It is with great regret that your Petitioners have to record that the fears expressed in the memorial above referred to have been more than realised, and that the judicial interpretation has been given against the British Indians in the Colony. In a case, herein below referred to,<sup>2</sup> Their Lordships of the Privy Council have decided that, from the decisions of the Town Councils or the Town Boards, there is no appeal to the Supreme Court of the Colony, under the above Act. This decision has paralysed the Indian traders. Consternation has seized hold of them, and there prevails amongst them a feeling of

<sup>1</sup> The word licence is being spelt as in the original printed copy, sometimes with 'c' and sometimes with 's'. Both the spellings were current at that time.

<sup>2</sup> Vide "Petition to Chamberlain", 31-12-1898, infra.

insecurity and a nervous fear as to what may happen during the ensuing year.

The troubles the Indian community is passing through are numerous. The working of the Immigration Restriction Act, against which also your Petitioners ineffectually protested, is causing much vexation. Lately, the Government have passed Rules under it whereby a fee of one pound is required from each person not being able to pass the tests imposed by the Act, and wishing to sojourn for from one day up to six weeks, or to pass through the Colony for the purposes of embarkation. While a memorial was being prepared in connection with these Rules and other matters arising out of the above Act, the decision of the Privy Council came upon the Indian community like a bomb-shell, and all the other troubles dwindled into comparative insignificance in the face of the awful future awaiting the Indian traders. It has, therefore, become absolutely necessary to give the first place to the Dealers' Licenses Act.

The only hope of the Indian traders in Natal now lies in the relief that might be granted through the intervention of Her Majesty's Government. Your Petitioners venture to claim in all parts of Her Majesty's dominions the same privileges and rights that are enjoyed by Her Majesty's other subjects, in virtue of the Proclamation of 1858, and more especially in the Colony of Natal, in virtue of the following statement in your predecessor's Despatch with reference to previous memorials, viz., "It is the desire of Her Majesty's Government that the Queen's Indian subjects should be treated upon a footing of equality with all Her Majesty's other subjects."<sup>1</sup> Moreover, your Petitioners trust that Her Majesty's Government would be pleased to secure from the Colony of Natal, which owes its present prosperity to the indentured Indians, a fair treatment for the free Indians in the Colony.

All over the world, whenever necessary, Indian soldiers have been fighting the battles of Great Britain, and Indian labourers have been opening up fresh fields for colonisation. Only the other day, a Reuter's cablegram stated that Indian soldiers would be requisitioned to train up the natives in Rhodesia. Can it be that the fellow-countrymen of these soldiers and labourers are not to be allowed to earn an honest living in a portion of Her Majesty's dominions?

<sup>1</sup> *Vide* "Petition to Lord Rippon", before 5-5-1895.

And yet, as will appear hereinbelow, there is an organised attempt being made in the Colony of Natal not only to *deny* to the Indian traders the right of earning an honest living, but also to *deprive* them of such right which they have been enjoying for years past in the Colony; and the instrument whereby the European Colonists in Natal hope to achieve their purpose is the above Act.

The Durban Town Council consists of eleven councillors, and is the premier Corporation in the Colony. Of these councillors, one is an avowed and out-and-out opponent of the Indians. He played a leading part in the Demonstration against the landing of the passengers on board the *Courland* and the *Naderi* early last year.<sup>1</sup> He was noted for his most violent speeches. He has carried his hatred of the Indians into the portals of the Town Council, and has so far invariably, and irrespective of persons, opposed the granting of trade licences to Indians. As there are only two classes of Europeans—the one violently against the Indians, and the other indifferent—this councillor, as a rule, carries the day before him whenever a matter concerning the Indians comes for disposal before the Council. The Licensing Officer appointed under the Act is a permanent officer of the Corporation, and is, therefore, in your Petitioners' humble opinion, more or less under the influence of the councillors. In a case presently to be referred to, Sir Walter Wragg, the first Puisne Judge, who was then acting for the Chief Justice, has thus observed about the danger of a permanent officer of a Town Council being appointed its Licensing Officer:

It has been suggested to the Court that an officer so appointed must have a certain amount of bias in his mind, because he was an officer permanently under the Town Council, and must be in the Council's confidence. His lordship was not going to decide the matter on that point; but he could quite see that the Licensing Officer should be some person who was not in the Town Council service, and who was not in the confidence of the Council. (The Natal Witness, 31 March 1898.)

This Licensing Officer examines the pecuniary position of applicants for licences, asks them questions as to their stock, capital, and generally inquires into their private affairs. He has made it a rule not to grant a trading licence to any Indian who has not before held such a licence in Durban, whether the applicant has held a licence

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-5-1897, et seq.

elsewhere in the Colony or not, whether he is an old resident or a new arrival, whether he is an accomplished gentleman knowing English or an ordinary trader, and whether the premises in respect of which the licence is sought are suitable in every respect and have been before licensed or not.

Somnath Maharaj, an Indian, early this year, applied for a licence to carry on a retail trade in the borough. His application was taken in. He was examined at length as to his position by the Licensing Officer. Nothing could be found against him. The Sanitary Inspector made a favourable report regarding the premises in which he intended to carry on his trade. The premises had just been vacated by an Indian storekeeper who had left for Johannesburg. The Licensing Officer, however, after having failed to find fault either with the person or with the premises, refused a licence without giving any reason for his decision. The matter was heard in appeal before the Town Council.<sup>1</sup> It was proved that the applicant had served the Colony for five years under indenture, had been resident in the Colony for thirteen years as a free Indian, had by dint of perseverance raised himself to the position of a trader, had held a licence in Mooi River in the Colony over six years, had a cash capital of fifty pounds, held a piece of freehold land in the borough, had his dwelling house separate and some distance from the intended store, and had engaged the services of a European book-keeper to satisfy the requirements of the Law. Three well-known European merchants certified as to his respectability and honest dealings. He was to trade in a locality mostly inhabited by Indians, and his custom was to be entirely Indian. Counsel for the applicant asked for the Licensing-Officer's reasons for refusal, as well as a copy of the record of the application. Both these applications were rejected, and the Licensing Officer's decision was upheld by the Town Council. An appeal to the Supreme Court was noted against the decision—not on its merits, for, that Court had already by this time decided by a majority that, in virtue of the Dealers' Licenses Act, it had no jurisdiction to hear licence appeals on merits, but on grounds of irregularity: viz., that reasons were refused, that a copy of the record was withheld from applicant's counsel, and that the councillors with the Town Solicitor, the Town Clerk, and the Licensing Officer, while the appeal was being heard, retired for secret deliberation into a private room. The Supreme Court entertained the

<sup>1</sup> *Vide* "Somnath Maharaj Case", March 2, 1898.

appeal, quashed the proceedings of the Town Council, with costs, in favour of the appellant, and directed a re-hearing. In giving the Court's decision, the Acting Chief Justice remarked:

What struck one as being wrong in this case was that the copy of the record should be withheld. The application was made to the Council by the appellant for a copy of the record and reasons why the licence had been refused. There was nothing wrong in the application. It was one which, in the interests of justice, should have been granted. But it was refused. And when the appellant's counsel came before the Council, he was in the dark as to the record, and he did not know what was operating in the mind of the Licensing Officer....It seemed to him that the action of the Town Council in this case had been oppressive.... It seemed to him that the refusal of both requests was unjudicial and an improper proceeding. (*The Times of Natal*, 30 March 1898.)

Mr. Justice Mason:

Considered the proceedings under appeal were a disgrace to the Town Council, and he did not hesitate to use this strong language. He considered under the circumstances that it was an abuse of words to say there had been an appeal to the Town Council. (*The Times of Natal*, 30 March 1898.)

The appeal was reheard before the Town Council. This time a copy of the record was given; and when called upon to give further reasons for his refusal, the Licensing Officer stated: "that the applicant had no claim whatever upon Durban, as the class of trade he was engaged in was sufficiently provided for in the town and borough." The Officer's decision was however upheld, a councillor moving "that it was undesirable that the licence should be granted in view of the fact that the percentage of licences already granted was in excess of the requirements of the population." The Council took no notice of the facts that, only a few months before, there was a store-keeper in the premises sought to be licensed, that the store-keeper had left Durban, that, therefore, there was no question of increasing the number of licences, and that the landlords, who are Indians and were also represented, had, too, a claim for consideration at the hands of the Council. The premises in question, which are only suitable for a store, have to this day remained practically vacant, causing a loss to the owners of £35 to date. Your Petitioners venture to annex hereto a report of the proceedings of the first hearing of the above appeal before the Town Council, which clearly shows its spirit. (*Vide Appendix A.*)

Mahomed Majam & Co., applied to the Licensing Officer for a trade licence, with respect to premises belonging to an Indian gentleman who owns large pieces of freehold property in Durban, and whose principal source of income is renting of his properties to tradesmen. The Licensing Officer refused to grant the licence for reasons similar to those given in the case above referred to. The landlord appealed to the Town Council against the decision of the Licensing Officer. The Town Council dismissed the appeal. As a consequence, he, the landlord, was compelled to reduce the rent of his property, and Mahomed Majam & Co., are reduced to poverty, and have to live entirely on the work of one of their partners who is a tinsmith.

Hasam Mahomed is a hawker by profession. He has been a hawker before in Durban. He went to the Licensing Officer, and from him to the Town Council, but was denied the privilege of hawking. He told the Council that to deny him that privilege was equivalent to asking him to court starvation. He had tried to earn his bread otherwise, but had failed, and was without capital to undertake anything else. He submitted to the Council that he did not come in competition with any European, that hawking was practically a speciality of the Indians who raised no objection to his getting the licence; but all these representations were of no avail.

Mr. Dada Osman<sup>1</sup> has been in the Colony for over fifteen years, has received a fairly good English education, was connected with the then premier Indian firm in South Africa, and has now a business in Umsinga in this Colony, and another in Vryheid in the Transvaal. This year he sent for his wife and children from India. As he could not find suitable society for his wife in either of the above places, and in order to meet the extra expense required owing to the arrival of his family, he intended to settle in Durban, so that he could supply his businesses upcountry with goods himself, and also do some business in Durban. So sure did he feel of securing the licence that he rented a spacious building in a principal street in Durban from a firm of Indian merchants at £11 per month, bought over £100 worth furniture, and approached the Licensing Officer who, as usual, thoroughly went into his affairs, tested his knowledge of English as well as of book-keeping, and after having required Mr. Dada Osman to appear before him thrice, declined to entertain his application. Both the

<sup>1</sup> *Vide* "Dada Osman's Case", September 14, 1898.

landlord and he appealed against the decision. Required by the Town Council, the Licensing Officer gave the following reason:

The Act 18 of 1897, as I understand, was passed with a view of placing some check on the issue of trading licences to certain classes of people, generally regarded as undesirables. And as I believe I am right in assuming that the applicant in question is one that would be included in that class, and moreover as he has never before had a licence in Durban, I have felt it my duty to refuse his licence.

It was thus, in this case, for the first time that the real reason for the refusal of so many licences was given in all its nakedness. A principal merchant of Durban, Mr. Alexander McWilliam, said in his evidence before the Council:

I have known the applicant for a great number of years—12 or 14 years. I have dealt very largely with the applicant. He has owed me at times as much as £500. My dealings with him have been perfectly satisfactory. I found him to be a very good business man, and respectable. I have always been able to take his word for anything he says....As a rate-payer, I should have no objection to his getting a licence. I do not know whether he is capable of keeping books, but he can express himself well in English in writing. I should imagine from the way he writes here and the way he conducts his business he would be able to keep books. (handed in a letter written by applicant.)

In addition to the facts related above about the applicant's position, the following was brought out in his (applicant's) evidence given in English:

My private family expenses are about £20 per month, apart from the store.... I have a house apart from the store....My house and store are lighted by electricity....I deal with S. Butcher & Sons, Randles Brother & Hudson, H. & T. Mc Cubbin, L. Kehrmann, A. Fass & Co., M. Laurie, and others. I can write simple letters in English. I know book-keeping. I have kept books in Vryheid. I keep ledger, journal, day, cash, stock, account, and invoice books. I know the single and double entry systems.

Mr. Abdool Kadir, the landlord, said:

I am manager to the firm of M. C. Camroodeen & Co....The store (in question) was licensed before. I. Timol, had a licence there:...I own 3 or 4 properties in Durban, of the total value of about £18,000 to £20,000, on the valuation roll. Most of this property I hire out to tenants. If Dada Osman does not get his licence, I shall lose rent. He is a very good tenant.... I have known him a long time. He is living well. He has plenty of furniture in his house....I am not satisfied with the decision of the Licensing Officer.

The Council was reminded of the definition given by you to the Colonial Premiers, of “an undesirable person”, viz., “It is not because a man is of a different colour from ourselves that he is necessarily an undesirable immigrant. But it is because he is dirty, or immoral, or a pauper, or has some other objection which could be defined by an Act of Parliament.” But all this proved to be a mere cry in the wilderness. The Councillor, who had borne the Demonstration Committee’s flag in 1897, and was ready to return “by force, if necessary” the Indian passengers on board the *Courland* and the *Naderi*, “failed to be convinced” that the action of the Licensing Officer was an error, and moved that his decision be confirmed. No one would rise to second the motion, and for a moment it seemed as if the Town Council was ready to do justice. But Mr. Collins, another Councillor, came to the rescue, and seconded the motion in the following speech:

He was not surprised that there was a great deal of reluctance on the part of the Council to refuse the licence. But he believed that the licence would be refused, and the reason was not because the applicant or the premises were unsuitable but because the applicant was an Indian. What Mr. Gandhi had said was perfectly true, and he (Mr. Collins) felt some relief in saying that most of these licences had been refused principally on the ground of the applicants being Indians. The Council was placed in a very unhappy position in having to carry out a policy which in the discretion of Parliament was considered necessary. Parliament, representing the community of Natal, had come to the conclusion that it was undesirable that the Indians should increase their hold on the trade of Durban. And it was on that account that they were practically called upon to refuse the licences which were not otherwise objectionable. Personally, he considered the refusal of the licence a grievance to the applicant who was a most suitable person to appear before the Council to ask for a licence. But it had been found expedient as a matter of Colonial policy, that these licences should not be increased. (*The Natal Advertiser*, 13 September, 1891.)<sup>1</sup>

It may be here remarked that Mr. Collins holds a prominent position among the public men of Natal. He has often occupied the position of the Deputy Mayor, and has more than once acted for the Mayor. Coming as it did from such a source, the pronouncement was most painful, if also equally important. It is respectfully submitted that

<sup>1</sup> The date appears to be a misprint in the original printed copy. *Vide* “Dada Osman’s Case”, September 14, 1898.



the Natal Legislature, if the then Prime Minister correctly voiced its feeling, never meant, as it would appear later, to go the length Mr. Collins did. The intention of the Legislature was to prevent *new comers*—by no means *all* new comers —being Indians, from obtaining licences; and your Petitioners venture to feel certain that, had the view taken by Mr. Collins of the Act been placed before Her Majesty’s Government, it would never have received the Royal assent. Mr. Collins evidently seems to think that the Parliament represents only the European community of Natal. Your Petitioners can only say that it is lamentable, if it is true. The Indians were told differently when the attempt was made to disfranchise them entirely. Again, Mr. Collins thought the granting of the licence in question would mean an increase; as a matter of fact, the premises sought to be licensed had been licensed for the year; they had become vacant as the licence holder had suffered misfortune and stopped business. The present applicant, therefore, would not have added to the number of licence-holders in the borough.

Mr. Labistour, another Councillor, and a prominent local Advocate, was so disgusted with the whole procedure that he thus gave vent to his sentiments:

He had purposely refrained from attending the meeting owing to the anomalous policy pursued in appeals of that kind. He disagreed with the dirty work they (councillors) were called upon to do. If the burgesses wished all such licences stopped, there was a clean way of going about the matter: viz., getting the Legislative Assembly to enact a measure against the granting of licences to the Indian community. But, sitting as a Court of Appeal, unless there were good grounds to the contrary, the licence should be granted. (*ibid.*)

Mr. Labistour having, as he said, come purposely late could not vote, and the motion was carried unanimously, and the appeal dismissed.

In your Petitioners’ humble opinion, it is almost impossible to imagine a stronger case than the above, or greater injustice than that done by the Durban Town Council—a Town Council of a British Colony—sitting in appeal as a judicial body. It has put a premium upon insanitation and questionable trade practices. What incentives could your Petitioners hold out to the weaker members of the Indian community? They, the weaker members, might say: “You ask us to adopt the modern sanitary methods, and live better; and you promise that the Government should deal fairly by us: we don’t believe this.

Does not your Dada Osman live as well as any European on the same platform? Has that meant anything to the Town Council? No; whether we live well or live ill, we would fare neither better nor worse.” The European Colonists have been proclaiming that they would have no objection to respectable Indians living in the modern style. Your Petitioners have always contended that the objection on the ground of alleged insanitation is a fiction, and the Durban Town Council, it would appear, has proved the contention.

The Newcastle Town Council has, however, gone one better than the Durban body. Its Licensing Officer, apparently acting under orders, refused to grant the licences this year, under the Act, to each and every one of the eight Indian store-keepers that had held the licence last year. Such a wholesale refusal struck terror in the hearts of the Indian traders in the Colony. Suspension of the trade of these store-keepers would have not only ruined them and their dependants, but would also have resulted in the collapse of some houses in Durban which support them. The assets of these men were then estimated at over ten thousand pounds, and hands directly dependent on them were over forty. At great expense, therefore, Mr. Laughton, a leading Advocate, was engaged to carry the appeal to the Town Council; and, as a result, six licences out of nine (held by eight storekeepers) were granted. The remaining three, having been refused, the three holders thereof appealed to the Supreme Court which, by a majority, threw out the appeal on the ground that, in virtue of Section 5 of the Act, it had no jurisdiction to entertain it. As the matter was very important, and as the Chief Justice dissented from the other two Judges and favoured the contention of the appellants, the matter was taken to the Privy Council. A cablegram from the appellants’ Solicitors in London states that the appeal has been lost. It must in justice be said that the Newcastle Town Council has been gracious enough to allow the three storekeepers, pending the appeal, to continue their trade. Its policy, however, is unmistakable. It would have wiped out the Indian from Newcastle if it could have done so with decency, and without stir, regardless of the consequence to the parties affected. The reasons given by the Licensing Officer for his refusal were the same with reference to all the above licences: viz., “The report framed by the Sanitary Inspector in terms of Sec. 4 of the Rules under Act 18 of 1897, in connection with this application being of an unfavourable nature, and the premises not being fit for the intended trade, as required by Sec. 8 of the Act referred to, the application was refused by me.” None of the

applicants knew anything about the Sanitary Inspector's report, or the Licensing Officer's reasons before their licences were refused; nor were they asked to make any improvements or alterations in their premises. The reasons were furnished by the Licensing Officer only after he was required so to do by the Town Council when the matter came before it in appeal. After the three applicants were refused their licences, and they came to know why the licences were refused, they offered at once to make such alterations in their premises as the Sanitary Inspector may suggest; but the Licensing Officer would not hear of it, and declined to entertain their applications on the ground that the Town Council had already decided to sustain his previous decision. (*Vide* Appendix B.) It may be here remarked that the applicants never admitted that their premises were in an insanitary condition, and had produced medical evidence to prove that the premises were in a satisfactory condition. Your Petitioners attach hereto (*vide* Appendix C) an extract from the Record of Proceedings before the Town Council, which would show more fully the case for the three applicants. The Newcastle Town Council consists of 8 councillors—a medical practitioner, a solicitor, a carpenter, a canteen keeper, a miner, a bookseller and two storekeepers. The Licensing Officer is also the Town Clerk who would be the Clerk of the Court when the Town Council sits in appeal against the decision of the Licensing Officer.

The Dundee Local Board, however, promises to outdo both the Durban and the Newcastle Town Councils. In November last, a trade licence was granted by the Licensing Officer to a Chinaman, and a majority of the rate-payers appealed against the decision of that officer. The Local Board, by a majority of 3 to 2, cancelled the licence solely on the ground that the applicant belonged to the Chinese nationality. The applicant's solicitor, in his notice to the Local Board of Appeal against its decision, recited the following grounds of appeal:

(1) That your Board, by reason of certain of the members on it being merchants and storekeepers and holders of retail licences, was unable and could not possibly deal with the subject matter of appeal without prejudice to Hoi-Lee & Co.'s interests.

(2) That the constitution of your Board was such that several of the members of it were personally and directly interested pecuniarily in the refusal of the retail licence to Hoi-Lee & Co., and should not therefore have sat on

your Board and voted on the question.

(3) That certain members of your Board who sat showed personal animus and bias against the firm of Hoi-Lee & Co., on account of the members being natives of China, and one in particular stated: "I would not even give a Chinaman the chance of a dog."

(4) That no evidence or legal proof was adduced by the appellant rate-payers that Hoi-Lee & Co. were undesirable persons to have in the community.

(5) That no evidence or legal proof was adduced by the appellant rate-payers that the premises that had been licensed by the Licensing Officer were totally unfit and unsuitable for business purposes, pending erection of the premises agreed to be erected by the landlord under his lease with the said Hoi-Lee & Co.

(6) That the decision and resolution of the Board was inequitable and unjust both in Equity and Law.

What happened to the Chinaman who appears, from the record of the case, to be a British subject, is not unlikely to happen in the case of the Indians. The Supreme Court refused to entertain the appeal in the above case in virtue of the decision in the Newcastle case referred to above.

In November last, a meeting was convened by the Chairman of the Dundee Local Board at the request of the rate-payers "to discuss the advisability of allowing Asiatics to trade in the township". There are at present about ten Indian stores in Dundee. The following extract from the proceedings of the meeting would show how the Local Board proposes to deal with them next year:

Mr. C. G. Wilson (the Chairman of the Local Board) made a very good impression with his remarks. He defended the action of the Board in all matters, and said it was their endeavour, if possible, to rid the town of the Asiatic curse. They were not only a curse here, but to the whole Colony of Natal. He assured the meeting that their actions in the case of the Chinaman were disinterested and unbiased, and they honestly did what they thought to be their duty to the towns, by cancelling the licence. He hoped they (the rate-payers) would show, by strongly expressing their opinions, that they meant to abolish this curse.

Mr. W. L. Oldacre (a member of the Board) said that he and other members of the Board did what they thought to be right; and assured the meeting that there was no bias attached to its proceedings, and they could depend upon him doing his duty as a member of the Board.

Mr. S. Jones then proposed that the Local Board do all in its power to prevent the granting of further licences to undesirables; *that the Licensing Officer also be instructed to this effect*; and that *steps be taken to cancel as many of these licences as possible*. This proposition was unanimously carried, amidst cheers.

Mr. C. G. Wilson wished to thank the meeting for the decision arrived at, as it had greatly strengthened the hands of the Board, who would act upon the decision of the meeting.

Several other gentlemen having spoken, Mr. Hastings proposed that the Town Clerk and Licensing Officer should be two separate persons.

Mr. Wilson said he was of opinion that it would be far better to have the of officers remain as at present; then if the Licensing Officer did not act as the Board did in matters such as these, they had their remedy. (*The Natal Witness*, 26 November 1898.)

The undesirables referred to in the preceding extract are, of course, the British Indian traders of Dundee. Here there is a frank avowal of the policy the Dundee Local Board, intend to pursue. The Licensing Officer has received, and is still further to receive, from the appellate body created by the Act, instructions as to what he is to do; and thus, the aggrieved parties are to be deprived of the right of placing their case before two tribunals contemplated by the Act: viz., the Licensing Officer and the Town Council or the Local Board, as the case may be. These are only some of the instances that have come under your Petitioners' notice which conclusively indicate the policy the various Town Councils and Local Boards would pursue if unchecked.

Your Petitioners are free to acknowledge that the other Town Councils and Local Boards do not appear as yet to have shown any desire to act in an oppressive manner; though there, too, it is practically impossible to obtain new licences even for old established Indians. The power, your Petitioners were almost going to say, the despotic power, given to them under the Act is there, and there is no guarantee that they will not copy the example set them by Durban, Newcastle, and Dundee.

In order to ascertain the views of the solicitors who have had anything to do with the working of the Act, a letter<sup>1</sup> was addressed to them asking them to be good enough to give their experience of its working. Three out of the four gentlemen to whom the

<sup>1</sup> This is not available.

communication was sent, have returned their replies which are hereto attached. (*Vide* App. D, E, F.) Mr. Laughton, who dealt with the Newcastle and the Chinaman's cases, as also with that of Somnath Maharaj referred to above, remarks:

I regard the Dealers' Licenses Act a very discreditable and dishonest piece of legislation. Dishonest and discreditable, because no secret was made that it was intended to apply to Indians and to them alone. Indeed, it was passed at a session of Parliament called about a month earlier than otherwise it would have been, as a concession to an anti-Indian mob and yet, in order to gain the approval of the Secretary of State, the Act is made to apply to all.

The effect of the Act is to place in the hands of the declared enemies of Indian traders the power to grant or refuse trade licences; the consequence is as might be expected, and we all feel humiliated at what we see, whether we admit it or not.

Mr. O'Hea, another gentleman, who is also the Honorary Secretary of the Colonial Patriotic Union, whose avowed object is to prevent the further influx of Asiatics, says:

I do not think that this Law is being administered in accordance with the spirit of the Legislature. The then Prime Minister who introduced the Bill said its main object was to affect those persons dealt with under the Immigration Bill. Ships would not bring those persons if they knew they would not be landed; and the people would not come here to trade if they could not get licences.

I had a case in point not long ago. A man of Chinese nationality, who had been thirteen years in the Colony, was refused a licence for no other reason, I am convinced, than because he was a Chinaman. The statistics of Durban show that the town has more than doubled in extent and population within the past ten years; and yet, this man who had linked his fortunes with the Colony, a man of unblemished character—who arrived when there were only about 40 human beings for every 100 there are today—this man's character and long residence were ignored, and a means of earning an honest living in Durban was denied him. In like manner, I have seen that in Newcastle an Indian, who had been 15 years resident in Natal, was refused a licence which would have been granted to a European if he had been the applicant. This is not as it ought to be.

Messrs. Renaud & Robinson say, among other things:

But to our mind the principal defect in the present Act is that, no appeal being allowed from the Town Council's decision, injustice has been done and is likely to be done to applicants for licences.

While this was in print, Mr. C. A. de R. Labistour's opinion was received, which is annexed hereto (*vide* Appendix G).<sup>1</sup>

"Consistency", a correspondent of The Times of Natal (believed to be the Government organ), who, it would appear from his letter (*vide* Appendix H), is a Colonist of over 20 years' standing, and a merchant, says:

By all means make them (Indian traders) adhere to the strictest sanitary regulations, keep their books in English, and otherwise do as English traders do: but when they have met these demands, give them justice. No honest thinking man can say that the new Bill gives these people justice, or the community justice, be cause it puts into the hands of interested parties the power to push out competition which is beneficial to the multitude and enables these interested parties to fill their own pockets....I saw in one of your contemporaries, the other day, that the Dundee Local Board had resolved not to renew any Arab licences for the coming year, and had instructed the Licensing Officer accordingly. These men are the English merchants, and wish all the business to themselves, when the public will have to pay them any prices they ask. Surely it is time the Government gave these men the limit.

*The Times of Natal*, dated the 21st December, 1898, after dealing with the above letter, and justifying its opposition to the Indian traders on the ground of self-preservation, observes:

At the same time, we are far from desiring that these Indian traders should be treated harshly....We do not believe, however, that any considerable number of Colonists wish to see the powers given under these laws used oppressively. If it be true, as reported, that the Dundee Local Board has resolved not to renew any Indian licences for the coming year, we would strongly urge upon the Board, in the interests of its own rate-payers and in the interests of the Colony generally, to rescind that resolution forthwith. The Board has power to refuse the renewal of these licenses, but it was never contemplated for a moment that this power would be exercised in this wholesale manner. Mr. Escombe was responsible for the Traders' Licenses Act, and he never dreamt that the power it confers would be used in this way. The Act was passed, not so much with a view to enabling the licensing bodies to deal with the Indians already trading in the Colony, as to prevent others coming here to trade. In moving the second reading of the measure, Mr. Escombe explained that it was introduced at the request of the Town Councils, and said:

<sup>1</sup> *Vide* "Petition to Chamberlain", 31-12-1898, Appendix-G, *infra*.

“There is no hesitation on their part in saying what their object is, and there is no objection on the part of the Government in admitting their proposal, to prevent certain persons coming to this country to compete with Europeans on unequal terms, and getting the licences to trade which are required by the Europeans.” Again, “No people will come here to trade if they think there is a doubt as to their having a license. So that, if the law is in the book, it will answer without much application.” It will thus be seen that while the Act gives extensive powers, the Minister responsible for it relied on the moral effect its existence would have, rather than upon the application of its provisions, to effect his purpose. This purpose was not to deprive traders already here of their licenses, but to prevent others coming here and getting licences. It was not expected that the Boards and Councils, which were appointed courts of appeal under this Act, would misuse their powers as the Dundee Board threatens to do. Said Mr. Escombe, in replying to the debate on the second reading: “I have got no doubt that this Bill in principle can only be warranted by the serious danger threatening this land. But I have got that belief in the fairness of the municipal authorities and of the Colony that I believe this Bill will be administered with what I call justice and moderation.” The Dundee Board will do well to note those words, for so sure as it exercises its powers in the wholesale manner now proposed, so sure will it defeat the end we all have in view. By all means let the undesirables be weeded out, but the process must be very gradual, so as to accomplish what is desired without inflicting any great injustice. It may be said: “There is the Act, and we will enforce it.” Yes, there is the Act, but how long will the Act be there if injustice is inflicted under it? The fact that a very large number of voters draw on India for their labour supply must not be lost sight of, for in it the Indian Government have the means of screwing a good deal more out of this Colony than many realise. Suppose the Indian Government were to say, “You cannot have more labour until you repeal that Act under which our people have been grossly ill-treated,” what would be the result? We do not care to speculate on this. If Local Boards, Town Councils and Licensing Boards are wise, they will never do anything to put the employers of Indian labour to such a trial.

Your Petitioners offer no apology for having given the long extract, as it is very important, not only because of its source, but also because of the manner in which the subject has been dealt with. The good intentions of the Legislature are not in the Act itself, though they might have been reproduced therein, which would have spared the Indian traders the anxiety as to their bread being suddenly snatched from their mouths. The Government organ has betrayed itself into an admission which is entirely inconsistent with its own



admonition to the Dundee Local Board, and seems to be an insidious hint to the Board as to how they can achieve their end without attracting notice; for it too would have the undesirables “weeded out” by a “very gradual process”. How can this attitude be compatible with the desire not to touch those that are already established? What the Dundee Board may fail to accomplish owing, to use the expression of the then Prime Minister, to their “brutal frankness,” *The Times* would have them accomplish indirectly and diplomatically so as to keep the real aim in the background.

A correspondent of *The Natal Mercury* (14 December, 1898) signing himself ‘A Colonist of close upon 20 years’, thus writes:

Sir: I notice in your paper of today a letter from Newcastle, stating that the mighty Corporation of that town had won their case brought against them by one Vawda, to whom they had refused a licence, and giving the information that the result will be welcome throughout the Colony. Vawda is an Indian who has been trading in Newcastle for the past 15 years, during which time he has been a good citizen; but, unfortunately for him, he has also been a successful merchant, a fact which evidently the members of the Licensing Board in Newcastle, who are merchants themselves, don’t like. That the Corporation can be congratulated upon such a miserable misconstruction of their powers, or that the decision of the Privy Council will be welcomed by fair-minded people in Natal, is questionable.

—I am etc.

A Colonial of close upon 20 years.

The Transvaal Government has been trying to remove the Indians to Locations; but even they are willing to give some time, however inadequate, to the Indians in order to enable them to remove their businesses without in their view incurring loss. Her Majesty’s Government are naturally not satisfied with such a meagre concession, and it is within your Petitioners’ knowledge that an attempt is being made to induce that Government not to interfere with those that are already established. The Government of the Orange Free State, though quite independent, gave a year’s notice to the Indian traders to close their businesses. The Colony of Natal which boasts of its being the most British Colony in South Africa, has acquired the power to deprive the Indian traders abruptly of the right of trading, and has attempted and threatens to exercise that power. *The Natal Advertiser* (dated 13 December, 1898) thus notices the anomaly:

...We can only say that we deeply regret the decision (of the Privy

Council) ....It is an Act which might have been expected from the Transvaal Raad. That body, in the Aliens Expulsion Law, has ousted the jurisdiction of the High Court, and our readers will remember the outcry raised about it in the Colonies. But it is not one whit worse than this Act; indeed, if there is any difference, ours is the worse, because it is likely to be much more frequently enforced. It is absurd to say that the Act would not have been effective if right of appeal to the Supreme Court had been allowed; surely, that body could be trusted to exercise common sense....Far better, indeed, that in one or two cases the latter (the desire of the municipalities) should have been overruled than that the principle should be laid down in a self-governing community under representative institutions that, in any case affecting the rights of the citizen, recourse to the highest judicial body in the State should be deliberately barred.

Your Petitioners very much fear that the Government of the Colony are not likely to help your Petitioners. The Rules (*vide* Appendix I) that have been passed under the Act, regulating the mode of obtaining licences and appeals from the Licensing Officer have, in your Petitioners' humble opinion, been framed in a manner to strengthen the Licensing Officer and the appellate body in the arbitrary powers given to them. It is but fair to state here that they were passed in September 1897; your Petitioners, however, had hoped that the Colony having been invested with powers of exceptional severity, the Indian community could be allowed to have some rest, and that, in isolated cases of hardship, they would be able to obtain redress without the necessity of approaching Her Majesty's Government. That belief was strengthened by a speech made by the late Premier after his return from London, expressing the hope that those powers would be judiciously and moderately exercised. Unfortunately, this had not been the case. It is for that reason that your Petitioners raise objections to the Rules over a year after their publication. Be that, however, as it may, your Petitioners submit that the absence of any provision made in the Rules as to requiring the Licensing Officer to furnish reasons for his decision to the applicant, has worked much mischief. So it struck Mr. Collins also (Appendix A).

What your Petitioners fear most is the process of gradual weeding out referred to above. Those on the spot understand the process only too well. Many small storekeepers have been weeded out this year: some because they, having hardly a gross out-turn of ten pounds per month, buying cash and selling cash, could not afford to keep any books at all, as is not unoften done even among small

European storekeepers; and some because they could not afford to comply with the requirements of the Sanitary Inspector having connection, not with the cleanliness of the premises, but with their structural arrangements. If the Licensing authorities were, year by year, to wipe out some small Indian storekeepers, it would not require many years to bring down the larger houses without their having to refuse their licences. Messrs. Mahomed Cassim Camroodeen & Co., the first signatories hereto for instance, have outstanding debts among nearly 400 Indian storekeepers and hawkers in Natal, to the extent of over £25,000; and own landed property in Durban tenanted by Indian storekeepers. If one-eighth of these storekeepers were to be refused their licences, the firm's position would be damaged. They have already felt the pinch. They had to suffer owing to the refusal of the licence to Mr. Dada Osman (above referred to). Mr. Amod Jeewa owns properties in Estcourt, Dundee, Newcastle and Durban, which are almost entirely tenanted by Indian storekeepers, and most of which can be used for no other purpose. The shutting up of only a few of the businesses would mean practical ruin. These are but typical instances which can be multiplied.

Your Petitioners have been taught to believe from their infancy that in all Her Majesty's dominions there is absolute security of life and property. So far as the latter is concerned, that belief has received a rude shaking in this Colony: for, to be deprived of the means of making the only use available of one's property is, your Petitioners humbly submit, little less than total deprivation thereof.

It has been suggested that in self-governing Colonies Her Majesty's power of interference is very limited. However limited it may be, your Petitioners venture to think that it is not less for the self-governing Colonies than for the Transvaal. Unfortunately, your Petitioners have to face an Act which has already been approved of by Her Majesty. But your Petitioners apprehend that, when Her Majesty was advised not to exercise the power of disallowing the Act, it was little thought that the powers given thereby would be so abused as, it is submitted, they have been.

Your Petitioners submit, with the greatest deference, that sufficient has been shown above to justify a strong remonstrance and advice to the Government of the Colony to so amend the Act as to render a recurrence of the injustice described above impossible, and thus to bring the Act in harmony with the noble British traditions.

But if this be not possible, your Petitioners humbly venture to submit that the Colony should no longer be allowed to enjoy the privilege of using Indian labour which is acknowledged to be indispensable for its advancement. *The Times of Natal*, in the extract quoted above, anticipates a withdrawal of the supply of the indentured labour from India in the event of injustice being done by Licensing authorities. *The Times* (London), the East India Association, Sir Lepel Griffin,<sup>1</sup> Dr. Gust, the prominent bodies in India, and the entire Anglo-Indian and Indian Press have already suggested that remedy; but so far Her Majesty's Government do not appear to have been pleased to accept it. Your Petitioners humbly submit that it is impossible to make out a stronger case than herein for such withdrawal, failing redress of acknowledged grievances.

How the next year will open for the Indian traders your Petitioners do not know. Every storekeeper is, however, in a state of feverish anxiety. The suspense is dreadful. The larger houses, fearing that their customers (small storekeepers) might be refused their licences, and having the only hope that they had of securing some check on the Licensing authorities taken away from them by their lordships of the Privy Council, have become despondent and hesitate to clear their goods.

Your Petitioners, therefore, respectfully venture to hope that your Petitioners' prayer will receive the early attention of Her Majesty's Government.

And for this act of justice and mercy, your Petitioners, as in duty bound, shall ever pray, etc., etc., etc.

MOHAMMED CASSIM CAMROODEEN & CO.  
AND OTHERS

#### APPENDIX A

This was a report of the proceedings of the Somnath Maharaj Case as published in *The Natal Mercury* of 3-3-1898, which has been given in its chronological sequence, at p. 2, *supra*.

<sup>1</sup> 1838-1908; Indian Civil servant and administrator; Chairman of the East India Association from 1891 till his death.

APPENDIX B

(Copy)

NEWCASTLE,  
*January 11th, 1898*

THE TOWN CLERK  
NEWCASTLE

DEAR SIR:

I am instructed to forward to you the enclosed Applications for Retail Shop Licenses on behalf of Suleiman Ebrahim, Sajad Meajan, and Abdoool Rassool.

These Licenses were refused by you last month, on the ground, as I understand, that you did not consider the Report of the Sanitary Inspector to be sufficiently favourable, and I am now directed to inform you that, with the object of obtaining renewal of the Licenses, my Clients will use every endeavour to meet the objection by carrying out such alterations as may be recommended by the Sanitary Inspector.

In the case of Sajad Meajan, I understand that alterations have been made since the inspection by the Sanitary Inspector in December, and these alterations will, I believe, remove any objection which previously existed. In the other two cases, I desire, if it should meet with your approval, to accompany the Sanitary Inspector on his visit, and to take a note of any objections he may make, with the object of rectifying any deficiency.

I trust that my Clients will be able to satisfy you, as the refusal of Licenses is of very serious consequence to them.

*I am,*

*Sir,*

*your obedient servant*

(Sd.) W. A. VANDERPLANK,

ATTORNEY FOR SULEMAN EBRAHIM,  
SAJAD MEAJAN, & ABDOOL RASSOOL.

A reply similar to the following was returned in each case.

The application of S. E. Vavda under date 15th December 1897, for a Retail shop License in name of Suleiman Ebrahim for premises at Erf 37, Murchison St. . . having been refused by me, and my decision thereon upheld by the Town Council on Appeal, on the 8th January 1898, the annexed application is refused.

(Sd.) T. MACKILHCAN

LICENSING OFFICER  
BOROUGH OF NEWCASTLE

## APPENDIX C

Extract from a certified copy of the minutes of special meeting of the Town Council of the Borough of Newcastle held in the Council Chamber on Saturday, January [8], 1898, to hear the appeals against the decisions of the borough Licensing Officer appointed under Act No. 18 of 1897, with reference to the applications of S. E. Vavda (two licenses), Abdool Rassool and Sajad Meajan—license to Vavda with reference to Erf 37, Murchison Street, and the licenses to Abdool Rassool and Sajad Meajan refused both by the Licensing Officer and the Town Council on appeal:

At the outset Mr. Laughton desires that his protest should be recorded against any officer of the council being appointed to fill the position of Licensing Officer under Act 18 of 1897, and addresses the council in support thereof.

### APPEALS

Suleiman Essop Vavda, Applications Nos. 20, 21—1898.

Mr. Laughton reads notice to applicant from Licensing Officer dated the 23rd December 1897, and Sanitary Inspector's report, viz.:

#### SANITARY REPORT

I inspected the premises at 37 Marchison Street sought to be licensed as a Retail Shop, and like all Arab's premises are badly ventilated, otherwise the building is in fairly good condition; found them busily fitting up bedroom but communication at present between store and bedroom direct. Great efforts have been made to make the building look clean and fit in view of anticipated inspection, one good resulting from the provisions of the Licensing Law.

(Signed) JAS MACDONALD

SANITARY INSPECTOR

and, Licensing Officer's decision, and reasons on application for license for premises at Erf 37, Murchison Street and contended that the Sanitary Inspector's report was satisfactory and that, if not, the license might be issued conditionally.

Mr. Laughton further read notice to applicant dated 23rd December, 1897, Sanitary Inspector's Report, viz.,:

#### SANITARY REPORT

SULEIMAN ESSOP VAVDA

The premises sought to be licensed in this case are situated at the corner of Scott and Allan Street, a conspicuous part of the town. The bedroom for assistants is the small store adjoining. The Applicant himself is living behind the large store. The store premises are commodious but like others badly ventilated. The yard premises are small and cramped where it is crowded by kitchen, bathroom and closet. Three of the assistants now sleep on the premises recently acquired by Applicant at 36 Scott Street. Otherwise, the

bedroom accommodation attached to the store would be insufficient and unsanitary.

(Signed) JAS MACDONALD

SANITARY INSPECTOR

*December 15, 1897.*

and Licensing Officer's reasons on the application for licence for premises at Erf 33, Scott Street, and called Suleiman Ebrahim Vavda, who, duly sworn, stated:

I am the applicant for licenses for premises at 37 Murchison Street, and 33 Scott Street, where I carry on business. I held three licenses last year, but only apply for two this year. I have been in Natal about 17 years and in Newcastle 10 years. I have held a license for 37 Murchison Street for seven years and for 33 Scott Street for about five years. The value of the stock in the two stores is about £4,500; the value of the outstanding liabilities due to the firm is about £700. I hold 37 Murchison Street on monthly tenancy and the lease of 33 Scott Street expires in six months' time

[Questioned] By the Mayor: I and Mahomed Essop Tomor are in partnership and have separately conducted the business in the same name.

#### APPEAL

Abdool Rassool. Application No. 9—1898.

Mr. Laughton read letter to applicant from Licensing Officer dated 23rd December 1897, Licensing Officer's decision and reasons and sanitary report, viz:

#### SANITARY REPORT

I examined the premises referred to in application which is a small store in decayed condition. No direct communication with bedroom, occupied solely by Applicant—and is kept fairly clean. Applicant is in the fruit trade which would probably form part of his business at this store—a feature that might have a different bearing on the sanitary condition of the premises under consideration a month hence. Formerly the Applicant occupied a small store next to Mahomed Saffee's as a fruit shop.

(Signed) JAS. MACDONALD

SANITARY INSPECTOR

and quoting section 8 of Act No. 18 of 1897, contended that the sanitary report did not show that the premises were unfit for the intended trade. He called Abdool Rassool who, being duly sworn, stated:

I am the applicant for the license. I have been in the Colony about ten years and in Newcastle about 8 years. I have held a license for three years, two years at the fruit shop, 42 Scott Street, and one year at the present store. Neither the inspecting officer nor any other officer of the borough has pointed out any objection to the premises to me. I do not know why my license was refused. The Licensing Officer has never been inside my premises. I have made no alterations since the inspecting officer visited my premises. The value of my stock is about £400.

[Questioned] By Councillor Hastie: I have occupied the present premises for about one year.

#### APPEAL

Sajad Meajan. Application No. 10—1898,  
Mr. Laughton read Sanitary Inspector's report, viz.,:

#### SANITARY REPORT

I examined the premises sought to be licensed as a Retail Shop at 36 Murchison Street. The premises are in a most unsanitary and filthy condition and have direct communication with bedroom occupied by himself, wife, daughter, and assistant.

(Signed) JAS. MACDONALD  
SANITARY INSPECTOR

and submits Licensing Officer's decision and reasons and letter from the Licensing Officer to the applicant dated 23rd December 1897. He further calls Sajad Meajan who, being duly sworn, stated:

I am the applicant for the license. I have been in Natal seven years and in Newcastle seven years. I have held a corporation license for five years for the same premises.

Since making the application for my license the sanitary inspector or other officer of the corporation has not pointed out to me why a license was refused to me. I do not know why the license was refused. Since making my application the Licensing Officer has not inspected my premises. The value of my stock is about £600. I, my wife, my daughter, and assistant do not occupy one bedroom as stated in the Sanitary Inspector's Report, nor did they at the date of the report. The assistant occupies a separate room. I have made alterations in the premises since the date of the report. The closet has been removed to the far corner of my plot of ground. I was not aware that the premises were in a filthy condition at the date of the report and was not informed so at the time by the inspector.

[Questioned] By Councillor Kemp: I made alterations myself without being told to do so.

Charles O'Grady Gubbins on further oath states: I inspected Sajad Meajan's premises today and found them in a satisfactory condition. There are two bedrooms very clean, and boarded, lined and ceiled.

From a sanitary point of view I do not think the license should be refused.

[Questioned] By Councillor Hastie: I do not know how many occupy the bedrooms. The measurements of the rooms are 17'X12' and the second 11'X12' and 10' high.

Note:—The reasons of the Licensing Officer appear in the body of the memorial. Sajad Meajan has since, the creditors having stopped custom, become insolvent.



## APPENDIX D

DURBAN,  
24 Dec. 1898

M. K. GANDHI, ESQ.

DEAR SIR,

I have your letter<sup>1</sup> of yesterday. I regard the “Dealers’ Licenses Act” as a very discreditable and dishonest piece of legislation. Dishonest and discreditable because no secret was made that it was intended to apply to Indians and to them alone; indeed it was passed at a session of Parliament called about a month earlier than otherwise it would have been as a concession to an anti-Indian. mob, and yet, in order to gain the approval of the Secretary of State, the Act is made to apply to all.

The effect of the Act is to place in the hands of the declared enemies of Indian traders the power to grant or refuse trade licences; the consequence is as might be expected and we all feel humiliated at what we see, whether we admit it or not.

*Yours very truly,*  
F. A. LAUGHTON

## APPENDIX E

39 GARDINER STREET,  
DURBAN,  
December 23rd 1898

M. K. GANDHI, ESQ.

14 MERCURY LANE

DURBAN

DEAR SIR,

### RE: DEALERS’ LICENSES ACT

In reply to your letter of this day’s date, I do not think that this Law is being administered in accordance with the spirit of the Legislature. The then Prime Minister who introduced the Bill said: “Its main object was to affect those persons dealt with under the Immigration Bill. Ships would not bring those persons if they knew they would not be landed; and the people would not come here to trade if they knew they could not get Licences.”

I had a case in point not long ago. A man of Chinese nationality who had been thirteen years in the Colony was refused a Licence for no other reason, I am convinced, than because he was a Chinaman. The statistics of Durban show that the Town has more than doubled in extent and population within the past ten years; and yet this man who had linked his fortunes with the Colony—a man of unblemished character—who arrived when there were only about 40 human beings for every 100 there are today: this man’s character and long residence were ignored, and a means of

<sup>1</sup> This letter is not available.

earning an honest living in Durban denied him. In like manner, I have seen that in Newcastle an Indian, who had been 15 years resident in Natal, was refused a Licence which would have been granted to a European if he had been the applicant. This is not as it ought to be.

*Yours faithfully,*

P. O'HEA

#### APPENDIX F

3, 4, AND 5, POYNTON'S BUILDINGS,  
GARDINER STREET,  
DURBAN,  
*31st Dec. 1898*

M. K. GANDHI, ESQ.  
ADVOCATE

DEAR SIR,

In reply to your letter of the 23rd inst. re. Dealers' Licenses Act.

We prefer to say nothing on the political aspect of the question.

We are of opinion that the Licensing Officer should be appointed from outside the permanent staff of the Town Councils or the Local Boards, as the case may be. There should be an Appeal from his decision to the Town Council and from theirs to the Supreme Court.

We think that compensation should be awarded to landlords who by reason of the operation of the Act have lost their tenants.

There are several matters of minor importance which we think might be improved, but to our mind the principal defect in the present Act is that, no appeal being allowed from the Town Council's decision, injustice has been done and is likely to be done to applicants for licences.

*Yours faithfully,*

RENAUD & ROBINSON

#### APPENDIX G

23 FIELD ST. BUILDINGS,  
DURBAN, NATAL  
*4th Jan'y. 1899*

M. K. GANDHI, ESQ.  
DURBAN

DEAR SIR,

Referring to our interview of this date on the subject of the Licensing Act 18/97, I can only state that, from my experience, the same, although not so

expressed, is only intended to apply to Indians and Chinese—at any rate, it appears to me to be so.

I have made several applications to the Licensing Officer for new licences which have been rejected without reasons being given therefor, and on appeals to the Town Council I have invariably found that body uphold the Licensing Officer's decision, without previously calling upon him to furnish his reasons for such refusal.

I have not tried to ascertain the number of licenses refused to Europeans, but I am inclined to believe they were only refused to those whose character, &c. did not justify them holding one.

*Yours faithfully,*

C. A. DE R. LABISTOUR

P.S. The most inequitable part of the Act is that which precludes an appeal from the Town Council to the Supreme Court.

C.A.R.L.

## APPENDIX H

TO  
THE EDITOR  
*THE TIMES OF NATAL*  
SIR,

I have to thank you for your attention to my letter in *The Times of Natal* of the 16th instant under the heading "An Important Decision," and for your remarks in reply thereto. You say: "As to the butchers' ring, it is only necessary to point out that through it the cost of living has been very materially increased, and meat, we have been told, put beyond the means of the poorer classes of the community. It is, therefore, a menace to the welfare of the community."

I entirely agree with you. All combinations of this kind are morally wrong, and a menace, because the few benefit while the multitude suffer. Further on you say: "In the other case the Indian traders have also become a menace, in that, by reason of the fact that they can live so much cheaper than Europeans, they are driving the latter out of trade, and out of the Colony." It is one of our axioms that competition is the life of trade, and while admitting that all competition is a menace, I have to submit that the Indian traders are not a menace in the same way as the butchers' ring.

The Indian storekeepers, by causing strong competition among storekeepers, are reducing the cost of all necessities of life. In other words, they are benefiting the many at the expense of the few, which is exactly the opposite of the butchers' ring.

I well remember, twenty years ago, when I came to the Colony, we got 20 per cent. more profit than we get now—then the few benefited and the many suffered; but competition, and principally Indian competition, has brought prices down all over the country; and now the many benefit while the few suffer, and this is how it should be.

You push these people out, and the multitude will again suffer by having to pay much larger prices for all they consume.

I remember, some sixteen years ago, falling out with an up-country townsman because I declined to join a ring of other storekeepers to charge 5s. a bag profit on flour. In those days such a combination, detrimental to the public, but beneficial to the pockets of the storekeepers, could have been carried out, but such a combination today would be utterly impossible, and if you could get such competition into the butchery business, you would shortly hear less about the price of meat.

You appear to complain that these people can live cheaply. Yes, they can live cheaply—don't drink, give the authorities little trouble, and are, in fact, law-abiding subjects, and if they can sell cheaply by living cheaply, the benefit is surely the public's. By all means make them adhere to the strictest sanitary regulations, keep their books in English, and otherwise do as English traders do; but when they have met these demands, give them justice. No honest thinking man can say that the new Bill gives these people justice, or the community justice, because it puts into the hands of interested parties the power to push out a competition, which is beneficial to the multitude, and enables these interested parties to fill their own pockets. We have now sufficient rings—insurance rings and butchers'—and goodness knows where we will stop if the diffusers of knowledge and learning, like the newspapers, are on the wrong side.

I saw in one of your contemporaries the other day that the Dundee Local Board had resolved not to renew any Arab licenses for the coming year, and had instructed the Licensing Officer accordingly.

These men are the English merchants, and wish all the business to themselves, when the public will have to pay them any prices they ask.

Surely it is time the Government gave these men the limit.

We have entrusted you with great powers, but if you are to use them unjustly, we will take them away from you.—Yours, &c.

CONSISTENCY

DURBAN

*19th December*

(This letter is dealt with in our leading article, Ed. T. of N.)

## APPENDIX I

GOVERNMENT NOTICE NO. 517,

1897

The following Rules passed by His Excellency the Governor-in-Council, under Section 11 of Act No. 18, 1897, are published for general information.

C. BIRD,

PRINCIPAL UNDER SECRETARY,

COLONIAL SECRETARY'S OFFICE, NATAL,

*16th September, 1897*

Rules under Act 18, 1897, for regulating the mode of obtaining licenses, and for regulating appeals from the decisions of Licensing Officers.

1. In these Rules "Licenses", unless otherwise specified, means either a wholesale or a retail license. "New License" means a license in respect of premises for which there is not at the date of application an existing license similar to that applied for.

"Board or Council" means, as the case may be, the Licensing Board of the Division or the Town Council of a Borough, or the Local Board of a Township.

## I. APPLICATIONS FOR LICENSES

2. Every person desiring to obtain a new license or a renewal of an existing license shall make application in writing to the Licensing Officer of the division, borough or township. The application shall contain the particulars set forth in Schedule A.

3. An applicant for a new license shall attach to his application a ground plan, drawn to scale, of the premises sought to be licensed.

4. Upon receipt of an application for a license, the Licensing Officer shall be at liberty to obtain from the sanitary or other officer of the division, borough or township, a report for his guidance in respect to the sanitary arrangements of the premises proposed to be licensed.

5. The applicant shall, if thereto required, appeal personally and produce to the Licensing Officer his books of account or such other documents or evidence as may be necessary to show to the satisfaction of that officer that he is able to fulfil the conditions laid down by section 7 of the Act, in regard to keeping his books of account in the English language.

6. The Licensing Officer shall endorse upon each application for a license his decision as regards the issue or refusal of a license.

7. The application, with the report of the sanitary or other officer and the remarks and decision of the Licensing Officer, shall form the complete record of proceedings in each case.

8. A license shall not be issued until the necessary stamps are tendered or the money paid.

## II. APPEALS

9. The applicant or any person interested may, within two weeks of the decision, give notices in the form of Schedule B, to the Clerk of the Board or Council of his intention to appeal against the decision of the Licensing Officer.

10. A notice of the day fixed for the hearing of appeals, together with a list of the appeals, in the form of Schedule C, shall be fixed to the door of the Court House or Town Office for at least five days before the appointed date.

11. The Clerk, immediately upon receiving notice of appeal, shall require the Licensing Officer to forward to him the minutes of proceedings, and documents, or copies thereof.

12. The proceedings of the Board or Council shall be open to the public.
13. The Clerk shall keep minutes of the proceedings.
14. The record of the application shall be read before the Board or Council.
15. The appellant and any person interested shall be entitled to be heard upon the appeal, by himself or by any person acting under his written authority.
16. The Board or Council may require the Licensing Officer to state in writing the reason of his decision upon any application. If in the opinion of the Board or Council further evidence is necessary, such evidence may be taken by the Board or Council on the same day or on any other day to which the hearing may be adjourned.

#### SCHEDULE A

To the Licensing Officer of the division of.....  
(or borough or township of.....)

I (or we) hereby apply for a license as follows:

Name of person or firm to be inserted in the license.....

Nature of the license (whether wholesale or retail) .....

Period for which license is sought.....

Premises sought to be licensed.....

(If the application is for a new license, then add: I attach hereto a ground plan of the premises.)

(Date) .....189—

Signature .....

Applicant

#### SCHEDULE B

To the Clerk of the Licensing Board for the Division of.....  
(or) to the Clerk to the Local Board of.....

(Date) .....189—

Sir,

I (or we) hereby give notice that it is my (our) intention to appeal against the decision of the Licensing Officer upon the application of .....  
for a (wholesale or retail) ..... license  
for the premises known as.....

## SCHEDULE C

Division (borough or township) of.....

Notice is given that an appeal has been lodged against the decision of the Licensing Officer upon the undermentioned applications for licenses.

The appeal will be heard by the Licensing Board (or Town Council or Town Board) at the .....on ..... the ..... day of..... 189—

Name of person appealing	Name of applicant for license	Nature of license applied for	Premises
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Clerk to the Licensing Board (or) Town Clerk

From the photostat of an original printed copy, printed at the International Printing Press, Grey Street, Durban: S. N. 2894.2903.

### 70. COVERING LETTER TO PETITION

DURBAN,  
*January 11, 1899*

TO

HIS EXCELLENCY SIR WALTER FRANCIS HELY-HUTCHINSON  
KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF ST.  
MICHAEL AND ST. GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF  
IN AND OVER THE COLONY OF NATAL VICE-ADMIRAL OF THE SAME,  
AND SUPREME CHIEF OVER THE NATIVE POPULATION, PIETERMARITZBURG  
MAY IT PLEASE YOUR EXCELLENCY,

I have the honour to send for transmission to Her Majesty's Principal Secretary of State for the Colonies a memorial in triplicate signed by Mr. Abdul Kadir of Messrs. Mahomed Cassim Camroodeen and Co., and others, with reference to the Dealers' Licenses Act No. 18 of 1897, with such remarks as Your Excellency may be pleased to make thereon.

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

Enclosure in Despatch No. 6 of 14th January 1899 from Governor of Natal to H.M.'s Principal Secretary of State for the Colonies, London.

Colonial Office Records: Memorials and Petitions, 1898-99.

71. LETTER TO D. B. SHUKLA<sup>1</sup>

14, MERCURY LANE,  
DURBAN, NATAL  
*January 17, 1899*

D. B. SHUKLA, ESQ.

MY DEAR SHUKLA,

I have not heard from Kalabhai<sup>2</sup> for months. I am very anxious to know how he is getting on, what he is doing & what are his pecuniary prospects. Will you kindly inquire & let me know? I hear from Mehta<sup>3</sup> that you are doing very well there. I have no doubt he told you all about me.

As I could not improve my bad hand I have taken to typing for the last few days.

*Yours sincerely,*  
M. K. GANDHI

From the photostat of the original: S. N. 2327.

72. TO PRESS AND PUBLIC MEN IN INDIA

DURBAN,  
*January 21, 1899*

SIR,

The memorial<sup>4</sup> sent herewith tells its own sorrowful tale. The grievance complained of is not sentimental but it is very serious and very real. Unless it is removed promptly, it bids fair to snatch the bread away from hundreds of mouths. The licensing authorities in Natal intend to deprive the respectable Indians of their acquired rights. The matter demands *immediate, earnest* and *continuous* attention of the Press and our public men. Nothing short of prohibition of indentured immigration to Natal will meet the case, unless the Natal Government can be induced to amend the Licensing Law so as to bring it in harmony with the principles of justice as known to the British Constitution.

<sup>1</sup> A barrister of Rajkot.

<sup>2</sup> Lakshmidas Gandhi, elder brother of Gandhiji.

<sup>3</sup> Dr. Pranjivan Mehta, a friend of Gandhiji since his London sdays

<sup>4</sup> *Vide* "Petition to Chamberlain", December 31, 1898.



All the other grievances can wait for academic discussion. This brooks no delay.

Indians own land in the Borough of Durban worth over £100,000 stg. Licenses have been refused with respect to some of the best premises, the property of Indians, in spite of excellent report by the Sanitary Inspector.

A merchant wants to dispose of his business. All his profits are in his stock. He cannot find a purchaser as there is no certainty that the purchaser can obtain a license.

*I remain,*  
*yours obediently,*  
M. K. GANDHI

From the photostat of the office copy: S. N. 2949.

### *73. MEMORIAL TO LORD CURZON*

DURBAN,  
*January 27, 1899*

TO  
THE RIGHT HONOURABLE GEORGE NATHANIEL  
BARON CURZON OF KEDLESTON, VICEROY AND  
GOVERNOR-GENERAL OF INDIA, CALCUTTA

THE MEMORIAL OF THE UNDERSIGNED, REPRESENTING THE BRITISH  
INDIANS, RESIDING IN THE COLONY OF NATAL  
HUMBLY SHEWETH,

That your Memorialists venture to draw Your Excellency's attention to a copy of the memorial addressed to Her Majesty's Principal Secretary of State for the Colonies with reference to the Dealers' Licenses Act passed in the year 1897 by the Natal Legislature.

Your Excellency will notice therefrom that

- (a) the Act complained of constitutes a present, real and tangible grievance, and, in the way it is being worked, is calculated to tell very seriously upon the acquired rights of the Indian traders residing in the Colony of Natal;
- (b) that the interests at stake represent thousands of pounds;
- (c) that the Natal Legislature has gone, as it is acknowledged by some of the Natal publicists, much further than even the

South African Republic has ventured to go;

- (d) that the operation of the Act has turned out to be contrary to the assurance publicly given by the Right Honourable Harry Escombe, who carried the Act through, and was then the Prime Minister of the Colony, viz., that he had full confidence in the Town Councils and the Town Boards not disturbing the then existing trading licenses;
- (e) that several Town Councils or Local Boards have already seriously interfered with the existing licenses, and threatened to do so yet more extensively.

Your Memorialists have, under such circumstances, prayed for either such an amendment of the Act as to bring it in harmony with British principles of justice, or suspension of the supply of indentured labour to the Colony.

Your Memorialists venture to think that the active and effective intervention of the Indian Government is necessary, if the rights of British Indians outside British India are to be rescued from extinction. Agreeably to the resolution of the Dundee Local Board to wipe out as many Asiatics as possible, referred to in the Annexure, its Licensing Officer has, your Memorialists are informed, refused to renew the licenses of seven or eight Indian Storekeepers out of about sixteen. One of them, who has been refused the license, is the largest Indian Storekeeper in Dundee, having a stock of several thousands of pounds. The Licensing Officer at Newcastle has again refused to issue the three licenses—also referred to in the Annexure—that were withheld last year. The applicants are still doing all they can locally to secure their licenses. The result is not, therefore, yet final. It, however, sufficiently shows the seriousness of the position. Applications in many other places in the Colony are still under consideration.

Whatever the ultimate outcome this year, the possibility of mischief under the Act is, in your Memorialists' humble opinion, enormous, and your Memorialists earnestly hope and humbly pray that the prayer contained in the Annexure will receive Your Excellency's sympathetic and early consideration.

And for this act of justice and mercy your Memorialists, as in duty bound, shall ever pray, etc., etc.

(Sd.) MAHOMED CASSIM CAMROODEEN & CO.  
AND OTHERS

From the photostat of an original printed copy: S. N. 2955.

#### 74. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
*February 20, 1899*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

Messrs. Amod Suliman, Ismail Mahomed Khota and Issa Hajee Soomar intend to visit the Transvaal. The first two hold return tickets, having come from the Transvaal on business. The last one has a large business in Standerton and he intends to go to that place to inspect his business. The first two are connected with a business in Heidelberg.

I shall be obliged if you will be good enough to secure for these gentlemen permits enabling them to go to the Transvaal.

*I have the honour to remain,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 1584/99.

#### 75. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
*February 28, 1899*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letters of the 25th and 27th inst. with reference to the permits for certain three Indians enabling them to visit the Transvaal.

I beg also to acknowledge your letter of the 25th inst., with reference to the permits for Indian gentlemen wishing to pay a visit to the Transvaal during the pendency of the proclamation of the Transvaal Government regarding the plague regulations, for which I

tender my humble thanks to the Government.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: C. S. O. 1584/99.

## *76. TELEGRAM TO COLONIAL SECRETARY*

PIETERMARITZBURG,  
*February 28, 1899*

HONOURABLE COLONIAL SECRETARY  
PIETERMARITZBURG

SEVEN INDIANS BELONGING TO FIRM C LUCHERAM DURBAN AND CAPETOWN LEFT INDIA FOURTEENTH JANUARY. THEY ARE NOW AT DELAGOA BAY. FIVE OF THEM ARE MEANT FOR CAPETOWN AND TWO FOR DURBAN. ABLE TO UNDERGO TEST UNDER IMMIGRATION ACT. STEAMSHIP COMPANIES REFUSE TO TAKE THEM AS PASSENGERS FOR FEAR OF QUARANTINE. WILL GOVERNMENT BE PLEASED TO ASSURE COMPANIES THAT THEY NEED NOT FEAR QUARANTINE UNLESS DISEASE CROPS UP ON BOARD. FIVE WILL GO TO CAPETOWN AS SOON AS THEY CAN SECURE PASSAGE AND ALL SEVEN WILL SUBMIT TO ANY INLAND QUARANTINE GOVERNMENT MAY THINK FIT TO IMPOSE.

GANDHI

Pietermaritzburg Archives: C. S. O. 1584/99.

## *77. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*March 1, 1899*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your telegrams of yesterday and today with reference to my application for certain seven Indians to be allowed to come from Delagoa Bay to the Colony.

In accordance with your instructions, I have communicated with

the Health Officer. In reply to your telegram of today, I beg to state that the men in question belong to Hyderabad, Sind, which place they left on the 4th January. They left Bombay on or about the 14th January by the S. S. *Safari* which, after calling at Lamu and Mombasa, went to Zanzibar. At Zanzibar they transshipped into the S.S. *General* on or about the 9th ult. They have now landed at Delagoa Bay. Two of them would remain in Natal and are not prohibited immigrants within the meaning of the Act. The other five want to come to the Colony as visitors. They would submit to any quarantine the Government may think fit to impose on land. The Companies would not issue a passage without an assurance from the Government that their ships would not, on account of the mere presence of Indians on board, be placed under quarantine.

Under the circumstances, I trust the Government would be pleased to make such orders as would enable the men to come to the Colony.

The usual deposits would be made for the five persons.

*I have the honour to be,*

*Your obedient servant,*

M. K. GANDHI

Pietermaritzburg Archives: C. S. O. Letter No. 1772/99.

## 78. LETTER TO THE TOWN COUNCIL

*Gandhiji wrote the following letter to the Town Council of Pietermaritzburg when the entry of bubonic plague into Natal was apprehended in 1899.*

DURBAN,

[Prior to March 8, 1899]

With reference to the sanitary precautions that are being taken to prevent the entry of bubonic plague into this Colony, may I suggest that a pamphlet giving detailed instructions as to sanitary rules, lime-washing, disinfecting, &c., might be of great use, and a useful supplement to the Corporation advertisement that appeared some time ago? If the suggestion is accepted, I shall be pleased to have the pamphlet translated in the Indian languages spoken in the Colony, and distributed free of charge, if necessary, the Corporation paying for the printing and postage.

*The Natal Mercury*, 8-3-1899

## 79. INDIAN TRADERS IN RHODESIA

14, MERCURY LANE,  
DURBAN,  
*March 11, 1899*

TO  
THE EDITOR  
*The Times of India*  
[BOMBAY]

SIR,

I venture to enclose herewith a copy of a letter received by the Indian community in Natal from the Indian traders in Umtali, Rhodesia.<sup>1</sup> The letter speaks for itself. The authorities seem to have rendered assistance to the Indians, but, in my humble opinion, nothing less than an emphatic declaration from the Colonial Office to the effect that the white settlers in British South Africa cannot with impunity interfere with the liberty of the British Indian settlers, in addition to adequate punishment to the wrong-doers, will meet the case. It will be noticed that Justices of the Peace and other prominent Europeans took part in the violence. The omission on the part of Mr. Chamberlain to take any notice of the unlawful proceedings of the Durban mob in 1897<sup>2</sup> has, I am afraid, led the white settlers to think that they can do anything they like with the Indians. In the Durban case there was no necessity to punish the mob. But we here feel that a despatch from Mr. Chamberlain strongly disapproving of the whole thing would have produced a salutary effect.

*Yours faithfully,*  
M. K. GANDHI

*(Enclosure)*

UMTALI, RHODESIA,  
*January 22, [1899]*

GENTLEMEN,

We beg to call your attention to the following circumstances.

We have been trading both at Beira and Macequece, and last March we applied

<sup>1</sup> *Vide* the enclosure.

<sup>2</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897, Appendix-Y. Questioned by Wedderburn in Parliament on February 5, 1897, about the assault on Gandhiji on landing at Durban on January 13, the Secretary of State for the Colonies said that "the landing took place without opposition, except in the case of one person, who was assaulted but not Seriously hurt". (For Wedderburn).

for a licence to trade at Umtali in Rhodesia, which was granted in April. We then built a store, but found that the European traders were very indignant, and they held a meeting protesting against the issue of licences to British Indian subjects, as they considered them undesirable, but they were not supported by the High Commissioner.

We traded peacefully up to the 7th of last December, when a countryman of ours (a merchant of Beira) also applied for a trading licence, which he got. This again excited the traders of Umtali, and they laid the matter before the Chamber of Commerce, requesting that body to take the subject up and oppose the granting of licences to Asiatics. Their meetings were reported in the local papers, and had a serious effect upon the minds of the public. The Government, however, took little or no notice of the agitation. Later the European merchants of the town, headed by Justices of the Peace and officers of the local Volunteer force, in all a mob of about one hundred and fifty persons, attacked and broke into our store by violence about 9 p.m. on the 4th of January 1899. Seeing how violent the attitude of the mob was and how unlawful their action was, we were very frightened, but, fortunately before our persons or goods were removed over the Portuguese border, Inspector Birch, with some constables, came on the scene and informed the raiders that their action was grossly wrong and illegal, and that the ringleaders would be prosecuted.

The police only being ten in number, the raiders practically defied them. The Inspector fearing violence, which certainly would have been accompanied with loss of property, and possibly with loss of life, suggested that we should be allowed time to make arrangements about leaving. After a good deal of discussion, this was agreed to. Immediately the crowd had dispersed, the Inspector informed us that we were not even to think of going, but that he had merely suggested this allowance of time in order to summon assistance. All the available mounted police were then called in from old Umtali and guard placed over our store. The same evening about midnight fifteen Englishmen attacked the store of Allarakhia Hussein in this town. They broke the doors open, threw the goods about, assaulted the shop assistants and the policemen. The assistants, three in number, ran away, deserting the store, and leaving the goods to the mercy of thieves. Inspector Birch, acting on behalf of the Government, has rendered us all the protection in his power.

On the morning of the 5th January, the members of the Chamber of Commerce came over to our store, and reminded us that the time for packing up and going had already expired. We replied that matters were now altered. The promise to go was extracted from us by violence and not binding; further that there were sufficient police in the town to protect us from the mob. The members of the Chamber of Commerce then left in a dissatisfied humour. The ringleaders of this raiding had been bound over to keep the peace towards us for three months in sureties of one and two hundred pounds.

Two of them had been committed to the High Court for trial. We have resumed business as usual, but the Rhodesian merchants are now fighting the question of allowing Indian traders in Rhodesia.

Their first step will be to bring the matter before the new Legislative Council of Rhodesia praying them to grant power to local bodies to refuse licences to “undesirables” (which is the term they apply to us). They have been guided in this line of action by the decision recently upheld by the Privy Council regarding the refusal of the licensing board of Newcastle, Natal, to grant a licence to an Indian. We understand your Congress have taken this in hand.

In conclusion, we beg to inform you that, as the Europeans in South Africa in combination are fighting hard for our expulsion from this territory, we also desire to combine and fight for our rights as British subjects. We respectfully request you to give the matter your earnest consideration and take up our cause, and, in fact, that of the British Indian subjects in general.

As we are allowed to trade freely in some parts of South Africa both under the Portuguese, French, German, and Dutch Governments, we cannot understand why we should be opposed in British territory, seeing that we are by right under the protection of the British flag.

It appears also to us the Indian policy of Great Britain is directly opposed to the persecution of British Indian subjects.

We have communicated with our English agents about this matter, and also with Lord Curzon, Viceroy of India. We are determined to have the matter brought before the British parliament, and we would pray for your assistance in fighting out this great question upon constitutional lines.

p.p. NATHOO VALLEY & CO.,

B. R. NAIK

ALLARAKHIA HUSSEIN

*The Times of India* (Weakly edition), 15-4-1899

## 80. THE PLAGUE PANIC IN SOUTH AFRICA<sup>1</sup>

DURBAN,

March 20, [1899]

The cup of woe of the Indians in South Africa evidently does not appear to have as yet become full; and the bubonic plague promises to fill that cup well up to the brim. A rumour, now proved to

<sup>1</sup> This is one of a series of special articles on the treatment of Indians in South Africa contributed by Gandhiji to *The Times of India*. The other articles are dated May 17, July 12, October 27, November 18 and *post* March 14, 1900.



be false, that there was a plague case in Lourenco Marques, created quite a sensation in South Africa, and the various Governments of this continent began to adopt stringent measures applicable chiefly to the Indians. While this was going on, it was rumoured that an Indian who, after having been in Lourenco Marques for some time, had gone to a place called Middelburg in the Transvaal, had died of the bubonic plague. It was at once assumed that no period could be definitely assigned for incubation, and entire prohibition of Indian immigration was suggested. The Transvaal Government issued a proclamation prohibiting the entry of Indians into their country from even the neighbouring States, no matter whether the Indian desiring an entry was a very old resident of one of these States or whether he was a new arrival from India, unless he was armed with a permit from the State Secretary—a permit, it may be said, not easily obtainable by any and every Indian. Internal travelling, too, by the Indians was practically suspended. At the time of writing this, a telegram appears in the newspapers, saying that the proclamation above referred to has been modified to the extent that the Indians would be allowed to enter the territory without a permit on their satisfying the officer at the border that they are not recent arrivals from Mauritius, Madagascar, or any of the infected districts of India.

The medical gentleman who conducted the *post mortem* examination in the case above referred to had reported that the case was not one of the bubonic plague. Mischief, however, has been done, and there is a hysterical scare throughout South Africa. In Lourenco Marques, a most malarial district noted for insanitation and without any sanitary service, the regulations regarding the plague, it would appear, from the meagre news telegraphed from that place, are not only most stringent and unreasonable but oppressive and unbusinesslike. In the Transvaal, business amongst the Indians is suffering seriously. Several unfortunate hawkers came to Natal to buy their stuff; they are now most of them shut out. They have left their goods and their book debts behind them. As may be imagined, they cannot afford to obtain the permit; nor could they, without much difficulty, pass through the examination by the Transvaal officials. It is said—that is to say, the hawkers themselves complain—that in the Transvaal itself they are not allowed to hawk their goods about. This reacts upon the Indian firms that are dependent on these hawkers.

The Cape Government do not appear to have lost their heads; but an agitation has been going on, calling upon the Government to

prohibit any Indian from landing at any of the Cape ports. A few days ago, a meeting was held in Port Elizabeth, when speeches of a more or less violent character were made, some of the speakers going so far as to say, if the Government would not conform to the wishes of the people of Port Elizabeth, they would have to take the law in their own hands. The Natal Government are evidently anxious not to be carried away by the scare; but, it is feared, that they will not long be able to retain their self-possession.

There are two conflicting interests at work in Natal. On the one hand, the farmers and the planters, who are, all over the Colony, entirely dependent on the indentured Indian labour, cannot afford to do without a continuous supply of such labour; on the other, the people in the towns and the cities, such as Durban and Maritzburg, having no such interests at stake, would gladly see the entire prohibition of Indian immigration, indentured or otherwise. It is interesting to note that, throughout the whole controversy, the people of South Africa have not once allowed themselves to think of Indian interests. It seems to have been tacitly assumed that the Indians who are at present resident in South Africa need not be taken into consideration at all. It does not appear to have struck them that these men, some of them very well-to-do and respectable, may have to bring their wives and children or servants from India. People in India would be surprised to learn that a suggestion has been seriously made that the Indians should be compelled to live on mealie (maize) meal, when the present stock of rice in the Colony is exhausted; and, as for other foodstuffs and the materials for dress imported from India, that, of course, is a mere detail. The Maritzburg Town Council has issued a circular addressed to the Indian storekeepers in that borough, informing them that they should begin to reduce their stock as they might, in view of the near approach of the plague, be called upon, each and all of them, to remove to a Location. Steamship companies, even the very best of them, entirely refuse to take Indian passengers for any of the South African ports. Several Indian merchants are suffering great inconvenience and undergoing terrible anxiety owing to members of their family or partners being in Lourenco Marques and yet not being allowed to come to Natal—not that Lourenco Marques has been declared to be an infected port, or that there is any plague there. Natal has used itself now to indirect and questionable methods of achieving its purpose, as witness its anti-Asiatic legislation, wherein an innocent person would fail to find

the slightest mention of Indians. The same course has been adopted, so it would seem, with reference to the plague. No ship that brings an Indian is allowed *pratique*—by the Health Officer without reference to the Government—a procedure which of itself necessitates the detention of such a ship; although, it must be remembered, there may be no sickness on board, and the ship may have come from a clear port. Naturally (that is to say, in South Africa, for one would have thought that first-class steamship companies would not, through fear of vexatious quarantine, abandon their function; *viz.*, the carrying of passengers from one place to another), therefore, the steamship companies refuse to take any Indian passengers. The Government have suspended indentured immigration for the time being, save as to those awaiting departure at Calcutta.

As if all this was not sufficient, the Maritzburg people met in the Town Hall of that place a few days ago, when the Borough medical officer delivered a violent harangue in support of a drastic resolution. Owing to an agitation advocating an entire stoppage of the import of rice and other foodstuffs from India, the Government here asked the Indian Government whether rice was considered to be susceptible to infection. The Indian Government have replied in the negative. Dr. Allen, the officer in question, thus impeaches your Government:

He supposed that they had all read the telegram which had been despatched to the Indian Government and the reply which had been received and published. He would like to ask them if they thought it likely that, if the Attorney-General had a prisoner in one of the Government gaols suffering under an accusation of some offence, that, the Attorney-General would telegraph to him and say: 'Are you guilty or not?' He thought they would have no hesitation in saying what answer the gentleman in the gaol would telegraph back. He would say that the answer would be an emphatic 'no'....The Attorney-General would not apply the principle to his own trade....He dared to apply it in this stupendous question, and to bring it forward as evidence that they were free from danger. The evidence was as worthless as it was in the case of the prisoner.

The foregoing suggests many sad reflections. It is beyond question that all this agitation [and] all this panic, have their source not in anentirely bonafide fear of the bubonic plague, but in the anti-Indian prejudice which is due chiefly to trade jealousy. That spirit Pervades the proceedings of the plague meeting in Maritzburg, more particularly, Dr. Allen's speech. In his estimation, everything Indian is

bad. He did not hesitate to impute corrupt motives to what he calls the “low officials” of the Indian Government. He said:

But a very strange thing occurred in Bombay which it was important for them to remember, and this was that the number of deaths from dysentery and diarrhoea rose above the normal by 50,000. The Government of Bombay were well aware that those cases, or the greater number of them, were cases of plague, and that influential Indians were able to get the deaths which took place in their family registered by native practitioners under other heads so as to escape the visit of the sanitary officers. That kind of thing pervaded the whole of India. . . . The Commission proved clearly that the same thing was going on in Calcutta . . . . That was known to the Government, but, chiefly because they feared a riot, they did not do it. . . The Indian Government absolutely could not depend upon its petty officers with regard to that plague. There was deceit right through the lower officers of the Indian Government as to where the plague was.

If it is an Indian ship it must have a secret manifest. Infection, unlike everywhere else, is in South Africa personal to the Indian. He and his goods only can bring the infection. No objection is taken to other passengers, even though they may come from infected districts. The steamship companies that touch Madagascar and Mauritius, which are declared to be infected ports, may bring European passengers but dare not bring Indians. It must be admitted that the Natal Government, as well as the Cape Government, are most anxious to avoid injustice being done during the panic. But they are so afraid of the voters, to whom the present members owe their position, that unconsciously but nonetheless surely, much needless inconvenience is caused to Indians. Heaven spare us from an actual visitation of the plague; if it does come, the condition in which the poor Indians will find themselves is too dreadful to contemplate. It is at times like this that the deplorable omission on the part of Mr. Chamberlain to take any notice of the illegal proceedings of the Durban mob<sup>1</sup> in the beginning of 1897, when for twelve days practically the Government abdicated their function in favour of a mob, is felt. In a continent like this, where there are diverse and conflicting interests belonging to the various races, the strong and powerful influence of the Home Government is ever necessary. Once give latitude to a particular section of the various peoples, and you never know when an ebullition will take place. Already, as stated before, the Port Elizabeth people have threatened to

<sup>1</sup> Vide “Memorial to Secretary of State for the Colonies”, 15-3-1897, *et seq.*

take the law in their own hands should the Government refuse to bend their will to their own. Anonymous letters have been appearing in the newspapers in Durban advocating the same policy; and this bird's-eye view of the history of the plague panic, which has by no means yet died out, may fittingly close with the following extract from the correspondence to *The Natal Mercury* which is, perhaps, a fair sample of the feeling of the man in the street in this part of the world:

. . . If Government are timid and irresolute in action, let the people act for themselves, and go en *masse* again to the Point, and camp out there this time to stop all Asiatics from landing. We do not want them here at any price. Let the objectionable Indian immigration stop once and for ever; and I, for one, would join a crusade to make it too hot for those that are here.

*The Times of India* (Weekly edition), 22-4-1899

### 81. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
*March 22, 1899*

THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

The Indian community have noticed with satisfaction the removal of the fee of £1 for visitors on embarkation passes under the Immigration Restrictions Act.

I may state that before drafting the petition about this matter alluded to in the petition regarding the Dealers' Licenses Act,<sup>1</sup> I was asked to collect the opinions of the learned lawyers in the Colony and, in the event of a favourable opinion being received, to approach the Government again with a view to urging the removal of the rule in question and that the opinions so far received favour the view that the rule in question was illegal.

I am to request you to bring the contents of this letter to the notice of the Right Honourable the Secretary of State for the Colonies so as to inform him that the Government have graciously

<sup>1</sup> *Vide* "Petition to Chamberlain", 31-12-1898, *supra*.

removed the cause of complaint as to the £1 fee.

*I have the honour to be,  
Sir,  
your most obedient servant,  
M. K. GANDHI*

Enclosure No. I in Despatch 29 from Governor of Natal to H. M. Principal Secretary of State for the Colonies dated 25th March '99.

Colonial Office Records: Memorials and Petitions, 1899.

## 82. MEMORIAL TO CHAMBERLAIN

PRETORIA,  
May 16, 1899<sup>1</sup>

TO  
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN  
HER MAJESTY'S PRINCIPAL SECRETARY OF STATE  
FOR THE COLONIES

THE MEMORIAL OF THE UNDERSIGNED REPRESENTING THE BRITISH  
INDIANS RESIDING IN THE SOUTH AFRICAN REPUBLIC

HUMBLY SHEWETH,

That your Memorialists regret that they have again to trouble Her Majesty's Government with reference to the unfortunate and embarrassing position in which the British Indians in the South African Republic are placed.

On seeing the correspondence between the Government and Sir William Wedderburn,<sup>2</sup> a short while ago, your Memorialists had hoped that the trouble of the British Indians in the Transvaal was practically over, but the Notice of the Government of the South African Republic,

<sup>1</sup> As per Colonial Office Records. The printed copy of the memorial bears only 'May 1899'. The reference in the dispatch to *The Times of India*, dated May 17, 1899, to this memorial implies that it is an earlier document. But it is evident from the letter of May 27, 1899, addressed to Wedderburn, that the memorial, which was submitted to the British Agent at Pretoria, was not dispatched to the Secretary of State for the Colonies till May 27.

<sup>2</sup> The reference is to Wedderburn's letter of January 13, 1899 in regard to the Locations Notice and Chamberlain's reply of February 15, in which it was stated that the British High Commissioner would try, in the course of his talks with President Kruger, to arrive at "some arrangement of a favourable character to the Indian traders". (*India*, 24-2-1899.) Milner's attempts in this direction, however, bore no fruit as his talks with Kruger at Bloemfontein broke down on the question of franchise.

published in the *Staats Courant* dated 26th April, 1899 (copy of translation whereof is hereto attached), and which necessitates a further representation, soon followed to undeceive the British Indians residing in the Republic; and it would appear that this time the Republican Government intend seriously to enforce the Law 3 of 1885, as amended in 1886. There is a reference to the matter in the Presidential speech, too, delivered on the opening of the Volksraad.

Your Memorialists venture to draw your attention to the fact that ever since the judgment in the matter of Tayob Haji Khan Mahomed vs. F. W. Reitz. N. O.,<sup>1</sup> the Indian community in the Republic has known no rest. Several Notices were published with reference to the summary removal of the Indians to Locations. This has naturally dislocated their trade, and given rise to much uneasiness.

Your Memorialists would sooner welcome a final settlement of what is to them a momentous issue than a painfully unsettled state. It is respectfully submitted that, apart from the question urged in the last memorial<sup>2</sup> as to the decision of the majority of the Court in the case above referred to, there are questions arising out of the Law and the Notice, the subject matter hereof, which would justify effective interference on the part of Her Majesty's Government.

Unlike, as in the previous Notices, the Transvaal Government have, in the present Notice, closely followed the Law 3 of 1885, with its amendment. The first part of the preamble of the Notice proceeds:

Whereas Law 3 of 1885, Article 3 (d), gives the Government the right to point out for sanitary purposes certain streets, wards and Locations for habitation to persons belonging to one of the aboriginal races of Asia, including the so-called Coolies, Arabs, Malays, and Mahometan subjects of the Turkish Empire. . . .

Her Majesty's Government have accepted the Law. The Courts of the South African Republic have interpreted it to mean that the word habitation includes the dwelling place as well as the place of business. Thus far, therefore, your Memorialists have to submit to the inevitable. But they take the liberty to point out, as they have done before, that the Law gives the Government the power under certain conditions, and with respect to certain persons only. They should prove to the satisfaction of Her Majesty's Government that sanitary

<sup>1</sup> Vide "Telegram to the Viceroy of India" August 19, 1898.

<sup>2</sup> Vide 1st footnote of, "Petition to Indian National Congress", 22-8-1898, *supra*.

reasons exist for the removal of the persons affected by the Law, and that those reasons, and those alone, guide their action before they could summarily remove such persons to Locations. It is further submitted that they should prove that your Memorialists are the persons referred to in the Law.

Your Memorialists have endeavoured to show in the memorial<sup>1</sup> printed in the Blue Book C. 7911, of 1895, pp. 35-44, that there are no sanitary grounds for the removal of the Indians to the Locations, and that the reasons for such removal are to be sought for, not in the alleged insanitary habits of the Indians, but in trade jealousy. Your Memorialists make no apology for reproducing the testimony then produced to controvert the charge of insanitation brought against the Indian community in the Republic. Dr. Veale, of Pretoria, who has a considerable practice among the Indians, stated in 1895:

I have generally found them cleanly in their persons, and free from the personal diseases due to dirt or careless habits. Their dwellings are generally clean, and sanitation is willingly attended to by them. Class considered, I should be of opinion that the lowest class Indian lives better, and in better habitation, and with more regard to sanitary measures than the lowest class white....Generally, in my opinion, it is impossible to object to the Indian on sanitary grounds, provided always the inspection of the sanitary authorities is made as strictly and as regularly for the Indian as for the white.

Dr. Spink, of Johannesburg, stated that the 'residences of the bearers of this note' were 'in a sanitary and hygienic condition, and in fact such as any European might inhabit.. Dr. Nahmmacher, of the same place, said:

Having frequently occasion to visit the better class of the Indian population of Johannesburg (merchants &c., coming from Bombay) in my professional quality, I give as my opinion that they are as clean in their habits and domestic life as white people of the same standing.

Over thirty European firms of Johannesburg said:

The aforementioned Indian merchants, the majority of whom come from Bombay, keep their business places as well as their residences in a clean and proper sanitary state—in fact, just as good as the Europeans. That it is a distinct error in calling them coolies, or inhabitants of British India of a lower caste, as they decidedly belong to the better and higher caste of India.

What was true in 1895 is none the less so in 1899. Even at the

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.



time of the recent plague scare, so far as your Memorialists are aware, there was nothing of a serious nature to be found against them. It is not contended that there are, no Indians in the Transvaal over whom sanitary supervision is unnecessary; but your Memorialists do submit, without fear of contradiction, that a charge justifying the wholesale removal of Indians to a Location cannot be brought home to them. Your Memorialists submit that isolated cases of insanitation could be effectively dealt with under the sanitary regulations, and your Memorialists could have no objection to such regulations being made stricter, if necessary.

Your Memorialists have always respectfully insisted that the Law does not apply to the better-class Indians from which class the traders are drawn, and against whom alone the whole agitation is, in fact, directed. Can it be too much to request Her Majesty's Government to keep the Government of the South African Republic to the exact wording of the Law which applies to 'aboriginal races of Asia, among whom are comprehended the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire'? Your Memorialists respectfully but emphatically protest against the term 'coolie' being applied to them. They are certainly not Arabs, neither Malays, nor Mahomedan subjects of the Turkish Empire. They claim to be loyal, peaceful and humble subjects of Her Most Gracious Majesty the Queen-Empress, whose protection they seek in their struggle against prejudice and trade jealousy, which protection, they feel confident, will be extended to them. In your address to the Colonial Premiers, on the occasion of their visit to London in the year of the Diamond Jubilee, you were graciously pleased to refer to the Indians in most flattering terms. May your Memorialists hope for the practical application of the ideas therein expressed to the British Indians in the South African Republic? It will be a great Birthday honour for the British Indians in South Africa to have the insult implied in the above terms removed, and their status well defined in accordance with the letter and the spirit of the Gracious Proclamation of 1857.<sup>1</sup>

The Government of the South African Republic have the 'power for sanitary purposes of showing them (Coolies, Arabs, &c.) fixed streets, wards, and Locations for habitation', that is to say, in the respective townships, not the power to 'force' them, in the words of

<sup>1</sup> This is either a misprint in the printed copy or a slip in the original. The Proclamation was issued in 1858.

His Honour the late British Agent, ‘into a small Location on a spot used as a place to deposit the refuse of the town without any water except polluted soakage in the gully between the Location and the town’, which ‘must inevitably result in malignant fevers and other diseases breaking out amongst them, whereby their lives and the health of the community in the town would be endangered.’ Even if it were necessary to separate the Indian community from the European, it is difficult to understand why the former should be relegated to a place where they cannot trade, where there are no sanitary conveniences, and where there is no water supply. Your Memorialists respectfully submit that streets and wards could with equal facility be selected in a more convenient place in the townships themselves, if there were no other reasons than the sanitary.

In conclusion, your Memorialists venture to draw your attention to the comparatively enormous interests that are at stake, and the ruin that would be caused, by the contemplated removal, to the Indian traders, and to lay the matter in the hands of Her Majesty’s Government in the full hope that some definite and satisfactory solution of the difficulty in which they are placed will be arrived at.

And for this act of justice and mercy, your Memorialists, as in duty bound, shall for ever pray, &c., &c.

(Sd.) TAYOB HAJEE KHAN MAHOMED  
AND OTHERS

## APPENDIX

### THE NEW REGULATIONS

PUBLISHED IN *Staats Courant*, APRIL 26, 1899

Whereas Law 3 of 1885, Article 2 (d), gives the Government the right to point out, for sanitation purposes, certain streets, wards, and Locations for habitation (“ter bewoning”) to persons belonging to one of the Aboriginal races of Asia, including the so-called Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire; whereas, according to the judgment of the High Court in the case of Tayob Hajee Khan Mahomed *vs.* F. W. Reitz, N. O., these places can be pointed out for business as well as residential purposes; whereas the Government has deemed fit to point out such streets, wards, and Locations for the said purposes, in, at, or adjoining the proclaimed established dorpen (villages) and standdorpen, and have the same surveyed and brought into order; whereas it is desirable for the proper control of the sanitary condition of the streets, wards, and Locations pointed out, as stated, that the same shall be placed under the local authority or board; so therefore I, Stephanus Johannes Paulus Kruger, State President of the South African Republic, with advice and consent of the Executive Council, by virtue of the Article 420 of its minutes of

24th April, 1899, proclaim and stipulate as follows:

The streets, wards, and Locations in, at, or adjoining the villages or standdorpen pointed out and surveyed as places of residence and business for the said persons, which do not form part of such villages or standdorpen, and which do not fall under the local authorities or board of management, shall, as from now, form part of such villages or standdorpen, and are placed under such authority or board, be it the local Landdrost, Mining Commissioner, Responsible Clerk, or any Town Council, or Town Board. God save "Land en Volk."

Given under my hand at the Government Office, Pretoria, this 25th April, 1899.

S.J.P. KRUGER,  
STATE PRESIDENT

F. W. REITZ,  
STATE SECRETARY

The following Government Notice is likewise published, viz., reference to the Government Notice of November 18, 1898, No. 621, published in the *Staats Courant*, No. 621, of November 23, 1898:

"The following is additionally made known for general information:

1. Coolies, Arabs, and other Asiatic coloured persons, who do not yet live and do business in the streets, wards, and Locations pointed out for that purpose, but live and do business, in conflict with the law, in a village or standdorp, outside the streets, wards, and Locations pointed out, or at any other place not pointed out for this purpose, outside a village or standdorp, shall go and live, and do business, before July 1, 1899, in the streets, wards, and Locations pointed out for that purpose, according to Law 3 of 1885, regarding Coolies, Arabs, and other Asiatics, and in particular Article 2, Section D, thereof, which, after amendment by the Volksraad besluit, Article 1, 419 of August 12, 1886, reads as follows, viz.: 'The Government shall have the right, for sanitation purposes, to point out for habitation ('ter bewoning') by them (that is, Coolies, Arabs, and other Asiatic coloured persons), fixed streets, wards, and Locations.' This stipulation is not applicable to those who live on their masters' premises."

2. In terms of the above, Arabs and other Asiatics shall get a licence, after June 30, 1899, only for a business in the streets, wards, and Locations pointed out according to law.

3. Coolies, Arabs, and other Asiatics, who now still do business outside the streets, wards, and Locations pointed out for that purpose, shall have to take out a licence therefor until June 30, 1899, and after that date such licence will only be granted them for carrying on business in streets, wards, and Locations pointed out according to law.

4. Hawkers' licences can be issued to Coolies and other Asiatics and coloured persons who live in the streets, wards, and Locations pointed out for that purpose for

the quarter ending June 30, 1899.

5. Coolies, Arabs, and other Asiatics who live and do business at places outside a village or standdorp, are given time until July 1, 1899, to remove their dwelling and business to the streets, wards, and Locations pointed out, in terms of the law. They must, however, also take out a licence for their business until June 30, 1899.

6. After the above fixed date, June 30, 1899, the Coolies, Arabs, and other Asiatics concerned, shall be granted no licences for business or trading purposes outside the streets, wards, and Locations pointed out for that purpose, and those who trade or carry on business after the said date, without licence, outside the streets, wards, and Locations pointed out, shall be punished according to law.

7. Coolies, Arabs, and other Asiatics who consider that on the ground of contracts, closed or otherwise, they may claim longer time, must apply for such at least six weeks before July I, 1899, giving the reasons for so doing to the Landdrost or Mining Commissioner, who shall notify the Government, and give his explanations and advice

8. Likewise shall Coolies, Arabs, and other Asiatics, who consider they do not fall under the said amended Law 3 of 1885 (be it because they entered into a long lasting lease or contract before 1899, the time of which has not yet lapsed, or because they received transfer) at least six weeks before July I, 1899, give notice, together with reasons, to the Landdrost or Mining Commissioner, who shall notify the Government of it, and give his explanations and advice.

9. It shall be left to the discretion of Landdrosts and Mining Commissioners to exercise some consideration with reference to the said date, July 1, 1899, when it appears that Coolies, Arabs, etc., show their willingness to obey the law by building dwellings in the streets, wards, and Locations pointed out, but cannot finish these dwellings within the stipulated time.

10. The Government is willing, if such request is made, to meet the Coolies, Arabs, etc., who do business by favourably considering the granting of a piece of ground in the streets, wards, and Locations pointed out for the establishment of a bazaar or covered building with shops.

(Signed) F. W. REITZ,  
STATE SECRETARY

Government Office, Pretoria,  
April 25, 1899

From the photostat of an original printed copy: S. Nos. 3198, 3199 and 3200.

### 83. INDIANS IN THE TRANSVAAL<sup>1</sup>

DURBAN,  
May 17, [1899]

I propose in this letter to give a bird's-eye view of the series of blunders committed by one Colonial Secretary after another in Her Majesty's name, whereby inch by inch they gave up the case of the British Indians in the South African Republic, and which have now culminated in a pompous notice issued by the Government of that Republic, calling upon the Indians, on pain of being deprived of their licenses, to remove to Locations which have been described by the eminent writer of the series of articles headed "Indian Affairs" in *The Times* (London) as "Jewish ghettos", and by one of Her Majesty's British Agents in Pretoria as a spot used as a place to deposit the refuse of the town, without any water except the polluted soakage in the gully between the Location and the town." In the course of a single newspaper article I must be brief, and cannot afford, in a rapid survey of the situation, to give lengthy quotations. For the edification of the curious and those who would care to learn the full history of the question, I must refer them to a Blue book, published in 1895, on the question (Papers relating to the Grievances of Her Majesty's Indian subjects in the South African Republic—C. 7911, 1895), and two Green Books of the Transvaal Government published in the year 1894, from which and other recent literature I have extracted the following summary:

As early as 1884, when the presence of a respectable number of Indian traders in the Republic attracted general notice, and their success the jealousy of their European rivals, the Transvaal Government, yielding to the outcry of a few interested merchants who thought nothing, in order to gain their end, of making what may fairly be called deliberate misrepresentations about the docile Indians' habits and morals (as witness the following quotations from a libellous petition presented by the Europeans to the Orange Free State Volksraad, and sent approvingly to the Transvaal Volksraad by the Pretoria Chamber of Commerce: "The dangers to which the whole community is exposed by the spread of leprosy, syphilis and the like loathsome diseases engendered by filthy habits and immoral practices of these people. . . . As these men enter the State without wives or female relatives, the result is obvious. Their religion teaches them to

<sup>1</sup> Vide footnote, "The Plague Panic in South Africa", 20-3-1899, *supra*.

consider all women as soul-less, and Christians as natural prey.”) proposed to enact severe laws with a view to drive the Indians out of the Transvaal by imposing a poll-tax of £25 on each new arrival, and by compelling those that would live under such conditions and the old residents to reside and trade in Locations which, in plain terms would mean denying them the right of trading. The London Convention of 1884 which, owing to other causes, has now come into such prominence, however, stared the Government in the face. This Convention protects the rights as to trading, &c., of all other than natives of South Africa. Nothing daunted, by, a reasoning worthy of the Boer Government, they proposed to include the Indians in the term—Natives. This, however, was too much, even for the obliging

High Commissioner, Sir Hercules Robinson, who let them understand that the British Indians could not be included in the term “natives of South Africa”. But (and here mark the first blunder) without going into the allegations against the Indians that were brought to his notice, he was prepared to advise Her Majesty’s Government to agree to such an amendment of the Convention as would enable the Boer Government to pass anti-Indian legislation. Lord Derby, however, knew better, and instead of adopting that suggestion, he was prepared to let the Transvaal Government pass the laws in the interests of *public health*, provided that the £25 were reduced to £3, and that a clause was added stating that, for sanitary reasons, the Indians could be made to reside in Locations. Thus, he, too, instead of examining the allegations, took what the Transvaal authorities said for granted, and bartered away with a light heart the vested rights of the Indians, all the while remaining under the delusion created by one of the High Commissioner’s despatches, that the law, as it applied to the so-called coolies, &c., would leave the respectable Indian merchants untouched.

No sooner, however, was the law passed, than the Colonial Office was undeceived. The very persons who it was thought were left out, were called upon to remove to Locations, and found themselves deprived of their right to own landed property, travel first or second class on the railways, and generally classed among the raw Zulus. It did not strike either the High Commissioner or the authorities in Downing Street to secure a promise from the Transvaal Government to leave those people untouched. Their mental reservation at the time of assenting to the legislation could not, and that quite naturally, bind the Republican Government. A series of negotiations took place

between the Indians and the British Agent on the one hand, and the High Commissioner and the Transvaal Government on the other, the former trying, it must be said, though in a half-hearted manner, to regain the lost ground. All along, however, the Transvaal Government very naturally have scored heavily. Lord Ripon came to the helm when the thing was one mass of confusion, and he suggested arbitration as to the interpretation of the laws. Unfortunately, however, even then the real question was left untouched. The submission was, so those who are qualified to judge say, loosely drawn, and a gentleman, however estimable in other respects, but with a great bias against the Indians, was selected as the arbitrator, *viz.*, the Chief Justice of the Orange Free State. It may be here parenthetically remarked that this arbitration has been used by President Kruger as a precedent for having other questions of dispute between the two Governments referred to arbitration, and it must have caused Mr. Chamberlain many an anxious half-hour in order to get rid of the dilemma. The arbitrator sat, and he too would not discuss the question whether there were any grounds for the charge of wholesale insanitation against the Indians. Armed as he was with the widest powers, he made liberal use of them, and delivered an award<sup>1</sup> which left the Indians entirety where they were. He was asked, regard being had to the despatches that had passed between the two Governments—despatches which could not possibly be considered by a judicial tribunal, but which could very properly be considered by him—to interpret the laws, and to say to whom they applied and what was the meaning of the word “habitation”. (If the last question put to the arbitrator excites a smile in Bombay, my answer is, South Africa is not Bombay.) The arbitrator, however, learned lawyer though he was, did nothing of the kind, but delegated his function to the Transvaal Courts, that is to say, he decided that the interpretation of the laws could only be given by those Courts.

As soon as the precious award was published, the Indians approached the Colonial Secretary, and besought him not to accept the award, and protested that they were allowed to have no voice in all these proceedings—not even as to the selection of an arbitrator. To a lay mind it would appear that there would have been absolutely nothing wrong in Mr. Chamberlain insisting upon the arbitrator giving his interpretations of the laws in view of the despatches. The

<sup>1</sup> *Vide* “Memorial to Secretary of State for the Colonies”, 15-3-1897.

Indians produced voluminous evidence to prove that the assent to the laws was obtained under misrepresentations; that the charge of insanitation was groundless, three medical gentlemen of standing in the Transvaal certifying that the Indians lived as well as the Europeans and one of them going so far as to say that, class considered, they lived better and in better habitations than the Europeans, and that the real reason which was all along suppressed was trade jealousy. This resulted in extorting from Mr. Chamberlain the certificate that the Indians were a “peaceable”, law-abiding, and meritorious body of persons, with their undoubted industry and intelligence, and their indomitable perseverance. But the certificate is one thing, and relief is quite another. The Test Case<sup>1</sup> that was tried last year is still fresh in the public mind. As will be recollected, it resulted in the interpretation of the laws which was forestalled by the memorial of the Indians above referred to, that is to say, in the opinion of the Judges of the High Court of Pretoria the phrase “for the purposes of habitation” means “for the purposes of dwelling and business”. The last ray of hope, therefore, that was left for the unfortunate Indians in the Transvaal disappeared with this last act of the tragedy. Notices after notices have been issued by the Transvaal Government threatening to remove the Indians to Locations. This has disorganised their trade, unsettled their minds, and they are resting on the edge of a sword. The correspondence between the Colonial Secretary and Sir William Wedderburn, early this year, came as a bright spark in the darkness. But, alas! It was only a spark, for the pompous notice above referred to has again created a panic, and the poor people do not know where they are and what to do. The notice is supposed to be a final notice—it reads more like an old-fashioned legal document with many whereas-es and contains copious references to the anti-Indian laws passed, and calls upon “the aboriginal races of Asia, among whom are included the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire”, to remove to Locations on or before the 1st of July, provided, however, that the Government might — (observe the vagueness when it is a matter of granting a concession) — allow those holding long leases to live out the term of their leases in their present places of business.

Such is the awkward position that awaits Her Majesty’s Indian subjects in the South African Republic, whose only fault is that they

<sup>1</sup> *Vide* “Letter to the British Agent”, February 28, 1898.



are frugal, industrious, abstemious, and fond of earning a livelihood by honest means. They have made a desperate effort and sent again a representation to Mr. Chamberlain<sup>1</sup> asking him to present them with a Birthday honour in the shape of a clear definition of their status in that gold-producing country. We all await anxiously the result of the representation. In justice to the indefatigable Colonial Secretary, it must be confessed that he has only inherited the errors of his predecessors, and there is no doubt that he is doing what he considers to be his best to regain the lost ground. May he succeed in his efforts is the prayer of every Indian in South Africa.

*The Times of India* (Weekly edition), 17-6-1899

#### 84. LETTER TO COLONIAL SECRETARY

14 MERCURY LANE,  
DURBAN,  
May 18, 1899

MR. C. BIRD  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

With some diffidence I venture to draw your attention hereby to some aspects of the Bill to amend Indian Immigration Law, now before the Legislative Assembly.

I understand the Bill has been drafted in reply to the complaint of the Indian Immigration Trust Board as to the alleged frequency of the complaints made by the indentured Indians, which are said to be used as a pretext by the complainants to leave their work.

The Bill proposes to remedy the alleged evil—

(1) by making it lawful for the Protector, the Assistant Protector or any Magistrate to cause any complainant to be sent back after he has lodged his complaint;

(2) by authorising the employer under certain circumstances to deduct the expenses of the safe return of the complainant;

(3) by making the complainant under those certain circumstances liable to be punished as if he was illegally absent.

With deference, it is submitted that this Bill would render more difficult the precarious position of men serving under indentured

<sup>1</sup> *Vide* “Memorial to Chamberlain”, May 16, 1899.

labour which has been acknowledged, by the Imperial Government, to be a necessary evil and, by those best acquainted with such form of labour, to be “semi-slavery” or “a state perilously near to slavery”.

In my humble opinion, the existing law coupled with the decision of the Supreme Court in the matter of Ramsamy and the Protector of Indian Immigrants is sufficient to meet the requirements of the employers, if it does not, indeed, act as a deterrent even against bona fide complaints. No law will be, can be, sufficient for those who would not work and would rather ‘rot’ in the gaol than do honest work. If, however, the Government consider it necessary to conciliate the employers and make the existing law more explicit, I feel that nothing need be said from the Indian standpoint against the proposed amendment so far as the first two alterations are concerned. But I venture to submit that the last clause, viz., the power to charge a complainant with illegal absence when, rightly or wrongly, he fancies he can leave his work with immunity in order to make a complaint, is uncalled for and is calculated to interfere with the right, reserved under the Law 25 of 1891, to leave his work for the sake of making his complaint. An Indian may fancy that he has a wrong to be redressed in that he does not get ghee instead of oil. The complaint would, in all probability, be treated as frivolous by a Magistrate or Protector; nonetheless, I hardly think the frivolity is so great as to turn him from complainant into defendant. I submit that every facility should be given to a man, who honestly believes that he has a complaint, to make it, and this the proposed amendment does not do, unless a legal and logical mind is to be attributed to an average indentured Indian.

The safeguards provided against frivolous complaints, it is submitted, are sufficiently severe without the addition of the penalty clause. The deduction of wages is perhaps more painful for an indentured Indian than imprisonment.

The fact that the Bill, if I read it rightly, is an enabling Bill, does not, in my humble opinion, in any way weaken the above argument. I have some little experience of the working of the present law. The manner in which these trials take place does not always favour the complainants and the Magistrates, being unable to wade through a maze of exaggeration, are often obliged to set down complaints as “vexatious and frivolous” though they may be perfectly true.

The remedy, if I may suggest one, and if, indeed, it is necessary, is to be found in a speedy settlement of such complaints. An Act to

give these complaints a preference to be heard before all others, and enabling the prosecutor to bring these cases up on the shortest notice, and perhaps compelling other work from such men, while away from their estates, so as to discourage idleness, would meet the evil if it does exist to any great extent, without curtailing the liberty of the persons affected, or without rendering it next to impossible for them to complain.

I beg to be excused for the lengthy argument; as I know the Government are anxious to do justice between man and man and to hear both sides of the case, I thought I would be failing in my duty if I did not place before the Government the view that the Indians have taken of it. The employers of labour from the very nature of their position can take only one view of the question. The free Indians, being the kith and kin of the indentured Indians and not being employers, may be allowed to take a dispassionate view.

Under the circumstances, may I venture to hope that the Government would be graciously pleased to take out the clause complained of or so alter it as not to deprive the indentured Indian practically of his right of complaint.<sup>1</sup>

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Ref. No. C.S.O. 1614, File No. 3842, Natal Archives, Pietermaritzburg.

## 85. LETTER TO COLONIAL SECRETARY

MERCURY LANE,  
DURBAN,  
*May 19, 1899*

TO  
THE HONOURABLE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I have the honour to enclose herewith copy of the message which the representative Indians intend to send by cable to Her Majesty's Principal Secretary of State for the Colonies on the 24th

<sup>1</sup> The Colonial Secretary, replying on May 29, 1899, did not accept Gandhiji's proposal.

inst., tendering their humble and loyal congratulations to Her Majesty on her eightieth birthday, and, by their desire, to request you to forward same.

I am to add that on receipt of a memo of monies spent from you I am authorised to forward you a cheque.<sup>1</sup>

*I have the honour to be,  
Sir,  
your obedient servant  
M. K. GANDHI*

1. Enclosure<sup>2</sup>

Pietermaritzburg Archives: G.C.O. 3903/99.

### *86. CABLE TO QUEEN ON HER BIRTHDAY*

DURBAN,  
*May 19, 1899*

NATAL INDIANS TENDER HUMBLE AND LOYAL CONGRATULATIONS  
TO HER MAJESTY ON HER EIGHTIETH BIRTHDAY. FERVENTLY  
PRAYING ALMIGHTY MAY SHOWER CHOICEST BLESSINGS ON  
HER.

From the photostat of the office copy: S. N. 3195.

### *87. PETITION TO CHAMBERLAIN*

DURBAN,  
[Prior to *May 27,*] 1899

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN  
HER MAJESTY'S PRINCIPAL SECRETARY OF  
STATE FOR THE COLONIES

THE PETITION OF THE UNDERSIGNED JOHN FRAZER PARKER,  
OF PRETORIA, IN THE SOUTH AFRICAN REPUBLIC, GENTLEMAN

HUMBLY SHEWETH:

That your Petitioner is a natural-born British subject residing in Pretoria in the South African Republic.

Your Petitioner owns considerable freehold as well as leasehold property in the Transvaal.

Your Petitioner has carefully read the latest notice issued by the

<sup>1</sup> *Vide* "Letter to Colonial Secretary", 29-5-1899, *infra*.

<sup>2</sup> The succeeding item.

Transvaal Government requiring the Indians and other Coloured people to remove to Locations on or before the 1st of July, 1899. The notice, however, states that the Government might deal leniently with those who hold long leases.

Your Petitioner owns ten cottages built on his own freehold property in the town of Pretoria, which he has let to (ten) Cape Coloured persons, commonly known as “Cape boys”, whereby your Petitioner receives per month a sum of twenty pounds (£20) as rent.

Your Petitioner has a lease of property in a street called Prinsloo Street in Pretoria the term whereof has yet to run for 8\_ years. Your Petitioner has, as is common in the Transvaal, as well as in other parts of South Africa, built wood and galvanised iron buildings on the leasehold valued at over £4,500.

The above-mentioned leasehold is occupied entirely by British Indian tenants and the value of their tenancy to your Petitioner according to the present rental, apart from this freehold property, would amount to the sum of £19,380 during the unexpired period of the term.

Your Petitioner apprehends that, if the notice is allowed to affect the present Indian traders in the Transvaal or their successors in business, it would involve a great loss to your Petitioner, and is likely to deprive your Petitioner of the chief source of his income.

Your Petitioner, relying fully on the 14th article of the London Convention, always held the belief that the position of these British subjects was unassailable, and your Petitioner’s sense of justice, seeing that the Indians were British subjects as much as any other persons, refused to believe that, in spite of the arbitration<sup>1</sup> and the recent Test Case<sup>2</sup> regarding the status of British Indians in the Transvaal, the position of the Indians already settled could or would be disturbed.

Your Petitioner’s own experience of the Indians in the Transvaal is very happy. Your Petitioner believes them to be his best tenants, who have always paid the rents regularly and without demur. In your Petitioner’s opinion, they are unobtrusive, docile and extremely well-behaved. They are law-abiding and always willing and ready to conform to the laws of the country which they may go to. Their habits are cleanly and they keep their stores and dwelling-places clean and

<sup>1</sup> *Vide* “Open Letter”, 19-12-1894, Part I and “Petition to Lord Ripon”, 5-5-1895.

<sup>2</sup> *Vide* “Letter to the British Agent”, 28-2-1898, *supra*.

neat. Their courtyards will compare favourably with those of many Europeans. Their sobriety i.e., of the trading class, is proverbial. In your Petitioner's opinion, the charges of immorality and uncleanness one so often notices in the papers made by ignorant and, for most part, anonymous, writers are grossly unfair to them. The patience with which they have put up with the constant "nagging" they have been subjected to for the last ten years is or would appear to a Britisher to be simply marvellous.

The Cape Coloured people who, too, are affected by the notice, are your Petitioner's equally valuable tenants. They are cabmen or cigar makers, &c., and have adopted the European habits and customs.

In your Petitioner's humble opinion, it is the fact of a person being a British subject that renders such a person liable to disabilities in the Transvaal which he could not otherwise be subjected to. The Indian subjects of the King of Portugal are free to hold licenses and to enjoy the rights commonly enjoyed by the other residents of the Transvaal.

Your Petitioner submits that, so far as Pretoria is concerned, as it is, the bulk of the Indians are already separated from the Europeans, only not so as to ruin their trade or to subject them to indignity, as is sure to happen if they are relegated to a Location. The business section of Prinsloo Street, which runs across the middle of Church Street, the principal street of Pretoria, is almost entirely inhabited by Indian traders. Here the Government could exercise any control they chose in the interests of sanitation, if it was merely a question of separating the Indians from the Europeans and bringing them together in one place with the object of more supervision. The few Indian merchants that are to be found in Church Street have such large businesses and keep their stores and courtyards in such good condition that, in your Petitioner's humble opinion, to disturb them would be wanton injustice as, indeed, it would be in all the other cases, only the effect would not be so disastrous as in the cases of the Church Street merchants, whose long-standing businesses have given the positions they occupy considerable trade value.

Your Petitioner has seen the Location intended to be used by the Indians. It would place them, who are undoubtedly infinitely superior to the Kaffirs, in close proximity to the latter. A sluit, which receives the filth and the dirt from the cantonment, which lies some distance

upwards, separates the Location from the Town. It is situated in an out-of-the-way corner relieved by nothing less than the refuse of the Town, which is deposited nearby and is absolutely unprotected against storms, which are by no means uncommon. As a man of business your Petitioner can say that the place is absolutely unfit for trade, it being frequented neither by Europeans nor the large stream of Kaffirs continually passing through Pretoria who form these unfortunate people's chief customers. It is needless to say there is no effective arrangement for the removal of nightsoil nor a water supply except the filthy and polluted water from the sluic.

Your Petitioner has thought it necessary to mention these facts in order to show that, in asking Her Majesty's Government to protect his interests, he asks for nothing that would be inimical to the interests of the general population of Pretoria. For, your Petitioner is free to admit that, if even a fourth of the charges brought against the unfortunate Indian traders were true, your Petitioner's interests would have to give way before those of the social body at large. Your Petitioner may incidentally mention that there are other natural-born British subjects placed more or less in the same position that he is placed in.

The fact that the Government have expressed their willingness to leniently consider the question of the Indians holding long leases, does not affect the position herein taken up by your Petitioner, who can ill-afford to give these merchants very long leases for the simple reason that they would mean a much lower rent than what your Petitioner is able to obtain for shorter terms.

Your Petitioner has had on several occasions an interview with His Honour the British Agent, who was gracious enough to give to your Petitioner such information and advice as he could give. A time, however, your Petitioner humbly submits, has now arrived for a more formal and fuller representation, and your Petitioner respectfully prays that the matter would receive the consideration it deserves and for this act of justice and mercy your Petitioner shall, as in duty bound, for ever pray, &c., &c.,

J. F. PARKER

Colonial Office Records: C. O. 417-1899: Volume XX, Parliament.

88. *LETTER TO W. WEDDERBURN*<sup>1</sup>

DURBAN,  
14, MERCURY LANE,  
*May 27, 1899*

SIR,

I venture to enclose herewith a copy of the Memorial of the British Indians in the Transvaal with reference to their position in virtue of the latest notice issued by the Transvaal Government, requiring the Indians in that country to remove to Locations on or before the 1st July this year.

It will be seen from the notice that the Government propose to remove the Indians to Locations for the purposes of sanitation. Would it, then, be unreasonable to ask the Colonial Secretary to see that the sanitary reasons do exist before the Indians are removed to Locations? The petition furnishes, in my humble opinion, ample proof to show that there can be no sanitary reasons for the measures proposed to be adopted by the Government.

The grievances of the Uitlanders which have attracted world-wide attention and which nowadays fill up columns of the leading newspapers are, it is submitted, insignificant compared to those of the British Indians in the Transvaal as well as other parts of South Africa. Will it, then, be asking too much of the sympathisers in England and the Indian public to give this very important matter (important because it affects the future of the whole of India so far as emigration outside India is concerned) their best attention?

The petition referred to in this letter is in the hands of the British Agent in Pretoria, but pending the result of the Conference between the High Commissioner and the President of the Republic at which the Indian question will also be discussed, the despatch of the petition to Mr. Chamberlain has been delayed. It may not even be sent to him. But as time is of utmost importance in this matter, it was considered prudent to send the petition lest the negotiations referred to above might prove abortive.

A copy of the petition by Mr. Parker, of Pretoria, a natural-born British subject, with reference to the same matter, is also sent herewith.

<sup>1</sup> The letter was a printed one and evidently addressed to prominent public men in England and India.



It may throw a great deal of light on the question.

*I remain,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Colonial Office Records: C. O. 417-1899: Volume XX, Parliament.

*89. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*May 29, 1899*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 27th inst. with reference to the congratulatory cable to the Queen-Empress from the Natal Indians and beg herewith to enclose cheque for £4.15.0 as per advice.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: G.C.O. 3903-99.

*90. TELEGRAM TO COLONIAL SECRETARY*

[DURBAN,]  
*June 30, 1899*

TO  
HON'BLE COLONIAL SECRETARY  
PIETERMARITZBURG

SHALL BE OBLIGED IF YOU WILL INFORM WHETHER GOVERNMENT INTEND TAKING OUT FROM ABSENTEE LANDLORDS BILL CLAUSE AFFECTING INDIANS BY IMPLICATION AS OTHERWISE INDIANS INTEND PROMOTING PETITION.

GANDHI

From the photostat of the office copy: S. N. 3214.

## 91. ADDRESS TO RETIRING MAGISTRATE

*The following is a press report of Gandhiji's speech and the address read by him on the occasion of the presentation of a souvenir to Mr. G. M. Rudolph, a retiring magistrate of Ladysmith, by the Indians of the town.*

*[July 5, 1899]*

Mr. M. K. Gandhi said it gave him the greatest pleasure to be called upon by his countrymen in Ladysmith to take part in this function. It was a privilege and an honour. Since the presentation by the Court officials a healthy jealousy had arisen among Ladysmith Indians, who, through Mr. Vinden, instructed him to see that the present address and souvenir were in no way inferior to those already presented. The execution of the address was left in the hands of Mr. Singleton, who executed eight out of every twelve addresses in the Colony, and selection of the souvenir with Mr. Ferguson, who assured him that the centrepiece was a unique piece of good workmanship. He mentioned this to show the gratitude and affection of Ladysmith Indians towards His Worship. When he was lately there his countrymen vied with one another in telling him of His Worship's stern impartiality, loving kindness, and gentle disposition, and herein they now found expression to their sentiments on His Worship's retirement. The lamp of gratitude and affection in the Indian heart was ever ready to respond to the spark of sympathy, of which they had in abundance from His Worship, and it was a matter of pride that he was associated with that happy event. He then read the following address:

SIR,

We, the undersigned, representing the British Indian residents of Ladysmith, hereby venture to place on record our deep sense of gratitude, on this the eve of your retirement from active service in the Colony, for the impartiality with which you have administered justice during your tenure of office in Ladysmith. We have noticed with joy that the people of the Colony, through the local Parliament, have decided to recognise your long record of exceptionally useful service by granting you full pension. Whilst we rejoice that you are about to enjoy well-earned rest, we cannot cherish the prospect from a selfish point of view without sorrow. Your kindness towards the litigants, the patience with which Your Worship endeavoured to master the essence of cases that came before you, and the even-handed justice that was dealt to all, without fear, favour or prejudice, have endeared you to the

Indian community, and have added lustre to the British Constitution, so worthily represented by you for so long in Ladysmith. We beg that you would be pleased to accept the accompanying souvenir as a token of the esteem of the Indian community of this town for Your Worship. With respectful wishes for a long, happy and peaceful life, and with prayers to the Almighty that He may fulfil our wishes,

*We are, &c.,*  
AMOD MOOSAJIE OMAR  
AND OTHERS

*The Natal Mercury, 7-7-1899*

## 92. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN  
*July 6, 1899*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

With further reference to your letter dated the 13th ultimo, in view of the correspondence that is going on between the Imperial and the local Governments, it may not be amiss to show how far the fears expressed in the "Dealers' Licenses Memorial" have been realised. I have not been able to collect accurate information from all the places, but so far as the information has been received, it is of an extremely discouraging nature.

In Dundee, the licenses were first refused and on an appeal they were granted under certain qualifications endorsed on the back of the licenses, viz., "This license is granted upon the distinct understanding that it will not be renewed in the present buildings. By order of the Board. (Sd.) Fras. J. Birkett, Licensing Officer and Town Clerk". In answer to an enquiry, several of the license holders said that they thought the licenses were so granted because their stores were wood and iron buildings. It appears Messrs Handley & Sons and Harvey Greenacre & Co. in Dundee have a brick front but the rest of their stores is wood-and-iron. Messrs Taylor & Fowler, merchants of Dundee, have their store entirely of wood and iron. In Newcastle the licenses refused last year have been refused this year also. The Town

Council were good enough to give some time to two of the applicants in order to enable them to sell off their stock, but this could hardly act as a remedy against the loss occasioned to the parties concerned. One of them, Abdool Rassool, had a large business and owned a wood and iron store. It was pointed out to the Council that the building which represented to him a value of £150 would fetch practically nothing if it had to be sold.

In Verulam, I understand, two applicants who held a license last year have been refused their licenses this year and the men as well as their servants are now comparatively reduced to poverty.

In Ladysmith, one M. C. Amla, who has been trading there for several years, has been deprived of his license on the ground that the place where he was trading was situated in the chief street of the Township and that it was suitable only for a European trader. The owner applied for a license with reference to another building immediately near an Indian store and owned by the owner of that store. That application, too, has been refused on the same ground. I might be permitted to mention that there are other Indian stores in the same street.

In Port Shepstone, two large Indian merchants have lately sold their businesses to two other Indians. These applied for licenses and the Licensing Officer refused them. An appeal was taken to the Licensing Board with no better result, and the parties are now considering what to do.

It is humbly submitted that it is a serious matter when one man, because he is an Indian, cannot sell his business to another, also because that other is an Indian, for the refusal to grant the license in such cases is tantamount to forbidding a purchase and sale unless it were done in an underhand manner.

An Indian, who had sold out his premises to the Dundee Coal Co. and had therefore entirely wound up his business, came down to Durban and purchased a previously licensed store on the Umgeni Road and applied for a license for himself. The Licensing Officer, after the man had made several applications and after he had gone to the expense of engaging an eminent counsel in Durban at a heavy cost, granted the license and then only for a limited period in order to enable the applicant to sell out the goods he had already bought in anticipation of receiving a license.

These are some of the cases where vested interests have been

prejudicially affected. But cases where thoroughly good men with capital have been refused licenses because they were Indians who did not hold a license to trade the previous year are too numerous to mention.

The Indians have noticed with satisfaction and gratitude the fact that the Government are anxious to see that the vested Indian interests are not injured, in that they have addressed letters to the several Town Councils and Town Boards to the effect that unless they took care not to touch vested interests, legislation giving Indians right of appeal to the Supreme Court might become necessary. I am, however, to point out that such an appeal to the Boards may not have a permanent effect, if at all, and would still leave the Indian traders in a state of dreadful suspense. The alteration suggested by the letter above referred to would indeed, in my humble opinion, be only a small measure of justice, but extremely desirable in the interests of the Indian community, already settled in the Colony.

I am to request that the contents of this letter may be communicated to the Right Honourable the Secretary of State for the Colonies.

*I have etc.,*

M. K. GANDHI

Enclosures in Despatch No. 96 from the Governor of Natal to H. M.'s Principal Secretary of State for the Colonies, London, dated 14th July, 1899.

Colonial Office Records: Memorials and Petitions, 1899.

### 93. *THE INDIAN QUESTION IN SOUTH AFRICA*<sup>1</sup>

DURBAN,  
July 12, [1899]

I dealt in my last letter<sup>2</sup> with the Indian question as it stands in the now greatly agitated South African Republic, which is the centre of attraction to the whole world. I dealt with the plague panic in South Africa in my first letter.<sup>3</sup> I propose now to discuss a phase of the Indian question in Natal, as affecting the education of the Indian children, which would show how far prejudice has been allowed to go.

At present there are about twenty-five schools expressly meant

<sup>1</sup> *Vide* footnote, "The Plague Panic in South Africa", 20-3-1899, *supra*.

<sup>2</sup> *Vide* "Indians in the Transvaal", May 17, 1899.

<sup>3</sup> *Vide* "The Plague Panic in South Africa", March 20, 1899.

for the education of the children of indentured Indians, attended by nearly 2,000 pupils. Most of these schools are managed by the missionaries, chiefly representing the Church of England Mission, superintended, as to its Indian section, by the Rev. Dr. Booth, a venerable gentleman very much loved by the Christian portion of the Indian community. These schools receive from the Government a grant by no means adequate for their support. The buildings, as a rule, are of the most primitive type—a few corrugated iron sheets and a few planks of wood composing the material. They are wretchedly constructed and, in country places, are devoid even of flooring, mother earth serving the purpose. In one instance, a stable has been turned into a school. The pupils, being drawn from the poorest Indians, are naturally not well clad. The tuition imparted is in keeping with the surroundings, the schoolmaster drawing from £2 to £4 a month—in some instances more. The cost of living—I mean decent living—for a person occupying such a position would be, in the case of a careful bachelor, not less than £8. Labour for an Indian affords a better opportunity than the vocation of a teacher; naturally, therefore, the teachers are of a very poor type, though under the circumstances they do their best. The respectable portion, then, of the Indian community, such as clerks, interpreters, storekeepers and others, do not care to send their children to these schools. Hitherto, such as would pay the high fees that are levied here have been able, though by no means without much difficulty, to enter the general public primary schools. An agitation was started some few years ago to prevent any Indian children from gaining entrance into public schools unless they had exhausted the resources of their own schools; and thus an attempt was made to foist the above described Indian schools for the poorest children on the respectable Indians. Since then the difficulties in the way of respectable Indian parents sending their children to the Government schools have been increasing. Now, it is the headmaster who would put difficulties in their way, and now it is the Government. Latterly, very few Indian children, hardly half a dozen, have been able to enter the public primary schools, and that after undergoing immense difficulties.

The present Government, however, have made a big bid for popularity, and have declared their intention of entirely shutting these schools against the Indian children. There is a humorous, if it were not painful, side to this eruption of racial feeling. If an Indian parent has six children, of whom five have received their education in the

primary schools, he cannot now give the same education to the last child. If there is a parent ready to disown his Indian nationality, he can send his child to the public schools, thus, unfortunately for the Government, crushing their argument to the effect that the admission of the Coloured children leads to ill-feeling and uproar. A child born of prostitution, where one parent is European, is admissible. It is the full-blooded Indian alone who has the ban of excommunication stamped upon him. The Government seem to have shrunk from their own unjust action, and as a sop to their conscience and in order to satisfy the claim of some of the Indian applicants for the admission of their children to the public primary schools, have opened what they are pleased to call a higher grade school for Indian children, which is supposed to be, in all respects, equal to the above schools. The applicants can hardly be said to have been satisfied; and while the higher grade school is undoubtedly far superior to the wretched tin shanties referred to Above, and is manned by a staff of European it can in no way be said to be equal to the other primary schools in every respect. This school by no means provides for all standards as yet, and the girls are entirely overlooked. Even if it were accepted as a compromise, it leaves many requirements yet unsatisfied. There is absolutely no provision for the Indians to go beyond the three R's! All attempts to gain admission into the high schools of the Colony have so far failed, the Government absolutely declining to entertain any such application.

The prospect is indeed very gloomy, unless aid comes in time from Downing Street or Fort William. It is impossible to withhold one's sympathy from parents who are ready to give their whole fortune for a thorough training to their children, and yet who are simply unable to do so owing to the Government restrictions. One Mr. Godfrey, a respected Indian Mission schoolmaster, is a case in point. Though his own education is not very liberal, he is most anxious to bring up his children in the best possible way. All his children but one have been educated in the Government schools. He sent his eldest son to Calcutta, gave him a University training there, and has now sent him to Glasgow to study medicine. His second son is the first Indian to have passed the competitive examination for the Civil Service of the Colony. He is unable to send his youngest daughter to the Government Primacy School and, in spite of his efforts, was prevented from getting his third son, a promising youth, admitted to the Durban High School. It may be stated that this family has been living in the

European style. All the children have been brought up from their infancy to speak English, and naturally they speak it very well. Why this child should be shut out when all the other children have been allowed to enter the Government School passes comprehension. This instance shows, more vividly than anything else could, how difficult the position of the Indians inferior to Mr. Godfrey must be.

The Natal Parliament, dubbed by Mr. Rhodes<sup>1</sup> “the parochial assembly” in South Africa, is now sitting, and the Attorney-General who is also Minister of Education and who is supposed to be a gentleman with a conscience, and who is undoubtedly an otherwise esteemed gentleman, has been telling the inquisitive members of the Natal Parliament that his Government have been the first to close the doors of the Government schools against the Indians. Therefore, a simple appeal to him to do justice by, at any rate, leaving the Government schools free to the children of those parents that have hitherto been allowed to educate their children there, has absolutely no effect, and all for the sake of a few miserable votes—for that is what is at the bottom of all this unrighteous and unreasoning opposition to the Indians. The ministers do not—dare not—do what is right, lest their doing so may jeopardise their position at the next general election. When responsible Government was granted to Natal, those who clamoured for it were loud in their protestations that full justice would be done to those who did not possess the franchise. After the Colony became a self-governing Colony, Sir John Robinson, the first Prime Minister under the new form of Government, in introducing the Indian Disfranchising Bill, said that the Colony—that is to say, in his estimation, the Europeans—were fully aware of the increased responsibilities that naturally went with the increased freedom they enjoyed, and their still further increased responsibilities in that they were depriving the Indians of the franchise they possessed. The unfortunate Indians, it would appear, almost prophetically said that talk of that description was meant for consumption in the Colonial Office in Downing Street, and that it deceived nobody in Natal. They said that the disfranchisement was merely the thin end of the wedge and that, if the Home Government yielded to the pressure from the Natal Government, it would practically mean ruin for the Indians. All this has come only too true. The poor Indians have known no rest since responsible Government

<sup>1</sup> The reference is to Cecil Rhodes, twice Premier of Cape Colony.



has been granted. One after another, the elementary rights of British citizenship have been snatched away from them; and, if Mr. Chamberlain and Lord Curzon are not wide awake, the British Indians in Natal will, one of these days, find themselves stripped of all that they have been taught to believe they possess as subjects of the Queen-Empress.

The dissatisfaction that the latest move on the part of the Natal Government in the matter of education has caused amongst the Indian to Christianity, of whom there is a large number, is indeed very intense. They, of all others, know fully, and have been taught to understand, the advantages of Western culture. They are taught by their religious teachers the doctrine of equality. They are told, Sunday after Sunday, that their Great Master knew no distinction between a Jew and a Gentile, a European or an Asiatic. Small wonder, then, if they feel keenly the disabilities that are sought to be imposed upon them in the educational line. It is difficult to say where the present agitation against the Indians will end. The wish of the white Colonists may perhaps fairly be said to be embodied in the following extracts from the speeches of well-known members of the Natal Parliament:

Mr. Palmer thought it undesirable that so large an increase should be made in the money voted for the education of Indians, who were thus being fitted to supplant the children of white Colonists.

Mr. Payn moved that the item be struck out, remarking that:

Indians who came here had the right of leaving the Colony. There were thirteen blacks (?) to every white in Natal, and yet Parliament was voting money to educate the blacks to oust Europeans. Some people were doing worse than that—selling land to blacks which would be foundation of the strength of the coloured people here in the future. (*Natal Mercury*, 8th June, 1899.)

It need not take a long time to know on which side justice lies. Sir Harry H. Johnston, whose name is well known to your readers, rightly says in his recent book on the “Colonization of Africa”:

On the other hand, from the Imperial point of view—from what I call the policy of the Black, White, and Yellow—it seems unjust that Her Majesty’s Indian subjects should not be allowed to circulate as freely as those of her lieges who can claim European descent. (p. 177)

And, after all, is it not the Imperial point of view alone which is worth considering, and before which every other view must bend? It is to be hoped that the public in India will be sufficiently alive to the

importance of the question, which in its widest aspects affects not only the fifty thousand Indians in Natal, but each one of the three hundred millions who may care to go out of India in search of livelihood.

*The Times of India* (Weekly edition), 19-8-1899

#### 94. LETTER TO COLONIAL SECRETARY

DURBAN,  
July 13, 1899

SIR,

With reference to my letter dated the 6th inst. regarding the Dealers' Licenses Act, I wish to correct an error that has crept therein.

I find that only one case of hardship of the description mentioned in my letter has happened in Port Shepstone. The other case never went to the Licensing Officer, as the Attorney who had charge of both cases, owing to the unfortunate result of the first case, advised his other client not to go on with his application. Steps are now being taken to make the other application also.

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

Colonial Office Records: Memorials and Petitions, 1899.

#### 95. LETTER TO BRITISH AGENT

JOHANNESBURG,  
July 21, 1899<sup>1</sup>

TO  
HIS HONOUR THE BRITISH AGENT  
PRETORIA

SIR,

On behalf of the Indian community in Johannesburg, I beg to lay the following before Your Honour:

1. At the interview you were graciously pleased to grant the deputation, consisting of Mr. Hajee Habib Hajee Dada, Mr. H. O. Ally, Mr. Abdul Rahman, and myself on Thursday last (July 20, 1899), you informed the deputation that Her

<sup>1</sup> The letter was completed and despatched after July 22, 1899.

Majesty's Government would not at present interfere as regards the general question, viz., the whole status of the British Indians in the Transvaal; that the Indians must abide by Law 3 of 1885, as amended in 1886, but that Her Majesty's Government would be prepared to interfere at any time with reference to special cases, such as the sites of Locations, cases of long leases, etc.

2. I am to say that Her Majesty's Government having accepted the above law, there is no desire on the part of the Indian community not to abide by the law, so long as it remains on the Statute book of the Republic.
3. But I am to point out, as it was done at the above interview, with due deference, that as the Locations are to be pointed out, as the law states, for the purposes of sanitation, the necessity on that ground ought to be clearly established. And if in that case the question be that of each Indian having to prove that he has been living in accordance with the sanitary regulations, and that his presence in town is in no way a danger to the community generally from a sanitary point of view, the matter even then seems to be extremely simple. If Her Majesty's Government succeed in establishing the point that the Transvaal Government would not remove those Indians who produce satisfactory evidence as to their sanitary condition, I venture to submit that the rest of the burden could be discharged by parties affected, without having to trouble Her Majesty's Government.
4. In Johannesburg and the suburbs, apart from the present Indian Location, there are, it appears, about 125 British Indian storekeepers and about 4,000 hawkers, the storekeepers possessing unliquidated assets collectively estimated at about £375,000, and the hawkers about £400,000.
5. Most of the storekeepers possess leases, with the exception of 3 or 4. However, none of them has availed of the Government Notice calling upon them to register their leases.
6. The people were and are in a state of terror; they do not know what to do. The cablegram appearing in the

newspapers to the effect that Her Majesty's Government were still in communication with the Transvaal Government, and that Her Majesty's High Commissioner. was instructed to take up the matter at the Bloemfontein Conference<sup>1</sup> served as an effective check against the storekeepers registering their leases.

7. The Indians residing in Johannesburg cannot, even if they wanted, remove to the Location situated in the Brickfields.
8. It contains, according to the report of the Inspector of Natives and Traffic in Johannesburg, dated the 10th January, 1896, ninety-six stands, each 30 by 50 ft. The Location was even at that date, as the Inspector states, overcrowded, containing a population of 3,300. The state of the Location at present, from that point of view, is probably worse than it was in 1898.
9. The Government of the South African Republic, it is understood, intend to remove the Indians in town to a place called Waterval, 4 miles distant from Johannesburg Market Square, the central part of Johannesburg. Surveyor's diagram and medical report thereon are hereto attached.<sup>2</sup> The diagram shows the distance also from the end of the inhabited portion of the town.
10. It is submitted that to ask the Indians to remove to that place would be practically asking them to leave the Transvaal. The storekeepers could never do any business there. The hawkers could not be expected to walk with their wares from and to that place every day.
11. The fact that there are no sanitary arrangements there, no water, no police protection and that the place is situated in the vicinity of the place where the refuse of the town and night-soil are deposited, are minor considerations in comparison with the fact that it is situated at such a great distance as 4-miles with no population of any kind within practically a two-mile radius.

<sup>1</sup> The High Commissioner had been asked to suggest to the South African Government the possibility of creating an Asiatic quarter within each town. *Vide* also footnote 2 on "Memorial to Chamberlain", 16-5-1898, *supra*.

<sup>2</sup> These documents are not available.

12. The Government appear to have entered into an agreement with Herman Tobiansky, of Johannesburg, in connection with this site, as will appear from copy thereof<sup>1</sup> hereto annexed.
13. The lease bristles with provisions extremely harmful to the persons that might be located on the ground leased, but it is unnecessary to dilate thereon as the site itself is so manifestly unsuitable for the purposes mentioned.
14. It appears that the Kaffirs too, who are most of them labourers and not affected from a commercial point of view, have lodged their protest against their removal to the above site.
15. It has often been submitted that the removal of the Indian storekeepers to Locations, wherever they may be, would mean almost certain ruin for them.
16. It is respectfully submitted that if Her Majesty's Government could not see their way to move in the direction humbly suggested in paragraph 3 hereof, the least that would prevent the entire ruin of the Indian storekeepers would be to leave the present storekeepers untouched. The hawkers could, if absolutely necessary, be removed to a Location if it is suitably situated and otherwise not objectionable. Exceptional sanitary provisions might, if necessary, be made regarding the storekeepers.
17. If, however, relief of the nature above indicated could not be secured, I am humbly to submit that a spot in the business portion of the town set apart for the Indian storekeepers for their business purposes, subject to such rent and other regulations that may be necessary, might enable a large number of the traders to earn their livelihood; but such an arrangement would not by any means afford relief to the few large Indian merchants.
18. While the matter is in course of settlement, the extension of time enabling the Indians to obtain temporary licences, or an understanding that they will not be interfered with in pursuit of their trade in the meantime, is very necessary by way of immediate temporary relief.

<sup>1</sup> This document is not available.

19. It may be stated that the Transvaal Government seem to have granted the above relief in Johannesburg. I am further to state that the Government of the Republic has served the following notice on the owners of the stands in the “Coolie Location”, dated the 23rd May, 1899:

You are hereby warned that, in accordance with the Government Notice No. 208, appearing in the *Staats Courant* of the 26th April, 1899, only you and your family will be allowed to reside on your Stand, after June 30th of the present year.

(Signed) A. SMITHERS

20. It appears that a protest with reference to this notice has already been lodged with His Honour the British Vice-Consul. The intention underlying the notice is obvious. It is submitted that in Law 3 of 1885 and its amendment, there is absolutely no sanction for any such restriction.
21. It is hoped that the Transvaal Government have no right and that they will not insist upon disturbing the rights of the present population in the Indian Location.
22. But if the town population must be partly or wholly removed to a Location, it is clear that another site will become necessary.
23. The Town Council, with the approval of the Transvaal Government, have adopted certain regulations regarding Locations, which go far beyond the scope of Law 3 of 1885, and its amendment. Copy of the regulations is hereto attached marked D.<sup>1</sup>
24. It is much feared that the Transvaal Government would apply these regulations to any new site they may select for the removal of the Indians residing in the town. Indeed, the Annexure C<sup>2</sup> shows this quite clearly.
25. Any scheme, therefore, for the removal of the Indians, whether hawkers or others, in order to be at all satisfactory, should give the Indians the same proprietary rights in the Locations as are granted to the other communities in town

<sup>1</sup> These documents are not available.

<sup>2</sup> *ibid*

generally.

26. There is no prohibition in the law above referred to against Indians owning land in Locations or dealing with it as they choose. Indeed, hawkers could not be expected to buy land and erect their own buildings in the Locations. And it is respectfully submitted it would be a great injustice if the land in Indian Locations or the right to build thereon is given to any but Indians.
27. In conclusion, it is to be hoped that before accepting any scheme for a Location or a general settlement, the responsible Indians will, if possible, be taken into confidence, so as to enable them to make suggestions if necessary.
28. Now that there is a prospect of Indians generally being shifted to Locations, will it be too much to expect a change of official name "Coolie Location" for "Indian Location"?
29. I may state that I had the honour to wait upon His Honour the State Secretary on Saturday morning<sup>1</sup> not in my representative capacity, but in my individual capacity, and while telling him that with regard to their grievances they must in future, as they had done in the past, lay them before their own Government, humbly pleaded for magnanimity in view of the fact that the Indians possessed great antecedents, were, no matter where they went, most law-abiding, and instead of being in any way a harm to the Burghers of the State, they were rendering a humble but useful service to them in their various pursuits. The State Secretary was good enough to extend to me the utmost courtesy, and granted me a long and patient hearing.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

From the photostat of an original printed copy: S. N. 3245.

<sup>1</sup> According to a report in *The Standard and Diggers' News* of 24-7-1899, this interview took place on the preceding Saturday, July 15.

## 96. INTERVIEW TO THE “STAR”

[Prior to July 27, 1899]

Questioned by the *Star*,<sup>1</sup> Mr. Gandhi stated that in Pretoria the Indians are permitted by the State Attorney to trade without licences until water is laid on. Now that this work has been completed, the authorities will insist on the Asiatics removing into the Location. In Johannesburg, the officials do not, for the present, intend to take active measures. The Waterval Location, from every point of view, is entirely unsuited. It was out of the question that hawkers should walk such a distance morning and night; and, as regards storekeepers, transfer of businesses meant that they might as well give up trading altogether, for, with the exception of other Coloured residents, there were no people within a radius of two miles. As yet there were no sanitary arrangements, while the place was in proximity to the depositing site for refuse. The Indians were prepared to show that on sanitary grounds there was no justification for their removal, and, if there were cases of insanitation, these could always be dealt with under regulations. It seems probable the main reason the authorities have postponed action is that not a few of the stands and buildings belong to Indians, and those men cannot be dispossessed. Mr. Gandhi saw no reason why a satisfactory arrangement could not be come to between the Imperial and the Transvaal Governments.

*The Natal Mercury*, 27-7-1899

## 97. PETITION TO NATAL GOVERNOR

DURBAN,  
July 31, 1899

TO  
HIS EXCELLENCY THE GOVERNOR OF NATAL  
SIR,

We sent you last January a copy of the memorial respecting the Dealers' Licenses<sup>2</sup> Act of Natal addressed to the Right Honourable the Secretary of State for the Colonies. From the following it would appear that Mr. Chamberlain is in correspondence with the Natal Government regarding the measure:

<sup>1</sup> The original interview in the *Star* is not available.

<sup>2</sup> The spelling of this word at various places, in this and other documents, as given in the original is being retained.



PIETERMARITZBURG,

13th June, 1899

With further reference to your letter of the 11th January last,<sup>1</sup> addressed to His Excellency the Governor, containing a Memorial signed by certain Indians on the subject of the Dealers' Licences Act No. 18, 1897, I have the honour to inform you that the Secretary of State for the Colonies is in communication with this Government with reference to the petitioners' complaint.

The following appears in *The Natal Witness*, dated 4th July, 1899, with reference to the letter addressed by the Government to the Ladysmith Local Board:

A letter was read from the Principal Under Secretary advising the Board to exercise caution in refusing Indian licenses so as not to interfere with vested interests, as unless this was done the Government would be obliged to introduce legislation giving Indians right of appeal from the decisions of Local Boards to the Supreme Court. But if care was exercised in refusing Indian licenses, such legislation need not be introduced.

It was decided to inform the Government that the matter should have full consideration and the Town Clerk was instructed to lay the matter before the Board.

It is presumed that a similar communication has been addressed to each of the Local Boards or Town Councils in the Colony.

It is gratifying to note that Mr. Chamberlain is alive to the danger that besets the Indians in the Colony. If the strong arm of protection from the imperial Government is not stretched forth in their behalf, and that the Natal Government is evidently anxious in some way or other to meet Mr. Chamberlain. But at the same time it is extremely desirable that the real bearing of the above letter should be understood, and that the Colonial Office, or the sympathizers, should not be lulled into the belief that the letter in any way solves the difficulty or removes the anxiety that is preying upon the Indian mind in Natal. The Town Councils and the Local Boards have got certain powers under the Act, and they are entitled to use those powers in the way it pleases them without let or hindrance. Strictly speaking, the letter is unconstitutional, and at best a gratuitous piece of advice which the Local Boards or the Town Councils are in no way bound to follow. Indeed, there is no knowing that it will not be resented by some at least of the more forward municipalities as an unwarranted

<sup>1</sup> Vide "Covering Letter to Petition", January 11, 1899.

interference by the Natal Government. Be that however as it may, we are prepared to assume, for the sake of argument, that the municipalities concerned may, *for a time*, use their powers in such a manner as not to appear to be affecting “vested interests”. they may take the hint given by *The Times of Natal* referred to in the memorial, and perform the process of “gradual weeding out” so as not to cause a commotion. Certain it is that the relief, if any is afforded by the letter, will be merely temporary, and may in the end aggravate the disease instead of removing it. What is needed, and what is also the least that ought to be given is, in our humble opinion, the alteration In the Act suggested by the Government, viz., the giving of the right of appeal to the Supreme Court against the decisions of the municipalities. For, it is the Act that is really bad and un-British. The powers given thereby are arbitrary, and a gross encroachment upon the elementary rights of citizens in the British territories. The municipalities, so far as we know, never asked for such powers; they certainly asked for discretionary powers, but the Act goes much further: it constitutes them their own Supreme Court.

With a view then to inform you as to what is going on here with reference to the Dealers’ Licenses Act, and to show how far the fears expressed in the memorial referred to above have been realised, we have ventured to approach you in the matter. The following letters have been addressed to the Natal Government on our behalf which speak for themselves:

With further reference to your letter dated 13th June in view of the correspondence that is going on between the Imperial and Local Governments, it may not be amiss to show how far the fears expressed in “the Dealers’ Licenses Memorial” have been realised. I have not been able to collect accurate information from all the places, but so far as the information has been received it is of an extremely discouraging nature. In Dundee the licenses were first refused and on an appeal they were granted under certain qualifications endorsed on the back of the licenses, viz.: ‘This license is granted upon distinct understanding that it will not be renewed in the present buildings. By order of the Board, (Sd) Fras. I. Birkett, Licensing Officer and Town Clerk.’ In answer to an enquiry, several of the license-holders said that they thought the licenses were so granted because their stores were wood and iron buildings. It appears Messrs. Handley & Sons and Harvey Greenacre & Co., in Dundee, have brick fronts but the rest of their stores is wood and iron. Messrs. Taylor & Fowler, Merchants of Dundee, have their stores entirely of wood and iron. In Newcastle the licenses refused last year have been refused this year also. The

Town Council were good enough to give some time to two of the applicants in order to enable them to sell off their stock, but this could hardly act as a remedy against the loss occasioned to the parties concerned. One of them, Abdool Rassool, had a large business and owned a wood and iron store. It was pointed out to the Council that the building which represented to him a value of £150 would fetch practically nothing, if it had to be sold.

In Verulam, I understand, two applicants who had a license last year have been refused their licenses this year, and the men as well as their servants are now comparatively reduced to poverty.

In Ladysmith, one M. C. Amla, who has been trading there for several years, has been deprived of his license on the ground that the place where he was trading was situated in the chief street of the township and that it was suitable only for a European trader. The owner applied for a license with reference to another building immediately near an Indian store and owned by the owner of that store. That application too has been refused on the same ground. I might be permitted to mention that there are other Indian stores in the same street.

In Port Shepstone, two large Indian Merchants have lately sold their businesses to two other Indians. These applied for licenses and the Licensing Officer refused them. An Appeal was taken to the Licensing Board with no better result, and the parties are now considering what to do.

It is humbly submitted that it is a serious matter when one man, because he is an Indian, cannot sell his business to another, also because that other is an Indian, for the refusal to grant the license in such cases is tantamount to forbidding a purchase and sale unless it were done in an underhand manner.

An Indian who had sold out his premises to Dundee Coal Co., and had therefore entirely wound up his business, came down to Durban, and purchased a previously licensed store on the Umgeni Road and applied for a license for himself. The Licensing Officer, after the man had made several applications and after he went to the expense of engaging an eminent counsel in Durban at a heavy cost, granted the license and then only for a limited period in order to enable the applicant to sell out the goods he had already bought in anticipation of receiving a license.

These are some of the cases where vested interests have been prejudicially affected. But, cases where thoroughly good men with capital have been refused licenses because they were Indians who did not hold a license to trade the previous year are too numerous to mention.

The Indians have noticed with satisfaction and gratitude the fact that the Government are anxious to see that the vested Indian interests are not injured,

in that they have addressed letters to the several Town Councils and Town Boards to the effect that unless they took care not to touch vested interests, legislation giving Indians right of appeal to the Supreme Court might become necessary. I am, however, to point out that such an appeal to the Boards may not have a permanent effect if at all, and would still leave the Indian traders in a state of dreadful suspense. The alternative suggested by the letter above referred to would indeed, in my humble opinion, be only a small measure of injustice but extremely desirable in the interests of the Indian community already settled in the Colony.

I am to request that the contents of this letter may be communicated to the Right Honourable the Secretary of State for the Colonies.

#### Second letter:

With reference to my letter dated 6th instant regarding Dealers' Licenses Act, I wish to correct an error that has crept therein.

I find that only one case of the hardship of the description mentioned in my letter has happened in Port Shepstone. The other case never went to the Licensing Officer as the attorney who had charge of both the cases, owing to the unfortunate result of the first case, advised the other client not to go on with his application. Steps are now being taken to make the other application also.

With reference to Port Shepstone, it may be mentioned that the refusal to grant the licence has followed close upon a question asked by a member of the Natal Assembly from that district, as to whether in such districts licences to Indians were granted indiscriminately. The Government replied saying that they had informed the magistrates in such districts, who are also the Licensing Officers, to the effect that they have discretionary powers. The Magistrate at Port Shepstone evidently took the hint, and refused the licence. This happened some days before the letter addressed to the Ladysmith Local Board above referred to appeared in *The Natal Witness*.

It is hardly necessary to state that the cases that come before the authorities in some way or other are not the only cases of hardship.

The Act has a terribly deterrent effect and many poor traders simply from hopelessness refrain from applying for a renewal of their licences, and many more from taking their cases before the appellate body, viz., a municipality or a Licensing Board, in the event of being rejected by the Licensing Officer. The second case in Port Shepstone is an instance in point.

There is no grievance more keenly felt than the one under the

Act; for, it affects the bread and butter of hundreds of industrious and peaceful Indian traders from the lowest to the highest. There is no certainty that because the best of us have received a licence this year we would receive it the next also. In a state of such insecurity business naturally becomes paralysed and uneasiness takes hold of our minds. The sole hope lies in something being done by and through the Imperial Government.

We venture to draw your attention to the following leading articles on this matter in *The Times of India*:

We have dealt with the question of the rights of Indians in British Africa so often that there is no need to repeat upon this occasion the arguments we have frequently adduced. . . . But while the Colonists gladly availed themselves of the services of Indians as hewers of wood and drawers of water, they have constantly attempted to deprive them of those rights of free competition in trade which should be their inalienable privilege as British subjects. They decline to compete with the Indian traders in the open market, and endeavour to foster Protection in its most contemptible form by hedging them round with vexatious restrictions. . . . It is in the highest degree humiliating to know that the traditions of British impartiality to men of all races and creeds have been so far departed from in South Africa that British subjects are being compelled to seek sanctuary upon Portuguese soil from the tyrannous oppression of men with whom they are supposed to enjoy common rights under the British Crown. The injustice suffered by Indian traders in Africa will never be removed until the Home Government decides to accord to them the protection they have a right to expect. (15th April 1899, Weekly edition.)

To the Englishman in India the spectacle of Indian traders being denied entrance and domicile anywhere under the British flag is irritating and repugnant, inasmuch as it gives his fellow-subject unquestionable reason for asking what are the advantages of the citizenship that he enjoys. To the native the spectacle must be a temptation to think that the British flag is a meaningless symbol, for under it one British subject may vex and constrain another without leaving the latter any redress. We, who speak for Englishmen in India, would give much if home opinion could be aroused to that aspect of the case of the Indians in South Africa. The equities of the case leave no room for dispute even on a Durban platform. But there is a political and sentimental side to it, too, which could be made to seize the popular imagination in England if people could once be got to think of so many thousand honest and well-behaved subjects of the Queen on their removal from one part of the Empire to another, being denied the most ordinary rights of citizenship. . . . Is

there no one in the House of Commons who can tell this tale of shame and injustice with some hope of getting redress for the victims. . . . (22nd April 1899, Weekly edition.)

We hardly think we need add more. We trust that as in the past you will be pleased to exert yourself in our behalf, and bring the present painful position to speedy termination.

*We remain,*

*Sir,*

*your obedient servants,*

ABDUL CAADIR

(M. C. CAMROODEEN & Co.)

AND THIRTY OTHERS

From the photostat of an original printed copy: S. N. 3252.

## 98. WIRE TO COLONIAL SECRETARY

*September 9, 1899*

TO  
HONOURABLE COLONIAL SECRETARY,  
PIETERMARITZBURG

THANKS FOR LETTER<sup>1</sup>. ANXIOUS ENQUIRIES MADE DAILY. URGENT RELIEF NECESSARY.<sup>2</sup> HEAR BRITISH AGENT HAS ALSO APPROACHED GOVERNMENT. RESPECTFULLY SUBMIT THERE CAN BE NO HARM IN LETTING INDIANS IN AS SUGGESTED. RELAXATION AFTER HOSTILITIES<sup>3</sup> MAY BE TOO LATE. IMPOSSIBLE FOR INDIANS CALMLY WATCH EVENTS WHEN BEST MEN ARE LEAVING RAND. WORDS CANNOT DESCRIBE PAIN CAUSED BY FACT THAT BRITISH SUBJECTS CANNOT FLY FROM DANGER TO BRITISH SOIL.

GANDHI

From the photostat of the office copy: S. N. 3288.

<sup>1</sup> The communication from Gandhiji to which this was a reply is not available.

<sup>2</sup> Relaxation was sought in the administration of the Immigration Restrictions Act which regulated the entry of Indians from the Transvaal into Natal.

<sup>3</sup> The Boer War was then imminent.

## 99. A CIRCULAR LETTER

14 MERCURY LANE,  
DURBAN,  
*September 16, 1899*

SIR,

I enclose herewith copy of the communication sent to His Honour the British Agent at Pretoria on behalf of the British Indians in the Transvaal.<sup>1</sup> The tension is hourly increasing and by the time this is in your hands it is difficult to say what will happen. But lest the Indian question might be kept in the background in any compromise that may be arrived at between our Government and the Transvaal, it has been thought advisable to keep you informed of the position affecting the British Indians. The accompanying would show how the Transvaal Government have gone beyond the Law 3 of 1885 in sanctioning the regulations of the Johannesburg Town Council. There is absolutely no warrant for such regulations or for preventing the Indians from owning land in the Locations. The chief point, however, is that urged in paragraph 3 of the letter to the British Agent, namely, sanitary reasons must be established in terms of the law for removing the Indians to Locations. Here there is ample ground for intervention.

*I remain,*  
*yours obediently,*  
M. K. GANDHI

From the photostat of a signed copy of the original: S. N. 3295a.

## 100. THE SECOND REPORT OF THE NATAL INDIAN CONGRESS<sup>2</sup>

[Post *October 11, 1899*]

The first report was published in August of 1895,<sup>3</sup> one year after the establishment of the Congress. Owing to various causes, it has not been possible to prepare another report during the interval that has

<sup>1</sup> *Vide* "Letter to the British Agent", July 21, 1899.

<sup>2</sup> This is a draft report containing several corrections in Gandhiji's handwriting. No other copy of the report is available. The report was written in instalments at different times and completed after October 11, 1899, the date of the outbreak of the Boer War, to which reference is made in "The second Report of the Natal Indian Congress", 11-10-1899, *infra*

<sup>3</sup> *Vide* "Memorial to J. Chamberlain", 11-8-1895.

elapsed.

#### INCOME AND EXPENDITURE

From the memo annexed hereto,<sup>1</sup> the members will be able to see at a glance what has been spent during the three years. It will be noticed that the chief items were incurred during the Demonstration crisis,<sup>2</sup> the memorial<sup>3</sup> alone costing close on £100. If the expenditure has, on an average, been larger during the years under review than during 1894-95, the income, too, has considerably increased. One good result, and perhaps the most important, of the publication of the first report was that the Congress at once decided to make the annual subscriptions payable for the whole year in advance and the cumbrous method of collecting the subscriptions every month was given up. As a result, the subscriptions for 1895-96 were collected at once, and the activity shown in the year 1896 by some of the workers was really marvellous. They not only gave their time, but those that were able came forward with their carriages to go about collecting. The visit to Stanger in this respect was the most memorable. The President, Mr. Abdul Karim Haji Adam, Mr. Abdul Kadir, Mr. Dowd Mahomed, Mr. Rustomji, Mr. Hassam Juma, Mr. Madanjit, Mr. Paruk, Mr. Hoosein Meeran and Mr. Kathrada, including the Hon. Secretary, went out to Verulam, Tongaat, Umhlali, Stanger and the district beyond, in the carriages placed at the disposal of the workers by the President, by Mr. Abdul Kadir and Mr. Dowd Mahomed. At Tongaat, the members stayed at the store of Mr. Kasim Bhan till midnight, not caring whether they had their food or not, in order to induce that gentleman to become a member, but he was obstinate and the workers had to retire. But they did so only to put forth redoubled efforts the next morning. One of them rose up very early and without having even a drop of tea invaded Mr. Bhan's store, and the members sat there without having anything to eat till noon and left the store only after Mr. Bhan became a member and gave his subscription. They then went to the next station. On the way, Mr. Hassam Juma was thrown off his horse and was perfectly insensible for a few seconds. It was suggested that all should return as the road was bad and evening had

<sup>1</sup> This is not available.

<sup>2</sup> The reference is to the anti-Indian demonstration on the landing of Gandhiji and his Indian fellow-passengers in Durban on January 13, 1897. *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>3</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897, *et seq.*



set in. But Mr. Hassam Juma would not listen and the journey was kept up. At Stanger all these efforts were crowned with success. Mr. Mohamed Essopji, now unfortunately deceased, saw the zeal of the workers at Tongaat and became himself enthused, so much so that, although he was on his way to Durban on an important business, [he] chose to accompany the workers to Stanger where he entertained them all and was instrumental in securing for the Congress, in Stanger alone, the sum of over £50.

Many such instances can be given of the splendid devotion of the members under the leadership of our late President, Mr. Abdul Karim Haji Adam. The visit to Newlands through an uphill tract without anywell laid-out roads, the journey to the Buttery place at night time through the fields without a guide, the journey to Isipingo, the pilgrimage to the store of Mr. Essopji Umar, where the members went at 5 o'clock in the evening and remained till 11 o'clock without food—all these deserve a chapter each. Suffice it, however, to say that the energy, devotion and single-mindedness shown for the cause by the workers during that time have seldom, if ever, been equalled. The same, however, unfortunately for us, cannot be said now. The fiery enthusiasm seems to have died out. Causes for such a state of things are many, some of which are such that they cannot be controlled by the members. But it is painful to have to record that much that might have been done has not been done by them; and the confident hope that was entertained now two years ago that we would by this time have a fund amounting to £5,000 has, for the present, become a dream. The Congress has to discharge a liability of £300, perhaps £400, and it is difficult to say how the monies are to be got in. The subscriptions at Maritzburg, Charlestown, Newcastle, Verulam, Tongaat, Stanger and the other places have become overdue, and nothing has yet been done to call them in. While, at one time, the number of members reached the respectable total of nearly 300, strictly speaking, the number now is only 37! That is to say, that there are only 37 who have paid up their subscriptions up to date. It is time the members woke up from their long sleep, or else it might be too late.

#### THE CONGRESS WORK IN THE MONTH OF OCTOBER 1895

The Transvaal Volksraad passed a resolution in October 1895 exempting British subjects from compulsory military service with the proviso that Indians were not included in the term “British

Subjects”.<sup>1</sup> The Congress, although, strictly speaking, we are not supposed to actively interfere with the affairs of our fellow-brothers in the South African Republic, with their concurrence, took up the question. A cablegram was drafted and was forwarded from the Transvaal to our sympathisers in London,<sup>2</sup> and a memorial was also sent in due course,<sup>3</sup> with the result that the obnoxious resolution, so far as is known, has not yet been accepted by the British Government.

That month introduced us to Mr. Earnest Hatch, a Conservative member of the British Parliament. He was touring through South Africa. Some persons in Johannesburg took him to the Indian Locations, showed him the worst parts in the Indian quarters, and the papers said that Mr. Hatch was very much disgusted with what he had seen and that he was going to study the Indian question. From Johannesburg he came to Durban and some of the members of the Congress thought it advisable to meet Mr. Hatch and place before him the Indian view of the question. He met a deputation of about 50 representative Indians and returned a very sympathetic answer to what was said to him and promised to do what he could in England. He marked with approval the moderation with which, in his opinion, we carried on our work. Mr. Hatch was presented with some Indian curiosities.

The Franchise question had not yet been settled and during the latter part of the year 1895, it was very much discussed in the papers. Everybody seemed to think that the Indians were attempting to claim a new privilege which had been, hitherto, withheld from them, that they wanted a vote for each Indian, that they never possessed any franchise right in India and that if the Natives of South Africa could not possess it, much less could an Indian. It became very necessary to answer all these misrepresentations and to remove the misunderstanding. A pamphlet entitled *The Indian Franchise: An Appeal to Every Briton in South Africa*<sup>4</sup> was prepared. Seven thousand copies were printed, one thousand of which were paid for by Mr. Abdul Karim Haji Adam, and they were widely distributed, some in England also. It was largely noticed by the South African Press and it

<sup>1</sup> Vide “Letter to *The Natal Mercury*”, 15-9-1895.

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

<sup>3</sup> Vide “Letter to James Godfrey”, 3-6-1902 and Letter to Nazar and Khan”, 3-6-1902.

<sup>4</sup> Vide “Letter to *The Natal Advertiser*”, 23-9-1895 to “The Indian Franchise”, 16-12-1895.

gave rise to some sympathetic and some bitter and much indifferent correspondence. A special article was devoted to it in the *London Times* and all the propositions advanced therein were accepted by the writer. This was in December 1895.

In the early part of 1896, as most of the questions placed by the Congress before the Secretary of State for the Colonies were yet unsettled, it was considered necessary to place a review of the whole situation before our friends in London and India. A general letter was, therefore, prepared and was sent to them under the signatures of the representative Indians in Natal.<sup>1</sup> It was about this time that the regulations with reference to the then newly established township of Nondweni in Zululand were published.<sup>2</sup> It was provided therein that the Indians could not buy or possess *erven*<sup>3</sup> in that township. As soon as they were published in the *Government Gazette*, a memorial<sup>4</sup> was drawn up protesting against the exception and submitted to H. E. the Governor. *The Natal Mercury* admitted the justice of our contention. His Excellency, however, could not see his way to remove the prohibition.

Thereupon, a petition was forwarded to Mr. Chamberlain,<sup>5</sup> and Sir M. M. Bhownaggee on receipt of the memorial put a question in the House of Commons. The *London Times* gave nearly two columns to the matter and the Committee of the National Congress<sup>6</sup> also took it up. It might be noticed here, parenthetically, that the publication of the above regulations brought to light the fact that similar regulations were passed with reference to the earlier established townships of Melmoth and Eshowe. The above memorial included these two townships also. The prohibition has now been removed. Had it not been for the vigilance of Mr. Adamji Miankhan, this matter might have altogether escaped the notice of the Congress; for, he it was who first came to know about it, and brought it to the notice of the Honorary Secretary.

About May 1896, after inspection of many properties and after

<sup>1</sup> This is not available.

<sup>2</sup> Vide "Letter to *The Natal Mercury*", 3-2-1896.

<sup>3</sup> Land sites.

<sup>4</sup> Vide "Letter to *The Natal Mercury*", 3-2-1896.

<sup>5</sup> Vide "The British Indian Association and Lord Milner", 11-6-1903.

<sup>6</sup> The reference is to the British Committee of the Indian National Congress in London.

much consultation and deliberation, the property registered in the name of Niddha, a free Indian woman, with a brick house and store, was bought by the Congress for £71,080. It was unanimously resolved that it should be registered in the names of the seven persons who have the power of signing cheques on behalf of the Congress as trustees therefor. The property now brings a rental of about £10 per month, its rateable value is £200 and the yearly rates payable to the Corporation this year have been £9-17-6. The buildings are insured for £800 by the Gardiner Fire Assurance Society. Most of the tenants are Tamil people. A bathroom was badly required by them and a temporary structure has been put up by volunteers, Mr. Amod Jeewa supplying the bricks free of charge. It is reckoned that this work has saved the Congress over £8. In April of 1896, as the funds of the Congress thus seemed to be in a prosperous condition and as it became necessary to remove from Mr. Moosa Hajee Adam's place, it was felt that the Congress might well take a step forward and be better housed. Accordingly, the spacious hall now occupied by the Congress was rented at a monthly rental of £5, being an increase of £3 per month over the rent previously paid.

During the first session of the Natal Parliament, 1896, it became known that Mr. Chamberlain had decided to advise the Natal ministers to amend the Franchise Act specially preventing persons of Asiatic extraction from being placed on the Voters' Roll from the statute book of the Colony by passing a general Act. A Bill repealing that Act and disqualifying persons and descendants of persons belonging to countries that have not hitherto possessed elective representative institutions founded on the parliamentary franchise from becoming voters at the parliamentary elections was thereupon brought in. The Congress felt that, although this Bill did not apply to the Indians,<sup>1</sup> as it was to be passed with a view to disfranchise them alone, it was necessary to oppose it and, therefore, a petition embodying the views of eminent persons as to the existence of representative institutions in India was submitted to the Legislative Assembly.<sup>2</sup> This evoked so much opposition to the Bill on the part of some of the members of the Legislative Assembly that, at one time, it seemed as if the Bill would be thrown out. Sir John Robinson cabled to Mr. Chamberlain and obtained his permission to add after 'institutions' the phrase

<sup>1</sup> It did not make a specific reference to the Indians.

<sup>2</sup> *Vide* "Memorial to Natal Legislative Assembly", 27-4-1896.

‘founded on the parliamentary franchise’.<sup>1</sup> This addition materially disarmed opposition to the Bill and it passed both the Houses in spite of our petition to the Legislative Council.<sup>2</sup> Mr. Laughton, at the time of the controversy, wrote a letter to *The Natal Advertiser* and gave it as his opinion that, in spite of the addition above referred to, the Bill would be inoperative so far as the Indians were concerned. The Bill reserves to the Governor the right to grant special exemption to those coming under it. A petition protesting against the Bill was sent to the Secretary of State for the Colonies,<sup>3</sup> but it has received the Royal assent and is now the law of the land. It is quite competent for us at any time to bring up a test case as to whether or not we have institutions in India such as are contemplated by the Act, or to apply to the Governor for special exemption. The necessity for either has not yet arisen. We have all along contended that it was not political power that we wanted, but that it was degradation which The first franchise Bill involved that we resented, and our protest has evidently been respected by Her Majesty’s Government.

The birth of a son to Mr. Abdul Kadir in the month of March, 1896, deserves a special paragraph. At the ceremony performed in the Congress Hall to commemorate the event, over 500 people gathered together. The Hall was brilliantly lit up, Mr. Abdul Kadir made a present to the Congress of £7. This was followed by others and the donations given on the occasion amounted to £58.

During the presidency of Mr. Abdulla Haji Adam, a resolution was passed to the effect that members who collected for the Congress £25 and upward should receive a silver medal. After the institution of the medals many members had, before the month of April 1896, qualified themselves for the honour. Mr. Dowd Mahomed was the most conspicuous in this respect, and it was the unanimous wish that the resolution should be put in force with respect to his work. Consequently, a special meeting was held and a silver medal with a suitable inscription, accompanied by a testimonial, was presented to him.

By this time it became necessary for the Honorary Secretary, owing to domestic reasons, to leave for India for a short visit. The Congress decided that he should take advantage of his visit home and lay before the Indian public the grievances of the British Indians

<sup>1</sup> Vide “Memorial to J. Chamberlain”, 22-5-1896.

<sup>2</sup> The petition was submitted to the Legislative Assembly. “Memorial to Natal Legislative Assembly”, 27-4-1896.

<sup>3</sup> Vide “Memorial to J. Chamberlain”, 22-5-1896.

residing in South Africa. A letter appointing him as delegate was consequently given to him<sup>1</sup> and a draft for £75 was also given to defray the expenses of travelling, printing and other out-of-pocket disbursements in connection with the work.<sup>2</sup> An Address was presented to him by the Congress and a gold medal. The Tamil members of the Congress held a special meeting and presented a further Address.<sup>3</sup> The Honorary Secretary in reply to all the Addresses said that the presentation was premature, the work was not yet finished. He, however, took the Addresses and the presents as tokens of love, and said that, if the sentiments expressed by the people were genuine, before his return the members would so work as to swell the Congress balance from £194 to £1,194 by the addition of £1,000 by subscriptions and donations. These presentations were widely noticed by the S. African Press, not altogether in an unfriendly spirit. He left for India by the Pongola on the 5th of June 1896.

During his absence, Mr. Adamji Miankhan was appointed acting Honorary Secretary. Soon after his reaching India, the Honorary Secretary published a pamphlet entitled *Grievances of the British Indians in South Africa: An Appeal to the Indian Public*.<sup>4</sup> Four thousand copies were printed and widely distributed. The Times of India was the first to notice it and, in the course of a sympathetic leading article, advocated a public inquiry. Almost every newspaper of note in India took up the question. The Pioneer, while admitting the grievances, thought that the question was extremely complicated, that it was difficult to dictate a particular policy to the self governing Colonies, and that, under the circumstances, South Africa for better-class Indians was a country to keep away from. The Simla correspondent of the London Times cabled a summary of the pamphlet, adding thereto the views expressed by The Times of India and The Pioneer. After the publication of the pamphlet, the leading men in Bombay were waited upon by the Honorary Secretary who was frequently accompanied by the late President, Mr. Abdulla Haji Adam, who happened at the time to be in Bombay.

At the suggestion of the Hon'ble Mr. P. M. Mehta, a public

<sup>1</sup> *Vide* "Speech at Public Meeting, Bombay", 26-9-1896.

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

<sup>3</sup> *Vide* "The New Move", 25-6-1903.

<sup>4</sup> *Vide* "The Grievances of the British Indians in South Africa: An Appeal to the Indian Public", 14-8-1896, to "Speech at Public Meeting, Bombay", 26-9-1896.

meeting was held in the hall of the Framji Cowasji Institute on the 26th September, Mr. Mehta presiding. The hall was packed. After the Honorary Secretary had read his Address,<sup>1</sup> a resolution sympathising with the Indian's in South Africa and authorising the President to draw up and forward to H. M.'s Principal Secretary of State for India a memorial in connection with the matter was unanimously passed. The late Hon'ble Mr. Jhaverilal Yajnik, the Hon'ble Mr. Sayani and Mr. Chambers, the Editor of the *Champion*, spoke to the resolution. Full reports of the meeting appeared in the daily newspapers, and the Presidency Association forwarded by a cable a summary of the proceedings to London.

Madras was next visited, and the leading men were interviewed. Under the auspices of the Madras Mahajan Sabha a circular was drawn up calling a public meeting at Pachaiyappa's Hall. The circular was signed by about 40 representative members of the various communities in Madras, Raja Sir Ramsamy Mudliar being the first signatory. The Hon'ble Ananda Charlu presided. The hall was crowded and after the Address was read resolutions similar to those passed in Bombay were unanimously carried. A special resolution was also passed suggesting the stopping of indentured labour to Natal. Mr. Adams, Mr. Parameshvaram Pillay, Mr. Parthasarathy Naidu spoke to the resolution. All the leading dailies fully reported the proceedings. After the meeting was over, there was such a scramble for the above pamphlet that all the available copies were taken up and to meet the demand of the public 2,000 copies were printed in Madras. On the appearance of the cable of the Simla correspondent of the London Times in that paper, Sir (then Mr.) Walter Peace, the Agent-General for Natal, was interviewed and he stated in reply that there were no grievances and made many other statements. The special feature of the Madras Address was an exhaustive reply to Sir Walter Peace. This reply was printed as an appendix to the 2nd edition of the pamphlet.

After a fortnight's stay in Madras, the Honorary Secretary travelled to Calcutta. There he interviewed the leaders of public opinion. Sympathetic notices were taken by *The Englishman*, *The Indian Mirror*, *The Statesman* and other English and vernacular papers. The committee of the British Indian Association met to hear the Honorary Secretary, and decided to adopt a memorial to the

<sup>1</sup> Vide "Speech at Meeting, Madras", 26-10-1896.

Secretary of State for India. While arrangements were being made to hold a public meeting, a cable from Natal was received asking the Honorary Secretary to return at once. The meeting had, therefore, to be abandoned and he left Calcutta for Bombay. A meeting was however, held in Poona under the auspices of the Sarvajanic Sabha. Prof.. Bhandarkar presided. The meeting passed resolutions on the lines oft' those passed at Madras, to which Prof. Gokhale, the Hon'ble Mr. Tilak; and . . .<sup>1</sup> spoke.

The Honorary Secretary left India by the *Courland* on the 27th November, 1896.<sup>2</sup> A summary of the cablegram by the Simla correspondent of the *Times*, referred to above, was sent by Reuter to the South African press. This summary gave an impression of the pamphlet circulated in India that cannot be borne out by a perusal thereof. It, however, gave offence to the European Colonists. The newspapers published violent articles. This gave rise to an anti-Asiatic agitation on an organized scale and the Colonial Patriotic Union was established. It 'appears that, soon after the publication of the articles, copies of the above-mentioned pamphlet, which were forwarded here, were supplied to the Press which, thereupon, took the right view of the situation and admitted that there was nothing in it to justify the violence of the language used against it. The agitation, however, continued, and many exaggerated statements likely to inflame the public mind were made by the Union. Meanwhile, the *Courland* arrived, preceded by the *Naderi*, by a few hours, which also brought Indian passengers. The prolonged quarantine of 23 days, the formation of the Demonstration Committee, the marching of the Committee procession to the Point to prevent the Indians from landing, the landing of the passengers, the mobbing of the Honorary Secretary, his narrow escape in the guise of an Indian constable, the splendid help rendered by Supdt. Alexander and his force, the sudden change of the tone of the Press, the severe verdict passed by it on the action of the Demonstration Committee, the recognition of the services rendered by the Police on the part of the Indian community, the Demonstration memorial to Mr. Chamberlain containing . . . pages<sup>3</sup> giving the full history of the crisis are all fresh in the minds of

<sup>1</sup> The other speaker was Prof. A. S. Sathe.

<sup>2</sup> The ship sailed from Bombay on November 30. *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>3</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.



the members of the Congress. Two traits of Indian character came out prominently during the critical period. The establishment of the Quarantine fund for the relief of the sufferers on the two illfated vessels was a work which showed Indian liberality to the best advantage; and the peaceful behaviour and the quiet resignation during the most irritating times extorted the admiration even of those who were least likely to notice the good traits of our people.

During the session of Parliament that followed, the Government, according to their promise to the Demonstration Committee, introduced four anti-Asiatic Bills, viz., the Quarantine, Immigration Restrictions, Dealers' Licenses, and Uncovenanted Indians Protection Bills. Petitions were sent to both the Houses<sup>1</sup> but in vain; and the Bills were passed. A petition was therefore sent to the Secretary of State for the Colonies.<sup>2</sup> The reply is not altogether satisfactory. Mr. Chamberlain, however, sympathises with us and grants our request with reference to the Indians Protection Act. This legislation may fairly be said to have closed one part of the Asiatic question and that, it would appear, to an extent in our favour. Ever since the establishment of our institution, we have fought against colour legislation—against legislation imposing special disabilities on the Indians. That principle has evidently been admitted. Of course this does not mean that we have nothing further to do or that the Solution is satisfactory. On the contrary, we have now the fight against opposition much more subtle because indirect. The above legislation, although nominally directed against all persons, is in practice applied to the Indians alone. We have, therefore, to endeavour not only to get the legislation repealed or modified, but we have also to watch the operation of the various Acts and so far as possible to induce the authorities not to make it unduly severe and irksome. All that requires on our part constant efforts, unceasing watchfulness, un-breakable union amongst ourselves, a large measure of self-sacrifice and all those qualities that ennoble a nation. And then victory must be ours, for our cause has been universally regarded as just, our methods, moderate and without reproach.

In this connection it might be well to consider and dispose of one complaint that has been raised against the Congress and that is

<sup>1</sup> *Vide* "Indian Position in New Colonies", 16-3-1903 and "Letter to Colonial Secretary", 25-4-1903.

<sup>2</sup> *Vide* "Petition to Transvaal Governor", 8-6-1903.

due to ignorance of past events. It has been said that, if we had not started the movement to obtain redress, our position might not have been so bad as it now is. Little do those people who advance this argument know that the agitation against the Indians is as old as their advent to the Colony. What would have happened if we had not attempted to stem the tide of that agitation? The answer is simple—what has happened to the Indians in the Orange Free State. The Europeans there agitated against the Indians who sat silent until it was too late, and we have now no foothold in that State. In the Transvaal we awoke when half the ground was lost, and because we raised our voice against the European opposition we have yet hopes that, though we may not be able to recover the lost ground, we would at least be able to retain what little yet remains to us. Similarly, in Natal we woke just when the anti-Asiatic feeling was being crystallized into legislation and, therefore, our position is not what it might have been otherwise. If the above feeling had not been allowed to assume the proportions that it did in 1994, we might fairly infer, from the course events took in the other States of South Africa, that our position might have been much better than what it is. To prosecute the enquiry further, the repeal of the anti-Indian regulations for the township of Nondweni in Zululand, the repeal of the first Franchise Act which especially applied to the Indians, the non-acceptance of the anti-Asiatic clause in the Commando Treaty in the Transvaal, Mr. Chamberlain's famous dispatch in reply to the Transvaal Memorial entirely sympathising with us, the marked improvement in the tone of the Press in Natal and other matters which would readily occur to those who have cared to follow our proceedings, may be claimed as the direct and tangible results of our movement.

In the beginning of 1897, a cablegram was published in the papers from the Chief Justice of Bengal, in his capacity as the Chairman of the Indian Famine Charitable Relief Committee, appealing for help to the fund. As soon as the cablegram became known, it was realized that a special effort on the part of the Indians in Natal was necessary. A meeting of the Colonial-born Indians was held in St. Aidan's school room, and there all present promised not only themselves to give what they could but to work also in getting in donations. A meeting of the merchants took place on Mr. Peerun's premises and a fund was started; but that did not seem to satisfy the gentlemen present and they thought that something more was necessary. Another meeting, therefore, took place on the premises of

Messrs. Dada Abdulla & Co., and almost all those who had subscribed on Mr. Peerun's premises doubled or trebled the amounts first put by them, Mr. Abdul Karim rising from £35 to £101, Mr. Abdul Kadir from £36 to £102, Mr. Dawad Mahomed putting down £75. A strong committee representing all classes and creeds amongst the Indian community was formed. Circulars in English, Gujarati, Tamil, Urdu and Hindi were issued and widely distributed.<sup>1</sup> Workers went out all over the Colony collecting subscriptions from high and low and within a fortnight a sum of £1,150 was collected, the expenses for collection amounting to less than £20.

The N.I.E. Association<sup>2</sup> under the superintendence of Dr. and Mrs. Booth gave two benefit performances in the Congress Hall. An improvised stage was erected and the members with some non-members played 'Ali Baba and Forty Thieves', the hall being packed full on both the occasions and the proceeds amounting to £40. Capt. Young-husband, the special correspondent of the London Times, who was for some time on duty in India, paid a visit to Durban. The Indian side of the Indian question in South Africa was placed before him and all the documents were supplied to him. Messrs Dada Abdulla & Co., entertained him to dinner at the Congress Hall and invited the leading Indians. He has devoted a special chapter to our question in his book on South Africa and, while favouring the attitude taken up by the Europeans, places the Indian side of the question pretty fairly.

Congress was not behind-hand in connection with the Diamond Jubilee festivities. An address carved on a silver plate in the shape of a heart mounted on a plush and framed in Natal yellow wood was presented to Her Majesty on behalf of the Indians in Natal. A deputation consisting of our leading members specially waited on His Excellency the Governor for the presentation of the Address. An Address similarly worded was sent from the Transvaal Indians also.

Under the auspices of the N.I.E. Association the Diamond Jubilee Library was opened on the Jubilee Day by Mr. Waller, the then Magistrate of Durban. The Mayor, Mr. Laughton, Mr. Osborn, the Librarian of the Durban Library, Dr. Booth and a few other Europeans attended the opening ceremony. Letters of sympathy were received from those who were unable to attend, among them being the

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>2</sup> The Natal Indian Educational Association formed in 1894.

Hon. Mr. Jameson and the Deputy Mayor, Mr. Collins. The Congress Hall was brilliantly lighted for the occasion. The credit for the success of the opening ceremony and the decorations is entirely due to the efforts of Mr. Bryan Gabriel, though it is but fair to mention that during the last portion of the decorations he was assisted by other workers also. It is painful to have to report that the library has not been as successful in its career as was its opening. The attendance has been nil. The expenses of the library were subscribed for by the members of the Educational Association and an equivalent amount had been voted by the Congress.

During all this time, between June of 1896 and that of 1897, as has been said above, Mr. Adamji Miankhan held the post of the Hon. Secretary. It was now time for him to go to India. He, therefore, handed over his charge to the Hon. Secretary. A special meeting of the Congress was held to consider the advisability of doing some honour to Mr. Adamji Miankhan to mark its appreciation of Mr. Adamji's services during the trying times. While all the members recognized the self-sacrifice, the zeal and the ability and tact with which Mr. Adamji worked for the Congress, opinion was divided as to whether or not an Address should be presented to Mr. Adamji. After some discussion the resolution to present him with an Address was carried by a narrow majority, but the opposition was so strong that the majority decided not to proceed with the Address as it was considered that in such matters unanimity of opinion was necessary. And Mr. Adamji Miankhan left for India unthanked and unhonoured.

This is one of the slips committed by the Congress and shows that we are but a human institution liable to err as any other. The Hon. Secretary as such held a party at his house in honour of Mr. Adamji. Printed invitations were issued and all leading Indians attended. Laudatory speeches were made to which Mr. Adamji gave a suitable reply. The President, the Hon. Secretary and other members saw Mr. Adamji off at the Point. Mr. Adamji Miankhan has proved worthy of the responsibility that was placed upon him by the Congress. During his tenure he convened the meetings regularly, collected the rents properly and kept a very accurate account of all that was spent. He undoubtedly seems to have cultivated good relations with members of the Congress generally. Above all, the one quality that is needed in the holder of that post more than any other, namely, calmness of mind under all the irritation from within and without and the ability to put up with the different dispositions of the members, he displayed in

abundance. The Jubilee Address might never have been sent but for the care and anxiety with which he worked in order to have it ready in time. Mr. Adamji has shown that the Congress can go on and its work can be properly done by local men.

When it was announced in the papers, two months prior to the day of celebration of the Diamond Jubilee, that Mr. Chamberlain would take advantage of the occasion to meet the Premiers of the different Colonies and discuss with them certain questions affecting the British Empire, among them being included the Indian question, it was thought advisable to send somebody to London with a view of watching the Indian interests. Mr. M. H. Nazar of the firm of Nazar Bros. of London, a member of the Stockholm Oriental Congress and nephew of the late Justice Nanabhai Haridas, who had come to Natal in the December of 1896 and who had rendered splendid help to the community during the Demonstration crisis, was unanimously selected as the delegate and he went duly authorized to England. Mr. Nazar went to England without any remuneration being paid for his services. The Congress was to pay his out-of-pocket expenses only. He remained in London in connection with the work beyond the expected time on the advice of the gentlemen whom he was specially requested to consult in everything he did and whose advice he was to be guided by. He received much support from our sympathizers in London. He was able to move the East India Association on our behalf and that influential body has forwarded a powerful memorial to Lord George Hamilton and has also sent a communication to the Indian Government directly. Mr. Nazar holds letters of sympathy for our cause from several distinguished Englishmen, and Sir M. M. Bhownaggee in a letter addressed to us speaks very highly of his work. In this connection, the extraordinary self-sacrifice made by the Colonial-born Indians and the subscription raised at a single evening's sitting to the extent of over £35 amongst themselves, numbering about fifteen poorly paid youngmen who have never extended their horizon beyond South Africa, cannot but be mentioned. Mr. C. Stephen laid aside his silver watch and all he had in his pocket, and his example, to their credit, was followed by the others present at the meeting, and the Nazar Fund Committee were able next day to cable him £75.

About the end of last year, the Durban Town Council passed certain Ricksha regulations, one of which prevented Indians from

owning or holding licenses for rickshas. A protest<sup>1</sup> was at once drawn up, signed by the leading Indians and forwarded to the Governor. Copy of the protest was sent to the Town Council which at once decided to take off the prohibition. Soon after the Immigration Restriction Act came into operation, seventy-five Indians were arrested wholesale in Dundee on the alleged ground that they were prohibited immigrants. Ultimately they were discharged. Last January, the Licensing Officer appointed by the Newcastle Town Council, in virtue of the Dealers' Licenses Act above referred to, declined to issue licenses to any of the Indians. On appeal, the Town Council granted six licenses and refused three. The matter was taken before the Supreme Court and Mr. Laughton, the appellant's counsel, ably argued that the jurisdiction of the Supreme Court, even on the merits of the case, was not ousted by the Act. The court however, decided against the appellant, His Lordship, the Chief Justice, dissenting. The Congress has taken the matter up and an appeal has been lodged in the Privy Council— Mr. Asquith the leading counsel has been retained in the case. The result is likely to be known in November.<sup>2</sup> The question as to whether vendors without any shop are required to take it a retail licence was raised and the case was taken to the Supreme Court in the name of one Moosa, a vegetable dealer, and that court has decided that no licence is required to be taken out by such vendors. This matter was brought before the Congress by the vegetable vendors and it was taken up, a member promising to pay the out-of-pocket expenses. The case was won, but the disbursements have not yet been paid by him and they will be a charge on the Congress.

In the month of March, an illuminated address was presented to Mr. G. V. Godfrey for his being the first Indian to have passed the Civil Service examination of the Colony.<sup>3</sup> Special subscriptions were raised for the purpose and a special committee was formed. In this connection, it ought to be mentioned that Mr. Godfrey Senior has set an example which other parents may follow with much profit. Himself by no means a particularly educated man, he had made it his sole aim to bring up his children in a suitable manner and to provide for them the best education. He sent his eldest son to Calcutta and gave him a

<sup>1</sup> This document is not available.

<sup>2</sup> The Privy Council decision was adverse. *Vide* "Indian Traders in Rhodesia", 11-3-1899, enclosure, *supra*.

<sup>3</sup> *Vide* "Address to G. V. Godfrey", dated prior to March 18, 1898.

University training there. He (the eldest son) is now gone to Glasgow and is studying for medicine.

About 20,000 pamphlets, copies of memorials and letters, have been written and have been distributed during the years under review.

#### Presidents

In the month of August 1898, Mr. Abdul Karim Hajee Adam Zaveri, having occupied the Congress chair ever since his brother's departure in 1896, with much credit to himself and to the universal satisfaction of the members, sent in his resignation. He was requested to reconsider his decision but he said he could not, and Mr. Cassim Jeewa was elected in his place. He occupied the chair till the March of this year and then resigned as he wanted to leave the Colony. Mr. Abdul Kadir was unanimously elected in his place and still holds the position of the head of the community. It is sad to record that Mr. Cassim Jeewa was drowned last May while on his way from Calcutta to Rangoon. Much sympathy was shown to his bereaved father, and the Congress authorised the President to send him a letter of condolence.

#### Visitors

Dr. Mehta, a graduate and gold medalist of the Grant Medical College<sup>1</sup> and Barrister-at-Law of the Middle Temple, London, and sometime Chief Medical Officer of the Idar State, paid a visit to Durban. He was well received by the community and feted by the prominent members.

Mr. Rustomjee's generosity has provided Congress with linoleum worth £22-10-1, a costly brass-plate Congress board, lamps and other knick-knacks.

#### MISCELLANEOUS

During the early part of Mr. Abdul Karim's tenure of office, the institution of fines for late attendance at the Congress meetings was founded. Many members paid five shillings for each late attendance. It has now fallen into/disuse, and so much have we fallen back from our first love that now it is difficult to form even a quorum at the Congress meetings before 9 p.m., that is, one and a half hours after the appointed time. It was due to the special exertions of Mr. Abdul Karim that it was decided that every merchant should pay a farthing on every packet he imported, four packets of salt being counted as

<sup>1</sup> This is one of the Medical Colleges of Bombay.

one. Nearly £195 have been thus received by the Congress, but the sum does not even represent one-tenth of what would be received if every merchant paid up the amount due by him to the Congress on his account.

It will be recollected that tickets were issued in order to enable the workers to collect small donations without the necessity of writing out receipts. The plan has proved almost a failure except that Mr. Madanjit brought from the Stanger district about £10.

#### INDIAN HOSPITAL

The Congress members raised a subscription in aid of the Indian hospital established in the year 1898 by the exertions of Dr. Lilian Robinson under the advice, help and control of Dr. Booth, and guaranteed to pay £160 or £6-13-4 per month for two years in lieu of rent. The hospital was formally opened on the 14th day of Sept. 1898.

The outlook at present is gloomy so far as the internal work of the Congress is concerned. Members do not possess half the enthusiasm that was displayed in 1895 and 1896. Subscriptions in all the outlying districts have become considerably overdue. It would, however, be hardly fair to attribute this apparent neglect of the Congress work to wilful apathy on the part of the members. The Indian community have passed and have been passing not only through serious political troubles but have also, with the other communities, severely suffered from those of the war.<sup>1</sup> These two combined have naturally given rise to despair but it is hoped that the despair is only temporary and that, after a calm survey of the situation, which is not without its bright spots, as will have appeared from the foregoing, the old enthusiasm will revive with redoubled force.

The Congress rules need to be recast and it appears necessary now to be strict in observing them. So far, those that have not paid up their subscriptions have been allowed to be considered as members and to have a say in Congress matters. This practice is very undesirable.

The Test Case as to the interpretation of the Transvaal Law with reference to the Asiatics has been tried.<sup>2</sup> Our fellow brothers in the

<sup>1</sup> The reference is to the Boer War.

<sup>2</sup> *Vide* "Letter to the British Agent", 28-2-1898 and "Telegram to the Viceroy of India", 19-8-1898, *supra*.



South African Republic engaged the services of the best counsel and spared no pains, but the judges, with Justice Jorrisen dissenting, have decided against us. It is too soon yet to forecast the result of the decision. Messrs. Jeremiah Lyon & Co., of London have taken up the cause of the Indians in Rhodesia. They are doing the work zealously and hope to be successful. They have distributed circular letters and papers amongst the leading merchants in Durban.

Sabarmati Sangrahalaya: S. N. 209

### *101. RELIEF TO INDIAN REFUGEES<sup>1</sup>*

DURBAN,  
*October 14, 1899*

SIR,

About a month ago, in forwarding a copy of the communication to His Honour the British Agent at Pretoria, on behalf of British Indians in the Transvaal, it was my painful duty to comment<sup>2</sup> somewhat bitterly on the refusal of the Natal Government to afford relief to the Indian refugees from Johannesburg. The Immigration Restriction Act prohibits the entry of those that have not been formerly domiciled in Natal and do not know any of the European languages. The Government have passed certain rules under the Act whereby temporary permission to Indian visitors may be given on a deposit by the applicants of Ten Pounds each. The Government were asked to suspend the deposit during the tension. Yielding to—there is reason to believe—pressure from the British Agent, they graciously suspended the deposit. Another difficulty cropped up in the meantime. Most of the refugees from Johannesburg availed themselves of the railway between that place and Durban, but during the past few days that communication has been cut off, and the refugees have to go to Delagoa Bay and thence to Durban. Europeans have been coming from Delagoa Bay in thousands but as the shipping companies, in response to circulars from the Government, have not been taking any Indian passengers, they would not in this instance also. The Government were, therefore, approached for relief in the

<sup>1</sup> This is a circular letter addressed to some select persons to whom had been sent earlier, a special letter (not now available) forwarding Gandhiji's "Letter to the British Agent", July 21, 1899, containing the bitter comments referred to. The general circular letter was of September 16, 1899.

<sup>2</sup> *Vide* the following page.

matter and they have been pleased to notify to the shipping companies that they may bring the Indian refugees from Delagoa Bay, on condition that they should take out temporary passes on their landing. It was considered that it was due to the Natal Government that this fact also should be as prominently brought to your notice as their refusal. We once again feel *that, though in Natal, yet we are British subjects, and that in time of danger the enchanting phrase has not after all lost any of its charm.* The attitude the Natal Government have now taken up during the crisis is the silver lining to the dark cloud that is hanging over our heads in Natal as well as other parts of South Africa. We only trust that the fellow-feeling that has guided the Natal Government in its treatment of the Indians during the crisis would be continued, even after it is over, and that British subjects of all nationalities will be allowed to remain, as they ought to be, in harmony and peace.

Though no native Indian troops have landed in Durban, the Indians attached to the troops from India have not failed to extort the suppressed admiration of the Europeans.

*I remain,*  
*yours obediently,*  
M. K. GANDHI

The comments referred to were the following:

“The Transvaal is being cleared of its population as fast as possible, no less than 26,000 persons having left during the last few days. The prominent members of the Uitlander Council, the Editors of the English newspapers in Johannesburg have also left. The largest houses in Johannesburg have suspended their businesses and sent away their clerks and books beyond the border. If the Indians think of leaving the Transvaal at such a time, it cannot be wondered at. They naturally cannot go to Delagoa Bay, because of its malarial climate, nor could they go to the Cape in any large numbers because of the great distance and the consequent heavy charges and the small Indian population there. There are no public homes for them. They have to depend upon the help of private friends whom they can find only in Natal. They have approached the Natal Government with a view to obtain suspension of the Immigration Restriction Act during the crisis. The reply received during the week was that the Government had no power to do so under the Act. This is hardly correct, and in reply to a ther communication they say, “in the enforcement or fur-

non-enforcement of the Immigration Restriction Act, the Government will be influenced by considerations of humanity, and will not seek in the event of hostilities breaking out to exercise its powers unreasonably or oppressively." This is good so far as it goes, but it does not give the relief that is required. To leave after the actual hostilities commence may be impossible. The Government have been further approached, and it remains to be seen what they will do. I write this to show how awful our position is in South Africa. To find that British subjects cannot find shelter from danger on a British soil is truly heart-rending. The Natal Government would seem to have done their best, if they could, to shake the faith of the poor Indians in British justice, and in the enchanting power of the phrase "British subjects". Happily, they do not represent the whole of the British Empire. Strange as it may appear, a cablegram today announces that, in reply to repeated representations from Natal, the imperial Government have ordered the despatch of 10,000 troops from India for the protection of Natal which refuses to give temporary shelter to the Indians from the Transvaal, to guard against which, the above troops are intended. Comment is superfluous."

From the photostat of an original printed copy: S. N. 3299.

## *102. CONGRESS RESOLUTION ON REFUGEES<sup>1</sup>*

DURBAN,  
*October 16, 1899*

It is resolved that the Natal Indian Congress tenders its best thanks to the Government for having graciously afforded facilities to the British Indian refugees from the Transvaal, now in Delagoa Bay, for coming to Natal and remaining in the Colony during the present crisis.

That the President be requested to forward a copy of the above Resolution to the Natal Government for their information.

(Sd.) ABDUL CAADIR

Colonial Office Records: South Africa, General, 1899.

<sup>1</sup> This was forwarded to London by the Governor of Natal.

### 103. THE INDIAN OFFER

[DURBAN,]  
October 19, 1899

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
MARITZBURG  
SIR,

About 100 English-speaking Indians of Durban met together at a few hours' notice on the 17th inst. to consider the desirability of unreservedly and unconditionally offering their services to the Government or the Imperial authorities in connection with the hostilities now pending between the Imperial Government and the two Republics in South Africa.

As a result, I have the honour to enclose herewith a list containing the names of a portion of those that have offered their services unconditionally. These have been subjected by Dr. Prince to a rigorous examination.

He will examine the remaining volunteers tomorrow, when about ten are expected to pass the test. But, as time is of consequence, it was proposed to forward the incomplete list.<sup>1</sup>

The services are offered by the applicants without pay. It is open to the authorities to accept the services of all, or so many as they may consider fit or necessary.

We do not know how to handle arms. It is not our fault; it is perhaps our misfortune that we cannot, but it may be there are other duties no less important to be performed on the battlefield and, no matter of what description they may be, we would consider it a privilege to be called upon to perform them and would be ready to respond to the call at any time appointed by the Government. If an unflinching devotion to duty and extreme eagerness to serve our Sovereign can make us of any use on the field of battle, we trust we would not fail. It may be that, if in no other direction, we might render some service in connection with the field hospitals or the commissariat.

The motive underlying this humble offer is to endeavour to prove that, in common with other subjects of the Queen-Empress in South Africa, the Indians, too, are ready to do duty for their Sovereign

<sup>1</sup> *Vide* the following page.

on the battlefield. The offer is meant to be an earnest of the Indian loyalty.

The number we are able to place at the disposal of the Authorities may appear to be small; but it probably represents twenty-five per cent of the adult Indian males in Durban that have received a tolerably good English education.

The mercantile portion of the Indian community, too, have loyally come forward, and if they cannot offer their services on the battlefield, they have contributed towards the maintenance of the dependants of those volunteers whose circumstances would render support necessary.

I venture to trust that our prayer would be granted, a favour for which the petitioners will be ever grateful and which would, in my humble opinion; be a link to bind closer still the different parts of the mighty empire of which we are so proud.<sup>1</sup>

*I have the honour to be,  
Sir,  
your obedient servant  
M. K. GANDHI*

LIST OF NAMES OF INDIAN VOLUNTEERS WHO HAVE OFFERED THEIR  
SERVICES TO THE NATAL GOVERNMENT OR THE  
IMPERIAL AUTHORITIES.

Gandhi, M. K.; Paul, H. L.; Peters, A. H.; Khan, R. K.; Dhanjisha, P.; Cooper, P. C.; Godfrey, J. W.; Baghwan, R.; Peter, P.; Dhunde, N. P.; Lawrence, V.; Gabriel, L.; Harry, G. D.; Govindoo, R.; Shadrack, S.; Ramtahal; Home, J. D.; Nazar, M. H.; Naidoo, P. K.; Singh, K.; Richards, S. N.; Lutchman Panday, M. S.; Royeppen, J.; Christopher, J.; Stevens, C.; Roberts, J. L.; Jappie, H. J.; Done, J. S.; Gabriel, B.; Royeppen, M.; Lazarus, F.; Moodley, R.

From the photostats of a typed office copy, a rough pencil draft in Gandhiji's own hand, S. N. 3301-2, and The Natal Mercury, dated 25-10-1899.

<sup>1</sup> In the course of his reply, dated October 23, the Principal Under Secretary informed Gandhiji that "the Government is deeply impressed with the offer of Her Majesty's loyal Indian, subjects in Durban who have offered their service's ... and should the occasion arise; the Government will be glad to avail itself of those services. Will you be good enough to convey to the Indians in question an expression of the Government's appreciation of their loyal offer."

## 104. THE INDIANS IN SOUTH AFRICA<sup>1</sup>

DURBAN,  
October 27, [1899]

I see that my last contribution in connection with the education of the Indians in Natal<sup>2</sup> has attracted some attention in India and England. I said in it that, unless the Home and the Indian Governments gave more attention than hitherto to the Indian question in South Africa, the effacement of the community in this country was a matter of time. The more I observe, the firmer I become in this conviction. It may not be inappropriate when the battle is raging fiercely between the British army and the Boers to review shortly the position—I was going to say, the most wretched position—the Indians in the Transvaal occupied during the exodus that took place some time ago from that country. During the first stages of the panic, the Uitlanders<sup>3</sup> left Johannesburg by thousands daily. The Indians, however, remained unmoved. Later, the prominent members of the Uitlander Council left. Mr. Moneypenny, the editor of the *Star* and correspondent of the *Times*, and Mr. Hull, a well-known solicitor and leading member of the Council, had to effect their escape in disguise. Mr. Pakeman of the *Leader* was arrested on a charge of high treason, and the atmosphere was thick with the rumour that leaders of the movement would be taken in custody as hostages by the Transvaal Government. Naturally, with the Europeans the poor Indians were also frightened, and they, too, were anxious to leave the Rand for a place of safety. Where could they go? Not to Cape Colony, which is far, and where there is a very sparse Indian population; not to Delagoa Bay, the hot-bed of malaria, devoid of sanitation and overcrowded. The only place they could go to was Natal. The Immigration Restriction Act of that Colony, which prohibits the immigration of lunatics, criminals, prostitutes, paupers, or those that do not know any of the European languages, unless the last have been formerly domiciled in Natal—whatever that phrase may mean—was, however, in the way. Mr. Chamberlain has said that the Act applies to all, irrespective of colour or race distinctions, and, therefore, it is not such as could be objected to. But it does not, therefore, at all follow that the European criminals, desperadoes and prostitutes, of whom Johannesburg may be said to

<sup>1</sup> *Vide* footnote in “The Plague Panic in South Africa”, 20-3-1899, *supra*.

<sup>2</sup> *Vide* “The Indian Question in South Africa”, July 12, 1899.

<sup>3</sup> White foreigners, generally British subjects, migrated to the Transvaal.

have a fair number, could not go to Natal. Not only was the Colony open to them, but special arrangements were made for their reception—relief committees were formed, and everything that could be done to make them comfortable in their distress was naturally and justly done by the people of this Colony.

The Indians alone could not and must not come. They appealed to the Government with a view to obtain some relief. They suggested suspension of a portion of the stringent rules passed under the above Act, and asked that they might be allowed to stop in Natal during the crisis. The Natal Government at first refused point-blank to grant relief. Then they said that, in the event of war breaking out, they would be guided by considerations of humanity. The Indians had approached the British Consul at Johannesburg also, who, it must be said, rose to the occasion, and very forcibly placed the Imperial view of the question before the proper authorities, which brought about the desired relief.

In order to understand thoroughly the ridiculous and un-British position taken up by Natal, it is necessary to know something of the rules referred to above. At the time of introducing the Immigration Bill, the Natal Ministers said that they did not in any way intend to inconvenience the Indians who had already settled in the Colony. As soon, however, as the Bill became law, the Government went out of their way to send notices to the various shipping companies, informing them of the punishment that awaited them if they brought Indian passengers. This was naturally taken by them to mean that they were not to bring any Indian passengers. In view of this, it was evidently necessary that those Indians who were entitled to enter the Colony under the Act should be given some relief. The Government, therefore, introduced what are called “certificates of domicile”, which were granted to those on whose behalf proof could be produced that they were before domiciled in the Colony. It may be mentioned here that the interpretation of the term “domicile” has been narrowed down as much as possible; so that now, practically, an Indian who wants such a certificate must produce two affidavits to the effect that he was in the Colony doing some permanent business for a term of at least two years—a limitation for which there seems to be absolutely no warrant in the Act itself. These certificates are granted on a fee of half-a-crown to the Treasury; but the reader will easily imagine that the poor Indian, who has got to prove that he is exempt from the operation of the Act, has not only to pay the half-crown, but also the

lawyers who would draw up the affidavits, etc.

This facility, if it may be so called, enabled only previously-domiciled Indians to obtain a passage for Natal. What, however, were the friends, relations, or customers of the Indians in Natal to do who wanted to visit the Colony temporarily, and, therefore, not to immigrate? Such temporary permission was absolutely necessary for the convenience of the Indian settlers. A few applications were made to the Government on behalf of those who wanted to come to Natal on urgent business from other parts of South Africa, and permission was granted after some difficulty on security to the extent of £50 and upwards being lodged for the due return of the applicants. Complaints were frequent and loud about the harassing delay that took place in obtaining such permission, and the prohibitive security required. Applications were made for some systematic relief, and, over one year after the passing of the Act, rules were framed by the Government which, instead of giving the desired satisfaction, caused intense disappointment. A fee of £1 was instituted for the first time, for each permit which was granted, on a deposit by the applicant of £25 if he wanted to pass through Durban, say from Johannesburg, on his way to India, and of £10 if he wanted to make a sojourn of a period not exceeding six weeks in Natal. Thus, a poor Indian from Johannesburg wishing to embark at Durban for India was obliged to find not only £25 for deposit, but to pay £1 to the Government; whereas he would have to pay only at times two guineas, and at the most five guineas, for a deck passage. Petition after petition was made to the Government protesting against the imposition of the fee and the distinction between the deposits for embarkation-passes and visitors' passes. The Government, however, said that the fee of £1 was necessary because the passes were a concession, and threw a lot of work on its hands, and that a higher deposit was insisted upon for embarkation-passes as the Government undertook to buy a passage out of the deposit for the holders—a favour which the holders never asked for, and never appreciated. The petitioners, on the other hand, contended that the granting of such passes was an absolute necessity, caused entirely through the strictness with which the Immigration Restriction Act was administered. They said that the Act prohibited the immigration—that is to say, the entry for permanent settlement, and not the entry for a temporary sojourn; and, therefore, respectfully declined to regard the institution of passes as a concession.

It was not, however, until such pressure was brought to bear on



the Government, and a petition to the Home authorities in the matter was threatened in their memorial with respect to the Dealers' Licenses Act, that the Government yielded and withdrew the imposition of the £1 fee and reduced the deposit of £25 for embarkation-passes to £10. So that, when the Indians in the Transvaal appealed for relief, the system of £10 deposit for *each* visitor or the embarkation-pass was in vogue. (Thus, a storekeeper who has, say, five assistants, would not only have to leave all his stock behind him, to make arrangements for maintenance during the prolonged struggle—without any prospects of business—and find sufficient money for travelling and sundry expenses, but also to have £60 to deposit before he could leave the Transvaal during the panic—a thing which may be practically impossible to do under the severe stress.) It is worthy of note that these passes—though they are, it must be admitted, granted on application without any difficulty—are issuable at the option of the officers appointed to issue them. The Indians in question merely asked for suspension of the £10 deposit, and to be allowed to enter and remain in Natal only during the crisis. The cold reply that the Government first returned came as a shock not only to the Indians but to many fair-minded Englishmen also, in Johannesburg. I know that the British Vice-Consul was very indignant. The *Standard and Diggers' News*, the Boer organ, in a scathing article, had a laugh at the expense of Natal in this connection and, not without some truth, pointed out the inconsistency of the imperial Government in coercing the Transvaal to do justice to the Uitlanders while allowing Natal to do as it liked to the British Indians. To the Indians, for the time being, "British subjects" became an empty phrase. That British Indians at such a time of peril could not find shelter on British soil passed their comprehension, and they did not know what to do and where to go. Recent events prove that the Indians' misgivings were perfectly correct, and those of your readers who have followed the stirring events in this Continent are by this time aware of the harrowing difficulties which those who put off to the last moment flying out of the Transvaal had to go through. The British Vice-Consul at Johannesburg came to the rescue. He sent a strong despatch to the British Agent at Pretoria, who, in turn, telegraphed to the High Commissioner, and a timely "recommendation" from him brought the Natal Government to their senses, and the deposit of £10 was suspended. It is to be hoped that the suspension will become permanent, and if the present war brings about, as seems not unlikely,

a better feeling on the part of the European British subjects towards their Indian fellow-subjects, it will have served one good purpose.

It is only due to the Natal Government to mention that they have, since the salutary recommendation from Sir Alfred Milner, been uniformly careful in not discriminating against the Indians. When the passenger traffic between Johannesburg and Durban stopped, the refugees had to come via Delagoa Bay. The Europeans came in without let or hindrance to Durban. These had to be housed, and fed by the Government or the Relief Committees; but the steamship companies, in view of the notice above referred to, would not venture to take Indian refugees, not one of whom has sought the Government's, or the Relief Committee's, aid. The Government were requested to supplement the suspension of the deposit by advising the steamship companies to take Indian passengers, which they did promptly enough. It may not be amiss to give a few instances of the hardships the notice to the companies and the institution of certificates of domicile have caused. As I said in a previous communication, the bubonic plague has come in very useful. The severe Quarantine Act of Natal renders it very risky for any steamer from India to take Indian passengers; consequently, for months past, the steamship companies in Bombay, so it appears, have been absolutely refusing to book passengers for Natal. The loss and inconvenience that have been caused, particularly to Indian merchants, owing to the inability of their partners or servants to secure a passage for Natal, are serious. The Government have been often approached to grant relief, but they have sheltered themselves under the statement that they could not give any assurance to the steamship companies, but that they would treat every arrival from the Indian ports on its own merits. The Delagoa Bay authorities have unfortunately caught the bubonic fever craze, and, yielding to the hysterical cry in Natal, have of late returned steamers with Indian passengers back without landing even cargo. They have no prejudice; but because people in the neighbouring Colonies have been shouting that the sanitation there is rotten, and supervision of cases of infectious diseases more so, they have been managing things in a most high-handed manner. The s.s. *Kanzler* brought a large number of Indian passengers a fortnight ago from Bombay. She was ordered to return. In the meantime, an Indian gentleman, who had his clerk on board, approached Portuguese authorities and induced them to let his clerk land—to bring whom, it is said, the Government tug was specially sent! This is, indeed,

humorous—only, it is also very distressing. It shows the Portuguese freedom from bias against the Indians, and it also shows that in the presence of weakness they would commit an injustice.

Such is the unfortunate lot of the poor Indian in South Africa, mainly due to the anti-Indian policy of Natal. But for the Immigration Restriction Act and the Quarantine Act (which, also, in reality is an anti-Indian Act), the wholesale return of steamers bringing Indian passengers, without regard to what that may mean to the Indians, would have been an impossibility. It seems to me, however, that the situation is by no means hopeless. Natal, apart from the Indian question, has undoubtedly risen to the occasion during the present crisis; so much so that Mr. Chamberlain, in his great speech, lately, paid a well-deserved tribute to the Colony. The Volunteers have been fighting the Imperial cause unflinchingly. The Ministers have given their entire support to the Imperial Government. Newcastle, Charlestown and Dundee, principal towns in the Colony, had to be entirely evacuated on the shortest notice; and the British, including, of course, the British Indians, merchants and others, realised the position and, leaving all their belongings, vacated those places with quiet resignation. All this shows intense attachment to the Throne. If only, therefore, the European Colonists could be induced to see that their attachment would be incomplete unless justice was done to the Indians, they would not fail to respond. There is no mistaking the sign of the wave of Imperial unity. The present war is entirely in the interests of the Uitlanders, whose sufferings may be said to fade into insignificance when compared with those of the Indians. The Volunteers who have gone to the front to fight for the Queen's cause are mostly those who took the most prominent part in the now notorious anti-Indian demonstration of 1897 in Durban. Some local English-speaking Indians met together a few days ago, and decided that because they were British subjects, and as such demanded rights, they ought to forget their domestic differences, and irrespective of their opinion on the justice of the war, render some service, no matter how humble, on the battlefield during the crisis, even if it were to act as bearers of the wounded in the Volunteer camp. Most of these plucky youths are clerks, and well brought up, and by no means inured to a hard life. They have offered their services without pay, unconditionally, to the Government or the Imperial authorities, stating that they do not know how to handle arms, and that they would consider it a privilege if they could perform some duty, even menial,

on the battlefield. The Indian merchants have come forward to support the families of those who may need help. The Government have returned a very courteous reply, saying that, should occasion arise, they would avail themselves of the services offered.

It strikes me that neither the Indian public nor the steamship companies have taken the trouble to study the Immigration Restriction Act; for, notwithstanding the Government notice above referred to, there is no reason for the companies to decline to take Indian passengers altogether. They can safely take such as can read and write English fairly well, and there should be no hesitation in taking any Indian passengers who would give them an undertaking, depositing money, if necessary, to the effect that, if they are not allowed to land in Natal, they would at their own expense return or disembark at the next port of call. . Our great companies should either themselves give such facilities as are in their power to poor Indian passengers, or should be made to do so by our public bodies, such as the Chambers of Commerce, within whose province such matters lie specially. I trust they will give sympathetic consideration to the suggestion offered.

*The Times of India* (Weekly edition), 9-12-1899

### 105 . LETTER TO W. PALMER

[DURBAN,  
post *November 13, 1899*]

DEAR MR. PALMER,

I thank you very much for your kind note which is a surprise to me.<sup>1</sup> I would, if it is possible, like to know the names of the ladies who went to collect and of the ‘Arabs’ who declined to assist.

It is just possible the men did not know the ladies or the true aim of the fund.

Before the Indians offered their services to the Imperial authorities for active service on the battlefield, I went over to Mr. Jameson and asked him whether it was advisable to make the offer. He seemed disinclined to advise it owing to the inability of the volunteers to handle arms, but suggested a contribution to the fund referred to in

<sup>1</sup> Mr. William Palmer, Treasurer of the Durban Women’s Patriotic League, had written to Gandhiji on November 13, 1899, complaining that while “Coolies” had contributed their three-penny pieces to the street collections, the “Arabs” (Asiatic merchants) had “declined to render any help”.

your note. Ever since, I have been thinking of inducing the leading Indians to make a small collection. But, as you know, the offer has been made, one of the conditions of which is to support the families of the volunteers during active service. The fund started for this purpose and the terrible strain thousands of Indian refugees have put upon the purse of the Indian merchants have rendered it necessary for the merchants to discriminate in subscribing to various funds.

However, I am awaiting an opportunity of drawing more generally the attention of the Indians to the fund in question.

Please assure the self-sacrificing ladies that no Indian could have declined to assist from want of sympathy. We are all fired by one spirit, viz., the imperial, and we all know what sacrifice volunteers and those they have left behind have committed. The existence-it be so—of a few selfish persons need not, in my humble opinion, cause us to think uncharitably of the whole class to which they may belong. And, after all, the Coolies are as much Indians as Arabs.

From the photostat of the office copy: S. N. 3323.

### *106. CONTRIBUTIONS TO THE DURBAN FUND*

*Gandhiji circulated the following note, written in his own hand, inviting contributions:*

DURBAN,  
*November 17, 1899*

We the undersigned hereby subscribe as under to the Durban Women's Patriotic League Fund.

E. Aboobakar Amod & Bros.	5- 5-0
S. P. Mahomed & Co.	2- 2-0
Parsee Rustomjee	5-10-0
M. K. Gandhi	3- 3-0
[Here follow forty-two other signatures and subscriptions]	
Total	62- 7-3

From the photostat of the original subscription list: S. N. 3326.

## 107. INDIAN TRADERS IN NATAL<sup>1</sup>

DURBAN,  
November 18, [1899]

Nothing of what I have so far written on the position of the British Indians in South Africa deserves that consideration which the matter I am about to deal with in this letter ought to do. One of the four Acts the Natal Legislature passed in 1897, in indecent hurry and at a time when the fury of the Durban mob had hardly subsided, was that known as the Dealers' Licenses Act. The Act gives absolute discretion to the Licensing Officers appointed under it to issue or refuse a wholesale or a retail license, whether to trade as a shopkeeper or as a hawker, his decision being subject to review by the Town Council or the Town Board, which have the power to appoint him. There is no right of appeal against a decision of these bodies, sitting as a Court of Appeal in such license cases. The penalty for carrying on a trade without a license is £20, in default of which the magistrates have the power to send the defaulter to gaol—not under the Act itself, but under the powers reserved to the magistrates under another law for cases where imprisonment is not specifically mentioned. It was hoped that the depriving the Supreme Court of the Colony of jurisdiction over all bodies exercising judicial functions would be found by the Privy Council to be illegal; but, as the reader may remember, that body has decided otherwise. The Supreme Court has also decided that licenses issued under the Act are personal only, and, therefore, although they may be held, say by a company, the sale of its goodwill would not carry with it the right to trade under the Company's license during the remainder of the license period. Thus, there is no loophole left under the Act, and the judicial interpretation has narrowed down the rights of the parties affected thereby to the smallest compass. The poor Indians have sent petitions—two to the Colonial Secretary and one to Lord Curzon, on whom they have built very large hopes. No reply has as yet been received from the Viceroy, and none from the Colonial Secretary to the last petition, except an intimation by the Natal Government to the effect that the Colonial Office was in correspondence with them in the matter.

It would be safe to say that there are over 300 Indian store or shopkeeper's licenses and about 500 Indian hawker's licenses in the

<sup>1</sup> Vide Footnote in "The Plague Panic in South Africa", 20-3-1899, *supra*.

Colony of Natal. The holders of these form the respectable portion of the Indian community, and represent the 4,000 free Indians in the Colony, as distinguished from about 50,000 Indians who were brought into Natal under indenture as labourers, and their descendants. In its operation the Act has ruined many Indian storekeepers, and unsettled the minds of all of them. In certain cases the Incensing Officers have taken the greatest liberties with the Act, and it would not at all be an exaggeration to say that they have used their power in an arbitrary and tyrannical manner, and that the Licensing Boards have connived at and, at times, encouraged and even dictated, their actions. Not only have new licenses been refused, transfers of old licenses prohibited and renewals of old licenses not allowed, but insult in some cases has been added to injury, while the injured parties have felt absolutely powerless. An old Indian settler, who had risen from the status of a labourer to that of a respectable trader, removed from an up-country district where he had been trading for several years, to Durban, bought a piece of property, and thought he would take out a license in Durban in the Indian portion of the town, where he was to cater principally for Indian customers. He applied for a license, showed he had engaged a European book-keeper to keep his books, and produced certificates as to respectability and honesty from three well-known European merchants who had dealt with him; but the Licensing Officer declined to grant the license. The matter was taken in appeal before the Durban Town Council, and the Licensing Officer was asked by the applicant's attorney to give reasons for his refusal. He declined to do so. The Town Council upheld the decision of the Licensing Officer, and would not even make him his reasons. While the case was being conducted, the Court (i.e., the Town Council), the Licensing Officer (who was the respondent) and the Town Solicitor retired to a private room for consultation, and on return, forgetting that the counsel's address was still to be heard, the Council announced their decision upholding their Officer's action. The applicant's counsel drew their attention to the irregularity, and the farce of addressing a Court that had made up its mind was allowed to be gone through— with no better result.

The persevering applicant took the case before the Supreme Court which, while it declined to interfere with the decision of the Town Council—having no power to do so under the Act—quashed the whole proceedings, and sent the case back for rehearing, with the

direction that the appellant was entitled to reasons for refusal. To the Acting Chief Justice:

It seemed . . . that the action of the Town Council in this case had been oppressive.... It seemed to him that the refusal of both requests [for a copy of the record and reasons] was unjudicial and an improper proceeding. Justice Mason, the first Puisne Judge,

considered the proceedings under appeal were a disgrace to the Town Council, and he did not hesitate to use this strong language. He considered under the circumstance that it was an abuse of words to say there had been an appeal to the Town Council.

So the Town Council reheard the appeal, and made the Licensing Officer give his reasons, which were that “the applicant had no claim whatever upon Durban, as the class of trade he was engaged in was sufficiently provided for in the town.” The decision was the same as on the previous occasion, and the unfortunate man has to remain without his license. I understand that now he is a poor man, having been obliged to live on his capital. The reason was, in plain words, absolutely false, many licenses to Europeans having since been granted, and the application having been in respect of a place that was vacated by an Indian storekeeper who had left Durban. Another Indian who, it was proved, was a Colonist of fifteen years’ standing, lived in a decent style, had large businesses in several parts of the Colony, and had good credit with a number of European firms, also applied for a license—with the same unsuccessful result. The real reason was forced out for the first time during the hearing of his appeal. The Licensing Officer said:

The Act 18 of 1897 as I understand was passed with a view of placing some check on the issue of trading licenses to certain classes of people generally regarded as undesirables, and as I believe I am right in assuming that the applicant in question is one that would be included in that class, and, moreover, as he has never before had a license in Durban, I have felt it my duty to refuse his license.

One of the councillors, in approving of the decision of the Licensing Officer, said:

The reason was not because the applicant or the premises were unsuitable, but because the applicant was an Indian. . . . Personally he considered the refusal of the license a grievance to the applicant, who was a most suitable person to appear before the Council to ask for a license.

Another councillor would not take part in the proceedings because he

disagreed with the dirty work they (councillors) were called upon to do. If the burgesses wished all such licenses stopped, there was a clean way of going about the



matter: viz., getting the Legislative Assembly to enact a measure against the granting of licenses to the Indian community. But sitting as a Court of Appeal, unless there were good grounds to the contrary, the license should be granted.

But, of course, it was not, as the anti-Indian element was too strong in the Council. The Newcastle Town Council took away at one stroke almost all the Indian licenses in 1898. It was then that the matter was taken to the Supreme Court, and thence to the Privy Council, which decided that there was no appeal from the Town Council's decisions under the Act. This year it has granted most of the Indian licenses, and it must also be said to its credit that, while the question was pending before the Privy Council, it allowed the Indians concerned to carry on their trade. The Chairman of the Dundee Local Board, in dealing with a similar appeal, said he would not give the applicant even "the chance of a dog". The same Board, moreover, passed a resolution last year instructing the Licensing Officer to cancel as many Indian licenses as possible. This was too much for even the public press of Natal, and a hint was given that the Board was going too far. The result was in a measure satisfactory, and licenses have been granted this year, though with the proviso that they would not be renewed next year in respect of the same building. In another respect, two Indian merchants sold their business to Indians and asked for a transfer of license, which was refused—the decision being upheld in appeal by the Local Board. In some parts of the Colony, licenses granted last year have been withheld this year. Such, in a brief outline, is the effect of the Act in question. As a result of the correspondence between the Colonial Office and the Natal Government, the latter have told the different local bodies that, unless they exercised their powers with better discretion so as not to affect vested interests, the right of appeal to the Supreme Court would be given to the aggrieved parties. This letter officially admits the grievance and also approves of the remedy suggested by the Indians. But the three Municipalities of Natal take the letter for what it is worth, and hardly listen to such a threat of the Natal Government. Neither the Licensing Officers nor the Town Councils are much to blame in the matter. They are merely victims. Any body of persons placed under similar circumstances would act in the same manner as the Natal Licensing Officers and Boards. The Officers are either Town Clerks or Town Treasurers and, therefore, as the Chief Justice remarked in the case referred to above, hardly independent of those bodies, the members of which, in their turn, depend for their offices on the

goodwill of the people that are directly opposed to the Indians. And to these bodies the Natal Legislative Assembly has said:

We leave the Indian entirely at your mercy. You may, without your action being called in question by any body, either let them earn an honest living in your midst or deprive them of it without any compensation whatever.

So long, therefore, as the Act, which is admitted by all, including even the Natal politicians, to be opposed to free-trade and the cherished principles of the British Constitution, is allowed to blot the Statute-book of the Colony, so long will the grievances remain, the Government letters, like the one mentioned above, addressed to the Corporations notwithstanding. The Indians very reasonably say: "Impose what sanitary restrictions you like on us; let our books be kept in English, if you will; introduce, if so minded, other tests which we may reasonably be expected to fulfil; but, after we have complied with all the requirements, allow us to continue to earn our living and, if there be interference on the part of the Officers administering the law, give us the right of appeal to the highest judicial tribunal in the land." It is difficult, indeed, to find fault with such a position, and more so to understand the distrust of the Natal Legislature in the Supreme Court of the Colony. This licensing question is a festering sore which needs must be healed. It affects the present Indian population, and fairly promises to ruin it unless there is timely intervention. The petty Indian traders are surely, if slowly, being weeded out unnoticed. This tells very materially upon their feeders—the large Indian firms and their dependants. Indian landlords have an anxious time of it, as their premises, however well-constructed they may be, cannot be let, as no one would have them when the licenses cannot be got. The current year is fast approaching its end, and the Indians are all anxiously waiting to know how they will fare next year as to the renewal of their licenses. The war is depopulating Natal, and no one knows when business may be resumed and people may be able to return to their homes. Still, it might be as well for the Indian public to remain on the alert, and by well-sustained efforts to see that this evil, at any rate, is removed before it is too late, and before the Indians in Natal, through sheer suppression, are unable even to let their voice be heard in India.

*The Times of India* (Weekly edition), 6-1-1900

## 108. LETTER TO W. PALMER

14, MERCURY LANE,  
DURBAN,  
*November 24 1899*

TO  
WILLIAM PALMER, EST.  
TREASURER  
DURBAN WOMEN'S PATRIOTS LEAGUE  
DURBAN

DEAR SIR,

We have been requested by the Indian subscribers to the Durban Women's Patriotic League Fund to forward to you the enclosed cheques which represent a special contribution to the fund by the Indian merchants and storekeepers of Durban.

We feel that we have not subscribed enough, but the subscription for the support of the families of the Indian volunteers in the event of their services being required, the heavy strain put upon our resources for feeding and housing thousands of Indian refugees, not only from the Transvaal, but also from our up-country Districts at present occupied by the enemy, and the enormous losses sustained owing to the virtual suspension of business, have crippled our pecuniary strength. We know, however, that the Volunteers who have dedicated their lives to the Colony and the Empire, as also those they have left behind, have performed an act of self-sacrifice before which anything we have done dwindles into insignificance. What little therefore, we are able to send herewith is merely as token of our heartfelt sympathy and admiration of our brave men who are fighting for us all.

*Yours etc.*

From the photostat of the office copy: S. N. 3325-6, and *India*, 26-1-1899

## 109. WIRE TO COLONIAL SECRETARY

*December 2, 1899*

TO  
HONOURABLE COLONIAL SECRETARY  
PETERMARITZBURG

PROTECTOR IMMIGRANTS SAW ME WITH REFERENCE TO INDIANS  
FOR HOSPITALS. MOST OF THOSE WHO HAVE OFFERED SERVICES  
WOULD I THINK BE PREPARED TO CO. IF GOVERNMENT WOULD

HAVE US KINDLY STATE NATURE OF WORK WHEN WE MUST START  
AND OTHER PARTICULARS THAT MAY BE NECESSARY.

GANDHI

From the photostat of the office copy: S. N. 3332.

### *110. WIRE TO COLONIAL SECRETARY*

*December 4, 1899*

TO  
HONOURABLE COLONIAL SECRETARY  
MARITZBURG

WIRE RECEIVED. IMMEDIATELY AFTER INTERVIEW WITH PROTECTOR  
AND SEEING THAT GOVERNMENT HAD SENT HIM LIST OF INDIAN VOLUNTEERS  
FORWARDED TO YOU OCTOBER 19 I NOTIFIED THEM  
THAT GOVERNMENT SEEMED TO REQUIRE THEIR SERVICES AND TOLD  
THEM TO HOLD THEMSELVES IN READINESS PENDING YOUR FUR-  
THER INSTRUCTIONS. WE HAVE MADE ARRANGEMENTS TO START  
AT A MOMENT'S NOTICE. BEING EAGER TO RENDER WHAT SERVICE  
WE CAN WITHOUT PAY MAY MENTION SOME OF US HAVE  
BEEN TAKING LESSONS IN HOSPITAL WORK UNDER DR. BOOTH.  
FROM YOUR TELEGRAM TODAY IT APPEARS GOVERNMENT ONLY  
REQUIRE LABOURERS. IT WOULD BE A GREAT DISAPPOINTMENT  
IF AFTER ALL ARRANGEMENTS GOVERNMENT WOULD NOT ACCEPT  
US. BESIDES THE TWENTY FIVE NAMES SENT IN OCTOBER SOME  
TWENTY OTHERS HAVE VOLUNTEERED THEIR SERVICES WITHOUT  
PAY . ANXIOUSLY AWAITING EARLY AND FAVOURABLE REPLY.

GANDHI

From the photostat of the office copy: S. N. 3333.

### *111. LETTER TO BISHOP BAYNES OF NATAL*

[DURBAN,  
prior to *December 11, 1899*]

MY LORD,

Revd. Dr. Booth informs that in Your Lordship's opinion he  
ought not to join the Indian Ambulance Corps unless he feels strongly  
and there is real need for him. He says also that he will not  
accompany the Corps for the present but may do so if there is a real  
need for him.

In my humble opinion, Dr. Booth is indispensable for the  
Corps. His knowledge of medicine was of the greatest value to us, and  
if Dr. Booth did not accompany us, we, a Corps of nearly 1000 men,

would be without a medical adviser. I do not mention the great confidence he would inspire in the Ambulance leaders, whom he knows and has trained under him. In the treatment of the wounded that might be entrusted to the care of the leaders, Dr. Booth's services, Your Lordship will agree, will be inestimable. His place can be filled here, in the ambulance camp there would be a gap without him.

I understand Dr. Booth is not leaving the mission, at any rate, till June next and, seeing that he is not likely to be required at the front any great length of time, perhaps Your Lordship will be pleased to grant the necessary permission.

*I remain,  
Your L's obedient servant*

From the photostat of a draft: S. N. 3372b.

### *112. WIRE TO PRAGJEE BHIMBHAI*

[DURBAN,]  
*December 11, 1899*

TO  
PRAGJEE BHIMBHAI  
BELLAIR

ASK VOLUNTEERS BE READY. START POSSIBLY TOMORROW.

GANDHI

From the photostat of the office copy: S. N. 3338.

### *113. WIRE TO COLONIAL SECRETARY<sup>1</sup>*

TO  
THE HONOURABLE COLONIAL SECRETARY  
PIETERMARITZBURG

[DURBAN]  
*December 11, 1899*

I AND MR. GANDHI WILL WAIT UPON YOU TOMORROW MORNING  
NINE.

[BOOTH]

From the photostat of the office copy: S. N. 3339.

<sup>1</sup> The office copy shows that the telegram was drafted and despatched by Gandhiji.

## 114. INDIAN AMBULANCE CORPS

*The Hon. Mr. Harry Escombe, Premier of Natal in 1897, invited at his residence in Johannesburg the leaders of the Indian Ambulance Corps proceeding that day to the front. The following is a brief press report of the speech Gandhiji made at Mr. Escombe's request.*

[JOHANNESBURG,]

*December 13, 1899*

When the ultimatum was presented by the Transvaal, some of them thought it was a time when they should sink all differences, and, as they insisted upon rights and privileges as subjects of the Queen, do something to prove their loyalty. Very few of them could handle arms, although, if the Ghoorkas or the Sikhs had been there, they would have shown what they could do in the way of fighting. They—that is the English-speaking Indians—came to the conclusion that they would offer their services to the Colonial or Imperial Government, unconditionally and absolutely without payment, in any capacity in which they could be useful, in order to show the Colonists that they were worthy subjects of the Queen. They called a meeting, and at that time there was so much enthusiasm shown that almost everyone present put their names on the list as willing to serve, and from that list they had chosen suitable men. He asked Dr. Prince to examine them to know how many were fit to serve on the battlefield. Dr. Prince passed 25, and they sent the list of names to the Government, but got the reply that at that time their services could not be accepted. Shortly after this, ambulance classes were started by Dr. Booth and they had been attending his lectures almost every night. The Government had intimated that they required 50 to 60 Indians to go to the front, and on the Protector coming to him, he said that they were ready at a moment's notice to do whatever was needed of them, and that, without remuneration of any kind. The Colonial Secretary, however, did not think the work suitable for them, and on hearing this, Dr. Booth wrote to the Colonial Secretary and gave him an idea of the work they could do; Dr. Booth was then kind enough to go with him to Maritzburg, where they saw Bishop Baynes and, also, Colonel Johnston. The latter thought they would do admirably to act as leaders for the Indians engaged as bearers. Their dream had been realised, and although, unfortunately, they were not to be engaged in the fighting line, he hoped they would be able to discharge their duties well. To Dr. Booth they were very grateful for what he had done, and he also had offered

his services gratis to the Government, and was going with them that night.

*The Natal Mercury*, 14-12-1899

### 115. LETTER TO DONNOLLY

[Post *December 13, 1899*]<sup>1</sup>

DONNOLLY, ESQ.  
DISTRICT ENGINEER  
DEAR SIR,

Of the tickets received by me by virtue of your order for 5 1st class tickets, 20 2nd class tickets and 20 3rd class tickets in connection with Indian Ambulance Corps, I return herewith I unused 1st class ticket and 10 unused 3rd class tickets.

Of the 10 3rd class tickets used, 3 were used as from P. M. Burg, as 3 bearers joined us at that station. The numbers of the 3 tickets were 9303, 9290, 9285. I duly reported this matter at P. M. Burg before taking in the 3 bearers.

[*Yours faithfully*,  
M. K. GANDHI]

From the photostat of the office copy in Gandhiji's own hand: S.N. 3358.

### 116. LETTER TO P. F. CLARENCE

[DURBAN,  
*December 27, 1899*]

MR. P. F. CLARENCE  
PUBLIC WORKS DEPARTMENT  
PIETERMARITZBURG  
DEAR SIR,

I enclose herewith accounts for £...<sup>2</sup> which please examine and for which let me have a cheque if correct.

I do not know if Mr. Bhayad of P. M. Burg has incurred any expenses for recruiting bearers. I am writing to him and will render further accounts in the event of there being anything due to Mr. Bhayad.

[*Yours faithfully*,  
M. K. GANDHI]

<sup>1</sup> Gandhiji left for the front on December 14, at 2-10. a.m.

<sup>2</sup> *Vide* the next page.

[Enclosure]

## MEMO OF EXPENSES

DURBAN,  
December 27, 1899

### MEMO OF EXPENSES AUTHORIZED BY THE SUPERINTENDENT, INDIAN AMBULANCE CORPS

		£	s	d
12th Dec.	To cabman paid visiting Superintendent &c.	0	9	0
	„ telegrams to volunteers to be ready and collect carriers <sup>1</sup>			
	„ fare P. K. Naidoo to Durban 2nd class for recruiting. bearers	0	11	10
	To telegram Mr. Vinden to Col. Sec.	0	1	10
	To fare from Bellair to Durban 7 bearers	0	4	1
	To fare volunteer going to Bellair for the bearers	0	1	9
	To fare one volunteer fr Bellair	0	1	2
	To fare volunteer fr Tongaat	0	5	0
14th Dec.	To provisions as per Mr. Amod's Bill A <sup>2</sup>	1	16	0
18th Dec.	To provisions as per Bill B <sup>3</sup>	0	12	0
19th Dec.	To mugs &c. as per Stu[. . .]k's <sup>4</sup> Bill C <sup>5</sup>	0	19	0
	To paid Durjan at Chieveley for Kaffir pot for cooking food for carriers. pot handed Super <sup>6</sup>	0	7	0
	To one week's wages for 9 bearers employed as police @ 25/- viz. (1) Goolabbhai (2) Desai Pragjee Dayaljee (3) Dahyabhai Dajee (4) Desai Govindjee Premjee (5) Nagar Ratanjee (6) Dahyabhai Morarjee (7) Deshabhai Pragjee (8) Perulamal <sup>7</sup> (9) Pernrail <sup>8</sup>	11	5	0

<sup>1</sup> No entry against this item.

<sup>2</sup> These are not available.

<sup>3</sup> *ibid*

<sup>4</sup> Not decipherable.

<sup>5</sup> This is not available.

<sup>6</sup> Superintendent.

<sup>7</sup> The correct spelling of these hurriedly written names is given as Perumal in Gandhiji's note at the end of the "Statement of Account"; vide the succeeding item.

<sup>8</sup> *ibid*



To wages for bearer Sukhraj	1	0	0
To fare one volunteer to Tongaat	0	5	0
	17	16	8 <sup>1</sup>

From the photostats of the office copies: S. N. 3356 and 3357.

### 117. STATEMENT OF ACCOUNT<sup>2</sup>

[Post December 27, 1899]

(Paid) Carriers brought up by Mr. Gandhi

Not Volunteers—free of charge.

No.	Rate Rank Amount	Name	Period	No. of days	per week	[£ s d]
1.	Night Guard	Goolabbhai	13 to 20	8	20/-	1- 5
2.	„	Desai Pragjee Dayal	„	„	„	1- 5
4.3	„	Dahyabhai M	„	„	„	1- 5
5.	„	Govindjee Premjee	„	„	„	1- 5
6.	„	Nagar Ratanjee	„	„	„	1- 5
7.	„	Doolabhbhai Pragjee	„	„	„	1- 5
8.	„	Dahyabhai Dajee	„	„	„	1- 5
9.	bearer	Perulamal	„	„	„	1- 2-10
10.	„	Lekraj	„	„	„	1- 2-10
11.	„	Permal	„	„	„	1- 2-10
						12-11- 2
		a/c attached Sundry disbursements	..	..	..	5-13- 4

<sup>1</sup> The total is £17-18-8.

<sup>2</sup> This statement of account was originally prepared by one of Gandhiji's co-workers, who by mistake charged wages for 11 carriers at the common rate of £1-2-10 for each (vide the illustration). Including a sum of £5-13-4 for sundry disbursements, the total amount of £18-4-6 was claimed and received from the Government. Gandhiji discovered certain errors in the account and corrected them, showing that an amount of £2-13-4 was due to be returned to Government. The statement here given is the corrected one.

<sup>3</sup> This and the subsequent serial numbers were left uncorrected by oversight.

---

				£18- 4- 6
				17-16-10
Less money paid by				
you to the 2 Perumals	..	..	..	2- 5- 8
				<hr/> 15-11- 2
By your cheque	..	..		18- 4- 6
Balance due to you .	..	..	..	2-13- 4
				<hr/> [£] 18- 4- 6

From the photostat of the office copy: S. N. 3359.

### 118. TELEGRAM TO COL. GALLWEY

[DURBAN,  
prior to *January 7, 1900*]<sup>1</sup>

COLONEL GALLWEY  
P. M. O. HEADQUARTERS  
NATAL

500 FREE INDIANS ARE READY TO DO AMBULANCE WORK AS BEFORE UNTIL THE WAR IS OVER AND TO FOLLOW THE GENERAL. THEY HAVE REGISTERED THEIR NAMES AT MY OFFICE AND ARE READY TO START ON INSTANT NOTICE. MOST OF THE FORMER LEADERS ARE ALSO READY. DOCTOR BOOTH HAS OBTAINED LEAVE AND WILL ACT AS MEDICAL OFFICER AS BEFORE AND CONSENTS AT OUR REQUEST TO ACT AS SUPERINTENDENT IF CALLED UPON. OR IN ANY OTHER WAY YOU WISH. SO THAT OUR DURBAN CORPS IS NOW COMPLETE IN ITSELF AND ANXIOUS TO START WORK IF THERE IS ANY SCOPE.

GANDHI

From the photostat of the office copy in Gandhiji's hand: S. N. 3372c (No. 2).

<sup>1</sup> On December 29, 1899, Gandhiji received a letter (S. N. 3360) asking him how many Indians he could supply to work as stretcher-bearers. Gandhiji sent the above telegram some time in the first week of January 1900. He had sent an interim reply by telegram (not available) in the preceding week, as stated in the first draft (*vide* S. N. 3372c) of the above (second) telegram. The Corps was re-formed at Estcourt on January 7, 1900.

## 119. THE AMBULANCE CORPS<sup>1</sup>

[DURBAN,]  
January 30, 1900

DEAR SIR,

I received your letter asking [me] to contribute notes or the doings of the Indian Ambulance Corps at Spearman's Hill when we were all in the thickest of the work. Some of us had, besides taking charge of stretchers, to look after the provisioning, etc., of the Corps, getting hardly time to sleep or eat. Hence my inability to acknowledge your note which, I trust, you would excuse understandingly.

But even if time had permitted, I would have refrained from writing the notes on the strength of the advice of a valued English friend who, soon after he saw my notes<sup>2</sup> in the *Advertiser* on the doings of the Corps in the Colenso fight, thought that there should be very little said by the Indians themselves of their work done in connection with the war and that their part was merely to do without speaking. Since then I have so far resisted all temptations to write anything about the work for publication. I remain,

*yours truly,*

From the photostat of a draft in Gandhiji's hand: S. N. 3372.

## 120. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE, DURBAN,  
February 22, 1900

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I notice that the Queen's Chocolate for the soldiers and volunteers is being now distributed. I do not know whether this chocolate is to be distributed among the Ambulance Corps formed in the Colony. But whether it is or not, I have been asked by the Indian Volunteer Leaders (about 30), who joined the Indian Ambulance Corps without pay, to request you to obtain the gift for them, if possible. It will be greatly appreciated by them and prized as a

<sup>1</sup> This was a personal letter to the editor of *The Natal Advertiser* in reply to his letter of January 22, 1900.

<sup>2</sup> These are not available.

treasure if the terms under which the gift has been graciously made by Her Majesty would allow of its distribution among the Indian leaders.<sup>1</sup>

*I have the honour to be,*

*Sir,*

*your obedient servant,*

M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 14621900.

### *121. TELEGRAM TO COLONIAL SECRETARY*

[DURBAN,]

*March 1, 1900*

TO

HONOURABLE COLONIAL

SECRETARY

[PIETERMARITZBURG

INDIAN VOLUNTEER LEADERS BELONGING TO INDIAN AMBULANCE CORPS DESIRE YE TO CONVEY THEIR RESPECTFUL CONGRATULATIONS TO GENERAL BULLER ON HIS BRILLIANT VICTORY AND THE RELIEF OF LADYSMITH.

GANDHI

Pietermaritzburg Archives: C. S. O. 160511900, and the photostat of the office copy: S. N. 3400.

### *122. ON THE DEATH OF W. W. HUNTER<sup>2</sup>*

DURBAN,

*March 8, 1900*

Sir William Hunter is dead. This removes from the world our best champion. It is proposed to send the enclosed cable<sup>3</sup> of condolence to Lady Hunter on behalf of the Congress. Those who are in favour of incurring the expense, please sign.<sup>4</sup>

From the photostat of the original in English and Gujarati, in Gandhi's handwriting: S. N. 3402.

<sup>1</sup> The request was not acceded to on the ground that the gift was confined to enlisted Noncommissioned Officers and men.

<sup>2</sup> A circular letter.

<sup>3</sup> The text of the cable is not available.

<sup>4</sup> Here follows a circular in Gujarati in practically the same terms. At the end of the document are the signatures of eight prominent members of the Congress who recorded their agreement with the proposal.

### 123. INVITATION TO PUBLIC MEETING<sup>1</sup>

DURBAN,  
March 10, 1900

DEAR SIR,

The pleasure of your company is requested at a meeting of the Indians resident in the Colony, to be held in the Congress Hall, Grey St., on Wednesday the 14th. inst. at 8 p.m., to adopt congratulatory resolutions with reference to the recent brilliant successes of the British arms and the consequent relief of the beleaguered towns of Ladysmith and Kimberley.

The Honourable Sir John Robinson, K.C.M.G., M.L.A., has kindly consented to preside on the occasion.

*I remain,*  
*yours truly,*  
M. K. GANDHI  
Hon. Sec., N.I.C.

R.S.V.P.

From the photostat of the original printed circular letter: S. N. 3404.

### 124. CONGRATULATION TO BRITISH GENERALS

*At a large and representative meeting of Indians and Europeans held in response to the invitations issued by Gandhiji on March 10, a resolution congratulating the British Generals was adopted. Supporting the resolution, Gandhiji made a brief speech of which the following is a press report.*

DURBAN,;  
March 14, 1900

Mr. M. K. Gandhi, Secretary of the Indian Congress, in supporting the resolution<sup>2</sup> said that they were deeply grateful for the splendid response which had been made to the invitations issued to the European community in Durban. They had response also from Indians in Umzinto, Verulam and other centres. There was some talk of a special meeting being held by the Indians. He thought that the

<sup>1</sup> The letters of invitation bore the heading "Long Live Kaiser-i-Hind" and pictures of Queen Victoria and three prominent British Generals who had taken part in the Boer War.

<sup>2</sup> *Vide* Resolution No. 1 on "Congratulations to British Generals", Prior to 26-3-1900, *infra*. It was moved by Abdool Kadir, President of the Natal Indian Congress, and seconded by Louis Paul.

Indians could not be too joyful in connection with the British victories in South Africa, provided they did not become conceited. The Indians had a special interest in this affair. Lord Roberts, the hero of Kandahar,<sup>1</sup> who was at the head of the forces, and Sir George White, who had conducted the siege of Ladysmith with much gallantry, had been for some long time Commanders-in-Chief in India. The Indians would have failed in their duty to themselves if they had not given expression to their feelings at the successes which had attended the feats of the two Generals. He hoped that they would believe him when he said that the want of the knowledge of English language did not prevent Indians from following the course of events with accuracy and interest. It was the Indians' proudest boast that they were British subjects. If they were not, they would not have had a footing in South Africa.

*The Natal Mercury*, 15-3-1900

*The Natal A Advertiser*, 15-3-1900

## 125. INDIAN AMBULANCE CORPS IN NATAL<sup>2</sup>

[DURBAN,  
post *March 14, 1900*]

General Sir William Olpherts is reported to have said:

While fully sharing the enthusiasm for the bravery of our troops fighting in South Africa, I think that sufficient attention has not been called to the devotion of the Indian dhoolie-bearers who do their work of mercy on the battlefields. Under the heaviest fire they seek the wounded, fearing nothing, although without means of defence. These Indian fellow-subjects of ours are doing in Natal a work which requires even more courage than that of the soldier.

Since sending my last contribution,<sup>3</sup> I have been twice to the front; and though what General Olpherts said of the dhoolie-bearers could not be said of all the Indian Ambulance Corps, I have no doubt that the Corps has done a work that was absolutely necessary, and that would do credit to any Ambulance Corps in the world. I referred in my letter, dated October 27th, to the unconditional offer, without pay,

<sup>1</sup> In 1880 Lord Roberts made a historic march from Kabul to Kandahar, then capital of Afghanistan.

<sup>2</sup> *Vide* footnote in "The Plague Panic in South Africa", 20-3-1899, *supra*.

<sup>3</sup> *Vide* "Indian Traders in Natal", November 18, 1899.

of the English-speaking Indians of Durban to do service on the battlefield. Since then, events have happened which resulted in its acceptance. It was anticipated that the battle of Colenso would claim not a few lives, and that the safe carrying of the seriously wounded would be a grave problem, as the limited number of European ambulance bearers would not be equal to the required strain. General Buller, therefore, wrote to the Natal Government, asking them to raise an Indian Ambulance Corps, which would not be required to work within the range of fire. The managers of the various plantations (which control much Indian labour), as well as the leaders of the Indian community, were approached by the Government, and the response was prompt. A Corps of over 1,000 Indian stretcher-bearers was formed in less than three days, the bearers receiving 20s. per week as against 35s. per week received by the European bearers. It is worthy of mention that the sturdy band of leaders began their work under exceptionally happy auspices. the late Mr. Escombe, who was sometime Prime Minister of Natal and represented the Colony at the Conference of Colonial Premiers at the time of the Diamond Jubilee, gave a reception in his house to the volunteers, where the Mayor of Durban, Mr. Pakeman of the Johannesburg Leader, and other ladies and gentlemen were invited, and in his address—which was his last public utterance— . spoke words of encouragement to them, and generously observed that Natal could not forget the loyal services that the Indian community in its own way was rendering to the Colony and to the Empire. The Mayor also spoke to the effect. Later, in the same evening, Mr. Rustomjee of Durban gave a dinner-party in honour of the leaders going to the front, when all the prominent Indians representing different divisions sat at the same table. The Corps reached Chieveley at about 3.30 p. m. on December 15, and as soon as they were detrained, the bearers were given their redcross badges and ordered to march to the field hospital—a distance of over 6 miles. The conditions under which this Corps worked were possibly somewhat more arduous than is usual. Wherever they went, they carried rations for a month or a fortnight, as; the case might be, including firewood, and, at first, without wagons or a water-cart. The Chieveley district is extremely dry, and there is hardly any water to be found within easy distances. The roads all over Natal are rugged and more or less hilly. On reaching the field hospital, we heard of the battle at Colenso. We saw the wounded being brought by the ambulance wagons and the European bearers from the base of

operations to the field hospital, and the men as well as the leaders fully realised the situation. Before the tents could be pitched (I mean the tents for the leaders and not for the bearers—the latter had to sleep as they could, in the open, in some cases even without blankets), or the men could have anything to eat or drink, the Medical Officer wanted over 50 wounded men carried to Chieveley station. By 11 o'clock at night, all the wounded the Medical Officer could get ready were taken as directed, and it was only after that time that the Corps could get a meal. After this, the Superintendent of the Corps went to the Medical Officer and offered to carry more stretchers, but he was thanked and told to keep the men in readiness at 6 o'clock next morning. Between that time and noon, over 100 stretcher cases were disposed of by the men. While they were returning from their work, orders were received to strike camp and march to Chieveley immediately to entrain there for Estcourt. This was, of course, a retreat. It was wonderful to see how, with clockwork regularity, over 15,000 men with heavy artillery and transports broke camp and marched off, leaving behind nothing but empty tins and broken cases. It was an extremely hot day for marching—this portion of Natal is treeless as well as waterless. The Corps commenced its march at noon under these trying conditions. On reaching the railway station at about 3 o'clock, the station-master informed the Superintendent that he could not say definitely when he could place the carriages—I mean open trucks in which the men were to be packed like sardines—at his disposal. The European Ambulance men and the Indians had to remain about the station yard till 8 p.m. The former were then entrained for Estcourt, and the latter were told to shift for the night as best they could on the veldt. Tired, hungry, and thirsty (there was no water available at the station except for the hospital patients and the station staff), the men had to find means of satisfying both hunger and thirst, and of obtaining some rest. They brought dirty water from a pool about half a mile from the station, cooked rice and by midnight, after partaking of what was, under the circumstances, regarded as an excellent repast, wanted to sleep. Practically the whole of General Buller's Cavalry passed by during the night, and the men had very little rest. Next day the men were closely packed in the trucks, and, after five hours' waiting, the train proceeded to Estcourt where, in a violent storm, exposed to the sun and wind, without shelter, the Corps had to remain for two days, after which orders were received to temporarily disband it. General Wolf-Murray had officially recognised the services rendered by the



Corps.

On January 7th, the Corps was reformed and proceeded to Estcourt, this time under somewhat better auspices, in that the nine hundred and odd bearers also were provided with tents. Fully a fortnight elapsed, however, before actual work was commenced. The interval was passed in drilling the men and their leaders under the indefatigable Dr. Booth, who volunteered on the same terms as the leaders (i.e., without any remuneration) to accompany the Corps in the capacity of medical officer. The drill consisted in teaching the bearers how to lift the wounded, and to place and carry them on stretchers. They were taken long distances over extremely rugged ground. All this training was found to be of inestimable value, and none too strict. Thus, fitted as the Corps was more or less for military discipline, it did not find it difficult, when the orders were received at 2 a.m., to entrain for Frere at 6 o'clock in the morning, to break camp, load the two wagons and march to the station within three hours. From Frere a distance of 25 miles had to be covered on foot before the headquarters at Spearman's Camp could be reached. I shall let the special correspondent of The Natal Witness speak of the experiences and trials of this journey.

Early in the afternoon, heavy clouds began to bank upon the horizon, and at half past three, a storm seemed imminent. Meanwhile the wagons had arrived and been loaded up. The start was not auspicious. At the first dip between the station and our camping ground, the leading wagon stuck fast and half an hour elapsed before it could be extricated. By that time, a terrific wind had arisen, which appeared to be blowing the threatening thunderstorm away from us to the southward.... In less than three-quarters of an hour, the wind suddenly veered, bringing the storm back with tremendous force) and hail along with it....The hail certainly ceased after a while, but the rain continued in a steady downpour.... At length, it was decided to halt and wait for the wagons, and the rain having now stopped, although the clouds gave evidence of more to follow, ovens were made out of anthraps, at which we endeavoured (for the most part, unsuccessfully) to dry our sopping garments....At 8 o'clock, just as we were becoming partially dry and recovering our spirits under the influence of the fires, down came the rain again in tropical torrents. All the time, a bitter wind blew, and for discomfort our situation could scarcely have been excelled. The leading wagon had got stuck in a drift from which, owing to the awful state of the road and weather, the combined spans of oxen (32) had been quite unable to remove it.... The next morning, fifty stretchers went out to the temporary hospital. Here Major Bapty, Secretary of the Principal Medical Officer, sent word to the leaders that it was optional for

them to take the stretchers or not to the base at Spion Kop, about two miles on the other side of the river, as it was within range of the Boer guns, and he could not be sure that they would not drop a shell or two on the pontoon bridge. This preliminary was due to the fact that the men were told, as I have said before, that they would have to work without the line of fire. But the leaders and the men were quite ready not to mind the risk and go to the base and undertake the work. By evening almost all the wounded were brought to the stationary hospital, the bearers often having to make three or four journeys from the temporary hospital to the base. Full three weeks were thus passed in almost continuous work, emptying one hospital after another, chiefly the stationary hospital. During the time five journeys were made to Frere, the men three times carrying the wounded the whole distance of 25 miles in a single day, and twice taking them up at or near the little Tugela bridge at Springfield from the European bearers.

The Corps had the honour of carrying some officers of note—Major-General Woodgate being among them. It was freely remarked each time the “light-footed, elastic-stepped” bearers covered the whole distance of 25 miles with their charge, under a trying sun and over a difficult road, that they alone could perform the feat. Says the special correspondent of *The Natal Witness*:

One hundred miles in five days may be accounted fairly good walking for a man unburdened with any weight but that of his own carcass and clothes. When the wounded have to be carried on stretchers for nearly half that distance, and the greater portion of the remainder is traversed by men laden with heavy kit, such marching, I think, will be acknowledged as very creditable work. Such is the feat lately performed by the Indian Ambulance Corps, and one that any body of men may be proud of.

Thus honoured and thus satisfied with the thought of having done its duty, the Corps was again temporarily disbanded—but recent events go to show that its services may not be needed again.

The Indian merchants had supplied the leaders with large quantities of cigarettes, cigars, pipes, and tobacco for the wounded, and these were freely distributed among them. Of course, they were very much appreciated, especially as no cigarettes, etc., could be had in or near the camp. The leaders and the bearers were by no means satisfied with having carried their charge safely and well to their destination; but, at each stopping place during the long marches, even neglecting their own comforts, they left no stone unturned to attend to the wants of the wounded, e.g., helping them to tea and fruit—often doing so with their own money, or from their own rations. Nor is this the only part the Indian community has taken in the war. All the

leaders who went without pay were not capable of maintaining their dependents during their absence. The Indian merchants, therefore, started a fund which contributed to the support of the families of such leaders as needed it, and at no inconsiderable cost fully equipped the volunteers. In order to still more effectively identify themselves with the patriotic wave, and to show that they are capable of sinking their differences in the face of a common danger, they have subscribed a respectable sum of £65 to the Durban Women's Patriotic League, a local organisation formed for the purpose of providing medical comforts for the wounded soldiers and volunteers, some of which latter are violent anti Indian Colonists. the Indian ladies have come forward to prepare pillowcases and handkerchiefs for the same purpose, out of cloth furnished by the Indian merchants. Thus speaks The Natal Mercury anent the subscription:

This gift of money for the Women's Patriotic Fund, specially for the purpose of assisting in the care of the sick and wounded volunteers at the front, is a very acceptable and eloquent expression of the feeling of the Indian people. It is not enough, in their minds, to succour the large mass of Indian refugees, as they are doing in an open-handed manner, but they must bestow this added contribution, we believe, as a token of their devotion to the Queen-Empress and to the country in which they have come to reside. Nothing can better show the real feeling that animates this portion of our population, who too often have very little said on their behalf, than such a display of loyalty.

The Indians have entirely taken on their shoulders the maintenance of thousands of Indian refugees not only from the Transvaal but also from the upper districts of Natal which are temporarily in the hands of the enemy. This fact has so much impressed the Colonial mind that the Mayor of Durban made the following public acknowledgement:

They knew full well that many of the Indian nationality had been compelled to leave their posts and come down here as refugees. They had had a large number arrived, and the Indians had borne the expense themselves. For that he sincerely thanked them.

It derives, at the present moment, a peculiar importance. The Central Committee in London have cabled withdrawing their support from the able-bodied European refugees, confining it solely to women and invalids, and the matter is now taxing to the utmost the resources of the Refugee Relief Committee in Durban. It may not be amiss to mention also a few instances of individual sympathy for the

soldiers. An Indian woman who lives on the daily sale of her fruits is reported, on the soldiers landing at the Durban wharf, to have emptied the whole contents of her basket into Tommy's truck, saying that was all she could give that day. We are not told where the noble-hearted woman found her food for the day. Similarly, several Indians, in an outburst of enthusiasm are reported to have showered cigarettes and other delicacies on Natal's fighters from over the waters. When the joyful news of the relief of Kimberley and Ladysmith was flashed across the wire, the Indians vied with the Europeans in their patriotic zeal to celebrate the occasion by decorating their stores, etc. They also held, on the 14th instant, a meeting. The Hon. Sir John Robinson, K.C.M.G., the first Prime Minister of Natal under Responsible Government, was invited to preside on the occasion, and he very kindly accepted the invitation. Over a thousand Indians from all parts of the Colony and over sixty leading European citizens attended the meeting.

*The Times of India* (Weekly edition), 16-6-1900

## 126. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
Durban,  
March 17, 1900

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to forward the petition<sup>1</sup> of Ava, wife of Amod Abdoolla of Durban, praying for mercy to be shown to her husband who is at present undergoing imprisonment in the Central Gaol, Durban, for His Excellency the Governor's consideration. I venture to think that to pardon the man would be to save the woman's honour. She being alone, young, and comparatively well-bred, is exposed to temptations which may ruin her for ever.

The occasion alluded to by her, the relief of Ladysmith, may be considered sufficient to justify the exercise of the prerogative of

<sup>1</sup> This is not available.

mercy in the present case.<sup>1</sup>

*I have the honour to be,  
sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: C. S. O. 8646/1901.

## *127. CONGRATULATIONS TO BRITISH GENERALS*

[Prior to March 26, 1900]

TO  
THE EDITOR  
*The Natal Witness*  
DEAR SIR,

I beg to enclose herewith for publication copies of the telegraphic communications which the Hon. Sir John Robinson, K.C.M.G., in his capacity as chairman of the meeting of the Indian community held in Durban on the 14th day of this month, has received from the Generals, Lord Roberts, Sir Redvers Buller, and Sir George White, in reply to congratulatory resolutions adopted by that meeting and at its request telegraphed by the honourable chairman to the distinguished Generals. I enclose also copies of the resolutions above referred to.

*I am, etc.,*  
M. K. GANDHI  
HON. SECRETARY, N.I.C.

[Enclosures]

*Resolution No. 1:* This meeting of the Indian subjects of Her Majesty the Queen-Empress tenders its respectful congratulations to the Right Hon. Field Marshal Frederick Sleigh Lord Roberts of Kandahar, V.C., K.P., G.C.B., G.C.S.I., G.C.I.E., Commander-in-Chief of the Forces in South Africa, on his having secured the relief of Kimberley, and after a stubborn fight having captured General Cronje and his commando, and having thus turned the tide of fortune in favour of the British arms, and records with gratification the fact that it is the hero of Kandahar, and sometime Commander-in-Chief of the

<sup>1</sup> Amod Abdoolla was granted a remission; vide "Letter to Colonial Secretary", June 11, 1900

Forces in India, who is leading the British Forces in South Africa from victory to victory.

*Resolution No. 2:* This meeting of the Indian subjects of Her Majesty the Queen-Empress tenders its grateful congratulations to the Right Hon. General Sir Redvers Henry Buller, V.C., G.I.B., upon his brilliant victory, in the face of almost insurmountable difficulties, over an enemy holding naturally invulnerable positions, and upon his having, undismayed by temporary reverses, effected the relief of the beleaguered garrison in Ladysmith, thus vindicating the might of the British Empire and valour of the British soldier.

*Resolution No. 3:* This meeting of the Indian subjects of Her Majesty the Queen-Empress expresses its prayerful thankfulness to the Almighty for having restored to the Empire General Sir George Steward White, V.C., G.C.B., G.C.S.I., G.C.I.E., and his brave troops, including so many sons of the soil—the Natal and other South African Volunteers—who, with unexampled fortitude and patience, for close upon four months went through the arduous trials of the siege, often repelling the advances of the enemy; and tenders its respectful congratulations to the gallant General on his having sustained British honour and prestige under circumstances presenting exceptional difficulties; and wishes to record its pride in the fact that it was India's former Commander-in-Chief who was instrumental in saving the Colony from falling into the hands of the enemy.

(1)

*March 17, 1900*

FROM  
LORD ROBERTS  
BLOEMFONTEIN  
  
TO  
SIR JOHN ROBINSON  
DURBAN

I beg to thank you for the kind telegram you have been good enough to send me embodying a resolution passed at a meeting of the Indian community of Natal. I am deeply grateful for the congratulations and kind wishes expressed therein.

(2)

*March 16, 1900*

FROM  
GENERAL BULLER  
LADYSMITH  
TO  
SIR JORN ROBINSON  
DURBAN

The address you kindly sent me from Indian community has given me much gratification.

(3)

*March 16, 1900*

FROM  
SIR GEORGE WHITE  
EAST LONDON  
TO  
SIR JOHN ROBINSON  
DURBAN

Please accept and convey to the Indian community of Natal my sincerest thanks for the most kind resolution passed by their meeting. My connection with India has been a long one, and the best days of my life have been spent there, and the good wishes of my Indian fellow-subjects are very gratifying to me.

*The Natal Witness, 26-3-1900*

## *128. THE INDIAN HOSPITAL<sup>1</sup>*

14, MERCURY LANE,  
DURBAN,  
*April 11, 1900*

DEAR . . .

I enclose herewith a copy of the monthly report of the Indian Hospital.

It was as you know established nearly 18 months ago.<sup>2</sup> The need is real, as will appear from the report. All sections of the Indian community have received help from the hospital. It is a boon to the poor.

It could not have been opened but for the subscriptions from

<sup>1</sup> A circular letter.

<sup>2</sup> The hospital was opened on September 14, 1898.

the Durban Indians, who have subscribed nearly £84, and for the services rendered by Dr. Booth and Dr. Lilian Robinson, now replaced owing to her illness by Dr. Clara Williams.

As Durban has been bearing the brunt of almost all the subscriptions, it may not be considered out of place to invite the Indians from the other parts of the Colony to enjoy the privilege of succouring the poor in the best possible manner, viz., alleviating bodily sufferings.

At least £80 are needed to enable the hospital to continue for 2 years and to pay the arrear rent. But a much larger sum is necessary if the hospital is to be continued, as I venture to think it must be, seeing that, during its existence, it has answered a hardfelt need.

I fully trust that you will give your share and induce others to do likewise.

Receipts will be fully acknowledged and accounts furnished.

*I am,*  
*yours truly,*  
M. K. GANDHI

From the photostat of the handwritten office copy: S. N. 3725.

### *129. AN APPEAL FOR FUNDS<sup>1</sup>*

14, MERCURY LANE,  
DURBAN,  
*April 11, 1900*

SIR,

You all know that a hospital for Indians was opened in Durban about a year and a half ago. Dr. Booth and another doctor work in it in an honorary capacity. Prior to the opening of the hospital, a meeting was held in Durban at which it was decided that Indians should contribute £85 per annum as rental charges. This arrangement was to hold good for a period of two years. A fund was immediately raised and a sum of £61 collected. The balance of, £24 is still to be collected. But this amount will not suffice to meet the expenses. Over nine months' rent is in arrears. As Durban has contributed to many funds, it is not proper to put the responsibility for the remaining amount on it alone. Hence this letter.

<sup>1</sup> A circular letter.



A report of the working of the hospital for the first six months is enclosed from which you will see the usefulness of the institute.

Madras women entering it in a very serious condition have come out cured. The Gujaratis also have benefited from it. No community has been left out. Free medicine is supplied to hundreds of patients who deposit some amount, according to their capacity, in the charity box kept for the purpose; even those who cannot contribute anything receive medicine. Medicines are bought out of the box collections and the deficit, if any, is met by the missionaries.

If we are not able to help, the hospital will have to be closed down. As the two doctors serve honorarily, it is being run at a small cost and many poor people benefit from it. A blind, old, infirm Gujarati gentleman received free treatment in the hospital for many days.

You ought to spare whatever you can for such a cause and also collect contributions from others and forward them. Receipts will be issued for any money received. I hope you will exert yourself to the utmost.

M. K. GANDHI

From the photostat of the original in Gujarati: S. N. 3725.

### *130. INDIAN AMBULANCE CORPS<sup>1</sup>*

DURBAN,  
*April 18 [1900]*

Perhaps, in reading the accounts published from day to day of the Boer War, you have Showed the movements of the Indian community in connexion with it in so far as they have been chronicled by the newspapers But, I am also aware that the Press has not been able to give anything like a full account of the doings of the Indians in South Africa. I need hardly say that, as soon as war was declared, irrespective of their opinions as to the justness or otherwise of the war, the Indians to a man made up their minds to give their humble support to the British Government during the crisis; and, as the immediate result of this sentiment, an extremely well attended meeting of the English-speaking Indians of Durban was held, and as

<sup>1</sup> This letter of Gandhiji; appeared in India as from its "Indian Correspondent", He had already sent a fuller account to The Times of India (Weekly edition), *vide* 'Indian Ambulance Corps,' post 14-3-1900

many as could signed, there and then, a declaration offering their services to the military authorities, unconditionally and without pay to do any work that they may be Considered fitted for especially mentioning the field hospital and commissariat departments, and recording the fact that they did not know the use of arms.

The offer was ultimately accepted in connexion with the Indian Ambulance Corps which, at the instance of the military authorities, was formed in Natal. The bearers for the Corps consisted mostly of indentured Indians supplied by the Estates in Natal, through the Protector's Department, and through the above-mentioned volunteers who were to act as leaders of the parties of stretcher-bearers, the Indians being perfectly free either to go to the battlefield or not. Thus about 1,000 Indian bearers, and thirty leaders (no more of the latter being really necessary), carried the wounded after the battle of Colenso, and by their arduous work commanded the admiration of all concerned and more than satisfied the patients themselves. It was freely acknowledged by the European Superintendent of the Corps and other Europeans who came with it that, without the leaders, the carrying could not be done with satisfaction. The Corps, having been formed only for the advance to Ladysmith through Colenso, was disbanded after the reverse, and Was reformed when General Buller tried to force passage through Spion Kop.

The nature of the work this time was, if possible, more exacting undoubtedly, more risky. The Indians, contrary to the announcement that they were to work without the range of fire, had to fetch the Wounded from within the range, at times shells falling within hardly 100 yards of them, all this, of course, being unavoidably due to the unexpected reverse at Spion Kop and retirement from Vaalkranz. The bearers and the leaders had to march with their charge to a distance of twenty-five miles, from Spearman's Camp to Frere, over the Natal roads which, as you are aware, are very rough and hilly, at one time doing a distance of over 125 miles in a week. Moreover, our Indian merchants supplied cigarettes, etc., for the wounded, which was quite a feature of the Indian Corps. Many Europeans who ought to know have told me that no European Ambulance Corps could cover the distance of twenty-five miles, carrying the wounded under such difficult circumstances, in a single day, which our Indian bearers and their leaders did in the face of serious difficulties about food and shelter.

Not being satisfied with this work, and in order that our merchants may be still more effectively identified with the patriotic feeling, and in order to show that we were quite capable of sinking our local differences at a time of common danger, a substantial fund to the amount of £65 was collected by them and handed over to the Durban Women's Patriotic League, which is a local organisation for supplying medical comforts to the wounded soldiers and volunteers, some of the latter being violently anti-Indian Colonists. Our Indian ladies prepared handkerchiefs and pillow-cases out of cloth supplied by our merchants for the wounded. All the Indian refugees, counting thousands, have been entirely supported by the Indian community—a fact that has elicited from the Mayor of Durban a public acknowledgement of gratefulness, and this fact becomes the more important in view of what is going on at present. The Refugee Relief Committee find it very difficult to adequately maintain even the European refugees. The Central Committee in London has cabled withdrawing the support hitherto given as well to the able-bodied men as to the women and infirm men. When the welcome news of the relief of Kimberley and Ladysmith was received, the Indians, side by side with the Europeans, marked their sense of joy by closing their shops, decorating their stores, etc. They also held a public meeting. Sir John Robinson, who was the first Prime Minister of Natal under responsible government, was invited to preside for the occasion, which invitation the Honourable gentleman very kindly accepted. The meeting was a brilliant success and was attended by about 1,000 Indians representing all parts of the Colony, and over sixty leading Europeans.

*India, 18-5-1900*

### *131. LETTER TO LEADERS OF AMBULANCE CORPS*

DURBAN,  
*April 20, 1900*

DEAR SIR,

You have shown your patriotism and brought honour to yourself and your country by joining the Indian Ambulance Corps as a leader and have thereby rendered service both to your own self and your motherland. It will, therefore, behove you to look upon that as a reward in itself.

But I have a feeling that you enlisted partly out of regard for me and to that extent I am beholden to you. I cannot compensate you for

it in terms of money as I have no power to do so. But I have not forgotten your act of regard for me and, as a memento for the assistance you gave me in serving the motherland at a critical juncture, I offer you the gift of my services, which please accept. I hope you will make such use of them as you can. I promise to take up without fee any legal work that I can do in Durban for you or for your friends to the extent of £5 during the course of a year from today, while I remain in South Africa and do not leave for India.

M. K. GANDHI

From the photostat of the original Gujarati: S. N. 3445.

### *132. LETTER TO STRETCHER-BEARERS*

[DURBAN,  
*April 24, 1900*]<sup>1</sup>

DEAR SIR,

While we were doing at the front the work of carrying the wounded, I promised to make a small present myself to the stretcher-bearers within my charge in the event of their doing their work creditably.

The officers are pleased with your work as indeed with that of all the bearers. It is, therefore, time for me to act according to my promise. As a token of my appreciation of your work, I present you with the accompanying,<sup>2</sup> which I trust you will be good enough to accept.

You have rendered a service to the community in having gone to the front. That you may always do good deeds, earn your bread honestly, and perform your duty, firmly trusting that you cannot but serve yourself in serving your countrymen, is the prayer of your well-wisher,

M. K. GANDHI

From an original, cyclostyled letter signed by Gandhiji: C. W. 2939.

<sup>1</sup> The date is taken from a similar letter in Gujarati (S. N. 3729) addressed to Shri Pragji Dayal, one of the stretcher-bearers.

<sup>2</sup> The documents available do not disclose the nature of the present.

133. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
May 21, 1900

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to enclose herewith a copy of the message which the representative Indians intend to send by cable to Her Majesty's Principal Secretary of State for the Colonies on the 24th inst. tendering their humble and loyal congratulations to Her Majesty on her eighty-first birthday and, by their desire, to request you to forward same.

I am to add that, on receipt of a memo. of monies spent from you, I am authorised to forward you a cheque.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M.K. GANDHI

[Enclosure]

“Natal Indians tender humble and loyal congratulations to Her Majesty on her eighty-first birthday fervently praying Almighty may shower choicest blessings on her.”

Pietermaritzburg Archives: C. S. O. 3760/1900.

### 134. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
*June 11, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to acknowledge your letter of the 9th instant conveying the information that His Excellency has been graciously pleased to grant a remission of 18 months out of the 3 years' imprisonment passed upon Amod Abdoolla.<sup>1</sup>

I have given the information to Amod Abdoolla's wife who, while she had hoped that, amid so much rejoicing, her husband would be restored to her at once, is extremely grateful for the mercy shown to her husband and herself by His Excellency.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 8646/1901.

### 135. FAREWELL ADDRESS TO DR. LANCELOT PARKER BOOTH<sup>2</sup>

DURBAN,  
*June 29, 1900*

We the undersigned Indian subscribers place on record on the eve of your withdrawal from Indian work in this Colony, the sense of gratitude the Indian community owes you for your many acts of charity and kindness. To the poor among us you have been a friend and benefactor, irrespective of creed or caste. Many of us know from personal experience how we could rely upon your free medical assistance at all times. Your gentleness and kind sympathy have often succeeded where medicine alone would fail. The Indian Hospital,

<sup>1</sup> *Vide* "Letter to Colonial Secretary", March 17, 1900.

<sup>2</sup> This was drafted by Gandhiji on behalf of the Indian Community on the eve of Rev. Booth's departure from Cape Colony to take up an appointment in Umtata.

which was the direct result of your 17 years' labour in alleviating human suffering, is a standing testimony to your work in that direction.

Your services in connection with the Indian Ambulance Corps, the training you were good enough to give the ambulance class, also much sacrifice of time, the willingness with which you offered to accompany the corps in spite of pressing duties in Durban, your medical aid to bearers at the front and your counsel to the leaders, can hardly be overvalued by the Indian community.

We may say without exaggeration that you have presented to us a pattern of an upright Englishman and good, gentle Christian who knows no distinction between Jew and Gentile. The fact that half the number of Indian schools owe their existence to your energy is an indication of your efforts on behalf of the masses.

It is hard for us to tender you, unmixed with sorrow, our congratulations on your preferment. Umtata's gain is our loss. You leave behind you a gap; it will be difficult to fill. The congregation of your church may find an equally eloquent preacher and as safe a guide, but where shall your congregation find so faithful, sympathetic and tried a friend whom they have learnt to know and love for close upon two decades? As a slight token of our esteem for you, we beg of you to accept this address and the accompanying purse for the benefit of your Indian Hospital.

We wish you and Mrs. Booth a happy time in your new sphere and pray that the Almighty may long spare you and your wife to continue your work of love.

*The Leader*, 3-9-1993

### *136. CIRCULAR FOR RESOLUTION OF THANKS<sup>1</sup>*

DURBAN,  
July 13, 1900

A good word has been written about us in the annual report of the East India Association. The Association has expressed its intention to make every endeavour to uphold our rights. A resolution of thanks for this gesture is enclosed.<sup>2</sup> Those gentlemen who favour the

<sup>1</sup> The draft-circular in Gujarati is followed by another in English, briefer but to the same effect.

<sup>2</sup> The text of the approved resolution is not available.

forwarding of this letter may please sign this.<sup>1</sup>

From the photostat of the Gujarati original in Gandhiji's handwriting: S. N. 3467.

### *137. TELEGRAM TO GOVERNOR'S SECRETARY*

[DURBAN,]

*July 26, 1900*

TO  
PRIVATE SECRETARY TO  
HIS EXCELLENCY THE GOVERNOR  
PIETERMARITZBURG

YOUR TELEGRAM. I SHALL HAVE THE HONOUR TO WAIT ON HIS  
EXCELLENCY AT 10-30 A.M. FRIDAY NEXT UNLESS I HEAR FROM  
YOU TO THE CONTRARY.

GANDHI

From the photostat of an office copy: S. N. 3474.

### *138. THE INDIAN FAMINE*

DURBAN,

*July 30, 1900*

TO  
THE EDITOR  
*The Natal Advertiser*

SIR,

The Natal Emigration Agent at Calcutta has forwarded to the Protector of Indian Immigrants leaflets for distribution among the indentured Indians and those that have become free and settled in the Colony, appealing for funds in aid of the relief of the terrible famine now raging in India. This appeal, in my opinion, has an awful meaning. It shows the intensity of the calamity; it shows also that, in spite of the resources of a great Empire, it has been found necessary to ask even poor Indians to contribute their quota.

It will be recollected that in 1896, when India was visited by a widespread famine, a direct appeal was made to the Mayor in South Africa, to which a prompt response was made from all parts of the

<sup>1</sup> The circular bears several signatures in support of the proposal.



continent.<sup>1</sup> This time, evidently, there has been no such direct appeal made, owing to the distress which we are undergoing ourselves. The same cause has prevented the Indian community in Natal, which has narrowly kept itself in touch with the situation in India and which has so far contented itself with having forwarded subscriptions to the branch office in India, from placing it before the Colonists generally. But the Viceroy of India has sent a fresh, pathetic appeal to the Lord Mayor of London, which urges every part of the great Empire to come to the rescue. The receipt of copies of the appeal and the simultaneous arrival of the leaflets from Calcutta change the aspect very materially, and, in my humble opinion, makes it incumbent upon the Indian community here, not only to make a fresh effort itself, but also to bring the matter, at any rate, to the notice of the Colonists, so as to enable them to exercise the privilege (shall I call it) of helping millions of their starving fellow-beings, who are, moreover, subjects of the same Queen as themselves. It will be, at the same time, exceedingly improper to ignore the fact that the Colony has suffered, and will yet have to suffer, a great deal owing to the war. But I may be pardoned for saying that our State is very prosperous compared to the miserable conditions of the millions in India, who have to be engaged in a war in which there is no victory to be gained, in which, probably, the only reward is a painful and lingering death. One penny would just feed a man for a day in the disaster area in India. Is there a man in the Colony Who cannot, without any inconvenience, spare a shilling, and thus be the means of feeding 12 hungry mouths for a day? Though, therefore, it is quite true that many individual members cannot give very large sums, hundreds, even thousands, can give at least a few shillings each.<sup>2</sup>

The Lord Bishop of Natal has dwelt on the good that the War, bad as it is, has done, in that it has brought closer together the various parts of the mighty Empire to Which it is our pride to belong. It may be that the threefold scourge in India—viz., famine, plague and cholera—black as it is, will be the means of forging another link in the chain that ties all together.

<sup>1</sup> *Vide* "Memorial to Secretary of State for the Colonies", 15-3-1897.

<sup>2</sup> In response to an appeal for funds by Sir John and others, over £2000 were subscribed by the Natal Europeans alone. *Vide* "Notes," post 3-9-1900, *infra*. Later, in a letter to the Press, however, (*Vide* "The Famine Fund", February 16, 1901, *infra*.) Gandhiji mentions that "about £3000 were contributed by the Europeans, £1700 by Indians, and £300 by the natives".

Close on 6,000,000 of the famine-stricken in India have to be daily supported through the State, not to mention the flow of private charity, which saves tens of thousands of lives. Mr. Adamji Peerbhoy alone supported, according to *The Times of India*, during the month of May last, 16,300 men per day. The number of those seeking relief, according to Dr. Klopsch, increases by 10,000 per day.

The welcome rains that have watered the greater part of the afflicted area, will, for the present, increase the numbers to be relieved and put a heavier strain on the resources of the State, both in men and money. The plague has been doing its work of destruction unremittingly for the last four years, and the cholera fiend, the right hand of famine, has completed the havoc. Besides the various British Colonies and Settlements, America has raised a fund and sent a special representative, Dr. Klopsch, to administer it. Germany has also come to the rescue. India's misery is such as all friends and strangers alike may assist in alleviating. Why not Natal?

In conclusion, it is my pleasant duty to announce that His Excellency the Governor of Natal, the Honourable the Attorney-General, and the Honourable Sir John Robinson have showed great sympathy for the starving millions of India, and promised to patronise any fund that may be raised on their behalf.

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

*The Natal Advertiser, 31-7-1900*

### *139. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*July 31, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARLTZBURG  
SIR,

The Mahomedans, British Moslems of Natal, are preparing for presentation an address to H. M. the Sultan of Turkey as the Spiritual Head of that community, on the approach of his Silver Jubilee. I have

been asked to advise as to the best way of sending the address, and it strikes me that the more formal and proper way would be to send it through His Excellency the Governor as it is to another sovereign in Europe from the Queen's subjects.

I shall be obliged if you will be good enough to guide me as to the etiquette. As the address must leave on Saturday next, I shall esteem it a favour if you will kindly advise me early.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: C.S.O. 6061/1900.

#### *140. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*July 31, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to enclose copies of correspondence<sup>1</sup> that has passed between the Immigration Restrictions Officer and myself in connection with an application for a certificate of domicile. The rule referred to therein seems to have been passed only lately.

I venture to think I have but to bring it to the notice of the Government to secure its relief. I have not been fortunate enough to obtain from the Immigration Officer the reasons which led to the passing of the rule. But, in my humble opinion, there could be nothing to justify the passing of such a drastic rule which, in practice, would prevent even the bone *fide* Indian residents of Natal from coming to the Colony.

I would, therefore, be obliged if the Government would be pleased to instruct the Immigration Restrictions Officer to withdraw

<sup>1</sup> This is not available.

the rule in question and consider the application submitted to him on its merits.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
*pro* M. K. GANDHI  
V. LAWRENCE

Pietermaritzburg Archives: C. S. O. 6063/1900.

*141. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*August 2, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to request you on behalf of the representative Indians in the Colony to forward the following message by cable to the Secretary of State for the Colonies to be placed before Her Majesty the Queen Empress:

“Natal British Indians humbly condole with Her Gracious Majesty in her grief.”<sup>1</sup>

I am authorised to forward to you the cost of the message on hearing the cost from you.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C.S.O. 6142/1900.

<sup>1</sup> The occasion for the message was the passing away, on July 31, of the Queen's second son, Prince Alfred, Duke of Saxe-Coburg and Gotha.

*142. TELEGRAM TO GOVERNOR'S SECRETARY*

[DURBAN,]  
*August 4, 1900*

TO  
PRIVATE SECRETARY TO  
HIS EXCELLENCY THE GOVERNOR  
PIETERMARITZBURG

YOURS OF YESTERDAY RECEIVED. I SHALL HAVE THE HONOUR  
TO WAIT ON HIS EXCELLENCY MONDAY 13-30 MORNING.

GANDHI

From the photostat of the office copy: S. N. 3480.

*143. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANES  
DURBAN,  
*August 11, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I beg to acknowledge your letter of the 9th inst. informing me that His Excellency the Governor has transmitted to the Secretary of State for the Colonies our message of condolence with Her Majesty embodied in my letter of the 2nd inst. for which I beg to thank His Excellency. I enclose herewith cheque for £2.14.0, being cost of message.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 6142/1900.

*144. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*August 13, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I beg to acknowledge your letter of the 11th instant conveying the information that His Excellency the Governor has received from the Secretary of State a telegram stating that Her Majesty desires that her thanks may be conveyed to the Natal British Indians for their message of condolence.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: C. S. O. 6142/1900.

*145. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*August 14, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG A  
SIR,

I have the honour to inform you with reference to your telegram of the 10th inst. that the promoters of the congratulatory address to H.M. the Sultan<sup>1</sup> sent last Saturday the address to the Turkish Ambassador at London, as the time for the Silver Jubilee is approaching very near. If His Excellency the Governor considers that the address ought to be sent through the Rt. Hon'ble the Secretary of State for the Colonies, I think it is possible to request the Turkish Ambassador to hand it over to the Colonial Office at London. In any

<sup>1</sup> *Vide* "Letter to Colonial Secretary", July 31, 1900.

case, I shall be glad if I receive His Excellency's opinion for future reference in such matters.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: C. S. O. 6061/1900.

*146. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*August 18, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to acknowledge your letter of the 14th instant regarding the application for a certificate of domicile for one Dosa Desa.

I regret to trouble you in the matter again.

I tried to obtain from the Immigration Restrictions Officer information as to the causes that led to the introduction of the rule in question, but failed.

It is quite possible that some people have abused the previous practice and if the abuse, assuming that it exists, was brought to the notice of the Indians generally, in my humble opinion, it could be mitigated, if not altogether stopped. If affidavits have been made falsely, the culprits could be legally punished. But the rule in question, though it may not be a hard and fast one, will, it is submitted, be a great hardship, especially to the poorer. As it is, they are put to considerable expense in getting the certificates, but the new rule would put unnecessary obstacles in their way. In practice, it is hardly possible to expect men to apply from India for certificates. It takes as a rule 30 days and often longer for a letter to reach India and, if there was any flaw in an affidavit, it is difficult to say how long it would not take before a certificate could be issued. Moreover, it is hardly to be expected that the limited number of Indians who may be known to the Immigration Officer as respectable could know the persons for whom

certificates of domicile may be required.

Under the circumstances, I submit that the rule should be withdrawn altogether and the ordinary procedure may be adopted to meet the abuse, if any, of the Immigration Restriction Act,<sup>1</sup> under the old practice of issuing certificates.

I may mention that my client, the applicant for the certificate, Dosa Desa, is much inconvenienced owing to the delay in obtaining the certificate.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: C. S. O. 6063/1900.

#### *147. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*August 30, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to acknowledge your letter of the 29th instant with reference to the application for a certificate of domicile for one Dosa Desa.

I notice that the Government presume the existence of a rule for departing from which no sufficient reasons appear to them to have been shown. The fact is, the rule complained against is an innovation on the established practice for the introduction of which the community immediately concerned with it has been furnished with no reasons and the source of which it still does not know.

May I, then, enquire how the Immigration Act has been evaded under the recently existing practice?

I venture to think that the innovation is causing an amount of inconvenience the measure of which the Government do not realize.

<sup>1</sup> *Vide* "Letter to F. S. Taleyarkhan", 27-3-1897 to "Petition to the Natal Governor", 6-4-1897.



If it affected only persons who may leave the Colony hereafter, it may not cause any hardship, but hundreds of Indians, who knew nothing of it when they went to India and who require such certificates, would find it very difficult to come to the Colony although they have a right to enter it.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 6063/1900.

### *148. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*September 3, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

With reference to the correspondence re Dosa Desa, I have the honour to inform you that on the production of a certificate or reliability of the maker of the affidavit in support of this application which the maker was able to obtain, the Immigration Restrictions Officer has now granted the certificate applied for.

The settlement of this application, however, in my humble opinion, does not dispose of the general question as to the innovation referred to in my letter of the 30th ultimo.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C.S.O. 6063/ 1900.

## 149. NOTES

### NOTES ON THE PRESENT POSITION OF THE BRITISH INDIANS IN SOUTH AFRICA<sup>1</sup>

[Post *September 3, 1900*]<sup>2</sup>

A suggestion has been made that the friends in England of the Indian settlers in South Africa should be put in possession of the latest facts regarding their grievances, so as to enable them to place the matter for consideration before the proper authorities, in view of the pending settlement of South African affairs. It has also been suggested that a memorial to the Colonial Secretary, backed up by public meetings, should be promoted in order that it may strengthen the hands of the workers in England. After mature consideration, the latter plan has been dropped. There are sound reasons for the belief that, if adopted, it will be misunderstood here, where the feeling is that until the war is over, and the troubles attendant thereon have entirely disappeared, no questions not arising from the war should be discussed or considered. Moreover, it is likely that a memorial at the present time would disturb the happy relations which, for the time being, appear to subsist between the European and the Indian communities.

It is most difficult to say what the future would bring, and whether the old soreness would not be revived as soon as peace is restored. Indeed, there are grounds for the fear that there will be no change in the former attitude. *The Natal Witness* only a few days ago, in the course of a leading article, said that the services rendered by the local Indians, as ambulance-men and otherwise, should not be allowed to blind the Colonists to the necessity of keeping an ever-vigilant eye on the Indian question, and seeing that the temporary military occupation under Lord Roberts who, owing to his Indian connexion, might entertain pro-Indian views, is not permitted to encroach upon the position Natal has hitherto maintained successfully in restricting Indian immigration and enterprise, and that the services referred to above were rather an acknowledgement by the Indians of the justice of Natal's position than that they were rendered in spite of their

<sup>1</sup> This was published in *India*, 12-10-1900, as from "a Natal Correspondent"

<sup>2</sup> This date has been arrived at on the basis of references in the "Notes" to the immigration Restriction Act (*vide* "Notes", 3-9-1900, *infra*), a specific case under which was dealt with in the letters to the Colonial Secretary dated July 31, August 18 and 30, and September 3, 1900.

legitimate grievances.

The Indians formed a Volunteer Stretcher-bearer Corps of over 1,000, each bearer drawing £1 per week, i.e., a little over half the pay drawn by the European stretcher-bearers, assisted by over 30 leaders who served without any remuneration whatsoever, and included the most respectable portion of the community, and who left their business or employment to serve their Empress. When they did so, it was clearly stated that it was done in spite of the grievances, because they felt it their duty, at a time like that, to sink the domestic differences. The Indian merchants, if they could not join the Corps, equipped the leaders and maintained the families of such of them as stood in need of help. The Corps served at the fateful battles of Colenso, Spion Kop and Vaalkranz. High praise has been bestowed on the work done by it. Sir John Robinson the first Prime Minister of Natal—has thus spoken of its services:

With reference to the part played by the Indian community during the crisis, I can only say that it redounds to the credit and patriotism of you all. Reasons which you can well understand forbade the employment of any but British troops in the battle-field. But whatever use could be made of your loyal ardour —what opportunity could be afforded to your eager desire to co-operate in the Empire's cause—was gladly agreed to by the authorities. Though you were debarred from actual service in the field, you were able to do excellent work in succouring the wounded. I cannot too warmly thank your able countryman, Mr. Gandhi, upon his timely, unselfish and most useful action in voluntarily organising a corps of bearers for ambulance work at the front at a moment when their labours were sorely needed in discharging arduous duties which experience showed to be by no means devoid of peril. All engaged in that service deserve the grateful recognition of the community.

The Indians contributed what has been called a handsome sum (over £57) to the funds of the Women's Patriotic League, of which The Natal Mercury says:

This gift of money for the Women's Patriotic Fund, especially for the purpose of assisting in the care of sick and wounded volunteers at the front, is a very acceptable and eloquent expression of the feeling of the Indian people. It is not enough, in their minds, to succour the large mass of Indian refugees, as they are doing in an open-handed manner, but they must bestow this added contribution, we believe, as a token of their devotion to the Queen-Empress and to the country in which they have come to reside. Nothing can better show the real feeling that animates this portion of our population, who too often have very little said on their behalf, than such a display of loyalty.

The Indian ladies gave their work in the shape of making

pillowcases, handkerchiefs, etc., for the wounded out of cloth supplied by the Indian merchants over and above the above contribution. The Indians throughout the trying times also maintained thousands of their fellow-countrymen, refugees from the Transvaal and the parts of the Colony in Boer occupation, practically without encroaching upon the funds sent from London and raised locally, and administered by the Refugee Relief Committee.

The Mayor of Durban has acknowledged that service in the following words (spoken in March last):

The Mayor took the opportunity of thanking the Indian community for their loyalty during the last four months or so. Many of their people had been compelled to leave their abodes in the upper parts of the Colony, and had come down here for refuge. These they had taken amongst themselves; and borne the burden of maintenance at their own expense. For that he thanked them sincerely.

It may be stated, without any affectation, that these services have been rendered without any intention to secure any reward. If we claimed privileges as British subjects we could not very well shirk the duties of such subjects, which the very humble services undoubtedly were, and, therefore, could carry no reward.

It might be worthy of note that the local Indians were not behind-hand in materially assisting the Indian Camp Followers' Fund, initiated by Captain Leumann, I.M.S. They subscribed over £50, and the Colonial-born Indians gave an amateur performance, handing to it the net proceeds thereof to the extent of over £20. As an illustration of the happy relations may be mentioned the great meeting held by the Indians to congratulate the British Generals on the relief of Ladysmith and Kimberley, which was presided over by Sir John Robinson, and attended by over fifty leading European citizens; also, the extremely generous response made by the Europeans in Natal to an appeal for the famine-stricken masses of India, over £2,000 being subscribed by them alone. The Governor is the Patron of the Fund, the Mayor of Durban is the Chairman, the Protector of Indian Immigrants the honorary treasurer, an Indian gentleman the honorary secretary, and leading European planters and merchants on the Committee—a combination that might have been impossible a year ago.

The above remarks on the feeling regarding the British Indians in Natal clears the ground for a statement of grievances. It may be as well to read the following summary side by side with the circular

letter dated 27th March, 1897.<sup>1</sup>

As to the Transvaal and the Orange River Colony, nothing need be said at present, except that it may be confidently expected that none of the grievances which, owing to the past status of the two States, the Colonial Office declared itself powerless to redress however much it sympathised with the Indians, will be allowed to exist in the slightest degree under the new regime where there would not have to be considered even the sentiments of a self-governing Colony as in the case of Natal.

Zululand, now being part and parcel of Natal, does not require separate mention, though it may be stated that the regulations prohibiting Indian bids at land sales when it was directly under the Crown were withdrawn before it was incorporated with this Colony.

In Natal, the position remains unchanged. The Immigration Restriction Act is still being enforced as vigorously as it could be under the circumstances. A short statement of its working may not be out of place.

Under it, no person who is unable to write out, in any of the European languages, an application in the form attached to the Act, can enter the Colony unless he has been previously domiciled. Notices, for which there is no sanction in the Act itself, have been issued to the shipping companies warning them against taking Indian passengers for Natal unless they are armed with certificates of domicile, which were at first issued free of charge on a verbal application either by the person himself or by his friends. A charge of 2s. 6d. was then introduced for its issue. Later on, an affidavit of proof of domicile was required. Then two affidavits were insisted upon, and proof that the applicant for the certificate had been resident in the Colony at least two years; and the latest innovation is that either the person wishing to enter the Colony must himself apply for a certificate of domicile, or persons of known respectability should tender, under oath, proof of domicile. Thus, it will be seen that the cordon of restriction has grown tighter with the lapse of time. The practical effect of the working of all this is that all but the well-to-do are shut out of the Colony. As to this, it is contended for the Government that it would be no hardship for the persons requiring certificates of domicile to make the application under their own

<sup>1</sup> Vide "Letter to *The Natal Mercury*", 15-11-1897.

signatures, as they could always take them out before leaving the Colony. Such an argument would be perfectly sound if the innovation were to affect only those that may hereafter leave the Colony. But it is positively harmful for those that are outside the Colony. A person in India requiring such a certificate may have to wait one year before he could get it. The postal service between India and South Africa is as irregular as it could be; and there is no guarantee that the receipt, by the Immigration Officer, of an application invariably insures the issue of the domicile paper. For, as has often happened before, it is not at all unlikely that it may have to be returned several times to India for some flaw therein—imaginary or real. Theoretically, the shipping companies: may defy the notices which have no legal force; and the Indians claiming admission may not take out domicile certificates which are not required by law. In practice, the shipping companies resolutely decline to issue passages except on production of certificates above referred to; so much so, that it is very difficult for those who write out the English application to obtain a passage, because they cannot produce a domicile certificate, and the shipping companies would not look at the provision exempting such persons from the operation of the Act. The reason given for introducing such elaborate restrictions is that they are necessary to prevent evasions of the law; and it may be admitted that some evasions have occurred. It is, however, submitted that they ought not to be used as a handle for making unduly harsh a law which is, in its very nature, severe, and committing what is a breach of the fundamental principles of the British Constitution. The evasions should be publicly denounced and, if necessary, punished, for which there is ample provision made in the Act itself. Unfortunately, the latter course has not been adopted, with the result that the innocent have to suffer for the lapse of the few guilty persons. Everything that could be done locally to induce the authorities to relax the severity has been and is being done; and it would be unfair to omit to mention that the authorities have endeavoured in a measure to meet the wishes of the Indian community. Much more can, however, be done, if not now, at any rate after the war is over, by pressure of the Colonial Office to which the Government has been found to be amenable in the past.

Another effect of the Act is that it imposes vexatious restrictions on those who intend to pass through, or sojourn temporarily in the Colony, neither of which acts is prohibited by law. The Government, however, in order to prevent surreptitious settlement of Indians in the

Colony have, perhaps rightly, introduced what are called Visiting and Embarkation passes. The objection, therefore, is not so much to the introduction of the passes as to the conditions under which they are issued. Formerly, a deposit of £25 for Embarkation passes was required, and a fee of £1 for either a Visiting or Embarkation pass. The Government, however, in answer to Indian representations, were pleased to reduce the £25 to £10, and withdrew the £1 fee. The £10 deposit, however, still stands, much to the inconvenience of intending visitors, not all of whom could afford to deposit the sum, small as it may appear in the estimation of the Government. It was this Act that was instrumental in sending away a shipload of Indian refugees from the Transvaal from Delagoa Bay, who would fain have come to Natal, and thus saved not only the passage-money from India to Delagoa Bay for their return after the war, but not have been also a burden to the already overpressed famine-stricken India.

The other Act, not by any means the next in importance, but rather the worst of all, is the Dealers' Licenses Act, only at the present time its effect is not much felt. The country beyond the Tugela is yet under semi-military government. The Newcastle, Ladysmith and Dundee Corporations which gained, in 1898, unenviable notoriety for the harsh and oppressive way in which they enforced the Act, have not been able to shake themselves free from the misery caused by the Boer occupation. In Durban and Maritzburg, the Licensing Officers have not given much trouble. What will happen in January next, at the time of the renewal of licenses, it is difficult to foresee. The poor traders, however, are already trembling in their shoes because of the great uncertainty in which the Act leaves them from year's end to year's end. The friends in London may recollect that Mr. Chamberlain has approached the Natal Government, suggesting that they should introduce legislation repealing the clause depriving the Supreme Court of the ordinary appellate jurisdiction over the decisions of the Licensing Officers or the Corporation, as the case may be; and that the Natal Government have written to the various municipalities. informing them that, unless they judiciously exercised their powers under the Act, they might have to introduce legislation of the nature above indicated. This may be good so far as it goes, but it is sincerely hoped that it has not satisfied the Colonial Office. The least that is necessary is the removal of the terrible uncertainty that hangs, like the sword of Damocles, over every Indian licensee; and this can only be done by restoring the authority of the Supreme Court. There

was (and very rightly) a howl of indignation when Mr. Kruger usurped the function of the High Court at Pretoria; but perhaps the very rottenness of the Transvaal Constitution was somewhat a safeguard from any real danger from such usurpation. But in Natal, where there are all the safeguards of a well-ordered Constitution, the deprivation of the jurisdiction of the highest Court of Justice in the land makes the danger terribly real and tangible, because it receives the solemn sanction of the legislature.

The truth of these remarks will be fully borne out by recalling to the mind what has been possible in the Transvaal in spite of the vagaries of its laws and what the Town Councils, free from the healthy restrictions of their Courts which, as British bodies, they are bound to fear and respect, have been able and attempted to do. War has prevented an approach to the Colonial Office in this matter. While correspondence on the subject with the local Government was going on, war broke out; and it was considered prudent to stay further action till the cloud melted away.

The 9 o'clock rule, and numerous other troubles referred to in the circular letter, need not be recapitulated here. They but serve to show what the Indians have to suffer in the Colony. We would give much to find ourselves in reality at one with the Colonists as we are on paper, being British subjects; and it will be time enough to trouble our friends in London with the comparatively smaller troubles when the Immigration Restriction and the Dealers' Licenses Acts have ceased to worry us.

One thing is day by day causing much soreness of feeling, and that is the education of the Indian youths. The Government, which is ruled by the majority, perhaps not unnaturally finds itself powerless to assist the Indians. The result is, the Indian children are entirely shut out of the ordinary primary schools as well as the high schools. The Head Master of the Durban High School is said to have written, some time ago, to the Minister of Education, to the effect that parents would withdraw their children if an Indian was admitted. It is, however, submitted that the Colonial Office should make it clear to the local Government that the Indians have an equal right with the Europeans in the Colony to receive education in the Government schools which are supported by taxes paid as well by the Indians as by the Europeans. For the logical consequence of the threat (it is nothing less) held out by the Head Master would be that the Indians might



have absolutely no status if it were carried out in every department of life in the Colony. What would prevent a ring of European merchants, under the threat of clearing out from a particular street in a commercial centre in the Colony, from asking the Government to drive out an Indian merchant or two from their neighbourhood?

The following are referred to for further information, if necessary:

Memorial (*re* Immigration, Trade Licences, etc.), 2nd July, 1897.

Memorial (*re* Dealers' Licences), 31st December, 1898.

General Letter (Licences), 31st July, 1899.

Special Articles on the Indian Question in South Africa, and Editorial Notes in *The Times of India* (Weekly edition): 11th March, 1899; 15th and 22nd April, 1899; 19th August, 1899; 9th December, 1899; 6th January, 1900; 16th June, 1900.<sup>1</sup>

From the photostat of the original printed copy: S. N. 3474A.

### 150. LETTER TO TOWN CLERK

14, MERCURY LANE,  
DURBAN, NATAL  
*September 24, 1900*

TO  
WM. COOLEY, ESQ.  
TOWN CLERK  
DURBAN  
SIR,

As soon as the intention of the Council to introduce a bye-law making it an offence for a riksha hauler to take up a coloured passenger in a riksha labelled for "Europeans only" was known, many Indians asked me to draw up a protest, but I felt at the time that it would not be proper to do so. I thought it would be inconsistent with the self-respect of the Indian community to wish to insist on having the right to use the same riksha used by the Europeans if the latter objected to share it with the Indians, so long as the same kind of vehicle was available to the Indians also. But I have now begun to feel

<sup>1</sup> The two memorials, the general letter ("Petition to Natal Governor") and the special articles referred to have been given in this Volume in their chronological sequence.

that I committed a grave error in proffering the above advice.

The practical working of the bye-law has created and is creating an irritation among the Indians of all classes which it would be folly on my part not to bring to the notice of the Council.

I freely confess that the problem is not easy of solution. Yet it may not be altogether insoluble. In this communication it is not my intention to raise the legal question though I humbly believe that the bye-law is illegal. I wish, if possible, to obtain partial relief by appealing to the good sense of the Council.

I trust that what is objected to is not so much the colour of a fare as his dirty clothes or appearance. If so, might it not be possible to give instructions to the haulers not to take such fares? I am told that the haulers are shrewd enough to understand and carry out such instructions. The suggestion is obviously difficult, and will by no means be free from hard ships and injustice but it is likely to allay the present acute soreness.

The very rigorous working of the bye-law may defeat its own object, and in my humble opinion, it can only be worked without friction if its application is very largely tempered with discretion. It is, I submit, no small thing that hundreds of coloured people who have hitherto freely used the rikshas as a mode of conveyance, suddenly find themselves de barred from its use; for I understand that there are very few rikshas without the label above referred to.

May I ask you to place this before His Worship the Mayor and the Council Committee at the earliest possible opportunity and hope that it will receive the consideration that its subject matter deserves? I trust I also that it will be considered in the spirit in which it is written.

*I remain,*  
*yours obediently,*  
M. K. GANDHI

From the photostat of the original in Durban Town Council Records.

## 151. LETTER TO DADABHAI NAOROJI<sup>1</sup>

DURBAN, NATAL,  
October 8, 1900

*Confidential*

DEAR SIR,

In view of the approaching session of the Congress,<sup>2</sup> it may not be out of place to draw your attention, and through you that of our other leading men, to what we here think may be done by the Congress. I know that we who know the value of your services to your country have to see that we do not unduly encroach upon your attention and thereby probably affect your health; if, therefore, it is not possible for you to give this matter your personal attention, I doubt not that you will be good enough to forward this letter or copies thereof to the proper quarters. The matter treated as affecting the whole of the emigration from India seems to be of the utmost national importance. A draft resolution to be submitted to the Congress is enclosed herewith.<sup>3</sup> A few copies of the notes,<sup>4</sup> specially prepared for the friends in London at the desire of Sir William Wedderburn, are also being sent in a separate packet. They will give an idea of the position as it stands at present, and may be of use to the gentleman who will take charge of the resolution which, of course, may be altered or amended as the subjects committee think fit.

<sup>1</sup> This is an incomplete copy of a letter written by Gandhiji to Dadabhai Naoroji which has been found among the documents in Sabarmati Sangrahalaya. (For Dadabhai Naoroji.)

<sup>2</sup> The Indian National Congress.

<sup>3</sup> The Congress passed the following resolution on the question of "South Africa":

RESOLVED: That this Congress once more draws the attention of the Indian Government as well as of the Secretary of State for India to the grievances of the British Indians in South Africa, and earnestly hopes that, in view of the re-arrangement of the boundaries in that continent and the incorporation of the late Boer Republics into the: British Dominions, the disabilities under which the Indian settlers laboured in those Republics, and as to which Her Majesty's Government owing to their independence in internal matters felt powerless to obtain redress, will now no longer exist, and that the serious inconvenience caused to the settlers in Natal, among others by the Immigration Restriction and the Dealers' Licenses Acts of the Colony, which are manifestly inconsistent with the fundamental principles of the British Constitution as also the Proclamation of 1858, will be materially mitigated. if not entirely removed.

<sup>4</sup> "Notes on the Present Position of the British Indians in South Africa" dated post September 3, 1900.

The matter derives special importance owing to the sudden and unexpected activity of the Cape Legislature the members of which, while, as you are aware, they are divided into two very evenly balanced parties holding diametrically opposite views, seem to be almost unanimous on the Indian question. A cutting from the *Cape Times*<sup>1</sup> giving a pretty fullreport of the debate in the Cape Assembly, attached hereto, will give some idea of what is going on in that part of South Africa. The Cape gentlemen are evidently anxious to go further even than Natal, as if the latter had not almost completely shut the door against new-comers from India. They would not tolerate the Indian, whether as a merchant, clerk, or labourer. In Mr. Chamberlain, they have a Colonial Secretary who is anxious to go any length in respecting the wishes of the self-governing Colonies. The India Office, on the other hand, appears to be terribly inactive. But, seeing that there is unanimity of opinion between the Indians and Anglo-Indians on this question, it may be possible to rouse that office into proper activity, and obtain some relief. An influential deputation to wait upon Lord Curzon may go a great way in the desired direction.

The attitude of the Cape Colony seems to show that the services rendered by India, in that it was Sir George White with his Indian contingent who was the first to be on the scene to check the effective advance of the enemy, that it was the hundreds of dhuli-bearers<sup>2</sup> who rendered admittedly yeoman service during the siege of Ladysmith, and at the initial reverses, not to speak of the volunteers (Lumsden's Horse) equipped entirely from money subscribed by the Indians, the Bhisti Corps<sup>3</sup> and other Indian followers who were sent in shiploads from India, and the locally raised Indian Stretcher-Bearer Corps, will be entirely forgotten, and the Indian treated, if they had it all their own way, as a social leper.

Natal for the present seems to be not quite ill disposed, but it will not take much to draw it out and, it is to be feared, make it return to its original opposition to the Indian. The gentleman who will speak to the resolution may be asked to gratefully acknowledge Natal's magnanimous response to the Indian Famine Fund, and a subscription of £100 collected for Prabhu Singh, an indentured Indian who rendered signal service at Ladysmith, and whose bravery was publicly

<sup>1</sup> This is not available.

<sup>2</sup> Stretcher-bearers.

<sup>3</sup> Water-carrier Corps.

acknowledged by Sir George White. (This is the man for whom Lady Curzon sent a “choga”<sup>1</sup> which was publicly presented to him in Durban the other day.) The subscriptions to the Indian Famine Fund amount to over £4500, of which about one-half comes from our own community.

The Transvaal and the Orange River Colony ought to be absolutely free to the Indian, but we are all very nervous about it.

As showing to what lengths the people in South Africa would be prepared to go, what happened about a year ago at Umtali in Rhodesia<sup>2</sup>. . . .

[*Incomplete*]

Sabarmati Sangrahalaya: S.N. 3743.

### *152. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*October 26, 1900*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to enquire whether there are any restrictions upon the sale of Crown lands to Indians.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 8658/1900.

<sup>1</sup> Robe.

<sup>2</sup> *Vide* “Indian Traders in Rhodesia” March 11, 1899

153. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
November 8, 1900

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 7th inst., in reply to my letter of the 26th ulto., enquiring whether there were any restrictions upon the sale of Crown lands to Indians, and I beg to tender my thanks for the very full reply you have favoured me with, as well as the enclosures.

Mr. Jan Mahomed of Port Shepstone, I understand, bought from Mr. H. E. Barnes of that place Erf No. 45 in the May of 14398 and declarations were prepared and signed; I am also instructed that, on the declarations being taken to the Surveyor-General's Office, the Surveyor-General declined to register the cession. On enquiring of Mr. Pitcher, who seems to have taken the declaration to the Surveyor-General's office, I find that the reason that officer gave for his refusal was—the cessionee was an Indian. On enquiring further of the same gentleman whether the Surveyor-General gave any legal grounds for his decision, Mr. Pitcher informs me that officer gave him to understand he was acting in accordance with Government orders.

The above information seems to be in conflict with that contained in your letter.

May I know what actually happened in connection with this particular matter and whether the Government will be pleased to instruct the Surveyor-General to register the cession. My client, I am instructed, has already paid a portion of the purchase price to Mr. Barnes.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C.S.O. 8658/1900.

## 154. TELEGRAM TO GOVERNOR'S SECRETARY

[DURBAN,]  
November 30, 1900

PRIVATE SECRETARY TO  
HIS EXCELLENCY THE GOVERNOR.  
PIETERMARITZBURG

IT IS THE WISH OF BRITISH INDIANS TO PRESENT LORD ROBERTS  
WITH AN HUMBLE ADDRESS ON HIS ARRIVAL IN DURBAN. MAY  
I REQUEST HIS EXCELLENCY THE GOVERNOR TO ASCERTAIN FROM  
HIS LORDSHIP WHETHER HE WOULD BE PLEASED TO ACCEPT SAME  
IF SO APPOINT TIME AND PLACE.

GANDHI

From the photostat of the Office copy: S. N. 3542.

## 155. TELEGRAM TO "GOOL"<sup>1</sup>

[DURBAN,]  
December 6, 1900

TO  
GOOL  
CAPE TOWN

PLEASE PRESENT ON BEHALF OF CAPE INDIANS ADDRESS LORD  
ROBERTS. SHOULD NOT REFER TO HIS SON'S DEATH. CONGRATULATE  
HIM ON BRILLIANT CAREER SOUTH AFRICA. NO POLITICAL REFERENCE.

GANDHI

COPY TO ALLY  
C/O DURBAN ROAD  
MOWBRAY

From the photostat of the office copy: S.N. 3551.

## 156. SPEECH AT INDIAN SCHOOL

*The following is a brief press report of the mid-summer breaking-up  
function of the Higher Grade Indian School, Durban.*

*December 21, 1900*

Mr. Gandhi, in speaking of the headmaster's work, said that the  
best of institutions would suffer if there were not men to give life to  
them. This was well illustrated in the case of the Higher Grade Indian  
School. The Indian parents had to thank the Government for  
presenting the school with Mr. Connolly, who had made the school his  
own. Even Mrs. Connolly assisted him in his great work, and his

<sup>1</sup> Hamid Gool, a leading Indian of Cape Town.

brother, who had lately arrived from England, was kind enough to place his voice at the disposal of the school. The Indians had to thank Mr. Connolly and his staff very much for their zeal and devotion. With reference to the gymnasium, he ventured to suggest that a movable and portable set of single and double bars and sets of dumb-bells could, for very little expense, be procured, and would in a measure compensate for the want of a suitable ground. Credit could not be withheld from Mr. Paul for inducing the parents to avail themselves of the school for their children.

*The Natal Advertiser, 22-12-1900*

### *157. PETITION TO NATAL GOVERNOR*

DURBAN,  
prior to *December 24, 1900*

TO  
HIS EXCELLENCY THE HONOURABLE  
SIR WALTER FRANCIS HELY-HUTCHINSON,  
KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED  
ORDER OF SAINT MICHAEL AND SAINT GEORGE,  
GOVERNOR AND COMMANDER-IN-CHIEF IN AND  
OVER THE COLONY OF NATAL, VICE-ADMIRAL OF  
THE SAME, AND SUPREME CHIEF OVER THE  
NATIVE POPULATION

THE HUMBLE PETITION OF THE UNDERSIGNED, REPRESENTING  
THE BRITISH INDIANS RESIDENT IN DURBAN

HUMBLY SHEWETH,

That your petitioners beg to draw Your Excellency's attention to the enclosed Bye-law passed recently by the Durban Town Council and approved by Your Excellency.

At the time the said Bye-law was proposed to be published, the Indians who generally use the rickshas were alarmed, but it was then hoped that the Bye-law would not be so enforced as to apply to all non-Europeans without distinction.

Your Petitioners thought that, if the European community did not wish the Indians to make use of the same rickshas as they, the latter consistently with their self-respect could not take exception to such attitude so long as there remained a sufficient number of rickshas not set apart for the exclusive use of any particular



community.

In practice, however, it has been found, during the short time the Bye-law has been in operation, that it is extremely difficult to find a ricksha without the label "For Europeans Only". For a time, and only for a time, no particular hardship was felt as there were a number of rickshas without the above label and the police did not unduly interfere with the ricksha "boys" carrying people cleanly dressed. The thing, however, was soon changed as the Town Council gave definite instructions to the police to rigorously enforce the said Bye-law, with the result that a very large number of, your Petitioners venture to call, cleanly dressed Indians suddenly found themselves deprived of the use of the above vehicles to their great inconvenience and annoyance.

The Town Council was approached with a view, not to obtain a cancellation of the Bye-law, but such enforcement thereof as not to deprive the Indians altogether of use of the rickshas.<sup>1</sup>

The Town Council has, however, declined to accede to the request.

Your Petitioners venture to submit that the said Bye-law is illegal in terms of Section 75 of Law No. 19 of 1872, as it is opposed to the general spirit of the British Constitution and the Laws of the Colony.

By reason of the premises, your Petitioners pray that the said Bye-law may be cancelled or amended so as not to cause the inconvenience complained of.

And for this act of justice and mercy, your Petitioners shall for ever pray &c. &c.

M. C. CAMROODEEN & CO.,  
AND TWENTY-FIVE OTHERS

Durban Town Council Records, 1901.

<sup>1</sup> *Vide* "Letter to Town Clerk", September 24, 1900

## 158. LETTER TO PROTECTOR OF IMMIGRANTS

DURBAN, NATAL,  
January 16, 1901

THE PROTECTOR OF IMMIGRANTS  
DURBAN  
SIR,

CHELLAGADU AND WILKINSON<sup>1</sup>

This matter came on before the Supreme Court in review. The Court decided that it had no jurisdiction to review the decision of a Circuit Court Judge in the matter of appeals from a Magistrate's decision.

This leaves the question of the interpretation of the law as to the transfer where Mr. Justice Beaumont has left it. You were good enough to say, when I approached you in the matter, that you would, in the event of the Supreme Court deciding it had no jurisdiction, approach the Governor for remission of the sentence, a fact which by itself would show that Mr. Justice Beaumont's decision is Wrong.

I, therefore, now leave the Case in your hands and enclose the papers herewith.

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

Enclosure in Despatch No. 49 of 19th February, 1901, from Governor of Natal to H. M's Principal Secretary of State for the Colonies.

Colonial Office Records: South-Africa, General, 1901.

## 159. QUEEN VICTORIA'S DEATH

[DURBAN,]  
January 23, 1901

TO  
THE HONOURABLE COLONIAL SECRETARY  
PIETERMARITZBURG

THE COMMITTEE OF THE NATAL CONGRESS DIRECT ME TO REQUEST HIS EXCELLENCY THE GOVERNOR TO FORWARD BY CABLE THE

<sup>1</sup> An indentured Indian, Chellagadu, was sentenced to a fine of £1 or, in default, imprisonment on a charge of neglect of work on the Sugar estate of one Wilkinson to whom Chellagadu's master had transferred him. Gandhiji's plea that an indentured Indian could be transferred only with the consent of the Protector Or Immigrants was rejected and the sentence upheld by the Circuit Court Judge.

FOLLOWING MESSAGE TO THE ROYAL FAMILY: BRITISH INDIANS  
NATAL TENDER HUMBLE CONDOLENCES TO THE ROYALFAMILY IN THEIR  
BEREAVEMENT AND JOIN HER MAJESTY'S OTHER  
CHILDREN IN BEWAILING THE EMPIRE'S LOSS IN THE DEATH OF  
THE GREATEST AND MOST LOVED SOVEREIGN ON EARTH."

GANDHI

Pietermaritzburg Archives: C. S. O. 1071/1901.

### *160. MOURNING THE QUEEN'S DEATH*

[DURBAN,]

*February 1, 1901*

TO  
HAJEE JAMALKHAN  
DUNDEE

YOUR LETTER. WE ARE HAVING GREAT PROCESSION SATURDAY  
MORNING MARCHING TO QUEEN'S STATUE TO PLACE FLORAL WREATH.<sup>1</sup>  
PLEASE HAVE SOMETHING SIMILAR THERE SAY MEMORIAL SERVICE.  
NOTE ALL BUSINESS MUST BE STOPPED.

GANDHI

From the photostat of the office copy: S. N. 3766.

### *161. MOURNING THE QUEEN'S DEATH*

[DURBAN,]

*February 1, 1901*

TO  
(1) AMOD BHAYAD  
(2) GODFREY, UMGANI COURT  
(3) STEPHEN, SUPREME COURT  
PIETERMARITZBURG

WE ARE TRYING TO HAVE SATURDAY MORNING GREAT INDIAN  
PROCESSION TO START FROM GREY STREET TO GARLAND QUEEN'S  
STATUE. PLEASE HAVE SOMETHING SIMILAR THERE. NOTE THAT ALL  
BUSINESS SHOULD BE ENTIRELY STOPPED TOMORROW.

GANDHI

From the photostat of the office copy: S.N. 3767.

<sup>1</sup> The procession was led by Gandhiji and Nazar who carried the floral wreath  
on their shoulders.

## 162. TRIBUTE TO QUEEN VICTORIA

*The following is based on a brief press report of Gandhiji's speech at the wreath-laying ceremony in Durban.*

[February 2, 1901]

Mr. M. K. Gandhi dwelt on the noble virtues of the late Queen. He referred to the Indian Proclamation of 1858, and the Queen's deep interest in Indian affairs—how she commenced the study of Hindustani language at a ripe age, and how, although she herself could not go to India to be in the midst of her beloved people, she sent her sons and grandsons to represent her.

*The Natal Advertiser, 4-2-1901*

## 163. TELEGRAM TO TAYOB<sup>1</sup>

[Durban,]

*February 5, 1901*

TO  
TAYOB  
CARE GOOL  
CAPE TOWN

YOUR WIRE. FOUR NAMES<sup>2</sup> ARE ABDUL GANI OF CAMROODEEN, HAJEE HABIB, MALIM [HALIM?] MAHOMED AND ABDUL RAHMAN AND TRY FOR SHAMSHOODEEN OF ABDOOL HACK SAHEB. HAJEE HABIB FOR PRETORIA AND OTHERS FOR JOHANNESBURG. REPLY.

GANDHI

Sabarmati Sangrahalaya: S. N. 3770.

## 164. TELEGRAM TO TAYOB

[Durban,]

*February 6, 1901*

TO  
TAYOB  
CARE GOOL  
CAPE TOWN

PLEASE TRY FOR KARODIA ALSO IF POSSIBLE.

GANDHI

Sabarmati Sangrahalaya: S. N. 3770.

<sup>1</sup> A leading Indian of Cape Town.

<sup>2</sup> These are names of Indian traders who had substantial assets in the Transvaal and wanted to return there when the Boer War ended.

## 165. TELEGRAM TO TAYOB

[DURBAN,]  
*February 9, 1901*

TO  
TAYOB  
CARE GOOL  
CAPE TOWN

CENTRAL COMMITTEE REQUIRE INFORMATION ABOUT JOHANNESBURG AND PRETORIA INDIAN STORES AND ASSETS. HAVE YOU ANY INFORMATION. IF SO STATE DEFINITELY WHAT. GIVE ALSO YOUR ESTIMATE OF NUMBER STOREKEEPERS AND VALUE THEIR ASSETS. NAME OFFICER WHO REQUIRED NAMES FROM YOU.

GANDHI

Sabarmati Sangrahalaya: S.N. 3773.

## 166. THE FAMINE FUND<sup>1</sup>

14, MERCURY LANE,  
DURBAN,  
*February 16, 1901*

DEAR SIR,

Now that the Famine Fund raised in the Colony is closed, it may be as well to give you its genesis. While the Indian community was agitating itself whether it would be possible, as in 1897, in spite of the present distressing circumstances in South Africa, to make an effort, the Viceroy's letter to the Lord Mayor of London for further help was published in the local papers, and, almost simultaneously with this, came a request to the Protector of Indian Immigrants from the Natal Agent at Calcutta to collect subscriptions from the indentured Indians. We thereupon bestirred ourselves, and, on behalf of the Indian community, H. E. the Governor was approached with a view to secure his patronage. He most graciously consented to become the Patron of any such fund that might be raised in that behalf and promised to head the list with £20. The Hon. Sir John Robinson, ex-Premier of Natal, and the Hon. Henry Bale, the Attorney-General of Natal, very actively espoused the movement. A strong Central Committee was formed with the Mayor of Durban as Chairman and

<sup>1</sup> This letter, which appeared in India, 15-3-1901, and in Gujarati in Mumbai Samachar 16-3-1901, was addressed to the Press in general.

the Protector of Immigrants as Honorary Treasurer, and an appeal for funds was made in the papers which, too, rendered great help. A local artist drew up a realistic cartoon which The Natal Mercury consented to issue as a special. The excellent pictorial representations of The Times of India were pressed into service. The result was that nearly £5,000 were collected, of which about £3,000 were contributed by the Europeans, £1,700 by the Indians and £300 by the natives. The magistrates in the various divisions, chairmen of Local Boards, the clergy and a band of Indian workers, besides the Committee members, vied with one another in making collections. Lady Robinson, supported by her friends, also rendered valuable help. Colour prejudice was for the time being forgotten, and the best traits of the character of the community were, in this instance, brought into play. In 1897, the European contribution to the famine fund was over £200 and the Indian was about £1,200—there was no organization formed then for collections among the Europeans.

The Viceroy has acknowledged the generosity of Natal in very suitable terms.

*I am,*  
*yours truly,*  
M. K. GANDHI

From the photostat of the office copy: S. N. 3777.

### *167. TELEGRAM TO COLONIAL SECRETARY*

DURBAN,  
*March 7, 1901*

TO  
C. BIRD, ESQ.

MR. K. C. DINSHAW SON OF LATE MR. ADENWALA C.I.E. ADMIRALTY AGENT LOURENCO MARQUES LEFT DURBAN FORTNIGHT AGO FOR CAPETOWN ON BUSINESS. HE HAS NOW RETURNED PERSCOT BUT BEING PREVENTED FROM LANDING BEING COLOURED PASSENGER. MR. DINSHAW HOLDS SPECIAL CERTIFICATE FROM CAPE. PORT OFFICER DR. FERNANDER SAYS HE HAS COMMUNICATED WITH GOVERNMENT. MAY I ASK YOU TO WIRE PERMISSION FOR MR. DINSHAW TO LAND? AM WIRING YOU PERSONALLY TO SAVE TIME AS MATTER VERY URGENT.

GANDHI

Pietermaritzburg Archives: C. S. O. 1929/1901.

## 168. TELEGRAM TO COLONIAL SECRETARY

[DURBAN,  
*March 8, 1901*]

TO  
HONOURABLE COLONIAL SECRETARY  
PIETERMARITZBURG

I BEG TO THANK YOU FOR YOUR WIRE EVEN DATE GRANTING  
PERMISSION FOR MR. DINSHAW TO LAND ON CONDITIONS  
MENTIONED THEREIN.

GANDHI

Pietermaritzburg Archives: C.S.O. 1929/1901.

## 169. TO HEADS OF INDIAN SCHOOLS

(A Circular Letter)

DURBAN,  
*March 19, 1901*

DEAR SIR,

As you know, Mr. Russell delivered an address to the Indian children in the Town Hall on the reign of our late beloved Kaiser-i-Hind, and a memorial souvenir<sup>1</sup> was presented on behalf of the Indian community to the children. The Committee consider that the other Indian children, too, who could not possibly attend the function, should receive the souvenir. It is worth preserving, and I would suggest that one copy should be framed and hung in the schoolroom, and each pupil should be induced either to frame it, if he can afford it, or neatly paste it on a nice piece of thick cardboard and hang it in his room.

Will you kindly let me know how many pupils you have in your school so that I may post the number of copies?

If you can induce local storekeepers to decently frame and exhibit it in their show window, a few more copies could be sent. At the same time, as we have only a limited supply, I would ask you to be good enough to restrict yourself to the exact number required.

<sup>1</sup> This souvenir consisted of: a photograph of Queen Victoria, with an extract from her Proclamation of 1858 to the people of India, at the top; and six dates in her lives in relation to India, at the bottom; a map of India in 1901 showing it, in its entirety, as a British possession, and her remark "I will be good", then she was informed at the age of 12, that she was the future Queen of England.

May I also suggest that you should carefully study Mr. Russell's address and discourse upon it to your pupils, so that they may have a fairly good idea of the ever-memorable reign.

*Yours faithfully,*  
M. K. GANDHI

From the photostat of the office copy: S. N. 3789.

### *170. TELEGRAM TO HIGH COMMISSIONER*

[DURBAN,]  
*March 25, 1901*

TO  
PRIVATE SECRETARY TO  
HIS EXCELLENCY HIGH COMMISSIONER  
JOHANNESBURG

SOME BRITISH INDIANS WHO ARE AT PRESENT IN PRETORIA AND JOHANNESBURG WRITE TO INDIAN REFUGEE COMMITTEE SAYING THEY HAVE RECEIVED NOTICE TO REMOVE TO LOCATIONS. THEY ARE NOT ALLOWED WALK ON FOOTPATHS AND THAT GENERALLY ANTI-INDIAN LAWS OF THE LATE REPUBLIC ARE BEING STRICTLY ENFORCED. I AM REQUESTED RESPECTFULLY TO DRAW HIS EXCELLENCY'S ATTENTION TO THE ADMISSION OF HIS MAJESTY'S GOVERNMENT THAT SUCH LAWS ARE OBJECTIONABLE, AND THE STATEMENT THAT THEY WOULD ENDEAVOUR TO HAVE THEM REPEALED. THE LAWS IT APPEARS WERE NEVER UNDER THE OLD REGIME ENFORCED AS THEY NOW ARE AND PENDING FINAL SETTLEMENT COMMITTEE PRAYS FOR RELIEF.

GANDHI

From the photostat of the office copy: S. N. 3792.

### *171. TELEGRAM REGARDING PERMITS*

[DURBAN,]  
*March 25, 1901*

TO  
PARWANA<sup>1</sup>  
CAPETOWN

YOUR TELEGRAM 21ST INST. LARGE MEETINGS OF REFUGEES HELD YESTERDAY HAVE NOMINATED MR. ABDUL GANI OF MAHOMED

<sup>1</sup> The code address of the Permit Secretary to the High Commissioner at Capetown.



CASSIM CAMROODEEN & CO. MR. M. S. KAVADIA, JOHANNESBURG, MR. HAJEEHABIB HAJEE DADA, PRETORIA, MR. ABDUL RAHMAN, POTCHEFSTROOM, AS IN THEIR HUMBLE OPINION THE MINIMUM WHO SHOULD BE ALLOWED PERMITS IN VIEW OF LARGE INTERESTS AT STARE. THEY CONSIDER ONE PERMIT TOO FEW. IF IMPOSSIBLE TO GRANT FOUR THE ABOVENAMED REPRESENTATIVES APPOINT MR. ABDUL GANI TO BE THE FIRST TO GO.

I AM REQUESTED TO SUBMIT THAT SEEING THAT HUNDREDS OF OTHER REFUGEES HAVE RECEIVED PERMITS AND ALMOST ALL EUROPEAN STORES PRETORIA AND JOHANNESBURG ARE NOW OPEN, THEY FEEL VERY KEENLY THAT INDIANS HAVE NOT RECEIVED THEIR FAIR SHARE OF PERMITS AND EVEN FOUR WOULD NOT MEET THEIR NEEDS. IF HIS EXCELLENCY CAN GRANT THE PRAYER OF THE MEETING AS TO FOUR THE FAVOUR WOULD BE MUCH APPRECIATED.

GANDHI

From the photostat of the office copy: S. N. 3793.

## *172. LETTER TO COLONIAL SECRETARY*

L 4, MERCURY LANE,  
DURBAN,  
*March 30, 1901*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I have the honour to acknowledge your letter of the 18th inst.

May I enquire whether His Excellency the Governor has issued any instructions in terms of Sect. 1 of the Act,<sup>1</sup> or whether the Health Officer acted on his own responsibility in Mr. Dinshaw's case, under Sect. 2 of the Act, and whether the report in the newspapers to the effect that instructions have been issued to the Steamship Companies not to take any Asiatic passengers for Durban from Capetown and the intermediate ports is correct?

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C.S.O. 1929/1901.

<sup>1</sup> The Act referred to is Act No. 26, 1899.

### 173. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
March 30, 1901

TO  
THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

A kind friend has sent me a copy [of an] extract from General Buller's dispatch wherein among the officers mentioned is included my name, described as "Mr. Gandhi, Asst. Supt. Indian Ambulance Corps." If the extract is complete, according to my correspondent, no more officers of that Corps are thus mentioned. If that be so, and if the credit given is to the Assistant Superintendent as such, it belongs to Mr. Shire, who was the only Gentleman in the Corps recognised as such. And if the description of the office is of no consequence and if I am entitled to any credit for having done my duty, it is due in a greater measure to Dr. Booth, now Dean of St. John's, and to Mr. Shire, who spared no pains in making the Corps the success it proved to be. If I may venture to estimate their work, it is due to them to state that Dr. Booth's services as Medical Officer in particular and adviser and guide in general were simply inestimable, and Mr. Shire's were equally so in connection especially with the internal administration and discipline.

May I ask you to bring the contents of this communication to the notice of the Military Authorities.<sup>1</sup>

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 1901/2888.

<sup>1</sup> The Commanding Officer Natal, in a letter to the Principal Under Secretary, commented on this as follows: "I think this was meant as a compliment to Mr. Gandhi's nationality, of which the Bearer Corps was formed. No doubt the work of the other gentlemen was equally of great value, but it is difficult to include all names." The Colonial Secretary's reply of April 16, acknowledged by Gandhiji in his letter of April 18, (*vide* the next page) is not available.

*174. TELEGRAM REGARDING PERMITS<sup>1</sup>*

[DURBAN,]  
*April 16, 1901*

TO

- (1) INCAS
- (2) EAST INDIA ASSOCIATION
- (3) SIR MANCHERJI BHOWNAGGREE  
LONDON

HUNDREDS EUROPEAN CIVILIAN REFUGEES MALE FEMALE ALLOWED  
RETURN TRANSVAAL. ALL BUT INDIAN SHOPS OPEN. AUTHORITIES  
OFFERED MONTH AGO TWO PERMITS FOR THOUSANDS INDIAN  
REFUGEES NONE GRANTED YET. SUFFERING HEAVILY. PLEASE  
HELP INDIAN COMMITTEE.<sup>2</sup>

GANDHI

Sabarmati Sangrahalaya: S. N. 3810.

*175. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*April 18, 1901*

TO

THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 16th inst. in reply to my letter of the 30th ultimo with reference to the special mention in General Buller's dispatch of officers of the locally raised Volunteer Indian Corps, and I beg to thank you for the same.

*I have the honour to be,*

*Sir,*

*your obedient servant,*

M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 1901/2888.

<sup>1</sup> Edited copies of this cable also appeared later in India, 19-4-1901, and some British newspapers.

<sup>2</sup> Indian Refugee Committee.

## 176. A CIRCULAR LETTER<sup>1</sup>

DURBAN,  
*April 20, 1901*

SIR,

The position of the British Indians in the Transvaal and the Orange River Colony is sufficiently serious to call for a statement from us to enable you to move in the matter. It will be recollected that Mr. Chamberlain has lately announced that the legislation of the late South African Republic and the Orange Free State would, "so far as possible", be adopted by the Imperial Government. The question at once arose in our minds whether the legislation of the old governments was included in the qualifying clause "so far as possible". If present regime is any test of the future, then, indeed, the question has been solved for us to the horror of every Indian in South Africa. The whole of the anti-Indian legislation in the Transvaal is being enforced with a rigour unknown before. The laxity of the late Government was totally in our favour. Though the Location Law was there, and the cab regulations, footpath and numerous other bye-laws existed in the Statute book, they were more or less a dead letter. The enforcement of the Location Law, although often threatened, was never carried out as against the respectable Indians, the storekeepers and others, and only a few—very few—actually suffered the indignity of the footpath and other bye-laws. All is now changed. Every anti-Indian ordinance of the late Government is being unearthed, and, with strict British regularity, applied to the victims. The handful of poor Indians that were unable to leave the Transvaal before the war broke out, and who are therefore now there, have protested against the enforcement, but so far in vain. The following telegram was forwarded to His Excellency the High Commissioner on the 25th March last:

To Private Secretary, His Excellency High Commissioner: Some British Indians, who are at present in Pretoria and Johannesburg, write to Indian Refugee Committee saying they have received notice to remove to Locations, they are not allowed walk on footpaths, and that generally anti-Indian laws of the late Republic are being strictly enforced. I am requested respectfully to draw His Excellency's attention to the admission of His Majesty's Government that

<sup>1</sup> This was addressed to select friends of India in England. A copy was also sent to the Secretary of State for the Colonies. It was published in *India*, 24-5-1901, with minor changes, as "from a Correspondent".

such laws are objectionable and the statement that they would endeavour to have them repealed. The laws, it appears, were never it appears, were never under the old regime enforced as strictly as they now are and, pending general settlement, Committee prays for relief.

We are anxiously awaiting reply; but the non-receipt of any reply till now forebodes, we are afraid, disappointment. It should be recollected that the protests against such legislation made by the then British Agent, as well as the Secretary of State for the Colonies, had much to do with the laxity of the Republican officials above alluded to. Mr. Chamberlain's reply, from which the following extracts are taken, to the Indian Memorialists as to the Location Law was very sympathetic, and shows clearly that he strongly disapproved of it, and stopped only when he felt helpless:

I regret extremely that I cannot return a more encouraging answer to the memorial before me, for the petitioners have my sympathy. I believe them to be a peaceable, law-abiding, and meritorious body of persons, and I can only hope that, even as matters stand, their undoubted industry and intelligence, and their indomitable perseverance, will suffice to overcome any obstacles which may now face them in the pursuit of their avocations.

In conclusion, I would say that, whilst desirous loyally to abide by the award and to allow it to close the legal and international questions in dispute between the two Governments, I reserve to myself the liberty, later on, to make friendly representations to the South African Republic as to these traders, and possibly to invite that Government to consider whether, when once its legal position has been made good, it would not be wise to review the situation from a new point of view, and decide whether it would not be better in the interests of its own burghers to treat the Indians more generously, and to free itself from even the appearance of countenancing a trade jealousy, which I have some reasons to believe does not emanate from the governing class in the Republic.

Are we, then, when everything is in his power, to groan under all the disabilities which so roused his indignation? Even a few weeks before the war broke out, the British Agent assured the deputation that waited on him at Pretoria, that everything short of a declaration of war was done by him, that negotiations were still going on, and that if, unfortunately, the threatened war broke out, we need not bother thereabout. Lord Lansdowne has declared publicly that the legislation which was clearly in breach of the Pretoria Convention was one of the principal causes of the war. Is, then, the very evil to remove which, among others, the war has been entered upon, to be continued under the very shadow of the British flag, and when the Colonial Office cannot even put forth the excuse that it has not sufficient

control over the self-governing Colonies? For, neither the Transvaal nor the Orange River Colony has yet got self-government.

We notice with much regret and misgiving that the King's speech on the opening of Parliament pointedly refers to the equality of all the white races south of Zambezi, and a fair treatment of the native races, as the only objects in view at the time of the coming settlement. Before the war, it used to be "equal rights for all the civilised races in South Africa". If, therefore, the change to "the whites" is deliberate, it suggests a cause for grave anxiety. We attach

hereto an abstract of the laws of the late Republican State affecting the Indians. The question is most serious, our position most painful. Labouring under the oppressive yoke, we feel too exhausted to make an effort ourselves. We can only cry out in anguish. It is for you to help us to be free from the grievous burden. We have done, we hope, everything to deserve better treatment. We have taken our share, however humble, side by side with the European Colonists in the war, and have endeavoured to show that, if we are anxious and ready to pray to be allowed to enjoy the rights and privileges of British subjects, we are not unmindful of our duty as such. We have shown also, incontestably, that there is absolutely nothing in us to justify all the indignities we have to suffer in South Africa.

A great and combined effort on the part of the public bodies and the public press in India, and the friends in England, cannot fail to secure justice. It is perfectly feasible in that, as there are, there can be no two opinions about the justness of our cause. The time, too, is now or never; for, after the settlement has taken place, it is clear from experience that no amelioration would be possible.

*We remain,*

*your obedient servants,*

MAHOMED CASSIM CAMROODEEN & CO

AND NINETEEN OTHERS

#### ABSTRACT [OF] LAWS

Of the late South African Republic and the Orange Free State  
affecting British Indians only

#### SOUTH AFRICAN REPUBLIC

Every Indian must take out a Registration Ticket for £3.

When the officials treated the Indians as the natives of the soil, they insisted upon their taking out shilling travelling passes.

The railway regulations prevent Indians from travelling first or second class.

No Indian can own native gold, or take out a digging licence. (This law has not operated as a hardship, as the Indians have not gone in for speculation.)

Law 3 of 1885 gives the Government the right to point out to the Indians, for sanitary purposes, certain Locations for habitation. An attempt was made before the war to sent away all the Indians in Johannesburg to a Location nearly five miles from the centre part of the town, where it was proposed to restrict their trade also.

Certain bye-laws in Pretoria prevent the use, by the Indians, of footpaths and public vehicles.

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N.B.—For fuller information hereon *vide* letter to the British Agent, 21st July, 1899, and memorial to the Secretary of State for the Colonies, May [16], 1899.

#### ORANGE FREE STATE

Chapter 33 of 1890 prevents any Asiatics from (1) remaining in the State for more than two months without permission from the State President; (2) owning landed property; (3) trading or farming.

Chapter 71 levies a poll tax of 10s. per annum when permission to reside has been granted, subject to restrictions mentioned above.

N.B.—The full text of the anti-Asiatic laws of the late Orange Free State is set out in general letter, dated 24th February, 1896.<sup>1</sup>

From the photostat of an original printed copy: S. N. 3814-5.

### *177. ADDRESS TO EX-GOVERNOR OF BOMBAY*

*At a reception presided over by the Mayor, Durban Indians presented the following address to Lord George Canning Harris, once Governor of Bombay. He was passing through Durban on his way to London.*

DURBAN,  
*April 20, 1901*

MAY IT PLEASE YOUR LORDSHIP,

We the undersigned, representing British Indians residing in Natal, venture respectfully to welcome Your Lordship in our midst. Knowing as we do Your Lordship's intimate connection with India, and more especially with Bombay, we feel that we would have failed in our duty if we had not taken the opportunity of paying our respects to Your Lordship. We feel very thankful to Your Lordship for having graciously consented, at so short a notice, to meet us so as to enable us to testify our regard for a former representative of India of our beloved Kaiser-i-Hind.

We wish Your Lordship a pleasant voyage and a long life of usefulness to our gracious Sovereign, and venture to hope that Your

<sup>1</sup> This document is not available.

Lordship will always keep in your heart a corner for the Indian settlers in this Garden Colony.

*We beg to subscribe ourselves, etc.*

*The Natal Advertiser, 22-4-1901*

### 178. INDIAN PERMITS<sup>1</sup>

P. O. BOX 182,  
DURBAN,  
*April 27, 1901*

DEAR SIR,

I beg to enclose herewith a copy of the cablegram<sup>2</sup> forwarded to you on behalf of the Indian refugees from the Transvaal. Day by day, the list of Europeans receiving permits to go to the Transvaal is swelling; but upto the time of writing not one permit has been granted for the Indian refugees. Representations were made to Lord Roberts when he was in South Africa, also to the High Commissioner, but all without avail. Mr. H. T. Ommanney (retired I.C.S.) who has been appointed Permit Secretary to the High Commissioner has been endeavouring to secure some for us, and last month even went so far as to telegraph for one-representative merchant's name from Durban, the other being from Cape Town. A name was there and then submitted to him under protest that one permit was almost useless, but even that has not been granted.

I venture to hope that action has already been taken by you in the matter, and that as a result some relief would be granted ere this reaches you.

Copies of the cablegram have been sent to<sup>3</sup>....

With reference to the circular letter<sup>4</sup> sent to you last week, I enclose herewith copy of the replies<sup>5</sup> received to the representations made by the few British Indians who are at present in Pretoria and

<sup>1</sup> This letter was addressed to the same parties to whom the cablegram of April 16, 1901 was sent.

<sup>2</sup> The cablegram of April 16, 1901.

<sup>3</sup> The office copy of the letter does not indicate to whom these were sent.

<sup>4</sup> The letter of April 20, 1901.

<sup>5</sup> These, with extracts from this letter, were published in *India*, 24-5.1901.



Johannesburg and who were unable to leave the Transvaal before the hostilities broke out.

*I am,  
yours truly,*

From the photostat of the office copy: S. N. 3817.

[Enclosure]

IMPERIAL GOVERNMENT, MUNICIPALITY,  
JOHANNESBURG,  
24th November, 1900

TO  
MESSRS. N. G. DESAI AND OTHER PETITIONERS  
P. O. BOX 3348  
JOHANNESBURG  
SIRS,

I am in receipt of your letter of the 22nd inst. The Regulations to which you refer were passed by the late Town Council, and it is not the intention of the military authorities to alter any regulations which existed before the date of British occupation.

I beg to suggest that a petition of a similar nature should be sent to the first Town Council appointed.

*Yours faithfully,*  
(Signed) O'MEARA MAJOR,  
ACTING BURGOMASTER

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FROM PRETORIA,  
SUPERVISOR OF INDIAN IMMIGRANTS *March 15, 1901*  
TO  
E. OSMAN LATIFF  
P. O. BOX 4420  
JOHANNESBURG

I beg to inform you that the Military Governor's former decision remains unaltered in so much as all "Asiatics," Hindus and Mahomedans that are in Pretoria "now" must reside in the Coolie Location. As regards Asiatic general dealers "in a big way," their request to reside in the town may be considered, but as none of such a class are at present in Pretoria the order stands that all Asiatics at present in Pretoria must reside in the Location. The Military Governor has kindly sanctioned that two men may reside in the "Mosque" to look after the same. I have this day ordered all Asiatics at present residing in the town to go and live in the Location.

(Signed) J. A. GILLAM

179. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE  
DURBAN,  
April 30, 1901

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

I venture to address you on the Indian Immigration Amendment Act Bill published in this week's *Government Gazette*.

The first section of the Bill provides that the rate of wages payable to any Indian woman under the Act of 1895 shall be one half of the respective rates provided therein, or such other special rate as may be agreed upon by the employer and the woman. I presume the Government intend one half of the rates provided in the Act of 1895 to be the minimum, but I think such intention is not sufficiently clear from the wording of the section. May I suggest the addition of "but in no case less than one half of the respective rates aforesaid".<sup>1</sup>

I beg to draw your attention to the fact that the Law 25 of 1891 provides for the wages of Indian women to be half those of men, and I hope the Government do not propose to make alteration in the minimum.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C. S. O. 3486/1901.

<sup>1</sup> The suggestion was accepted.

## 180. LETTER TO BOMBAY GOVERNMENT

DURBAN,  
May 4, 1901

TO  
THE HON'BLE R. J. C. LORD  
[GOVERNMENT OF BOMBAY  
BOMBAY]  
[DEAR SIR,]

I am requested specially to forward the enclosed<sup>1</sup> to you and humbly to suggest that some action might be taken in the various Legislative Councils in India, and if that be not possible, in the Viceregal Council, though seeing that Bombay, Madras and Calcutta send a very large number of immigrants to South Africa, there is no reason why the local Governments should not take notice of the disabilities which the British Indians are labouring under.

This question is one of those about which there is a unanimity of Indian and Anglo-Indian opinion; and I venture to think that united action on the part of the non-official members will do much for our cause. There is very little doubt that the official sympathy would also be with us, and under the strong and sympathetic Viceroy we have in Lord Curzon, the great question which underlies our disabilities (as put by the *London Times*)—"May the British Indians when they leave India have the same status before the law as other British subjects enjoy. May they or may they not go freely from one British possession to another and claim the rights of British subjects in allied states"—cannot but be decided favourably if only it is sufficiently brought to His Excellency's notice.

From Despatch No. 35 of 1901 from the Government of India to the Secretary of State for India.

Colonial Office Records: South Africa, General, 1901.

<sup>1</sup> The circular letter of April 20, 1901. Gandhiji's letter and its enclosure were sent by the Government of Bombay to the Government of India who transmitted them to the Secretary of State for India. The India Office appended a minute to it to the effect that Mr. Chamberlain had replied, in reference to the memorial, that the question of the status of British Indians in the Transvaal and the Orange River Colony had been reserved for the consideration of Milner on his return to South Africa.

181. PETITION TO MILITARY GOVERNOR<sup>1</sup>

P. O. Box 4420,  
JOHANNESBURG,  
May 9, 1901

TO  
HIS EXCELLENCY  
COLONEL COLIN MACRENZIE  
MILITARY GOVERNOR  
JOHANNESBURG  
MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned members of the Indian community of Johannesburg, beg respectfully to bring to your knowledge that an important Notice has appeared in the *Johannesburg Gazette*, wherein [it is stated that] an Indian Immigration Office has been opened to deal solely with all Asiatics, and whereby all such subjects have to get their passes changed, and to deal with all Government matters that they may be interested in.

We beg to point out that hitherto our dealings direct with His Imperial Majesty's Authorities have been carried out without any complaint, and we fear that this new departure will lead to dissatisfaction amongst many of our fellow-subjects.

We have not seen any notice regarding the changing of passes of the subjects of foreign countries, and we thus infer that a distinction is being made; if this be so, we shall be grieved thereat.

We have ever been loyal and desire to be direct under the Imperial Authorities, as heretofore, whose treatment and kindness we greatly appreciate.

Trusting that Your Excellency will give this matter your serious consideration and grant our humble request.

We subscribe ourselves,

*Your Excellency's most humble  
and obedient servants,*

From the photostat of the office copy: S.N. 3822-3.

<sup>1</sup> A petition in identical terms was also addressed the next day to the British High Commissioner and Governor of the Transvaal, signed by Osman Hajee Abdul Latif and 139 others.

## 182. LETTER TO EAST INDIA ASSOCIATION

P. O. Box 182,  
DURBAN,  
May 18, 1901

TO  
THE HONORARY SECRETARY  
EAST INDIA ASSOCIATION  
LONDON

DEAR SIR,

I write this particularly to suggest the advisability of a deputation waiting on Sir Alfred Milner, if indeed not also on Mr. Chamberlain. There is no doubt that most important matters will be discussed between the two statesmen and, if a strong deputation representing all shades of opinion and consisting of, say—Sir Lepel,<sup>1</sup> Mr. Dadabhai, Sir William Wedderburn, Sir Mancherji, Messrs. Romesh Dutt,<sup>2</sup> Parameshvaram Pillay, Gust, etc., were to put the Indian question before them, it cannot but do good. From the conversation I used to have with Lords Northbrook and Reay, I am inclined to think that, if either of them were approached, he would lead the deputation. The facts you would need have all been already supplied.

Letters in a similar strain are being sent to the British Committee of the Indian National Congress, etc.

*I am,  
yours truly,*

From the photostat of the office copy: S.N. 3825.

## 183. TELEGRAM REGARDING PERMITS

[DURBAN.]  
May 21, 1901

TO  
PERMITS  
JOHANNESBURG

YOUR TELEGRAM 20 INSTANT. BEG TO SUBMIT NAMES MR. HAJEE HABIB PRETORIA MESSRS. M. S. COOVADIA AND I. M. KARODIA JOHANNESBURG, MR. ABDUL RAHMAN POTCHEFSTROOM FOR FURTHER PERMITS.

<sup>1</sup> Sir Lepel Griffin.

<sup>2</sup> Romesh Chunder Dutt, prominent Indian Civilian; presided over the Congress session at Lucknow, in 1890.

HAVE WIRED CAPETOWN FOR TWO NAMES. THE FOUR NAMES MAY BE CONSIDERED AS REFUGEES NATAL NOT DURBAN. MOST PRINCIPAL REFUGEES RESIDE IN DURBAN. NAMES ARE REPRESENTATIVE AND SELECTED AT MEETING REFUGEES. RESPECTFULLY SUBMIT THAT EVEN FOUR PERMITS FOR NATAL TOO FEW.

GANDHI

From the photostat of the office copy: S.N. 3827.

*184. LETTER REGARDING PERMITS*

[DURBAN,]

*May 21, 1901*

TO  
H. T. OMMANNEY, ESQ.  
PERMIT OFFICE  
JOHANNESBURG  
SIR,

I have the honour to acknowledge your telegram of the 20th instant and have been instructed by the Indian Refugee Committee to tender its thanks for same.

I beg now to submit the following four names for Natal, namely Hajee Habib Hajee Dada, Pretoria; M. S. Goovadia, Johannesburg; I. M. Karodia, Johannesburg and Abdool Rahman, Potchefstroom Three of those refugees are in Durban and one (Mr. A. Rahman) in Ladysmith. These are representative names and have been selected at a meeting of the Indian refugees. The meeting laid down more than these names as the minimum and, therefore, to bring the number to four, lots had to be drawn. Most of the Indian refugees are in Durban and I have been requested to draw your attention to the fact that the four permits for Natal are too few.

I have wired for two names from Cape Town.

*I have the honour to be,  
Sir,  
your obedient servant,*

From the photostat of the office copy: S.N. 3829.

## 185. TELEGRAM TO TAYOB

[DURBAN,]  
May 21, 1901

TO  
TAYOB  
CARE GOOL  
CAPETOWN

PLEASE SEND TWO CAPETOWN REFUGEES NAMES PROPERLY  
ELECTED FOR SUBMISSION TO PERMIT SECRETARY.

GANDHI

Sabarmati Sangrahalaya: S.N. 3828.

## 186. LETTER TO REVASHANKAR ZAVERI

14, MERCURY LANE,  
DURBAN,  
May 21, 1901

RESPECTED REVASHANKARBHAI,<sup>1</sup>

Mansukhlal's<sup>2</sup> letter brought me news. of the passing away of Kavishri.<sup>3</sup> I also saw it later in the papers. It was hard to believe the news. I can't put it out of my mind. There is very little time in this country to dwell on any matter. I got the letter while I was at my desk. Reading it, I felt grieved for a minute and then plunged immediately into my office work. Such is life here. But whenever there is a little leisure, the mind reverts to it. Rightly or wrongly, I was greatly attracted to him and I loved him deeply too. All that is over now. So I mourn out of selfishness. What consolation can It then give you?

*Respectfully yours.*  
MOHANDAS

From the original Gujarati: C.W. 2936.

<sup>1</sup> Revashankar Jagjivan Zaveri, a life-long friend of Gandhiji.

<sup>2</sup> Raychandbhai's brother, *vide* footnote 3.

<sup>3</sup> Rajchandra Ravjibhai Mehta, or Raychandbhai, a poet and 'seeker after Truth', to whom Gandhiji has devoted a chapter in the *Autobiography* (Part 11, Ch. 1).

*187. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*May 21, 1901*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

An Indian named Kara Tricam was robbed of a purse containing £40, in daylight, in West Street on the 6th inst. by certain Europeans. One of the men was caught and partly tried on the 10th inst. The man who was tried was released on bail which he had forfeited. I applied for £40 out of the bail at the Criminal Investigation Department office and was told to write to the Government for it.

I now beg to apply for the sum of £40 to be paid to my client out of the bail money. If any further proof than that recorded before the Magistrate be required as to the possession by my client of £40, I would be prepared to submit it to the Government.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C.S.O. 4258/1901.



## 188. TELEGRAM TO TAYOB

[DURBAN]  
*June 1, 1901*

TO  
TAYOB  
CARE GOOL  
CAPETOWN

WHY NO REPLY 21ST REPLY SHARP.

GANDHI

Sabarmati Sangrahalaya: S.N. 3835.

## 189. JOINT ACTION FOR PERMITS<sup>1</sup>

DURBAN, NATAL,  
*June 1, 1901*

SIR,

The papers received this week contain news that Mr. Chamberlain, in reply to Mr. Caine's question on the subject of the permits for the return of the Indian refugees to the Transvaal, informed him that at the request of Sir Mancherjee he had already cabled to Sir Alfred Milner in the matter.

Reuter's message received this week says that, in reply to another question, Mr. Chamberlain said that the anti-Indian laws of the late South African Republic would remain in force until modified. Mr. Chamberlain does not seem to have added that the laws will not be enforced in practice as they were not under the old regime. In the absence of any such understanding, the present state will be far worse than the old. I confess this news has disappointed us.

Although the workers here have imbibed their zeal and ideas of duty from the self-sacrificing devotion of the Congress leaders and are content to copy the Congress pattern, they have appealed to all parties for help and there seems to be no difference of opinion as to the justness of the cause. Holding this view, we feel that it suffer for want of concerted action on the part of the different friends.

The East India Association has already suggested joint action and I respectfully submit that a large measure of success would be

<sup>1</sup> The contents of this letter and connected documents show that it was addressed to the British Committee of the Indian National Congress.

attained if a small committee of persons representing all shades of opinion were formed and a concerted move were always made.

An unsympathetic reply from the Colonial Secretary produces a bad impression here and encourages further opposition to the Indians. The method, therefore, of obtaining information by letter to Mr. Chamberlain or a personal interview is, in my humble opinion, better adapted to the circumstances of our case. Mr. Chamberlain's reply, cabled by Reuter as above, is calculated to do some mischief. The interpretation put upon it is that he will yield to popular clamour and give up the Indians entirely.

I know that we who are on the spot suffer from the nearness of vision and may consequently take merely a narrow and parochial view and may not give due attention to the situation there or the position of the leaders working in our behalf. If, therefore, there is anything presumptuous in my suggestion, I trust you will be good enough to overlook it.

I am sending a copy of this letter to the Honourable Dadabhai Naoroji.

*I remain,  
yours truly,*

From the photostat of the office copy: S.N. 3836.

### *190. OFFICE NOTE REGARDING A CHEQUE*

DURBAN,  
*June 2, [1901]*

This cheque is issued in accordance with the Congress resolution. The resolution was to the effect that funds should be collected for Mr. Dunn's school and if they were not adequate, the Congress should pay Mr. Dunn the balance that would remain after the purchase of Mr. Shaikh Fareed's property. It does not seem likely that the collections will swell now and hence this cheque is being issued to-day.

Resolution, 23rd November 1900

M. K. GANDHI

From the photostat of the original in Gujarati: S.N. 3837.

*191. TELEGRAM REGARDING PERMITS*

[DURBAN,]  
*June 14, 1901*

TO  
CAMROODEEN  
BOX 299  
JOHANNESBURG

PERMITS NOT RECEIVED. ENQUIRE.

GANDHI

Sabarmati Sangrahalaya: S.N. 3847.

*192. TELEGRAM REGARDING PERMITS*

[DURBAN,]  
*June 20, 1901*

TO  
DOUGLAS FORSTER  
RANDCLUB  
JOHANNESBURG

KINDLY ENQUIRE PROMISED PERMITS NOT YET RECEIVED NAZAR.

GANDHI

Sabarmati Sangrahalaya: S.N. 849.

*193. LETTER TO M. M. BHOWNAGGREE*

P. O. BOX 182,  
DURBAN, NATAL,  
*June 22, 1901*

DEAR SIR MANCHERJI,

I acknowledged last week your two letters. Since then I have received yours of the 24th ultimo. Your letters have revived our spirits, and I beg to thank you on behalf of the poor sufferers in South Africa for the great work you are doing. We on this side entirely agree with you that so far as possible the thing should be managed by friendly interviews, such as you have been having with Mr. Chamberlain and others, for an unsympathetic answer to a question in the House cannot but do a great deal of damage—where justice is entirely on our side, and no difference of opinion exists between the

several parties. A constant reminder to the authorities and unwearingly<sup>1</sup> vigilance are all that is needed in order to secure the desired result. We have anticipated you in the suggestion as to a combined movement in India, and letters<sup>2</sup> have been addressed to the leaders on that side requesting them to promote memorials and put questions in the Viceregal Council. At the same time, I am not very hopeful of success, owing to the absence there of any organized committee to deal exclusively with the South African Question, or rather with the question of grievances of the Indian emigrants. But a combined powerful representation to the India Office from the East India Association and the Congress Committee may well supplement or take the place of what may be done in India.

I know that you feel very keenly in this matter of our disabilities, and that they are bad enough to arouse righteous indignation in the coolest head. But may I ask you not to mar the sterling work you are doing there by precipitating a hot debate unless you are sure of success. We fully realise that no man in England is more capable of doing justice to this matter than yourself owing to the warm interest you take in it, your position in the House, your influence with the authorities and above all your willingness to work.

The information supplied to Mr. Chamberlain by the authorities in the Transvaal with reference to the cablegram<sup>3</sup> sent to you as to the permits is, I venture to say, misleading. I still affirm that the cablegram is correct. The information was derived from the report sent to the local newspapers by their special correspondents. I went over yesterday myself to see the Secretary of the Uitlander Committee and he told me emphatically that most of the shops are open, and that the requirement that the men should join the Rand Rifles is more or less a formality, and surely, if they don't want the Indians to join the Rand Rifles, it should not, to say the least, be used as a bar against their return; and it should be recollected that many European ladies have been allowed to proceed, and that it is a daily occurrence to see a crowd of families entraining for the Transvaal. I regret to have to inform you that up to the time of writing no further permits have been received, though six have been promised—four for Natal and two for Cape Town. But, of course, the question of permits is, after all,

<sup>1</sup> This is perhaps a mistake for “unwearying”.

<sup>2</sup> These are not available.

<sup>3</sup> The cablegram of April 16, 1901.

insignificant, and only a temporary, though, while it lasts, a very severely felt, difficulty compared to the all-absorbing question—what is to be the position of the Indians under the new regime? There is yet no declaration to the effect that, at the very least, the existing legislation will be considerably modified. Our hopes are centred in what the friends in London may, taking advantage of Lord Milner's presence there, accomplish.

I hope to write more next week; in the meanwhile, with renewed thanks,

*I am,  
yours very truly,*

From the photostat of the office copy: S. N. 3853.

#### *194. SPEECH AT INDIAN SCHOOL*

*The following is a brief press report of Gandhiji's speech at a prize distribution function of the Government Higher Grade Indian School in Durban. The Governor of Natal, Sir Henry McCallum, presided.*

[DURBAN,  
prior to June 28, 1901]

Mr. M. K. Gandhi, in moving a vote of thanks to His Excellency, said he thought the Indian community might take just pride and feel very highly gratified in the fact that His Excellency, in the very early stage of his administration) should come in touch with them, and that in such an agreeable manner. He recalled to mind the competition between the Irish Association and the Indian community on the occasion of the visit of Lord Roberts. The Irish Association claimed His Lordship as an Irishman, and the Indians claimed him as an Indian. His Excellency had already been claimed by the Scotchmen, but he thought they had good grounds for claiming Sir Henry to be an Indian by adoption. He expressed the hope that the Government would let them have a gymnasium and singing classes they had promised. He also hoped they would grant a girls' school on the model of the Indian Higher Grade School.

*The Natal Mercury, 28-6-1901*

*195. TELEGRAM REGARDING PERMITS*

[DURBAN,]  
*July 2, 1901*

TO  
PERMITS  
JOHANNESBURG

MY LETTER TWENTY-FIRST MAY. INDIAN REFUGEE COMMITTEE  
RESPECTFULLY REQUEST INFORMATION REGARDING PERMITS PROMISED.  
YOUR WIRE TWENTIETH MAY.

GANDHI

Sabarmati Sangrahalaya: S.N. 3858.

*196. TELEGRAM TO COLONIAL SECRETARY*

[DURBAN,]  
*July 26, 1901*

TO  
HONOURABLE COLONIAL SECRETARY  
PIETERMARITZBURG

MAY I ENQUIRE WHETHER CLAUSES OF CORPORATIONS BILL OBJECTED  
TO BY INDIAN PETITIONERS HAVE PASSED COMMITTEE AND IF NOT  
WHETHER GOVERNMENT PROPOSE TAKING ANY ACTION.

GANDHI

From the photostat of the office copy: S.N. 3866.

*197. TELEGRAM TO HENRY BALE*

[DURBAN,]  
*August 8, 1901*

TO  
SIR HENRY BALE  
PIETERMARITZBURG

BEG RESPECTFULLY TO TENDER CONGRATULATIONS ON BEHALF OF  
MY COUNTRYMEN ON THE HONOUR CONFERRED ON YOU BY HIS  
MAJESTY .

Sabarmati Sangrahalaya: S.N. 3876.

## 198. TELEGRAM TO C. BIRD

[DURBAN,]  
August 8, 1901

TO  
C. BIRD, ESQ.  
C. M. G.  
PIETERMARITZBURG

BEG TO TENDER CONGRATULATIONS ON THE HONOUR CONFERRED  
ON YOU BY HIS MAJESTY THE KING-EMPEROR.

Sabarmati Sangrahalaya: S.N. 3877.

## 199. ADDRESS TO ROYAL VISITORS

*The following address, which was engraved on a silver shield, along with pictures of the Taj Mahal, the Karla Caves of Bombay, the Buddha Gaya temple; and of indentured Indians working in Natal Sugar Estates, was presented by Durban Indians to the Duke and Duchess of Cornwall and York when they visited Natal.*

[DURBAN,  
August 13, 1901]

ADDRESS TO THEIR ROYAL HIGHNESSES THE DUKE AND DUCHESS OF  
CORNWALL AND YORK

MAY IT PLEASE YOUR ROYAL HIGHNESSES,

We, the undersigned, on behalf of the British Indians residing in this Colony, humbly beg to welcome Your Royal Highnesses to these shores. Among the countries visited by you during the present tour, Natal is one that has a large number of British Indians, and, seeing that India is not included among the countries to have the honour of the royal visit, it becomes a double duty incumbent on us to render homage to Your Royal Highnesses.

It shows the great regard His Majesty the King and Emperor has for his people that, amid the overwhelming grief which, in common with the royal family, has shrouded myriads of his subjects in the departure from our midst of our late beloved Kaiser-i-Hind, he has commanded Your Royal Highnesses to visit not only Australia, but also other parts of the great Empire, a visit which, we respectfully venture to say, has drawn tighter the silken cord that binds together the different parts of the British Raj.

We fully realise the blessing of the munificent British rule. It is because we are in the folds of the all-embracing Union Jack that we have a footing outside India.

We humbly request you to assure His Majesty the King and Emperor, our Maharaja, of our loyal attachment to the throne, and, we wish Your Royal Highnesses a pleasant time in this garden of South Africa and pray to the Almighty that He might guide you safely home on the termination of your tour, and may shower His choicest blessings upon you.

*We remain,  
Your Royal Highnesses' humble and  
loyal servants,*  
ABDUL KADIR, M. C. CAMROODEN & CO.,  
AND ABOUT 60 OTHERS

*The Natal Advertiser, 17-8-1901*

## 200. INDIANS AND THE DUKE

MERCURY LANE,  
DURBAN,  
*August 21, 1901*

TO  
THE EDITOR  
*The Natal Mercury*  
SIR,

I enclose copy, as supplied to me, of the resolutions and covering letter addressed to me as Chairman of "the Protest Meeting of English-speaking and other Indians", by the convener. Chairman though I was of the meeting, I am not at all in sympathy with the resolutions, as they contain many material errors of statement, and are misleading. But realizing that ventilation in the Press of grievances, fancied or real, is the best safety-valve, I forward them, to be used as you may think fit.

*I am, &c.,*  
M. K. GANDHI

[Resolutions]

At a protest meeting of the English-speaking and other Indians which was held in the Congress Hall on the 2nd inst., Mr. J. L. Roberts, the convener, proposed, and



Mr. D. C. Andrews seconded, the following resolutions, which were carried unanimously. Mr. M. K. Gandhi occupied the chair.

1. That this meeting strongly disapproves of the manner in which the Indian representatives were chosen for the presentation of the address to their Royal Highnesses the Duke and Duchess of Cornwall and York, inasmuch as only the Mohammedans were apprised of the meeting, thus depriving the other Indians from participating in it.

2. That this meeting strongly disapproves of the fact that the majority of representatives elected to attend the presentation of addresses to their Royal Highnesses are Mohammedans and that the other Indians in the Colony, being greater in number than the Mohammedans, should have had at least an equal number of representatives as the Mohammedans.

3. That, out of the eight further representatives who were chosen to receive invitations (if the Reception Committee grant it), six are Mohammedans; thus, again, the other Indians do not receive a fair share in the representation.

4. That this meeting strongly disapproves of the practice of the Mohammedans, who, after choosing men to represent themselves, should invariably choose one Mr. H. L. Paul to represent the English-speaking and other Indians, thus acting in direct opposition to the wishes of the Indians in question.

5. That copies of the foregoing resolutions should be sent to the secretary of the Duke and Duchess of York, the Indian Reception Committee, the Mayor of Durban, and the Press of Natal.

*The Natal Mercury*, 23-8-1901

### 201. INDIAN OR COOLIE?<sup>1</sup>

[LADYSMITH,]

*September 11, 1901*

Mr. Gandhi asked to be allowed to appear at that late stage, as the case was important to the Indian community, and the Police seemed to be labouring under a delusion with regard to their status. They had, a few days ago, arrested a number of Natal-born Indians, who had from very shame forfeited their bail. An attempt had been made to bring defendant, an Indian, who came to Natal of his own will, under the section of the law, by terming him a "coolie". The section read "after 9 P.M.," "failing to produce a pass from the employer." How could he do this, when he was his own employer? He quoted *Mrs. Vinden v. Corporation of Ladysmith*, in which the

<sup>1</sup> An Indian barber, Abarrah, was charged under the Pass Law. On the day the case came up for decision before the magistrate of Ladysmith, Gandhiji appeared for the accused.

Supreme Court laid down that the term could be translated “indentured Indian”.

His Worship said that, in view of the case quoted, he did not feel called upon to say anything further. He could not lay down a hard and fast rule, for such cases had to be treated on their merits. The law was difficult. Though accused was plainly a coloured person, the law did not call him that, so he was discharged.

*The Natal Mercury, 12-9-1901*

## 202. LETTER TO TOWN CLERK

14, MERCURY LANE,  
[DURBAN,]

*September 17, 1901*

TO

WILLIAM COOLEY, ESQ.

TOWN CLERK

DURBAN

DEAR SIR,

I have to thank you for your letter of the 12th instant conveying thanks to the Indian Vigilance Committee for what it was able to do in connection with the measures adopted for the prevention of the Plague.

I am to say that the Committee did what was merely its duty and, should an occasion arise again, the co-operation of the Indian community, in any measure that may be undertaken by the Town Council in the interests of the health of the Borough, will be as readily forthcoming as before.

*I remain,  
yours faithfully,*

From the photostat of the office copy: S.N. 3910.

## 203. BALANCE-SHEET OF NATAL INDIAN CONGRESS

*When the balance-sheet of the Natal Indian Congress up to 31st August 1901 was prepared for submission to the Congress, Gandhiji noticed some discrepancy of figures in the list of 723 subscriptions and donations totalling £ 3404, and he recorded the following note*

*under his signature and the following addition to the balance-sheet in his own hand.*

*September [?], 1901*

NOTE

The difference between the total of the ledger accounts and the amount shown in the balance-sheet, which is the correct amount, is due to some mistake in posting entries from the cash book—a task which I had no time to undertake though the book has been checked twice. The mistake is likely to have occurred owing to many names having been struck out owing to their not having paid the subscriptions for which they obtained receipts. An examination of the cash book would have shown this at once.

M. K. GANDHI

[Addition to the Balance-sheet]

(In balance-sheet add)

To subscriptions and donations—including £182 Loan—received up to 31st August 1901 as per list, subject to difference explained at the

Sabarmati Sangrahalaya: Vol. 966.

#### *204. STATEMENT FOR COUNSEL'S OPINION*

DURBAN,

*October 2, 1901*

Act. 18 of 1897 regulates & controls the issue of licenses to wholesale & retail dealers.

Sec. 1 of said Act includes in the licenses mentioned in sub-section (a) sec. 71 of Law. No. 19, 1872, licenses to wholesale dealers, so as, it is contended, to give the control over licenses to wholesale dealers to the Corporations.

The expression, retail dealers, is specially made by sec. 3 of the said Act to include hawkers, and therefore, by inference, it is contended, to exclude all others.

Is a baker or a butcher, in the opinion of Counsel, a retail or wholesale dealer within the meaning of the Act, & is his license governed by that Act?

Counsel's attention is drawn to the fact that there is a separate

tariff for a baker's & a butcher's license from the tariff for a retail shopkeeper's (dealer's) license under Law No. 19 of 1872, that a baker's license does not, at any rate in the popular belief, cover transactions not incidental to a bakery, & that, similarly, a retail dealer's license does not cover a baker's business.

M. K. GANDHI

From the photostat of the original: S.N. 3915.

### *205. LETTER TO COLONIAL SECRETARY*

14, MERCURY LANE,  
DURBAN,  
*October 8, 1901*

TO

THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I had the honour to write to the Government in the month of November last regarding the transfer to Mr. Jan Mahomed of Port Shepstone of a property in Port Shepstone.

The Government were pleased to decide that, if the conditions of the contract have been carried out, the transfer may be passed in the ordinary course. All the instalments having been paid, I applied through my agent at P. M. Burg for the final deed of transfer and he wrote to me on the 21st August saying the Government declined to issue the title applied for, inasmuch as "the Building Clause set forth in the Certificate of Sale and purchase has not been complied With".

I have been corresponding with my client and I find it is true that he has built wood and iron buildings without the previous written permission of the Magistrate, but I understand such buildings have been erected all over the place. The Magistrate has, moreover, given his certificate as to the value of the building, which was produced before the Surveyor-General.

I am further informed that the titles have been granted to others similarly situated, that my client, before he put up the wood and iron building, applied for permission to make bricks; that on the permission being refused he put up the wood and iron building; that the building in question is occupied by very respectable tenants, viz., the Standard Bank, and that my client is erecting brick or stone

buildings also on the land.

Under the circumstances, I request a reconsideration of my client's application for registration of his title, and venture to trust that the Governor will be pleased to grant it.

*I have the honour to be,  
Sir,  
your obedient servant,  
M. K. GANDHI*

Pietermaritzburg Archives: C.S.O. 8658/1900.

## 206. SPEECH AT FAREWELL MEETING

*On the eve of his departure for India, Gandhiji was presented with addresses; on behalf of the Natal Indian Congress and other Indian organizations. The large gathering in the Congress Hall, Durban, included several leading European citizens. The following is a brief report of the speech Gandhiji made on the occasion:*

[DURBAN,]  
October 15, 1901

Mr. Gandhi returned thanks from the bottom of his heart for the splendid and costly address.<sup>1</sup> He thanked the donors of the many presents; and also those who had spoken so flatteringly of him. He had not been able to find a satisfactory answer to the question of how he came to deserve all this. Seven or eight years ago,<sup>2</sup> they embarked on a certain principle, and he accepted the gifts as an earnest that they would continue on the lines on which they then embarked. The Natal Indian Congress had worked to bring about a better understanding between European and Indian Colonists. They had progressed in that, if only a little way. During the recent election speeches they heard much against the Indians. What was wanted in South Africa was not a white man's country; not a white brotherhood, but an Imperial brotherhood. Everyone who was the friend of the Empire should aim at that. England would never part with her possession in the East, and, as Lord Curzon had said, India was the brightest jewel in the British Empire. They wished to show that they were an acceptable section of the community, and, if they continued as they started, they "would know each other better when the mists have rolled away". Mr. Gandhi

<sup>1</sup> *Vide* enclosures 1 and 2.

<sup>2</sup> The reference is to the founding of the Natal Indian Congress in 1894.

then addressed the Indians in their native language, and the meeting terminated with cheers for their distinguished countryman.

*The Natal Advertiser*, 16-10-1901

[Enclosure 1]

[The Address]

TO

MOHANDAS KARAMCHAND GANDHI, ESQ.,

Barrister-at-Law,

Honorary Secretary, Natal Indian Congress, &c., &c.

SIR,

We, the undersigned, representing all classes of Indians living in Natal, beg leave to present this Address to you on the eve of your departure for India, to very briefly express, howsoever poorly, the deep sense of gratitude we entertain towards you for the valuable services you have so untiringly and cheerfully rendered, and the exemplary self-sacrifice you have ever-willingly undergone to watch and further the interests of your fellow-countrymen since your arrival in the Colony over eight years ago.

Your unique career teaches many a luminous lesson, and we hope to model our actions by the noble example set by you.

In all you did you were guided by high ideals, and your unflinching devotion to duty made your methods and work most efficient.

We feel that in honouring you we honour ourselves.

We sincerely hope that after discharging the domestic duties that necessitate your going to India, you will decide to cast your lot with us again, and continue the work you have been so admirably doing.

In conclusion, we wish you *bon voyage*, and pray to the Almighty to confer His choicest blessings on you and yours.

*We beg to remain,*

*Sir,*

*Ever yours gratefully,*

ABDUL CADIR [AND OTHERS]

Durban, 15th October, 1901

From the photostat of a printed copy of the original: S.N. 3918.

[Enclosure 2]

[Resolution]

That this meeting of the Natal Indian Congress while accepting with deep regret the resignation of its Honorary Secretary Mr. M. K. Gandhi deems it its bounden duty to place on record the profound sense of gratitude it entertains for the invaluable services he has so untiringly, unostentatiously and cheerfully rendered and the immense self-sacrifice he has ever-willingly undergone, to protect and promote the (further) interests of his countrymen in Natal especially and South Africa

generally, since his arrival in this Colony about eight years ago, and its sense of appreciation of his unflinching devotion to duty which alone has guided all his actions.

From the photostat of a draft: S.N. 3930.

## 207. TELEGRAM TO COLONIAL SECRETARY

[DURBAN,  
*October 18, 1901*]

TO

THE COLONIAL SECRETARY  
PIETERMARITZBURG

INDIAN COMMUNITY DURBAN WISH PRESENT RESPECTFUL ADDRESS  
LORD MILNER. WILL HIS LORDSHIP ACCEPT SAME.

GANDHI

Pietermaritzburg Archives: C.S.O. 9038/1901.

## 208. LETTER TO PARSEE RUSTOMJEE

DURBAN,  
*October 18, 1901*

TO

PARSEE RUSTOMJEE, ESQ.  
HONORARY SECRETARY  
ADDRESS COMMITTEE  
DURBAN

DEAR MR. RUSTOMJEE,

I have been thinking what written reply to give to the handsome and costly address presented to me by my fellow-countrymen. After deep consideration, I have come to the conclusion that, consistently with professions made by me from time to time, I must not be satisfied with merely saying that what I value is the affection that has prompted the gifts, not the gifts as such. I have, therefore, decided to hand over the jewellery, as per accompanying schedule, to the African Banking Corporation with instructions to deliver the articles to the Natal Indian Congress against a receipt signed by the President and Honorary Secretary or Secretaries for the time being.

I make them over to the Congress on the following conditions:

- (1) The jewellery or its value should form an emergency fund to be utilized only when the Congress has no other funds to

fall back upon without the two landed properties.

- (2) I should have the right to withdraw any or such of the jewellery that may then not have been utilised for devoting same to any beneficial object, whether within or outside the scope of the Congress.

When the necessity for utilising the jewellery arises, and if it is possible, I would feel it an honour to be consulted by the Congress as to whether the object for which it is sought to utilise same is, in my opinion, an emergency within the scope of this letter. But the Congress is free at any time to withdraw the jewellery without reference to me.

I have taken the above step deliberately and prayerfully. I feel that neither I nor my family can make any personal use of the costly presents. They are too sacred to be sold by me or my heirs, and, seeing that there can be no guarantee against the last contingency, in my opinion, the only way I can return the love of our people is to dedicate them all to a sacred object. And since they are in reality a tribute to the Congress principles, to the Congress I return them.

Lastly, I repeat the hope that our people would translate into acts their good intentions (for the institution) of which the recent presentations were an earnest.

That the Congress may continue to serve the Empire and the Community and that my successors may receive the same support that was extended to me is my fervent prayer.

*I remain,  
yours truly,*

[Schedule of jewellery]

Gold medal presented in 1896.

Gold coin presented in 1896 by the Tamil Indians.

Gold chain presented by the Johannesburg Committee in 1899.

Gold chain, sovereign purse and seven gold coins presented by Mr. Parsee Rustomjee.

Gold watch presented by Mr. Joosub of Messrs Dada Abdoola & Co.

Diamond ring presented by the Community.

Gold necklace presented by the Gujarati Hindoos.

Diamond pin presented by Mr. Abdul Cadir and a Silver cup and plate presented by the Katiawar Hindoos, Stanger.

From the photostat of the office copy: S.N. 3922-3.



## 209. LETTER TO COLONIAL SECRETARY

14, MERCURY LANE,  
DURBAN,  
*October 18, 1901*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG

SIR,

I had the honour on behalf of the representative Indians to telegraph this evening as follows:

Indian community Durban wish present respectful address to Lord Milner. Will His Lordship accept same?

In anticipation of His Excellency's consent, I am authorised to submit for His Excellency's approval copy of the proposed humble address.<sup>1</sup>

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Pietermaritzburg Archives: C.S.O. 9038/1901.

## 210. ADDRESS TO LORD MILNER

DURBAN,  
*October 18, 1901*

MAY IT PLEASE YOUR EXCELLENCY,

We the undersigned, on behalf of the British Indian settlers in this Colony, as well as the British Indian refugees from the Transvaal, beg respectfully to welcome Your Excellency to this Borough, and to tender our hearty congratulations upon the great honour conferred on Your Excellency by His Most Gracious Majesty the King-Emperor.

We fervently pray to the Almighty that He may bestow on Your Excellency health and long life to enable you to continue and to bring to a successful issue the Imperial work Your Excellency has undertaken of uniting under the British flag the different races in South Africa.

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

May we draw Your Excellency's attention to the question of the position of the British Indians in the new Colonies which awaits solution at Your Excellency's hand, and trust that in coming to a conclusion thereon, Your Excellency would bear in mind the traditions of the country of our birth, our unswerving and proved loyalty to the Throne, and our acknowledged law-abiding instincts? Knowing Your Excellency's wide sympathies, generous disposition and intimate knowledge of the different parts of His Majesty's vast dominions, we feel confident that the cause of the Indian settlers in the new Colonies cannot possibly be in better hands.

We would respectfully request Your Excellency, on behalf of hundreds of British Indian Refugees, if it be possible, to expedite their return, especially in view of the fact that they have not availed themselves of the general Relief Fund.

In conclusion, we request Your Excellency to convey to His Gracious Majesty the King-Emperor an expression of our loyal and reverent attachment to the Throne.

*We beg to subscribe ourselves,  
Your Excellency's  
most humble and obedient servants*

Pietermaritzburg Archives: C. S. O. 9038/1901.

## 211. SPEECH IN MAURITIUS

*On his way to India, Gandhiji stopped at Port Louis, Mauritius, where the Indian community gave him a reception. The following version of his speech on the occasion is based on the local Press reports.*

*November 13, 1901*

Mr. Gandhi thanked the guests at the gathering and especially the host. He said that the sugar industry of the island owed its unprecedented prosperity mainly to Indian immigrants. He stressed that Indians should regard it their duty to acquaint themselves with happenings in their motherland, and should take interest in politics. He also laid much emphasis on the urgent need to pay attention to the education of their children.

*The Standard, 15-11-1901*

*Le Radical, 15-11-1901*

## 212. APPEAL FOR DEPUTATION TO VICEROY

*Gandhiji reached India in the middle of December. This was his first public statement on the question of Indians in South Africa.*

BOMBAY,  
December 19, 1901

TO  
THE EDITOR  
*The Times of India*  
BOMBAY

SIR,

The Indians in South Africa are eagerly waiting to see in what direction the Indian public are going to help them in the struggle which they are carrying on for existence in that sub-continent against awful odds. The East India Association has, as you are aware, sent up a strongly-worded memorial to Lord George Hamilton. Sir Mancherjee Bhownagree has been rendering a most useful service to the cause of the sufferers. In season and out of season, within the House of Commons and without, by pen and voice, he has been asking for, not without success, a redress of our grievances. You; Sir, have uniformly assisted us, and so the whole of the public, both Indian and Anglo-Indian. The Congress<sup>1</sup> has been passing resolutions year after year sympathising with us. But, in my humble opinion, something more is required. I have been asked by the leading Indians in South Africa to suggest a representative deputation to the Viceroy, similar to the one that some years ago waited on Mr. Chamberlain, and which was promoted by the late Sir W. W. Hunter. It is evidently necessary to strengthen the hands of the Viceroy as well as the workers in England. The authorities here and in Downing Street are not—cannot be—unsympathetic.

The Europeans in South Africa are doing all they can to bring pressure to bear upon the Colonial office. They want absolute power to legislate as they will against the British Indians. A deputation, therefore, backed if possible by public meetings, cannot fail to have its effect. Let there be no mistake as to the real situation. Mr. Chamberlain has, let us hope, once for all laid it down that he would not allow an affront to be placed upon millions of His Majesty's subjects in the shape of special disabilities on the Indians. Natal has,

<sup>1</sup> The Indian National Congress.

therefore, sought to carry out its object by indirect methods; e.g., Immigration Restriction and Dealers' Licenses Acts, in theory applicable to all, but in practice mostly enforced against the emigrants from India.

In the Cape Colony, the legislators propose to impose restrictions similar to those in Natal.

In the Transvaal and the Orange River Colonies, very drastic anti-Indian laws are in force. In the former, the Indian cannot hold land, must live and trade in Locations only, cannot walk on footpaths, etc. The latter he cannot even enter, except under special permission, and then only as a domestic servant or labourer. Unlike the two old Colonies, which enjoy complete self-government, the newly annexed territories are under the direct control of the Colonial Office; and it is there the question is most pressing. Mr. Chamberlain, in answer to a question put by Sir Mancherjee, has given an answer which, though worded in a friendly spirit, is far from satisfactory. He evidently does not wish at once to put the pen through the laws inherited from the late Republics. Lord Milner has been charged with the task of considering what alterations should be made in those laws. This, therefore, is the time for India to assert her position as an integral part of the British Empire, and to claim for her sons in South Africa the full rights of a British citizen. The question is admittedly of Imperial importance. Are the British Indians, in the words of the late Sir W. W. Hunter, as soon as they leave India, to enjoy the full status of British subjects or not? The answer to that question would, to a very great extent, depend upon the action of the public in India. Even the Colonies would not care to disregard, especially at a time when the Imperial wave is passing throughout the length and breadth of the British Empire, a unanimous, emphatic, temperate and continuous expression of the public opinion of India.

May I, then, on behalf of the Indian settlers in South Africa, appeal to you and your contemporaries to help us in the desired direction? I would venture also to ask your contemporaries, if possible, to copy this letter.

M. K. GANDHI

*The Times of India*, 20-12-1901

### 213. SPEECH AT CALCUTTA CONGRESS

*At the 17th session of the Indian National Congress held in Calcutta, Gandhiji made the following speech while moving a resolution on the status of Indians in South Africa:*

[CALCUTTA,  
December 27, 1901]

MR. President, and Brother Delegates,

The resolution that I have to commend to your attention is as follows:

That this Congress sympathises with the British Indian settlers in South Africa in their struggle for existence and respectfully draws the attention of His Excellency the Viceroy to the anti-Indian legislation there, and trusts that while the question of the status of British Indians in the Transvaal and the Orange River Colonies is still under the consideration of the Right Hon'ble the Secretary of State for the Colonies, His Excellency will be graciously pleased to secure for the settlers a just and equitable adjustment thereof.

Gentlemen, I appear before you not as a delegate, but more as a petitioner on behalf of the hundred thousand British Indians in South Africa, and probably also of the future emigrants, who we wish would go outside of India and carry with them the status of British subjects. Gentlemen, South Africa, as you are aware, is almost as big as India and has a British Indian population of one hundred thousand, fifty thousand of whom are absorbed in the Colony of Natal, the only Colony in South Africa that imports indentured labour, and it is that labour that raises this great question so far as South Africa is concerned. Gentlemen, throughout South Africa, our grievances are twofold. The first class of grievances arises from the anti-Indian attitude of the European Colonists, and the second class of grievances arises from the reproduction of that anti-Indian feeling in anti-Indian Legislation throughout the four Colonies in South Africa. To give you an instance of the first class of grievances, I may tell you that all the Indians, no matter who they may be, are classed as coolies. If our worthy President<sup>1</sup> were to go to South Africa, I am afraid, he too will be classed as a coolie, as a member of the semi-civilised races of Asia. Gentlemen, I will give you two illustrations to show how that term coolie has worked mischief throughout South Africa. A short time ago, last year, I believe, the son of the great Adamji Peerbhai of

<sup>1</sup> D. E. Wacha.

Bombay, himself a member of the Corporation, came to Natal. He had no friends there, he knew nobody. He applied for admission at several hotels. Some proprietors who had better manners told him they had no room, whereas other proprietors replied: "We do not accommodate coolies in our hotels." Gentlemen, the son of the late Mr. Cowasjee Dinshaw of Aden, Mr. Kaikobad, also came to Natal, and then he went to Cape Town. From Cape Town he was returning to Natal. He had to suffer great inconveniences before he could land. That was the time when there were plague restrictions in South Africa. He succeeded in securing a first-class passage to Natal, but what happened when he came to Natal? The Plague Officer simply said, "I cannot land you; you seem to be an Indian. I have got instructions not to land any coloured people at all." And will you believe me, a telegram had to be sent to the Colonial Secretary of Natal, before he was allowed to land. All this because he had a black skin.

Now, as to the second class of grievances, so far as Natal is concerned, I am afraid, it is a sealed book. The legislation has been already sanctioned. It prevents any Indian from entering Natal unless he or she can write out in one of the European languages the form attached to the Immigration Act. This Act prevents a very large body of Indians from emigrating to Natal. There is another law also in the Colony of Natal, namely, the "Dealers, Licenses Act." That Act gives Licensing Officers almost absolute power to refuse or issue trade licences. There is absolutely no appeal against these officers except to the executive body, Local Boards, and Corporations by whom the officers are appointed, in some cases with instructions that they are not to issue any Indian licences. In the Colony of the Cape of Good Hope, there is not much anti-Indian legislation. So far as the Transvaal and Orange River Colonies are concerned, unfortunately for us, the old legislation is still in force. In the Transvaal, Indians must live and trade in Locations, they cannot walk on the footpath, they cannot own landed property except in Locations. The Orange River Colony we can only enter as labourers. Now, with due deference to the uncrowned king of the Bombay Presidency,<sup>1</sup> I believe that our position is so very bad in the Transvaal and the Orange River Colony, because proper steps were not taken to withstand an attack on our rights as British subjects, and had no steps been taken in Natal, the

<sup>1</sup> Pherozechah Mehta.

position would be infinitely worse there today than it is. Such is the position throughout South Africa.

What, then, is the remedy that the Congress can apply? Mr. Chamberlain has been so far very sympathetic with reference to the Transvaal. During the old regime, he sympathized with our grievances, but could do very little, because he was then helpless. Such is not the position now. He is all-powerful. He has promised to confer with Lord Milner as to how the old legislation should be changed. Now, therefore, is the time for us in South Africa, or never. After he has conferred, and after changes have taken a practical shape, nothing can be done. Friends in England in their advice to me say, "Move the Indian public; let them hold public meetings; if possible, send deputations to the Viceroy, and do everything that you can to strengthen our hands here. The authorities are sympathetic, and you are likely to get justice." That is one way in which you can show your sympathy, but we do not want mere lip sympathy, nor do we ask you to put your hands into your pockets. For the matter of that, our countrymen in South Africa have rendered very material help to the famine-stricken in India. You will be surprised to learn from me that the Colonial-born Indians actually shed tears when they saw the pictures we reproduced, for distribution, from *The Times of India*. The Indians gave 2,000 and, I must admit, the Europeans, too, at the time came forward with handsome contributions. To return, there are delegates who are editors of influential newspapers, there are delegates who are barristers? who are merchants, princes, etc. All these can render very practical aid. The editors can collect accurate information and overhaul in their papers the whole question of foreign emigration and ventilate our grievances systematically. Professional men can serve themselves and their countrymen by settling in South Africa. The Congress is, I believe, meant, among other things, to testify to our ability to stand side by side with the other civilised races of the world in foreign enterprises and self-government. Now, if we were to look for a moment at European emigration, we will find the speculator followed by the trader who, in his turn, is followed by the missionary, the doctor, the lawyer, the architect, the engineer, the agriculturist, etc. No wonder if, wherever they settle, they blossom into independent, prosperous, self-governing communities. Our traders have gone in their thousands to different parts of the world, to South Africa, Zanzibar, Mauritius, Fiji, Singapore, etc. Are they followed by Indian missionaries, barristers, doctors, and other professional men? It is,

unfortunately, the European missionaries who try to teach religion to the poor emigrants, European lawyers who give them legal advice, and European doctors, who cannot understand their language, [who] try to give them medical advice. Is it, then, any wonder if the traders, groping in the darkness, not knowing what their rights are, not knowing where to go to for directing their boundless energy into proper channels, and surrounded by strange faces, are much misunderstood and are obliged to settle down to a life of humiliation. and degradation? This evening our proceedings were opened with a song, the last verse of which exhorts us to undertake foreign enterprises with strictest honesty and love for our land as moral equipment, knowledge as our capital, and unity as the source of our national strength. Gentlemen, if some of the distinguished Indians I see before me tonight were to go to South Africa, inspired with that noble spirit, our grievances must be removed.

From *Seventeenth Indian National Congress*, published by the All-India Congress Committee, Calcutta, 1902.

#### 214. SPEECH AT CALCUTTA MEETING<sup>1</sup>

CALCUTTA,  
January 19, 1902

Mr. Gandhi, after describing South Africa generally, explained the position of the British Indians in that sub-continent. He said that in Natal the Immigration Restriction Act, the law relating to licences and the state of education of Indian children were chiefly matters of concern. In the Transvaal, the Indians could not own landed property nor could they trade anywhere except in Locations. They could not even walk on the footpaths. The Orange River Colony the Indians could not even enter except as labourers, and then under special permission. He had to repeat many things concerning the treatment the Indians received in South Africa which had already appeared in the papers, but he observed that his mission before them was not to give the dark side of the situation, with which they were partially familiar, but the bright, the roseate side. He then narrated how, since the war, they had been able to enlist the sympathy of some of the Colonials, and the cause of the Indians, he thought, was a little progressing. He, however, strongly deprecated the latest anti-Indian

<sup>1</sup> This is a brief Press report of Gandhiji's speech at public meeting at Albert Hall, Calcutta.



measure which sought to exclude every Indian from the Colonies who could not read any of the European languages. The gentlemen present at the meeting, who all knew at least the English language, might not fully appreciate the gravity of the situation, but its effect would be disastrous upon a people the vast majority of whom were unlettered and those who knew only the vernaculars of India. The hatred of the Colonials against them was no doubt intense, but what Mr. Gandhi proposed was to conquer that hatred by love.

The speaker asked his audience not to treat the statement as merely a formality. The Indians in South Africa believed in this maxim and they tried to follow it. The war, which must have proved disastrous to others, came to them as a blessing, as it furnished the Indians with an opportunity to prove their mettle. Before the war broke out, the Colonials often used to taunt them by saying that, in times of danger, the Indians would scuttle off like so many rabbits, and such were the people: who demanded privileges like them ! But the war showed that the Indians did not scuttle off; they put their shoulders to the wheel and were prepared to take equal responsibility with others. When the war broke out, the Indians, irrespective of their opinion whether the war was right or wrong (for which the Sovereign, and the Sovereign alone, was responsible, they thought), agreed to give their services free to Government and with that view approached it with a petition, but their prayer was not granted. Subsequent to this, however, Colonel Gallwey, who apprehended to a certain extent what the affair at Colenso would be, wrote to a leading Indian<sup>1</sup> to organise an ambulance corps, and this was done with 36 Indians as leaders and 1,200 Indians as ambulance bearers. What sort of service they rendered to the country was known to them all, and this had even drawn forth the admiration of the violent Colonials who, for the first time then, saw the good trait in the Indian.

Mr. Gandhi added that, in one sense, the Indians themselves were to blame for the feeling of hatred raised in the Colonials against them. If the Indian settlers had been followed by better-class Indians who could be the peers of the Colonials in every phase of life, so much bad blood would not have been created. However, the feeling had now been improving. It had improved so much that it enabled some of the Indians to start a national Famine Fund to help India in

<sup>1</sup> This was Gandhiji himself. *Vide* "Letter to Colonel Gallwey", January 7, 1900.

her last famine and to raise a sum of £5,000, of which £3,300 were paid by the Colonials.

The speaker concluded his remarks by saying that, at that meeting, he was merely concerned with bringing out the best points of the two communities. There were harshnesses also, but it was better to contemplate the former. The Indian Ambulance Corps was raised in the same spirit. If they claimed the rights of British subjects, they must recognise the responsibilities also of that position. The work of the Corps in which the Indian labourers worked without pay was specially mentioned in General Buller's dispatches.

*The Englishman*, 20-1-1902

*Amrita Bazar Patrika*, 21-1-1902

## 215. LETTER TO CHHAGANLAL GANDHI

INDIA CLUB,<sup>1</sup>

[CALCUTTA]

January 23, 1902

DEAR CHHAGANLAL,

Your letter to hand. I was glad to read it. You should keep on writing in English only. Pay Mehtaji<sup>2</sup> his salary. Take the money from your aunt.

When you relate stories to Gokaldas<sup>3</sup> and Harilal,<sup>4</sup> you had better read out to them stories from *Kavyadohan*.<sup>5</sup> All the volumes are to be found among my books. You should read out and explain to them preferably the stories about Sudama, Nala and Angada. Narrate the story of Harishchandra or read it out from the book. It is not necessary at present to read out to them plays by English poets. They won't be much interested in them. Moreover, there isn't so much moral to be drawn from the works of the English poets as from our old story-poems.

Take care to see that the children behave well in the classroom. Let me know to whom else you go to teach. What do you receive for

<sup>1</sup> Gandhiji stayed at the Club on arrival in Calcutta and later went to reside with Gokhale.

<sup>2</sup> Gandhiji's clerk.

<sup>3</sup> Son of Gandhiji's sister.

<sup>4</sup> Eldest son of Gandhiji.

<sup>5</sup> A collection of story-poems in Gujarati based on the *Mahabharat*, the *Bhagavat* and other works.

it?

Also write to me how Manilal is faring. See that no bad habits of any kind are picked up by the boys. Mould them in such a way that they always have deep love for truth.

You will see that, besides attending to studies, they also take adequate exercise.

Respects to Khushalbai and Devbhabhi.

*Blessings from*  
MOHANDAS

From the original in Gujarati: C.W. 2937.

### 216. LETTER TO D. B. SHUKLA

[CALCUTTA,]  
*January 25, 1902*

MY DEAR SHUKLA,

I am leaving for Rangoon on Tuesday next.

I have been successful in a way. I approached the President of the Bengal Chamber of Commerce, who interested himself in the matter<sup>1</sup> & requested an interview with the Viceroy who, instead of receiving a deputation, has given a most sympathetic reply.<sup>2</sup> The President has also promised to forward a memorial whenever necessary.

I have also been on the stump.<sup>3</sup> The leaders have certainly begun to interest themselves in the question.

Many thanks for going to my house. Please continue to do so now & then. All the boys it seems have been getting fever by turns.

*Yours sincerely,*  
M. K. GANDHI

From the photostat of the original: G.N. 2328.

<sup>1</sup> The question of the British Indians in South Africa.

<sup>2</sup> The reply was to the effect that the views of the Viceroy and the Government of India had been more than once pressed upon the Home Government and that the channel of approach was the Secretary of State for the Colonies, whose sympathies were assured and with whom the ultimate decision lay (S. N. 3931).

<sup>3</sup> He had addressed a public meeting on January 19.

## 217. SPEECH AT CALCUTTA MEETING<sup>1</sup>

[CALCUTTA,  
*January 27, 1902*]

MR. CHAIRMAN AND GENTLEMEN,

Last Sunday week I had the honour to address you on my experiences in South Africa. In the course of my remarks, you will recollect, I said that the policy that was followed by our countrymen in South Africa in connection with their legal disabilities could be summed up in two maxims which guided it, viz., to stick to the truth at all costs and conquer hate by love. This was the ideal to be realized. I then implored you, as I implore you now, to believe that these are no catch phrases, but that we have all through these years tried to live up to the ideal. The local Indian contribution to the present war is, perhaps, the very best illustration of that line of action.

When in the October of 1899, the Boers issued their ultimatum, the British Government, as you are aware, was unready. According to their prearranged plan, the Boers crossed the Natal border immediately on the receipt of the reply from the British Government. Sir W. Penn Symons, at the cost of his life, gave the enemy's forces a temporary check at Talana Hill, and Sir George White<sup>2</sup> allowed himself and his 10,000 brave men to be surrounded in Ladysmith. These events were as unexpected as they were surprising, and followed in such quick succession that the people had hardly any time to turn in and ponder over them. Mafeking and Kimberley were besieged at the same time. Half of Natal was in Boer hands. And often did we hear that the Boers were going to take Maritzburg and capture Durban. But strange as it may appear, Sir George White and his army saved Natal by allowing themselves to be besieged, thus occupying the Boer General and the flower of his army. This was the contribution of British India to the Colony.

The calmness and fortitude with which the people of Natal contemplated these events reflect the highest credit and show the secret of British power. There was no stir. Business went on as if nothing had happened. The Natal Government never flinched. Although the Treasury was nearly empty, the servants were regularly

<sup>1</sup> This second speech at Albert Hall, Calcutta, deals largely with the work done by the Indian Ambulance Corps during the Boer War.

<sup>2</sup> Sir George White was, earlier, Commander-in-Chief of the Indian Army.

paid. The common courtesies of ordinary English life were performed. And but for the presence of so many khaki-clad gentlemen and the unusual bustle at the harbour, you would not have noticed that there was any imminent danger of even Durban being

taken. Volunteers were called out and Durban was emptied of its best sons within twenty-four hours of the call. What was to be the attitude of the 50,000 Indians in the Colony in such a crisis? The answer came in emphatic earnestness. We claimed the privileges of British subjects. Now was the time to discharge the responsibilities of that status; the local differences were to be sunk if the policy referred to at the outset was to be carried out; we had nothing to do with the question whether the war was right or wrong. That was the function of the Sovereign. Thus argued your countrymen at a great meeting convened for the purpose. Here was the opportunity to answer the oft-repeated charge in the Colony, that, if there was a war, the Indians would scuttle away like rabbits. It was resolved at that meeting to offer the services of those assembled there, free of charge, to do any work at the front for which they might be found fit. The Government, while thanking the volunteers, replied that their services were not required. In the meanwhile, there returned from England a gentleman who had devoted 20 years of his life to Indian work as a medical missionary belonging to the Church of England. His name is Canon Booth, now Dean of St. John. He was pleased to find that the Indians were ready to serve the Empire during the war. He offered to train them as ambulance leaders. And for several weeks they had lessons in first-aid to the wounded from Dr. Booth. In the meanwhile, Colonel Gallwey, the principal medical officer attached to General Buller's Army, in anticipation of a bloody fight at Colenso, issued instructions for raising a European Ambulance Corps. We thereupon telegraphed to the Government informing them as to how we were qualifying ourselves. And intimation was received from the Government that we were to help the Protector of Indian Immigrants in forming a volunteer Indian Ambulance Corps. Within four or five days, about 1,000 Indians were collected, a majority from the various estates. These were, of course, in no way bound to offer their services, nor was the slightest pressure imposed on them. It was entirely a free-will offering on their part. They, in common with the European volunteers, received one pound per week and rations while on duty. You will understand the force of these remarks when I tell you that some of the stretcher-bearers were traders earning far more than £4

per mouth. As an officer remarked, however, this war was a war of surprises in many respects. Among the Europeans, too, there were professional men of the highest standing, serving as stretcher-bearers.. It was rightly considered a privilege to be able to succour the wounded.

But the leaders who had undergone the training accepted no remuneration. The good Dr. Booth, too, came with us as a leader, without pay. Colonel Gallwey afterwards installed him as medical officer for the Corps. The leaders included two Indian barristers,<sup>1</sup> a gentleman connected with a well-known London firm of agents, shop-keepers and clerks.

The Corps thus constituted served just after the action at Colenso. Thirsty, hungry and fatigued, we reached the Chieveley camp at dusk. The action had just ended after a sanguinary struggle against an unseen enemy. Colonel Gallwey came up and asked the Superintendent of the Corps whether we would be able to carry the wounded to the stationary hospital there and then. The Superintendent turned towards the leaders who at once said they were quite ready. By 12 o'clock midnight, about thirty wounded officers and soldiers were removed. The work was done with such despatch that there were none left ready to be carried. It was at 12 o'clock midnight that the bulk of the men broke their fast—men (some of them) who had never been used, to put it in expressive though not quite elegant English, to roughing it.

The distance to be covered was about five miles. The European ambulance party attached to the army brought the wounded from the battlefield to the field hospital where the wounds were dressed. We carried them to the stationary hospital—each stretcher having six bearers and three bearer parties having a leader whose duty it was to direct the bearers, and to attend to and feed the wounded.

Early next morning, before breakfast, orders were received to resume work which continued up to 11 a.m. Hardly, however, had the work of removing the wounded finished, when orders were received to break up camp and march. Colonel Gallwey then personally thanked the Corps for the work done and disbanded it—saying that he relied upon a similar response when he needed it. During the interval, General Buller was taking his men across the Tugela to force his way

<sup>1</sup> Gandhiji and Khan, a co-worker.

to Ladysmith through Spion Kop. After ten days, recess, the P. M. O. sent orders to reform the Corps, and within three days over 1,000 men were collected.

Spion Kop is about 28 miles from Frere, which was the railway base, and the station where the wounded had to be brought before they could be taken by rail to the general hospitals. Spion Kop—the hill of Spion—overhangs a bush where tents were pitched to form a field hospital, from which the wounded, after being dressed, had to be removed to Spearman's Camp—a distance of about three miles. A narrow stream lay between the field hospital and Spearman's Farm. Across this was erected a temporary pontoon bridge which was within the range of the Boer guns. The route between Spearman's Camp and Frere was rather rugged and hilly.

Neither the European Corps nor the Indian were to work within the range of fire. But the European Corps, both at Colenso and Spion Kop, had to work under fire, and the Indian Corps, only at Spion Kop and Vaalkranz. Major Bapty, Secretary to Colonel Gallwey, who has covered himself with glory by facing great perils, and who has received the V.C., thus addressed us:

Gentlemen, you have been engaged to work without the range of fire. There are many wounded men to be removed from the field hospital. There is just a chance, though very remote, that the Boers may drop a shell or two on the pontoon. If you are prepared to cross the bridge in spite of the little risk, and you are at liberty to say no, I shall be glad to lead you.

These words were spoken with such earnestness and so kindly and gently that I have endeavoured to reproduce them, as far as possible, as they were uttered. The leaders and men with one voice offered to follow the gallant Major. The unexpected reverse at Spion Kop kept us incessantly at work for three weeks, though the Corps was on duty for over nine weeks. Thrice or four times did it cover a distance of 25 miles per day with its precious load of wounded. And I may be permitted to say for the Corps, without any self-esteem, that the work was done so much beyond all expectations, that those who were competent to judge thought that the 25-mile marches, with the load, were record marches. Colonel Gallwey had given us the option to do the distance in two days.

The work of the Corps has been honourably mentioned in General Buller's dispatches.

Such briefly is the record of work of the Natal Volunteer Indian

Ambulance Corps.

The Indian merchants, who could not leave their business to join the Corps, collected a fund for the support of the dependants of those volunteer leaders who needed it and also supplied uniforms for them.

A handsome donation was sent to the Durban Women's Patriotic League Fund for the volunteers who had gone to the front. Indian ladies contributed their quota by making pillow slips, vests, etc.

We were also supplied by the merchants with cigarettes to be offered to the wounded. And all these funds were raised at a time when the Indian community of Natal was feeding at its own expense, without encroaching on the general refugees' relief fund, thousands of Indian refugees, both from the Transvaal and from the parts of Natal occupied by the enemy.

I would not be true to myself if I did not give you an idea of the impression that was created in the minds of many of us about the life of the British soldier when at work, and especially under temporary reverses. I ventured last Sunday week to give you a description of the Trappist monastery and the holy stillness that pervaded it. Strange though it may appear to some of us, the same impression was created in those vast camps. Although the energy put forth was the greatest—not a minute was passed idly by anybody in those stirring times—there was perfect order, perfect stillness. Tommy was then altogether lovable. He mixed with us and the men freely. He often shared with us his luxuries whenever there were any to be had. A never-to-be-forgotten scene happened at Chieveley. It was a sultry day. Water was very scarce. There was only one well. An officer was doling out tinfuls to the thirsty. Some of the bearers were returning after leaving their charge. The soldiers, who were helping themselves to the water, at once cheerfully shared their portion with our bearers. There was, shall I say, a spirit of brotherhood irrespective of colour or creed. The Red Cross badge or the khaki uniform was a sufficient passport whether the bearer had a white skin or brown.

As a Hindu, I do not believe in war, but if anything can even partially reconcile me to it, it was the rich experience we gained at the front. It was certainly not the thirst for blood that took thousands of men to the battlefield. If I may use a most holy name without doing any violence to our feelings, like Arjun,<sup>1</sup> they went to the battlefield,

<sup>1</sup> Third of the Pandava princes to whom Lord Krishna expounded the *Gita*.



because it was their duty. And how many proud, rude, savage spirits has it not broken into gentle creatures of God?

I have been talking flatteringly of our countrymen's work in connection with the war. I would detain you for a moment to look at the other side. The real work, to my mind, has now commenced. Compared with the trials that the soldiers and soldier-volunteers have undergone and are still undergoing, our work was after all very little. It has been well spoken of, because it was never expected. Now that we have raised expectations, shall we in future come up to them? Therein, to my mind, lies the reason for humility instead of self-praise. While, therefore, it was perhaps my duty to bring prominently to your notice the little work of our countrymen, it is equally my duty to remind ourselves of the work that lies ahead of us. I may now, I think, perhaps pardonably, quote what the late Right Honourable Harry Escombe and others thought, almost too generously, of our work. Mr. Escombe, at our request, blessed us on our departure for the front and spoke as follows:

I thank you for paying the marked personal compliment of asking me to address a few words of farewell before you leave for the front. You carry with you not only the good wishes of those present here, but of all the people in Natal and the Queen's great Empire. This incident is not the least interesting of the many episodes of this remarkable war. The meeting shows the willingness and the resolve of the Indian subjects in Natal to do what they can to promote the unity and the solidarity of the Empire, and they who claim rights in Natal, we recognise, are now performing their obligations to their country. They are going to occupy as honourable a position as those who are doing the fighting, because if there were none to look after the wounded, war would be much more horrible than it now is. . . . It cannot be forgotten that you Indians in Natal—who have been treated with more or less injustice—have sunk your grievances and claim to be part of the Empire and to share its responsibilities. You carry with you the hearty good wishes of those who know what is taking place today. The knowledge of what you are doing will help to bring closer the different classes of Her Majesty's subjects throughout the whole Empire.

*The Natal Advertiser* wrote thus:

The Indian population of the Colony have to be congratulated on the admirable spirit they have shown. This is more commendable because of the attitude of the Colony towards Indian immigration, and the Indian population generally. The Indian community might easily have wrapped themselves up in a sullen reserve and said: 'We shall not help the enemy, but neither shall we help you, as you have shown yourselves so antagonistic to us.' But they did

not; they took occasion to assist where they could. They subscribed liberally to the various war funds; their ladies assisted in supplying comforts for the sick and wounded, and many of them have gone to the front to assist outtroops in whatever capacity they can. This conduct should be appreciatively remembered in their favour. It is no small matter at a crisis of this character, that we should be able to rely upon the unswerving loyalty of our coloured population. And it should make us the more ready to endure small faults on which perhaps we are prone to expatiate largely in times of peace.

Such, gentlemen, is the testimony in favour of a community that is trying to live by Truth and Love.

*The Englishman*, 28-1-1902

## 218. LETTER TO G. K. GOKHALE

PER s. s. GOA,  
*January 30, 1902*

DEAR PROFESSOR GOKHALE,

We expect to reach Rangoon tomorrow. The weather has been very fine. How I wish you had been on board! Your cough would have left you in two days. I hope, however, that you are feeling better and that you have taken proper advice.

How shall I thank you for all your kindness during the time I was under your roof?<sup>1</sup> I cannot easily forget how anxious you were to wipe out the distance that should exist between you and me. I should be quite content to have the privilege of your confidence and guidance. More I do not deserve. It is my honest opinion—and I yield to no one in my honesty—that you have appraised my services to the country altogether too generously. You have unduly magnified little incidents of my life. Yet when I come to think of it, I feel that I had no right to question your taste on Monday evening. I was too presumptuous. Had I known that I would cause you thereby the pain I did cause, I should certainly have never taken the liberty. I trust you will forgive me for the folly.<sup>2</sup>

<sup>1</sup> Gandhiji stayed for a month in Calcutta with Gokhale. (For Gokhale.)

<sup>2</sup> Gokhale used a horse-carriage rather than a tram-car when going about in Calcutta, as his travelling in the latter would have been difficult in view of his wide popularity. Not knowing the reason; Gandhiji had commented on Gokhale's preference for the carriage and the latter had felt hurt at Gandhiji misunderstanding him. *Vide his Autobiography*, pp. 232-3.

Your great work in the cause of education has admirers even on board this little vessel.

I forgot to give the coachman a gratuity. Will you kindly ask Mr. Bhate to give him a rupee and the groom half a rupee?

Please remember me to Dr. P. C. Roy.<sup>1</sup>

*I remain,  
yours truly,*  
M. K. GANDHI

From the photostat of the office copy: G.N. 3723.

### *219. LETTER TO G. K. GOKHALE*

7 MOGUL STREET,  
RANGOON,  
*February 2, 1902*

DEAR PROFESSOR GOKHALE,

As there was no post for Calcutta before Monday I postponed posting the letter written on board, which I enclose herewith.<sup>2</sup>

I was fortunate in just catching Professor Kathawate.<sup>3</sup> He left for Madras yesterday morning. The Professor did not like the Rangoon climate. It was too trying for him. He requires a bracing climate which the Rangoon climate does not appear to be.

From a sanitary standpoint this is a very good place. The streets are broad and well laid out. The drainage system too appears to be fairly good.

*I remain,  
yours truly,*  
M. K. GANDHI

From the photostat of the original: G.N. 3724.

<sup>1</sup> Indian scientist and patriot, Dr. (Sir) P. C. Ray, 1861-1944.

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

<sup>3</sup> A friend of Gokhale whom Gandhiji met in Calcutta.

## 220. LETTER TO P. B. DESAI

[RAJKOT,  
post *February 26, 1902*]

P. B. DESAI  
TONGAAT  
DURBAN, S. A.

DEAR MR. PURSHOTTAM BHAICHAND DESAI,

It is a matter of deep regret that you have not been able to keep your promise, despite your assurances. I had told you how much I would depend upon the amount due from you and am writing again<sup>1</sup> to say that I need it badly and shall be obliged if you send it to me. Please send me in full the instalments for three months which are in arrears, and it will help me greatly if you let me have the remaining instalments regularly month by month.

The condition of the country is worse than I had thought. I need write no more. Let me know how you are faring in your business.

From the photostat of the office copy in Gujarati: S. N. 3970.

## 221. LETTER TO DEVKARAN MULJI

[RAJKOT,  
post *February 26, 1902*]

DEVKARAN MULJI  
TANKARA [KATHIAWAD]

DEAR MR. DEVKARAN MULJI,

Your letter dated 21st January was received here but has remained without reply as I was away in North India. I think it will be very difficult for you to go to Natal just at the present moment. Because of the war, only those who have Rs. 1,500 in cash can proceed there. It will be difficult for you to do so unless you have the money. This law is not likely to be repealed as long as the war lasts. However, if you are keen to go abroad, let me tell you that I recently came here *via* Rangoon. I can say from personal experience that you will be able to earn your livelihood there. That country is prosperous and interesting, and if one is healthy, is not ashamed of manual

<sup>1</sup> The earlier letter is not available.

labour, is not lazy and maintains truthfulness, there should be no difficulty in earning one's bread there. One Indian has made very good arrangements for board and lodging in Rangoon; so you will experience no difficulty of any kind. You can get there *via* Madras or Calcutta. The cost of the journey will be from Rs. 30 to Rs. 40.

From the photostat of the office copy in Gujarati: S.N. 3938.

## 222. LETTER TO PARSEE RUSTOMJEE

[RAJKOT,  
*March 1, 1902*]<sup>1</sup>

DEAR SETH PARSEE RUSTOMJEE JIVANJEE,

I am in receipt of your three letters, dated 31st December, 7th January and 10th February.

I have also received the cheque for £25 sent by you to be spent on feeding the famine-stricken people in Kathiawad or for any other charitable object I deem fit.

All your three letters reached me when I arrived here from North India three days ago. I also received a letter at Rangoon, but it is in my luggage, which has not yet been received from Calcutta. I do not remember that it contained anything special that called for a reply.

The famine in Kathiawad is very acute. But I have not yet obtained full information regarding the extent of relief being given to the famine-stricken. When I obtain it, I shall utilize the cheque sent by you. If I find that it is not needed immediately, I intend to spend the amount after June, for real scarcity will be experienced thereafter. If, unfortunately, we get no rains in June, there is a possibility that the conditions of 1897 might recur. Since it will be advisable to have as much money as possible for that contingency, I do not consider it meet to use this amount just now, except when absolutely essential. I shall write to you if there is any change in this decision. The cheque was deposited yesterday with a local banker at \_ per cent interest.<sup>2</sup> The money will be spent under my personal supervision. You need, therefore, have no anxiety in this matter.

<sup>1</sup> This letter was written three days after Gandhiji's return to Rajkot from Calcutta on Wednesday, February 26. *Vide* "Letter to G. K. Gokhale", March 4, 1902.

<sup>2</sup> Indian bankers quote the rate of interest per month. though the interest is collected annually.

I cannot understand why Mr. Khan and Mr. Nazar should not attend to your work properly. You should have patience and take whatever work can be taken from them. People cannot speak or act always in the same manner. I think it is not right to form an adverse opinion on that account. As long as a man carries out with care the work entrusted to him, it is not necessary to pay attention to his ways.

I have already sent to the secretaries a report of the work done here so far. As you must have seen it, I do not write about it again. The Governor there has declined to receive our address, saying that the Indians constitute a part of Natal's population. Please let me know in exactly what context he has said so. You must have seen the question asked about us in Parliament and Mr. Chamberlain's reply.

Let me know immediately what Lord Milner writes. The Bengal Chamber of Commerce is willing to take up our work. Hereafter, please forward also to Prof. Gokhale at Poona copies of whatever literature, newspapers, etc., you may have to send from there to other gentlemen. He is a member of the Imperial Council and he does a lot on our behalf.

I very much regret to note that the Congress work there has become slack. You should do as much as you can. One should content oneself with doing one's duty as one understands it, facing insults, obstacles, etc., courageously and behaving politely in every respect. What more can I write from this distance?

It is, indeed, a matter of profound regret that the ideal of inviting Sir Mancherjee has been abandoned. It will, however, be to our advantage if we can still exert ourselves and invite him.

When I go to Bombay, I shall call at your house and inquire after your children. But I am not sure when I will go. Everything here is undecided. I intend settling down in Bombay if I can afford it. It is a little difficult to do public work from here. The future alone will decide it. Dr. Mehta strongly advises that I take complete rest at least for the next two or three months.

The children are here with me. They are for the present attending the local school. Gokaldas and Harilal are studying in standard IV of the secondary school. Manilal studies privately; he has not been admitted into any specific standard at school. I hope you have recovered completely by now. It is necessary to take proper care of your health there. It is essential that one should observe moderation and regularity in the matter of food. Please give my compliments to

those who may enquire after me.

With regards

From the photostat of the office copy in Gujarati: S.N. 3937.

### 223. *LETTER TO G. K. GOKHALE*<sup>1</sup>

RAJKOT,  
*March 4, 1902*

DEAR PROFESSOR GOKHALE,

Having passed five nights in the train, I reached here on Wednesday last, i.e., only a day later than I would have had I not stopped at the intermediate stations.

It was with very great difficulty that I found a seat in one of the intermediate carriages and that after I offered to stand the whole night if necessary. As it was, it was merely a trick on the part of the friends of some of the passengers. The former had occupied all the spare room with a view to prevent any more passengers from getting in. They got out as soon [as] the guard blew the whistle for the train to go. There was absolutely no room in the 3rd class carriages. You cannot adopt gentlemen's time and travel 3rd. From Benares, however, I travelled 3rd only. In your words, it was only the first plunge that was difficult, the after-effect was all pleasure. The other passengers and I talked freely and at times became even chummy. Benares is probably the worst station for the poor passengers. Corruption is rampant. Unless you are prepared to bribe the police, it is very difficult to get your ticket. They approached me as they approached others several times and offered to buy our tickets if we would pay them a gratuity (or bribe?). Many availed themselves of the offer. Those of us who would not, had to wait nearly one hour after the window was opened, before we could get our tickets and we would be fortunate at that if we did so without being presented with a kick or two from the guardians of law. At Moghalsarai, on the other hand, the ticket master was a very nice man. He said he knew no distinction between a prince and a peasant.

In the carriages we were packed anyhow. There was no restriction as to numbers, though there were notices in the

<sup>1</sup> An earlier handwritten draft (S.N. 3940) is available; in this the words 'Hindoo', 'Palanpur', 'Karbhary' and 'Kattywar' have been differently spelt.

compartments. Night travelling under such circumstances does become rather inconvenient even for the poor 3rd class passengers.

There was plague inspection at three different places, but I cannot say it was carried on with any harshness. My experience is yet very little, but the picture that the imagination had drawn of the terrible lot of these passengers has become somewhat toned down. Five days can hardly afford sufficient data for drawing a fair conclusion. I feel all the richer and stronger in spirit for the experience which I would resume at the very first opportunity.

I alighted at Benares, Agra, Jeypore<sup>1</sup> and Palanpur. The Central Hindoo College is not a bad institution though it is difficult to speak with confidence on a hurried visit. "The dream in marble" is certainly worth a visit. Jeypore is a wonderful place. The Albert Museum is a far better building than the Calcutta one and the art section is by itself a study. The Jeypore school of arts appeared to be flourishing under its Bengalee Superintendent.

I now come to the most important part of my letter. To Palanpore I went to see merely the State Karbhary<sup>2</sup> who is a personal friend of mine. I casually mentioned to him that I might join you in collecting subscriptions for the Ranade memorial fund in April next. The State Karbhary, Mr. Patwari, who is a sincere man, says that it will be a great mistake to start it in April next, especially if we want to do Gujarat. He thinks that we would lose at least Rs. 10,000 thereby. All the States are more or less groaning under the effects of famine and he is strongly of opinion that the collection should be undertaken in December or January next. I place his views before you for what they may be worth.

Plague is raging in several parts of Kattywar.<sup>3</sup>

Please remember me to Professor Ray.

Please excuse the dirty typing. The typewriter is quite different from the excellent one I had there. My things have not yet arrived from Calcutta.<sup>4</sup>

*I remain,  
yours truly,  
M. K. GANDHI*

From the photostat of the original: C. W. 3722.

<sup>1</sup> This is the old spelling for Jaipur.

<sup>2</sup> Executive Officer.

<sup>3</sup> Kathiawar.

<sup>4</sup> This para is in Gandhiji's handwriting



## 224. LETTER TO POLICE COMMISSIONER

RAJKOT, KATHIAWAR,  
*March 12, 1902*

TO  
THE POLICE COMMISSIONER  
BOMBAY  
SIR,

Will you be good enough to let me know on what conditions permits are issued to people desiring to go to South Africa.

*I have the honour to be,*  
*Sir,*  
*your obedient servant,*  
M. K. GANDHI

Sabarmati Sangrahalaya: S. N. 3941.

## 225. LETTER TO W. S. CAINE<sup>1</sup>

RAJKOT,  
*March 26, 1902*

TO  
W. S. CAINE, ESQ.  
DEAR SIR,

I have just received your letter of the 14th instant. At the request of the Editor, *India*, I have already prepared a brief statement of the position up to date of the British Indians in South Africa. I enclose a copy thereof.<sup>2</sup> Though, I presume, the request made by the Editor was on your behalf, I feel that to force a debate on the whole question on the treatment of the British Indians in various Colonies is likely to do more harm than good, for the situation in the different Colonies is not the same. In Natal, for instance, the Immigration Restriction Act, the Dealers' Licenses Act and such other Acts, of which copies have been supplied from time to time to the British Committee, are already in force. The Natal model is being followed both in Australia and Canada. Under the circumstances, it would be very difficult if not impossible to obtain repeal in Natal or altogether to frustrate the

<sup>1</sup> Member of the British Parliament.

<sup>2</sup> *Vide* the succeeding item, which was ready on March 27, after which the letter to W. S. Caine must have been posted.

attempt of Australia and Canada to copy Natal. The key to this is to be found in Mr. Chamberlain's address to the Conference of Premiers at the time of the Diamond Jubilee. I enclose a copy of an extract therefrom for your perusal. He has met the Colonies half way, but the half way is probably more dangerous than the whole, for his sanction of indirect legislation has opened up possibilities for mischief which were never dreamt of, as you will see from my statement. Mr. Chamberlain's latest utterances are hardly reassuring. They will simply strengthen the Colonial Governments in their anti-Indian attitude. The remedy, therefore, so far as Natal is concerned, is for the Indian residents in that Colony to induce the Colonial Government to accord fair treatment, which is now more or less a matter of administration of the old laws, and where they may attempt to pass fresh restrictive measures, to appeal to the Home Government and for the friends to help them. Continued pressure from the Colonial Office and a sympathetic discussion of the Natal [question] in the Home newspapers are the chief influences that are calculated to soften the Ministers in Natal. In a measure, I think, by the aid of friends in England and India, we have succeeded there. As to Australia and Canada, the remedy is to take up the proposed measures, the text of which, unfortunately, I have not seen, and to attack the details so as to make them as lenient as possible. On the main points Mr. Chamberlain simply will not help and, if the debate is forced, he will make a speech which would embolden the Colonists in their anti-Indian attitude.

For the new Colonies in South Africa, our position is and ought to be infinitely stronger than elsewhere. The Colonial Office has a much freer hand. The past remonstrances to Mr. Kruger on the very anti-Indian legislation which is now being enforced will, for very shame, make Mr. Chamberlain take up an entirely different attitude. I enclose herewith an extract from his reply<sup>1</sup> to our memorial on the Transvaal legislation. He then did not help because he was powerless. Now that he is all powerful, how can he help granting relief, and yet, unfair as it may appear to draw an inference not creditable to him, we are very much afraid that he has gone back upon his old love and may, if not properly watched, give away our position in the two new Colonies.

In anything that the friends may do in England, I think all the

<sup>1</sup> Not given here.

efforts ought, for the present, to be concentrated on getting redress in the Transvaal and the Orange River Colonies. In Natal, relief for the present is unobtainable. In Australia and Canada, there is no resident Indian population which has to suffer. There it is a matter of principle which certainly is a great one. In the Transvaal, the principle is there, the grievance is present, tangible and real because of the very large vested Indian interests, and relief is obtainable if only because Mr. Chamberlain has not yet committed himself one way or the other and, according to Lord Lansdowne, the treatment of British Indians was one of the causes of the war.

In this matter there is no difference of opinion. The East India Association has worked in our behalf, so has the London *Times* and so also Sir Mancherji. I hope, therefore, that in your crusade against the Colonial prejudice you will work in co-operation with them.

If I may venture to make a suggestion, I would like our friends to seek an interview with the Colonial Premiers who are expected to attend the Coronation ceremony and to discuss the situation with them.

The contributions of the local Indians in Natal to the present war may be taken into account in dealing with the question. I enclose herewith the cutting<sup>1</sup> which would give you an idea of their work.

I have taken the liberty to write you fully and frankly for which I trust you will be good enough to excuse me. If you require any further information, I would be glad to place it at your service.

*I remain,  
Yours faithfully,*

From the photostat of the office copy: S. N. 3945.

## *226. NOTES ON THE INDIAN POSITION*

[RAJKOT,  
*March 27, 1902*]

CONFIDENTIAL

### NOTES ON THE PRESENT POSITION OF THE BRITISH INDIANS IN SOUTH AFRICA

Anything that appears hereunder only applies to the situation as it stood two months prior to the date hereof, seeing that letters from

<sup>1</sup> Presumably, a cutting of the Press report of Gandhiji's speech of January 27, 1902.

South Africa take a long time reaching here. It is necessary to bear this in mind because, evidently, the Indians in South Africa are still passing through a crisis as would appear from the following.

Too much stress cannot be laid on the necessity of distinguishing between the Indian question in Natal and in the two new Colonies. Cape Colony may, just for the present, be kept out of mind. The double question asked in the House of Commons about the new Colonies in Natal was, in my humble opinion, a tactical blunder. Mr. Chamberlain's reply that he does not, at present, propose to make representations to the Natal Government with reference to its anti-Indian legislation already in force has created, if anything, a bad feeling in the Colony and emboldened the Colonists in their anti-Indian attitude. The Pass legislation of Natal can, in the light of Mr. Chamberlain's well-known views, be only a subject of constant correspondence between him and the sympathising friends.

As to Natal, then, the Immigration Restriction Act and the Dealers' Licenses Act are the chief measures which are prejudicial to the British Indians. The latter more especially, because it gives unlimited powers to the licensing officer as to the issue of license without recourse to the Supreme Court. The latest advice and development in effect enable them to curtail the right of the Indians. The Natal Civil Service Act gives powers to the Civil Service Board to pass bye-laws under it with reference to the examination of candidates, etc.; now the Constitution Act requires that all class legislation, before becoming law, must be sanctioned by His Majesty. Moreover, it is clear that no bye-laws could be enacted under an Act so as to change its fundamental principles. The Natal Government have escaped going to the Colonial Secretary for sanction for class legislation by simply publishing a bye-law which goes to the very root of the Natal Civil Service Act.

The bye-law in question prevents any person, among other things, who is disqualified from acquiring the Parliamentary franchise, from becoming a candidate for admission to the Civil Service. The disfranchising Act is well known and under it the Natal Government would say the British Indians are disqualified and, therefore, also disqualified to exercise the franchise to compete for the Natal Civil Service; of course, there are very few Indians who go in for that examination. Still the principle is there. And the method adopted to carry it out is most dangerous, and opens up a very wide latitude for

the Colonists to further harass the Indian settlers. The matter might be brought to Mr. Chamberlain's notice by correspondence.

As to the Transvaal and the Orange River Colony, the situation is most critical in view of Mr. Chamberlain's reply. All the anti-Indian laws in both the Colonies are in full force; under them, in the Transvaal, the Indians cannot own land or trade except in Locations, and must, like the Kaffirs, hold travelling and other passes. The Orange River Colony they cannot even enter except as domestic servants. It is regarding these laws that, according to Mr. Chamberlain's answer, Lord Milner is to advise him, and His Excellency's attitude, there are grounds to fear, is not quite so friendly as was at one time expected. He has proclaimed a Coloured Pass-law which is supposed to be an improvement on the old Transvaal Pass-law which it replaces; copy of the recent Proclamation is enclosed herewith.<sup>1</sup> It will be seen therefrom that the relief afforded by it can mostly be availed of only by the Kaffirs, though the term Coloured person therein, as of old, includes Indians also. Under the old regime, the Pass-law was rarely in force against the Indians; what the position would be under the strict British authority can easily be surmised. If relief to be granted is to be of the above nature, it is evident that it would be no relief at all. In contravention of the 14th article of the London Convention, the Transvaal Government passed laws practically classifying Indians with the natives of the soil. It will be remembered that both the late Lord Loch and Sir Hercules Robinson protested against any such classification and, under the above article, claimed for the Indians the same rights as the other British subjects. (See South African Bluebook—*Grievances of British Indians*.) Therefore, even if all the anti-Indian legislation in these two Colonies is not to be repealed, the least that could be done is to distinguish between the British Indians and the Zulus. Under the circumstances, all the available energy must, for the present, be devoted to the question in these two Colonies and, if full justice is done there, Natal would soon have to fall in with them.

In preparing these notes, in order to avoid needless repetition of facts, a previous knowledge of the memorials, etc., on the part of the sympathising friends has been assumed.

From the photostat of the office copy: S.N. 3946.

<sup>1</sup> This is not given here.

## 227. LETTER TO G. K. GOKHALE

RAJKOT,  
March 27, 1902

DEAR PROFESSOR GOKHALE,

I was exceedingly sorry to hear that you had got fever. I need hardly say that among your many duties one of the most important is to preserve your health for the sake of your country, and, therefore, hope that it was not over-anxiety or over-work that brought on the illness. If I may be permitted to make a remark, strictest regularity in your household would benefit not only you but, what is more, those who may have the privilege of coming in contact with you. I may be wrong, but I feel sure that its observance is not a matter of great difficulty.

I see in the papers that a Bill is to be introduced in the Viceregal Council regulating the emigration of artisans, mountebanks, etc. What may this be? Is it a concession to Colonists or meant really to be in the interests of ourselves? I hear that Mr. Vadia<sup>1</sup> passed through Rajkot and collected a few hundred rupees for the Ranade Memorial. I expect to hear from you about your movements during the next few days.

May I trouble you to inform Mr. Bhate that I have at last received my things from Calcutta.

*I remain,*  
*yours truly,*  
M. K. GANDHI

[PS.] Mr. Turner has at last sent me a copy of the letter from the private secretary. I enclose copy.

M. K. G.

From the photostat of the original: G.N. 3721.

<sup>1</sup> Gandhiji has spelt the name thus.

## 228. COVERING LETTER FOR THE “NOTES”

RAJKOT,  
*Marsh 30, 1902*

TO  
THE EDITOR  
*India*

DEAR SIR,

I had your letter of the 28th February redirected to me from Bombay. As requested, I send you herewith notes on the position of the British Indians in South Africa<sup>1</sup> as far up to date as possible. Assuming that you possess all the papers sent to you from time to time, I have not restated all the previous history. I am sending a copy to Sir Mancherji also, whose co-operation, I suppose, the British Committee would invite in this matter.

*I am,  
Yours truly,*

From the photostat of the office copy: S. N. 3948.

## 229. LETTER TO M. M. BHOWNAGGAREE

RAJKOT,  
*March 30, 1902*

TO  
SIR M. M. BHOWNAGGAREE,<sup>2</sup> K.C.I.E.M., ETC.  
LONDON

DEAR SIR MANCHERJI,

As you are aware, after our meeting in Bombay, I went over to Calcutta and attended the Congress where the following Resolution was passed:

### INDIANS IN SOUTH AFRICA

VI. This Congress sympathises with the British Indian settlers in South Africa in their struggle for existence, and respectfully draws the attention of the Viceroy to the anti-Indian legislation there, and trusts that while the question of the British Indians in the Transvaal and the Orange River Colonies

<sup>1</sup> “Notes on the Indian Position”, March 27, 1902.

<sup>2</sup> This is how Gandhiji has spelt the name.

is still under the consideration of the Right Hon'ble the Secretary of State for the Colonies, His Excellency will be graciously pleased to secure for the settlers a just and equitable adjustment thereof.

After that I stopped in Calcutta for some time with a view to promote a deputation to His Excellency the Viceroy through the Honourable Mr. Turner, President of the Bengal Chamber of Commerce, who on approaching the Viceroy received a reply, copy of which I enclose herewith;<sup>1</sup> in view of such a reply, the deputation has necessarily to be dropped. I have only just returned to Rajkot and now enclose herewith a statement<sup>2</sup> of the present position of the British Indians in South Africa, prepared at the instance of the Congress, and I venture to hope that, until the whole question is satisfactorily solved, you will be good enough to take the same warm interest that you have hitherto done.

*I remain,  
yours truly,*

From the photostat of the office copy: S.N. 3947.

### *230. LETTER TO KHAN AND NAZAR*

RAJKOT,  
*March 31, 1902*

DEAR MESSRS. KHAN AND NAZAR,

It is a great pity you have not found time to write to me now for a very long time. I am now able to enclose herewith a copy of the letter written by the Viceroy to Mr. Turner.<sup>3</sup> I enclose also a copy of the note<sup>4</sup> prepared for the British Committee of the Congress at the request of the Editor of India. I have sent a copy to Sir Mancherji also. Had it not been for some anonymous friend who has sent me Johannesburg Gazette and a paper containing the new Civil Service rules, the two facts could not have been embodied in the notes. I do still hope that Sir Mancherji would be invited. I repeat the request made in my letter from Rangoon<sup>5</sup> that, if our people propose to

<sup>1</sup> This is not given here.

<sup>2</sup> "Notes on the Indian Position", March 27, 1902.

<sup>3</sup> *Vide* 2nd footnote of "Letter to D. B. Shukla", 25-1-1902, *supra*.

<sup>4</sup> "Notes on the Indian Position", March 27, 1902.

<sup>5</sup> This letter is not available.



enforce the promise made by me,<sup>1</sup> it should be done while my plans are yet unsettled, though I know that there is no such condition attached to the promise. It would be a gracious act to free me unless it is to be enforced in the near future. If you have not already sent the credit balance by draft, please do so immediately on receipt here of. How are you both getting on? The copies of pamphlets, etc. are still coming; so also copies of the correspondence which James was to have prepared for me; all this must be due either to unflinching devotion, or to the minting operations. I hope it is the latter. A cablegram in the Times received today announces the death of the uncrowned king of South Africa.<sup>2</sup> It is impossible to withhold a tear in spite of all his faults.

From the photostat of the office copy: S.N. 3949.

### 231. LETTER TO MAURICE

RAJKOT,  
*March 31, 1902*

DEAR MR. MAURICE,

I had your letters, two in Calcutta and a third redirected from Calcutta to Rangoon. I was surprised to learn from your last letter that even up to the date thereof you had not received my reply to your first letter. I hope, however, that before you embarked for South Africa, you had received it.

I do not know that I deserve the thanks you have thought fit to express for anything that I may have done in Calcutta to make your visit as comfortable as possible. It was nothing but duty done, and I wish I could have done more.

After tremendous difficulty, I was able to move the President of the Chamber of Commerce, and as a result, a very sympathetic reply from the Viceroy has been secured. But, of course, sympathy alone would do very little. In order to call forth action in accordance with it, great effort on the part of the Indian public is necessary.

I wish you were with me during my voyage to Rangoon as well as the 3rd class travelling in the North West. Your letter had very nearly taken all the wish out of me, but I thought I was bound to carry

<sup>1</sup> While leaving South Africa, Gandhiji had agreed to go back within a year should the Indian community there need him. (*The Autobiography*, p. 219).

<sup>2</sup> Cecil Rhodes, who died on March 22.

out the programme first sketched, and so I did, I am glad to say, with the result that I feel all the richer for the experience thus gained. I confess, I do not share altogether your views about the dirty habits of the 3rd class passengers. I do not know that you have travelled 3rd class on the Continental railways as I have. I would far rather be in a 3rd class compartment in India than in Europe; for, at times, the company of the 3rd class passengers on the Continental railways I found to be very disagreeable both from a sanitary standpoint and otherwise. So Mr. Rhodes is dead. However much one may dislike his policy, it is impossible, now that the man is gone, to withhold a tear; that he was a true friend of the Empire it would be very difficult to gainsay. I hope you have settled down once more in Cape Town and that you and your family are keeping good health. Please let me hear from you if you have not written already.

*yours truly,*

From the photostat of the office copy: S.N. 3950.

### 232. LETTER TO G. K. GOKHALE

RAJKOT,  
*April 8, 1902*

DEAR PROFESSOR GOKHALE,

I tender you my respectful congratulations on your great Budget speech of which I have received a copy. I am well aware that my praise is uninformed, yet it is none the less sincere. I would like, if it is possible, to get a few copies of your speech for distribution among friends in Natal.

I await your promised letter in reply to my previous letter referring to the Ranade Memorial subscription.

*I remain,*  
*yours truly,*  
M. K. GANDHI

From the photostat of the original: G.N. 3719.

### 233. LETTER TO G. K. PAREKH

[RAJKOT,]  
April 16, 1902

THE HONOURABLE MR. GOKALDAS KAHANDAS PAREKH  
MAHABLESHWAR LODGE  
MAHABLESHWAR

DEAR MR. PAREKH,

I have yours of the 9th inst. for which I beg to thank you. When I am likely to be in Bombay I will duly inform you beforehand.

From the photostat of the office copy: S.N. 3956.

### 234. INDIANS IN SOUTH AFRICA

RAJKOT,  
April 22, 1902

TO  
THE EDITOR  
*The Times of India*

SIR,

Your issue of the 10th instant contains a cablegram to the effect that a Bill, which imposes on the children of indentured Indians in Natal the same disabilities as the parents themselves, has been read a second time in the Legislative Assembly of the Colony.

In the absence of the full text, it is rather difficult to comment upon the measure; but as the delivery of letters from South Africa is so very uncertain, and as I know with what swiftness Bills can become the law of the Colony, I venture to offer a few remarks.

It was, I think, in the year 1893 that delegates appointed by the Natal Government came to India to persuade the Indian Government to sanction legislation requiring indentured Indians to return to India after the completion of their indentures or to pay a poll-tax of £25 per year. There is a long history behind this delegation which, although painfully interesting, I am obliged to omit, in order to be brief. The then Viceroy, His Excellency Lord Elgin, while he absolutely refused to impose a poll-tax of £25, unfortunately accepted the principle by consenting to a reduced tax of £3. Had His Lordship known, as I fear

he did not do then, that a similar attempt was made some twenty years back without avail, probably he would not have yielded.

Now the present Bill is, I fear, in a measure intended to accomplish what the delegation failed to do in 1893. For under it all children of indentured parents (even infants in arms!) would be liable to pay the £3 tax, and if an indentured Indian happens to have seven children, by no means an unlikely event, between him and his children he would have to pay £24 per year, a thing that would be absolutely beyond his capacity. I shudder to contemplate the evil effects of such a measure on the moral tone of the community which is called upon to pay such heavy penalties for the mere permission to exist in the country to which they have been actually invited or, shall I say, allured.

The iniquity of the measure sanctioned by Lord Elgin in 1893 was graphically described by you, as well as the late Sir W. W. Hunter, who called the state of indenture one of semi-slavery. I would beg to quote the opinions also of the Natal legislators, given when the proposal to compel return of the labourers was first made.

The late Mr. Saunders, a distinguished Colonist, sometime member of the Natal Legislative Council, made the following remarks on the proposal:

Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and I feel convinced that many, who now advocate the plan, when they realise what it means, will reject it as energetically as I do. Stop Indian immigration and face results, but don't try to do what I can show is a great wrong.

What is it but taking the best out of servants (the good as well as the bad), and then refusing them the enjoyment of the reward! Forcing them back (if we could, but we cannot) when their best days have been spent for our benefit. Where to? Why, back to face a prospect of starvation from which they sought to escape when they were young. Shylock-like, taking the pound of flesh, and Shylock-like we may rely on meeting Shylock's reward.

The late Mr. Escombe, sometime Prime Minister of the Colony, at the time of giving his evidence before a Commission appointed to inquire into Indian matters, deposed as follows:

With reference to time-expired Indians, I do not think that it ought to be compulsory on any man to go to any part of the world save for a crime for which he is transported. I hear a great deal of this question; I have been asked

again and again to take a different view, but I have not been able to do it. A man is brought here, in theory with his own consent, in practice very often without his consent. He gives the best five years of his life, he forms new ties, forgets the old ones, perhaps establishes a home here, and he cannot, according to my view of right and wrong, be sent back. Better by far to stop the further introduction of Indians altogether than to take what work you can out of them and order them away. The Colony, or part of the Colony, seems to want Indians but also wishes to avoid the consequences of Indian immigration. The Indian people do no harm as far as I know; in certain respects they do a great deal of good. I have never heard a reason to justify the extradition of a man who has behaved well for five years. I do not think that the Indian, at the expiration of his five years' service, should be placed under police supervision unless he is a criminal. I know not why Arabs should be placed under police supervision more than Europeans. In cases of some Arabs the thing is simply ridiculous. They are men of large means, large connections, who are always used in trade if they can be dealt with more profitably than others.

I am aware that the honourable gentleman, after all, under pressure of electioneering circumstances, later on did "take a different view." The above extracts deal with compulsory return, but seeing that the poll-tax is meant to secure such a return of the indentured Indians they are applicable to it also, and the Bill under discussion would necessarily imply the return of the children, should they choose not to pay the tax.

You as well as your other contemporaries have laid the Indian settlers under deep obligation by frequently ventilating their grievances. It, however, appears that European Colonists in Natal will not be happy until every Indian is driven out of Natal. It is, therefore, with the Indian a life-and-death struggle. His cause is admittedly absolutely just. There are many other circumstances favourable to justice being done. We have a very strong Viceroy. The Colonial Secretary has often expressed his sympathy. Will you kindly put all these forces in motion? It would not be premature to move now. Probably, by the time papers are received from Natal, the Bill, too, would have been received at the Colonial Office for sanction. There is, therefore, hardly time to wait. I may state that the Colonial constitution requires sanction from the Home Government for all Colour legislation.

M. K. GANDHI

*The Times of India*, 1-5-1902

### 235. LETTER TO G. K. GOKHALE

RAJKOT,  
April 22, 1902

DEAR PROFESSOR GOKHALE,

May I trouble you about the Indians in Natal? You may have read the cablegram that appeared in the *Times of India* of the 10th inst. I have written to the Editor a letter on it. I have also sent him, in order to enable him to study the history of the question, a copy of one of the memorials on the subject. It appears to me, if I may venture to make a suggestion, that the most effective measure in which probably you can help us, is to see the Editor and discuss the situation with him. A powerful and intelligent agitation in the press is, at present, the only mode of action. As soon as the papers are received from Natal, it may be necessary to take Mr. Turner at his word and ask him to join in sending a representative memorial to the Viceroy. I am very sorry I cannot send you also a copy of the memorial referred to above; but if the Presidency Association have at all filed the papers sent to it from time to time, you will get a copy from there. I am writing to Mr. Munshi about it. I hope I am not unduly trespassing on your time.

*I remain,*  
*yours truly,*  
M. K. GANDHI

From the photostat of the original: G.N. 3720.

### 236. LETTER TO J. ROBINSON

RAJKOT,  
April 27, 1902

DEAR SIR JOHN,

I have to thank you for your kind and welcome letter of the 11th March, as also for the photograph which I shall prize very much.

I am very glad to find that you liked Professor Max Muller's book. Nothing to my mind can conduce better to an understanding between the Western and the Eastern branches of the Imperial family than a fair knowledge, on the part of either, of the best of the other.

I thank you for your inquiry about my health, which appears to be steadily improving.

I fear that there is a great deal of truth in what some speakers

and writers say about the growing poverty of the mass of the Indian peoples. Some classes have certainly become more prosperous, but the millions seem to be sinking. I was here in 1896 and the difference between what I saw then and what I see now is very great. The distress is indescribable. This, however, does not necessarily prove what those speakers and writers allege to be the cause of the poverty. All the same, a return to Akbar's method of administration may to a certain extent alleviate the distress caused by famine and plague. My remarks on this matter are subject to correction, as I have not yet been able to study the question as fully as I should like to.

I hope you are enjoying good health and pray that God may grant you many years to enable the country to receive the benefit of your great experience in many problems that still await solution in South Africa. With my respects to you and Lady Robinson,

*I remain,  
yours truly,*

From the photostat of the office copy: S. N. 3961.

### 237. LETTER TO G. K. GOKHALE

RAJKOT,  
May 1, 1902

DEAR PROFESSOR GOKHALE,

I have to thank you very much for your kind note. I could quite understand that the reason for your silence must have been something quite unavoidable, but I did not think, until I saw Mr. Wadia 3 days ago, that it was your illness. I hope that you will soon regain your normal health. You will be pleased to learn that for the time being I have accepted the very responsible position of Secretary to the State Volunteer Plague Committee which has been established in view of an impending outbreak in Rajkot. I was therefore just thinking how I should manage, if I receive the summons from you for the Ranade Memorial, for which I need hardly say you may count upon me as your assistant, whenever you begin the work; that is, of course, should you require me then.

*I remain,  
yours truly,*  
M. K. GANDHI

From the photostat of the original: G.N. 3718.

## 238. NOTES ON THE INDIAN QUESTION

RAJKOT,  
May 6, 1902

In these notes, the Indian question as affecting Natal and the two new Colonies is alone considered.

### NATAL

Natal is a self-governing Colony whose constitution requires that all Colour legislation, before coming into force, must receive the sanction of His Majesty the King, and it provides generally that any laws passed by the Colonial legislature may be disallowed within two years of their passing.

The Colony has a white population of about 60,000 and an equal number of British Indian settlers. The indigenous people, that is, the Zulus, are a fine body of men, but they are very lazy, and will with difficulty work at a stretch for six months. When, therefore, the white settlers were at their wit's end with reference to the steady supply of reliable labour and the Colony was becoming bankrupt, the Legislature resorted to Indian labour and, after some negotiations, the Indian Government sanctioned the immigration of indentured Indians of Natal. This was nearly 40 years ago. The demand for Indian labour continued to increase and with it also the prosperity of the Colony. These men contracted to serve, for a period of 5 years, any master to whom they may be allotted at a monthly wage of 10s. for the first year, with an increase of 1s. per year. The contract also included free lodging, medical attendance and a free return passage at the end thereof.

The relations between the masters and the men are regulated by a special code which imposes some very stringent obligations on the men, a breach whereof becomes a criminal offence.

These labourers were naturally followed by free Indian settlers, that is to say, those who paid their own passage and went to the Colony in pursuit of trade, etc. The indentured Indians, too, after becoming free, instead of availing themselves of a free return passage, for the best part elected to remain in the Colony and developed into mechanics, petty traders, farmers, etc. This aroused keen trade jealousy among the white men who found no difficulty in picking out weakest points, viz., the habit of overcrowding, communal insanitation and some crude customs or superstitions. These were terribly



magnified and were often, to our great disadvantage, discussed in the papers, and thus arose the popular prejudice against the Indian settlers who, being themselves unlettered and having no friend who would put their side of the question before the people, were unable to correct it. Before 1894, Natal was a Crown Colony, and attempts made to reproduce that prejudice in legislation were frustrated, but the Colony, having secured rights of complete self-government, succeeded in passing anti-Indian measures. The first attempt made was to pass laws specially applicable to Indians; for instance, a Bill was introduced preventing Indians from exercising the right of franchise. This was objected to by the Indians and, ultimately, the Colonial Secretary disallowed it. At the time of agitating against the measure, the Indians made it absolutely clear that they did not desire to possess in the Colony any political power, but they objected to it on the ground that it was a preliminary step, as it afterwards proved to be, towards the curtailment of the rights of the British Indian settlers. To return, although the Bill was disallowed, it was replaced by another equally bad, if not worse, for the replacing Bill, which is now the law of the land, disqualifies those who have not hitherto exercised the Parliamentary franchise in their own country. Thus was opened the door to indirect legislation, such as the laws affecting immigration and dealers' licenses. The Immigration Restriction Act prohibits the entry into the Colony of all those who, not having been previously domiciled there or not being wife or minor children of such persons, are unable to write out in one of the European languages an application in terms of the form attached to it. The Dealers' Licenses Act gives absolute powers to the Licensing Officers appointed thereunder to refuse or to grant trading licenses. Their decisions are appealable only before the Municipal Corporations which appoint them and which, consisting as they do chiefly of tradespeople, try to do away with as many Indian licenses as possible. As a matter of fact, these bodies even instruct their officers whether to grant particular licenses or not. The inherent jurisdiction of the Supreme Court has been specially taken away. The licensing law is a matter of eternal soreness and, as the licenses must be renewed every year, the Indian trader has to tremble on the approach of every new year. Notwithstanding these vexing disabilities, nothing, I am afraid, can be directly done for the present, seeing that they are all laws of Natal duly accepted by the Home Government, but the Europeans are not satisfied with what they have gained. They are anxious to impose

further disabilities by indirect means. I see from the papers received from Natal that the Natal Civil Service Board has lately passed a bye-law regulating the admission of candidates for that examination, and it provides that children of parents affected by the disfranchising law above referred to shall not be admissible as candidates. In my opinion, this bye-law is illegal, going as it does to the root of the Constitution of the Colony. For, if it were an Act of the Colonial Legislature, it would require the sanction of the Home Government. Moreover, on general principles the bye-laws cannot be allowed to widen or restrict the scope of the Act under which they are framed. I have seen the Civil Service Act and in it I read no warrant for such a bye-law. I cite this instance just to show to what length the principle of indirect legislation has been carried. Of course, our people in Natal will have, if necessary, to test its legality. I have also advised them to memorialize the Governor of the Colony.

The recently published cablegram<sup>1</sup> in the papers shows the activity of the Europeans in another direction. In 1895, the indentured immigration law was amended so as to lengthen the period of indenture to 10 years and to compel the return to India after the completion of the indenture or, in lieu thereof, to an annual poll-tax of £3. Now according to the cablegram, they propose to exact the poll-tax not only from the indentured immigrant but also from his children.

#### TRANSVAAL AND THE ORANGE RIVER COLONY

In the Transvaal, the Indians cannot own land or live except in Locations. They cannot walk on the footpaths, must take out passes like the Kaffirs. Now when the Location law was passed, Mr. Chamberlain, in reply to the Indian memorial protesting against it and the subsequent stages, gave a very sympathetic reply. He even suggested he might have granted tangible relief had his hands not been tied down by the acts of his predecessor. Moreover, Lord Lansdowne has been reported to have given the disabilities of the Indians as one of the causes of the present war.

Under such circumstances, it was naturally expected that, after the country passed into British occupation, the disabilities of the Indians would be swept away, but it is feared that the expectation may not be realised. Mr. Chamberlain appears to be shuffling. He talks of

<sup>1</sup> Vide "Letter to *The Times of India*", April 22, 1902.

conferring with Lord Milner and asking him what changes are possible in the old legislation inherited by the British. Such an attitude is very dangerous. Why should there be any such reference at all? Surely, the very first thing to do should be to equalise the status of all British subjects and then consider whether any section merits special treatment. I understand, and to a certain extent, even sympathise with, this position. In 1896, when he penned his despatch referred to above, he little thought that the war would be coming so soon and that, too, in such an acute form as to throw the whole country into his hands. Now he must find it difficult, on the one hand, to conciliate the very reasonable and absolutely just demands of the Indians as well as to act according to the terms of his despatch, and, on the other hand, to satisfy the anti-Indian prejudice. He also probably seems to be on the verge of seeing, in his own lifetime and during his term of office, the South African Federation completed. The Indian question must stand in his way, and, if he can harmonise anti-Indian legislation in South Africa, that difficulty is removed. It is, if I am not mistaken, for this reason that he is “tacking”. He wants to sound the Cape and Natal on the question and modify the old legislation only so far as it is acceptable to the two Colonies.

It is, then, clear what should be the *modus operandi* on the part of the Indian publicists. All the available energy has to be directed towards the new Colonies, and, if a satisfactory solution can be secured, the Colony of Natal must necessarily yield, and, in my humble opinion, the way the agitation [ . . . . ]<sup>1</sup> the Indian papers to keep the matter constantly before the public and the Government. Anglo-Indian sympathy in this matter is with us and that must at all hazards be retained. I attach hereto a copy of the letter from the Viceroy addressed to Mr. Turner which shows his views and which shows also that the Bengal Chamber of Commerce is prepared to move. The public associations must combine. And, if one association were to make the question of foreign emigration its special study, it can direct in proper channels the whole agitation such that the Home Government cannot easily disregard it.

In South Africa, we are engaged in a struggle for existence with a race that is intensely active and rich, and which does not brook a defeat. A corresponding activity continually is required on our part, and success is ultimately bound to come.

<sup>1</sup> Not decipherable.

Several leaders in conversation with me have given way to despair. I must confess I do not share any such feeling, though, certainly, the position is very difficult, and any false move may retard success. It is only to justify such sanguine attitude that I mention the fact that in several matters the Europeans in South Africa have been unsuccessful in carrying their point. In Zululand, for instance, which is part of Natal, legislation was actually passed depriving Indians of the right of buying land<sup>1</sup> and it was disallowed. The Immigration Restriction Act and the Dealers' Licenses Act are also a compromise. The original draft Bills went much further than these, and it was due to persistent agitation that Indians have been able to retain a footing at all in Natal or the Transvaal. In the Colonies, our endeavour has been to conciliate the Colonials by removing misunderstanding, by sympathising with them in their difficulties in howsoever a humble manner and even by taking part in the war.

In the Orange River Colony, the disabilities are far more serious. The Indians have no rights there at all, but I imagine that the legislation will be the same as in the Transvaal.

From the photostat of the office copy: S.N. 3963.

### 239. *LETTER TO ABDULKADAR*<sup>2</sup>

RAJKOT,  
May 7, 1902

DEAR MR. ABDULKADAR,

I enclose herewith a Gujarati letter<sup>3</sup> addressed to you as well as Messrs. Rustomji and Miankhan. I do hope you will have the letter properly read and understand it. I need not add any further to it. You have not acknowledged any of my letters. I shall thank you to let me have draft for the balance of my bill which I need badly.

*Yours truly,*

From the photostat of the office copy: S.N. 3964.

<sup>1</sup> *Vide* "Letter to *The Natal Mercury*", 3-2-1896.

<sup>2</sup> A prominent businessman of Durban, vice-president of the Natal Indian Congress in 1894 and president in 1899.

<sup>3</sup> This is not available.

## 240. INDIANS IN NATAL

RAJKOT,  
May 10, 1902

TO  
THE EDITOR  
*The Times of India*  
BOMBAY

SIR,

With reference to my letter about the position of the British Indians in Natal published in your issue of the 1st instant, I have now received from Natal the papers containing the text of the Bill, which I beg to give below:

Bill to amend the Indian Immigration Amendment Act, providing that every Indian child, on attaining the age of majority (males 16, females 13), shall be obliged (a) to go to India, or (b) to remain in Natal under indentures similar to and renewable in the same manner as the re-indenture referred to in Act No. 17, 1895, as amended by subsequent Acts, or (c) to take out year by year, in terms of Section 6 of Act No. 17, 1895, a pass or license to remain in the Colony.

Provided, however, that if such child attains majority before the completion of his father's first or any subsequent indenture, the operation of this section shall be suspended until the completion of such indenture. In the case of a child whose father is dead or not in Natal, or whose mother was unmarried at the time of the child's birth, the above reference to the father's indenture shall be deemed to apply to the mother's indenture. A child to whom this Act applies shall be entitled to a free passage to India in order to enable him to proceed thither at the end of the first or any renewed term of indenture of his father (or of his mother, as the case may be). The right to a free passage shall however be lost (a) if the father, or, as in the above case, the mother, shall have completed a term of indenture during the child's minority, and shall not have returned to India or entered into a fresh indenture in terms of Act No. 17, 1895, (b) if the child does not go to India by the first opportunity available to him after attaining his majority or after the end of a term of indenture entered into under this Act. The Act does not apply to persons who have attained the age of majority previous to the date of taking effect of the Act, but it makes no difference whether the child is born before or after arrival of parents in Natal.

The Bill, then, if it is any satisfaction to know the fact, is not to apply to infants in arms. The more, however, one considers it, the more unjust it is found to be.

It is worthy of note that the children who have received an

elementary education in the Colony are expected by the Bill to serve at a rate of wages far below the market-rate, like well-built men as field-labourers from “sunrise to sunset”, and that the children born of the so-called unlawful connections, too, are brought under the Bill. Thus, the children of an indentured woman married according to the religious rites of her sect to a free Indian, but whose marriage is not registered and not recognised in the Colony, will be under the same restrictions as indentured Indians. But it is hardly worth while to examine the details of a measure whose principle is repugnant to the ordinary rules of justice as it is known to those brought up under the British Constitution.

The same mail that has brought the papers containing the text of the Bill also brings the news that Indian children, attending the schools in the Colony, are to be debarred from receiving the Coronation commemoration medals which are to be presented by the Government in June next to all the European children attending the schools. The exclusion is certainly not based on grounds of economy, for the Indian children are, I think, about 3,000 against 20,000 European children. Evidently, the Coronation celebration day is to be marked out for the Indian children to realise as vividly as possible that the possession of a brown skin is a sure mark of humiliation and degradation in the estimation of the Government of the Colony.

*The Times of India*, 14-5-1902

## 241. LETTER TO DINSHAW WACHHA<sup>1</sup>

RAJKOT,  
*Sunday, May 18, 1902*

DEAR MR. WACHHA,

I have your letter. Although I think the sentence referred to by you may stand as it is, now that it has struck you as perhaps unwarranted in order to avoid the slightest semblance of exaggerated language, I propose the following in its place. “It is now evidently sought as much as possible to reach the same figure by taxing the children of indentured men after they have attained the artificial

<sup>1</sup> This is how Gandhiji spelt the name.

majority.” I suppose you are printing the memorial.<sup>1</sup> If so, I hope you will let me have a few copies.

*I am,  
yours truly,*

From the photostat of the office copy: S.N. 3967.

## 242. LETTER TO EAST INDIA ASSOCIATION

RAJKOT ,  
May 18, 1902

TO  
THE SECRETARY  
EAST INDIA ASSOCIATION  
WESTMINSTER  
LONDON

DEAR SIR,

The enclosed<sup>2</sup> will tell its own tale. The East India Association has laid the British Indian settlers in South Africa under deep obligation by advocating their cause. It has already demanded suspension of emigration from India of indentured people, if no redress can be granted in respect of general disabilities. Such a demand would be very appropriate at this juncture, for, the Bill referred to in the enclosed directly affects the interest of the indentured people. I believe the Presidency Association here is moving in the matter. May I request some similar action on the part of the Association. A combined movement is bound to achieve success.

*I remain,  
yours truly,*

From the photostat of the office copy: S.N. 3966.

<sup>1</sup> “Memorial to Lord Hamilton”, June 5, 1902.

<sup>2</sup> The enclosure evidently consisted of copies of his two letters on the Immigration Bill dated April 22 and May 10, 1902, to *The Times of India*.

## 243. LETTERS TO M. M. BHOWNAGGREE

RAJKOT ,  
May 18, 1902

DEAR SIR MANCHERJI,

I hope you received my last letter dated the 30th March. Since then the Natal Government has made another attempt to impose further disabilities on the British Indian settlers in that Colony. The enclosures<sup>1</sup> will explain the situation thoroughly. To my mind, this attempt is bound to be frustrated if all the available forces in favour of the settlers were set in motion. To demand suspension of emigration in Natal, if the Bill cannot be vetoed, would be absolutely just, for it is the very indentured people that are now concerned. As you are aware, the East India Association has asked for such suspension even in respect of the general disabilities of the Indians in South Africa. How much more necessary it must be in the present case! I believe the Presidency Association has already moved the latter. May I request your powerful help on behalf of the poor people?

*I remain,  
yours truly,*

From the photostat of the office copy: S.N. 3971.

## 244. INDIANS IN NATAL

RAJKOT,  
May 20, 1902

[TO  
THE EDITOR  
*The Englishman*]

[SIR,]

I venture to ask for a short space in your paper to enable me to draw the attention of the public to the latest attempt of the Natal Legislature to impose further disabilities on the British Indian settlers in that Colony.

The Natal Parliament has passed a Bill which makes the children (males 16, and females 13 years old) of indentured Indians liable, like

<sup>1</sup> *Vide* footnote above.



their parents,

(a) to return to India, or

(b) to enter into indentured service, or

(c) to pay the annual poll-tax of £3.

During Lord Elgin's viceroyalty, a deputation<sup>1</sup> came all the way from Natal to induce His Lordship to sanction legislation terminating the indentures in India, thus preventing their permanent settlement in the Colony, or imposing a poll-tax of £25 per year on each indentured Indian who may wish to remain in the Colony as a free man. Happily,

His Lordship would not listen to any such proposal, but unfortunately, and, I believe, because His Lordship was probably unaware of certain circumstances, reluctantly accepted the principle of taxation as a price for freedom by sanctioning the imposition of the £3 annual tax. Now if the Bill in question becomes law, the Natal Government would have very nearly succeeded in attaining what they failed to get 8 years ago.

Imperialism is on the lips of everybody, more especially in the Colonies. How to weld the different parts of the British Dominions into one beautiful unbreakable whole is a problem which the greatest British politicians of the day are endeavouring to solve, and yet, here is a Colony which is making invidious distinctions between one class of British subjects and another in a most aggravating manner.

The attitude of the Natal Government towards the indentured Indians is indefensible from every point of view. These men go to Natal at the invitation of the Colony to materially help forward its advancement. Only last month you published a cablegram stating that the Premier of the Colony, in reply to the proposal to stop indentured emigration from India to the Colony, said that such a thing would paralyse its industries. It was, "when", in the words of a Natal Legislator, "the fate of the Colony hung in the balance," that "Indian labourers were introduced, up went the prices, and up again went the revenue, wages and salary." It hardly accords with justice and fairness to tax the people who have thus given the best 5 years of their lives to the Colony at a rate of wages far below the market-rate. Even in the Colony, though it was a voice in the wilderness, there was one

<sup>1</sup> The Binns-Mason Commission of 1893-4.

gentleman, an ex-Attorney-General, Mr. Morcom, K.C., who protested against the Bill in the following terms. He said

that Indian children who happened to be born in the Colony would have to be deported, or indentured for life, or pay the license [fee] of £3 a year. The way in which the Colony was flooded with Indians for labour might induce many undesirable circumstances but it was utterly impossible for the House, without disregard of justice or constitutional propriety, to deport these children who had had the misfortune to be born in the Colony.

So long as there are men in Natal who, like Mr. Morcom, are not blinded by prejudice, so long will there be hope for justice being ultimately secured, but, until public opinion there has veered round in favour of justice and fairness, it is very essential that the Indian public should remain on the alert, and that the Home Government firmly insist on justice being done to the Indians.

In the words of Mr. Morcom, “the idea seems to be to get all the advantages out of the system without regard to its drawback.” Would it not then be “better by far”, in the words of another Natal Legislator, “to stop the further introduction of Indians altogether than to take what work you can out of them and then order them away”?

This is a question on which there is, there can be, no division of opinion. May I ask you to raise your powerful voice against the contemplated injustice? I may state that the Bill has been specially reserved for sanction from the Home Government before it can become law of the Colony.

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

*The Englishman*, 26-5-1902

## 245. INDIA AND NATAL<sup>1</sup>

The Imperial wave is passing rather furiously over the British dominions. There will be hearty rejoicings wherever the Union Jack floats, during the Coronation. At such a time, peace and good-will unto all British subjects should be the desire of everyone owning the sovereignty of King Edward VII. There can be no true imperialism

<sup>1</sup> This article by Gandhiji (*vide* “Indians in Natal”, 31-5-1902, *infra*), was first published in *The Voice of India. Harijan*, 23-10-1949, reproduced it from an earlier, typewritten draft (with several verbal variations) in the possession of Chhaganlal Gandhi, Gandhiji’s nephew and associate in South Africa.

unless we have oneness, harmony and toleration among all classes of British subjects. Let us see, then, how the Colony of Natal, which prides itself on being the most British Colony in South Africa, proposes to help in realizing this imperial brotherhood and in spreading peace and good-will among all. Attention has already been drawn to the piece of injustice sought to be perpetrated by the Natal Government on the British Indian settlers in that fair land. To understand thoroughly the gravity of the situation, it would be well to know the history of Indian emigration to Natal.

As early as 1862, the Colony found, after several experiments, that it could not “stand on its legs” unless it imported Indian labour in order to develop its agricultural resources. The natives of the soil, 400,000 in number, were found to be too lazy to work. The climate was too trying for the white men to do much out-door work. When, therefore, the “fate of the Colony hung in the balance,” the Indian Government were approached to help it out of its difficulty. All kinds of inducements were offered to the first Indian settlers, and a continual stream of emigrants flowed into the Colony from India. Later on, when misgivings arose as to the utility of introducing the Indian element into the Colony, a Commission was appointed to examine the whole question, and one of the Commissioners, Mr. Saunders, thus recorded his opinion:

The Indian immigration brought prosperity, prices rose, people were no longer content to grow or sell produce for a song; they could do better; war, high prices for wool, sugar, etc., kept up prosperity and prices of local produce in which the Indians dealt. . . .

Our records prove, as do those of other Colonies, that the introduction of coloured labour which develops and draws out the hidden capabilities of the soil and its unoccupied acres, opens out at the same time numerous unforeseen fields for the profitable employment of white settlers. If we look back to 1859, we shall find that the assured promise of Indian labour resulted in an immediate rise of revenue. . . . But a few years later, alarm arose that it will be suspended simultaneously; down went the revenue; . . . and yet another change, a fresh promise of renewed Indian immigration created its effect, and up again went the revenue. . . . Records like these ought to tell their own tale and silence childish sentimentalities and mean jealousies.

The present Premier of the Colony has informed us only lately that a stoppage of Indian emigration would paralyze its industries. The Indian labourer, then, is admittedly indispensable to the welfare of the Colony. As in 1862, so in 1899, it was India which came to the

rescue in its hour of need. Without Indian labour in 1862 the Colony would have become bankrupt, if its own legislators have given us correct information. In 1899, as the whole world knows, without an Indian army, its capital and its port would have been in Boer hands.

As a reward for all these services, the Natal Parliament has passed a Bill, imposing an annual tax of £3 on the children of indentured Indians (males 16 years, females 13) unless, on attaining the artificial majority, they either deported themselves from the Colony or entered into a series of indentures during their stay in the Colony! It maybe remarked in passing that the indenture wage is 10s. per month the minimum, and £1 per month the maximum—a rate which is far below the market-rate; moreover, breaches of these indentures on the part of the indentured men become criminal offences which, under ordinary contracts, can only be dealt with civilly.

It is painful to recall the fact that it was Lord Elgin's Government that paved the way for the imposition of a poll-tax on the children of the immigrants by consenting to a levy of the tax on the parents; but we have no hesitation in saying that the parents' liability to pay the tax cannot justify a similar imposition upon the children, for, the former, at any rate, are presumed to know the conditions under which they go to Natal, and lawyers may say, that if they choose to accept very onerous conditions, it is their look-out. But are the children presumed to know any such conditions? That they are born of such parents is no doubt a grievous misfortune. Unfortunately, they cannot help themselves. The parents, again, know what indentured labour is, they know what India is; but the same cannot be said of their children born in the Colony. To expect them, after they have, perhaps, received some education, and known its worth in the Colony, either to go to India or to accept a status described by the late Sir W. W. Hunter as that of semi-slavery, is cruel in the extreme.

Evidently, the Colony wants to get all it can out of the poor Indian, and at the same time to avoid the consequences of the introduction of Indian labour. A more straightforward course to adopt would be, if it did not care to have the Indian as he is, to do away with his labour altogether—an attitude which would be at once intelligible and satisfactory. We have no wish to force our countrymen on them, but it is fair to expect a just British treatment for those who are invited to the Colony; and if it is impossible for the Indian Government to

secure for the settlers a fair treatment, and if the Colony will not, of its own accord, stop the State-regulated importation of Indian labour, it is clearly the duty of our Government to help it to do so. We have fortunately a vigilant and masterful Viceroy in Lord Curzon, and we hope His Excellency will not allow any serious injustice to be perpetrated. May we not also appeal to sober-minded people in the Colony itself? We see that one member at least of the Natal Parliament, Mr. Morcom, would have nothing to do with the Bill, the un-British character of which he showed up in forcible language. We are sure there must be many who think like Mr. Morcom. Why will they not all speak out like him and break down the barrier of prejudice against the poor British Indian? In the meanwhile, however, we have a right to look up to Mr. Chamberlain to exercise his powerful influence in the Colonies on the side of justice and fairplay.

*The Voice of India*, 31-5-1902

#### 246. LETTER TO JAMES GODFREY

[RAJKOT,  
prior to *June 3, 1902*]

[TO]  
JAMES GODFREY  
[DURBAN]

MY DEAR JAMES,

I have your letter of the 25th April for which I thank you. I am very glad you are working so well. Never mind reward for your services. It always comes without the slightest doubt *when we do not pine for it*.<sup>1</sup> It may not come in the manner we may expect. But that matters very little. Really speaking, a consciousness that we are doing what we consider to be our duty to the best of our ability is the highest reward. I wish you every success in your studies. Shorthand you must not neglect on any account. I have written a letter<sup>2</sup> to a few Colonial-born friends. As the facilities for multiplying copies are not as I should like them to be, I have omitted to send one to you or your father. Please, therefore, do read it either from Messrs Paul Done, Amboo or Laurence. It is meant for all. I am glad George has found something at Johannesburg. Please ask him to write to me. I am also

<sup>1</sup> These italicized words are underlined.

<sup>2</sup> This is not in available.

glad that your father is now all right. Mrs. Gandhi often thinks of Mrs. Godfrey and your sisters. Remember us to all members of your family. Do write me from time to time.

*Yours truly,*

From the photostat of the office copy: S.N. 3957.

## 247. LETTER TO NAZAR AND KHAN

RAJKOT,  
*June 3, 1902*

DEAR MESSRS NAZAR AND KHAN,

I now enclose herewith a memo of expenditure<sup>1</sup> on account of the Natal work. You will notice that it amounts to Rs. 378-7-9, a trifle over Rs. 375 realised from the draft. Of late, South African work has increased considerably. I returned from Calcutta at the end of February, and since that time I have engaged a clerk on the usual terms, namely, that he gets copying charges which are for the most part paid by the clients. At present I am supposed to be taking rest, nor would there be much work for me in Kathiawar even if I opened a regular office. The real use I can make, therefore, of clerical assistance is with reference to public work. Now about 100 sides of type-written matter have been already copied, not including carbon copies, besides a lot of Gujarati correspondence and other work. As copying fees for this work, I have so far paid only Rs. 15. The usual charges here are half a rupee per each written side. I think I am understating the work when I say that he has had to devote on an average 3 hours per day. Under the circumstances, I consider the payment to be very small. I should like to be able to pay him at least Rs. 40 for the whole of the work up to date. Moreover, the work continues. Had I got funds, I should have been able to distribute literature more widely. As it is, I am obliged to work as if I had no funds. I should very much like to subscribe to one or two papers, for instance India, Englishman, etc., which are not to be had in the Rajkot Library; also to directories. Soon after reaching Bombay, I invested in a typewriter Rs. 200. The machine has been wholly used for public work. I have, therefore, to submit the following three propositions to the Congress:

1st. It should vote the balance of my account and Rs. 25 extra

<sup>1</sup> This is not available.

for clerical fees, i.e., Rs. 28-7-9.

2nd. It should buy over the typewriter, to be taken over by me whenever I am in a position to do so, at the same price, unless, it is sooner taken away by the Congress from me.

3rd. The Congress should vote a further sum of £25 to cover future expenses.

If all the three propositions are accepted, you will have to send me £25, and the cost of the typewriter plus Rs. 28-7-9. I am thoroughly aware that any expense beyond £25 is undertaken at my own risk and, at the time of buying the typewriter, I had absolutely no thought of making the proposal I am now making, as I did not then expect my pecuniary position to be so bad as it is. It is, therefore, entirely at the option of the Congress whether to accept or to reject the first two proposals, by which I mean the Congress must not think of sanctioning them, because they are my proposals. If, on their merits, they appear to be reasonable and if it was a matter of buying a new typewriter, the Congress would still invest in it, then alone should the 2 proposals be considered. I may also state that the clerk working with me is my nephew and, but for the volume of work, I should not have thought of paying any clerical charges to him. He is not a volunteer who may be expected to work to any extent without pay. He has no source of income except through me, As to the 3rd proposal, if it is accepted, it will enable me the better to carry on the public work, whenever any expenses are necessary.

I herewith enclose a copy of the Presidency Association Memorial,<sup>1</sup> and my letter to the Englishman<sup>2</sup> and an article for the Voice of India.<sup>3</sup> I am daily expecting at least 100 copies of your Immigration Memorial,<sup>4</sup> as also a few photographs and copies of the coronation address, not to say copies of other memorials, South African Blue book, etc. I should very much like to possess Bird's *Annals of Natal* and the latest report of the Superintendent of Education. The

<sup>1</sup> Vide "Memorial to Lord Hamilton", June 5, 1902.

<sup>2</sup> Vide "Indians in Natal", May 20, 1902.

<sup>3</sup> Vide "India and Natal", May 31, 1902.

<sup>4</sup> A memorial which Natal Indians presented to Chamberlain in June 1902 in respect of a Bill to amend the Indian Immigration Act of 1895. (Vide *India*, 19-9-1902).

*Government Gazette* and *The Natal Mercury* weekly I ought to receive without fail.

*Yours Truly,*

From the photostat of the office copy: S.N. 3976.

248. *LETTER TO MADANJIT*<sup>1</sup>

RAJKOT,  
[June 3, 1902]<sup>2</sup>

DEAR MADANJIT,

Happening to go to Junagadh, I met there your brothers, mother-in-law and brother-in-law. I did my best to explain the position and have pacified them. Your mother-in-law complained that they had had no letter from you. This is not proper. You ought to write to her from time to time. That gives satisfaction as well as consolation. Most probably, Labhshanker will bring your wife with him. If, however, your mother-in-law does not at all agree to this, he will come alone. You may come here and take her with you when she is in a position to attend to household work. It seems your mother-in-law is opposed to sending her with anyone else. Please read the letter I have written to Mr. Nazar to-day. From that you will understand how great must be my need of money. For the present, I think, it will be possible for me to stay in Bombay only if the amounts due start coming in from your end regularly.

From the photostat of the office copy in Gujarati: S.N. 3958.

<sup>1</sup> Madanjit Vyavaharik, a co-worker of Gandhiji in South Africa. He set up the International Printing Press in Durban, in 1898, at Gandhiji's suggestion and with his help started in 1903 the *Indian Opinion*, which Gandhiji took over in 1904.

<sup>2</sup> The date is determined by the reference in this letter to the one he addressed the *came* day to Nazar and Khan.



249. *MEMORIAL TO LORD HAMILTON*<sup>1</sup>

BOMBAY PRESIDENCY ASSOCIATION  
APOLLO BUNDER,  
BOMBAY,  
*June 5, 1902*

TO  
THE RIGHT HONOURABLE LORD GEORGE HAMILTON  
H.M.'S PRINCIPAL SECRETARY OF STATE FOR INDIA-IN-COUNCIL  
LONDON

YOUR LORDSHIP,

By direction of the Council of the Bombay Presidency Association, we beg to draw Your Lordship's attention to a Bill which has passed its second reading in the Legislative Assembly of Natal and which is termed "The Bill to Amend the Indian Immigration Amendment Act".

The Bill in effect purposes to bring [under it] the major children (males 16 years and females 13) of the British Indians, indentured under the Act No. 17 of 1885 of the Natal Legislature, and would, therefore, like their parents, render them liable:

- (a) to return to India at the Colony's expense or
- (b) to enter into indentured service or
- (c) to pay the annual poll tax of £3.

It is difficult to say whether the Bill will be finally passed by both the Houses and reach the Colonial Office for sanction. But, in view of the uncertainty of postal delivery of letters from South Africa, the Council deems it right, even at this somewhat premature stage, to enter this humble protest against this latest attempt of the Natal Government to impose restrictions of a harsh character on the liberty of the British Indians.

As Your Lordship is aware, it was with great reluctance that His Excellency Lord Elgin, the then Viceroy, sanctioned in 1894 the imposition on the indentured Indians of the £3 tax, euphemistically called a pass or licence, to remain in the Colony. That tax is admitted

<sup>1</sup> An advance copy bearing the date May 24 was sent to *India*, but the memorial was submitted to the Government of Bombay under the date June 5, for transmission to the Secretary of State for India.

to be severe enough, though the original proposal of the Natal Government was to secure permission to levy a £25 tax.

It is now evidently sought to reach the same figure as much as possible by taxing the children of the indentured men after they have attained the artificial majority.

The object of regulating by law the emigration of the population of India is, the Council understands, to foster foreign settlement and to protect such settlers. This object would be obviously frustrated if the labourers, after they had given, in the words of the Natal legislators, the best 5 years of their lives to the Colony, are compelled to return to India.

And if it is a hardship on the men who have been brought up in India to return to India, how much more so must it be for those who went to the Colony as infants or were born there. The object of the Bill cannot be mistaken. The tax is to be levied not for the purposes of revenue. The intention is to make it sufficiently severe to oblige those coming within the scope of the intended legislation to return to India.

Indeed, Europeans in Natal are endeavouring to secure such legislation as would make the indentures terminate in India. The Prime Minister of the Colony has, as it appears from recent cablegrams, stated that the stopping of Indian immigration would paralyse the industries of Natal. The Council asks respectfully, whether the people, who are so indispensable to the welfare of the Colony, and who have materially helped to make it what it is, are to be singled out for special taxation.

The Council, moreover, begs to draw Your Lordship's attention to the fact that these very indentured Indians, at a time when their service was imminently required, voluntarily came forward to help the military authorities as stretcher-bearers. The work of the Natal Volunteer Indian Ambulance Corps is well known to Your Lordship. It has been favourably mentioned in Despatches.

The Council ventures to think that such men deserve a better treatment than being subjected to an annual tax of the character above described.

The principle of the measure is so manifestly unjust that the Council does not consider it necessary to enter into an examination of its details.

Ever since the Colony has obtained self-government, the Indian

settlers there, whether free or indentured, have not had rest from “pin-prick”, legislation of the character to which Your Lordship’s attention has been drawn by various public bodies, including the Association.

If it is found difficult to restrain the self-governing Colony from riding rough-shod over imperial considerations and treating British subjects as aliens, the Council of the Association, in common with the East India Association, which has only recently approached Your Lordship, respectfully considers that it is time Your Lordship should adopt measures to suspend State-regulated emigration from India to the Colony, the moreso now, seeing that it is these very people who are touched by the Bill in question.

*We remain, &c.,*  
PHEROZESHAH M. MEHTA  
President  
DINSHAW EDULJI WACHA  
AMEERODIN TYABJI  
CHIMANLAL SETALVAD  
Honorary Secretaries

Colonial Office Records: C.O. 179, Volume 225, India Office.

## 250. LETTER TO MEHTA<sup>1</sup>

[RAJKOT,  
prior to *June 30, 1902*]<sup>2</sup>

MY DEAR MEHTA,

I have your two letters. The enclosed will show you the nature of the work I have undertaken.<sup>3</sup> I see that it is exceedingly difficult to dispose of the books, but as the chief aim is to popularise the information contained therein, I have lent copies to half a dozen Plague Volunteers. I shall try to take my weight. I cannot say I yet feel strong enough, but people who saw me in Natal and who have seen me here notice a considerable change for the better. I am obliged

<sup>1</sup> Dr. Pranjivandas Mehta of Rangoon, a friend of Gandhiji since his student days in London .

<sup>2</sup> The office copy is undated, but the reference to the opening of the second term of the Technical Institute “on the last Monday in June” (i.e., 30th) would support this inference.

<sup>3</sup> The enclosure is not available. Gandhiji was, at this time, Secretary of the Plague Committee; *vide* “Letter to G. K. Gokhale”, May 1, 1902.

to take fruit salt once or twice a week. I try to take as much exercise as possible, but the heat is against it.

If Oomiashanker<sup>1</sup> is to join the Technical Institute, which I think is an excellent idea if you are prepared to pay the expenses, I know it is not necessary for him to matriculate and the sooner he joins the Institute the better. Fees are 36 rupees per annum for Engineering or Cotton manufacture. The second term commences on the last Monday in June every year. The qualifications are study up to the 6th standard. Even if you want Oomiashanker to go up for the matric, I am sure he won't pass. His heart is not in it and I do not think he is industrious enough; he may require a little goading. The Technical School here is not doing much. The telegraphic class is closed. So the only thing he is doing at present is typewriting. The book-keeping class is very indifferently managed.

From the photostat of the office copy: S.N. 3959.

### 251. LETTER TO D. B. SHUKLA

AGAKHAN'S BUILDING, 2ND FLOOR,  
OPPOSITE HIGH COURT,  
BOMBAY, FORT,  
[post *July 11, 1902*]<sup>2</sup>

MY DEAR SHUKLA,

Thakor of Tharad has just seen me. I have cursorily glanced through the papers. I remember you suggested an appeal to the Privy Council, but against which decision? Not against that of the Political Superintendent! And I don't suppose it can lie against that of the Bombay Government! The Thakor is anxious to obtain an opinion from Mehta, whom I propose seeing this afternoon.

I have at last secured an office at the above address where please direct your reply. I have to pay Rs. 20 per month for one room. What is the period within which you may appeal to the Government of India?<sup>3</sup>

*Yours sincerely,*  
M. K. GANDHI

From the photostat of the original: S.N. 2325.

<sup>1</sup> Addressee's nephew.

<sup>2</sup> On July 10, Gandhiji left Rajkot for Bombay, with the idea of setting up practice and reached there the next day. (*Jeevannu Parodh*: Prabhudas Chhaganlal Gandhi, Navajivan Publishing House, Ahmedabad, 1948, p. 59)

<sup>3</sup> This sentence is in Gandhiji's handwriting.