

## *1. LETTER TO CHHAGANLAL GANDHI*

[JOHANNESBURG,]  
*November 6, 1905*

MY DEAR CHHAGANLAL,

Your letter to hand. I am returning the letter addressed to Revashankar. I shall ask Abhechand to take the papers back. He has gone to Pretoria.

You have done well in writing about Kitchin. Your argument is not wrong. The facilities we have provided him are, generally speaking, too many. The money is being paid to him not for his proficiency but because of my folly; and because there was no other way of correcting my mistake. I did allow him to leave; but he pleaded with me that he was not in a position to do any other work, since he could not start work afresh in Johannesburg. Indubitably, he did wind up the big business he had. Under these circumstances, I could not bring myself to discharge him. So the best way I could find was to give him as much in salary as would meet his normal expenses. However, either of us is free to terminate the arrangement by giving a month's notice. It means that, if the condition of the press gets worse and it does not show any income, I can dispense with his services at a month's notice. Even if the condition improves, there is no stipulation about paying him more than £10, nor is it necessary. There is, therefore, no reason to believe that he will always draw the same salary. We need not suppose that he and Polak will not be able to pull on together when the latter comes. If they cannot, Kitchin will have to leave. Polak will take at least two and a half years to go to Phoenix; it is, therefore, unnecessary for the present to think of that far-off eventuality. I envisage the possibility of a great change in our condition during that period. There was no other alternative when we gave Kitchin a house and land. His heart is in Phoenix. He no doubt likes the life there. Please do not hesitate when you have to do something for him. We have to take into consideration the virtues of a man; we cannot bother ourselves about his drawbacks. We have to be satisfied if, by putting ourselves out, others can be made happy or can benefit. There is no difficulty in giving two acres of land to any of you who wants it, that is, yourself, West, Bean or Anandlal. I think I have already explained this to you. Polak also has asked for two acres. This much I believe: if Kitchin stays, his nature will change and he will do his work well. If, on the other hand, his nature does not improve, he will give in of his own accord. Do ask for further clarification, if

you need it. Always write to me unhesitatingly.

Gokuldas is good by nature; but he has become very selfish and narrow-minded because of his upbringing in the country. He seems to be prejudiced against you. In spite of my repeated attempts to persuade him I find that the idea that “maternal uncle is crazy” is deep-rooted in his mind due to the arrogant impetuosity of youth. His mind is set more on making money. We have to be very careful and see that his leanings become pure. You may watch him and guide him. I believe he will put in hard work. He will not take anything from the press at present; at the same time, he will not work the whole day. I have told him that he is still a student and has to behave accordingly. He will, therefore, work for some time in the press, some time on the land and the rest he will devote to studies. It is necessary for him to have a good knowledge of Gujarati, English and Tamil. I have asked him to start with composing Tamil matter in the press. I shall write a letter about this to Pillay also. You may come, if possible, during Christmas, after Gokuldas arrives there and has become conversant with the work.

How is West doing the job-work? Does he feel uncomfortable or is he cheerful? Who are doing the composing work for the newspaper? How does Virji behave? Write to me about everybody there. How is Bean doing? What is the position of the books now? How about Anandlal? I have written to him also about Gokuldas. I still feel that it will be better if you three brothers live together. But if there is even the least possibility of bitterness resulting from doing so, you have not to act on my suggestions. Gokuldas, of course, will stay with you.

Is Orchard still there in the house or has he left?

I have sent the Tamil material, but I find that there will be some difficulty for me in the matter. I saw that the man who did the translation has very little knowledge of the language. He felt very diffident and said that it would be better if I did not entrust the work to him. It will be quite enough if Gokuldas and Pillay understand it even after a strenuous effort. Gokuldas has learnt a little. The English matter that I send from here will merely have to be translated there. Consult Pillay about this. Who has written for this week’s issue?

Does Hemchand give you satisfaction or not? Does he go out for the collection of dues? Train him well.

What has happened to Ramnath? I had written a letter to Ajodha.

Has Jayashanker been able to procure any assistant or does he have the same difficulty still? Give Bean whatever miscellaneous things he wants. Send Moon’s report when you get it. Who is to sow

the land that has been ploughed ? Does the leakage in the roof continue or has it stopped ?

Let me know if the shifting of the office to Mercury Lane has affected the flow of work. Do the whites come in greater numbers?

*Blessings from*

MOHANDAS

[PS.]

Govindji says that he is not getting the paper regularly.

I sent more Gujarati matter yesterday.

Do see what is written on the back of the first four sheets also.

From a photostat of the original Gujarati: S.N. 4262

## 2. CABLE TO KING-EMPEROR<sup>1</sup>

[JOHANNESBURG,

Before *November 9, 1905*]

BRITISH INDIANS, TRANSVAAL, TENDER TO HIS GRACIOUS MAJESTY HUMBLE  
CONGRATULATIONS ON HIS SIXTY-FIFTH BIRTHDAY.

*Indian Opinion*, 11-11-1905

## 3. LONG LIVE THE KING-EMPEROR

Thursday, the 9th instant, was the sixty-fifth birthday of His Majesty the King-Emperor. Loyal congratulations were offered from all parts of his vast dominions. No monarch of modern times has commanded the admiration and love of his subjects as King Edward has. When he ascended the throne, his position was a most difficult one, since he had to succeed Victoria the Good; but, during the short space that he has occupied his supreme position, he has carried out the traditions left by that noble lady, and has shown that, even in a country constitutionally governed, the King has many opportunities of serving his subjects, in a way possible only to one who, like His Majesty, combines a real appreciation of the dignity of his exalted station with a more than ordinary ability. By his sound judgment and tact, he has materially assisted in promoting the world's peace, and the prosperity of the British Empire. He has endeared himself to his subjects the world over because, being lord of all, he has made himself the servant of all. In the whole history of the world, no throne has

<sup>1</sup> The cable was sent by the Transvaal British Indian Association through the Colonial Secretary.

been so firmly established in the hearts of the people as that of the King-Emperor today. That he may live long to add lustre to that throne is the earnest prayer of British Indians, the humblest of his subjects but not the least in loyalty and devotion.

*Indian Opinion*, 11-11-1905

#### 4. AN INDIAN DELEGATION TO ENGLAND

The general election for the Imperial Parliament is now pending. It may come upon us any day. Mr. Chamberlain has expressed his opinion that the sooner it comes, the better. The most interesting feature to an Indian is the delegation that has gone to England, on behalf of India, to plead the Indian cause before the British electorate. Some knowledge about those who compose the delegation and its purpose may not be out of place even for our European readers in South Africa.

The Honourable Professor Gokhale and Mr. Lajpat Rai<sup>1</sup> are in London as the delegates sent by the National Congress, and towering above the two is Mr. Dadabhai Naoroji, the Grand Old Man of India. He is not sent specially, but he is there living a life of self-imposed exile, a life of self-sacrifice extending over an unbroken period of half a century. Of him, Mr. Gokhale has said:

What a life it has been! Its sweet purity, its simplicity, its gentle forbearance, its noble self-denial, its abounding love, its strenuous pursuit of high aims—as one contemplates these one feels as though one stood in a high presence. Surely there must be hope for a people that could produce such a man, even if, as Mr. Ranade<sup>2</sup> once said, he be only one in three hundred millions.

Such is the towering personality of Dadabhai, who is always in London to counsel Indian patriots and guide them by his advice.

In Mr. Gokhale, yet quite young, is centred the hope of India. He has won many laurels, and has many more to win. Young as he is, he has made for himself a name in the Imperial Legislative Council at Calcutta. Even those who differ from him have to acknowledge his patriotism and earnest eloquence. He is not to be matched in mastery

<sup>1</sup> (1865-1928), known as the “Lion of the Punjab”, was deported by the British Government in 1907 and lived for some years in the U.S.A; President of the Congress session at Calcutta in 1920. Sustained injuries at the hands of the police during the boycott of the Simon Commission and succumbed to them.

<sup>2</sup> Judge of the Bombay High Court and social reformer, whom Gokhale regarded as his teacher.

of figures, and he has sanctified a life of love by a free gift of his services to the Fergusson College at Poona for twenty years.

Mr. Lajpat Rai, from the Punjab, is no less noble in mind. He is the recognised leader of the Punjab. He has been devoting his earnings and his energy to the promotion of the work of the Arya Samaj, which has been recently made familiar to our readers.<sup>1</sup> Hardly had he finished the self-imposed work of relieving the distress in the Kangra District, owing to the terrible earthquake, than, at the call of duty, he left for England. As the Honourable Mr. Gokhale could not join him in England in time, he went over to America, and popularized traditions of India to the great American people. This is what the *Boston Transcript* says of him:

It is not many weeks since Colonel Young husband declared in London that, in all that relates to the spiritual and intellectual life, we Anglo-Saxons are to sit as learners at the feet of the Hindus and other Orientals. They have for ages cultivated, and still cultivate, as the highest and most important of human interests, that which we leave to an hour or so of quiet once a week in a church. The handsome and accomplished young Hindu, Mr. Rai...how magnificent is the beauty and vitality of a high-class Hindu...the delegate from the Indian National Congress, who spoke twice here this week, is on his way to England.

Such leaders, then, are at present in England to plead for India. They are there to tell the British electorate that India needs better representation and better service at the hands of the rulers. In the words of Mr. Schwann, M. P., the delegates are charged

with the task of voicing the hopes, the fears, the aspirations, and the desires for reform of the Indian people. There was a desire among the Indian people for better education, for a land settlement varying with the varying needs of different parts of India, and for more self-government, because the people whom Mr. Gokhale represented thought that many of the Indian people were quite qualified to take part in their own government.

The delegation and many other things, which are at present happening in India, are unmistakable signs of the times. The Colonial statesmen may not misinterpret them or ignore them. If they would seek the protection of the British flag, they must count upon India as an integral part of the Empire, and, as such, entitled to every consideration. It will very largely depend upon the spirit that guides British, Colonial and Indian statesmen, whether the Empire is to remain firmly

<sup>1</sup> Prof. Parmanand's lectures on the subject were reported in the *Indian Opinion* issues of November 4, 11 and 18, 1905.

knit together, or whether it is to suffer disintegration owing to conflicting interests.

*Indian Opinion*, 11-11-1905

### 5. IMMIGRATION ACT OF NATAL

We draw the attention of Mr. Harry Smith, the Principal Immigration Restriction Officer, to a free translation we have given in another column of hardships that Indian passengers are alleged to have had to undergo on board the s. s. *Somali*. If the allegations<sup>1</sup> are at all true, they show a very serious state of affairs. The passenger who has made the complaint which is before us has signed it, and he was severely cross-examined before we decided to take it and give it publication. We are aware that Mr. Harry Smith is just as eager as we are to avoid any unnecessary hardships to the passengers who may be affected by the Immigration Act. We, therefore, feel certain that we have only to draw his attention to this complaint to insure a thorough investigation. We might mention that this is not the first occasion on which we have received complaints of this nature, but hitherto we have not thought fit to publish them or to do anything more than suggest to the complainants to forward their complaints to the proper quarters; but the facts that have come to us this time have been so well and earnestly put that we consider it to be our duty to draw public attention to them. We shall be happy to give an equally prominent publication to anything that the Immigration authorities may have to say either in contradiction, explanation, or justification.

*Indian Opinion*, 11-11-1905

### 6. RED TAPE

*The Natal Mercury* has rendered a public service in publishing correspondences which throws a great deal of light on the working of the Immigration Restriction Act. It appears that a well-educated Indian, Mr. E. Vaz, was, on the 30th September last, on going to see a friend off by one of the German steamers, prevented from going to the steamer. The friend also, whom Mr. Vaz was to see off, although he produced his second-class ticket, was not allowed to board the steamer. Both of them were, it is complained, roughly

<sup>1</sup> Twenty-seven persons who had reached Natal Port on October 25, were detained on board in an ill-ventilated hold for three days, most of them without food or water. *Vide* "Treatment of Indians at the Point", 18-11-1905

handled by the constable on duty. Mr. Vaz thereupon wrote to the Superintendent of Water Police, who told him that the constable was carrying out his instructions. He then approached the Colonial Office, and the Colonial Office, too, returned the same stereotyped answer, adding that instructions were from the Immigration Restriction Department. Mr. Vaz then applied to the Principal Immigration Restriction Officer, who put the finishing touch by declining to inform Mr. Vaz of the instructions, saying: "I do not feel called upon to answer inquiries from outside as to inter-departmental arrangements." Rough treatment is not denied. The action of the constable is throughout upheld, and when the public want to know what regulations there are which they have to obey, they are told it is not their business! This is a new method of administration. Hitherto, the people who have to obey laws have been acquainted with the nature of such laws, but now the Government has decided that the Immigration Department is to work its regulations in secrecy, and to expect the public, who are affected thereby, to guess what they are likely to be and obey them. We mention the Government specially, because Mr. Harry Smith has evidently written under inspiration. So far as we know, he has never withheld information from the public. What advantage the Government wishes to gain by keeping its precious regulations secret we do not know, but we do know that the action of the constable was undoubtedly illegal, and the attempt made by the Government to bolster up an illegality by withholding information from the complainant is, to say the least of it, highly un-British.

We congratulate our contemporary on having given publicity to what is nothing short of a scandal, and, what is more, for dealing with it strongly in an editorial note.

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## 7. RUSSIA AND INDIA

The present unrest in Russia has a great lesson for us. The Czar of Russia<sup>1</sup> today wields the most autocratic power in the world. The people of Russia suffer numerous hardships. The poor are crushed by the weight of taxes; the soldiers put down the people, who have to submit to all the whims of the Czar. Intoxicated with power, the officers do not care for the welfare of the people. Their only function, they think, is to add to their own power and wealth. Entirely against

<sup>1</sup> Czar Nicholas II, (1868-1918), came to the throne in 1894.

the people's will, the Czar declared war against Japan,<sup>1</sup> causing a river of blood of Russian soldiers to flow. The wealth acquired by the sweat of thousands of labourers was thrown into the sea of Japan.

The Russian people have suffered all this for years, but they have now reached the limit of their patience. They have struggled hard to end this tyranny, but in vain. They rose in rebellion and killed the Czars, but they could not secure justice. This time they have found another remedy which, though very simple, is more powerful than rebellion and murder. The Russian workers and all the other servants declared a general strike and stopped all work. They left their jobs and informed the Czar that, unless justice was done, they would not resume work. What was there even the Czar could do against this? It was quite impossible to exact work from people by force. It is not within the power of even the Czar of Russia to force strikers to return at the point of the bayonet. The Czar has therefore proclaimed to the people that they will be granted a share in government and that he will not make any laws without their consent. It is difficult to say what the ultimate result of this will be; but even if the Czar does not keep his word, it will not prove that the course adopted by the people was wrong. It will only show that the people were not firm enough in applying the remedy. For even the most powerful cannot rule without the co-operation of the ruled. If the Russian people succeed, this revolution<sup>2</sup> in Russia will be regarded as the greatest victory, the greatest event of the present century.

In the caption to this article we have put Russia and India together. We have therefore to justify it by showing how India is concerned with the events in Russia. There is much similarity between the governance of India and that of Russia. The power of the Viceroy is no way less than that of the Czar. Just as the people of Russia pay taxes, so also do we; just as the Russian taxpayer has no control over the use of the money thus raised, so also the Indians have none; as in Russia, so in India, the military is all-powerful. The only difference is that the power of the state is rather more brusquely exercised in Russia than in India. We, too, can resort to the Russian remedy against tyranny. The movement in Bengal for the use of *swadeshi* goods is much like the Russian movement. Our shackles will break this very day, if the people of India become united and patient, love their

<sup>1</sup> The Russo-Japanese War was declared in February 1904; the Russians were defeated and peace was signed on September 5, 1905.

<sup>2</sup> The revolution of 1905 which Lenin later described as a rehearsal for the 1917 Revolution.



country, and think of the well-being of their motherland disregarding their self-interest. The governance of India is possible only because there exist people who serve. We also can show the same strength that the Russian people have done.

[From Gujarati]

*Indian Opinion*, 11-11-1905

#### 8. SIR T. MUTTUSWAMI AIYER, K. C. I. E.

Sir T. Muttuswami Aiyar was born in a poor family at Tanjore on January 28, 1832. Having lost his father at a very early age, Muttuswami had to earn his own living. He therefore took up the job of a village clerk on one rupee a month. This went on till 1846. During this time, a gentleman named Muttuswami Naicker was struck by the boy's intelligence and industry. Once it happened that Naicker received news of the river embankment near a village having given way. He sent for his clerk, but the latter being absent, the boy Muttuswami answered the call. Asked by Naicker to make inquiries about the mishap, Muttuswami went round the whole place and brought all the news. Mr. Naicker did not quite believe him, but, being in a hurry, he passed on the boy's report. Later, Mr. Naicker was much pleased to know that the facts collected by Muttuswami were quite accurate.

Not being satisfied with the kind of life he was leading, Muttuswami resolved to rise higher and started going to school whenever he could find the time. Mr. Naicker, who noticed this, kept him for 18 months in a Mission school at Negapatam, and then sent him to a High School in Madras. He also gave him a letter of recommendation to Raja Sir T. Madhav Rao. Muttuswami made daily progress in his studies. Mr. Powell, who was then the Headmaster of the School, saw Muttuswami's merit, and gave him special attention. In 1854, Muttuswami wrote an English essay, which won him a prize of Rs. 500. After he had finished his studies at the High School, he was appointed a teacher on Rs. 60 a month. He rose by stages till he became a responsible education officer. The Government had meanwhile instituted an examination for the Pleader's *Sanad*<sup>1</sup>. Muttuswami prepared for the examination, and stood first in it. In those days the judges used to go on tour from time to time in order to inspect the work of the *munsiffs*.<sup>2</sup> Once Judge Beauchamp<sup>3</sup> went there

<sup>1</sup> Licence to practise

<sup>2</sup> Judges of subordinate courts

<sup>3</sup> Civil judge, Tanjore at the time

on a surprise visit. He was so pleased to see Muttuswami's work that he remarked, "Muttuswami deserves to take a seat by my side". Muttuswami's ability proved to be so outstanding that he was later appointed a Magistrate in Madras. Judge Holloway was much pleased with him. He advised him to pursue his legal studies further, and he did so. As an aid to this study, he learnt German also. He had a very independent mind. An Indian once lodged a complaint against a High Court judge, charging him with assault. Muttuswami, without any hesitation, issued a summons to the judge. The Chief Magistrate suggested that the judge need not be obliged to appear in person. But Muttuswami paid no heed. The judge had to appear before him and was fined Rs. 3. Later, Muttuswami became a judge of the Small Causes Court. In 1878, he was awarded a C. I. E. and made a High Court judge. He was the first Indian to be appointed to that office. His judgments were so sound and carried such authority that to this day, it is said, they can hold their own against those of the best English judges. The famous Mr. Whitley Stokes says that he has seen few judgments that can compare with those of Muttuswami Aiyar and Syed Mahmud. His work was so exceptional in every way that he was made Chief Justice in 1893. Worn out by hard work, Muttuswami died in 1895.

Not only was Sir Muttuswami foremost in the field of law, he also took the greatest possible interest in promoting the welfare of the Indian people. From time to time he spoke on such subjects as child marriage, widow re-marriage and foreign travel, and encouraged reformers. He was very kind and simple, always wore *swadeshi* clothes and was a sincere devotee of God. His bright career lent lustre to the entire Presidency of Madras.

[From Gujarati]

*Indian Opinion*, 11-11-1905

## 9. AN INDIAN VOLUNTEER CORPS

Last week we reproduced, from *The Natal Witness*, some questions and answers at a political meeting in Newcastle with reference to the liability of Indians to serve during the time of war.

Mr. Thorold urged that some arrangement should be made whereby the Arabs and Indians should be called upon to assist in case of the calling out of the first line of defence. It would be manifestly unfair to allow the Arabs to sit in their stores and to do business while the Europeans were fighting at the front.

Had Mr. Thorold known the inner working of the Government, he would not have made the remarks attributed to him. The Government simply *do not wish* to give the Indians an opportunity of showing that they are as capable, as any other community, of taking their share in the defence of the Colony. At the time of the Boer War, it will be remembered, the Indians volunteered to do any work that might be entrusted to them, and it was with the greatest difficulty that they could get their services accepted even for ambulance work.<sup>1</sup> General Buller has certified as to what kind of work the Natal Indian Volunteer Ambulance Corps did. If the Government only realised what reserve force is being wasted, they would make use of it and give Indians the opportunity of a thorough training for actual warfare. There is, too, on the Statute-book, a law for the purpose, which has been allowed to fall into desuetude from sheer prejudice. We believe a very fine volunteer corps could be formed from Colonial-born Indians that would be second to none in Natal in smartness and efficiency, not only in peace but in actual service also.

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#### 10. TREATMENT OF INDIANS AT THE POINT

We referred last week to the ill-treatment to which some of the Indian passengers<sup>2</sup> on board the *Somali* are said to have been submitted on their arrival in the Natal harbour. We have received corroboration of the fact from another correspondent, who writes to us in Gujarati, to the following effect:

Those who did not have the Transvaal permits, but were Transvaal refugees, and those who did not possess the Natal passes, were put to much inconvenience. They were locked up for three days in the steamer-hold. They were not able to provide themselves with any food. The third day Mr. Hassim Juma, a merchant of Durban, engaged a solicitor and was successful in getting about five [persons] landed. When Mr. Hassim Juma himself went to deposit bail, it was not accepted. It was only after the intervention of a solicitor that, with great difficulty, they were landed. The passengers who were not able to land at Delagoa Bay were also kept under lock, and were not allowed to cook their food.

We draw Mr. Harry Smith's attention to the above version. If it be true, it is too painful for words, and if it be true that visiting passes were only allowed on the intervention of a legal gentleman, it is very

<sup>1</sup> *Vide* "Indian Ambulance corps", 13-12-1899

<sup>2</sup> *Vide* "Immigration Act of Natal", 11-11-1905

evident that something is rotten in the state of Denmark. As it is, the poor Indians have, in order to make their claims good, either for residing or remaining temporarily in the Colony, to undergo a great deal of trouble and expense. We do not complain of a reasonable enforcement of the Immigration Restriction Act, but we do think that those who are entitled to land in the Colony, or those who should be given every facility for passing through Natal to a neighbouring Colony, ought not to be put to the expense of having to engage a solicitor for mere matters of form.

*Indian Opinion*, 18-11-1905

### *11. JOHANNESBURG LOCATION*

The Johannesburg Town Council has resolved that the Kaffirs living near the Malay Location will be shifted to Klipspruit on the first of April next year. Now Klipspruit is thirteen miles away from Johannesburg. We wonder how the Kaffirs will manage to live at such a distance. The Council also contemplates opening an Indian Bazaar near the Kaffir Location at Klipspruit and expects to do this as soon as it gets the necessary powers to do so.

A move to acquire the Malay Location is already afoot. This should forewarn the Indians. The best course is for all Indians to arrange for adequate accommodation within Johannesburg itself. We believe, however, that it will take the Council some time yet to acquire the Malay Location, and that there is no likelihood of any new legislation affecting Indians being passed before June next.

[From Gujarati]

*Indian Opinion*, 18-11-1905

### *12. INSTRUCTIONS REGARDING PERMITS TO TRANSVAAL INDIANS*

We learn that the applicants for permits are no longer required—as they were for some time past—to furnish names of Europeans for reference. It is now enough—as it used to be formerly—to mention only Indians as witnesses. Hitherto the Indian witnesses were not called in for verification, but henceforth they will be required to tender oral evidence. We would, therefore, urge that great care should be taken in submitting names.

Regarding permits to children also, a clarification appears to have been made. According to this, permits will be issued to those

under 16 years whose parents are in the Transvaal. Printed forms prescribed for this purpose will have to be filled in by the father or the guardian.

[From Gujarati]

*Indian Opinion*, 18-11-1905

### 13. JAPAN AND THE BRITISH COLONIES

The British Government finds itself in an embarrassing position in its relations with Japan. It has entered into a treaty with Japan, and has recognized Japan as a major power. The treaty shows that Japan has the same status as England. The English regard Admiral Togo as an equal of Nelson. They welcome and honour all Japanese subjects visiting England.

While this is the situation in England, the New Zealand Premier, Mr. Seddon, says that his country is not at all concerned with the treaty between England and Japan and that he will not allow any Japanese subject to enter New Zealand.

In Western Australia, there are the same rigorous laws against Japanese subjects as against other Asiatic peoples. This has hurt Japan's feelings. The Japanese Ambassador has sent a note, demanding repeal of these laws. The Colonial Secretary, Mr. Lyttelton, has written to the Australian Government that the laws should be changed. The West Australia Minister has replied saying that the laws would be so amended that they do not hurt Japan's dignity, but that in effect they would remain unaltered. This means that the same bitter pill will now be administered to Japan with a coating of sugar.

What will England do in these circumstances? If the Colonies go on acting in contravention of the policy of England, the latter will either have to give up the Colonies or allow herself to be dragged along and change her own policy.

What applies to Japan applies equally to India also. All the more so, because India, being a part of the British Empire, has a better claim.

[From Gujarati]

*Indian Opinion*, 18-11-1905

### 14. THE CAPE IMMIGRATION LAW

The Cape Immigration Law is becoming increasingly rigorous. Hitherto restrictions had been in force only against people coming by sea. They will henceforward apply to any one entering through the

Transvaal as well. The *Cape Gazette* publishes Regulations to the effect that a person going to the Cape through the Transvaal should possess evidence of Cape domicile. If he fails to establish his right to enter the Cape, he will be deported and will have to pay the Cape Government the cost thereof. The Cape authorities have therefore<sup>1</sup> notified that those wanting to go to the Cape should first obtain passes. One has to face many difficulties in getting such passes in the Cape, for it is very difficult to establish one's Cape domicile if one has no land or children in the Colony. In fact, such a man does not get a pass at all.

It is very necessary that the British Indian League should take action in the matter; otherwise, the Cape persecution will go on increasing daily. The Cape offers facilities for putting up a fight such as no other Colony does. These, we trust, the British Indian League will put to the best use.

[From Gujarati]

*Indian Opinion*, 18-11-1905

### 15. MOUNTSTUART ELPHINSTONE

The Elphinstones are a well-known family in Scotland. Towards the end of the eighteenth century, a scion of this family, Mountstuart Elphinstone, landed at Calcutta as an employee of the East India Company, at the early age of sixteen. Political disturbances were frequent in India. The country was in the grip of one such in 1796. Vazir Ali, the deposed Nawab of Ayodhya, was under surveillance at Benares. He attacked the Benares Residency. The English judge of Benares defended himself with a spear until relief arrived. Elphinstone, who was there at the time, also bravely defended himself. In 1800, there was trouble near Poona, and Elphinstone was posted there. By this time, he had acquired a good knowledge of languages, and had pleased General Wellesley<sup>2</sup> by his valour in war. He was then appointed Resident at Nagpur, where he pursued his studies further. In 1809, Elphinstone was deputed to the court of the Amir of Kabul. And since that time the British have been pampering the Amir out of fear. Obsessed with the fear of an attack on India through Kabul, the British Government spent money like water to ward off an imaginary danger. It was because of the same

<sup>1</sup> The Gujarati original however, has another word, meaning "alone", perhaps a misprint for another meaning "therefore".

<sup>2</sup> Afterwards, Duke of Wellington

fear that Elphinstone was sent to Kabul to enter into an agreement with the Amir. But he had to return empty-handed. Anyone else in Elphinstone's place would not have taken interest in a task not assigned to him, and he could not have been found fault with. The work that a man does out of love for it, without caring for reward, is generally of a superior quality than that done merely for wages. Such was the case with Elphinstone. What did it matter if he could not checkmate the Amir of Kabul? He utilized his time in other ways while in Afghanistan. He gathered plenty of information regarding places and people there and made it available for the benefit of the British. And though he had to return unsuccessful from Afghanistan, his reputation was enhanced. In 1811, Elphinstone was appointed Resident at Poona. At the time the Pindaris<sup>1</sup> were harassing the poor people; the Scindia, the Holkar and others were eager to attack the British. The Peshwa of Poona was with the British, but he was very weak. Trimbakji, his agent, was an intriguer. He had been imprisoned against the Peshwa's will for his atrocious misdeeds. He escaped from prison and went into hiding. Elphinstone came to know that the Peshwa himself was conspiring against the British. Though his means of defence were meagre, Elphinstone was not unnerved. Even when he came to know of the developments, he remained serene and unperturbed and no one knew of the preparations he was making. At last, the Peshwa launched an open attack. His army fell on the British camp, but was routed by Elphinstone with a handful of his men. Meanwhile, General Smith had come to his rescue. Peshwa Bajirao was completely defeated, and the British annexed Poona and pensioned off Bajirao. The famous Canning described Elphinstone's gallantry at the time in these words: 'Elphinstone is a civil officer. We do not expect our civil servants to show courage in war. Our fighting men are always at their command. But Elphinstone has proved during the war with the Peshwa that he is a soldier who would shine among our soldiers. That he is foremost in civil work is known to all.'

After the war with Bajirao was over, Elphinstone had the more difficult task of governing the people. The English rulers of the time cherished very kind feelings for the people. Before introducing new laws, they used to consider the kind of administration the people were accustomed to and what laws would satisfy them. Elphinstone, too, did the same. He took care to see that the ancient Maratha families were preserved, and their *jagirs*<sup>2</sup> kept intact. With this end in view, he created the State of Satara for the descendants of Shivaji, which

<sup>1</sup> Mounted marauders during the 17th and 18th centuries

<sup>2</sup> Principalities or landholdings granted by the State

pleased the Marathas very much. He tried to ascertain popular feeling and took care not to hurt it.

This man of gentle qualities was appointed Governor of Bombay in 1819, and he captured the hearts of the people. He gave his best attention to education. He may be regarded as the first to realize that the foremost duty of the British Government in India was to educate the people. The present Elphinstone College in Bombay was founded in memory of this popular Governor. He introduced many reforms in the Judicial Department also. Thus, he ruled over Bombay for eight years as Governor. When he relinquished charge of his post, every community did him great honour. He spent the rest of his life in England, where he wrote a history of India, a work admired to this day. He was twice offered the Governor-Generalship of India, but on both occasions he declined it for reasons of health. This great man died at the age of 81, on December 21, 1859.

[From Gujarati]

*Indian Opinion*, 18-11-1905

## 16. TELEGRAM TO SIR ARTHUR LAWLEY

[JOHANNESBURG,

After November 24, 1905]<sup>1</sup>

BRITISH INDIAN ASSOCIATION TENDER CONGRATULATIONS TO HIS  
EXCELLENCY ON APPOINTMENT TO GOVERNORSHIP OF MADRAS.

*Indian Opinion*, 2-12-1905

## 17. THE POLL-TAX

It would be unwise for us to give publicity to the complaints that have come to us from hundreds of Indians in connection with the imposition of the poll-tax. Personally, we consider that every good citizen should share the troubles that the Colony is passing through, and one of the best and most practical methods of doing so is to contribute specially to the Colonial revenue. The Government has seen fit to pass the poll-tax measure, and everyone, no matter to what community he belongs, should bow to it and pay the toll with what cheerfulness he can. It is not a matter for mathematical calculation and of considering the question of poor people having to

<sup>1</sup> Sir Arthur Lawley was appointed Governor of Madras on November 24, 1905.



pay the same as the rich man. A poll-tax has always been an unpopular measure and, in its incidence, it falls very heavily upon the poorest members of the community. It is by no means a new thing or a new experience in South Africa, but was an annual contribution exacted in the Transvaal, though not very rigorously, even when the country was at the height of its prosperity.

In a time of depression such as the present, when work is scarce and ready money scarcer, it is no small thing for a poor working man with a wife and family to give even a single sovereign in one lump sum. It is obviously the poorer classes only that feel the burden of a poll-tax. There are thousands of Indians to whom the sum of one pound is no small matter. Take, for instance, the case of those who have just become free from indenture, and have chosen to settle in the Colony. As the price for permission to remain in the Colony, they, including their children, have to pay an annual tax of £3 each, and they would now be called upon to pay an additional £1. On the face of it, therefore, to exact contribution from such men would be highly unjust. The position of many small Indian farmers would be almost the same. They have to toil hard and long for their daily bread. To dignify them by the name farmers is, in fact, totally wrong, for, as a matter of fact, they are labourers pure and simple. It has often [been] argued that the Indian does not contribute sufficient[ly] to the revenue of the Colony. Those who have said so have advanced the argument in a thoughtless manner. No country in the world taxes labour, for labour itself is a contribution of the very best kind. It is upon labour that the prosperity of a country depends.

There is no doubt that the poll-tax is calculated mostly to affect the natives of the soil and Indians. Our Transvaal contemporaries have seen the point without any difficulty. The Europeans have been brought in order to give the measure an appearance of being general legislation, but we have no desire to look at it from that point of view. The measure has been passed, and though we cannot congratulate the Government upon it any more than it can congratulate itself, we all have to bow to the decision. At the same time, we commend to the earnest attention of the authorities and the public generally the special article on the poll-tax published in this issue.<sup>1</sup>

But whatever may have been the intentions of the legislators, it is not for us to complain, though, in our opinion, this conception of the measure, as also the facts we have shown above, prove unmistakably that the Government will have to use a large amount of discretion in excusing from payment those who really cannot afford to pay. For

<sup>1</sup> Not reproduced here

that reason, it is very necessary that the rules already published for collecting the tax should be revised, and the collectors given the authority, at their discretion, to excuse the poorest in the community from payment. The collecting of such a tax is, undoubtedly, a matter of mutual understanding between the Government and the communities affected thereby; otherwise, as one of the expressive Native speakers said at the meeting recently held by the Chief Magistrate, "The Government will have to line the roads of the Colony with gaols for the accommodation of the defaulters."

*Indian Opinion*, 25-11-1905

### 18. MR. HARRY SMITH AND INDIANS

We published last week a letter from the Immigration Restriction Officer in reply to our editorial note<sup>1</sup> on the alleged ill-treatment of Indian passengers on board the *Somali*.

We are thankful to Mr. Smith for having given a prompt reply, but we must confess that it is disappointing. Evidently, the facts stated by our correspondent, and supported by another correspondent, are, in the main, true. Mr. Smith has divided our correspondent's complaints under six heads, three of which relate to arrangements on board the steamer, for which Mr. Smith refuses to accept any responsibility whatsoever, saying that it is the shipping company that is responsible as carriers. Technically, Mr. Smith is, no doubt, right, but as the Principal Officer responsible for the proper conduct of all who are affected by the Immigration Restriction Act, we venture to think that it is not possible for him thus to slur over what are, undoubtedly, hardships arising out of the enforcement of the Act. Indeed, if the argument advanced by Mr. Smith were to hold good, he might disclaim liability with reference to treatment under the other heads also, for he is certainly not required, according to the letter of the law, to see that the passengers, who may be cooped up by the steamship company in the hold, get proper food or are allowed to communicate with those on shore, because communications with the ship will be controlled by the shipowners; but, Mr. Smith has not seen fit to take up such an untenable position. The complaint has to be taken as a whole and treated as such, and, again it has to be treated, not in a cold-blooded manner, but in the humane, sympathetic spirit which we have almost invariably found in Mr. Smith. The letter, therefore, has come to us as a shock. We miss therein the humanity of

<sup>1</sup> *Vide* "Immigration Act of Natal", 11-11-1905

the man, and find the cold-bloodedness of a calculating head of a department, which is not to be ruffled by any amount of human suffering. Law or no law, we claim from an official of Mr. Harry Smith's temperament a large measure of liberal treatment. Assuming, then, that the truth of the complaint is borne out, is it not possible for the Immigration Department to come to an understanding with the shipping companies (and such things have been done before now, in spite of their being unnecessary, according to the strict letter of law), whereby the inconvenience can be mitigated, if not entirely removed? After all, the passengers placed in the hold were mere suspects, many of them probably had the right to land in the Colony. Many of them had the right to receive a safe passage through the Colony, and the Immigration Department was, therefore, intimately connected with their proper treatment whilst their cases awaited examination. There would have been nothing extraordinary if the passengers had been kept under surveillance in a different manner. Why, again, were they refused visiting passes on their asking, and had [they] to get the intervention of a lawyer? A merciful working of the law, we are free to admit, may entail a little more expense, exercise of extra patience and waste of valuable time, but we think that all this expenditure will be small, compared to the comfort which would thereby be secured for the passengers.

There is also a question raised, as a side issue, in Mr. Smith's letter, which requires prompt attention. There are evidently some departmental instructions given to the under-officials, of which the public have no knowledge. It would tend to a smooth working of the law, if the public were acquainted with these instructions, seeing that they are intimately related to them.

With reference to the last paragraph of Mr. Smith's letter, that the Immigration and Police Officers are as much amenable to law as anyone else, it is obvious that the average poor Indian immigrant can scarcely be expected to take these cases to court. The point is that it should be some one's duty to protect them against insult or unfair treatment. The sensitiveness of many Indians [is] affected by the Act we admit, but we are not surprised at it. That it sometimes unconsciously leads them into a kind of exaggeration is also probably true, but men placed in the same position that the Indians are in South Africa, have been known to go much further than the Indians have ever done or are likely to do. An officer who has continuously to discharge an irksome duty of restraining natural liberty is likely, by habit, to attribute as a vice that which is merely a most natural result of the working of the human mind under galling restraints, and it is as well even for the most discerning men to bear this in mind, if even a fair

measure of justice is to be given to a people placed in the peculiar condition in which the Indians are.

*Indian Opinion*, 25-11-1905

### 19. BADRUDDIN TYABJI<sup>1</sup>

Badraddin Tyabji's is a famous name throughout India, particularly in the Bombay Presidency where he is known to all. He revealed his ability at a very early age and was a very good student at school. His career as a student was so bright that his elders decided to send him to England. Sir Pherozeshah and Badruddin were of the same age and were contemporaries at school.

Mr. Badruddin was perhaps the first Indian from the Bombay Presidency to go to England. He excelled in studies, won many laurels in England and then returned to Bombay. He earned a great reputation as an able barrister and was always compared to great English barristers. He successfully fought cases in which he had to confront the famous barristers Enstey and Inverarity. During the period of his practice at the Bar, there was hardly a big case in which he was not engaged by one or the other party. With his power of oratory and legal acumen, he pleased the judges and won over the members of the jury. He went many times to Kathiawar to fight big State cases, most of which he won. His greatest case was perhaps the defence of Nawabzada Nasuralla Khan. The Collector of Surat, Mr. Lely, had charged the Nawabzada with having offered him a bribe of Rs. 10,000. Mr. Lely gave very strong evidence in the case. Mr. Slater, the Chief Presidency Magistrate of Bombay, gave a harsh judgement, sentencing the Nawabzada to six months' imprisonment. Mr. Badruddin, who was engaged in the appeal against this judgement, argued the law points so ably that Justice Parson quashed the sentence pronounced on the Nawabzada by the lower court and passed severe strictures against Mr. Lely. Mr. Badruddin had, no doubt, won many cases before, but his fame spread all the more with this victory, which saved a member of a noble family from confinement and disgrace. Some time later the Government of Bombay offered Mr. Badruddin a seat on the High Court Bench, which he accepted. Though the judges' monthly salary was Rs. 3,750, Justice Badruddin was certainly a loser. His income from legal practice was, it is said, about Rs. 100,000 a year. His work as a judge is considered to be of a very high order. His judgments show independence of mind and give satisfaction to all the

<sup>1</sup> (1844-1906)

lawyers as well as the parties.

Just as Justice Tyabji has earned a name in scholarship and the legal profession, so has he won fame in public life too. He has done much for the spread of education in India, particularly among Muslims. He always encourages the education of women. His wife and daughters are all well educated. He has taken an active part in the politics of the country and has done much work in collaboration with Justice Ranade. He was a prominent worker of the Indian National Congress, and has also presided over it.<sup>1</sup> His presidential address was so good that it still ranks as one of the best speeches. Though he is now sitting on the Bench, he is as patriotic as ever. He takes interest in educational matters. By nature he is kind and humble. His knowledge of Hindustani is as profound as his knowledge of English. Few in the Bombay Presidency can match him in Urdu oratory.

[From Gujarati]

*Indian Opinion*, 25-11-1905

## 20. DEPUTATION<sup>2</sup> TO LORD SELBORNE

*Before presenting a statement on the position of British Indians in the Transvaal, Gandhiji addressed His Excellency as follows:*

[JOHANNESBURG,]

*November, 29, 1905*

Before beginning to deal with the subject matter of this deputation, I have to tender our respectful thanks to Your Excellency for having spared the time amidst the many calls upon it to receive this deputation. As Your Excellency has personally interested yourself in every question submitted to you, it was felt that we should, instead of simply sending memorials, seek the opportunity of expressing our sentiments and feelings in a more tangible manner.

Before I deal with the statement I am to hand to Your Excellency, I have been asked to mention two matters that have occurred during your recent tour through the Transvaal. Your Excellency is reported to have said at Potchefstroom that “no non-refugee British Indians would be allowed to enter the Colony

<sup>1</sup> In 1887, at Madras

<sup>2</sup> The deputation, which was led by Gandhiji, consisted of Messrs Abdul Gani, Chair man, British Indian Association; Haji Habib, Secretary, Pretoria Committee; E. S. Coovadia, Moonsamy Moonlight and Ayob Haji Beg Mahomed. It waited on Lord Selborne at 3 p.m. on November 29, 1905.

until the Representative Assembly has considered the question next year". If the report is correct, it would, as I hope to show this afternoon, be a very grave injustice to the vested rights of the Indian community. At Ermelo, Your Excellency is reported to have used the expression "coolie store-keepers". This expression has given very great offence to the British Indians in the Colony, but the British Indian Association has assured them that the expression has probably not been used by Your Excellency, or, if it has, Your Excellency is incapable of giving thereby any intentional offence to British Indian store-keepers. The use of the word "coolie" has caused a great deal of mischief in Natal. At one time, it became so serious that the then

Justice Sir Walter Wragg had to intervene, and to put down the use of that expression in connection with any but indentured Indians, it having been even imported into the Court of Justice. As Your Excellency may be aware, it means "labourer" or "porter". Used, therefore, in connection with traders, it is not only offensive, but a contradiction in terms.

#### THE PEACE PRESERVATION ORDINANCE

Coming to the statement that the British Indian Association is submitting to Your Excellency, I would take first the Peace Preservation Ordinance. Soon after the Transvaal became part of the British Dominions, the services rendered during the war by the dhooly-bearers that came with Sir George White, and those rendered by the Indian Ambulance Corps in Natal, were on many people's lips. Sir George White spoke in glowing terms of the heroism of Prabhu Singh who, perched up in a tree, never once failed to ring the gong as a notice to the inhabitants each time the Boer gun was fired from the Umbulwana Hill. General Buller's despatches,<sup>1</sup> praising the work of the Corps, were just out, and the administration was in the hands of the military officers who knew the Indians. The first batch of refugees, therefore, who were waiting at the ports, entered the country without any difficulty, but the civilian population became alarmed, and called for the restriction of the entry of even the refugees. The result was that the country was dotted with Asiatic offices, and from that time up to today, the Indian community has known no rest; whereas aliens, in every sense of the term, as a rule got their permits at the ports on application there and then, the Indian, even though a refugee, had to write to the supervisors of Asiatics, who

<sup>1</sup> According to Sir Redveers Henry Buller, after the British repulse at Spion Kop, during the Boer War, the Indian Ambulance Corps volunteers had worked within the firing line, though not bound to take the risk. *Vide* Vol. III, pp. 221-2.

had to refer the applications to the Colonial Office before permits were issued. The process took a very long time, from two to six months, and even one year and more, and then, too, the Colonial Office had laid down a rule that only so many permits should be issued to British Indian refugees per week. The result of this mode of operation was that corruption became rampant, and there grew up a gang of permit-agents who simply fleeced innocent refugees; and it was a matter of notoriety that each refugee who wanted to enter the Transvaal had to spend from £15 to £30 and more. The matter came to the notice of the British Indian Association, repeated representations were made, and ultimately the Asiatic offices were wiped out. The mode of granting permits was, however, unfortunately still kept up, and the Chief Secretary for Permits has been always subject to instructions from the Colonial Office. Thus, the Peace Preservation Ordinance, which was intended to apply to dangerous characters and political offenders, under the influence of the Colonial Office, had become an Indian Immigration Restriction law, as it remains to this day. Under the present regime, too, therefore, it is a most difficult matter for even *bona-fide* refugees to get permits and it is only in rare cases that it is possible to get them, except after a delay of months. Everyone, no matter what his status may be, has to make an application on a special form, give two references, and put his thumb-impression upon the form. The matter is then investigated, and the permit is granted. As if this were not enough, owing to the charges made by Mr. Loveday and his friends, the Chief Secretary for Permits received instructions to insist on European references. This was tantamount to the denial of the right of British Indian refugees to enter the country. It would be hard to find twenty Indians who would be known to respectable Europeans by name as well as appearance. The British Indian Association had to correspond with the Government and, in the meantime, the issue of permits was suspended, and it has been only lately realised that the insisting upon European references was a serious injustice.

#### THE ENTRY OF CHILDREN

But still the difficulties, apart from the necessity for European references, are there. Male children, under 16 years of age, are now called upon to take out permits before they can enter the Colony, so that it has been not an uncommon experience for little children of 10 years of age and under to be torn away from their parents at the border towns. Why such a rule has been imposed we fail to understand. THE HIGH COMMISSIONER: Have you ever known a case where the parents have stated beforehand that they have children and which children have been refused permission to come in ?

MR. GANDHI: Yes; and the parents have been obliged to make affidavits before the children have been allowed to come in.

If the parents have the right to enter, so far as I am aware, every civilised country has admitted the right of minor children also to enter with them and, in any case, children under 16 years, if they cannot prove that their parents are dead or that their parents have been resident in the Transvaal before the war, are not allowed to enter or remain in the Colony. This is a very serious matter. As Your Excellency is aware, the "joint-family" system prevails all over India. Brothers and sisters and their children live under the same roof from generation to generation, and the eldest member in the family is nominally, as well as in reality, the supporter and the bread-earner. There is, therefore, nothing unusual in Indians bringing the children of their relatives into the country, and it is submitted that it will be a very serious injustice if such children, who have hitherto been left unmolested, are either deported from the Colony or are prevented from entering the Colony. The Government, again, intend to require the female relatives of resident Indians also to be registered in the same manner as the males. The British Indian Association has sent an emphatic protest against any such measure, and has even submitted that it would be prepared to fight the question in a court of law, as, according to the advice given to it, wives of resident Indians are not required to take out registration certificates and pay £3.

#### THE ENTRY OF SPECIAL CLERKS, ETC.

No new permits are granted by the Government, no matter how necessary it may be in certain cases. We were all extremely pleased to read in the papers Your Excellency's emphatic declaration that the vested interests of the Indians who are already settled in the country should not be disturbed or touched. There are merchants who have constantly to draw upon India for confidential clerks, in order to enable them to carry on their business. It is not easy to pick out reliable men from the resident population. That is the experience of merchants all over, and belonging to all communities. If, therefore, new Indians are absolutely shut out of the country until the establishment of Representative Government, it will seriously interfere with these vested interests; and, in any case, it is difficult to see why men of attainments and education, whether they be refugees or not, should not be able to have their permits on application. And in spite of all these hardships, our anti-Indian friends are never tired of saying the country is flooded with British Indians who were never in the Transvaal. They have made a point of saying that every Indian who was before in the country was registered. I hardly think it is necessary



for me to dilate upon this matter, as Your Excellency has been told that all the facts with reference to this charge are wrong, but I may be pardoned for referring Your Excellency to a case that happened in 1893. Shire and Dumat were large contractors of labour. They brought into the country at one time 800 Indian labourers. How many more they brought I do not know. The then State Attorney insisted that they should take out registration certificates and pay £3 each. Shire and Dumat tested the matter in the High Court, and the then Chief Justice Kotze held that these men were not, in terms of the law, called upon to pay £3, as they did not enter for “purposes of trade”, and that he could not help the Government, even if the men, after the contract was over, subsequently remained in the country. That is only one instance, which cannot be gainsaid, in which hundreds of Indians remained in the country without paying £3 each. The British Indian Association has always submitted, and that from personal experience, that hundreds of Indians, who did not take out trade licences, remained in the country without ever registering themselves and paying £3.

#### BAZAARS AND LOCATIONS

Coming to Law 3 of 1885, it has been often urged that Indians, after the establishment of British government in this country, have received relief with reference to trade licences. Nothing, however, can be further from the truth. Before the war, we were able to trade anywhere we liked, as against tender of payment of licence money. The long arm of the British Government was then strong enough to protect us, and up to the very eve of the war, in spite of the constant threats of the then Government to prosecute British Indians who were trading, no action was taken; It is true that now, owing to the decision of the Supreme Court, Indian trade is unfettered, but that is *in spite of* the Government. Up to the very last moment the Government declined to come to the rescue, and a notice was published called the “Bazaars Notice” which stated that, after a certain date, every Indian, who did not hold a licence to trade at the outbreak of war outside Locations, would be expected not only to remove to Locations, but to trade there also. After the notice was published, Locations were established in almost every town, and when every effort to get justice at the hands of the Government was exhausted, as a last resort, it was decided to test the matter in a court of law. The whole of the Government machinery was then set in motion against us. Before the war a similar case was fought, and the British Government aided the Indians to seek an interpretation of the law, which we have now received from the present Supreme Court. After the establishment of the British Government, all

these forces were against us. It is a cruel irony of fate, and there is no use disguising the fact that we have felt it most keenly; and this, I may state, as has now transpired, in spite of the fact that the then Attorney-General told the Government that the interpretation they sought to place upon the law was bad, that if it went to the Supreme Court the matter would be decided in favour of British Indians. If, therefore, British Indians have not been sent to Locations and are free to trade anywhere they like and to live where they like—as I say, it is because it is notwithstanding the intentions of the Government to the contrary.<sup>1</sup> In every instance, Law 3 of 1885 has been, so far as the Indians are concerned, most strictly interpreted against us, and we have not been allowed advantage of any loop-holes that are left in it in our favour. For instance, British Indians are not debarred from owning landed property in “streets, wards, or locations that may be set apart” by the Government. The Government have resolutely declined to consider the words “streets and wards” and have simply clung to the word Locations; and these Locations, too, have been established miles away. We have pleaded hard saying that the Government have the power to give us the right to ownership of land in streets and wards, that they should make use of that power in our favour, but the plea has been in vain. Even land which is being used for religious purposes, the Government would not transfer in the names of the Trustees, as in Johannesburg, Heidelberg, Pretoria and Potchefstroom, although the Mosque premises are good in every respect from a sanitary standpoint. It is time, we therefore submit, that some relief was granted to us while new legislation is under consideration.

#### CLASS LEGISLATION

As to the new legislation to replace Law 3 of 1885, the dispatch drawn by Sir Arthur Lawley has caused us a very great deal of pain. It insists on legislation affecting British Indians or Asiatics, as such. It also insists on the principle of compulsory segregation, both of which are in conflict with the repeated assurances given to British Indians. Sir Arthur Lawley, I wish to say with the greatest deference, has allowed himself to be led astray by what he saw in Natal. Natal has been held up as an example of what the Transvaal would be, but the responsible politicians in Natal have always admitted that Indians have been the saving of the Colony. Sir James Hulett<sup>2</sup> stated before the Native Affairs Commission that the

<sup>1</sup> This should perhaps read: ‘I say it is not because of, it is notwithstanding, the intentions of the Government to the contrary.’

<sup>2</sup> Vide “Sir J.L. Hulett and Indian Traders”, 24-9-1903

Indian, even as a trader, was a desirable citizen, and formed abetter link between the white wholesale merchant and the Native. Sir Arthur Lawley had also stated that, even if promises were made to British Indians, they were made in ignorance of the facts as they now are and, therefore, it would be a greater duty to break them than to carry them out. With the greatest deference, I venture to submit that this is a wrong view to take of the promises. We are not dealing with promises that were made fifty years ago, though we undoubtedly rely upon the Proclamation of 1858 as our “Magna Charta”. That Proclamation has been re-affirmed more than once. Viceroy after Viceroy has stated emphatically that it was a promise [to be?] acted upon. At the conference of the Colonial Premiers, Mr. Chamberlain laid down the same doctrine and told the Premiers that no legislation affecting British Indians as such would be countenanced by Her late Majesty’s Government, that it would be putting an affront quite unnecessarily on millions of the loyal subjects of the Crown, and that, therefore, the legislation that was passed could only be of a general character. It was for that reason that the first Immigration Restriction Act of Australia was vetoed. It was for the same reason that the first Natal Franchise Act was vetoed, and it was for the same reason that the Colony of Natal, after submitting a draft Bill applicable to Asiatics as such, had to draft another measure. These are matters not of years gone by but of recent years. It cannot be said that there are today any new facts that have come to light to change all this. Indeed, even immediately before the war, declarations were made by ministers that one of the reasons [for the war] was to protect the rights of British Indians. Last, but not least, Your Excellency, too, gave expression to similar sentiments on the eve of the war. Though, therefore, the manner in which Sir Arthur Lawley has approached the question is, in our humble opinion, very unjust and inconsistent with the British traditions, we, in order to show that we wish to co-operate with the white Colonists, have submitted that, even though no such law existed before, there may now be an Immigration Act after the basis of the Cape or Natal, except that, as to the educational test, the great Indian languages should be recognised and that the already established British Indian merchants should have facilities afforded to them for importing temporarily men whom they may require in their businesses. That will at once do away with the fear of what has been termed an Asiatic invasion. We have also submitted that with reference to trade licences which have caused so much grumbling, the power should be given to the Local Boards or Town Councils to regulate the issue of any new licences subject to the control of the Supreme Court. All the existing licences should be taken out of the operation of any such statute, because they represent

vested interests. We feel that, if these two measures were passed and Law 3 of 1885 were repealed, some measure, and only some measure, of justice would be done to Indians. We submit that we ought to have perfect freedom of owning landed property and of living where we like under the general municipal regulations as to sanitation and appearance of buildings, and, during the time that the legislation is being formed, the Peace Preservation Ordinance should be regulated in accordance with the spirit of such regulation and liberal interpretation should be placed upon Law 3 of 1885. It seems to me to be foreign to the nature of the British Constitution as I have been taught from my childhood, and it is difficult for my countrymen to understand that, under the British flag which protects aliens, its own subjects should be debarred from holding a foot of landed property so long as good use is made of it. Under the conditions, therefore, submitted by the Association, it ought to be possible for the Government to free the Statute-book of the Colony from legislation that, necessarily, insults British Indians. I do not wish to touch on such questions as foot-path regulations when we have to consider the question of bread and butter and life and death. What we want is not political power; but we do wish to live side by side with other British subjects in peace and amity and with dignity and self-respect. We, therefore, feel that the moment His Majesty's Government decide to pass legislation differentiating between class and class, there would be an end to that freedom which we have learned to cherish as a priceless heritage of living under the British Crown.

#### THE STATEMENT<sup>1</sup>

There are, besides laws affecting Coloured people and, therefore, British Indians, the Peace Preservation Ordinance and Law 3 of 1885 as amended in 1886.

The Peace Preservation Ordinance, as its name implies, although framed to keep out of the Colony dangerous characters, is being used mainly to prevent British Indians from entering the Transvaal.

The working of the law has always been harsh and oppressive—and this in spite of the desire of the Chief Secretary for Permits that it should not be so. He has to receive instructions from the Colonial Office, so that the harsh working is due, not to the chief officer in charge of the Department, but to the system under which it is being worked.

(a) There are still hundreds of refugees waiting to come.

<sup>1</sup> This was published in the *Indian Opinion* of December 2, 1905, while the foregoing, the address by Gandhiji, appeared on December 9.

(b) Boys, with their parents or without, are required to take out permits.

(c) Men with old £ 3 registrations, coming into the country without permits, are, though refugees, being sent away and required to make formal application.

(d) Even wives of Transvaal residents are expected to take out permits if they are alone, and to pay £ 3 registration, whether with or without their husbands. (Correspondence is now going on between the Government and the British Indian Association on the point.)

(e) Children under 16, if it cannot be proved that their parents are dead, or are residents of the Transvaal, are being sent away, or are refused permits, in spite of the fact that they may be supported by their relatives who are their guardians, and who are residing in the Transvaal.

(f) No non-refugee British Indians are allowed to enter the Colony, no matter what their station may be in life. (The last prohibition causes serious inconvenience to the established merchants, who, by reason thereof, are prevented from drawing upon India for confidential managers or clerks.)

#### LAW 3 OF 1885

In spite of the declarations of Her late Majesty's ministers, and assurances of relief after the establishment of civil government, this law remains on the Statute-book and is being fully enforced, though many laws, which were considered to be in conflict with the British constitution, were repealed as soon as British authority was proclaimed in the Transvaal. Law 3 of 1885 is insulting to British Indians and was accepted totally under a misapprehension. It imposes the following restrictions on Indians.

(a) It prevents them from enjoying burgher rights.

(b) It prohibits ownership of fixed property, except in streets, wards, or Locations set apart for the residence of Indians.

(c) It contemplates compulsory segregation in Locations of British Indians for purposes of sanitation.

And (d) it imposes a levy of £ 3 on every Indian who may enter the Colony for purposes of trade or the like.

It is respectfully submitted, on behalf of the British Indian Association, that the Peace Preservation Ordinance should be so administered that

- (a) it should facilitate the entry of all refugees without delay;
- (b) children under 16 should be exempt from any restriction whatsoever, if they have their parents or supporters with them;
- (c) female relatives of British Indians should be entirely free from interference or restriction as to the rights of entry; and
- (d) a limited number of Indians though not refugees, should, on the application of resident traders who may satisfy the Permit Officer that they require the services of such men, be granted permits for residence during the period of their contract of service; and
- (e) Indians with educational attainments should be allowed to enter the Colony on application.

Both Law 3 of 1885 and the Peace Preservation Ordinance, and all other colour legislation affecting British Indians, should be repealed so soon as possible and they should be assured as to

- (a) their right to own landed property;
- (b) [their right] to live where they like, subject to the general sanitary laws of the Colony;
- (c) exemption from any special payment; and
- (d) generally, freedom from special legislation and enjoyment of *civil* rights and liberty in the same manner and to the same extent as the other Colonists.

Though the British Indian Association does not share the fear of the European inhabitants that an unrestricted immigration from India will swamp the latter, as an earnest of its intention to work in harmony with them and to conciliate them, it has all along submitted that

(a) the Peace Preservation Ordinance should be replaced by an immigration law of a general character, on the Cape or the Natal basis, provided that the educational test recognise the great Indian languages, and that power be given to the Government to grant residential permits to such men as may be required for the wants of Indians who may be themselves already established in businesses;

(b) a Dealers' Licences Law of a general character may be passed, applicable to all sections of the community, whereby the Town Councils or Local Boards could control the issue of new trade licences, subject to appeal to the Supreme Court to review the decisions of such councils or local boards. Under such a law, whilst the then existing licences would be fully protected, except when the premises licensed are not kept in a sanitary condition; all new

applicants would have to be approved of by the Town Councils or the Local Boards, so that the increase of licences would be largely dependent upon the bodies above named.

*Indian Opinion*, 2-12-1905 and 9-12-1905

## 21. RETRENCHMENT AND THE POLL-TAX

At a meeting of the Durban Town Council on Tuesday last, the Mayor reported having interviewed the heads of all the municipal departments employing Native and Indian labour, and discussed with them the reduction of all Native and Indian wages by an amount equal to 10 per cent. of the monthly wage. This has been approved by the Council and comes into force as from the 10th November.

It seems evident that neither the Council nor the heads of the departments have considered the additional misery that this measure will mean to those unfortunate men affected by it. Practically all the free Indians employed by the Corporation come from the indentured class, and these have to pay an annual tax of £ 3 for the privilege of being a “ free” British subject in a British Colony, and beyond this (a very large drain on a poor man) there is to be a further annual tax of £ 1. How these men are to bear this additional burden and pay their taxes, perhaps the authorities know. The least we can say is that this method of retrenchment reflects no credit on the humanity of the Council, and that the moment for putting it into force is singularly inopportune.

At the same meeting, the Council decided to raise the salary of the Borough Electrical Engineer’s assistant to £ 400 per annum. This method of retrenchment applies to the Colony as a whole. In this connection, we may quote our vigilant contemporary, *Trade and Transport*:

The *Gazette* has not yet stated that among the Civil Servants chosen by Government to help the Colony out of a financial slough by an acceptance of a reduction in pay, there was one who point-blank declined to do so, and that in consequence the Government, instead of insisting, yielded to this individual’s unwillingness to share with his fellows a common burden, and even went so far as to give him a substantial increase of salary instead, the excuse for such magnanimity being certain alleged conspicuous services rendered in connection with an undertaking quite beyond the sphere of duties properly belonging to the favoured one’s special department.

If the Durban Town Council had retrenched by adequately reducing first of all the high salaries of those heads of departments who have been willing to see the Natives and Indians reduced, the

paltry £ 3,000 per annum, saved by taxing their very poorest employees, could easily have been made up. At the worst, it would have been a hardship felt by but few, instead of, as now, by many. But it is the old story: For, whosoever hath, to him shall be given, and he shall have more abundance; but whosoever hath not, from him shall be taken away even that he hath.

*Indian Opinion*, 2-12-1905

## 22. SIR ARTHUR LAWLEY AS GOVERNOR OF MADRAS

We congratulate Sir Arthur Lawley on his appointment as Governor of Madras. It is a distinction well deserved by His Excellency. Sir Arthur is always kindly, courteous, and solicitous for the welfare of those whose interests are entrusted to him. His views about Indians are strange, and we have been often obliged to comment upon many inaccuracies<sup>1</sup> into which he has been led in considering this question, but we have always believed that these views have been honestly held. Moreover, wrongly though we consider it to be so, Sir Arthur has believed that, in upholding the anti-Indian policy, he would best serve the interests of the European inhabitants of the Transvaal. The mere fact, however, that Sir Arthur has been led to hold such views, owing to his extreme anxiety to serve the European interests in the Transvaal, may be his strength in Madras, for his kindness, his courtesy, his sympathy and his anxiety have now to be transferred to the millions of Indians over whose destiny he is to preside for the next five years. Sir Arthur Lawley is to fill the place vacated by Lord Amphill, who has endeared himself to the people of the Madras Presidency. We hope that Sir Arthur will continue the traditions he inherits.

*Indian Opinion*, 2-12-1905

## 23. INDIAN VOLUNTEERING

Our note on the subject of Indian volunteering,<sup>2</sup> we are glad to notice, has been warmly taken up by *The Natal Witness*, and some correspondence has appeared on the subject. We hope, now that the matter has been taken up by the Press, that it will not be allowed to die out without an expression of opinion from the Government as to its

<sup>1</sup> *Vide* "More About Sir Arthur Lawley's Dispatch", 24-9-1904 & Sir Arthur Lawley and the British Indians", 13-5-1905

<sup>2</sup> *Vide* "An Indian Volunteer Corps", 18-11-1905



policy. Law No. 25 of 1875 was specially passed to increase “the maximum strength of the Volunteer Force in the Colony by adding thereto a force of Indian Immigrants Volunteer Infantry”. Under the Law, the Governor is authorised “to accept, with the consent of the employer, the services of any Indian Immigrants who may be willing to be formed into a Volunteer Corps”. The limit of the strength of the force was, in *those* days confined to one thousand three hundred men. Any planter could raise such a corps, and, subject to the approval of the Governor, be appointed Captain of the same. A capitation grant of twenty shillings per man is made for every efficient volunteer and no volunteer

shall count as efficient who shall not attend a minimum of twelve days’ drill of four hours per diem, or twenty-four days’ drill of two hours per diem, or forty eight days’ drill of one hour per diem in each year, and no drill shall count which is not of an hour’s duration.

Provision is made also for compensation to any member of the Indian Immigrants Volunteer Force whilst engaged in actual military service, should he be wounded or otherwise seriously injured, and for pensions to the widows and children left in Natal of any such volunteer killed in action, or who shall die of wounds received while so engaged. Here, then, if the Government only wanted the Indian immigrant to take his share in the defence of the Colony, which he has before now shown himself to be quite willing to do, there is legal machinery ready made for it.

*Indian Opinion*, 2-12-1905

#### 24. INDIANS IN DURBAN CORPORATION SERVICE

We hear that the salary of the Indians serving in the Durban Corporation has been reduced by two shillings per month. This news, if true, is to be very much regretted. We do not understand why this is being done. We, moreover learn that the salaries of the whites remain what they are. We shall return to this subject after we have more definite information about it.

[From Gujarati]

*Indian Opinion*, 2-12-1905

## 25. MODERN CIVILIZATION

The Black Hole<sup>1</sup> of Calcutta is considered unique in history. But there occurred recently at Stanger<sup>2</sup> a tragedy which has outdone the earlier one of Calcutta. Last week 200 prisoners were kept in the Local Government Jail which has room for fifty only. The result was that the whole jail was stinking abominably and it was difficult to enter it. The prisoners were suffocating and most uncomfortable. Is this civilization?

[From Gujarati]

*Indian Opinion*, 2-12-1905

## 26. ATTACK ON YELLOW SKIN

A white colonist of New Zealand abhorred the Chinese so much that he shot one dead in broad daylight, and reported himself at the police station. He was arrested and prosecuted. The jury took him for a mad man and recommended that he should not be sentenced to death. But the man shouted protesting that he had not committed the murder in a fit of insanity. He believed the Chinese caused the white population much harm. He had therefore committed the murder to give the Chinese a warning. He was ready to hang for it.

[From Gujarati]

*Indian Opinion*, 2-12-1905

## 27. IMMIGRATION ACT OF NATAL

Mr. Harry Smith writes to say that our complaint regarding the hardships the passengers aboard s.s. *Somali* had to undergo is quite true. But instead of admitting his own fault, he holds the shipping company responsible for them and adds, that some passengers undergo hardships which are of their own making. We have already given in our English columns<sup>3</sup> last week a detailed reply to all this.

<sup>1</sup> An enclosed place, about 20 feet square, where, in 1756, by an order of Nawab Sirajud-daula, 146 persons were reportedly kept for a night, of whom 123 died. This "incident", is now considered to have been the fabrication of some official of the East India Company.

<sup>2</sup> A town 45 miles to the north-east of Durban

<sup>3</sup> Vide "Mr. Harry Smith and Indians", 25-11-1905

Mr. Smith cannot disclaim responsibility for sufferings arising from the application of the Immigration Act. It is the duty of Mr. Smith to see that no hardship is suffered by the passengers who are not allowed to land.

[From Gujarati]

*Indian Opinion*, 2-12-1905

## 28. THE HEROIC SONG OF BENGAL

Every Western nation has its national anthem. They sing it on important occasions. The British anthem, *God Save the King*, is well known. The Englishman is inspired with heroism when he sings it. Germany, too, has its famous anthem. *La Marseillaise* of France is of such a high order that the French go into ecstasies when it is sung. Having realized this, Bankim Chandra, the Bengali poet, thought of composing a song for the Bengali people. The song, *Bande Mataram*, composed by him has become very popular throughout Bengal. Mammoth meetings have been held in Bengal in connection with the *swadeshi* movement where millions of people gathered together and sang Bankim's song. The song, it is said, has proved so popular that it has come to be our national anthem. It is nobler in sentiment and sweeter than the songs of other nations. While other anthems contain sentiments that are derogatory to others, *Bande Mataram* is quite free from such faults. Its only aim is to arouse in us a sense of patriotism. It regards India as the mother and sings her praises. The poet attributes to Mother India all the good qualities one finds in one's own mother. Just as we worship our mother, so is this song a passionate prayer to India. The words used are mostly Sanskrit, but easy to understand. The language, though Bengali, is simple enough for everyone to understand. The song is of such a high order that we print it in the Gujarati script below<sup>1</sup>, and in the Devanagari script in the Hindi columns.

[From Gujarati]

*Indian Opinion*, 2-12-1905

<sup>1</sup> Not here

## 29. LORD SELBORNE AND BRITISH INDIANS

Elsewhere will be found a report of the interview<sup>1</sup> that a deputation, on behalf of the British Indian Association of the Transvaal, had with Lord Selborne, on Wednesday, the 29th ultimo.

The British Indian Association has done well in placing the position so fully before Lord Selborne. It could not but have struck His Excellency, as it strikes us, that the case put before him on behalf of British Indians in the Transvaal is extremely moderate and reasonable. In fact, His Excellency admitted the “extreme reasonableness” of the statement that any restrictions, to be effective, must be such as are, in the strictest sense only, necessary. Examined from that standpoint, two things stand out prominently in the statement submitted to His Excellency by the deputation. The Indians recognise the existence of prejudice against them in the Transvaal and also recognise that it is largely due to a fear (whether that be unreasonable or reasonable, it is not necessary to inquire into for present purposes) of unfair competition on the part of Indian traders and undue influx of Indians into the country, and they propose to meet both objections in a manner that cannot but commend itself to all who are not blinded to a sense of justice by overpowering prejudice. If legislation restricting immigration on general lines were passed, on the Cape or Natal basis, with a proviso in favour of Indian languages, as an education test, it should meet all reasonable requirements. With a spirit of self-sacrifice, not to be ordinarily expected, the British Indian Association has gone further, and has suggested that control over all new trade licences shall be given to the Local Boards or Town Councils, subject to revision by the Supreme Court of the Colony. Here, then, is what ought to be an acceptable olive-branch offered to the anti-Indian agitators in the Transvaal. They are the men who cry out against Indian licences, and they are the men who either elect municipal representatives or are themselves such representatives. The Indian trading community relies so much upon their sense of justice and fair play that it does not hesitate to intrust its future to them. More it cannot be expected to do; and if anything more is done, it in spite of such advances, class legislation be deliberately undertaken, the whole of the “extreme reasonableness” will have been in vain, and, as said by the deputation, there will be an end to that freedom which Indians had learned to cherish as the priceless heritage gained to them by living under the British flag. The working of the Peace

<sup>1</sup> Vide “Deputation to Lord Selborne”, 29-11-1905

Preservation Ordinance will come to many as a painful surprise. Though Lord Selborne held silence over the points that were brought to his notice, we cannot but think that His Excellency must have regarded some of them with strong disapproval. That children under sixteen years should be expected to carry permits with them, or that they should be deported, if their parents be not residents of the Transvaal, and that Indian females should be required to take out registration certificates, is a most discreditable thing. Regulations such as these savour very much of Russian methods, and for the fair name and fame of the Empire, of whose interests Lord Selborne is such a worthy custodian, we hope that he will, as he has promised, go into the matter thoroughly, and give Indians the satisfaction that right and justice demands.

*Indian Opinion*, 9-12-1905

### 30. EXTRACT FROM LETTER TO DADABHAI NAOROJI

[JOHANNESBURG,]

December 11, 1905

This week's *Indian Opinion* will give a full report of the deputation that has waited on behalf of the British Indian Association on Lord Selborne.<sup>2</sup>

The issues raised and discussed are, in my humble opinion, very important and the most important of all is the one regarding the doctrine of class legislation laid down by Sir Arthur Lawley and the opposition to it by the British Indian Association. Sir Arthur Lawley's suggestions are meant to conciliate the European prejudice and so is the proposal of the British Indian Association. If anything, the proposition of the latter meets the European view more completely than Sir Arthur Lawley's suggestion. It is difficult to understand why he has laid so much stress upon the differences between class and class, but if that doctrine is accepted, there will be no end to restrictions upon British Indians in South Africa. It is, therefore, a most important point. The reserve with which Lord Selborne dealt with matters urged by the British Indian Association shows that Mr. Lyttelton has not yet yielded to Sir Arthur's proposals.

India Office: Judicial and Public Records: 4289/1906

<sup>1</sup> This was quoted by Dadabhai Naoroji in his letter of January 1, 1906, to the Secretary of State for India.

<sup>2</sup> Vide "Deputation to Lord Selborne", 29-11-1905

### 31. THE IMMIGRATION ACT AT THE CAPE

We reproduce in another column a very important test case on the Immigration Act at the Cape. The British Indians at the Cape will have to be very careful as to how the Act is being worked. One Narotam Lalu, who has been a resident for nine years in Natal, was prevented from entering the Cape on the ground that he was not domiciled in South Africa. His claim to previous domicile was rejected, although he held a domicile certificate from Natal, because he did not have his wife and children with him, or in South Africa. The authorities at the Cape have instructed their officials that, unless applicants show that they possess immovable property in South Africa, or have their families in South Africa, their claims are to be rejected. Mr. Justice Maasdorp has given a fairly full judgment. He lays down that the requirement as to the presence of wife and children in South Africa, although it is a very great fact in support of domicile, is not absolutely essential. The learned judge has also laid down that a certificate of domicile from Natal is no proof of former domicile, because that is a question for a judge or some judicial authority to decide. The net effect of the judgment is that Indians who can prove long residence in South Africa and an intention of remaining in South Africa will be able to establish their claim to domicile. This is so far satisfactory, but they will not be able, as was very reasonably supposed, to enter the Cape without any trouble on production of a certificate of domicile from Natal. Now the law of the Cape recognises domicile in any part of South Africa, and in the interests of a just administration of the law it is very necessary that documents given by the Natal Government should be recognised at the Cape also, otherwise it would lead to endless complications and troubles. As counsel for the applicant stated, the law as to domicile is practically the same in Natal as at the Cape. There is, therefore, absolutely no reason why certificates of domicile granted in Natal, which, as everyone knows, are issued after very careful scrutiny, should not be accepted for the Colony of the Cape of Good Hope.

*Indian Opinion*, 16-12-1905

### 32. THE C. S. A. R. AND PASSENGER TRAFFIC

In the *Transvaal Government Gazette* for the 8th instant is published a Bye-law for regulating passenger traffic on the Central South African Rail ways. The Bye-law is a result of the investigation

carried out by Lord Selborne on the complaint of the Rand Pioneers<sup>1</sup>, as also the Coloured people's deputation that waited on His Excellency some months ago. The Bye-law is purely impersonal, and, on the face of it, seems to be perfectly inoffensive. It states that passengers are to

conform to any instructions given by the station-master, guard or other official authorities for the purposes, as to the compartment in which they shall travel or the seats they are to occupy, and no person shall remain in any compartment or seat if requested by such official to vacate the same. If the circumstances necessitate any passenger having to travel in a compartment of inferior class to that for which he holds a ticket, the difference in the fare shall be refunded by the Railway Department, on application to the Traffic Manager.

Refusal to comply with the Bye-law carried with it a penalty not exceeding 40s. or seven days' imprisonment. The Railway authorities have always possessed these powers, but the Bye-law emphasizes the fact. In its practical effect, it means that Coloured passengers may have to travel in an inferior compartment to that for which they may hold tickets. Whether it will be mischievous in its working or not will very largely depend upon those who will be authorised to regulate traffic, and a very great measure of tact will have to be exercised if inconvenience and rough treatment are to be avoided.

*Indian Opinion*, 16-12-1905

### 33. *THE LONDON INDIAN SOCIETY AND PROF. GOKHALE*

Within a short time of his arrival in England, the whole country has been resounding with the speeches of Prof. Gokhale. The London Indian Society gave a dinner<sup>2</sup> in honour of Prof. Gokhale and Dadabhai, the Grand Old Man of India. We give below the gist of Prof. Gokhale's speech delivered on the occasion, as it is very instructive and deserves careful study. The main point it emphasizes is the spread of education in India. We have already written on the subject in our English Section.<sup>3</sup> We hold that, even in South Africa, we shall not be happy without education. Education is the most potent means to happiness in the modern age. Prof. Gokhale has given 20 years of his life to the Fergusson College for a mere pittance, and is even now serving the country, without trying to amass wealth for

<sup>1</sup> Conservative Dutch settlers of the Transvaal

<sup>2</sup> On Saturday, November 11, 1905, with W. C. Bonnerji in the chair

<sup>3</sup> *Vide* "Compulsory Education in India", 7-10-1905

himself. Even the monthly income of Rs. 1,000<sup>1</sup> which he gets as a member of the Imperial Legislative Council, he does not use for himself, but for the country. In the course of his speech, he said:

Twenty years ago, when I left the University and began to take an interest in public questions, the National Congress was held for the first time and you (Mr. Bonnerji) were called upon to take the chair on that occasion. Since that time down to the present day you have been active in the service of the country; and even today, though unwell, you are attending this gathering. The country can never forget the great services rendered by you. I have no wish to make any lengthy speech this evening. What can I say on the Indian question in the presence of two such veteran leaders of our cause as Mr. Dadabhai Naoroji and Mr. Bonnerji? But I cannot help saying a few words to emphasize the lesson we can learn from the speech of Mr. Dadabhai. He has spoken with that over-mastering force of conviction which comes from a life-long and strenuous exertion on behalf of his countrymen. He is the one man in India who is entitled to speak in the terms in which he has addressed us. We of the younger generation have no right to speak as he has spoken.

You all know our present condition. I would say that it might deteriorate still further. We must rely mainly upon ourselves. If our aspirations are ever to be fulfilled, we must realize the solemn responsibility which such aspirations impose on us. It is no use merely analysing the difficulties of the situation, and then sitting still with folded hands. It is for the younger generation to plunge into the struggle. We need not be afraid though dark clouds threaten us. It is really when times are dark that good men and true are tested. There can be but one issue to this struggle, if only we are true to ourselves. We have to take a lesson from the events happening in Japan and Russia. I think the time has now come when a number of our young men should give up everything in life in order to serve their country. If all of us are absorbed in our own pursuits, and look after our own interest mostly, we have no right to find fault with others if the condition of the country does not improve. The prime necessity of the country today is education. By education I do not mean the mere rudiments of primary education, but a knowledge of our rights, and along with them of our responsibilities and our duties. It is not enough that such education is spread among a handful of us; it has to be spread amongst the crores of our people. How is this to be done? We cannot expect this education to be given to the masses by our rulers. For that we have ourselves to be ready and devote time to it. The number of young men coming forward should steadily increase. We shall have truly honoured Dadabhai if we learn this lesson from his life. It is no use simply praising his numerous virtues—his humility, his simplicity,

<sup>1</sup> Members of the Imperial Legislative Council at the time were paid Rs. 5,000 a year.



his earnestness, his sacrifice, his selflessness and his tireless hope—we should try to emulate them. It should be our aspiration to die for the sake of our country. If a sufficient number of young men come forward to dedicate their lives to the service of the country, no power on earth can keep us back. Only then will the dark clouds hovering over us be dispelled. Only then shall we succeed, India will march forward, our pettiness disappear, our glory shine throughout the world, and the destiny of which we are dreaming today be realized.

[From Gujarati]

*Indian Opinion*, 16-12-1905

### 34. TRANSVAAL PERMITS

Great changes are taking place in the procedure for issuing permits to Indians. Lord Selborne has ordered that the entire control of the Permit Office in Johannesburg be made over to the Colonial Office. This seems to have been largely due to the efforts of the deputation.<sup>1</sup> Improvement or deterioration in the condition of Indians will now depend on the manner in which the change is made. We believe it will improve, though we may have to suffer some hardship for the time being.

[From Gujarati]

*Indian Opinion*, 16-12-1905

### 35. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*December 21, 1905*

MY DEAR CHHAGANLAL,

I have your letter as also your telegram. If Hemchand is incapacitated or dismissed<sup>2</sup> you may use Gokuldas unless, according to my strong recommendation, he goes over to the Tamil desk, in which case I could send Kalyandas.

The excursion ticket is very cheap. I am trying to get your permit and you shall have it by the time you are ready. I am very glad you have finally decided to come over.

I have received from Mr. Hormusji Edulji<sup>3</sup> from Delagoa Bay a

<sup>1</sup> *Vide* “Deputation to Lord Selborne”, 29-11-1905

<sup>2</sup> *Vide* “Letter to Chhaganlal Gandhi”, 2-10-1905

<sup>3</sup> ‘Hormsby Idolgy’ in the original

draft for £3/7/6. He tells me that he would like to have a receipt from the Press directly. You may, therefore, send him a receipt for the amount, which covers his advertisement and subscription. He also tells me that he has not been receiving his Paper lately. Please see to this.

You say you have sent me a box of peaches. I may say that I have not yet received it.

Virji will be leaving at the end of the month. Please pay him his salary and pay him also his deck passage and something for food on board. I do not know what is the usual thing. You need not haggle about it but you may see him. Let him have all that on the last day of this month.

*Yours sincerely,*

M. K GANDHI

C. K. GANDHI, ESQ.

PHOENIX

From a photostat of the original: S. N. 4267

### *36. LETTER TO HIGH COMMISSIONER'S SECRETARY*

JOHANNESBURG,

*December 22, 1905*

SIR,

I have the honour to draw His Excellency's attention to two Draft Ordinances that appeared in the Orange River Colony *Government Gazette* dated the 15th instant, namely, Draft Ordinances "to amend the Laws relating to Passes" and "to regulate and control the procuring and engaging of coloured people to do work or labour within or beyond the borders of the Orange River Colony".

My Association does not wish to deal with the details of the two measures, but my Association ventures to draw His Excellency's attention to the fact that both of them apply to British Indians also as being included in the definition of the term "Coloured people". In practice, none of the Ordinances would apply to British Indians. My Association, therefore, considers that the insult that is implied in the definition is totally unwarranted.

My Association will, therefore, feel deeply grateful if His Excellency could intervene on behalf of British Indians and free the Ordinance from the objectionable definition, which, while it does no

good to the Colony, is highly offensive to British Indians.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 30-12-1905

### 37. THE HARVEST

The harvest is indeed rich, but the labourers are few. There are many things that await workers, and every one of these things is most essential to be done. If, however, we had a choice to make amongst the many things as to what should receive precedence, education among Indians would be the first.

We are now in the midst of the Christmas holidays. The year will soon be closed upon us. To many British Indians who read these words it is, or it ought to be, a season of deep spiritual awakening, for, to Christians, the Christmas season is a season of holiness. We are, therefore, anxious to touch the most responsive chords in the hearts of the Indian youths who are born and bred in South Africa, and to whom South Africa is their home. Those that have received any education owe it to their parents, many of whom were, perhaps, without any knowledge of letters. What should the latter do in their turn for those of their countrymen who are in need of education and culture, and all that is implied in these two words? We have already remarked upon the fact that the education of Indian youths is very much neglected.<sup>1</sup> What little is being done is being done by missionary enterprise, partially supported by the Governments in South Africa. There is not a single school of importance, on which we can lay our hands, which is carried on entirely by Indian enterprise. This is one of those departments in which, while we have always a right to look to the Government to give the lead, it is possible to help ourselves. Nor is it a matter merely of money. The first thing needful is a sufficient number of self-sacrificing young men who would devote themselves to educational work as a labour of love. That seems to us to be an indispensable condition. The Roman Catholics produced the best teachers in the European world because the teachers accept and expect no payment. Burmese children receive,

<sup>1</sup> *Vide* "Compulsory Education in India", 7-10-1905

according to Burmese notions, a full education, because the teachers are volunteers. The same rule was followed in ancient India, and even today the village schoolmaster is a poor man. The Fergusson College, of which Professors Gokhale and Paranjape are such brilliant stars,<sup>1</sup> is an instance of a revival of the same after the modern style. Nothing short of an introduction of that type in South Africa would ever solve the whole Indian question. The duty, therefore, before the young Indians in South Africa is simple and clear. The work before them is not a work of a day or few months, but it is a work of years; nor is it a work which can be done without strenuous labour. They have not only to be content with poverty, but they have to train themselves for the vocation. There is no royal road to the goal, but no one need on this account be disheartened. Even if one young man took it into his head to devote his lifetime to the uplifting of Indian children, he could do it. Though co-operation and riches will always be of very great assistance, teaching is a department of work in which one teacher alone can be a host in himself. None need, therefore, wait for others to take up the work. And there is no calling so sacred. As a Sanskrit verse says:

Kingship and learning are never equal:

A King is worshipped in his own kingdom,

But a learned man throughout the world.

Again:

Riches are spent by use; but learning is increased by it.

While we are making this appeal to the Indian youths, we would draw their attention to the glowing words addressed by Professor Gokhale to the London Indian Society on the occasion of the reception given to Mr. Dadabhai Naoroji and himself. After placing vividly before his hearers the noble example of the Grand old Man of India, he says:

Let us not forget that great events are happening around us and if we want to play our part in the world's history, we must show ourselves worthy of playing that part. I think the time has come now when a number of our young men should give up everything in life for the sake of serving their country. The magnitude of the task before us imperatively demands this. If all of us are absorbed in our own pursuits and look mainly after our own individual interests and leave the country to look after herself, we have no right to complain if things do not move faster than they do. Unless education is spread

<sup>1</sup> Both, as members of the Servants of India Society, worked on a meagre subsistence allowance. The members of this Society, founded by Gokhale, dedicated their lives to various forms of social service.

largely in our country—by education, I do not mean the mere rudiments of primary education but a knowledge of our rights, of what is due to us, of the responsibility which goes with such rights—unless this education is spread largely among the masses of the people, our hopes are likely to remain mere hopes for an indefinite period. Therefore, the only solution of the difficulty is that we should understand the necessity—the supreme necessity—of such education, and those of us who are qualified to spread it must recognise our duty and go forward and undertake the task. I think at the present day no work can be more truly patriotic than this. This is the responsibility which the words of our great and venerable leader impose upon us, and I venture to think that the country has a right now to expect that a certain proportion—small [as] it may be at the beginning but steadily increasing—of our young men will respond whole-heartedly to this call of duty. If this is realised, however dark the outlook at times may be, success must ultimately crown our efforts, for our numbers are so large that no power on earth can stay our forward march if only we do not ourselves falter.

There is nothing in these words of Professor Gokhale's, who, be it remembered, has tested in his own life for twenty years the truth he has inculcated, that does not apply to us in South Africa. Will anyone rise to the occasion? The harvest to be reaped is rich and plentiful.

*Indian Opinion*, 23-12-1905

### 38. *THE N. G. R. AND INDIANS*

We have received a complaint, signed by three Indians, which we reproduce in the Gujarati columns, regarding unnecessary inconvenience to which Indian passengers, it is evident, are put at some stations on the Natal Government Railways. Our correspondents say:

We hope you will bring to the notice of the authorities our complaint as to our grievances. On the 13th December, our friend, Mr. Valli Arif, was leaving by the four o'clock mail train. We intended to go to the platform at the Central Station to see him off, but the constable at the platform, in a rough manner, prevented us from going. On our asking him to explain why we were being prevented, he abruptly said he would not let us go.

Our correspondents continue in the same strain. We are free to admit that there may be occasions when it may not be possible to admit an unlimited number of friends to see passengers off, but we are sure the Railway management would agree with us when we say that the public are entitled to a considerate reply and explanation, whenever occasion arises to prevent them from going on to the platform. We trust that the authorities will inquire into the matter, and

prevent a repetition of the treatment complained of by our correspondents.

*Indian Opinion*, 23-12-1905

### 39. INDIAN TRADERS AT THE CAPE

Last week our Cape Correspondent dealt with the question of Indian traders. We need hardly inform our readers that special correspondents do not necessarily represent the views or the polity of this journal. As a rule, we make it a point to give all sides of the question. There would have been no occasion for emphasizing this fact, had it not been that our Cape Correspondent has dealt with the question of Indian traders at length. We hold that the petty Indian traders have been of benefit to the Colony, and we share the view recently expressed by Sir James Hulett, and some years ago by Sir Walter Wragg, the late Sir Henry Binns and others, that they consider the petty Indian trader is a much better man than his fellow-trader of the same class, and that he supplies a much-felt want. Any restriction, therefore, on his liberty would be a very serious injustice to him, and it should be the duty of the Indians at the Cape to fight strenuously against any attempt that may be made in that direction.

*Indian Opinion*, 23-12-1905

### 40. AGREEMENT BETWEEN HINDUS AND MUSLIMS

We publish elsewhere<sup>1</sup> a letter addressed to us by Mr. Haji Habib on the subject. If what he writes about the Karachi Traders' Association is true,<sup>2</sup> we are sorry about it. We, also, hold that the Hindus, being the majority community, should act with greater humility. We also agree with Mr. Haji Habib, when he says that the rights demanded by the Indian National Congress would have been gained long ago if there had been unity among the Hindus and the Muslims.

There is no doubt that the leaders of both the communities should meet together and come to some kind of agreement on such matters. We see signs which indicate that such an agreement will shortly follow.

We must, however, reiterate what we have said before, viz.,

<sup>1</sup> In the issue of 30-12-1905

<sup>2</sup> Haji Habib had complained of Hindu traders raising compulsory contributions from Muslim merchants for the Cow Protection Fund.

whatever be the point of dispute between the two communities, no third party should be brought in to settle it. It is easier to put up with a quarrel between two brothers; but it is intolerable that an outsider should step in and deprive both of what they have. Everyone of us should feel that way. As Mr. Rasool<sup>1</sup> has pointed out, a third party intervening in a quarrel is not likely to do either any good.

[From Gujarati]

*Indian Opinion*, 23-12-1905

#### 41. WONDERFUL IS THE WAY OF GOD<sup>2</sup>

##### AN INTERESTING STORY

A variety of pamphlets and booklets are published throughout Europe about Christmas time in which many noteworthy facts often appear. The well-known Mr. Stead has published a pamphlet in England, in which he has a life sketch of Count Tolstoy. We have already introduced Count Tolstoy to our readers in these columns.<sup>3</sup> Though a millionaire, he lives an extremely austere life. There are very few men as learned as he in the world. He has written books to show how man's life can be reformed; and, with the same object in view, has written some short stories also. We give below the translation of one of these, having the above title and considered one of his best. We invite our readers to give us their opinion about it. If they find it interesting and benefit from it, we shall publish more such stories from Tolstoy. It is said that the main incidents in the story actually occurred.

[Here follows the Gujarati translation of an English version of the story.]

[From Gujarati]

*Indian Opinion*, 23-12-1905

<sup>1</sup> A. Rasool, presiding over a mass meeting of Muslims, as reported by *The Mahratta of Poona*, had appealed to the Hindus and Muslims of Bengal to unite on all questions including the partition of Bengal and the *swadeshi* movement.

<sup>2</sup> In the Tolstoy Centenary edition of his works published by the Oxford University Press, this story has the title "God Sees the Truth, but Waits".

<sup>3</sup> Vide "Count Tolstoy", 2-9-1905

## 42. A RETROSPECT

Each year at this period it has been our practice to take stock of the position of Indian affairs in South Africa, which justifies the existence of this journal, and to better which is its main purpose.

We wish it was in our power to present to our readers a cheering balance-sheet, but such cannot be, in the nature of the circumstances. It is for the Indian to toil, suffer and wait, and we cannot report that he has been able, during the past year, to throw off any of his burdens. Whether we look at Natal, the Transvaal, the Cape, or the Orange River Colony, it is not possible to recall anything that may be considered in the light of an achievement. The record we have to present is a record of prevention of further losses. The strength of the community has been spent in repelling encroachments.

In Natal, as if Indians had not had enough of trouble from man, Nature herself has proved unkind. The disastrous flood claimed the largest number of victims from the Indian community. The total number of deaths due to that calamity will, perhaps, never be known. It, however, showed what Indians were capable of doing. Practically the whole of the relief work was undertaken, and efficiently performed, by the leaders of the community.

In civil matters—political liberty the Indian in Natal has not as of old, the Dealers' Licences Act continues to be the greatest source of trouble. The two cases of Messrs Hoondamal<sup>1</sup> and Dada Osman<sup>2</sup> stand out prominently in this connection. They show most clearly the precarious position that every Indian merchant holds in Natal.

The Municipal Laws Consolidation Bill deprives the Indian of the municipal franchise. The Poll-tax measure, though applicable to all, is calculated most seriously to affect the Indian. The Immigration Restriction Act is being very rigorously enforced, and, as our columns have borne witness lately, the lot of an Indian passenger coming by the steamers from India is by no means enviable.

At the Cape, the Government has been strengthening its grip upon Indians by putting a wrong interpretation upon the restrictive clauses of the Immigration Act. The term "domicile" has been interpreted so as to exclude even Indian traders of old standing. Happily, the Supreme Court has come to the rescue, and has made it possible for such men to re-enter the Colony or to remain there.

<sup>1</sup> *Vide* "Hoondamal's Licence", 15-10-1904; 26-11-1904 & "The Hoondamal Licence Again", 17-12-1904

<sup>2</sup> *Vide* "Dada Osman's Case", 14-9-1898



In the Transvaal, where the chief struggle is going on, the position is as indecisive as it was last year. Lord Selborne has not been able to give the Indian deputation that waited on him any definite answer, though he has promised to redress the grievances regarding the operation of the Peace Preservation Ordinance.

As for the Orange River Colony, Lord Selborne's reply, given some months ago to a representation from the British Indian Association,<sup>1</sup> shows that that Colony is not yet to open its gates to Indians, no matter who they may be.

In its communal life, however, the Indian population has shown distinct signs of progress. There is an anxiety to work in greater harmony; an anxiety to give the Indian youth a better education. In the person of Mr. Bernard Gabriel, we have the first Colonial-born Indian to have received a liberal education, and to have returned a barrister from England. The community has a right to expect him to give a good account of himself.

The visit of Professor Parmanand and the welcome given to him are an indication of the desire of the community to have in its midst more Indians of culture and education. It is to be hoped that, in the near future, this will be translated into action, and that there will be a concentrated effort to supply from within the educational needs of the community.

The retrospect is gloomy enough, and yet it is not without relieving features. Attempts to degrade the community by establishing the principle of compulsory segregation, although often renewed, have hitherto failed. There has been, on the part of the Press, greater willingness to ventilate Indian grievances. The question of Indian volunteering, first started by us, has been favourably received by it.

The revelations regarding the condition of indentured Indians, before the Prisons Commission in Natal, have received some publicity from the Natal Press, and though these are incidents which, by themselves, signify very little, they unmistakably point to the fact that the community has to proceed along the lines laid down by it when the struggle first commenced, namely, to continue it with reasonableness, as acknowledged by Lord Selborne, with patience, and

<sup>1</sup> *Vide* "Address to Lord Selborne", 14-10-1905 and "Potchefstroom Indians' Statement", 14-10-1905

yet with persistence.

*Indian Opinion*, 30-12-1905

#### 43. THE ORANGE RIVER COLONY

We wish to call the attention of the responsible authorities to certain draft Ordinances that are published in the Orange River Colony *Government Gazette* for the 15th December, 1905, and to certain Town Regulations. The first Ordinance is entitled “to amend the Laws relating to Passes”, and it requires every male Coloured person to hold a pass for a certain period, renewable from time to time. Another Ordinance is “to regulate and control the procuring and engaging of coloured people to do work or labour within or beyond the borders of the Orange River Colony”. The method, according to which the framers of the Ordinance would “procure” Coloured labour, is by licensing labour agents, who may employ “runners or messengers to procure, ply, or seek for coloured labourers”. The messengers are to hold 5/- permits. There are sections governing the issue of licences to such labour agents, and the usual safeguard against abuse of such licences or misrepresentations by labour agents. It has, we suppose, become a recognised thing in South Africa for such labour agents to be appointed for “inducing Kaffirs to work”. Some call such a system a gentle coaxing; others call it a modified form of forced labour. We cannot question the policy that has been sanctioned for a long time, and its criticism does not lie within our domain. Unfortunately, the term “Coloured person” is, in the Orange River Colony, interpreted invariably to mean “all coloured persons, who, in accordance with laws or customs, are called Coloured persons, or are treated as such, of whatsoever race or nationality they may be”. It, therefore, includes Asiatics, Malays and others. Both the above-mentioned Ordinances on that account are open to very serious objections, and we cannot understand why the studied insult implied should be irritatingly kept up. Lord Selborne, in his reply to the British Indian Association, has admitted that there are very few Asiatics in the Orange River Colony. Why, then, should the offensive definition be maintained? If it is, in practice, inoperative, the only reason for its existence can be for the wanton pleasure of the inhabitants of the Orange River Colony, who wish to triumph over this implied degradation of the Asiatic races. It is these gentlemen who were pleased, in the Republican days, to describe Indians as those who considered their women as soulless, and as being a people known for the loathsome diseases from which they suffered. Must the authorities

continue to feed the flame of such unreasoning, ignorant prejudice? We have referred to Town Regulations, and we find the old story repeated for the Municipalities of Dewetsdorp and Brandford—both of them townships bearing glorious names. These Regulations are of the same type as those which we have reproduced often in these columns. They are framed to control the movement of Coloured people, even the possession by them of cattle, horses, mules, sheep or goats! No Coloured man “may run on the Town Commonage more than four cattle, horses, or mules, and eight sheep or goats, for which he shall pay monthly 1/- per head for large stock, and three pence per head for sheep or goats”. No Coloured inhabitant of the Location may have a stranger coming to him without notice being given to the Town Clerk, nor may an entertainment or a gathering be held without such permission. He may not walk even within the Location after eleven o’clock at night, “except for urgent reasons”. We have said enough to revive our readers’ recollections of similar by-laws for other townships. Are these by-laws, we ask once more, necessary for the protection of the predominant race, so far as British Indians are concerned ?

*Indian Opinion*, 30-12-1905

#### 44. *DISUNITY AND RIOTS IN THE HEIDELBERG COMMUNITY*

The Muslim community in Heidelberg has for some time past been divided over the question of the local mosque, and this has led to the formation of two factions. Though the dispute was taken to a law court, where it was decided, unity in the community has not been restored.

This is a matter for great sorrow. That a quarrel regarding a mosque should be taken to a court of law is, we believe, in itself a thing to be ashamed of. But it is worse when the dispute continues even after it has been to the court. We are not going to adjudge who is at fault. We would only say to both the parties that such a quarrel is a stain on the whole community. We in this country are closely watched by all. It would be, we believe, a disservice to ourselves if we expose our faults in public under such circumstances. We still hope the members of both the parties will take thought and end the dispute. We give below a translation of a Special Correspondent’s report published in the *Transvaal Leader* of the 23rd instant, which will show how serious the matter is:

Our Heidelberg Correspondent has sent us a telegram regarding the serious developments among the Arabs<sup>1</sup> there. Fortunately, the damage is not so great as was apprehended, though the dispute was serious. The peace of a quiet town like Heidelberg was disturbed at noon as a result of the misbehaviour of the Arabs. The quarrel started at a meeting of the trustees of the mosque held in the court building. At last, it became so serious that the police had to be called in to prevent bloodshed. The news having spread through the town, many onlookers collected in the Market Square to see the murderous rioting. Mr. Coutsey and Mr. Gisso tried hard to quieten the parties, but those responsible for the breach of the peace would not be mollified. For a time, the situation appeared very serious. Sticks and brickbats were freely used. The meeting became a pandemonium. From words, they came to blows. It is impossible to imagine what would have happened, had not the police arrived in time. An Arab's head was broken. The police thereupon cleared the room of all the men. Before the might of the police the excited Arabs scattered like straw before the wind. For a time it appeared that the police intervention had put an end to the strife. But on coming out, the Arabs started rioting again; and all efforts to quench the conflagration were in vain. One can only guess how the rioting started. But the matter must have been serious, for our Correspondent says that the conflagration has not yet subsided. The police still remain posted near the Town Hall. There is thus no cause for fear. The quarrel is confined to the Arabs only and the white population need not be alarmed. Both the parties say, however, that they will fight it out in the open. All was quiet last night, but the quarrel has not subsided and the danger of further disturbances persists. Who will not feel ashamed to read this? We have to hang our head from shame even while translating this. We hope the Heidelberg people will realize their folly, feel ashamed of themselves and return to normal.

[From Gujarati]

*Indian Opinion*, 30-12-1905

<sup>1</sup> Indian Muslim traders

#### 45. EDUCATION AMONG THE KAFFIRS

A journal, named *Invo*, is published in the Cape Colony for the benefit of the Kaffirs. Mr. Tengo Jababun, a Kaffir, who is its proprietor, seems to be striving for the advancement of his community. In the context of the discussion that is at present going on about the spread of education among the Kaffirs, Mr. Tengo Jababun is actively working for the founding of a huge college for Natives in South Africa. The object of his tour is twofold: firstly, to collect a big fund for the college, and secondly, to obtain signatures on a petition emphasizing the need for such a college and requesting the Government for assistance.

Mr. Tengo Jababun interviewed the Editor of the *Transvaal Leader* who has published his statement in full. Mr. Tengo hopes to raise £ 50,000 from among the Kaffirs and to get 2,00,000 signatures from them for his petition.

Mr. Tengo hopes to acquire the present Government school for Kaffirs and the adjoining site at Lovedale and there build a big institution for imparting higher education to the Kaffirs.

Out of the 836 Kaffirs from Lovedale who passed the Cape University examinations during 1886-1900, 13 boys passed the Matriculation Examination. In all, 768 Kaffir teachers have been trained by the Lovedale Institute. During this period, the Kaffirs in Lovedale paid £ 63,734 towards fees and other expenses.

[From Gujarati]

*Indian Opinion*, 30-12-1905

#### 46. AWAKENING IN CHINA

It appears that Japan's victory has led to a greater stir in China than one might suppose. The people there have begun to think of re-organizing their army on a sound basis. Seven students belonging to the Royal family have recently gone to London for training in armament factories. A few others have proceeded to Germany to be trained in the manufacture of Krupp guns.

[From Gujarati]

*Indian Opinion*, 30-12-1905

47. LETTER TO HIGH COMMISSIONER'S SECRETARY

JOHANNESBURG,  
*January 3 1906*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE HIGH COMMISSIONER FOR SOUTH AFRICA  
JOHANNESBURG

SIR,

I have the honour to acknowledge receipt of your letter of the 20th ultimo with reference to certain Draft Ordinances published in a recent issue of the *Government Gazette* for the Orange River Colony.

I venture to invite His Excellency's attention to the fact that it is not stated in my letter of the 22nd ultimo that the Ordinances referred to do not apply to British Indians. The contention of my Association is that the Ordinances in question do apply to British Indians in theory but they do not in practice, and it is for that very reason, that the definitions [are] taken from the old law that my Association submits it is an unnecessary insult to the Indian community to retain the definitions. A continuous inclusion of British Indians in the term "coloured persons", as it is understood in the Orange River Colony and other parts of South Africa, has resulted in very serious injustice being done to them. My Association, therefore, humbly ventures to think that in all new legislation at any rate the definition should be amended so as to avoid the offence which the community, represented by my Association, feels so keenly. Moreover, I would venture to invite His Excellency's attention to the fact that there is already on the Statute-book of the Orange River Colony special legislation affecting Asiatics and, therefore, British Indians.

*I have the honour to remain,*

*Sir,*

*Yours obedient servant,*

ABDUL GANI  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*Indian Opinion, 29-1-1906*

#### 48. LETTER TO M. H. NAZAR

[JOHANNESBURG,]  
January 5, 1906

DEAR MR. NAZAR,

I have been discussing with Chhaganlal the question of Tamil and Hindi editing. I see that Pillay must go. There is nobody to replace him. The more I think, the more I feel that we ought for the present to do away both with Tamil and Hindi. We do not give the right stuff. We are not in a position to do so. I know there are drawbacks, but I do feel that we have to put up with these drawbacks because the advantages to be gained by dropping Tamil and Hindi are many. So long as we make a definite statement that it is our intention, as soon as we have a proper staff, to resume Tamil and Hindi, I do not think we need be afraid. I am doing all I can to prepare for the Tamil work myself. Maganlal and Gokuldas will also do likewise, but until then I think that it is very necessary to drop both. Tamil will have to be dropped in any case; Hindi may therefore go with it. I shall thank you to let me have your opinion as soon as possible.

*Yours sincerely,*

M. H. NAZAR, ESQ.  
P. O. BOX 182  
DURBAN

From a photostat of the office copy: S.N. 4295

#### 49. THE OUTLOOK

We gave, last week, a retrospect of the Indian position in South Africa<sup>1</sup> during the year that has just closed. We propose this week to dive into the future, and to ascertain whether there is any possibility of a better hope. We are inclined to think there is. First, because the Indian cause is just, and every just cause is its own strength. It can, therefore, only be spoiled by the Indians themselves giving way to despair and consequently lethargy. Secondly, although Lord Selborne has not given any definite clue to his policy regarding Indians, his desire to serve conscientiously all the subjects of the King-Emperor gives very good ground for the hope that when actual legislation in the Transvaal is passed, he will have given it a shape that will at least remove the present intolerable uncertainty, and do away with the

<sup>1</sup> *Vide* "A Retrospect", 30-12-1905

wanton degradation that the present Asiatic laws in the Transvaal imply. If such a position be secured in the Transvaal, seeing that it gives the lead to the other colonies in South Africa, it may not be unreasonable to suppose that, to a certain extent, the condition of Indians will improve in the other parts of South Africa also. But, above all we have a right to expect a change for the better from the new Government at Home. Mr. John Morley<sup>1</sup> is the custodian of the interests of the millions of the inhabitants of India. There is every reason to think that the Government will outlive the impending general election, and will have a good working majority in the House of Commons. Mr. John Morley has not hitherto worked half-heartedly in anything he has taken up. His sympathies for the weaker party are well known. A moderate appeal to him, therefore, on behalf of Indians in South Africa cannot fail to obtain a good hearing. No matter how sacred may be the independence of self-governing colonies, he is not without remedy against oppression by the stronger over the weaker party. There is, too, ground for the hope that Lord Elgin<sup>2</sup> will not give away the position of British Indians. But most important of all must always remain the efforts of the Indian community from within. We have pointed to extraneous circumstances to show that the position of British Indians in South Africa is not entirely cheerless, but self-help alone can be the primary cause for any amelioration in that position. No Colonial Secretary, no Indian Secretary, no High Commissioner, however sympathetically inclined or desirous he may be to help, can do any substantial good, unless they have the hearty co-operation of the Indians themselves. They must show utility<sup>3</sup> of purpose, co-operation and strenuousness in fighting their own battles. Our Gujarati columns have shown that the people all over South Africa are desirous of attaining to a larger measure of these attributes. We have received ample encouragement for greater effort from what is at present going on in Bengal.<sup>4</sup> The Indians in that Presidency are, under circumstances the most adverse, exhibiting an unprecedented spirit of co-operation, self-sacrifice and patience. Professor Gokhale and Lala Lajpat Rai have shown, during their campaign in England, what even two earnest workers can do for

<sup>1</sup> (1838-1923), Secretary of State for India, 1905-10

<sup>2</sup> Secretary of State for the Colonies, 1905-08

<sup>3</sup> The word should perhaps be "unity".

<sup>4</sup> The reference is to the movement against Partition.



a cause. How can Indians in South Africa, then, do otherwise than march boldly with the progressive current which is today impelling the Indian nation onward to its goal?

*Indian Opinion*, 6-1-1906

## 50. THE STATUS OF BRITISH INDIANS

As anticipated by us, the Indian National Congress did its duty towards Indians in South Africa, by passing a resolution, at its recent sitting at Banaras on the subject of the treatment of British Indians in this sub-continent, praying, as a means of extorting relief, for the suspension of the supply of indentured labour to Natal, until the "most Colony sees its way to redress[ing] the existing intolerable disabilities and recognises Indians as equally [sic] members of the Empire. We heartily congratulate Congress on thus once again publicly drawing attention to the subject, and supporting Lord Curzon's policy in this matter as declared by him in his last Budget speech at Simla.

Those who have kept themselves informed of affairs in India will have noticed that, specially since 1897, the entire Indian population, Anglo-Indian as well as Indian and the whole Indian Press, English and vernacular, have voiced persistently the sentiments to which the Congress resolution gives expression. Unfortunately, the system of government in India is such as to give very few opportunities for the responsible officers to publicly announce their opinions on public matters, however serious they may be; and the natural result is that it is very difficult to know them. It is for this reason, chiefly, that we find members of both Houses in England putting questions to the Secretary of State for India, and thus obtaining glimpses of what may be in the mind of the Government of India; and Indians in South Africa owe no little gratitude to such champions of their cause as the East India Association, Sir M. M. Bhownaggee, Sir Wm. Wedderburn and Sir Chas. Dilke, whose constant correspondence and timely questions have occasionally succeeded in eliciting something of the opinion of the Indian Government in the matter of the position of British Indians in the Colonies. Our readers cannot have forgotten the several meetings of the East India Association, held specially to discuss this subject, when speakers disclosed what had passed between them and the Secretaries for India and the Colonies, individually; but proper light was only thrown on the ideas of the Government of India in this matter when an influential deputation

waited on Lord George Hamilton<sup>1</sup>, and His Lordship gave a frank reply. Since then, vigorous efforts have continued to be made, with the result that Lord Curzon deemed it politic to take the Indian public into his confidence, and seized the last Budget speech as an opportunity for breaking the seal of secrecy (which, for reasons best known to itself, the Natal Government still very zealously guards) by publicly declaring the attitude and policy of his Government in the matter, and thus satisfying the millions under his care that he and his advisers were fully alive to the seriousness of the situation, and that they would leave no stone unturned to secure justice for the tens of thousands of His Imperial Majesty's "loyal and beloved" subjects, who have emigrated to the Colonies with the view of bettering their material condition within the Empire.

Lord Curzon then said in the course of a weighty pronouncement:

We have informed the Natal Government that we reserve to ourselves the fullest liberty to take at any time such measures in regard to emigration to that Colony as we may think necessary in order to secure proper treatment for our Indian settlers; and we have recently again declined to take any step towards facilitating the emigration of labourers under indenture until the Natal authorities substantially modify their attitude.

But there is one point about this matter—and that the chief one—which has not been sufficiently emphasised. It would seem that the treatment of British Indians in South Africa has not been raised above the arena of mere bargaining, and the rights of Indians as British subjects, apart from the special services in the terms of their indenture, appear to be ignored so far as possible by the Natal Government, and not adequately insisted on by the Government of India. Lord Curzon recognised that the need of indentured labour "might prove a powerful lever in our hands in securing better treatment for Indians generally in South Africa"; but, as we have said, this would be *extorting* relief and not securing it on high Imperial grounds. It would seem that were the supply of indentured labour to be stopped, the Government of India would feel itself powerless to protect its own subjects in South Africa. The position of British Indians would be a truly sorry one if that were so. But such a thing would be too anomalous under the British flag. We have now in Mr. John Morley, the new Secretary for India, a sympathetic, honest and most capable man, and in Lord Elgin, the Colonial Secretary, a statesman of broad views and large experience, who has himself been Viceroy of India. When it is remembered that Lord Minto, the present Viceroy, was

<sup>1</sup> Secretary of State for India, 1895-1903

Governor-General of Canada, it may reasonably be hoped that the question of the status of British Indians will be definitely and satisfactorily settled in the near future.

*Indian Opinion*, 6-1-1906

### 51. INDIANS IN THE O. R. C.

Lord Selborne has sent the British Indian Association a prompt and courteous reply to its representation<sup>1</sup>, protesting against the definition of the term “coloured person” in certain draft ordinances recently published in the O. R. C. *Government Gazette*. We venture to think that Lord Selborne has misread the representation of the Association, which has not stated that “none of the ordinances referred to would apply to British Indians”. It has said that, “in practice”, they will not apply. The two statements are quite different. His Excellency has, moreover, justified the definition of “coloured person” on the ground that it is a legacy from the old Government. But British Indians object to the definition for that very reason. Their position is this. The ordinances will not in practice apply to them. The Boer Government insulted the Indians by classing them with the Kaffirs. Now there is no occasion to perpetuate a needless insult. The argument seems to be unanswerable. It is a pity that His Excellency, in spite of his wish not to offend, has not seen his way to grant the very reasonable request of the Association.

*Indian Opinion*, 6-1-1906

### 52. LETTER TO MOHANLAL KHANDERIA

*Sunday, January 14, 1906*

BHAISHRI MOHANLAL,

I got your letter and the notice served on you. You have sent the notice by Mr. Glelanberg. In the letter you refer to a summons, but you have not sent a copy. I don't know what I can say from here. Of course you will have to put up a defence there. I think you must win in this case. I could have been more definite if you had sent the summons. If your translation of the Gujarati into English is correct, the gentleman will be able to do nothing to you. If the case is not likely to come up on the 16th, it will be better for you to come over here with the papers. I too have heard that some Muslims have been trying to create difficulties, but you need not be anxious because of that. It is necessary to have patience. If you, on your part, show no

<sup>1</sup> Vide “Letter to High Commissioner's Secretary”, 22-12-1905

anger, everything will subside by and by. I got your letter only today, that is, Sunday.

*With regards from*  
M. K. GANDHI

From a photostat of the Gujarati: G.N. 6207

### *53. LETTER TO MOHANLAL KHANDERIA*

21-24 COURT CHAMBERS,  
JOHANNESBURG,  
*January 16, 1906*

BHAISHRI MOHANLAL,

I got the summons. Judging from it, I believe no harm can come to you. I don't think it will be proper to involve me in this matter; I will come, though, if you have any fears. If the matter can be settled out of court, there will be no harm; in fact it will be better.

Let me know to what date the case is adjourned and also inform me about the outcome. I shall send Chi. Chhaganlal if possible. Just now, he is busy collecting dues here.

*With regards from*  
M. K. GANDHI

From a photostat of the Gujarati: G.N. 6208

### *54. LETTER TO MOHANLAL KHANDERIA*

21-24 COURT CHAMBERS,  
JOHANNESBURG,  
*January 18, 1906*

BHAI MOHANLAL,

I have your letter. If you insist, I will go, but I would advise you not to call me. At present, it will be better to keep me out of a dispute which has taken on a communal colour, be it only the slightest. Even if you call me, I shall not be able to appear in Court on your behalf in case I am required to give evidence about the books [of account] in Gujarati. I feel, therefore, that you should engage a local pleader. If he applies for the Gujarati and the English books to be sent to me for inspection and for a commission to be sent here to take my evidence, it will be possible for me to give evidence from here. It will be enough for you to prove that you had to write out the accounts from entries in Gujarati and that you have done this with accuracy. Even if you have

made a mistake somewhere, he will have to prove that that has resulted in a loss to him and only then will he be entitled to damages. This is all very difficult, but, if the local pleader is even moderately capable, you will come to no harm at all. You may get in touch with a pleader there and see what he says. Come up here after wards and then we shall consider if it is necessary for me to go there. However, I leave everything to you.

*With regards from*

M. K. GANDHI

From a photostat of the Gujarati: G.N. 6209

### *55. PAYMENT OF THE POLL-TAX*

The Poll-Tax, as was to be expected, does not seem to be paid with much enthusiasm, judging by the meagre response to date. The trouble will begin towards the end of next month. The authorities will not have an easy task in discriminating between those who can pay and those who cannot. But one thing, at all events, seems clear: the Government appear determined to squeeze blood out of stones. Some time ago, an Indian approached the Colonial Secretary, asking if Government would be prepared to extend the time of payment in the case of those who were dependent upon their meagre crops to provide the necessary sovereign, and received a reply that they were not prepared to do so, but suggesting that such people could raise a loan on the security of their crops. One would have thought that, in a civilised country, a man who was living such a hand-to-mouth existence that he had no money left after planting his crops would not be expected to pay the tax. But such a sorry condition appears to the authorities to be comparative affluence. There is evidently something very rotten in a State that has to descend to such depths as these. The authorities might have gone a step further and suggested that the poorest man could raise the money to pay the tax by mortgaging his body for dissection purposes. But we might point out that, according to section 14(4) of the Act,

any person who shall prove that he is unable through poverty to pay the tax shall be excused therefrom for the time being, but this excuse shall not prevent a subsequent prosecution or action if such person shall afterwards become able to pay the tax and fails to do so.

It appears, therefore, that persons so placed as the correspondent referred to can plead poverty and pay the tax later from the proceeds of their crops. There will be no need whatever to go the length of

raising a loan on the growing crop (and paying usurious interest), since the Act provides for this very contingency.

*Indian Opinion*, 20-1-1906

### 56. MANSUKHLAL HIRALAL NAZAR<sup>1</sup>

It was in the dark days of December, 1896, that Mansukhlal Hiralal Nazar landed in Durban, a perfect stranger. He intended to live a quiet life, but a patriot of his type was not able to sit still when he saw his countrymen needing the help of a guiding hand during those trying times. The Durban Demonstration<sup>2</sup> was then brewing. Meetings were held in the Town Hall to protest against the immigration of Indians. The Indian passengers on board the *Naderi* and the *Courland* were threatened with dire results if they attempted to land on the shores of Natal. It was then that Mr. Nazar arrived on the scene, and was hailed as a deliverer by the Indian community. Not a soul knew who he was, but his magnetic personality and the authoritative manner in which he spoke about the duty of the people at the time attracted the leaders to him immediately, and it is difficult to say what the Indian community would have done had Mr. Nazar not arrived at the time. He remained closely closeted with Mr. Laughton, who was acting as counsel for the community, and I have it from Mr. Laughton's own lips that Mr. Nazar's assistance and his suggestions at the time proved to him of the utmost value. From that day to the date of his death, Mr. Nazar placed the public cause before his own; his dream of leading a private life was never realised, and though people were never allowed to know it, for the cause of his countrymen Mr. Nazar has died a pauper. For days together he used to live away from Durban, in a secluded home in Sydenham,<sup>3</sup> existing on nothing but a little milk and a few biscuits, and time alone will show the nature and value of the unostentatious services rendered by Mr. Nazar.

He was born in the early 'sixties, and belonged to a family of noble traditions and to one of the most cultured castes in India, namely, the Kayastha division. As is shown by his family name, the Nazars, in the early days, must have served the Mogul emperors as trusted officials. The late Mr. Hiralal Nazar, the father of the subject of this memoir, was one of the earliest products of English education in the Western presidency,<sup>4</sup> and was a tried servant of the Government.

<sup>1</sup> Died on January 20, 1906

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

<sup>3</sup> A suburb of Durban

<sup>4</sup> Bombay

He was a civil engineer, and, by his ability and strength of character, inspired so much confidence, that the Government allowed him to possess a knowledge of the secret defences in the fortress at Bombay. Mr. Nazar was very nearly related to the late Justice Nanabhai Haridas. He was educated in Bombay, and having passed his matriculation examination with distinction, he prosecuted his further studies at the Elphinstone College at Bombay. As a rule, he was easily first in his class, and gave promise of a brilliant career, but being of a restless turn of mind, he never finished his studies. He imbibed from Mr. Dadabhai Naoroji and the other Indian patriotic giants of the time the idea of using his life for the service of his country, and he was, therefore, instrumental in establishing an Un[der] graduates' Association which vied with the older established Graduates' Association, under the brilliant chairmanship of Sir Pherozeshah Mehta.<sup>1</sup> Memorials that were drafted by Mr. Nazar and presented to the Government about University Reform showed Mr. Nazar's brilliant penmanship and his political turn of mind. He also studied for four years at the Grant Medical College, and was thereby able to receive a fair amount of knowledge of medicine which was very useful to him in after-life. Mr. Nazar did not wish to accept any service, and belonging to the Hon. Mr. Dadabhai Naoroji's school of thought, he considered that the salvation of India must come both from within and from without, and that education was not to be used as a means for obtaining position nor was it to be ; divorced from commerce. He and his talented brothers, therefore, set out for England, and threw themselves into the commercial strife with great energy, but Mr. Nazar was always a politician first and everything else afterwards. He, therefore, continued his public work in London. He identified himself with many useful institutions, and was elected a delegate to the Oriental Congress that was held in Christiania.<sup>2</sup> He came into contact with the late Professor Max Muller and many other Orientalists, and by his accurate knowledge of Oriental literature, commanded their admiration. But Mr. Nazar was also something more. He was a journalist of a very high type. He used, at one time, to be very intimately connected with the *Advocate of India* to which he contributed not a little, free of charge. He used to correspond with many well-known news-papers in India as if he was preparing for a similar career in Natal. Not having succeeded so well as he wished to in his commercial affairs in Europe, all over which he had travelled morethan once, he migrated to South Africa. The story of his work in

<sup>1</sup> Prominent Indian Congressman;

<sup>2</sup> Oslo, Norway

Natal, which he made his home, is soon told. Instead of developing his commercial work, he threw himself heart and soul into public work. In 1897, he was sent to England as a special delegate to voice the grievances of the British Indians. There he met the late Sir William Wilson Hunter,<sup>1</sup> Sir Lepel Griffin,<sup>2</sup> the Hon. Mr. Dadabhai Naoroji, Sir Mancherji Bhownaggee, and many other public men. Sir William Hunter was so struck with Mr. Nazar's ability and moderation that he devoted a special article in the columns of *The Times* mentioning Mr. Nazar's work. The late Lord Northbrook, Lord Reay and other Anglo-Indians gave him a patient hearing, and as a result of his work, the East India Association took up the cause of British Indians most warmly. I do not wish to lay stress on Mr. Nazar's work in that direction. I wish to raise no discordant note. His most imperishable work was all done behind the scenes, and it consisted in nourishing the tender plant of mutual understanding between the two communities in South Africa. He served as a link between the two. He was a politician of a high order. There was nothing of the agitator about him. His work was all quiet. He interpreted the best traits of each community to the other. Whilst he advocated strongly the rights of his countrymen, in season and out of season, he placed before the latter their responsibilities, and always counselled prudence and patience. He was pre-eminently a friend of the poor. The poorest class of Indians found in him a faithful adviser and friend. When the Natal Indian Ambulance Corps<sup>3</sup> was raised, everybody advised him, because of the heart disease from which he then suffered, that it was not necessary for him to take an active part in the work of the Corps, but he would not listen, and volunteered his services as a member, and it was there that he used his knowledge of medicine to good purpose.

Without him this journal would never have come into being. In the initial stages of its struggle, Mr. Nazar took up almost the whole of the editorial burden, and if it is known for its moderate policy and sound views, the fact is due, to a very large extent, to the part that Mr. Nazar played in connection with it.

An Indian reading this account will understand thoroughly what Mr. Nazar was, when I state that he was a real *Yogin*, a cosmopolitan Hindu, knowing no distinction as to caste or creed, recognising no religious differences. His one solace in life was the

<sup>1</sup> (1840-1900); authority on Indian affairs and leading member of the British Committee;

<sup>2</sup> A member of the Indian Civil Service, and administrator in the Punjab

<sup>3</sup> Organised by Gandhiji during the Boer War, 1899-1902; *Vide* "Indian Ambulance corps in Natal", 14-3-1900



*Bhagvad Gita*, the “Song Celestial”. He was imbued with its philosophy. He knew the Sanskrit text almost by heart, and the writer of this memoir is personally aware that amid his sorest trials—and he had his full share of them—he was in a position to preserve fairly perfect equanimity under the inspiration of that teaching. To an orthodox Hindu, some of his ways would appear to be strange, but Mr. Nazar was undoubtedly a strange mixture. It is not the writer’s purpose to scrutinise the character of the dead man. Indians will have to search far and wide before they will be able to find Mr. Nazar’s equal. He disdained praise and never wanted any, and whether he was blamed or praised, he never allowed his public work to be affected. We do not stumble upon such selfless workers anywhere and everywhere. They are few among all communities. Time alone will show what the Indian community and, shall I say even the European community, has lost in Mr. Nazar.

M. K. GANDHI

*Indian Opinion*, 27-1-1906

### 57. BLACK AND WHITE MEN

Under the above heading, Mr. H. W. Massingham contributes a powerful article to *The Daily News* of the 5th inst.,<sup>1</sup> dealing with the attitude adopted by the white community in South Africa towards the Coloured races. Mr. Massingham, with that humanitarianism that we are accustomed to attach to his name, has traversed every popular fallacy on the Colour question, and has done the Coloured community of South Africa an extremely great service. We have no fault whatever to find with his method of dealing with the subject, but we would point out the inaccuracies that appear in the portion of his article wherein he refers to the question of British Indians in the Transvaal. Mr. Massingham is apparently of the opinion that Law 3 of 1885 does not forbid them to hold land. In this contention, of course, he is quite wrong. Mr. Massingham commits the further error of supposing that Indians are “still allowed a share of the town foot-paths”. This is technically incorrect, for, by reason of a well-known judicial decision, no Indian has the right to use any municipal foot-path, and may, at the will of the first policeman, be curtly ordered into the middle of the road. These errors, however, do not diminish the value of Mr. Massingham’s timely protest against the supercilious sneer that has become so unfortunate a convention in

<sup>1</sup> The use of the word “instant” makes it evident that this article was written in January, at least three days in advance of the date of publication.

white South Africa, when dealing with the Coloured races that inhabit the country.

*Indian Opinion*, 3-2-1906

#### 58. SIR DAVID HUNTER

It is with pleasure that we note Sir David Hunter intends to continue to make Natal his home, and that he has expressed his willingness to put his own wishes aside and entertain the idea of entering Parliament when he returns from his tour, should his fellow-citizens ask him to do so. That they will request him to represent them is certain, for, on all hands, Sir David's special fitness for parliamentary service is acknowledged. Although the Indian residents of Natal will have no vote in his election, their voice will none the less be raised to support him. Indians owe much to Sir David, for, in his position as General Manager of the Natal Government Railways, they have always found him not merely courteous but always considerate also. It is chiefly [due] to his sense of justice that Indians have the ordinary conveniences on the railways, instead of being compelled to travel only in a third-class compartment, as was desired by many people in the Colony; and, if their treatment by some of the railway officers is not all that it might be, it is not the fault of Sir David. He has also taken an active and practical interest in Indian education. Sir David is a fine type of the British gentleman, and the Colony has only honoured itself in honouring him. We wish Sir David a pleasant voyage, a pleasant tour, and a speedy return.

*Indian Opinion*, 3-2-1906

#### 59. OUR TAMIL AND HINDI COLUMNS

We regret to announce that we are compelled to suspend our Tamil and Hindi columns for the time being. We have struggled against great difficulties in keeping on these sections, owing to the difficulty in securing the permanent services of the necessary editors and compositors. We have been painfully aware of the fact that for some time past our Tamil and Hindi columns have not been kept up to the level we desire. We are, therefore, reluctantly obliged to take this course until such time as the members of our staff, who are training for the work, are ready and able to do justice to the two great languages.

*Indian Opinion*, 3-2-1906

## 60. THE SHAH OF PERSIA

The Shah of Persia has granted his subjects a new Constitution and declared his intention to run the government in the manner of the Western countries. The people have been given a share in the governance of the land. If things really proceed as indicated, the Kingdom of Persia will prosper greatly. There is no doubt that all this is due to the recent Japanese victory.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 3-2-1906

## 61. LETTER TO COLONIAL SECRETARY

JOHANNESBURG,  
*February 9, 1906*

TO  
THE COLONIAL SECRETARY  
PRETORIA  
SIR,

My Association has been informed from various sources that, after the change of the Permit Office,<sup>2</sup> the following innovations have been made, without any warning to the Indian community, whether through my Association or otherwise.

1st. The age of minority of children who may wish to enter this country has been reduced from under sixteen to under twelve.

2nd. Affidavits of guardians are not accepted; that is to say, only those whose parents are residents of the Transvaal are allowed to come.

3rd. Witnesses for refugees outside Pretoria are now being examined by Resident Magistrates in the various districts, with the result that the applications of many refugees have, for the present, been indefinitely hung up.

My Association respectfully protests against the Indian community being thus taken unawares with reference to the above innovations. My Association has, as a rule, been at least kept informed of any contemplated changes, and, in some cases, the Government have been good enough to even consult my Association. It has come to my Association, therefore, as a disagreeable surprise that serious

<sup>1</sup> In the Russo-Japanese War; *vide* "Russia and India", 11-11-1905

<sup>2</sup> *Vide* "Transvaal Indians and Permits", 17-2-1906

changes affecting the Indian community have been made in the Permit Regulations, without any notice whatsoever, and then, too, the Indian community is allowed to know these things only through actual instances.

As to the innovations themselves, it is submitted on behalf of my Association that they are calculated to do very serious harm to the community. It is difficult to understand why the age of minority has been still further reduced. My Association invites your attention to the fact that nowhere else in the British dominions have children under sixteen been prevented from entering British dominions where their parents have been allowed the right of entry. It is a matter of the gravest importance to the Indian community that the domiciled Indians should be able to bring in their children without any difficulty. Why a child of thirteen years or fifteen years should, for instance, be prohibited from joining his parents, and receiving, say, his education under them, it is difficult to understand. My Association further draws your attention to the fact that the rule does not apply to the non-Asiatic communities in the Transvaal.

As to the second innovation, hitherto orphans have been allowed to join their guardians. Under the new rule, such children will be prevented from entering the Transvaal. My Association need hardly point out that such a rule cannot but cause very great hardship.

As regards the third innovation, if the Resident Magistrates are to carry on investigations, it will cause almost interminable delay. There are refugees whose applications have been pending even for the last nine months, and if all such applications are to be referred to Resident Magistrates in the various districts, enormous delay will be caused. Moreover, there will be no continuity of procedure as to the evidence to be taken, if each town is treated separately.

My Association further submits that, when witnesses reside outside Pretoria, it will expedite matters considerably, and secure uniformity of procedure, if the same official were to be appointed for the examination of witnesses throughout.

My Association further begs to point out that it is necessary, in the interests of Justice, that there should be a periodical visit by an official to attend to those requiring permits in Johannesburg, seeing that nearly seventy-five per cent. of the refugees are destined for Johannesburg or the surrounding districts. Whilst the central offices may remain in Pretoria, the mechanical work of issuing permits and taking thumb impressions should, in the humble opinion of my Association, so far as the Johannesburg refugees are concerned, be done in Johannesburg.

Nothing has yet been known with reference to the question of whether Indian women are or are not to hold separate permits.

My Association submits that the matters referred to herein are of very vital importance, and trusts that they will receive the attention they deserve. I respectfully request an early reply.

*I have the honour to remain ,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion, 17-2-1906*

## 62. LETTER TO TOWN CLERK

JOHANNESBURG,

*February 10, 1906*

TO

THE TOWN CLERK

JOHANNESBURG

SIR,

The attention of my Association has been drawn to certain recommendations made by the Manager of the Johannesburg Tramway system, for adoption by the Town Council, as regards the use of the electric tram cars by the Coloured people. My Association ventures to think that, in making these recommendations, the Manager has taken no note of the sentiments of the Coloured community or rather the British Indian community, with which my Association is concerned. My Association feels that the recommendations are scarcely meant to supply the want of British Indians. If Coloured servants may use the roofs of the tram-cars when they accompany their masters, it is very difficult to see why other Coloured people may not use them. The suggestion to run special tram-cars is hardly feasible, as the Coloured community will not then be able to have the same kind of service as the European community. The recommendation that trailer cars should be attached to the ordinary cars, for the use of Coloured people as well as for carrying parcels, is, in the humble opinion of my Association, highly insulting. My Association submits that British Indians are entitled to the same facilities as any other community in Johannesburg, I with reference to the use of the tram-cars. At the same time, my Association fully recognises the

prevalent prejudice and, therefore, suggests that the inner portion of the tram-cars may be reserved for Europeans only. That would leave the roofs free to the other communities. Indeed, there is no reason why compartments may not be made even in the inner portions of the tram cars, but failing that, my Association trusts that the suggestion above made will be accepted by the Town Council. I am to place on record that, as the position stands at present, Coloured people are by law perfectly free to make use of the municipal tram-cars. It is only their forbearance which prevents them from making use of the cars.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

The following are the recommendations of the General Manager above referred to:

1. That Coloured people should be allowed to travel on the same cars as white persons when they are domestic servants and are with their master or mistress, and that they be required to sit only on the top of the car and occupy the back seats arranged at the head of each staircase, viz., on the four seats at each end. To be charged ordinary fares.

2. That, where traffic is sufficient on any route to pay to run special cars for Coloured people, arrangements be made for Asiatics to occupy the inside of the cars and Kaffirs the outside, or *vice versa*. This to be experimented with on the Fordsburg and Newtown lines.

3. Should it be found later that the Coloured traffic is not sufficient to enable special cars to be run at a profit, experiments be made with single deck trailer cars coupled on to ordinary cars, and that this trailer type of car and also ordinary cars used for Coloured people be used for the parcels delivery business, which it is proposed to inaugurate at a later date.

*Indian Opinion, 17-2-1906*

### 63. LORD SELBORNE ON CHRISTIANS AND MAHOMEDANS

Lord Selborne is reported to have said at a Church meeting recently:

It seems to me that men of our race forget two things, and they are thereby often accused of caring much less about religion than they really do. They are too careless about those observances which mark their religion, and they are too shy to let it be known, publicly, on which side they stand. It has

often happened to me that a friend of mine travelling in the East has been struck with the Mahomedan, who, wherever he is at a certain time of the day, will spread out his carpet and kneel down and pray; and he has argued from that that the Mahomedan is a much better man than the Christian. The conclusion is not borne out by facts. The probability was that the Mahomedan was a much worse man than most Christians; but he grasped one fact, which we are too apt to forget: that if a man wants to have an influence in the world he must not be afraid of public opinion, and he must not hesitate to let it be known on which side he stands.

If His Excellency has been correctly reported, we fear he has been guilty of a grave indiscretion. "The probability was that the Mahomedan was a much worse man than most Christians" is not a statement that should be made by the King-Emperor's representative in speaking of the King-Emperor's Mahomedan subjects. Owing to his position, His Excellency has not the same liberty of speech that can be claimed by lesser mortals, and a remark of this nature coming from him is calculated to cause pain to many followers of the Prophet. But indiscretion is not characteristic of Lord Selborne's public utterances, and it is only fair to point out that he may have been badly reported, and that, instead of saying, "The probability was", he may have said, "It was possible" In the latter case, the remark would be quite unexceptionable. Up to the present, however, we have not heard that His Excellency has corrected the statement.

*Indian Opinion*, 10-2-1906

#### 64. BRITISH INDIANS IN THE TRANSVAAL

Mr. Dadabhai Naoroji has added to the debt of gratitude we owe him by his thoughtfulness on our behalf at a moment when one would scarcely expect that he would have any leisure to devote to our affairs. Yet we are reminded by the re-publication, in the number of *India* to hand by the last mail, of a letter addressed in duplicate to the Secretaries of State for India and the Colonies, commenting upon the deputation on behalf of the British Indian Association that waited upon Lord Selborne<sup>1</sup> some time since, that the watchdog of India has been on the alert in the interests of British Indians in South Africa, even in the midst of the fierce fight of an election. Mr. Dadabhai had not waited to communicate with the two Secretaries of State until the declaration of the polls, but had devoted some portion of the extremely little leisure that was permitted him to emphasising the reasonableness of the attitude adopted by the British Indian

<sup>1</sup> *Vide* "Deputation to Lord Selborne", 29-11-1905

Association. It is useless for us to endeavour to manifest our appreciation of the efforts of India's noblest patriot on behalf of his countrymen, but we would urge upon Indians in South Africa their immediate duty of endeavouring to aid Mr. Dadabhai's work by remedying the defects in their own organisation and developing still further that spirit of enterprise and solidarity without which all his work must prove abortive.

*Indian Opinion*, 10-2-1906

## 65. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*February 13, 1906*

MY DEAR CHHAGANLAL,

I sent you some time ago Miss Neufliess' name as a paid subscriber. Please register her name as a subscriber if it is not already registered. Her post office box is 5889, Johannesburg. She ought to receive all the back numbers as from the first of January.

Manji N. Ghelani writes to me saying that he has not received for the current year numbers two and three. He has been receiving his papers regularly of late. You should therefore send him numbers two and three and let me know that you have done so. His box is 110, Pretoria.

Please change Mr. Ritch's address at London to 41 Springfield Road, St. John's Wood, London.

Let me know who have not paid regarding the sale Of Mr. Nazar's goods.<sup>1</sup>

Should such changes be notified to you in future, or shall I write to Hemchand about them? I am anxious to take much of such mechanical work from your shoulders, but I want to do it cautiously. If these instructions have to pass ultimately to Hemchand, it would then cause a saving to send them directly to him. Your immediate main work is to look after the Gujarati editing and to put the books straight as soon as possible, prepare the balance-sheet and find out the cost of each building. Please let me know how far you have progressed with reference to the straightening of the books, bringing the cash book up to date and finding out the cost of the buildings.

I sent you yesterday a correct[ed] copy of the current number of *Indian Opinion*. I would like you to note all the corrections

<sup>1</sup> Vide "Mansukhlal Hiralal Nazar", 27-1-1906



carefully and avoid them in future. We ought to make the Gujarati portion totally exceptional,<sup>1</sup> and if in order to do that you must concentrate your energy for a month or so to the exclusion of everything else except book-keeping, you may do so. I notice Gujarati is only seven pages. Why so? How much can Gokuldas now do of the Gujarati composition? Is he working steadily? Ask him to write to me.

With reference to your suggestion about paying £2/10 to Mr. Madanjit, we ought to pay all that and more if he kept in touch with us. It is impossible to pay anything unless he would do so. That he is working away in India I can well understand, but his work must be reproduced in the *Opinion*. I told him distinctly that he would be expected to help the Paper. If he will not, I do not think that we are at all called upon to give anything to him. He has not written to me. Two letters appear to have been sent from Pretoria yesterday. Please print them.<sup>2</sup>

*Yours sincerely,*

M. K. G.

TO

C. K. GANDHI, Esq.

*c/o Indian Opinion*

PHOENIX

From a photostat of the original: S.N. 4307

<sup>1</sup> 'Unexceptionable'?

<sup>2</sup> The last two sentences are in Gandhiji's hand in Gujarati.

66. *LETTER TO TOWN CLERK*

21-24 COURT CHAMBERS,  
COR. RISSIK & ANDERSON STREETS,  
P. O. BOX 6522,  
JOHANNESBURG ,  
*February 13, 1906*

TO  
THE TOWN CLERK  
P. O. BOX 344  
KRUGERSDORP

SIR,

I have the honour to acknowledge your letter of the 10th instant No. 249/6558/06.

I hope that, as soon as the By-Laws are passed, you will let me know. In the meantime, my client is, as I have already informed you, continuing his Eating House.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

M. K. GANDHI

Krugersdorp Town Council Records

67. *LETTER TO ACTING CHIEF TRAFFIC MANAGER*

JOHANNESBURG,  
*February 14, 1906*

[TO]  
THE ACTING CHIEF TRAFFIC MANAGER  
JOHANNESBURG

SIR,

Mr. M. M. Moosajee has handed to my Association copies of the correspondence between your Department and himself in connection with the train leaving Johannesburg at 8.30.

You have informed Mr. Moosajee that “Coloured passengers are not permitted to travel by the 8.39 [*sic*] train from Pretoria to

Johannesburg”, and I suppose *vice versa*.

This information comes to my Association as a very disagreeable surprise. To the Indian business community, the prohibition would be a deprivation which would seriously interfere with their movements. To the Indian community in general, it is in the highest degree insulting.

My Association cannot escape the conclusion that this method of pandering to local prejudice on the part of a great administration would result in making the position of Coloured people thoroughly intolerable. My Association will be obliged if you will kindly let me know whether it is the intention, and if so, will kindly refer me to the law or regulation under which the prohibition has been imposed. Incidentally, I may be allowed to remark that the manner in which such prohibitive rules are, from time to time, made without any warning or notice to the portion of the community concerned is extremely irritating and inconvenient. My Association thinks that British Indians are at least entitled to know beforehand regulations that may be framed with reference to them.

I request an early reply.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion, 24-2-1906*

## 68. A REPLY TO “THE LEADER”

JOHANNESBURG,  
*February 16, 1906*

TO

THE EDITOR

*The Leader*

SIR,

I take the liberty of offering a few remarks on your leaderette concerning the letter of my Association addressed to the Town Clerk,<sup>1</sup> on the question of the use of the tram-cars by my countrymen. You

<sup>1</sup> *Vide* “Letter to Town Clerk”, 10-2-1906

have written in anger and have used threats. I cannot do either, but will venture to place some facts before you for your acceptance or refutation:

(1) My Association never contended that all Indians should be allowed to make use of the tram-cars. The right is claimed only for those who are well and cleanly dressed.

(2) Whatever may be the position in India, I need hardly demonstrate to you that no man is born a “coolie”, and that the only test, so far as the use of the tram-cars is concerned, can be the personal appearance of the passengers.

(3) Does it not appear to you a little preposterous to raise the question of equality between the two races on the tramway question?

(4) My Association has emphatically disclaimed any intention to seek the contact of any unwilling Europeans, even with the most cultured Indians, and has, therefore, suggested that the inner portion of the cars may be reserved exclusively for Europeans. The roofs of the cars, it is contended, may, without infringing upon the sacred doctrine of “inequality”, be legitimately used by Indians who are properly dressed.

(5) The point made by my Association about forbearance is quite logical. “The will of the people”, so far as it has been reduced to law, as my Association has been advised, leaves it open to Indians to claim the right of riding on the tram-cars. The claim, therefore, as it is legal, can hardly be considered to be “absurd”.

In this connection, may I ask you a few questions? Is it logical for the white people in the Transvaal, as soon as they go to Cape Town or Natal, to ride side by side with Coloured people? Is it logical that Coloured servants who may not belong to “the higher castes”, whatever that phrase may mean, should ride on the tram-cars? Is it logical, as Mr. Soutter said at the Town Council meeting, that white men who drive in dog-carts should sit next to their Coloured drivers?

My Association takes its stand upon the policy outlined by Mr. Chamberlain before the Conference of Colonial Premiers<sup>1</sup> at the time of the Diamond Jubilee. The Right Hon. Gentleman said:

We also ask to bear in mind the traditions of the Empire, which makes 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 to Her Majesty to have to sanction it.... It is not because a man is of a different colour from ours that he is necessarily an undesirable

<sup>1</sup> In 1897;

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 exclusion can be managed with regard to all those whom you really desire to exclude.

*I am, etc.,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 24-2-1906

### 69. TRANSVAAL INDIANS AND PERMITS

The lot of the British Indian in the Transvaal is undoubtedly very uncertain and very unhappy. The letter we reproduce in another column,<sup>1</sup> addressed by the Chairman of the British Indian Association to the Colonial Secretary of the Transvaal, is painful reading. The permit regulations in connection with Indians have been changed from time to time, much to their inconvenience. The latest instance, however, is in the nature of a “surprise-packet”. The regulations referred to in the letter in question, according to Mr. Abdul Gani, have been sprung upon the community without any notice, and these regulations are, if the information given to Mr. Abdul Gani be true, applicable to all Indians. The result will be that those who have arrived in South Africa, without notice of any such regulations, will be adversely affected. Natal may afford them no protection, nor may the Cape. They will have come with the deliberate intention of entering the Transvaal, and if the regulations in question are to be enforced, and are to have retrospective effect, they will cause illness, trouble, expense, and worry to the persons concerned. The least that one expects in a British colony, or any British dominion, is that laws are framed with due deliberation and after fair warning. Even the self-governing colonies of the Cape or Natal, when they passed the Immigration Restriction Laws, gave fair warning to the people concerned, and then, after the legislation was passed, it was not rigorously enforced immediately. They gave the steamship companies, and the community affected thereby, time to study the legislation in its actual working. The Cape authorities have only just given notice of their intention to fully enforce the laws, that is to say, two years after they were passed. In the Transvaal, they evidently believe in “rushing” things. The Peace Preservation Ordinance is a

<sup>1</sup> *Vide* “Letter to Colonial Secretary”, 9-2-1906

relic of the martial law period and, therefore, gives arbitrary authority to the Government. The use of such authority, during the period of war, is often justifiable, but when there is peace in the Transvaal, to invoke the assistance of that Ordinance against an inoffensive community, in the manner described in the letter to which we have referred, savours very much of Russian methods rather than of methods that are associated with the British Constitution. When we come to examine the regulations themselves, they are without doubt very irksome. The age of minority for children seems to have been suddenly reduced to under twelve years, and henceforth orphans, whose relatives may be settled in the Transvaal, will not be allowed to enter the Transvaal at all. Moreover, in the regulations, instead of the same official examining the witnesses who may be produced in support of the claim of a refugee, the authority to do so will be relegated to magistrates in the various districts, and all refugees, even after investigation is completed, will have to go to Pretoria in order to perform the mechanical act of receiving their permits. His Excellency Lord Selborne said only the other day to the Indian deputation that all restrictive regulations had to be reasonable in order to be acceptable and effective. Can such regulations as these, by any conceivable stretch of the imagination, be held to be reasonable ?

*Indian Opinion*, 17-2-1906

## 70. JOHANNESBURG TRAMS AND INDIANS

Elsewhere will be found printed a letter addressed to the Town Clerk,<sup>1</sup> Johannesburg, by the Chairman of the British Indian Association at Johannesburg, with reference to the proposed regulations for the use of the electric tram-cars by Coloured people. We have no hesitation in endorsing Mr. Abdul Gani's plea. The recommendations made by the General Manager are very arbitrary, and the fact that they have been withdrawn temporarily need not lull Indians into a false sense of security, for they have been withdrawn, not because the Town Council is actuated by any greater regard for Indians than the General Manager, but because the time, so it is said, is not ripe, as the tram-cars are not to run for some time. The use of the public tram-cars in Johannesburg, as elsewhere, is a question, not merely of sentiment, but of pecuniary importance. Indian businessmen, and other Coloured people, have as great a right to public conveyances as any other community of Johannesburg. They form part of the body politic; they are called upon to bear the

<sup>1</sup> *Vide* "Letter to Town Clerk", 20-2-1906

burdens of citizenship by way of payment of taxation, etc., and the Johannesburg municipality finds it difficult to deprive them of the right of using the municipal tram-cars. Any regulations that may be passed will have to be sanctioned by the Lieutenant-Governor; and let us hope that, should the regulations, to which we have drawn public attention, be ever sent to His Excellency, he will have no hesitation in exercising his right of veto.

*Indian Opinion*, 17-2-1906

## 71. LETTER TO CHHAGANLAL GANDHI

[JOHANNESBURG,]

*Saturday, February 17, 1906*

MY DEAR CHHAGANLAL,

I am sending some Gujarati material today. And the rest will be posted tomorrow. In so far as it is possible, I shall send the "Johannesburg Letter" every week. It will be desirable to assign it the same place [every week]. You should divide the Gujarati pages into sections and see that, as far as possible, a particular type of material always appears in the same place.

Do spend a day every week visiting some outside town, so that you can also send in a despatch about that place. Do not fail to write me a detailed letter every week. How is Hemchand doing?

Please correct all the Gujarati material carefully. Make sure that the notices about the estates appearing in the Natal Gazette are never missed.

Let me know how much Gujarati type you have ordered. How many more pages can we have with that? We must get type enough to be able to have 12 pages next year. Send me a list of types if more is required on this account so that an order can be placed.

I hope you have read the letter about Mr. Brian Gabriel. It will be better, I believe, if he comes.

Please bear in mind what I said regarding Urdu. Do not do any composing work if it hurts your eyes.

*Blessings from*

MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 4310

## 72. LETTER TO CHHAGANLAL GANDHI

[JOHANNESBURG,]

*Sunday, February 18, 1906*

MY DEAR CHHAGANLAL,

I have your letter. I sent some matter yesterday and am sending more today. In the "Johannesburg Letter" that I sent, insert a separate heading beginning from "It is learnt from Reuter's cables...". I shall give as much as I can every week under "Reuter's Telegrams" and you too may add to it. I shall make the "Johannesburg Letter" a separate item and shall include in it mostly local news. I have asked for such news-letters from other places also.

It was as well that I did not write to Hemchand. Make the best use of him there. I shall also write to him. You needs must have a man of understanding to assist you. Don't mind it even if Hemchand makes some mistakes, but go on putting the responsibility for the work on him. When we are overburdened, we should consider the relative priority of our various duties and try to do the most we can. Everything will become easy if you look at things this way. Now the first thing for you to do is to improve the Gujarati Section; this, of course, is your duty. The second, accounts; this has also to be attended to by you. The third is the collection of dues; the fourth is job-work, and the fifth Gujarati cases, which had better stop for the time being. Of course, you should always keep these in mind. You might drop Urdu for the present. You must give some of your time to your own land. You should not go out for more than two days for collecting dues or for anything else. You should not bother about the income just now. You should think of other things only after the books have been put in order. It will be all right if you devote Thursday to the reading of proofs and Tuesday and Wednesday exclusively to general reading and to writing Gujarati. It will be enough if you go to town on Monday and Friday or Saturday. Don't worry if you can't visit the outlying places at present. It won't matter if you translate less from other newspapers. The main thing to do is to give all the important news about Natal, and this I do not find at present. It will become all right when local news begins to appear. I shall go on sending news about this place and translations from the newspapers. More skill will be called for in laying out the matter. It will perhaps do if you devote Wednesday alone to reading. Oh no, I forget; Monday would be better, for, while the types are being



distributed on Monday, you can be ready with the matter. Do not become unnerved if there are many things to do. You have done well to clear your position before all your colleagues. Even a mother does not give without being asked. They will, if you ask them.

I see that it is necessary to clear the Press land, and that with our own hands. It will be nice if half an hour is given to this job, though it may be after the Press work is over. If the others do not give of their time, you brothers at least will. Hemchand will help, and I shall write to him. West also will help. You may talk to Sam even now and convince him. Bean will understand only in course of time. I feel this work should start immediately.

I still firmly hold that it is good that we have given up job-work, and that it was right for you to have stayed on in the Press. Now that there is no worry about the job-work, there won't be any need for some one to sit in the office. I believe it would be better, in so far as it is possible, to have Indians working with us instead of Kaffirs. However, you may do what you think proper. In this matter you need not depend on my judgment. I shall speak to Mr. Isaac.

What you say about Mr. Brian is exactly what I have in mind. He should do composing for the present when he does come. Do talk to Anandlal about your difficulties and get his assistance and sympathy. You may take his advice also, so that he will be pleased. Keep your mind open.

If Kalabhai has not yet got a room, arrange for him to have one immediately.

I shall find out about the advertisement that has been withdrawn.

I shall enquire about your slippers, etc., tomorrow (Monday). Entrust to Hemchand the disposal of post coming in from outside. Tell Virasami that I have not received the order so far. I shall send it as soon as I receive it.

I have nothing more to add. Have more heart-to-heart talks with West. Since the two of you alone understand the scheme better than the others, you have to be in perfect agreement first. Get Anandlal to mix with you as much as possible. Try to persuade Sam; and win over Mr. Bean gradually. He likes me, but does not understand the scheme. He is a good man and has therefore stuck to his post. His mind is more on the money because he lacks in real simplicity. Yet he won't go after money at any price. He will do better Town. In any case I am writing to them. Kindly dispose of later on. Do write me a letter every week, giving full expression to your thoughts.

MOHANDAS

[PS.]

It will not be possible for me to go there this month.

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 4783

### 73. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*February 19, 1906*

MY DEAR CHHAGANLAL,

I am returning herewith the letters addressed to the Editor. From the remarks I have made on them, you will see what I want. Please send Vali Mahomed Hala's letter about himself to Porbandar; write to him to say that a letter like that cannot be published in the *Opinion* and that you have sent it to the Director at Porbandar. It is needless to send me all the letters. Send only those about which you are doubtful.

It will suffice to observe the following rules in most cases:

(1) we should as a rule publish all letters against us, for instance, those of Habib Motan and Haji Habib;

(2) we should be chary of long harangues;

(3) we should consider who the correspondent is. If we feel that his contribution must be accepted, it should be abridged, if lengthy;

(4) we should take letters giving local news.

The reason why I asked you to print letters about the barber controversy<sup>1</sup> is that it is of interest to the people of Dundee. It won't be proper to close the correspondence abruptly.

*Blessings from*  
MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S. N. 4311

<sup>1</sup> An Indian barber. in Dundee, while shaving an Indian merchant, left off in the middle to attend to a European customer. The Indian community thereupon decided to boycott the barber.

## 74. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*February 21, 1906*

MY DEAR CHHAGANLAL,

Received your letter. I have not, however, received the railway note. We should not mind it if we lose the advertisements from Cape the remaining belongings of Mr. Nazar in consultation with Motilal. I am writing about it to Bhatt and Adamji Sheth also. It will be better for you, as I see it, to reserve Wednesday at Phoenix for reading for the *Opinion*. If you do so, you will be able to read [other things] up to Wednesday. If, while reading, you come across anything worthy of note, put it down on a piece of paper. Start reading newspapers and writing [for *Indian Opinion*] only on Wednesday. It will be convenient, I feel, if you divide your time in this way. It will be well if you can set apart Monday or Tuesday and Saturday for going to town and other places. You will save a lot of time if, on days other than Wednesday and Thursday, you make it a rule not to read anything especially for the *Opinion* except my articles. How are you getting on with the account books?

*Blessings from*  
MOHANDAS

[PS.]

I shall most probably send your shoes and clothes today through Sheth Abdul Gani. It will be better if Hemchand stays either with you or with Anandlal.

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 4312

## 75. BRITISH INDIANS IN SOUTH AFRICA<sup>1</sup>

STATEMENT REGARDING BRITISH INDIANS IN THE  
TRANSCAAL AND THE ORANGE RIVER COLONY

JOHANNESBURG,  
*February 22, 1906*

Now that the new Government has been established, the Letters Patent have been withdrawn, and a new Constitution is being drawn up, both with [regard to] the Transvaal and the Orange River Colony, it seems to me imperatively necessary to place the Indian question

<sup>1</sup> This statement was sent by Gandhiji to Dadabhai Naoroji, who forwarded a copy to the Secretary of State for India on March 20.

prominently before the new Government.

It is felt that the ordinary clauses about the right of veto being reserved for the Crown, and any class legislation being reserved for Royal sanction, are not enough. Seeing that there is intense prejudice against Coloured people, almost bordering on mania, these time-honoured clauses, which are only on the rarest occasions put into operation, can never meet the case. If responsible Government is granted without due regard for the protection of British Indians, their position under it would be infinitely worse than it is today.

Experience of Natal shows that disfranchisement of a class in a community enjoying self-government means its complete effacement. Only those members are elected who would represent the feeling of the electors. Some effective representation must, therefore, be granted to British Indians, or the civil rights of the resident Indian population should be otherwise fully protected.

The position in the Transvaal is becoming daily worse. Permit restrictions are applied only to Indians and are exceedingly irksome, as will appear from the pages of *Indian Opinion*.

The Railway administration have now begun to prohibit Coloured people from making use of certain train services entirely. It can easily be imagined what it must mean to British Indian traders who require to use the trains constantly. Johannesburg is a place of big distances. There has just been established an electric tram service. Coloured people, who can ill afford cab fares, are practically prohibited from using these tram-cars.

These are not sentimental matters but are such as to affect the British Indian community vitally. Unless a firm stand is taken up by the Home Government, at the rate at which things are now going, what little Indians enjoyed under Boer rule will be lost. The prohibition against ownership of land, special registration fee of £3, foot-path regulation, etc., still continue to disfigure the Statute-book of the Transvaal.

As to the Orange River Colony, the old law prohibiting the entry of any Indians, except such as accept domestic service, is still prevalent, and by-laws are being framed all over that Colony further restricting the movements of those who may be in that Colony.

Pretoria Archives: L. G. File No. 92-94: Asiatics (1902-1906)

## 76. LETTER TO CHHAGANLAL GANDHI

Johannesburg,  
February 22, 1906

MY DEAR CHHAGANLAL,

I have a letter from Mr. Kitchin in reply to a note<sup>1</sup> I sent to him last week. He has resigned and he will retire from the editorial department at the end of next month. I have written to Mr. Bean a letter which I suppose you will read. I would like you all the same to keep yourself in touch with Mr. Kitchin because there is a great deal to learn from him. I have asked for his permission that I should show his letter to you all to read and if I can, you shall have it.

Mr. Omar is here. He tells me that there are some subscribers from Mabeli near Delagoa Bay who do not get papers regularly but they get many copies of it all at once. Do you know why?

Please put down the following subscribers as new ones. Messrs Ebrahim Abdoola & Co., Box 28, Delagoa Bay, Mr. Abdul Gani Moosa, Amreli, Kathiawar, India. My impression was that the firstnamed firm were subscribers already but Mr. Omar tells me that they are not. Both these subscriptions will be paid to you by Mr. Omar when he returns to Durban.

I have heard from Mr. Gool of Capetown. He wants me to send him the Capetown list so that he can collect [monies due]. Please let me have the names of the subscribers with their addresses and names of the advertisers with the amounts that are owing.

I have received from you a batch of correspondence which I shall examine and forward on Saturday.

Yours sincerely,  
M. K. GANDHI

C. K. GANDHI, ESQ.  
*c/o Indian Opinion*,  
PHOENIX

From a photostat of the original: S.N. 4313

## 77. THE KING'S SPEECH

Perhaps within the memory of living men, the King's Speech has never been looked forward to with so much anxiety or

<sup>1</sup> This is not available.

expectation, according to the persons concerned, as that which was delivered during the current week by King Edward at the opening of the Imperial Parliament, and there is no doubt that it is a pronouncement of far-reaching importance. The anxiety of those who fear the Liberal policy will be deepened, and the expectations of those who had hoped much of the liberals will, so far as promises are concerned, be satisfied.

India will be disappointed. The only mention there is to be found about India is that the papers in connection with the army administration will be published. There is no reference to the partition of Bengal; none, if the cablegram sent gives a full summary, regarding famine; but we have every reason to believe that, with a Radical Premier<sup>1</sup> at the helm, and with a statesman of Mr. John Morley's ability at the head of the India Office, India will not be altogether neglected.

The subject, however, of immediate importance to us is how far the withdrawal of the Letters Patent and the proposed immediate grant of Responsible Government, both to the Transvaal and the Orange River Colony, will affect the position of British Indians in those parts of South Africa. The Constitution, it is but fair to assume, to be drafted by the Liberal Ministers, will be as favourable as possible to the white settlers. It cannot be otherwise. They will be given fullest possible control over their internal affairs. The same Liberal principles should also dictate a policy of full protection for the rights of weaker parties, and the first consideration, therefore, we take it, should be given to the question of Indian representation. Under a fully representative government, to leave the Indians totally unrepresented will be to hand them over to the tender care of legislators, who will have no mercy for them, because they will have no interest in the welfare of their *proteges*. The result of non-representation, in spite of the late Sir John Robinson's eloquent plea<sup>2</sup>, that under such a system every member would be a member for Indians, has been very unfavourable in Natal. If the constitution that will be drafted leaves the Indians out of consideration, there will be an end to all expectation of justice ever being received in the two Colonies mentioned. There is a wave of agitation hostile to Indian interests passing through the Transvaal. The Orange River Colony simply shuts its gates in the faces of Indians, and if the control of legislation regarding them is given over to responsible legislators in the respective Colonies, all the difficulties that are now being

<sup>1</sup> Sir Henry Campbell-Bannerman, Prime Minister of England, 1905-8

<sup>2</sup> *Vide* "The Plague", 9-7-1903

experienced by Indians will be accentuated. There will be reserved in the two constitutions the time-honoured veto, and the clause regarding non-European races; but in practice these reservations have proved very ineffective, as British Ministers have always felt reluctant to advise His Majesty to exercise the veto. Under the circumstances, if Indians are to be considered as a part of the Empire, equally important as the other races, we consider it to be imperatively necessary that their claims, as indeed also those of the other weaker races, should be specifically guarded.

*Indian Opinion, 24-2-1906*

### 78. *BRITISH INDIANS IN THE TRANSVAAL*

The lot of the British Indian is by no means enviable. He is being hemmed in on all sides by restrictions of the most galling nature. If he is a domiciled resident of the Transvaal and wishes to enter this country, he is met with disappointment at every step, and he is in a position to make good his claim only if he has an abundance of patience and money. Before he can get a permit to reside in the country, he is driven about from pillar to post. He has to submit to a most searching investigation, and his word is accounted for nothing, so that he has to supplement it by evidence of witnesses and of documents, before he can set his foot upon the sacred soil of the Transvaal. If he happens to have his wife with him, he is called upon to prove that he is her husband. If he has his children with him, no matter how young they may be, they must have separate permits, and he must prove that he is their father. If his children are not under twelve, they cannot accompany him on any account whatsoever. These are the preliminaries an Indian has to undergo before he is allowed to re-enter the Transvaal, which is his place of adoption. What does he find after he reaches the country?

The report of the Johannesburg Town Council meeting, in connection with the electric tram-cars, shows clearly what is in store for him. If he were a servant of a white master, he would be allowed to make use of the tram-cars, otherwise he is not to be allowed to make use of the ordinary cars. The speeches made at the Town Council meeting make very fine reading, but they are also very painful. On a matter of simple convenience for travelling, the whole of the question of equality of races was raised by several speakers. If a Coloured man makes any attempt to get justice, the cry is immediately raised that he wants to claim equality with the white men in the Transvaal. The position is simply ludicrous. Here is a vigorous community in Johannesburg. It is full of enterprise, pluck, and resource. When it

comes to a question of colour, it loses all sense of proportion, and scents danger where there is none. The people of Johannesburg are afraid that their predominance and superiority will be in danger if Coloured people travel on the same cars with themselves. This reminds us of the scare of a mutiny that used to exist when Lord Ellenborough was the Governor-General of India. In those times, if the slightest thing occurred, there was immediately an uproar and nervousness; so much so, that in one of his graphic despatches, His Excellency said that, if the soldiers heard the rustle of leaves or the chirping of a beetle, they became frightened. The condition of some people in Johannesburg is not very far removed from that description of the soldiers in the early 'forties by Lord Ellenborough. In vain did Mr. Mackie Niven and his five supporters plead for a small measure of justice. His argument about the financial aspect of the question was set aside and, by a majority of sixteen to six, the Town Council decided to perpetuate the wrong that the General Manager of the Tramways, in his recommendations, had done to the Coloured community.<sup>1</sup> One of the speakers said that the Coloured people paid no rates or taxes, and that, therefore, they had no right to use the tram-cars. Such is the knowledge of which the enlightened city of Johannesburg gets the benefit from its Town Councillors. The Councillor in question conveniently forgot that Indians *do* live in houses in Johannesburg for which they have to pay rents as well as taxes. We may take the liberty of informing him that nearly 4,000 Coloured people, who live in the Malay Location, have to pay more than the ordinary rates and taxes in connection with the Stands occupied by them. The difference between them and the other residents of Johannesburg is that, as against such payments, they do not get the same service as the others, as anyone who has walked through the streets of the Malay Location can testify. The newly returned domiciled Indian to the Transvaal [sic], on his arrival, will find not only that he cannot make use of the tram-cars, but that he cannot even travel by any train he chooses, for the railway administration debarbs Coloured people from making use of some of the public trains. We print in another column the correspondence that has passed between the Acting Chief Traffic Manager and the Chairman of the British Indian Association,<sup>2</sup> where-from it appears that the railway administration has notified to the station masters that they are not to allow Indian and other Coloured passengers to make use of certain trains running between Johannesburg and Pretoria.

<sup>1</sup> *Vide* "Letter to Town Clerk", 10-2-1906

<sup>2</sup> *Vide* "Letter to Acting Chief Traffic Manager", 24-2-1906



Mr. Abdul Gani has sent a strong protest to the railway administration, and we can only hope that this newest method of subjecting the Indian to indignity will be stopped. But the question is not merely one of indignity. To businessmen, it is one of serious inconvenience and loss. Thus, colour animosity has assumed a new form, in that it adds financial injury to social insult.

*Indian Opinion* 24-2-1906

## 79. A RESTRICTION WAVE

It seems that, all the world over, different States are pursuing a policy of restriction. Thirty years ago, the then President<sup>1</sup> of the American Republic laid down the doctrine that everyone was welcome to America, and that on his putting his foot on American soil, he became a citizen. Today, America follows a different policy. Even England has considered it necessary to restrict immigration of aliens, and we read, in the cablegrams in the daily newspapers, that several Jews, who fled from Russian oppression, were only the other day prevented from entering England, and that one of them said that, rather than return to Russia, to avoid which he had spent his last penny, he would kill himself. *The Natal Government Gazette* of the 13th inst. published a translation of an Order by the German South-West African Protectorate. Under it 'immigration into the German South-West African Protectorate may be prohibited by the competent authorities', if an immigrant is, amongst other things, a Coloured man; there are the other usual prohibitive clauses. Thus, the colour problem is making itself felt in one way or another throughout Africa. It is useful to recall, in this connection, the fact that it was the German Emperor who, some time ago, gave currency to the idea that in the victory of Japan lay the germs of an attempt to secure yellow predominance. Though it is still accepted in certain quarters on the Continent, the general notion is that the German Emperor was indiscreet in having made such an utterance, and that there was no such fear. At the same time, if there is to be war against colour as such on the part of the great European nations, it is impossible to say that Japan, at any rate, will always sit still under the open insult offered to her citizens. It would be illogical for Europe to accept Japan as a first-class power and at the same time treat her inhabitants as if they

<sup>1</sup> Ulysses Seymour Grant (1822-85), 18th President of the United States, 1869-77. The 15th amendment to the Constitution adopted on March 30, 1870 provides that suffrage should not be restricted on account of race, colour or previous condition of servitude.

were uncivilised.

*Indian Opinion*, 24-2-1906

### 80. A PERMIT PILLORY

We hear and read so much about the difficulties that are placed in the way of the poor refugees getting their permits to enter the Transvaal, that we have decided from next week to open a column under the above heading, wherein we shall be pleased to publish the names of all those British Indian refugees whose applications are more than two months old, and who are still without their permits. Not that we consider two months to be at all a reasonable time required for consideration of such applications, but as we hear that there are many applications which are over six months old, we have decided to choose the greater evil, and give it publicity. Comparatively, applications two months old may, at present, be considered normal, but as for older applications, we have no hesitation in saying that their very age shows an utter want of regard on the part of the authorities for the interests of the refugees. We would, therefore, ask all those who are suffering from the vagaries of the permit administration in the Transvaal to help themselves by supplying us with their names, addresses, and the dates of their applications. We do not say that all these men are *bona-fide* refugees, but we do say that they are all entitled to a definite, clear answer, so that they may not have to remain in a state of suspense. In some cases, we understand, they are holders of registration certificates issued to them under the old Dutch Government. They are now exiles from their own adopted land. Lord Selborne has made two promises, one to the white community, namely, that no non-refugee Indian will be allowed to settle in the Transvaal. This promise is being religiously observed. The other promise was made by His Excellency to the Indian community, namely, that all applications of the refugees will receive the earliest attention, and that they will receive full facilities for entering the country. If the information at our disposal be correct, the latter promise has still to be redeemed. We hope that our readers will help us to clear up a situation that has become intolerable.

*Indian Opinion*, 24-2-1906

### 81. TAMIL FOR THE LONDON MATRICULATION

We have received a reply from the Secretary of the External Registrar of the University of London, with reference to the petition of the Tamil inhabitants of the Colony, requesting that Tamil may be accepted as one of the foreign languages as an optional subject for the

matriculation examination of that University. Although the Joint Councils have not been able to make any recommendation to the Senate with reference to the matter, we do not think that it is one that need be dropped. Ancient bodies, like the University of London, are very difficult to move, but if the Tamil communities all over the world will persist in their efforts, we have no doubt that, ultimately, the Tamil language, which has a splendid literature, and which is the Italian of India, will be included in the London matriculation curriculum. We give the reply of the University in another column.<sup>1</sup>

*Indian Opinion*, 24-2-1906

## 82. LETTER TO DADABHAI NAOROJI

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,

RISSIK STREET,

JOHANNESBURG ,

TO

THE HONOURABLE DADABHAI NAOROJI

22 KENNINGTON ROAD

LONDON

DEAR SIR,

I beg to enclose herewith a statement<sup>2</sup> showing the Indian position in the Transvaal and the Orange River Colony.

I venture to think that there should be a joint deputation waiting on the new Ministers<sup>3</sup> regarding the position.

*I remain,*

*Yours faithfully,*

M. K. GANDHI

1 Enclosure

From a photostat of the original: G.N. 2270.

<sup>1</sup> Not reproduced here

<sup>2</sup> *Vide* "British Indians in South Africa", 22-2-1906

<sup>3</sup> John Morley and Lord Elgin

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

February 26, 1906

#### TRAMWAY CASE

The tramway has become nowadays a subject of much discussion among the Indians of Johannesburg. Many Indians live at Fordsburg, and there is an electric tram service between that place and the Market Square. The people, therefore, naturally ask why Indians should not be allowed to use the tram. The authorities too find it difficult to prevent the Coloured people from using the tram-car. The proposals put forward by the Johannesburg Committee have been brushed aside, and tram-cars with the label saying that they are open to use by Coloured people are now being run. On the one hand, the whites say that they have an aversion to travelling with Indians, while, on the other, one finds many whites sitting with Coloured people in tram-cars with the above label. Arrangements are in progress to file a test case in this regard in the name of Mr. Coovadia. With a view to making a test case, Mr. Coovadia accompanied by Mr. MacIntyre<sup>2</sup> boarded a tram-car without the above label. He was allowed to travel in that one; but, as he was boarding another, the conductor told him that he could have a seat only if he was a servant of Mr. MacIntyre; but that he would not be allowed to do so as a private gentleman. The matter is being discussed in the Press also. Mr. Daruwala addressed a letter to *The Star*, to which a white gentleman wrote a perverse reply. To this Mr. Daruwala has sent a good rejoinder. Moreover, two other whites have written on the subject, one supporting and the other opposing Mr. Daruwala.

#### RESPONSIBLE GOVERNMENT FOR THE TRANSVAAL

The British whites have been agitated over the news that the Transvaal would shortly get responsible government. For it is feared that responsible government will mean greater power for the Dutch, which will adversely affect the mining interests. However, the building activity in Johannesburg, which continues unabated, shows that the people here are not discouraged and are still clinging to the country in the hope that they will prosper. Trade is very sluggish and will become yet more sluggish. Formerly, the Kaffirs and the Dutch made

<sup>1</sup> These despatches were published regularly in *Indian Opinion* as from its Johannesburg correspondent.

<sup>2</sup> A Scottish theosophist clerk articulated to Gandhiji

many money transactions every Saturday. The Dutch are now reduced to poverty and the Kaffirs do not now spend as freely as before.

#### REPRESENTATION TO LORD SELBORNE

The British Indian Association has addressed Lord Selborne on permits, the tramway and the railway. To this he has replied personally over his own signature, saying that he would write again after a full inquiry into all the three questions. It is to be hoped that Lord Selborne will do something to redress these grievances.

#### MALAY LOCATION

The condition of the Malay Location has become disgraceful. The place is full of filth. People stint and huddle together in single rooms. The latrines and the courtyards stink badly. Plague is sure to break out under these conditions, if it should rain continuously for a long time. The matter needs to be seriously considered by thoughtful men. It would not be enough for people to keep their own houses clean, but they should persuade others also to do likewise. If they do not, they will not only lose the Malay Location as they did the Indian Location, but they will be required to go and live in Klipspruit, thirteen miles away. It is no use expecting that the authorities will take special care to keep the Location clean. If anything, it is in their interest that our houses remain as unclean as possible, so that they can accuse us of uncleanness and have us removed.

#### NEW MOSQUE AT JOHANNESBURG

For many years now there has been only one mosque in Johannesburg for Indian Muslims. But the Surati Memons have raised a large fund and bought a piece of land in their locality, where preparations are going on for building another mosque.

#### TRAM-CARS

Dr. Krause, a member of the Town Council here, met his voters recently and told them that he would, if he could, prevent Indians and other Coloureds from using the tram-cars; but that was not legally possible, and so he could not oppose their using the trams.

[From Gujarati]

*Indian Opinion*, 3-3-1906

#### 84. ADDRESS<sup>1</sup> TO ABDUL KADIR

DURBAN,  
[February 28, 1906]

We the members of the Natal Indian Congress cannot allow the occasion of your impending departure for India to pass without placing on record our sense of regard for the work you have done during your presidency of the Congress for the Indian community.

You succeeded a President, who, by his energy, had done a great deal of work for the Congress, and we have no hesitation in saying that the mantle fell worthily on your shoulders. You have contributed not a little to the financial stability which the Congress at present enjoys. During your presidency we have fought many a political battle, and we have found you always a willing leader amidst all the troubles. You have presided over the deliberation[s] of the Congress meeting[s] always with tact and prudence, and you have always responded, in your capacity as leader of the community, to the many calls on your purse.

As you are now going to India to enjoy well-earned rest, we wish you and yours may have a happy and successful sojourn in the land of our birth. And we hope that you will soon be amongst us again and resume your work for the good of our community.

*Indian Opinion*, 3-3-1906

#### 85. SPEECH AT FAREWELL TO ABDUL KADIR

*The following is a report of Gandhiji's speech made after the address had been presented to Abdul Kadir:*

DURBAN,  
[February, 28, 1906]

Mr. M. K. Gandhi addressed the meeting first in English and after wards in Gujarati. He referred to Mr. Abdul Kadir as a man who had done a great deal for the Indian community in Natal. He had, perhaps, a better knowledge of Mr. Abdul Kadir in political affairs than many of those present that evening. The presidency of the Congress had previously been held by men of worth and ability, who had done

<sup>1</sup> The address, which was enclosed in a silver casket, was read out by Adamji Miankhan at a meeting of the Natal Indian Congress, held to bid farewell to the retiring President on the eve of his departure for India. A similar address was presented to him on behalf of the Higher Grade Indian School, Durban.

excellent work for the community, and it was no easy matter to follow in such footsteps, but he had no hesitation in saying that the mantle had fallen on worthy shoulders. Mr. Abdul Kadir had worked hard to place the Congress on a sound financial footing, and it was largely due to his exertions that they had succeeded so well.

Mr. Gandhi called to mind an incident in this connection. When Mr. Abdul Kadir and other members of the Congress were collecting funds, a call was made at Tongaat, where one of his countrymen shewed reluctance to subscribe, but Mr. Abdul Kadir was not to be beaten; so he and the others slept on sacks spread on the ground and waited patiently until the morning, when they were rewarded by the “surrender” of the “enemy”.<sup>1</sup>

Such was the character of their guest. Whenever there had been need for action, Mr. Abdul Kadir had been found willing to give his time and attention. He wished him and his family an enjoyable visit to India and a safe return.

*Indian Opinion*, 3-3-1906

## 86. THE ROYAL VISIT

We extend a hearty welcome to Their Royal Highnesses the Duke and Duchess of Connaught and Princess Patricia. It is worthy of note that three members of the Royal Family are abroad, two paying visits to His Majesty's dominions and a third to a country in alliance with England. The future King and Queen of England are touring through India, and by their kind and sweet dispositions are winning the affection of the Indian people. Prince Arthur is drawing tighter the bond of friendship between Great Britain and Japan. And our own Royal visitors are by their usual tactfulness endearing themselves to the South Africans. To have permitted the three members of the Royal Family, almost simultaneously, to leave England, shows the regard that Their Majesties have for the welfare of the Empire over which they so worthily preside. It is a happy sign for its future that the superb qualities of the late Queen Victoria have descended to her children. May they live long to carry out the traditions of the Empire is our prayer to the Almighty Father of us all.

*Indian Opinion*, 3-3-1906

<sup>1</sup> Vide “The Second Report of the Natal Indian Congress”, 11-10-1899

## 87. INDIANS AND RESPONSIBLE GOVERNMENT<sup>1</sup>

The Transvaal would receive the fullest and most complete form of Responsible Government; therefore, the competence of the Transvaal to decide whether it would allow Chinese labour on the mines and farms and exercise control over the industry generally was indisputable; but it was essential that it should not inherit the present Ordinance. It would be impolitic and disrespectful to insert in the new Constitution any disability that would seem to suggest that we expect the Transvaal to act contrary to our notions of right, but it was proposed, under the power that was reserved in the Constitution of every self-government Colony, to instruct the Governor that any measure dealing with imported labour must be reserved for the consideration and assent of the Imperial Parliament. Legislation corresponding to the present Ordinance might be vetoed, though he did not anticipate such a contingency.

These are the expressions used by Mr. Asquith during the Chinese debate, and they place the position of the Home Government regarding a question analogous to the Indian question in a nutshell. The Chinese Labour Ordinance is in conflict with the Imperial traditions; so is the Indian legislation, only the latter is much more objectionable and easier to do away with, in that it is an inheritance from the Dutch Government, whereas the former is a creation of the now defunct British Government, yet there is no hesitation, on the part of the Liberal Chancellor of the Exchequer, in saying that it should not be left to the incoming Responsible Government in the Transvaal as a legacy. It then, "the fullest and most complete form of Responsible Government" is to be granted to the Transvaal, it follows that a clean slate should be presented to it, so far as anti-Asiatic legislation is concerned. As Sir William Wedderburn most clearly put it to Mr. Chamberlain two years ago, it is the duty of the Imperial Government to do away with such measures of the Dutch Government as contributed to provoke the war, and then leave it open to the Transvaalers to bring in any legislation they choose for the consideration of the Home Government. Unless the suggestion be adopted, the only other manner in which the Indian position can be saved is to insert a protective clause in the new Constitution, in addition to the general clause as to the right of veto. To do so would, in the words of Mr. Asquith, be impolitic and disrespectful, as it would be suggestive of a charge against the Transvaal of wishing to "act contrary to" Imperial "notions of right". If a policy of *laissez-faire*

<sup>1</sup> This was also published in *India*, 6-4-1906.



be followed regarding this question by the Imperial Government, and anti-Indian legislation be not repealed before the grant of Responsible Government, it would be quite competent for the latter to refuse to blot out what the Crown Government dared not touch.

It is better, even at the risk of repetition, to examine the Indian position. Indians have always asked for the repeal of Law 3 of 1885 and other laws and by-laws which are specifically aimed at Asiatics, but they have always qualified this demand by an emphatic declaration that they do not wish to flood the country, as it has been said, with Indians, nor do they wish to usurp the trade, especially the Kaffir trade, from the whites. They have asked for a fair field and no favour. To show their *bona fides*, they have accepted the principle of restrictive legislation of a general character. An Immigration Restriction Act, on the lines adopted by the Cape or Natal, so long as it recognises the principal Indian languages, and leaves it open to import men necessary for the conduct of existing businesses, will completely meet the case, so far as the entry of new men is concerned. With reference to trade, Indians have suggested that control over new trade licences should be given to the local bodies, their decisions to be subject to review by the Supreme Court. This is the farthest limit to which restriction can be legitimately carried. It is trade jealousy and the spectre of an Indian invasion that are at the bottom of anti-Asiatic agitation. These two “dangers” being removed, there can be no justification for any further curtailment of the liberty of the Indian, or for subjecting him to “unnecessary affront”. It would certainly be inconsistent with British notions of right to continue to deprive Indians of the right to own landed property, to move about freely, and otherwise to treat them as helots.

*Indian Opinion*, 3-3-1906

## 88. INDIAN TRADERS AT THE CAPE

We gladly make room for our Cape correspondent's letter, in reply to our remarks on his strictures on the petty Indian traders at the Cape, published in these columns some time ago. We certainly think that the testimony of Sir James Hullett<sup>1</sup> is as applicable to the Cape as it is to Natal. The Indian is just the same there as in Natal, and if his trade has benefited Natal generally, it cannot be otherwise at the Cape, where the material conditions are of a similar nature. But the chief point we have all along urged is that many of the charges brought against Indian traders by their detractors cannot be sustained. We have

<sup>1</sup> *Vide* “Memorial to Colonial Secretary”, 3-9-1904

never advocated the policy of flooding any part of South Africa with Indian or any other traders, but we do believe that it is a question capable of adjustment, without restrictive legislation. It would certainly help to[wards] a solution, if our correspondent could prepare a comparative statement of the European and the Indian traders in the various districts of the Cape Colony. From the information at our disposal, we think that the latter are in a hopeless minority.

*Indian Opinion*, 3-3-1906

### 89. INDIAN TRAVELLERS ON THE C. S. A. R.<sup>1</sup>

A correspondent writes to us in the Gujarati columns that by the train that left Johannesburg for Durban on the evening of the 26th February last, he saw seven Indian passengers, including an Indian lady, accommodated in a single second class compartment. He states further that an eighth passenger was added at Germiston, much to the discomfort of the other passengers. An ordinary second class compartment is hardly capable of holding more than six Passengers for a night journey—we understand that the passengers travelling by the night trains are entitled, for long journeys, to sleeping accommodation. Our correspondent does not state whether there was an unusual rush on the occasion alluded to by him. But be that as it may, we cannot help questioning the propriety of herding together so many passengers when one of them happens to belong to the opposite sex. Even an Indian lady is entitled to some consideration in such matters. The Indian public have a right to expect the accommodation they pay for. It will be a mockery to give them second or first class facilities in name only and deny them in reality. We draw the attention of the railway authorities to the complaint made by our correspondent and we do not doubt that they will take the necessary steps to avoid a recurrence of such complaints.

*Indian Opinion*, 3-3-1906

### 90. WARNING TO INDIANS PASSING THROUGH MIDDELBURG

We learn that the permits of the Indian passengers proceeding through Middelburg station are being invariably checked. This is not generally done at stations other than those on the Transvaal border. However, it is being done at Middelburg. We shall publish further

<sup>1</sup> Central South African Railways

information on this matter if we receive it from our readers at Middelburg. Meanwhile, the above fact should be borne in mind by passengers going to Middelburg. [From Gujarati]

*Indian Opinion* , 3-3-1906

## 91. JOHANNESBURG LETTER

*March 3, 1906*

### TRAM CASE

By the time this letter appears in print, the tram test case<sup>1</sup> will have been decided. After some difficulty, the Crown counsel has admitted the affidavit made by Mr. Coovadia, and issued a summons to the conductor who prevented him from boarding the tram-car. The case will come up for hearing on March 7. Meanwhile, the controversy about the tram service is still going on in the Press. A white gentleman has sent an insolent reply to Mr. Daruwala, saying that the whites would never allow the Coloured people to sit with them in the trams. Others have also written to say that, if the Coloured people were allowed to use the trams, it would be to admit their equality with the whites. A couple of persons have been gratuitously writing to the Press in this fashion. Meanwhile, the whites use without aversion the tram-cars that are especially run for the Coloured people. Such is the city's charm!

### CHINESE LABOUR

At present all the people here are exercised over the question whether the Chinese would be allowed to stay on or be driven out. Cablegrams from England show that orders have been issued by the Government to send back those Chinese who are not satisfied with their lot in the Colony. This has created a panic among the miners and they have tightened their purse-strings, with the result that all trade has now become slack. Moreover, the Kaffir rebellion in Natal has had its effect on the Kaffirs here. There is, therefore, no hope<sup>2</sup> left from any quarter.

### DEPUTATION TO COLONIAL SECRETARY

A deputation in connection with permits for the Indians will wait upon the Colonial Secretary. It is expected that some relief will certainly be forthcoming. An officer is likely to be stationed at Johannesburg to issue permits, etc.

<sup>1</sup> *Vide* "Johannesburg Letter", 3-3-1906

<sup>2</sup> For the recovery of trade. *Vide* "Johannesburg Letter", 3-3-1906

Mr. Chamney, Protector of Asiatics, has arrived and assumed charge of his office.

The Lieutenant-Governor has agreed to receive a deputation on the subject of the Malay Location. It will shortly wait upon him.

LORD SELBORNE

Lord Selborne has returned from Masseroo, where nearly 2,000 Basuto Kaffirs had gathered to greet him. These Africans are a very intelligent people. They have their own Parliament, which they call Pitso. The shorthand reporter attached to the Pitso is a Basuto, who has taken down a report of the speech made by Lord Selborne.

[From Gujarati]

*Indian Opinion*, 10-3-1906

## 92. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,

*Sunday, [March 4, 1906]*

MY DEAR CHHAGANLAL,

Do not fail in the slightest degree in doing your duty. It is absolutely necessary to bring the accounts up to date. The balance-sheet should be made up. You should take Mr. Bean's help in correspondence; associate Hemchand with Gujarati. It is not at all necessary to keep him in Durban. I shan't be able to send Kalyandas for the present. Most likely Brian Gabriel will come. It will be good if he does. The shortage of men we are experiencing will then cease. You alone know best how to lighten your burden. It will be enough if you go to Durban only for a day [in the week]. The main work is the collection of outstandings.

You should have the same arrangement in the Gujarati section as you have in the English. The leading article should come first, followed by the smaller leaders. After that should come the translations of articles on important subjects, etc., followed by letters like the "Johannesburg Letter" and last of all, Reuter's Telegrams.

The article on the Kaffir rebellion which you had placed first ought not to be there; it should have appeared in the news section. As I have entrusted the question of the Kaffir rebellion to you, I do not pay any attention to it. But you should study the subject well. If you make notes, you will be able to give a column or more of the latest news on Thursday. In accordance with the above arrangement, "The Natal Indian Congress" will be the leading article this time.

We should give the Gujarati "contents" at the end.

Discontinue the advertisement from Haji Suleman Shah Mahomed as we are not going to get it. Reduce Mr. Gool's to half. He has made a special request about it as his condition is not sound at present. I see that many advertisements from Cape Town will be discontinued. But I am not worried in the least by that. We shall get others. I am persevering in my efforts.

Mr. Isaac will arrive there during this month. Please keep a table and a chair for him in our office.

*Blessings from*

MOHANDAS

[PS.]

I have not translated Mr. A. Cadir's speech assuming that you would do it, which please do.

From a photostat of the Gujarati original: S.N. 4314.

### 93. *LETTER TO CHHAGANLAL GANDHI*

JOHANNESBURG,

*March 5, 1906*

MY DEAR CHHAGANLAL,

I have read your letter to Kalyandas. I understand that R. Peerkhan does not want you to execute any of the orders as they are all overdue. Please let me know what Transvaal orders are still unexecuted. Let me know also which orders require revision in quotation because of the job having to be done outside and let me know the difference in prices.

Miss Neufliess met me last evening and told me that she got her *Indian Opinion* for the first week with the back numbers and now she is not getting any at all. I have sent a wire with reference to the order, you will recollect, I sent to you for an Indian restaurant-keeper. I told you also that I made a promise to the man that he should receive his notices on or before to-day. He, therefore, came over to-day and inquired. I see you did not mention the matter when I was in Phoenix and I did not see any letter from you either addressed to the office. I think I told you in my letter that, if you could not execute the order within the time, you were not to have done it. Please let me know, if you have not already telegraphed to me, what is to be done. I shall be sending you to-day a Theatrical order. The Company is to play next Wednesday. They will naturally require the handbills and the programmes before that time. If, therefore, it is impossible for you to accept the order, you should wire to me before taking it up. I am most

anxious to fulfil promises that have been once made.

*Yours sincerely,*

M. K GANDHI

C. K. GANDHI, ESQ.

*c/o Indian Opinion*

PHOENIX

From a photostat of the original: S.N. 4315

#### 94. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,

*March 5, 1906*

MY DEAR CHHAGANLAL,

Mr. Gool writes to me saying he is waiting for the list of Capetown subscribers and advertisers. If it is not sent, I hope you will send it without delay.

Mr. Dada Osman will want from you the names of the leading newspapers in England, India and South Africa. You may ask Hemchand to prepare a list of the papers to whom we send *Indian Opinion*, and give it to Mr. Dada Osman.

In taking job work, please be most particular that you do not take any orders from strangers unless cash is paid down. There should be no hesitation in refusing. The only people for whom we should accept orders on credit should be regular customers of known standing who are also supporters of the Paper. There should be no indecision about it.

I notice Mr. Omar's article about Delagoa Bay has not appeared. I take it, it will appear this week. I sent another article from his pen yesterday. That, of course, should be reserved for next week.

I notice you have not announced the report of the Abdul Cadir meeting<sup>1</sup> and a translation of the address will be given in this week's issue. However, I take it that you are going to do it.

*Yours sincerely,*

M K. GANDHI

C. K. GANDHI, ESQ.

*c/o Indian Opinion,*

PHOENIX

From a photostat of the original: S.N. 4316

<sup>1</sup> Vide "Speech at Farewell to Abdul Kadir", 28-2-1906

95. LETTER TO A. J. BEAN

JOHANNESBURG,  
March 5, 1906

DEAR MR. BEAN,

I think Brian Gabriel will join at the end of the month. He has sent me the enclosed sketch<sup>1</sup> of alterations he would like to have made to the house occupied by Orchard. Will you kindly go into them and let me know what the alterations mean in money? Please let me know whether there are bath-room, water-closet and tank in that house. Are the walls of that house ceiled? I am leaving this purposely to you so as not to bother Chhaganlal as he complained of overwork. I shall thank you to let me have a reply to this, if possible per return. I hope you are considering my letter<sup>2</sup> and will let me have a favourable reply.

Kuhne's book<sup>3</sup> was to have gone on Saturday. It is now being posted to-day.

*Yours sincerely,*  
M. K. GANDHI

A. J. BEAN, EST.  
*c/o Indian Opinion*  
PHOENIX

From a photostat of the original: S.N. 4317

96. LETTER TO A. J. BEAN

JOHANNESBURG,  
March 7, 1906

DEAR MR. BEAN,

I have your letter about Mr. Mannering. I am sorry that he feels unsettled on account of the conversation with him. I intended to talk to him when I was there, but I hadn't the time. When I went to the Press, I was incapable [*sic*]. I have been thinking over the alleged understanding I gave to all. The circumstances were these, so far as I can recall them. I was talking about Pillay or somebody at that time. I

<sup>1</sup> Reproduced on opposite page

<sup>2</sup> This is not available.

<sup>3</sup> *The New Science of Healing or the Doctrine of the Oneness of all Diseases* by Louis Kuhne

did say that nobody, because he taught or did anything, need feel that he was to go as soon as he finished it, that everybody should consider himself absolutely safe in the Press, so long of course as the Press was not actually starved. I do not know whether Mr. Mannering was at that time on the pay basis or whether he was a schemer, but the assurance was not given after Mr. Mannering left the scheme and returned again. I believe that when he was taken over I told Chhaganlal—the letter<sup>1</sup> must be in his possession—that if Mr. Mannering was taken back, he should do so on a monthly basis. I may not be correct, but such is my impression. In any case, I certainly never had the intention of giving any assurance that everybody, that is to say, those who did not belong to the scheme, was to consider himself safe under all circumstances, and at the salary he was getting. All I wanted to convey was that there was not the slightest intention of driving anyone out when others were raised to take his place. To that opinion I adhere even now. I do not know what Mr. Mannering intends doing, but so far as I am concerned, I am quite willing that he should remain on at £8 per month, at least up to the end of this year. I know that you think that he should get a higher wage, and if the schemers agree, I have not the slightest objection; also if the schemers consent to it, you may treat this letter as binding on me and Mr. Mannering may rest assured that no matter what changes my personal opinions may undergo, he should consider himself a fixture, at least up to the end of this year. I am writing to Mr. Mannering also separately in the matter.<sup>2</sup>

*Yours sincerely,*

M. K. GANDHI

A. J. BEAN, ESQ.

*c/o Indian Opinion*

PHOENIX

From a photostat of the original: S.N . 4318

<sup>1</sup> This is not available.

<sup>2</sup> This letter is not available.



## 97. LETTER TO CHHAGANLAL GANDHI

[Before March 9, 1906]<sup>1</sup>

CHI. CHHAGANLAL,

Things there have not quite settled down yet. Turn your stay in Phoenix to the best account. You have submitted long enough to what others say; now you should open your mouth. Put to Sam<sup>2</sup> again and again the arguments I used to advance. Ask Bean<sup>3</sup> to be frank and talk things over with him. Encourage West<sup>4</sup> and see that you three brothers<sup>5</sup> work in such spirit and have such understanding among yourselves that you make only the best impression on others. Whatever is to be done about Hemchand, do immediately. Call him to Phoenix, if that is best. Observe how Rama and Rajkumar behave. Encourage them too. I am convinced that the resolution that has been adopted is the right one. The case containing Mr. Polak's books did not arrive, after all. There has been some misunderstanding. I am writing again to Sheth Rustomjee's<sup>6</sup> people. If you go to town, please inquire.

*Blessings from*

MOHANDAS

From the Gujarati original: S.N. 4764

## 98. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
March 9, 1906

MY DEAR CHHAGANLAL,

You asked me to send a list of those who have not paid regarding Mr. Nazar's estate. Did you not make a list of the whole thing? I don't know what £15/5 represent. I have an impression that you told me you had made out all the bills. If you haven't a list, I

<sup>1</sup> From the reference to Bean in the letter, this appears to have been written before the one to the addressee, dated March 9, 1906; *vide* "Letter to Chhaganlal Gandhi", 9-3-1906

<sup>2</sup> Govindaswami, engineer in the Phoenix settlement

<sup>3</sup> A. J. Bean

<sup>4</sup> Albert Hume West

<sup>5</sup> The addressee, his brother Maganlal Gandhi and his cousin Anandlal Gandhi

<sup>6</sup> Parsee Rustomjee

would be able to send you one, but would not know who had paid and who had not. You are to collect undoubtedly from Thanu Maharaj. You need not bother Bhatt, Subhab, but there will be at least that dividend to be paid to them. From Mr. Miankhan you should collect. I return the paper.

I have not received the correspondence you refer to in your Gujarati letter received to-day. I have now received it.<sup>1</sup>

I shall write to Osman Amod.

Of course, we do not want to make extracts from the *Islam Gazette*. I received your telegram saying that you will be able to do the Theatrical job. I should have been quite content if it had not been done. All I would want you to be careful about is having made a promise to keep it. I may send you work from here without knowing whether you will be able to do it or not, but you have always the right not to do it if you can't.

If you cannot get satisfaction from Osman Amod, you should refuse to accept work. Make the position perfectly clear to him that we have to pay for work done outside in hard cash. We have to do nothing in fear. We want to please in a reasonable manner only and if we fail to please, the blame won't be ours. All, therefore, we have to do is to put ourselves to inconvenience for others, be always courteous, and to suffer when necessary. Further than that we are not called upon to go.

I have not yet received Coovadia and Patel's letter[s], but as soon as

I do, I shall reject them but will give you a note in reply to their correspondence.

We cannot, and we do not want, to ask the Congress or the British Indian Association to defray the expense of complimentary copies.

It is a pity that we have no cable from Maganlal.

We do not wish at this stage to give Mr. Dowd Mahomed's photograph, but you should give Mr. Abdul Cadir[s], even if it is next week.

You have sent me no bill for the restaurant except the handbills. My instructions were to send me the bill also. Please let me have it. You should be always careful to send bills whenever you execute orders. I was to have received cash against delivery. How can I

<sup>1</sup> This sentence is added in Gandhiji's own hand.

if I have not got the bill from you[?]

*Yours sincerely,*

M. K. GANDHI

Enclosures<sup>1</sup>

C. K. GANDHI, ESQ.

*c/o Indian Opinion*

PHOENIX

From the photostat of the original typescript signed by Gandhiji: S.N. 4321

*99. LETTER TO CHHAGANLAL, GANDHI*

JOHANNESBURG,

*March 9, 1906*

MY DEAR CHHAGANLAL,

Your letter to hand. I follow what you say about Mr. Bean. You have done the right thing in not passing on the letter to Sam. I always want to know your views on such matters. I do not wish to importune Mr. Bean overmuch. I wrote my last letter<sup>2</sup> to him yesterday and I will write no more. To Mr. Kitchin also I have written clearly.<sup>3</sup> I feel for him somewhat because he will have, as he says, to upset all his arrangements. He has spent a lot and I rather felt that he would not go away from Phoenix. Hence the feeling that it will be good if he stays. Nevertheless, I have no intention of pressing him overmuch. You had better give up trying to persuade Mr. Bean now. You should act only on those among my suggestions which appeal to you as reasonable. I always assume this, when I communicate to you, without reservation, my thoughts as they occur to me.

Now that you are keeping all the account books yourself, I should like to know how it has affected the work. I desire that the accounts be got ready immediately.

Brian Gabriel writes that he will arrive there by the end of this month.

I think it will be difficult to send Kalyandas there at present. I already carry a big burden and it will become heavier, if I send him away. It is, moreover, doubtful whether he will stay there cheerfully or not. I shall, however, send him, if possible, during the winter for a time.

Please send me the file of the *Opinion*. Make as much use of

<sup>1</sup> Not available

<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

Mr. Isaac as you can.

*Blessings from*

MOHANDAS

[PS.]

I have received the papers. None of them is worth publishing. Please write to both the Patels directly as follows: "Received your letter. We receive plenty of such material, which we do not think it necessary to publish in the *Opinion*. It leads to counter-allegations and adds to the bitterness. The *Opinion* being chiefly meant for discussing political and social matters, it seems improper to introduce too many topics pertaining to religion." It is not necessary to reply to them through the journal. Inform Osman Amod that I have written to him directly.

The enclosed is the name of a new subscriber: his subscription has not been received.

MOHANDAS

From a photostat of the original Gujarati in Gandhiji's hand: S.N. 4320

### *100. FRAGMENT OF A LETTER*

[After *March 9, 1906*]<sup>1</sup>

. . . I have written asking to be sent local news. If you receive anything from him, publish it as 'From Our Correspondent'. Certainly do the necessary editing. The cases containing the books have been received. But the one containing Mr. Polak's books has not arrived. I cannot understand why. They write from Rustomjee Sheth's that it has been dispatched. A solitary book was received: I wonder if they mean that.

Despite there being no job work who on the paper<sup>2</sup> is hard up? I can understand about the Gujarati section. All the same, in this matter follow for the time being any practice that works.

If you feel that I should write to Hemchand, let me know. I will then write further.

I understand about the kitchen door.

Let me know how much Gujarati Gokaldas does.

*Blessings from*

MOHANDAS

<sup>1</sup> From the reference to the case containing Polak's books this appears to have been written after "Letter to Chhaganlal Gandhi"; *vide* the preceding item.

<sup>2</sup> *Indian Opinion*

[PS.]

Heidelberg, etc. . . .

From the Gujarati original: S.N. 4679

### *101. LETTER TO COLONIAL SECRETARY*

[DURBAN,  
Before *March 10, 1906*]

TO

THE COLONIAL SECRETARY

MARITZBURG,

SIR,

The Committee of the Natal Indian Congress has read with pain and anxiety Government Notice No. 150 published in the *Natal Government Gazette* dated the 27th ultimo, imposing certain fees in connection with various passes and certificates issued under the Immigration Restriction Act No. 30 of 1903 as amended by Act 3 of 1906. Our Committee ventures respectfully but strongly to protest against the tariff of fees mentioned in the Notice.

It is submitted that the fees amount to a tax on British Indians who are entitled to remain in the Colony or to pass through it.

It is well known that the Act is enforced very largely, if not entirely against British Indians. The various passes and certificates issued there under are granted more in the interest of those who desire their enforcement than of those to whom the provisions are applied.

Our Committee, with the greatest deference, thinks that the fees sought to be imposed are extortionate.

Our Committee reminds the Government of the fact that, during the lifetime of the late Right Honourable Harry Escombe, an attempt was made to impose a fee of £1 for visitors' passes. A respectful representation was sent thereupon protesting against the imposition and the late Right Honourable Gentleman immediately withdrew the Notice regarding the imposition.

At that time the Certificate of Domicile was free from the £1 fee.

Our Committee, moreover, draws your attention to the fact that British Indians who may be residing in the inland colonies are at least entitled to a passage through Natal without having to pay a charge of £1 for the privilege of passing through the Colony.

Indeed, even from a selfish standpoint, the fact that such Indians bring to the Natal Government Railways a certain amount of revenue

should weigh with the Government in not imposing a prohibitive fee.

Act 3 of 1906 contemplates a reasonable charge of £1. My Committee submits that a charge of £1 for a visiting or embarkation pass or a Certificate of Domicile can never be considered reasonable, and if the wife of a domiciled British Indian is entitled to remain in the Colony or to enter it, and if an Indian who can satisfy the educational test is also, as of right, entitled to enter the Colony, it seems, in the humble opinion of our Committee, not only hard but insulting that either the wife of a domiciled Indian or an educated Indian himself should have to pay what is after all a tax of 5/- for not being a prohibited immigrant within the meaning of the Act.

Our Committee does not understand the term transit pass.

Our Committee ventures to trust that the Government will be pleased to withdraw the Notice and allow the charges hitherto imposed to stand.

Our Committee hopes that your early attention will be given to the complaint as the matter is rather urgent.

*We have the honour to remain,*

*Sir,*

*your obedient servants,*

O. H. A. JOHARI

M. C. ANGLIA

JOINT HON. SECRETARIES, N. I. C.

*Indian Opinion, 10-3-1906*

## *102. "INFLUX OF ASIATICS"*

The Congress of the Associated Chambers of Commerce of South Africa, that met in Durban last week, has again passed a resolution about Indians. Mr. E. F. Bourke, of Pretoria, moved

that this Congress of Chambers of Commerce of South Africa views with alarm the increasingly detrimental effect upon the commerce of the whole of South Africa because of the continual influx of Asiatics, and desires to express its conviction that it is imperative, in the interests of the white population of South Africa, that concerted action should be taken by the various Governments with the least possible delay.

Mr. G. Mitchell moved that the word "continual" be omitted, and the resolution was passed without it. A resolution of this nature, passed by an important body like the Congress of the Associated Chambers, ought to carry weight, and it is to be feared that, although the resolution is without foundation in fact, it will be used as

an authoritative expression of opinion on the part of the Chambers of Commerce in South Africa.

If the resolution were examined calmly, it would be found that the influx of Asiatics could not detrimentally affect the commerce of the whole of South Africa, for Indian immigrants would, after all, be consumers, no matter how humble they may be; but we imagine that the framers of the resolution intended to say that the increase of Indian traders, due to the influx of Indians, had such an effect. Although both the question of influx and that of Indian trade have been fully examined in these columns more than once, we propose again to deal with them in order to show how ill-informed the speakers were as to the true position. So far as the Cape Colony and Natal are concerned, there is, as the Immigration Office records show from day to day, a most effective barrier set against Indian immigration, and the manner of enforcing the restrictions is daily being made more irksome. From the letter<sup>1</sup> we reproduce in another column from Professor Parmanand, it will appear that the Immigration Officers are no respecters of persons. The learned Professor, whose fame and name preceded him, was subjected to an educational test before he was allowed to set foot on the ground at Port Elizabeth. Could severity go any further?

The Orange River Colony does not come into the calculation at all, as nobody has ever suggested that there is any Indian population or Indian trade worthy of the name in that Colony, and yet we find the resolution applying to the whole of South Africa.

With reference to the Transvaal, Lord Selborne, as well as other Government officials, has more than once stated, in emphatic terms, that no non-refugee British Indians are being allowed to enter the Transvaal. Our permit pillory<sup>2</sup> will bear witness to this.

One of the speakers said that the fact of the Advisory Boards having been appointed showed that an influx was going on. May we inform him that the Boards have been established, not because an influx has been going on, but in answer to the agitation that was set up by certain interested parties in the Transvaal, and in total disregard of the feelings and convenience of Indian refugees. The Boards could not act any more effectively than the permit officers have hitherto done. The same speaker went on to say that he could “give evidence that the Government knew of certain Asiatics coming in unlawfully”. Either the statement is true, or it is untrue. If it be

<sup>1</sup> Not reproduced here

<sup>2</sup> *Vide* “A Permit Pillory”, 24-2-1906

true, it is a duty the speaker owes to the Government, as well as to the Indian public, that he should give detailed information with names; if it be untrue, as an honourable man he should withdraw it. Serious statements of that nature, without any facts to support them, made before a public body like the Congress of Associated Chambers of Commerce, cannot be allowed to pass unchallenged, and we state emphatically that there has been no such unlawful influx of Indians into the Transvaal, as has been suggested by the speaker. We would here draw the attention of the public to the fact that the British Indian Association at Johannesburg invited public enquiry into the matter, which the Government did not grant, as the Government was fully convinced that there was no such influx. With reference to the so-called increase in Indian trade in Natal, there is a most effective and tyrannical check actually exercised over Indian licences. As the members of the Congress must have known, the Natal Dealers' Licenses Act places every Indian trader absolutely at the mercy of the Licensing Officer. They must also have known that two respectable Indians<sup>1</sup>, traders of long standing, have been wantonly deprived of their licences, although they were, as a matter of fact, not even competing with Europeans in their trade.

In the Transvaal, the position is no better, if only because the Indian population of the Transvaal is not so large as the Indian population of Natal, and also because even refugees find it difficult to enter that Colony. At the same time, we are free to admit that the decision of the Supreme Court in the test case has undoubtedly, to a certain extent though not in any appreciable degree, increased the number of Indian licences, but Indians have showed their extreme moderation by suggesting that, as against repeal of Law 3 of 1885 and all class legislation, they would be prepared to accept the principle of control over new trade licences by the municipal bodies. It is worthy of note that, of the eight speakers who are reported to have taken part in the debate on the resolution, there were only two from Cape Town, and they did not appear to have brought forward any facts or figures to show that Indian trade was in any way affecting European trade. Thus, examined from every point of view, the resolution is totally unnecessary, and certainly not based upon facts. The only real remedy which lies at their door, the people of the Transvaal have hitherto declined to accept. It is also worthy of note that, out of the eight speakers, there were five from the Transvaal; and evidently the resolution was passed, not in the interests, as it has been said in the

<sup>1</sup> Dada Osman and Hoondamal; *vide* Dada Osman's case "15-9-1898 and "Indian Licences: Need for vigilance—I", 18-2-1905



body of it, of South Africa generally, but in the interests of the Transvaal only.

*Indian Opinion*, 10-3-1906

### 103. A CONTRAST

We have drawn attention to Professor Parmanand's hardships, whilst he was passing through the Cape Colony, in our remarks on the proceedings of the Congress of Associated Chambers of Commerce.<sup>1</sup> Professor Parmanand, it would appear, was unnecessarily subjected to the indignity of an examination, before he was allowed to land at East London.

A letter from Mr. Omar Haji Amod Johari, which we publish in another column,<sup>2</sup> shows what even the most respectable Indians have to undergo in South Africa. Mr. Johari is a leader among Indians in South Africa. He represents the well-known firm of E. Aboobaker Amod & Bros., of Natal. He is a cultured Indian, and has travelled in Europe and America. All this was of no consequence to the permit officer at Volksrust, who, not being satisfied with having examined his permit, had the effrontery to ask Mr. Johari to put his thumb-impress on his book. We confess that we fail to see the reason for this procedure. Well may Mr. Johari ask whether he is to be treated as a criminal, without being guilty of any offence, save that of wearing a brown skin.

And yet, when it was a Japanese subject who was treated rudely only the other day, a howl of public indignation went up throughout South Africa, and our contemporary, *The Transvaal Leader*, in an angry editorial, after having severely censured the authorities for the delay in granting a permit to Mr. Nomura and for subjecting him to the offensive process of giving his thumb-impression, offered a public apology to the gentleman on behalf of the people of the Transvaal.

We believe that Mr. Nomura was entitled to the apology. But we cannot help contrasting the attitude of the public towards that incident, and the incidents to which we are now drawing attention. We fear that there will not be even so much as one feeble voice raised in favour of Professor Parmanand or Mr. Johari. The moral is obvious. Mr. Nomura belonged to an independent nation in alliance with Great Britain. Messrs Parmanand and Johari are only British Indians, after all. But a little reflection should show that a British subject is deserving

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

<sup>2</sup> Not reproduced here

of at least as much solicitude on the part of the public, and that persistence in such a policy as this to which we draw attention cannot but lead eventually to the disruption of the Empire.

*India Opinion* 10-3-1906

#### 104. A CRYING SHAME

The Natal *Government Gazette* for the 27th February last contains a notice under the Immigration Restriction Act. It seeks to impose sundry fees for the various documents which people, who are affected by it, have to take out. A nominal fee we do not mind, though we question the legality of even a trivial charge. But the notice in question is nothing short of a shameful attempt to replenish the empty treasury of Natal. A certificate of domicile, a visiting pass or an embarkation pass are to cost £1 each. A certificate of ability to pass the educational test, a wife's exemption certificate and a transit pass (whatever the latter may mean) are to cost five shillings each. Thus, although an Indian may be entitled by law to enter Natal or to remain in this Colony, he cannot henceforth do so without paying a price for it.

An imposition of the above kind was attempted in 1897, but the late Rt. Hon. H. Escombe<sup>1</sup> saw the reasonableness of the protest of the Natal Indian Congress against it, and withdrew the tax immediately.

It does not appear to have struck the authors of this notice that, in seeking to exact the high fees from the Indians, they will not necessarily decrease the deficit of the Colony. An Indian living in the Transvaal wishes to return to India. He can only do so by going through the Cape, Durban or Delagoa Bay. The Durban route is the most popular. The Indian passenger traffic is no mean thing. It behoves the Natal Government to take care that, in trying to exact an additional pound from an Indian, they do not kill the goose that lays the golden egg of Trans-Natalian Indian passenger traffic. So much for an appeal to selfishness.

On the ground of justice, the case is overwhelmingly in favour of the Indian. The Immigration Act is supposed to apply to all, irrespective of nationality. In effect, it is enforced chiefly, if not solely, against Indians. The charges sought to be imposed by the notice, therefore, constitute special taxation on the Indian community. We sympathise with the Government in their financial embarrassment, but

<sup>1</sup> Sir Harry Escombe, (1838-99), leading advocate of the Natal Supreme Court, sometime Attorney-General, and Prime Minister of Natal, 1897

can scarcely approve of the method they have adopted of filling the State coffers.

*Indian Opinion*, 10-3-1906

### *105. A POLL-TAX GRIEVANCE*

Our Gujarati columns show that much irritation is caused to Indian payers of the poll-tax, owing to the alleged difference between the treatment of European and Indian payers. One of the aggrieved parties states:

When a European goes to pay the poll-tax, he does not have to stop even five minutes, whereas an Indian has to devote practically the whole day, before the money is taken from him and he is dispensed with.

If it be true that the intending Indian tax-payers have to pass very nearly a day before they can pay the tax and get the receipt, there is something very bad about the arrangements made by the Government, and the attention of the authorities is drawn to the complaint.

*Indian Opinion*, 10-3-1906

### *106. INDIAN PASSENGERS BY THE GERMAN EAST AFRICA LINE*

More than one correspondent draws attention, through our Gujarati columns, to the inconvenience that was felt by the passengers on board the steamer *Somali* during her last voyage to Durban. One of them writes:

On board the *Somali*, which left on the 20th January, passengers had to undergo many difficulties about cooking, etc. The crew on board were totally careless as to the comfort of the passengers, and the Captain, on the complaints being taken to him, did not listen.

We draw the attention of the Agents of the German East Africa Line to the allegations above made. We shall be pleased to publish any explanation that they may have to give. In any case, we trust that full investigation will be made; and in view of the fact that Indians give very considerable support to the line, even a policy of selfishness will dictate consideration towards Indian passengers.

*Indian Opinion*, 10-3-1906

### 107. THE NATAL INDIAN CONGRESS

Great changes have come about in the set-up of the Natal Indian Congress. After having occupied the presidential chair of the Congress for eight years, Mr. Abdul Kadir has left for India. May his wishes be fulfilled, and may he return here safely! The Indian community has conferred on him great honour, which he amply deserves.<sup>1</sup> In honouring him, the community has honoured itself. A number of speakers rightly emphasized the philanthropy of Mr. Abdul Kadir. Mr. Abdul Kadir maintained the dignity of the Chair with solemnity and modesty. He did much to put the Congress on a firm footing. Whatever honour is done him must, therefore, be deemed inadequate.

With the departure of Mr. Abdul Kadir, Mr. Adamji Mian Khan relinquished the office of Joint Honorary Secretary. Mr. Adamji is one of the very few educated persons among businessmen in the Indian community. He has been serving the Congress ever since its inception. In 1896, when the condition of our people was very critical, Mr. Adamji worked with great zeal, tact and humility. During his tenure of office, there was great enthusiasm among the members of the Congress. Mr. Adamji was mainly responsible for collecting £1,000 during that brief period. Moreover, he took the same keen interest in political matters also. When the residents of Durban staged a demonstration<sup>2</sup> against the steamers, *Courland* and *Naderi*, Mr. Adamji acted with patience and firmness. Later when the late Mr. Nazar and Mr. Khan relinquished their office as Congress Secretaries, Mr. Adamji Mian Khan was elected Joint Secretary along with Mr. Omar Haji Amod Zaveri. Since then, he served the Congress, along with Mr. Zaveri, until last week. The reasons why Mr. Adamji resigned are, first, his indifferent health and, secondly, his desire to give Surati brethren an opportunity of holding office. We regret Mr. Adamji Mian Khan's ill health and pray to the Almighty that he may soon be restored to health. The second reason which has led Mr. Adamji to resign his office does him greater credit. The well-being of his country has always been the uppermost thought in his mind.

Mr. Dowd Mahomed has succeeded Mr. Abdul Kadir as President, and Mr. Mahomed Cassim Anglia has taken the place of Mr. Adamji. The largely attended meeting at the Congress Hall

<sup>1</sup> Vide "Address to Abdul Kadir", 28-2-1906

<sup>2</sup> On January 13, 1897. Vide "Memorial to Secretary of State for the Colonies", 15-3-1897

greeted them with loud acclamation. In the trading community here, the Suratis preponderate, and it is in the fitness of things that two Surati gentlemen should be elected simultaneously to these high offices. It will indeed be difficult to maintain the traditions built up by such able men as Mr. Abdul Kadir and Mr. Adamji, but we expect that both the [newly elected] gentlemen will play their part ably.

Mr. Dowd Mahomed has been a leading member of the Congress from the beginning. He has rendered good service to the Congress. He was the first to be elected an office-bearer of that body. His ability known to all. He has many virtues, and if he employs them all in the service of the Congress, he will, we are sure, bring great credit to the Congress.

Mr. Mahomed Cassim Anglia is an educated gentleman and has experience of political work. And though he has not so far taken an active part in Congress activities, he is quite qualified to hold the Secretary's post. At present, great enthusiasm prevails among Congress members. We are confident that Mr. Dowd Mahomed, as also Mr. Omar Haji Amod Zaveri and Mr. Mahomed Cassim Anglia, will take advantage of this enthusiasm and carry on Congress work successfully.

For a long time now, no funds have been collected for the Congress. It is necessary to undertake certain political activities, which can be easily done if some effort is put in. Like the new Ministry in England, the Congress, too, has got a new executive body. This coincidence is such that we can justly expect some good to come out of it.

[From Gujarati]

*Indian Opinion*, 10-3-1906

#### *108. A FRESH MOVE TO SEPARATE VRYHEID FROM NATAL*

The Dutch are greatly heartened by the Liberal Ministry coming to office in England, for they believe that they will now get whatever they demand. When Vryheid was taken out of the Transvaal and merged in Natal, they objected to it, although without success. Now they have again resolved to submit a mass petition. They do not like the Natal laws, and want to remain with the Transvaal. Indians will benefit much if Vryheid is merged in the Transvaal. At present the oppressive laws of both the Transvaal and Natal apply to them and they do not have the benefit of the good laws of either.

[From Gujarati]

*Indian Opinion*, 10-3-1906

### 109. MR. JOHN MORLEY AND INDIA

Mr. John Morley has spoken on the Indian question. Replying to Mr. Roberts, he said that the partition of Bengal had already been accomplished. It was impolitic to have offended people over the matter of fixing boundaries. There was no need, however, to make changes in what had already been done. It was necessary that the agitation that had disturbed the administration should now subside. The time for granting the people a share in the government of the country had not yet come.

These words of Mr. Morley are disappointing. They mean that the people of Bengal will not get justice. Of course, if Mr. Morley had been at the helm of affairs at the time, the partition would not have come about. From this it appears that the hope that Mr. Morley would act boldly and fearlessly and do what was necessary has been belied. In effect, therefore, for the duration of his career, it is only when new laws are enacted that attention will be paid to the feelings of the Indian people. Moreover, his statement that our people are not fit to take part in the governance of the country might be construed to mean that we are not yet fit for self-government. At the same time, it would not be proper to infer from a statement of this kind that India would not receive any benefits from Mr. Morley. However, Mr. Morley's views are similar to those of the average Anglo-Indian; and they are likely to change only if we put in the requisite effort. It will be futile to hope that he would exert himself in our favour as he did for Ireland.

[From Gujarati]

*Indian Opinion*, 10-3-1906

### 110. NEW REGULATIONS FOR DOMICILE PASSES, ETC., IN NATAL

The following regulations have been published in the *Natal Government Gazette* of February 27:

The following fees will be charged from persons desiring to take out certificates, etc., under the Immigration Act:

	£	s	d
Exemption Certificate, i.e., special permission for entry into the Colony	0	5	0
Certificate of knowledge of language	0	5	0
Domicile Certificate	1	0	0

Temporary Pass for a visitor	1 0 0
Embarkation Pass (for boarding a steamer)	1 0 0
Separate pass for the wife	0 5 0
Certificate for passing through Natal	0 5 0

It would be a very bad thing if these taxes were to continue. We hope that the Natal Indian Congress will immediately take up this matter.

A similar proposal to levy taxes was made by the late Mr. Harry Escombe, but it was withdrawn as a result of a strong representation made by the Congress.

Natal has been impoverished; the Government is, therefore, making desperate efforts to collect money from all possible sources. It has adopted this new tax device. But this in effect has defeated its purpose.<sup>1</sup> For Indian residents in the Transvaal who wish to sail home, the shorter route lies through Natal. If such persons go *via* Natal, the Government will stand to gain in its railway revenue. If, alternatively, they go *via* Delagoa Bay, the Natal Government is likely to suffer a corresponding loss. We are sure that, if these penal taxes continue, Indian travellers will boycott the Natal railway and travel through Delagoa Bay.

The Natal Government has no right at all to levy such a tax. This law is being enforced for the benefit of the Natal public. If, therefore, the burden of the levy is to fall on any group, it should be on the whites. And if an Indian wishes to visit Natal for a short period, the Natal Government is bound to assist rather than penalize him.

[From Gujarati]

*Indian Opinion*, 10-3-1906

### 111. JOHANNESBURG LETTER

*March 10, 1906*

#### TRAM TEST CASE

The tram test case was heard by Magistrate Kar last Wednesday. The plaintiff, Mr. Coovadia, was represented by Mr. Gandhi, and the respondent by Mr. Hile, the Town Council advocate. The Crown Counsel, Mr. Blaine, appeared on behalf of the Government. He conducted the case well without discriminating between the white and

<sup>1</sup> The Gujarati original has: "This has resulted in the Government cutting its own foot with an axe."

the Coloured. During his examination, Mr. Coovadia deposed that the respondent forbade him to travel by the tram and asked him to use the tram reserved for the Coloureds; the case was, therefore, brought to court. On the Counsel for the Town Council admitting the said facts, it was not considered necessary to record Mr. MacIntyre's evidence. The respondent argued that he had orders from the Town Council not to admit Indians or other Coloured persons into the tram unless they were servants accompanying their white masters, and that he had accordingly refused admission to the plaintiff. In his address to the court, Mr. Blaine said that, according to the bye-laws of the Johannesburg Tramway, Indians were entitled to travel by any tram-car, and that the respondent was, therefore, guilty.

In his address, Mr. Hile admitted that the tramway bye-laws did not prohibit Indians from travelling by any tram-car. But there was a regulation, introduced by the Sanitary Committee [of the Town Council] during the Boer regime, which made it an offence for any Coloured person to use a tram, a bus or a cab reserved for the whites. By virtue of that regulation, still unrepealed, an Indian could be refused a seat in a tram. To this Mr. Blaine replied that the said regulation was no longer applicable and that Indians were entitled, by virtue of the bye-law passed by the Council, to travel in the tram. Mr. Kar has deferred judgment in the case till Monday. If it is announced on Monday, I shall communicate it.

According to news subsequently received, we have won the tram case and the Municipality has preferred an appeal.

#### RESPONSIBLE GOVERNMENT FOR THE TRANSVAAL

The agitation for responsible government is still continuing in Johannesburg. The Boer People's Committee and the leaders of the Responsible and Progressive Parties met at the residence of Sir George Farrar with the object of arriving at a unanimity of views. What transpired at the meeting is not so far known; but it is believed that they could not reach an agreement and dispersed without taking a decision.

Meanwhile, a huge movement is in progress here. It has been decided to send a deputation of whites to England and a mass petition to King-Emperor Edward, to which thousands of signatures are being obtained. The demand of the signatories is that, in any future constitution [for the Transvaal], there should be provision for equal rights to all voters and the number of members to be elected should be proportionate to the strength of the voting population.

The object of this petition is to increase the power of the British [in public affairs], for the Boer population is smaller than the British.



The Boers, on the other hand, demand that the members be elected according to the villages. If this is granted, the Boers, being more numerous in the villages, would gain in power. In other words, they would regain, through responsible government, what they lost through the war. This tussle is well matched and sustained, because neither party is inferior to the other in perseverance and effort. The Boers command considerable influence with the Liberal Ministry. Let us hope that, in this struggle between two great powers, the poor Coloured people will not be crushed out. Who will listen to the shrill pipe while the drums beat loudly?

[From Gujarati]

*Indian opinion*, 17-3-1906

### 112. LETTER TO CHHAGANLAL GANDHI

*Sunday, 3 a.m., [On or after March 11, 1906]*<sup>1</sup>

CHI. CHHAGANLAL,

I sent some articles yesterday. I am sending some more with Dalal. The rest I am writing now. If possible, I will despatch them by the evening mail. I will send them by book-post. Let me know when you receive them. Last week I posted them on Sunday but I see from your letter that you had not received them by the morning of Tuesday. I do not understand this delay. I cannot find time except on Saturdays and Sundays. So I want that you should get the Sunday mail on time. I am looking for a remedy from this end.

It will be good if Mr. Bean is given a warm send-off and presented an address. All of you should get together and present him a short address. On the last day, you should dine with him. All this will be in order. Go to see him off. Discuss this with Mr. West.

*Blessings from*

MOHANDAS

[PS.]

What happened to the two missing pages from Omar Sheth's article?

From a photostat of the Gujarati: S.N. 6086

<sup>1</sup> From the reference to the farewell to Bean this letter appears to have been written after the letter to Chhaganlal Gandhi dated March 9, 1906; *vide* "Letter to Chhaganlal Gandhi", 9-3-1906 The following Sunday fell on this date.

### 113. "LEGALIZED ROBBERY"<sup>1</sup>

We publish in another column a special report<sup>2</sup> of a case that was argued on Monday last before the Supreme Court of the Transvaal. Our correspondent has called it "legalized robbery" and we have no hesitation in adopting the title for this note. Law 3 of 1885 has formed the subject-matter of many complaints on the part of the British Indian Association, but we cannot think of any case so cruel or harsh and so unjust as the one reported by our correspondent. A law under which such a glaring wrong can be perpetrated must, to say the least of it, be utterly inhuman. Mr. Leonard, in his eloquent address, evidently thought of the inhumanity of the law when he asked the judges to put a humane interpretation upon it, and if possible to give the unfortunate victims justice. The late Mr. Aboobaker Amod was one of the first Indian settlers in South Africa. He was one of the foremost Indian merchants, and held very considerable landed property in Natal and in other parts of South Africa. He was respected, and very properly so, both by Europeans and the Indians of his time. He was cultured in every sense of the term. He held some landed property in the Transvaal. He made a will bequeathing it to his brother and his son, both of whom are well known and well educated. It has now become possible to rob the heirs of what has been left to them by the testator, and in spite of their wishes to the contrary, the judges of the Supreme Court of the Transvaal were unable to right the wrong. It is hardly possible to get a purer or a more independent bench of judges than the people of the Transvaal have in their Supreme Court. They are not carried away by the slightest prejudice, and we have known them to have given fearless decisions before now. The cause was represented by the ablest lawyer in South Africa, who put his whole heart into it, and yet the judges have not been able, as they virtually admitted, to do justice. The cause is not far to seek. Law 3 of 1885 was passed by a legislature that had no regard for the feelings of British Indians, or, for that matter, any Coloured people. It was manifestly un-British and in breach of all the known rules of civilisation. It was an item of discussion at the Bloemfontein Conference<sup>3</sup> that preceded the Boer War, and when the late President

<sup>1</sup> This was also published in India, 13-4-1906.

<sup>2</sup> Not reproduced here

<sup>3</sup> Held in 1899 when Lord Milner, Governor of the Cape, and Paul Kruger, President of the Transvaal, discussed, among other things, the controversial subject of franchise for non-Dutch white settlers in the Transvaal.

Kruger seemed to yield the point of the franchise, Lord Milner it was who sent a cablegram to Mr. Chamberlain, "What about the Coloured men?" Such was his solicitude for them before War, but with the times, His Lordship's views changed. One would have thought that amongst the first acts of his administration would be repeal of this hateful Law, but His Lordship temporized. British Indians approached him, and he put them off until it became impossible for him to purge the Statute-book of Law 3 of 1885, because of the agitation of the white inhabitants of the Transvaal; and up to this day, it remains in force in the Transvaal as a mark of indelible disgrace for the British administration in the Transvaal over which His Excellency presided. Is the Liberal Government going to perpetuate the terrible wrong under which British Indians are labouring?

*Indian Opinion*, 17-3-1906

#### 114. THE POLL-TAX

A correspondent from Ladysmith writes in the Gujarati columns:

In the *Government Gazette* dated the 28th February, there is a notice about the poll-tax which states that those, other than Natives, who do not pay the tax before that day, shall be liable to a penalty. This has caused terror amongst the Indians. Those living in the town of Ladysmith have already paid the tax, but the poor Indians, who have just emerged from their indenture and who are living on farms and in distant places, cannot realise the thing, and have not been able to pay the poll-tax. These men have to be informed. The sergeant-in-charge receives the poll-tax, gives them a receipt, and then takes them before the Magistrate and the men are fined. If they do not pay the fine, they have to go to gaol. An instance happened in my presence. An Indian named Motai was living five to seven miles from Ladysmith. He was informed by a friend that he should pay the tax. He, therefore, mortgaged his ear-rings for one pound, at an interest of half-a-crown per month, and paid the tax. He got the receipt and was taken to the Magistrate. He was fined ten shillings. Where is he to get the money from? He had a pass. He has left it in the Court and has promised to bring the fine. . . . Up till now, nearly twelve to fifteen men have been fined.

We bring the above to the notice of the Government. If the information given by our correspondent be true, it reflects the greatest discredit on those who are concerned with the collection of the poll-tax. To make the poor people not only pay the tax, but when they come to pay it, to impose on them a fine seems to us to be the height of injustice. The penalty clause, we should imagine, is applicable, not to those who pay the tax willingly, but to those who

want to avoid payment. The daily newspapers report that Indians have been paying the tax with the greatest despatch. As our correspondent points out, it is cruel to expect those who are living in out-of-the-way places to go to the paying-booths before the advertised time and pay the money. We have no doubt that many of them do not know anything about their liability, and if, as our correspondent points out, it is true that the men have to be informed, it is only reasonable to expect the Government to instruct their officers to take the money from those who may pay, and not arrest the men, and have them fined for an alleged contravention of the poll-tax act. We have trust enough in the humanity of the Government to feel that they will stop the injustice that is being perpetrated in the name of law.

*Indian Opinion*, 17-3-1906

### 115. A PLEA FOR INDIAN VOLUNTEERING.

The Natal Native trouble<sup>1</sup> is dragging on a slow existence. There can be no doubt that the imposition of the poll-tax is itself the immediate cause, though probably the trouble has been brewing for a long time. Whosoever the mistake may be, report has it that it is costing the Colony two thousand pounds per day. The white colonists are trying to cope with it, and many citizen-soldiers have taken up arms. Today, perhaps, no further assistance is necessary, but this trouble ought to suggest reflections to the Government, as also to every thinking colonist. There is a population of over one hundred thousand Indians in Natal. It has been proved that they can do very efficient work in time of war.<sup>2</sup> The suspicion that they were worthless in emergencies has been dispelled. In the face of these incontrovertible facts, is it prudent for the Government to allow a source of strength, which always lies at its disposal, to run to waste? Our contemporary, *The Natal Witness*, has recently written a very thoughtful editorial on the Indian question, and has shown that, some day or other, the question of Indian representation must be seriously taken up by the colonists. We agree with the view, though Indians do not aspire to any political power in the Colony. All they require is a guarantee of full civil rights under the general laws of the Colony. This should be the birthright of every British subject living in a British territory. Refusal to accept anybody as an immigrant is, in certain

<sup>1</sup> The Zulu revolt led by Bambata; *vide* "Speech at Congress Meeting", 28-4-1906

<sup>2</sup> The reference is to the role of the Indian Ambulance Corps during the Boer War; *vide* "Indian Ambulance Corps", 13-12-1899

circumstances, justifiable, but imposition of disabilities upon well-behaved and physically sound immigrants can never be justified either on economic or political grounds. Whilst, therefore, the question of Indian representation is undoubtedly very important, we consider that the question of Indian volunteering is more important because it is more practicable. There is, it is nowadays fully recognised, work in the field which does not require the bearing of arms, but which is just as useful and quite as honourable as the shouldering of a rifle. If the Government, instead of neglecting Indians, were to employ them for volunteering work, they would add appreciably to the utility of the Militia, and would always be able in times of trouble to rely upon Indians giving a good account of themselves. The Government, we doubt not, recognise that it is impossible for them to drive Indians out of the country. Why not, then, make the best of the material at hand, and convert a hitherto neglected community into a permanent and most valuable asset of the State ?

*Indian Opinion*, 17-3-1906

#### 116. AN INTER-STATE NATIVE COLLEGE

A considerable amount of enthusiasm has been evoked by the movement that was initiated some months ago by Mr. Tengo Jabavu, Editor of *Imvo*, with the object of creating an Inter-State Native College with the present Lovedale Institute as its nucleus. Both Mr. Jabavu and Mr. K. A. Hobart Houghton, organising secretary of the movement, have been touring South Africa, their purpose being the threefold one of enlisting the sympathetic co-operation of the various South African Governments, creating a healthy Native opinion on the subject by means of careful explanation and illustration, and, perhaps, most important of all, the collection of funds to enable serious work to be commenced in the near future. We have already in these columns drawn attention to the excellent and instructive programme carried out by Mr. Booker T. Washington at the Tuskegee Institute in America.<sup>1</sup> It is proposed to develop the work to be undertaken by the new College on the same lines of industrial training as in the American Institute. All this can do nothing but good, and it is not to be wondered at that an awakening people, like the great Native races of South Africa, are moved by something that has been described as being very much akin to religious fervour. To them undoubtedly the work must be sanctified and hallowed, for it opens

<sup>1</sup> *Vide* "From Slave to College President", 10-9-1903

up a means to advancement of thought and gives a great impetus to spiritual development. The enormous sum of £50,000 is in contemplation of collection [*sic*] from the Natives, apart altogether from subsidies from the various States and the different religious bodies interested. British Indians in South Africa have much to learn from this example of self-sacrifice. If the Natives of South Africa, with all their financial disabilities and social disadvantages, are capable of putting forth this local effort, is it not incumbent upon the British Indian community to take the lesson to heart, and press forward the matter of educational facilities with far greater energy and enthusiasm than have been used hitherto? Reformation, in matters educational, has to come from within, and we would urge that aspect of the question most earnestly upon our readers.

*Indian Opinion*, 17-3-1906

### 117. SIR WILLIAM GATACRE

We regret to note the death of Major-General Sir William Gatacre in Egypt from fever following on sunstroke. Sir William had a peculiar claim upon the gratitude of British Indians. He was the Chairman of the first Plague Committee formed at Bombay, and by his tactful and delicate handling of most difficult matters, practically all friction and bitterness were avoided. He was a striking example of what is best in the Anglo-Indian character, represented so excellently by such gallant and courteous exponents of British rule as Mountstuart Elphinstone, Munro, Tod, Sleeman, Forbes, Lawrence, and many another. Whilst Britain can produce noble gentlemen of the calibre of the late Sir William Gatacre, there is yet room for hope that India will receive that sympathetic treatment at the hands of her rulers of which she stands so much in need.

*Indian Opinion*, 17-3-1906

### 118. UNDER-POPULATION IN AUSTRALIA

The whites in Australia are jealous of any one landing on the island. They do not admit even men of their own race. Of Coloured peoples they are sworn enemies. The result is that north Australia has only 820 white inhabitants. That is, for every seven hundred square miles, there is only one white man. A man cannot eat the land; and if there are not enough men on the land, it remains barren and must be regarded as useless wealth. The people of Australia are now waking up

to reality. President Roosevelt<sup>1</sup> has written to the Australian people that they would do themselves harm by keeping their country under-populated. Mr. Richard Arthur, a Member of Parliament, is of the opinion that, as Asia and Australia are neighbours, Asians should be allowed to settle in Australia. As such ideas spread, one may expect that Indians will eventually be able to settle in Australia.

[From Gujarati]

*Indian Opinion*, 17-3-1906

### 119. DISABILITIES OF TRANSVAAL INDIANS<sup>2</sup>

#### DEPUTATION TO THE COLONIAL SECRETARY

Last Saturday, the 10th instant, an Indian deputation waited upon the Assistant Colonial Secretary. It comprised Mr. Abdul Gani, Mr. Haji Habib and Mr. Gandhi. Mr. Chamney and Mr. Burgess were present. The meeting lasted from 11-15 a. m. to 1 p. m. The following were the demands made by the deputation.

1. It takes a great deal of time to obtain permits. It should not take so long; permits should be issued promptly.

2. Great hardship is caused because applications have now to be forwarded to the Magistrate for investigation. This does not take place, and they lie unattended to.

3. The same official should visit the different places to make the investigation, so that it is done uniformly and the matter disposed of quickly. The local people may, if they want, raise objections, but the decisions should be available quickly.

4. Those who are in possession of old registration certificates should not be required to produce witnesses; permits should be issued to them as soon as they have given explanations about their registration certificates.

5. Permits should not be necessary for women, for they at any rate do not compete with the whites. It is very insulting to subject women to scrutiny. The number of Indian women in the Transvaal is very small, and they are all here with their menfolk. There is no reason, therefore, to doubt their *bona fides*.

6. It is outrageous to demand, at the border, both the permit and the registration certificate. Permit-holders should be

<sup>1</sup> Theodore Roosevelt, (1858-1919), Republican President of the U.S.A., 1901-9

<sup>2</sup> This was published as "Specially Contributed".

immediately allowed to pass as also those who produce only the registration certificate.

7. The practice of taking thumb-impressions of permit-holders at the border is needlessly humiliating.

8. The regulation that boys under twelve years of age can enter only if their parents are in the Transvaal is oppressive. From the beginning, all boys under sixteen have been entering the Transvaal and they should, therefore, be allowed now also. Even if changes are to be made in the regulation, those boys who have already come in should be granted permits without fuss. Adequate notice must be given of the new regulation. As for children who have lost their parents, their relations should be regarded as their guardians.

9. Those who have lost their permits should be granted either certificates or some other proof. If these persons wish to go to India, they should invariably be equipped with some document of this kind. Without it they experience difficulties in coming back. If the Government have any doubts regarding their *bona fides*, the certificates may be delivered to them at the harbour. If, in the Transvaal, one loses a permit, one suffers much inconvenience in obtaining licences, etc.

10. Temporary permits should be issued for the asking. People must have full freedom to come and go for business purposes.

11. An officer should visit Johannesburg once a week in order to issue permits. People should be liable to no more than the minimum of inconvenience; for most of these people have no need to go to Pretoria except for the sake of a permit.

12. The issue of tickets [to Indians] for the train leaving at 8-30 a.m. from Johannesburg or Pretoria has been discontinued. This is quite wrong. It is hoped that immediate redress will be granted in this regard.

13. It is clearly improper to seat both men and women, and more particularly to crowd them in a single compartment as is done now.

14. As for the trams in Pretoria, Mr. Moore had said that a clarification would be issued. A change in the present arrangement is necessary. The whites should not object to Indians occupying the last one or two benches.

15. The right to travel by tram should be granted, even if the decision in the test case at Johannesburg should prove



unfavourable.<sup>1</sup>

16. The ousting of the Kaffirs from the Bazaar at Pretoria is wrong; for, whatever the law, Indians have for many years now earned rentals from Kaffir tenants. It behoves the Government to ensure that Indians do not suffer any loss on this account.

In his reply to the above demands, Mr. Curtis<sup>2</sup> said that he would place all the facts before Mr. Duncan. He was not in a position to give any decision on the spot. It was not the intention of the Government to put Indians to hardship. All possible redress would be granted. Very likely, magistrates would be asked to scrutinize refugee applications within a fortnight. If they did not do so within that period, the Protector would give the decision. He felt that women ought to pay £3. To this the deputation answered that, if the Government were of this view, they were prepared to go to court.

Mr. Curtis said that it would be a great convenience if all the ten finger-prints were given on the permit.

The deputation flatly refused to agree to this. In the end, Mr. Curtis promised to give his decision on all the points as soon as possible and the deputation took leave of him after thanking him.

[From Gujarati]

*Indian Opinion*, 17-3-1906

## 120. JOHANNESBURG LETTER

*March 17, 1906*

### FIRE AT JOHANNESBURG

This week there was a very big fire here in Rissik Street, in which much valuable material for manufacturing motor cars, etc., was destroyed. The loss is estimated at about £30,000. The landlord has been hard hit because the loss was not fully covered by insurance.

### PERMITS

The hardships on account of permits have increased. The Protector now refuses to issue even temporary ones. Two such cases have occurred recently. A merchant from Howick who wanted a temporary permit has received a flat refusal from the Protector.

<sup>1</sup> *Vide* "Johannesburg Letter", 26-2-1906 / 10-3-1906

<sup>2</sup> Lionel Curtis, Assistant Colonial Secretary

Similarly, a permit has been refused to a nephew<sup>1</sup> of the well-known Mr. Manga of Delagoa Bay. The matter is still being pursued, but it would appear a tough fight will have to be put up over permits.

Meanwhile, the Indian population of Johannesburg is being depleted day by day. As opportunities of earning money decrease, the people are obliged to leave.

#### CHINESE LABOUR

The mining magnates here are worried and upset by the recent news that the immigration of Chinese labour is to be prohibited. This in turn has caused great disappointment among the people. It is difficult to say what the future of this city will be.

Owing to these circumstances, starvation has increased. Many are out of employment and see no way to earn their daily bread.

#### VICARIOUS LIABILITY

An interesting suit was recently heard in the law court here. Dr. Kincaid Smith's motor car was being driven by his chauffeur and an engineer, named Mr. Clark Dacurtey<sup>2</sup>, was at the time riding his bicycle. Dr. Smith's chauffeur turned the car slightly in from his side of the road and collided with Mr. Dacurtey's bicycle, knocking him down. He was hurt and had to be removed to hospital. Dr. Smith was not in the car when the accident occurred. Mr. Dacurtey filed a suit in the High Court here claiming £2,000 as damages. Justice Bristow, giving judgment, awarded £750 to Mr. Dacurtey; but while doing so, the honourable judge remarked that, though Dr. Smith himself was not at fault, he had to suffer vicariously for the fault of his employee. People ought to be very careful while employing a person. If the servant commits a fault resulting in injury to a third party, the damage has to be made good by the employer. Had the offence been committed by Dr. Smith's servant while he was not going on his master's business, Dr. Smith would not have been obliged to pay.

This case has a lesson for persons engaging servants, especially chauffeurs, who often make mistakes either through insolence or lack of sufficient ability, and for this the masters have to suffer.

#### DR. ABDURAHMAN

Dr. Abdurahman, the famous physician of Cape Town, is visiting this place next Tuesday. He will address meetings of the Coloured

<sup>1</sup> Mr. Suliman Manga, a young Indian lawyer

<sup>2</sup> Transliteration of 'Daugherty'

people here and at Pretoria, and immediately return to Cape Town.

[From Gujarati]

*Indian Opinion*, 24-3-1906

### *121. LETTER TO DADABHAI NAOROJI*

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,  
RISSIK STREET,  
JOHANNESBURG ,  
*March 19, 1906*

TO

THE HON. DADABHAI NAOROJI

22 KENNINGTON ROAD

LONDON

ENGLAND

[SIR,]

I beg to invite your attention to the issue of *Indian Opinion* of the 10th March, containing a protest<sup>2</sup> addressed to the Natal Government by the Natal Indian Congress regarding the imposition of prohibitive fees for certificates and passes that are granted under the Immigration Restriction Act.

I need hardly say that the imposition is a totally unjust exaction for which there is not the slightest justification.

Another serious blow to the Indian community in South Africa has been given in the Transvaal. You will see from the issue of *Indian Opinion* of the 17th March a case heard before the Supreme Court of the Transvaal under Law 3 of 1885.<sup>3</sup> A full report of the case and comments thereon appear in the *Opinion*. Both the matters require urgent attention.

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

From the typewritten original: G.N. 2271

<sup>1</sup> The text of this letter was, as usual, forwarded by Dadabhai to the Secretaries of State for India and for the Colonies.

<sup>2</sup> *Vide* "Letter to colonial Secretary", Before 10-3-1906

<sup>3</sup> *Vide* "Legalized Robbery", 17-3-1906

## 122. THE EARLY CLOSING ACT OF NATAL

The effects of the Early Closing Act are now beginning to be felt. We have never held that an Early Closing Act would not be justifiable under any circumstances. On the contrary, we conceive that a well-thought-out measure would always be of great benefit to the community at large; but the present Act has been framed without sufficient consideration for the consumers, or for the small retail traders. The result has been to cause much inconvenience to poor householders and a very great loss to the small traders. The only persons that could possibly benefit are large retail houses. We entirely endorse the remarks made by *The Natal Mercury* representative when he says that

the small trader is gradually being swamped by the large houses, the number of which can be counted on one's fingers. It would be a misfortune, indeed, if legislation of this type is allowed to force good colonists to the wall and deprive them of an honest livelihood.

The remedy suggested is suspension of the Act Experience has shown that the shops ought to be allowed to keep open later than half-past Eve, and that Saturday closing is a serious mistake. The Natal Witness has taken up, in connection with this matter, that may be reasonably termed a somewhat spiteful attitude. It concludes some remarks on the subject by saying

it is a well-known fact that the Arab and Indian merchants in the town have been hard hit. Let the Europeans bear this well in mind.

Our contemporary urges the Europeans not to agitate against the Act, on the sole ground of its having adversely affected Indian trade. In its haste to see the Indian injured, The Witness has entirely forgotten that, in injuring the Indian, the small white traders, who alone can feel the competition of Indian traders, will not only be injured, but will be wiped out entirely, for whilst the frugal habits of the Indian may enable him to tide over the difficulty, the white petty traders, who notoriously fail to save, will be entirely helpless.

The real remedy is not to kill the small white retailer, so that the Indian will be hit but in having reasonable closing hours for both European and Indian traders, so that they may get a chance of earning a living after the large retail houses have closed. The latter will always be obliged to close much earlier than the small retailers. *The Witness*, by having taken a prejudiced view of the situation, has also fallen into the error of supposing that the saving of expenses of electric light to the shopkeepers is any gain. We give *The Witness* the credit for

understanding that no shopkeeper would pay for the electric current, if he could not more than make up for the expense by the profits he Would Gain from the trade he would be doing during those hours.

*Indian Opinion*, 24-3-1906

### 123. THE COLOURED PEOPLE'S PETITION

We have been favoured with a copy of the petition of Coloured British subjects "resident in the Colonies of the Cape of Good Hope, the Transvaal, and the Orange River Colony" addressed to the King-Emperor.

It seems that the petition is being widely circulated, and signatures are being taken of all the Coloured people in the three Colonies named. The petition is non-Indian in character, although British Indians, being Coloured people, are very largely affected by it. We consider that it was a wise policy, on the part of British Indians throughout South Africa, to have kept themselves apart and distinct from the other Coloured communities in this country. It is true that British Indians and other Coloured people have much in common regarding their grievances, but they have little in common regarding the points of view from which each section can urge its claim. Whereas British Indians may, and do effectively, use the Proclamation of 1858 in support of their claims, the other Coloured people are not in a position to do so; and whilst some sections of the Coloured people can claim full rights as to property and movement in the Orange River Colony, British Indians have no footing whatsoever. Similarly, in the Transvaal, many sections of other Coloured people are capable of owning landed property, but British Indians are debarred from doing so under Law 3 of 1885. Whilst, therefore, the Indian and non-Indian sections of the Coloured communities should, and do, remain apart, and have their separate organisations, there is no doubt that each can give strength to the other in urging their common rights. Hence we have no hesitation in welcoming the document before us. We must congratulate the framers of the petition on having confined themselves to the barest facts. It has always appeared to us that the case for the Coloured people in South Africa is so overwhelmingly strong and just that a statement of facts in connection with it is more eloquent than any other form of pleading. The petition has left many things unsaid, but the deductions to be drawn from the statements made therein are plain enough. The petitioners have shown clearly that, in one part of South Africa, namely, in the Colony of the Cape of Good Hope, they have enjoyed the franchise ever since the

commencement of representative institutions, and they show also that, even in 1892, when there was a revision of the Franchise Act, there was no alteration made imposing disqualification on colour; and, as a result, there are, at the present day, at the Cape, 14,000 qualified Coloured voters on the register. The petitioners go on to say that they have

looked upon the possession of that right as an inducement to obtain the necessary property and education test, and have, they humbly submit, exercised that right with dignity and propriety, and in the interests of the whole community without respect of creed or colour.

But, they add, as soon as they migrate either to the Orange River Colony or the Transvaal Colony, they and their descendants come under the ban of disqualification on the ground of colour. The petitioners have rightly made the franchise the greatest plank in their programme, because, in their own language,

deprived of these rights, Your Majesty's coloured subjects are deprived also, to a great extent, of the means of publicly ventilating, and obtaining redress by constitutional means, of any grievances that they may suffer from, and those grievances are not such as can be rectified by recourse to a court of law.

The truth of this statement can be verified from scores of illustrations. In a country enjoying popular institutions, it is a bad day for those who have no voice in the choice of popular representatives; and through no fault of theirs or of their representatives, the disfranchised gradually go under, because under self-government, self-interest becomes predominant. British Indians have, in order that they may never be misunderstood, made it clear that they do not aspire to any political power, but they have found to their cost that, in Natal as elsewhere, as they have no voice in the election of popular representatives, their civil liberty has suffered very considerably. The Coloured petition is a weighty document. It is being numerously signed, and it is to be hoped that its prayer will receive the attention and consideration which it undoubtedly deserves. The Liberal Ministers have more than once avowed their desire to help the weaker members of the Empire. In granting the Constitution to the new Colonies, they have an unfettered discretion and a unique opportunity of putting their principles into practice.

*Indian Opinion, 24-3-1906*

## 124. THE COLOURED PEOPLE'S PETITION

We print in this issue a report of the meeting held by the Coloured people at Pretoria. We also publish a translation of the petition submitted by them. We use the term "Coloured people"<sup>1</sup> because, if translated as "black people", it would include the Kaffirs also. There were no Kaffirs present at the meeting. It mainly consisted of the people known as "Cape boys". And there were those who had a white father or mother. Some Malays also joined it.

This Association of Coloured People does not include Indians who have always kept aloof from that body. We believe that the Indian community has been wise in doing so. For, though the hardships suffered by those people and the Indians are almost of the same kind, the remedies are not identical. It is therefore proper that the two should fight out their cases, each in their own appropriate way. We can cite the Proclamation of 1857<sup>2</sup> in our favour, which the Coloured people cannot. They can use the powerful argument that they are the children of the soil. They can also argue that their way of life is entirely European. We can petition the Secretary of State for India, whereas they cannot. They belong largely to the Christian community and can therefore avail themselves of the help of their priests. Such help is not available to us. The Coloured people have evidently started a big struggle; hence the need for these comments.

In their meeting at Pretoria, they transgressed the limits of propriety and used insulting language about Lord Milner, and this has been severely criticised by *The Times of Natal*. The President of the meeting declared that, just as the Boers lost their kingdom by committing outrages against the Coloured people, even so the British would lose theirs if the atrocities continued, implying thereby that the Coloured people would rise against them. But then they have not the strength even to confront the whites. A man should always measure his strength before embarking on a task.

The petition prepared by the Coloured people is very good. They have stated all the facts necessary and nothing besides. Their facts are so eloquent that it is hardly necessary to adduce any argument in support. They have shown that they have so far enjoyed full rights in the Cape Colony, and ask why they should not have the same rights in the Transvaal and the Orange River Colony.

<sup>1</sup> Gandhiji has transliterated the term in Gujarati.

<sup>2</sup> Evidently a slip for 1858

To canvass support for their petition, they propose to send Dr. Abdurahman<sup>1</sup> to England. This is a very desirable and necessary move. It is necessary for every community to do all that is possible to make its grievances heard. It is necessary to send one or two persons to England. It is to be seen what comes out of this movement of the Coloured people. They are striving so hard that, most likely, their efforts will yield some fruit. And if their grievances are redressed, the benefit will accrue to the Indians also.

We should also attempt something similar to what they are doing.

[From Gujarati]

*Indian Opinion*, 24-3-1906

### *125. A WORD TO THE MUSLIM COMMUNITY IN HEIDELBERG*

We have published a number of letters on the dissensions persisting in the Muslim community in Heidelberg. We have allowed both sides to state their points of view fully. To publish further correspondence on the subject will serve only to keep the quarrel alive. We shall therefore stop publishing such letters from next week.

The letters already published indicate that possibly both sides are more or less in the wrong. We do not propose to dwell on this. Whosoever be the fault, we can see that the quarrel is over a petty matter, and it continues primarily because of the obstinacy on both sides. We appeal to both the parties to remove the causes of dissension and live together in peace and amity. It is the duty of their leaders to see this done. In this country we have so many hardships to suffer that they should not be aggravated by internal dissensions and difficulties. If people learn to give and take and be patient, the quarrel will soon come to an end. We earnestly hope therefore that the leaders of the two sides will come together, remove the discord within the Heidelberg community and restore unity.

[From Gujarati]

*Indian Opinion*, 24-3-1906

<sup>1</sup> President of the African Political Organization and member of the Cape Town Municipality



### 126. SMALLPOX IN THE CAPE

News has been received from the Cape that smallpox has started amongst the non-whites there. The Cape leaders should investigate the matter and take effective measures. It is easy to deal with smallpox by following a few rules. The danger of the infection spreading can largely be avoided by segregating the patient in a separate room and carefully nursing him there. Nothing is to be gained by concealing such diseases; for, ultimately, it is the community in which such cases occur that has to suffer.

[From Gujarati]

*Indian Opinion*, 24-3-1906

### 127. PLAGUE IN SYDNEY

News received by cablegram states that five cases of plague have occurred in Sydney. Another cablegram during the week mentions two cases on board a steamer, and adds that these were among the Coloured people. Sydney is doubtless far away, but experience shows that, whenever cases of plague occur outside India, they occur simultaneously in many places. Moreover, in a country where they are always looking hard for plague cases to be used as an argument against us, it is necessary for us to act warily. We have often pointed out that the main causes of plague are uncleanliness and impure air. We should therefore bear in mind the following instructions: houses should be kept clean; no filth should be allowed to accumulate in latrines; each time faeces should be covered over with ashes or sand; floors should be washed clean with disinfectant liquids; plenty of fresh air and light should be freely let into the house; and simple food should be eaten regularly. One need not entertain any fear if one follows these directions.

[From Gujarati]

*Indian Opinion*, 24-3-1906

*128. A CERTIFICATE FOR SOAP*

21-24 COURT CHAMBERS,  
CORNER RISSIK & ANDERSON STREETS,  
P.O. BOX 6522,  
JOHANNESBURG,  
*March 26, 1906*

This is to certify that I have now for some time used the soap manufactured by The New Soap Manufacturing Co., Bombay, and I have found it to be quite satisfactory in quality. The freedom which I understand this soap enjoys from any animal fats to my mind very considerably enhances its value.

M. K. GANDHI

From the typewritten original signed by Gandhiji: C.W. 915  
Courtesy : Venilal Gandhi

*129. LETTER TO HAJEE ISMAIL HAJEE ABOOBAKER JHAVERI*

21-24 COURT CHAMBERS,  
CORNER RISSIK STREET,  
P.O. BOX 5622,  
JOHANNESBURG,  
*March 28, 1906*

SHETH SHRI HAJEE ISMAIL HAJEE ABOOBAKER JHAVERI,

I got your cables. The deed was received today, duly registered. No pains have been spared. However, we could not succeed in retaining the property in the name of the late Sheth Aboobaker or his heirs. In my opinion, we had no option but to take the step we did.<sup>1</sup> I don't think there is any risk to you in what has been done. It is true that the property is not in your name, but it is yours all the same. That is the deed. The will is to that effect and, to make things doubly sure, we have also secured a bond to the same effect. You have, therefore, no need to worry at all. One copy of the deed, signed by you, will have to be given to the Registrar. Sheth is sending it for your signature.

I am hopeful that the property may yet be transferred to your

<sup>1</sup> *Vide*, "The Land Act in the Transvaal", 7-4-1906

name. We are moving in the matter. A representation has been sent to England. We were not in a position to challenge the law in the Privy Council but I am corresponding on a political level. Whether or no they amend the law in other respects, efforts are being made for provision of legal authority for the transfer of this property to your name.<sup>1</sup> Meanwhile, it remains yours to all intents and purposes. Its enjoyment rests with you. Also, the rent which it yields will be wholly yours.

I hope you are keeping fit.

*Regards from*

M. K. GANDHI

Haji Ismail Aboobaker Jhaveri, Esq.

Porbunder

From a photostat of the Gujarati: C.W. 3296. Courtesy: Jhaveri Brothers

### *130. PETITION TO LORD ELGIN*

DURBAN,

*March 30, 1906*

TO

THE RIGHT HONOURABLE THE EARL OF ELGIN

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES

LONDON

THE PETITION OF DADA OSMAN OF VRYHEID, IN THE COLONY  
OF NATAL,

HUMBLY SHEWETH THAT

1. Your petitioner is a British Indian subject.
2. Your petitioner has been domiciled in South Africa for the last 24 years.
3. Your petitioner opened business in Vryheid in the year 1896 as a General Dealer at what was then known as the Indian Location.
4. Your petitioner has built premises thereon estimated at £300.
5. Several attempts were made by the late Boer Government to remove your petitioner from the said premises on to a place which was to be fixed as a new Location, but owing to the intervention of the British Government, your petitioner was able to continue his business

<sup>1</sup> *Vide* "Letter to "The Rand Daily Mail", Before 9-8-1906 & "Fair and Just Treatment ", 11-8-1906

in the said premises.

6. Your petitioner always traded in Vryheid under a licence properly issued to him.

7. Your petitioner had a stock of soft goods and groceries valued at about £3,000.

8. Such was your petitioner's position when Vryheid was annexed to Natal.

9. The terms of annexation provide for the retention of Law 3 of 1885, as amended in 1886, which is known as the anti-Asiatic Law of the Transvaal.

10. According to the interpretation put upon the Law by the Supreme Court of the Transvaal,<sup>1</sup> British Indians are not restricted to any area as to their trade, and are free to take out trade licences in the same manner as other British subjects.

11. The Vryheid Local Board, however, refused to renew your petitioner's licence in respect of the premises above mentioned, and offered to allow your petitioner to trade in Vryheid if he removed to a new site fixed by the Board at a Location.

12. The said site is far away from Vryheid and totally unsuitable for trade.

13. It is impossible for your petitioner to carry on his business in a place which is away from the business portions of the town.

14. Your petitioner has built up an excellent goodwill in connection with his said premises.

15. Your petitioner made many attempts to get a renewal of his licence which was refused.

16. The Local Board, in order to prevent your petitioner from trading on the said premises, enforced a Natal Law, 18 of 1897, entitled the Dealers' Licenses Act.

17. Your petitioner is, therefore, subject to twofold restrictions—namely, the Transvaal Law, as also the Natal Law—which make the position of British Indians in Vryheid worse than in the Transvaal, or in other parts of Natal.

18. In accordance with Act 18 of 1897, your petitioner had to apply for his licence to the Licensing Officer, who is also the Town Clerk, and who, therefore, takes his instructions from the Local Board.

19. The Licensing Officer refused to grant a renewal.

20. Your petitioner, therefore, appealed to the Local Board in terms of the Law.

<sup>1</sup> *Vide* "The Judgment in the Test Case", 16-5-1904

21. The Local Board, which mainly consists of rival traders and members prejudiced against your petitioner, has confirmed the decision of the Licensing Officer.

22. The following are the reasons given by the Licensing Officer for his refusal:

1. The Licensing Officer has no power to issue licences for premises on the Town Lands, and far less for such Town Lands as have not been formerly leased by the Local Board.
2. I refused the Licence in the second place because by issuing the same I would act in direct opposition to Government Notice No. 191, *Government Gazette*, of the 14th March, 1905, and the laws thereunder proclaimed to be in force in the Northern Districts, which distinctly prohibit the issuing of licences to Indians, except in Locations.
3. I refused the Licence because in so doing I acted in the best interests and with the expressed feelings of the whole community, with the exception, perhaps, of the applicant's Attorney.

This will more fully appear from copy of the record hereto attached.

23. The first reason given by the Licensing Officer is entirely misleading in that your petitioner has been refused a licence to trade anywhere except in Locations.

24. The second reason is also bad in accordance with the decision of the Supreme Court of the Transvaal above referred to.

25. The third reason is the only real reason, that is to say, that your petitioner is a British Indian.

26. There is no appeal under the said Act 18 of 1897 to the Supreme Court of the Colony, the decision of the Local Board being considered final.

27. Your petitioner approached the Local Board for reasons for its decision, and the Local Board has decided not to give any reasons for its decision, as will appear from the correspondence between your petitioner's Solicitor and the Town Clerk, copy whereof is hereto attached.

28. Your petitioner then applied for temporary permission to carry on trade, pending further proceedings by your petitioner for obtaining relief. The Local Board has declined to grant the application.

29. Your petitioner has been advised that he is without any legal relief against the action of the Local Board.

30. Your petitioner has, therefore, been obliged to close his store, and has thrown upon him the whole of his stock, book debts and

his servants.

31. Your petitioner respectfully submits that the action of the Local Board is high-handed, unjust and arbitrary, in that by its action in refusing to renew your petitioner's licence without any fault of his and without any compensation, your petitioner has been deprived of the means of livelihood, so far as the Board is concerned.

32. Your petitioner further submits that the manifest injury he has sustained ought not under the British Constitution to remain without a remedy.

33. Your petitioner, therefore, prays that His Majesty's Government will be pleased to intervene on his behalf and, in such a manner as to them may appear meet, would secure relief for your petitioner.

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

Dated at Durban, this 30th day of March 1906.

DADA OSMAN

*Indian Opinion*, 14-4-1906

### *131. THE EARLY CLOSING ACT*

A mountain is being made out of a molehill by some writers in the Natal Press on the Early Closing Act. Many of them chuckle with delight that at last they are in a position to hurt the Indian trader. Our contemporary, *The Natal Advertiser*, thinks with us that the Early Closing Act is not likely to detrimentally affect the Indian community, without more seriously affecting petty white traders. Had it stopped there, we should have nothing to say, but it goes on to suggest that

a mass meeting should be called in the Town Hall, both of traders and working men, to consider this subject, and to devise some means for putting an effective check on this Asiatic immigration and competition. If this were done, we have no doubt that the real facts of the situation would come out in a way that would astonish some people and lead to some really effective and useful action being taken. This, we think, is no matter for playing with; it is a matter of self-preservation, a matter of real life and death to the white people of all classes in Natal.

We propose calmly to consider the suggestion.

We have no objection to a mass meeting being held in the Town Hall; but will it attain the object desired by our contemporary? Have the masses ever entered into a calm discussion of any subject? A mass meeting can only give strength to a movement which is based on facts,

but it never sifts and finds true facts. It is guided often by invective and appeals to passions. Mass meetings, therefore, become dangerous when they are called upon to deal with a situation which has not been ascertained. We will accept the premise that the question is one of "self-preservation and of real life and death to the white people". Facts, therefore, have to be found and effective action taken thereon. Now, one fact is absolutely clear, namely, that the Indian trader is entirely at the mercy of the Licensing Officer and Local Boards. Another fact, too, is quite clear, that in several cases Licensing Officers and Local Boards have acted in a most arbitrary and high-handed manner. A third fact is that Mr. Harry Smith is watching with ever increasing vigilance the entry of every Indian immigrant into the Colony, and not an Indian is allowed to enter, either through the port or through the land border of the Colony, unless he can prove former domicile. What more can be required ? If it is a question of the working of these two laws, then certainly a mass meeting will not serve the purpose. A commission of enquiry is the only remedy, and we would welcome it with open arms. If it be really felt by the European population in Natal that the Indian trader is flourishing, that he is competing unfairly and that the stringent laws are not being stringently enforced, a small committee of impartial men would soon bring out the facts, and if they proved the existence of any such situation as feared by our contemporary, it would then be time enough to call a mass meeting to give point to the findings of such a commission of enquiry.

*Indian Opinion*, 31-3-1906

### 132. THE BULWARK OF JUSTICE

A very important case has just been heard before the Circuit Court in Potchefstroom. An attempt was made by two Europeans to levy blackmail on an Indian merchant in Potchefstroom. The method adopted was to take him to the wife of one of them, and there to charge him with an attempted rape. The conspiracy was all but successful. The blackmailers received £300 by cheque from the terrified Indian, but fortunately for the latter, he immediately sought legal help. His lawyer advised him to stop payment of the cheque and lodge information with the police. This was promptly done. The men were arrested and so was the woman. The result was a sensational case before Justice Wessels, and the Indian's reputation was made good. The charge of blackmail was proved, and the two male prisoners were sentenced to three years, imprisonment with hard labour. There was no supporting evidence for the Indian's story with reference to the

blackmail; as against him, there were the two Dutch prisoners, who emphatically said that he was attempting to rape the female prisoner. The Indian stoutly denied it and said that he was inveigled into the house and then falsely charged.

That, under such difficult circumstances an Indian has been able to get justice is a matter for universal congratulation, as it is of very great satisfaction to British Indians. Once more it has been proved, in a most striking manner, that the fount of British justice, when it is a matter of the High Court, is the purest possible. A long line of fearless and impartial judges has handed down traditions which have become an inherent part of the British Constitution, and we have no hesitation in saying that one of the greatest secrets of the success of the Empire is its ability to deal out even-handed justice. A case such as the one we have referred to makes up for many a defect in the legal administration in the various British possessions. It serves as a beacon-light to tell Indians, and all those who may suffer from temporary disabilities and consequent irritation, that they need not be without hope, so long as the fierce sun of pure justice beats on the chill surface of broken promises.

Justice Wessels in his summing-up not only dealt with the case itself but felt called upon to deal generally with the right of the meanest British Subject to have a full and fair hearing. "It was a painful thing," said His Lordship, (we quote the report in the *Potchefstroom Budget*),

to hear in this country—he had heard it in that Court that when they had a conflict of evidence between a white man and a black man, they ought to accept the testimony of the white man. That was a fallacy, an untruth. He thought the jury would act very wrongly if they accepted the testimony of the white man against the black that day. The liberties and property of the black man should be respected to the utmost of their power. There would be nothing more fatal than that they should, when they had the interests of the white and black man to deal with, for one moment swerve from their sense of justice. The black man in this country must have as true justice meted out to him as the white man among the highest in the land. That was a maxim they must keep before them, and not, because the prosecutor was a black man, let the prisoners off.

Every true lover of the Empire must feel deeply grateful to Justice Wessels for having so nobly vindicated British justice.

*Indian Opinion*, 31-3-1906



### 133. INDIAN VOLUNTEERING

Mr. Watt, the Minister of Defence, has been “letting himself go” at a recent meeting which was held in connection with the militia. In reply to a question:

Do the Government propose to make Arabs, in possession of stores in various parts of the Colony, join the militia reserves, and if so, will they provide them with rifles ?

the answer, we are told, which Mr. Watt gave, drew forth a round of applause. “I am pleased,” he is reported to have said,

to say that the militia is composed entirely of Europeans. I should be sorry indeed if I should have to depend for the defence of myself and family on Arabs, but the Government, I am glad to say, has power in time of war to turn out all the Coloured population—Indians, Natives and Arabs—for any service which may be necessary.

The following further question was then put:

Does the Government recognise that when the Europeans are called out, the Arabs will obtain the trade’ in all districts? What do they propose doing in regard to this?

Mr. Watt’s reply was in keeping with the first:

That is a matter in which I think the leaders should have a voice. If I were a leader, I should advise the Government to regulate the opening and closing times of shops. I should see that Europeans were not treated worse than Arabs, and I should see that the Arabs had their share of the work, if not in carrying rifles, in digging trenches.

We have no doubt that, as Defence Minister, Mr. Watt knows that digging of trenches is just as necessary in warfare as the shouldering of a rifle. If, then, he would not depend for his own and his family’s defence on Arabs, why will he have the latter to dig trenches? Either work, we have it from the late Mr. Harry Escombe, who, too, was a Minister of Defence, is equally honourable. Whether Mr. Watt, on reconsideration, would have himself or the Colony defended by Arabs and Indians or not, by the work of digging trenches or other work, how does he expect them to do any work in connection with warfare unless previous training is given? Even the camp-followers in an army require proper discipline, otherwise they are, instead of being a help, a positive nuisance. But we despair of having either common sense or justice at the hands of a Minister who so far forgets himself as to offer an unwarranted insult to a whole class of inoffensive people.

In contradistinction to the attitude shown on various occasions by the Minister of Defence—whose business it is as a Minister, we

might remark, to put his personal prejudices in his pocket — we welcome an editorial in *The Natal Advertiser* of the other day, which we reprint elsewhere. Our contemporary rightly gives Indians and Coloured people the credit due to them. It also points out that Section 83 of the Militia Act states that no ordinary member of a Coloured contingent shall be armed with weapons of precision, *unless such contingents are called out to operate against [persons] other than Europeans*. Now it is evident that, in the unfortunate event of such a state of affairs arising as to necessitate the arming of an Indian contingent, the arms would be useless in the hands of inexperienced men. Why will not the authorities adopt the suggestion we made some time ago,<sup>1</sup> and raise a volunteer corps from amongst Indians ? We feel sure the Colonial-born Indians especially — Natal's own children equally with the whites—would give a good account of themselves. Why do not the Colonists insist on these, at all events, being given a chance to prove their mettle?

*Indian Opinion*, 31-3-1906

### 134. THE TRANSVAAL CONSTITUTION

The Home Government have lost no time in appointing the much-talked-of Committee of Inquiry on Transvaal affairs. Two of the members, Sir West Ridgeway<sup>2</sup> and Lord Sandhurst<sup>3</sup>, are men with Indian experience. The scope of the inquiry is to be limited to finding out a basis for the new Constitution. The Government do not<sup>4</sup> “find it possible to form a Constitution without information, and this it hopes to obtain from you”. The Commissioners are to take into their consideration, amongst other things, “community or diversity of interests”, and political and social conditions; and though it is difficult to state whether the scope of the inquiry includes an examination of the question of Coloured franchise, it is to be hoped that the Commissioners will have full power to advise upon that difficult and delicate subject. Events that are happening in the Transvaal and elsewhere show the force of the remarks made in these columns, that, in the absence of any other remedy for the protection of Indian rights, Indian representation seems to be necessary.

*Indian Opinion*, 31-3-1906

<sup>1</sup> Vide “A Plea for Indian Volunteering”, 17-3-1906

<sup>2</sup> Formerly, Governor of Ceylon

<sup>3</sup> Formerly, Governor of Bombay

<sup>4</sup> The original has “cannot”.

### *135. INDIAN LABOUR FOR THE TRANSVAAL MINES*

The Transvaal papers are full of cablegrams regarding the proposed negotiations with the Government of India for the supply of Indian labour. We are glad that the Anglo-Indians in England are hostile to the movement for two reasons; first, that there will be very great mortality amongst the Indian miners, and secondly, because Indian mine-labourers are all required for mining enterprise in India itself. It will be remembered that, when Lord Miner asked Lord Curzon to let him have ten thousand Indians for the railway works, Lord Curzon declined to give the assistance unless the grievances of British Indians resident in the Transvaal were redressed.<sup>1</sup> This was two years ago. The position of British Indians in the Transvaal is no better today than it was at the time Lord Curzon declined to come to the rescue. There are, therefore, three good reasons why Indian labour should not be made available for the mines in the Transvaal. We think that, in any case, the bartering of the liberty of Indian labourers for the removal of the disabilities of British Indian settlers in the Transvaal would not be a creditable act and would create a very bad precedent. Each in our opinion, ought to be treated on its own merits. We have no doubt that British Indians in the Transvaal would decline to receive greater freedom if it involved unjust and unnatural restrictions on the liberty of their poorer countrymen. We also feel that an introduction of thousands of Indian mine-labourers into the Transvaal would render more complicated a situation which is already fraught with many difficulties. We, therefore, trust that both Mr. Morley and Lord Minto will firmly oppose any proposal to assist the Transvaal at the expense of the interests of their wards.

*Indian Opinion, 31-3-1906*

### *136. INDIANS AT THE CAPE*

The Cape *Government Gazette* of the 16th March contains a Bill to amend the Cape Immigration Restriction Act of 1902. The Bill is decidedly a retrograde step, so far as British Indians are concerned. The Act of 1902 was conceived in secrecy and sprung upon the public in indecent haste, so much so that many members of the Cape Assembly protested against its being rushed through the House. However, the Act was passed. Now, by the Bill in question, it is proposed to amend it. British Indians who approached the Govern

<sup>1</sup> *Vide* "Indentured Labour Draft Ordinance in the Transvaal", 14-1-1904

ment were almost assured that the latter would take an early opportunity of altering the Act in the direction suggested by them, and that they would probably ask the House to recognise the great Indian languages for the educational test, and make suitable provision for the entry of domestic servants and others for the benefit of those that were already settled in that Colony. Instead, however, of any such improvement being made in the Act, the Bill is calculated to place still further restrictions on the liberty of British Indians. That it is of general application does not take away from its deadly effect on the Indians at whom it is mainly aimed. There is no definition of an immigrant in the present Act. The common law definition, therefore, that an immigrant is one who enters to settle in the country, is applicable under it, and therefore, by inference, the Act leaves it free for the Minister to grant visitors' passes, and to allow Indians and others, who may enter the Colony for a temporary visit, to do so unmolested. The Bill in question changes all this, and defines an immigrant to "mean and include any person who, arriving [from] without this Colony, enters or claims to enter from land or sea". We imagine that, in such a definition, which is quite artificial, there will be no room left for provision being made to enable mere visitors to pass through or sojourn in the Colony. Another important difference the Bill makes is that, whereas the Act of 1902 excepts from its operation persons domiciled in South Africa, the Bill excepts only those who "prove to the satisfaction of the Minister that they are domiciled in the Colony, and that they do not come under sub-sections *c*, *e*, and *f* of the preceding section". The restriction, therefore, is much more severe, and will put endless obstacles in the way of British Indians entering the Colony. The question of domicile is now to be left in the hands of the Minister, instead of being left to the interpretation of the Supreme Court. Only a few days ago, we commented upon a case that happened at the Cape where an Indian was able, because he could approach the Supreme Court, to make good his claim to a domicile in South Africa. Had the poor man been left to the mercy of the Minister, he would have received short shrift. Then, again, domicile under the Bill is to be restricted only to the Cape Colony. Those, therefore, who are still in the Transvaal or Natal will be unable to enter that Colony. We trust the British Indian League of Cape Town will take the matter up, and see that proper relief is granted.

*Indian Opinion*, 31-3-1906

### *137. DEATH OF MISS BISSICKS<sup>1</sup>*

It is our painful duty to announce the death of Miss A. M. Bissicks of Johannesburg on Monday last after an operation. Miss Bissicks was an accomplished English lady. She took a leading part in the vegetarian movement at Johannesburg, and was a prominent member of the Theosophical Society. In many ways she had much sympathy with Indians, and her death will be greatly regretted.

*Indian Opinion, 31-3-1906*

### *138. PERMIT HARDSHIPS IN THE TRANSVAAL*

We hear that the hardships caused by the problem of permits in the Transvaal are increasing daily. The issuing of temporary permits now seems to have been stopped altogether. Mr. Suliman Manga, the nephew of Mr. Ismail Manga, who arrived recently in Durban from England, applied for a temporary permit for proceeding through the Transvaal to Delagoa Bay, but his application was rejected by the Colonial Secretary, and Mr. Suliman Manga had to take the sea route. This is no small injustice.

Mr. Nomura of Japan had difficulty in obtaining a temporary permit, and he shook up the whole of the Transvaal because of it. Mr. Suliman Manga, being a British subject, had a greater right than Mr. Nomura. His education also gives him a better claim. Yet he was not permitted to pass through the Transvaal.

This is only an instance of the present hardships. But if all the reports we hear are correct, the promise made by Lord Selborne is being honoured only in the breach.

[From Gujarati]

*Indian Opinion, 31-3-1906*

### *139. WAR CLAIMS*

The Commission appointed to examine the claims for damages filed with the Government by persons who have suffered losses on account of the war have completed their inquiry. It appears from their

<sup>1</sup>Vide "Letter to Dada Osman", 5-8-1905 & "Letter to Miss Bissicks", 5-8-1905

Report that nearly 90,000 claims were filed, amounting in all to £20,00,000<sup>1</sup>. The claimants have been awarded £95,00,000<sup>1</sup>, of which £50,00,000 goes to the burghers of the Orange River Colony, £20,00,000 to British subjects and others, and the rest in favour of the burghers of the Transvaal and Vryheid.

[From Gujarati]

*Indian Opinion*, 31-3-1906

#### 140. NEW COMMITTEE OF BRITISH M. PS. FOR INDIAN AFFAIRS

Sir William Wedderburn misses no opportunity of doing India a good turn. The latest issue of *India* shows that he held a meeting and organized a parliamentary committee for India. Some years ago, there existed a committee, which, however, became practically defunct during the last Parliament. Members of Parliament who are well-wishers of India have joined this Committee, and it is a very powerful one. Some very eminent Members of Parliament, such as Sir Henry Cotton, Mr Herbert Roberts, Mr. Pickersgill and Mr. O'Donnell have joined it and they believe that India will get justice at the hands of the new Parliament. For all this we are beholden to Sir William Wedderburn.

[From Gujarati]

*Indian Opinion*, 31-3-1906

#### 141. SIR GEORGE BIRDWOOD'S COURAGE AND THE MEANNESS OF A CLUB

St. Stephen's Club in London is very old and famous; Sir George Birdwood was a well-known member. He has served for many years in India and has always been a friend of the Indian. Sir George proposed the name of a very famous Indian for membership of the Club. But as the other members objected to the proposal, Sir George resigned his membership. Congratulations to Sir George! It is thanks to such Anglo-Indians that Indians have tolerated British rule.

[From Gujarati]

*Indian Opinion*, 31-3-1906

<sup>1</sup> There is some error in the figures, for the compensation paid could not have exceeded the claims preferred.

## 142. DONATION BY CADBURY BROS.

### HOW TO TREAT EMPLOYEES

The firm of Cadbury Brothers, of Cadbury Cocoa fame, is well known throughout the world. From small beginnings they have built up a huge concern. They are now the proprietors of the *Daily News* of London and belong to the baker sect. They have always spent a portion of their profits on improving the conditions of their employees. They have raised a fund of £60,000 to pay the pensions of their employees, of whom they have a large number, many of them very old and loyal. Where there is such appreciation of labour, small wonder that the workers should consider their master's work as their own and do it with care and diligence.

[From Gujarati]

*Indian Opinion*, 31-3-1906

## 143. JOHANNESBURG LETTER

### DR. ABDURAHMAN'S ADDRESS

A large meeting of the Coloured people was held in the Milner Hall on March 21. Dr. Abdurahman, who is the President of the African Political Organization as well as a member of the Cape Town Municipality, had especially come here to attend it. The meeting was presided over by Mr. Daniel, and the hall was packed, about 500 men attending. Some Indians too were present, including Mr. Abdul Gani, Mr. Omar Haji Amod Zaveri, Mr. Haji Ojer Ally, Mr. Gandhi and others.

The following were the main points of Dr. Abdurahman's speech.

### PURPOSE OF MEETING

"We have foregathered here today with a view to petitioning His Majesty about our rights. The petition has already been drawn up and signatures of all the Coloured people are being obtained. When we in the Cape learnt of the hardships suffered by you in the Transvaal and the Orange River Colony, we thought that we should do the best we could for you. That would be in our interest as well. For, if your rights are whittled down, the same may well happen to us in the Cape to.

### OUR GRIEVANCES

"The Coloured people in the Transvaal and the Orange River

Colony have to suffer many deprivations. But the most important among them is that they do not have franchise and have been divested of many civil rights. If we continue in a state of slavery, our condition is bound to deteriorate from day to day. There is no difference between taxing people without their consent and stealing their money. If therefore the Coloured people do not possess the right to franchise, no taxes should be levied on them.

#### THE REMEDY

“The best way to end these hardships is now to petition the King Emperor. We have done all we could here in South Africa. A new ministry has come into power in England, and hopes of these grievances being remedied have been aroused. If we start putting forth our best efforts, we shall doubtless obtain our rights gradually.

“We are worthy of these rights. The greatest hero of the South African War was Esau who sacrificed his life out of loyalty to the British. When the majority of the Boers opposed the British Government, the Coloured people remained single-mindedly loyal. In the Cape, the Coloured people have the right of franchise just as the whites have and they have never misused it. If it is true that the war, as British officials have claimed, was fought for our sake, then there should be no oppression practised against us.

#### A DIFFICULTY

“Our position is strong, and we should, therefore, by and large, acquire these rights. But there appears to be an obstacle in the way. When the peace treaty with the Dutch was signed, it was agreed that the Natives should not be granted the right to vote before responsible government had been established. Everything hinges on the interpretation of the word ‘Native’. If all those who are born in South Africa are to be regarded as Natives, the whites born there should also come under that category. But no one would interpret the term thus. The word ‘Native’ has but one meaning everywhere, viz., one whose mother and father are both Kaffirs. If this interpretation is correct, we are not covered at all by the treaty with the Dutch. This small lacuna in the treaty we owe to Lord Milner. However, in the meeting at Bloemfontein, Lord Milner posed the question, ‘Even if everybody’s claims are met, what about the Coloured people?’ We too wish to ask the same question.”

#### RESOLUTIONS AT THE MEETING

After this speech, two resolutions were passed: one adopting the draft of the Coloured People’s Petition, and the other deputing Dr. Abdurahman to act as our spokesman before Lord Selborne.



After the two resolutions were passed, *God Save the King* was sung, and the meeting dispersed.

[From Gujarati]

*Indian Opinion*, 31-3-1906

#### 144. JOHANNESBURG LETTER

March 31, 1906

DR. ABDURAHMAN

Dr. Abdurahman has left for the Cape after spending eleven days in this Colony. He had interviews with Sir Richard Solomon and General Smuts at Pretoria. He interviewed Lord Selborne at Johannesburg on March 30. He placed before His Excellency the grievances of the Cape Coloured people residing in the Transvaal and the Orange River Colony. The substance of Lord Selborne's reply was that he was unable to do anything for the present. He would render all possible help when the new constitution came to be framed. He was very polite, and favourably disposed. But it is doubtful whether he will be here when the new constitution is drafted.

Many Coloured people from the Cape were present at Bloemfontein station to see Dr. Abdurahman off.

#### TRAMWAY CASE

The Town Council had given notice of appeal against the Magistrate's judgement in the tramway test case which was decided in our favour.<sup>1</sup> But their lawyer has announced that the Council do not now wish to prefer an appeal. However, it appears that the Indians will be allowed to travel in the trams only after yet another case has been fought and won, for the Town Council believe that their point of view was not argued fully in the former instance. I am afraid therefore that our people will have to wait for some more time.

#### SCRUTINY OF HOUSES

Dr. Porter has been conducting a rigorous inspection of houses. Even in a locality like Dorenfontein, a building belonging to a white has been sealed and he has been obliged to have his house demolished. Landlords of Indian houses, wherever these are in a bad condition, should therefore be wary.

#### CHINESE LABOUR

The excitement over the question of Chinese labour is still

<sup>1</sup> *Vide* "Johannesburg Letter", 10-3-1906

continuing. The miners are ill at ease, with the result that trade is becoming slacker every day and, at least for another year, trade will continue to drift much the same way.

Hundreds of white workmen, masons, painters and others are idle. Of the 500 railway workers at Bloemfontein, only 300 remain, and 150 of these have been served with notices by the Government terminating their services.

Two Indians have been arrested for entering the Colony without permits or with forged ones. Their cases will be heard on April 9. Meanwhile both of them have been released on bail.

[From Gujarati]

*Indian Opinion*, 7-4-1906

#### 145. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*April, 6, 1906*

MY DEAR CHHAGANLAL,

I have your letter. Am I to understand from your letter that you received the Gujarati matter from me only on Wednesday? If so, there must be something terribly wrong, for I took very special precautions that the matter written on Sunday was posted before four o'clock. The matter written on Saturday was posted in due time. I have asked you to send me the envelopes bearing the dates, so that I may have the matter investigated here.

Why should there be any difficulty in giving quotations for full-page, half-page and quarter-page advertisements? I do not think the rate depends upon the quantity of type to be used. When a man hires so much space, we are bound to give him all he can require within that space, so long as we can put it in reasonably, so that it should not be difficult to give quotations for space. As soon as you give the quotation, it is possible to get a very good advertisement from Cape Town. Please therefore do not delay the matter.

I am anxiously awaiting your decision regarding Mrs. MacDonald.

I am glad Maganlal is getting better. He should not overwork himself. If therefore he feels very weak, he should stay away yet for a day or two, for, if he has a relapse, he will feel infinitely worse and weaker than before.

I have already told you not to print the letter from Mr. Bhayat. I returned the letter last week with instructions endorsed on the letter

not to print it. I am now destroying Mr. Bhayat's letter you have sent me.

I cannot think who R. K. Naidoo is. You may try to get the money through Lawrence. I have already told you that you may in your discretion issue letters of demand against those who continually neglect payment.

*Yours sincerely,*

M. K. GANDHI

1 ENCLOSURE

C. K. GANDHI, ESQ.

*c/o Indian Opinion*

PHOENIX

From a photostat of the original: S.N. 4345

### *146. LETTER TO COLONIAL SECRETARY*

DURBAN,

[Before April 7, 1906]

TO

THE HON. THE COLONIAL SECRETARY

PIETERMARITZBURG

SIR,

We have the honour to acknowledge your letter of the 24th ult., dealing with the subject-matter of our letter of the 10th ult.,<sup>1</sup> in an exhaustive manner for which the Committee of our Congress is obliged to you.

Our Committee freely admits that the passes and certificates referred to in our letter are intended for facilitating the movements of those who hold such passes.

The submission of our Committee is that such passes are issued for the satisfaction of those who desire the enforcement of the Act.

Our Committee contends that, although the immigration of certain persons affected by the Act is prohibited, their passage or their temporary sojourn in the Colony is not. Although there is no obligation on the part of those who are entitled to remain in the Colony to take out domicile certificates, etc., the stringency with which the Act is being enforced renders it absolutely necessary that British Indians should hold them.

<sup>1</sup> *Vide* "Letter to Colonial Secretary", Before 10-3-1906

Our Committee is aware that most of the visiting passes are taken out by Indians in the Transvaal. This is natural, as there is so much inter-trade between the two Colonies.

Our Committee is of the humble opinion that every facility should be given to Transvaal Indians by issuing visiting passes. Both visiting and embarkation passes, as to which a prohibitive fee has been imposed, are a source of considerable revenue to the railways. The whole of this question was raised during the late Mr. Escombe's administration when similar fees were imposed and, subsequently, on representations by our Committee, withdrawn.

Our Committee feels that the charge for wives' passes, as also the embarkation and visitors' passes, is a very serious thing and, therefore, requests reconsideration.

*We have the honour to remain,*

*Sir,*

*Your obedient servants,*

O. H. AMOD JOHARI

M. C. ANGLIA

JOINT HONORARY SECRETARIES,

NATAL INDIAN CONGRESS

*Indian Opinion, 7-4-1906*

#### *147. LETTER TO THE "LEADER"<sup>1</sup>*

WHEN IS AN INDIAN NOT AN INDIAN ?

[JOHANNESBURG]

*Before April 7, 1906]*

[TO  
THE EDITOR  
The *Leader*  
JOHANNESBURG  
SIR,]

Some time ago, you were pleased to offer to Mr. Nomura, a Japanese subject, a public apology, because the Chief Secretary for Permits had refused to grant to the gentleman a temporary permit. May I enlist your sympathy on behalf of a British subject?

<sup>1</sup> This undated letter was published in the *Leader* of April 7 under the heading "Distinction without Difference".

Mr. Suliman Manga<sup>1</sup>, I understood, was a British Indian. He is studying for the bar. He has returned from England to pay a visit to his relatives in Delagoa Bay. I was instructed to apply for a permit for Mr. Manga, enabling him to pass through the Transvaal on his way to Delagoa Bay from Durban. The Government declined to grant the permit, and have hitherto declined to give reasons for their decision. I had the honour to represent Mr. Nomura. His status was undoubtedly high; Mr. Manga's is, if possible, higher. He is the son of a very well-known Indian merchant in Delagoa Bay, and is himself a member of the Middle Temple. Yet, considered as a British Indian, he could not pass through the Transvaal.

I have now discovered that I was mistaken in thinking that Mr. Manga was a British Indian. On his reaching Delagoa Bay by sea, he made another fruitless attempt to obtain a permit through the Government, but they would not alter their decision. He was born in Portuguese India, and he, therefore, claimed the rights of a Portuguese subject. As such, he approached the Secretary to the Government at Delagoa Bay, on whose intervention he has obtained a temporary permit to enter the Transvaal. Mr. Manga, a Portuguese subject, has won; Mr. Manga, a British subject, has been disgraced. Such is the reward that the British Indian community gets at the hands of the Government for its extraordinary patience and forbearance

*Yours, etc.,*

M. K. GANDHI]

*Indian Opinion*, 14-4-1906

#### 148. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,

*April 7, 1906*

MY DEAR CHHAGANLAL,

I have received the parcel through Mr. Bean. I wish you would make use of Hemchand and instruct him to write to me on official matters. It is very necessary that I should be kept informed. I am quite aware of the pressure under which you are labouring, but it is for you to relieve the pressure by taking advantage of the help that may be at your disposal. Surely you can even ask Gokuldas to drop me a line. All the matter I send ought to be acknowledged, so that in the event of miscarriage I may send more if in time. I am most anxious to learn

<sup>1</sup> *Vide* "The Transvaal Permit Ordinance", 14-4-1906 and "Letter to William Wedderburn", 12-4-1906

your views about Mrs. MacDonald. They can be expressed also through Hemchand or Gokuldas or Anandlal. There are so many details to be attended to by me which I cannot without information from you. Motilal writes to me saying that there is a new arrival from Bombay. His name is Dhoribhai. He says he knows the press work well. He offers his services at £4 per month and free lodgings. It is worth while knowing him, if you think that there is pressure. Whatever happens, three things are absolutely necessary:

- (1) Books must be kept up to date;
- (2) The paper must not be starved;
- (3) You should not be over-worked.

Neglect any of these things and there will be a catastrophe. One result of your trying to do too much is disregard of official correspondence. For instance, you should have quoted the rates immediately. I would therefore like you to consider this carefully and put the matter right. It is for this reason that I have suggested Mrs. MacDonald. She is a most excellent worker, methodical and in industry quite a match for you or Mr. West, and I have no doubt that she will be able to keep the books. I shall probably be there next week. I want to take my ticket before the Easter holidays are over, but I am anxious to decide about Mrs. MacDonald before I go there, so that, if necessary, I can bring her with me. I am sending some Gujarati matter today and I hope it will be received by you on Monday. If both you and Mr. West and others can come to some decision, I should appreciate a telegram from you in this matter. You should consult Anandlal, Maganlal and Sam. If you get the *Weekly Star* or the *Weekly Leader* or the *Weekly Rand Daily Mail* in exchange, please pass [it] on to Mr. Isaac.

*Yours sincerely,*

M. K. GANDHI

TO

C. K. GANDHI, ESQ.

*c/o Indian Opinion*

PHOENIX

From a photostat of the original: S.N. 4347

### *149. THE HAVEN OF REFUGE*

Amid all the turmoil that South Africa is passing through, the Court of the different Colonies have been standing out as places of safety. We had the pleasure of reproducing Mr. Justice Wessels'

summing-up in an Indian case<sup>1</sup>; in this issue we give, from the *Transvaal Leader*, Mr. Justice Mason's judgment in a Chinese case. As it is the Transvaal which is at present suffering from the most arbitrary laws, it is there that the judges are called upon to exercise their traditional independence to protect the liberty of the subject.

A Chinese policeman in the employ of the Foreign Labour Department, having proved troublesome, was, it appears, without any warrant, arrested, handcuffed, and lodged in a cell at the instance of the Superintendent of the Foreign Labour Department, and under a section of the Chinese Labour Ordinance, ordered to be repatriated. Before the unfortunate policeman was sent away to Durban, he was prevented from receiving legal assistance or from seeing his friends, and had it not been for the fact that he was able, surreptitiously and behind the back of the Superintendent, to sign a power of attorney appointing solicitors, he would probably have gone away to China without relief and without being heard. Whether the policeman was a dangerous character or not is quite beside the point. We do not enter into the merits of the case. The Acts we have stated above are admitted.

The Superintendent of the Foreign Labour Department was informed that the solicitors who were retained by the man were going to apply to the Supreme Court for a writ of *habeas corpus*, and yet, before the writ was issued, the man was safely sent away to Durban. The Superintendent was, however, called upon to appear before the Supreme Court and to produce the policeman. At the hearing, which took place on the 30th day of March before Mr. Justice Mason in Pretoria, an attempt was again made to frustrate the application by the Superintendent stating that it was physically impossible for him to produce the policeman, owing to the Chinese Labour Ordinance preventing any Chinaman from entering the country without a licence, and owing to such licences having been stopped.

The matter was argued by Mr. Smuts, on behalf of the Chinaman, and Mr. Justice Mason, in delivering judgment, strongly deprecated the action of the Superintendent.

One of the most serious features of the case was that, in substance and in fact, the Superintendent of Foreign Labour had brought to bear a tyrannical exercise of power in preventing any one from having access to the Chinese Sergeant. He regarded that as a very serious thing indeed. He thought the only way of preventing a person being illegally done away with and illegally treated was to uphold to the fullest extent the right of every person to have any of his friends to see him who chose to go. . . . His action had the effect of defeating

<sup>1</sup> *Vide* "The Bulwark of Justice", 31-3-1906

any such action, and he did wrong in sending the coolie out of the Colony with a notice, like that served by the solicitors, hanging over his head.

The learned Judge has made an order for the production of the man, and has ordered the Superintendent to show cause why he should not be punished for contempt of court by deporting the Chinaman from the Colony when he knew that an application was to be made for his protection before the Court. He also ordered that Mr. Jamieson<sup>1</sup> should pay all the costs, as between attorney and client, of the application, and added that “he made that order chiefly because of, what he has called before, ‘the tyrannical exercise of power in preventing any person from having access to the applicant’ ”.

Here is an official, on the one hand, enjoying a very influential position, and, on the other hand, a humble policeman, and yet the policeman has been able to make good his right of being heard before the highest tribunal of justice in the Transvaal. The Superintendent himself must feel proud of an institution which thus protects the liberty of the meanest subject under the Crown; for what has happened to the Chinaman at his hands, it is quite conceivable, may happen to the Superintendent at the hands of those who may be superior to him. It may be a mere error of judgment on Mr. Jamieson’s part, but it is better that he should suffer rather than that the liberty of the subject should remain without vindication.

*Indian Opinion*, 7-4-1906

### 150. THE INDENTURE TAX

We took from *The Times of Natal*, last week, a report of a prosecution, under the Immigration Law of the Colony, for recovering the annual tax of £3. On looking through *The Natal Witness*, we find that the prosecution was not only against himself, but also against his wife. The only manner provided by law of recovering the tax is “by summary process by any clerk of the peace or other officer appointed to get in such licence money”. In the process, it appears the personal jewellery of the Indian woman has been taken, under order of Court, by the prosecuting sergeant as security. She has been given three months within which to pay the tax, under pain of her jewellery being sold if the tax is not paid within the period. Both the magistrate and the prosecuting sergeant have been considerate, and yet the grievous hardship that indentured Indians, who become free, have to suffer, by reason of the imposition, has been clearly brought out by the prosecution. So long as the poor woman has a bit of jewellery or other

<sup>1</sup> Superintendent, Foreign Labour Department



personal effects about her, she will be called upon to pay the money, whether she was earning anything or not, and whether she can otherwise afford it or not. This is the reward that the indentured Indians get after five years' service in Natal!

*Indian Opinion*, 7-4-1906

### *151. POLITICAL TURMOIL IN NATAL*

Important events, the effects of which will not be forgotten for many years, took place in Natal last week. As a result of these, Natal has gained in stature. The cause of self-government has triumphed; but the British Empire has received a set-back.

The Kaffirs in Natal rose in revolt against the poll-tax. Sergeants Hunt and Armstrong<sup>1</sup> were killed in the revolt; martial law was declared in Natal and the Kaffirs were severely dealt with. Some Kaffirs were prosecuted under the martial law, and twelve of them were condemned to death and blown up at the mouth of a cannon. The Kaffirs from neighbouring areas and their Chief were invited to witness the execution, which was to take place on March 29.

Meanwhile, Lord Elgin sent a cablegram from England to the Governor of Natal, asking him to suspend the execution of the sentence. The executive councillors of the Natal Government resented this and tendered their resignations to the Governor. The Governor asked them to wait until a further communication was received from Lord Elgin, and to this they agreed.

As soon as the full story became known, a wave of excitement swept over the whole of South Africa. The Press protested vehemently, arguing that the constitution of self-governing Natal was violated by Lord Elgin's intervention. They said that, as Natal was a self-governing Colony, the Imperial Government could not interfere in its administration. Congratulations were showered from every side on the executive councillors for having resigned. Meetings were held at many places, and speeches made against the Imperial Government.

The Imperial Government believed that, since they had helped Natal to put down the rebellion, it was their duty to see that justice was done to the Kaffirs; and hence they saw nothing improper in asking the Natal Government to put off execution of the sentence. But South Africa became excited, the arguments of the Imperial Government proved unavailing, and Lord Elgin had to bow down before Natal opinion.

<sup>1</sup> Sub-Inspector Hunt and Trooper Armstrong of the Natal Police

Lord Elgin has written to the Governor that, on inquiry, it was found that justice had been done in the case of the Kaffirs, that the Imperial Government did not now wish to interfere in the administration by the executive councillors of Natal, and that they could do what they deemed proper. Lord Elgin has, however, put the entire blame on the Governor. He further says that no intervention by the Imperial Government would have taken place if the Governor had supplied all the facts of the case at the outset. Twelve lives have been taken for two. The twelve Kaffirs were blown to death at the mouth of a cannon on Monday.

During all this excitement, only one man kept a cool head, and that was Mr. Morcum. At a meeting in Maritzburg, he declared that Lord Elgin's move was quite proper. It was a matter of saving human life, and there was no need for the executive to resign. Hunt and Armstrong were killed before martial law was declared; and hence the Kaffirs ought to have been tried by the Supreme Court. The whole meeting was against him, and though they hissed and hooted at him, the brave Mr. Morcum had his way.

What is the outcome of all this? That some Kaffirs were killed will soon be forgotten. We cannot say for certain whether or not they have received justice. But wherever self-government has been granted, a people become overweening. They will take undue liberties, and the Imperial Government will hesitate to intervene. It will seldom do so, for, as the saying goes, a man once bitten by a serpent dreads even a length of rope. It is only the Coloured people who stand to lose by this. They have no vote. Where they have it they cannot use it effectively, so that the Colonial authority will place greater restrictions on them, and they alone will get justice who ingratiate themselves with it. Great changes are likely to take place in South Africa during the coming years. The Indians and other Coloured people have much to ponder and they must act with circumspection.

[From Gujarati]

*Indian Opinion*, 7-4-1906

## 152. THE LAND ACT IN THE TRANSVAAL

### AN IMPORTANT LAW SUIT

In the Transvaal, there was only one plot of land outside the Location registered in the name of an Indian, the well-known Sheth Abubaker Amod, who is no more. The land was in Church Street in Pretoria. The late Mr. Abubaker bought it in June 1885, and the sale-deed was presented at the Registrar's office on June 12, 1885.

The anti-Indian Act came into force on June 17. There were some difficulties in getting the deed registered. The British Agent intervened, and it was only after a special letter was written by the State Attorney that the Registrar registered the documents on June 26. Mr. Abubaker died in 1888. Until now, the possession and enjoyment of the land has vested in the heirs or trustees of the late Mr. Abubaker. According to law, the disposal of a man's estate on his death should be through the Government. This estate has not, however, been dealt with in this manner, and the land has remained untransferred to the heirs. When the land fell vacant in 1905, it was decided to let it out on a long lease for building a house on it. Now, according to the Transvaal laws, every long lease has to be registered at the Registrar's office. Hence steps had to be taken to have the land transferred to the names of the heirs, for, under the law, land could not remain in the name of a deceased person. The heirs being Indians, the Registrar refused to transfer the land to them. Thereupon an appeal was filed against the Registrar before a civil judge. The Registrar put forward two reasons for not transferring the land to the heirs. First, the land was registered after Act 3 of 1885 had been passed; and since that Law prohibited Indians from holding land in their names, the sale-deed executed in favour of the late Mr. Abubaker was void and should therefore be cancelled. Secondly, even if it was conceded that the sale-deed in favour of Mr. Abubaker was legally valid, his heirs, being Indians, could not hold the land in their own names under the Act of 1885. Justice Fox who heard the appeal accepted the Registrar's second plea, and dismissed the case. An appeal against this decision was preferred to the Supreme Court on behalf of the heirs. Barristers Leonard and Gregorowski were engaged by the heirs, on whose behalf they represented that, if the Supreme Court did not order the land to be transferred to the names of the heirs, they should at least pass orders for the registration of the 21-year lease and allow meanwhile the original deed to remain in the name of the late Mr. Abubaker. Mr. Leonard advanced strong arguments and the judges expressed much sympathy, but regretted that they were helpless to do justice by the heirs. The judges admitted that the Act of 1885 itself was very bad, and if they wanted justice in spite of that law, they could get it only from Parliament. In view of this judgment, the only remedy left to the heirs to save the land for the time being was to get it transferred to some white person and themselves retain physical possession. This step they have taken and their enjoyment of the property will not therefore be hampered in any way. However, the fact that, according to the judgment of the Supreme Court, the land cannot be transferred to the heirs' names is bound to make them feel

oppressed. The only thing that remains to be done is to carry on a political struggle through Parliament. We know that they will do so. The judgment in this case makes it quite clear that even the judges admit that the Act of 1885 is oppressive. Sir Henry Cotton has asked a question about this in the Imperial Parliament. We shall await the outcome.

[From Gujarati]

*Indian Opinion*, 7-4-1906

### 153. JOHANNESBURG LETTER

*April 7, 1906*

#### PERMITS

Permit difficulties are increasing and people get no relief. The applications of refugees lie unattended to. Regulations go on changing continuously. Now fuel has been added to the fire. Mr. Suliman Manga, who is a relative of Mr. Ismail Manga, the well-known merchant of Delagoa Bay and is reading for the bar in England, came here recently to visit his relatives. He got down at Durban, and wanted to proceed to Delagoa Bay via the Transvaal. Mr. Gandhi applied for a temporary permit on his behalf, but the Colonial Secretary refused it. Mr. Manga waited for a few days at Durban, and then proceeded to Delagoa Bay by sea. From there, he applied again, [this time] himself, but got a reply in the negative. So far, the matter was dealt with on the assumption that Mr. Manga was a British subject. Mr. Manga, who came seized with the British spirit [of freedom], was not the sort of person who would sit back. Taking advantage of the fact that he was born at Daman<sup>1</sup> and was therefore a Portuguese subject, he approached the Secretary to the Government in Delagoa Bay and applied for a permit. Thereupon the Secretary immediately wrote to the British Consul, who issued the necessary permit without delay. This shows that, had Mr. Manga been a British subject, he could not have set foot on the golden land of the Transvaal; but he could do so at once by virtue of his being a Portuguese subject.

Mr. Manga spent a day at Johannesburg and has returned to Delagoa Bay. The Association<sup>2</sup> has written to the Government about this anomaly. It has written also to Lord Selborne, who, while acknowledging receipt of the letter, says that he is inquiring into the

<sup>1</sup> Portuguese possession in India

<sup>2</sup> British Indian Association

matter. Mr. Gandhi has also written a letter to the *Transvaal Leader*.<sup>1</sup> It is possible that the gross injustice done in Mr. Suliman Manga's case may open the eyes of the indolent British Government. When a permit was refused to Mr. Nomura, a Japanese subject, a wave of excitement passed over the whole of the Transvaal.<sup>2</sup> But is there none to care for a British subject in a similar plight?

#### RAILWAY HARDSHIPS

Mr. Mahomed Surati, the well-known merchant of Aliwal North<sup>3</sup>, was in Johannesburg for two days. He was much inconvenienced during his train journey from Germiston. He was insulted and removed from the first-class compartment, which he was occupying, to another carriage. He was not aware that, in the Transvaal, there were separate carriages for non-whites. Though there was no white passenger in the compartment he was occupying, he was harassed by the guard. He has therefore lodged a complaint with the railway authorities.

A deputation of the British Indian Association met the General Manager of Railways in connection with the prohibition of Indian passengers from travelling by the 8.30 train leaving Pretoria for Johannesburg as also that from Johannesburg to Pretoria. The General Manager suggested that the Indian community would do well not to press the point as the train was reserved for whites only. The General Manager is not, however, in a position legally to justify his point of view. The deputation replied that the Indian community could not possibly go back on their position as the Indians needed the amenity as much as the whites did. The position is likely to become clear in about ten days.

#### THE TRAM CASE

The Johannesburg tram case has not yet been decided. Our people are not allowed to travel by the trams; hence a fresh test case has been filed. Mr. Coovadia was refused a place in the tram as he was about to board one. He has therefore again made an affidavit, and the date for the hearing of the case will be fixed in a couple of days.

#### FILTH IN THE LOCATION

This week Dr. Porter and his company came down upon the Indians residing in the Malay Location. Many of them were arrested as there was much overcrowding. In this matter as well as in keeping

<sup>1</sup> Vide "Letter to the *Leader*", Before 7-4-1906

<sup>2</sup> Vide "Permit Hardships in the Transvaal", 31-3-1906 & "War Claims", 31-3-1906

<sup>3</sup> Town situated on the Orange River

the house, compound and latrines clean, our people are very negligent. The consequences have to be borne by the whole community. Our troubles will not end so long as we do not make lasting improvements in these matters. And if meanwhile plague or other epidemics or infectious diseases should break out, we will have to put up with endless trouble. It would appear that our people have forgotten the experience of the plague in 1904.<sup>1</sup>

#### THE ENTHUSIASM OF THE WHITES

In a very short time, 35,000 signatures have been obtained, and many more are being collected for the petition of the whites addressed to the King-Emperor on the proposed constitution. We should become affected by this new enthusiasm that is abroad. We would enjoy a different in status this country if we are infected with this enthusiasm rather than the spirit of discord.

[From Gujarati]

*Indian Opinion*, 14-4-1906

#### 154. EXTRACTS FROM LETTER TO DADABHAI NAOROJI

[JOHANNESBURG,  
*April 10, 1906*]

[The prohibitive fees for certificates and passes that are granted under the Immigration Restriction Act are] a totally unjust imposition for which there is not the slightest justification. . . . Another serious blow to the Indian community in South Africa has been given in the Transvaal.

Colonial Office Records : C.O. 417, Vol. 434 Ind.

<sup>1</sup> Vide "letter to Dr. Porter", 9-4-1904, "A Lesson from the Plague", 30-4-1904 & "The Plague", 25-2-1905.

<sup>2</sup> Gandhiji's own letter to Dadabhai is not available. This item is an extract from Dadabhai's letter to the Colonial Secretary where he quotes Gandhiji ("my correspondent"). This letter refers to the *Indian Opinion* of 10-3-1906 and was sent along with the issue dated 17-3-1906

155. LETTER TO CHHAGANLAL GANDHI

[JOHANNESBURG  
*April 10, 1906*]

MY DEAR CHHAGANLAL,

I return Hoosen Khan's letter. It will be dealt with in the English columns. You may say in the Gujarati columns that the matter is being dealt with in the English columns.

I half expect a letter from you to-morrow. I may leave by the Friday morning train.

I am still discussing the situation with Mr. Kitchin. He may rejoin. I hope Maganlal is now much better.

*Yours sincerely,*  
M. K. GANDHI

1 Enclosure  
C. K. GANDHI, ESQ.  
*c/o Indian Opinion*  
PHOENIX

From a photostat of the original: S.N. 4349

156. LETTER TO CHHAGANLAL GANDHI

21-24 COURT CHAMBERS  
CORNER RISSIK & ANDERSON STREETS,  
P. O. BOX 6522,  
JOHANNESBURG,  
*April 11, 1906*

MY DEAR CHHAGANLAL,

I have your letter. I am not saying anything much. I leave by the Friday morning train that will bring me there<sup>1</sup> Saturday afternoon and I will take the train for Phoenix that leaves just after the arrival of the Johannesburg train.

I am afraid you have not yet understood the question put to you regarding the rate for advertisements. You should remind me when I reach there and I will explain the position to you. Meanwhile, I would like you to put down your thoughts in writing, all that you have to

<sup>1</sup> Durban

say and all that you may have to suggest. Do not be afraid of being misunderstood because I shall be able to ask you questions on everything you may write and you will be able to explain. I would also ask you to put down your thoughts independently of consultation with anybody else and I propose to ask everybody to do likewise. Please pass this on to Maganlal so that he may too, if he is strong enough, put down everything that occurs to him fully in writing, and in any case put down your questions also to be put to me.

I do not propose to telegraph unless my plans are altered.

*Yours sincerely,*

M. K. GANDHI

C. K. GANDHI, ESQ

PHOENIX

From a photostat of the original: S.N. 4348

### *157. LETTER TO WILLIAM WEDDERBURN<sup>1</sup>*

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,

RISSIK STREET,

JOHANNESBURG,

*April 12, 1906*

SIR WILLIAM WEDDERBURN

PALACE CHAMBERS

LONDON

SIR,

The position in the Transvaal of British Indians is getting day by day more insecure and harassing. I need only recapitulate what is happening and appeal for active work.

Whilst it is true that the Home Government will be slow to interfere with the Crown Colony of the Transvaal, I take it there must be a limit to this policy of non-intervention. There is a Peace Preservation Ordinance in the Transvaal under which the immigration of British Indians is restricted in a most high-handed manner.

(a) The Ordinance was intended to preserve the peace [and], therefore, to keep out rebels and others who were ill disposed towards

<sup>1</sup> This seems to be a circular letter. A copy of it was sent to Dadabhai Naoroji who, omitting the last paragraph, forwarded it in the form of a statement to the Secretary of State for the Colonies on May 8, 1906.



the British Government, but it is today being, in fact, solely used to restrict British Indian immigration.

(b) The British Indian Association has accepted the position that non-refugee British Indians who do not possess educational attainments may be kept out.

(c) As a matter of fact, even refugees who were in the Colony before the war and who had paid £3 as a price for permission to reside in the Colony are now being prevented from entering, except under most difficult circumstances.

(d) Such men have to wait in the coast towns for months before the permit officer would issue them a permit.

(e) A most vexing examination is carried on and then they are called upon to put their thumb-impressions and to undergo other unnecessary severities before they get a permit to enter the country.

(f) Their wives, too, are often required to produce documents before they are allowed to enter the Transvaal.

(g) Their children over eleven years are totally prevented from accompanying them.

(h) Children under twelve of such refugees are made to take out permits before they can come. Just recently, a boy under six years was torn away from his father and detained at Volksrust because he did not hold a separate permit, in spite of the fact that the registration certificate of the father mentioned that he had two boys.

(i) Only three months ago, boys under sixteen, if they had their parents, or if their parents were dead and they were with their guardians in the Transvaal domiciled, were free to enter the Transvaal. Now, as mentioned above, all of a sudden a new regulation has been sprung upon the Indian community and boys who are under twelve only are allowed to enter. The result is that many boys under sixteen who have arrived in South Africa after considerable expense have, instead of joining their parents who are domiciled in the Transvaal, to return to India.

(j) About three months ago, temporary permits for Indians, who wished to pass through the Transvaal on their way to other parts of South Africa or intended to do some business, were granted fairly freely; now such permits are issued after the greatest scrutiny. Mr. Suliman Manga,<sup>1</sup> the son of a well-known Indian merchant of Delagoa Bay, who is studying at present in England for the Bar, recently returned from England to pay a visit to his relatives in Delagoa Bay. He landed at Durban, applied for a permit to enable him to pass

<sup>1</sup> *Vide* also "The Transvaal Permit Ordinance", 14-4-1906

through the Transvaal on his way to Delagoa Bay and the permit was refused. His case was considered as if he was a British Indian. He went to Delagoa Bay, therefore, by sea. There he attempted again through the Transvaal Government to receive a temporary permit as he intended to see Pretoria and Johannesburg but his application was refused. He, therefore, thought that he, having been born in Portuguese India, should approach the Portuguese Government. He did so and a permit was immediately issued to him. It comes, therefore, to this that a British Indian, no matter what his status may be, cannot even pass through the Transvaal and have safe conduct, but if an Indian belongs to a foreign power, he gets a permit for the asking.

(k) From the above, it follows that Indians of attainments are unable to get a permit to settle in the Transvaal, that is to say, the Peace Preservation Ordinance is so administered that, whereas before war any Indian was free to enter the Transvaal, now an Indian who can enter by reason of his being able to pass the educational test of the self-governing Colony of the Cape or Natal is debarred from entering the Crown Colony of the Transvaal. Here, there is no question of the British Government having inherited pre-war legislation, but it is a question of deliberate[ly] pressing into service an ordinance passed just after martial law and which ordinance had no connection with British Indians.

Under Law 3 of 1885, the British Indian heirs of the late Mr. Aboobaker Amod, one of the Indian pioneer settlers of South Africa, have been prevented from having the property left to them registered in their names.<sup>1</sup> Such is the working of the law regarding ownership of and by Indians. It should be noticed that Natives of the Transvaal, as is quite proper, are free to own landed property anywhere they choose. The Cape Coloured people are also free to hold immovable property in the Transvaal. The ban is placed only upon Asiatics.

Before war, Indians were not debarred from making use of any train service in the Transvaal. Now the Railway Board has issued notices to the station masters not to issue tickets to British Indians and Coloured people for an express train service between Pretoria and Johannesburg,<sup>2</sup> thus causing serious inconvenience to Indian businessmen. It is highly probable that relief will be ultimately granted, but this notice shows which way the tendency of the Government lies.

In Johannesburg, as in Pretoria, British Indians and Coloured

<sup>1</sup> *Vide* "Legalized Robbery", 17-3-1906

<sup>2</sup> *Vide* "Letter to Acting Chief Traffic Manager", 14-2-1906

people are unable to make use of the municipal tram cars.<sup>1</sup>

In Natal, the position is briefly as follows: The Dealers' Licenses Act causes the greatest amount of mischief. Mr. Dada Osman, a British Indian merchant of very long standing, had his store in Vryheid before war when it was part of the Transvaal, [and] he traded there unfettered. When Vryheid was incorporated with Natal, the anti-Asiatic laws were also taken over, so that in Vryheid there is Law 3 of 1885 in force as also the Natal Dealers' Licenses Act. Acting thereunder, Mr. Dada Osman's licence has been taken away from him and his Vryheid business has been totally ruined.<sup>2</sup> Another case of equally severe hardship has happened in the Ladysmith district. There, one Cassim Mahomed has been trading on a farm for some time. Last year, his servant committed a breach of Sunday Trading Law. He sold a piece of soap and sugar to traps who were sent by an adjoining store-keeper. The owner himself, it was proved, was absent. This year, because of this offence, his licence has not been renewed.<sup>3</sup> The Appellate Board upheld the decision of the Licensing Officer, saying he acted on the principle they had laid down in a case about a white man. This, however, is not true. The white man in question was known to have allowed his sub-tenants to traffic in liquor sold to Natives and was convicted of selling opium on his premises. No contravention of law was made in comparison with the studied breach of regulations of the above description by the white man and the technical breach of Sunday Trading Law [*sic*].

The third case is that of Mr. Hoondamal, to whom a transfer of his licence from one place to another in Durban was refused.<sup>4</sup> These three are only illustrations showing what has been done under the Dealers' Licenses Act in scores of cases. Mr. Chamberlain made representations to the Natal Government in connection with the hardship under the law. The result was that the Natal Government issued instructions that the law was not to be rigorously enforced, otherwise it would be altered. It is not possible to give cases of greater hardship than those quoted above. All that is claimed by British Indians is that the jurisdiction of the Supreme Court over the decisions of the Licensing Officers and the Licensing Boards, which consist mainly of traders, should be restored.

Under the Immigration Restriction Act, rules have been now framed whereby a fee of £1 is imposed for the issue of a domicile

<sup>1</sup> *Vide* "Letter to Town Clerk", 10-3-1906

<sup>2</sup> *Vide* "Petition to Lord Elgin", 30-3-1906

<sup>3</sup> *Vide* "A Hard Case", 14-4-1906

<sup>4</sup> *Vide* "Indian Licences : Need for Vigilance —I" 18-2-1905

certificate to each domiciled Indian who is entitled to it as a matter of right. A similar fee is imposed for visitors' passes,<sup>1</sup> that is, for Indians who want to pay a visit to Natal as also for embarkation passes, that is, for authority for Indians to pass through Natal to catch a steamer for India. This is an indirect method of taxation and causes very much inconvenience and loss to poor Indians.

I venture to think that these matters should be placed continually before the Colonial and Indian Secretaries by the Indian Parliamentary Committee.

*I beg to remain,*

*Yours faithfully,*

M. K. GANDHI

From the original typescript signed by Gandhiji. Courtesy: Servants of India Society

### *158. JOHANNESBURG LETTER*

JOHANNESBURG,

*April 13, 1906*

#### CAUTION TO INDIAN LAND-OWNERS IN TRANSVAAL

I have come across a very important case which concerns the vast majority of Indians who own land in the Transvaal. A certain Indian holds land in the name of a White. He has secured no bond from the latter, who is practically on the verge of insolvency. It has now become extremely difficult to save this land. The White himself is eager enough to help. He has no right over the land but, since there is no bond against it, there is every danger of his creditors swallowing it up. If a bond had been secured from the White in time, no such contingency would have arisen. After this case, it is imperative that every Indian who holds land in the name of a White should secure a bond against it, however trustworthy the White may be; otherwise he will run the risk of being put to a severe loss.

#### PERMIT CASE

There has been a noteworthy permit case in the magistrate's court here. I stated in a previous letter that two Indians had been arrested.<sup>2</sup> One of them was charged with having entered without a permit. The magistrate gave notice to the first Indian to leave within

<sup>1</sup> *Vide* "Letter to Colonial Secretary", Before 10-3-1906

<sup>2</sup> *Vide* "letter to Chhaganlal Joshi", 6-4-1906

seven days and dismissed the case against the second on the ground that he had no jurisdiction, since the application the Indian had made for a permit was made in Durban, and for some other reasons.

Mr. Gunvantrai Desai and many other Indians have left Johannesburg for India.

The deputation about the Malay Location which was to wait on Sir Richard Solomon has done so. I hope to be able to give more information about this next week.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 21-4-1906

### 159. LETTER TO CHHAGANLAL GANDHI

[JOHANNESBURG,  
*April 13, 1906*]<sup>2</sup>

CHI. CHHAGANLAL,

I am sending you herewith some Gujarati matter together with advertisements, etc. Please ask Mr. West to see that all the advertisements appear in this very issue, as far as possible.

Let the advertisement of Garlic Hentz be of the same size as the one given earlier for Carmen. Bear in mind what I have written on his advertisement. Give six inches to Jivanji. There is nothing to be said about the others.

I shall bring Mr. Harilal Thakar with me. I shall leave by the last evening train.

*Blessings from*  
Mohandas

[PS.]

Please attend to the needs and comforts of Suliman. I shall be able to give the rest of the Gujarati material only after I come there. There is no alternative.

From a photostat of the original Gujarati in Gandhiji's hand: S.N. 4353

<sup>1</sup> Vide "letter to Chhaganlal Joshi", 6-4-1906

<sup>2</sup> The date April 23, 1906, given in the original, seems to be an error, as the advertisement of Garlic Hentz mentioned therein appeared in *Indian Opinion* dated 21-4-1906. The letter must have been written about a week earlier, possibly on Friday, April 13, the day Gandhiji was to leave for Phoenix. Vide "Letter to Chhaganlal Gandhi", 10-4-1906

## 160. A HARD CASE

We gave last week a *resume* of a licensing appeal case heard in Ladysmith on the 30th March last. An Indian trader has been trading within Klip River Division on a farm called Wittekleifontein for the last three years. Latterly, a European firm, by name Burdett & Co. has opened a store near his. The firm has amongst its partners, so it would appear from a report in *The Natal Witness*, Sergeant Batterberg, who is the Prosecutor for the Division. During his absence, the Indian trader's store-assistant was trapped by the police and convicted of Sunday trading. He sold a bit of soap and some sugar. The store-keeper, on his return, finding that his assistant had been guilty of trading on Sunday, dismissed him. When the time came for renewal, Messrs Burdett & Co. lodged their objection with the Licensing Officer against the Indian store-keeper's getting a renewal of his licence, on the ground that he had committed a breach of the Sunday law. The Licensing Officer upheld this objection, and the licence was refused. Against this decision, the poor Indian store-keeper appealed to the Licensing Board, but in spite of the eloquent defence of his counsel, the appeal was dismissed, and the Board, in giving judgment, said that they did so because of a breach by the store-keeper's assistant of the Sunday regulations, and they supported their decision by quoting a similar case where they [had] refused the application for a licence made by a European.<sup>1</sup> We think, however, that the European case quoted by the Board could have no bearing on the present case, as some of the ingredients were wanting. Here, the Indian store-keeper himself has not committed the crime. He repaired the mischief in the only manner that was possible for him, and, after all, it is patent to any layman that the whole of the objection has been raised by a rival firm of store-keepers who are interested in removing the Indian store-keeper. The fact, too, that the firm contains, as its partner, the Public Prosecutor in Ladysmith, who conducted the prosecution against the Indian's store-man, is not without serious significance. It is indeed a pity that the Board did not allow the objection raised by the appellant's counsel that Burdett & Co. had no *locus standi* before the Board, and we cannot help thinking that the Board have, by their decision, encouraged opposition of the kind raised in the case in question. The deprivation of a licence is altogether a disproportionate penalty imposed on a man for a breach of a statutory provision by his servant, who had already been punished for the same offence. But this

<sup>1</sup> *Vide* "The Ladysmith Licensing Board", 21-4-1906

case merely illustrates how unjust and oppressive the Dealers' Licenses Act of Natal is. The Ladysmith case supports the argument advanced in Dada Osman's petition<sup>1</sup>. Unless the right of appeal to the Supreme Court is restored, there is no possibility of any justice being done under the Dealers' Licenses Act.

*Indian Opinion*, 14-4-1906

### 161. THE TRANSVAAL PERMIT ORDINANCE

The Peace Preservation Ordinance, passed at a time when, as its name implies, peace within the Transvaal borders was in danger, has hung over the heads of British Indians like Damocles' sword, ready to descend upon them at any moment. The latest instance is brought to our readers' notice by our Transvaal correspondent.<sup>2</sup> It appears that Mr. Suliman Manga, the son of a very well-known Indian in Delagoa Bay, has been studying for the Bar for some years in England, and has been admitted as a member of the Middle Temple. He has just arrived from England to pay a visit to his relatives in Delagoa Bay. On his landing at Durban, he intended to pass through the Transvaal on his way to Delagoa Bay. He instructed a solicitor in Johannesburg to apply for his permit. The solicitor, Mr. Gandhi, seems to have assumed that he was a British Indian, and proceeded with the application. After a few days' delay, he received a reply saying that his client could not be granted a temporary permit. He then applied to the Colonial Secretary and received the same answer. No reasons were given for the refusal. Mr. Manga then took a steamer to Delagoa Bay. Young, enthusiastic, and freshly returned from England, he could not brook rejection of his application. During his brief stay, he wanted to see the capital of the Transvaal, and the centre of the gold-mining activity. He, therefore, again applied to the port Protector of Asiatics, who could only confirm the reply given to his solicitor. Mr. Manga, being in fact a Portuguese subject, then appealed to his own Government, who soon procured relief for their subject, and Mr. Manga entered the Transvaal on a temporary permit granted to him by His Majesty's British Consul-General.

This is an instance of a most glaring abuse of arbitrary powers vested in the hands of the Government. We may here recall the parallel case of Mr. Nomura, a Japanese subject. This gentleman, in order to dispose of his wares in the Transvaal, applied for a temporary permit, which the Chief Secretary for Permits declined to

<sup>1</sup> *Vide* "Petition to Lord Elgin", 30-3-1906.

<sup>2</sup> *Vide* "Letter to the Leader", Before 7-4-1906

grant. He evidently reasoned to himself that, if a British subject could not get similar facilities, he could not grant it to Mr. Nomura.<sup>1</sup> The case was publicly discussed, and the *Transvaal Leader* offered a public apology to Mr. Nomura. The High Commissioner immediately ordered the Chief Secretary for Permits to issue a permit to Mr. Nomura, and it was delivered to him personally at his residence in Durban.

Mr. Manga's case is much stronger than Mr. Nomura's. As it was first put before the Colonial Secretary, it was a case of a British subject and a student asking for permission merely to pass through the Transvaal. He had no business to transact in the Colony, and, therefore, he could not come into competition with anybody. We question whether the most rabid member of the anti-Asiatic Convention could ever have contemplated rejection of an application like Mr. Manga's, and yet so long as Mr. Manga was considered as a British subject, and so long as there was no intervention on the part of any foreign government, his case was not considered worthy of attention by the Transvaal Government.

So soon, however, as it is known that Mr. Manga happens to be a Portuguese subject, he gets a permit. The net result of this case is that, at the hands of the present Government in the Transvaal, there is to be no justice for British Indians. The latter may be insulted, they may be put to all kinds of inconvenience, their applications may be summarily rejected, they may not be given reasons for arbitrary decisions of the Government, even though *bona-fide* refugees, it may take months before their claims can be considered for re-entry into the Transvaal, their very means of livelihood may be allowed to depend on the absolute discretion of the Government. Yet we have Lord Selborne's assurance that it is not his desire that Indians should be treated in a harsh manner, or that regulations under the Peace Preservation Ordinance should in any way be unreasonable.<sup>2</sup> The community has every right, therefore, to appeal to Lord Selborne for some measure of justice being meted out to it.

*Indian Opinion*, 14-4-1906

<sup>1</sup> *Vide* "A Contrast", 10-3-1906

<sup>2</sup> *Vide* "Transvaal Indians and Permits", 17-2-1906



## 162. A LICENSING PETITION

Our readers will recall the facts in connection with the licence of a British Indian in Vryheid. Mr. Dada Osman, the Indian merchant concerned, having failed to obtain the justice to which he was entitled, owing to the state of the Dealers' Licenses Act, has now approached His Majesty's Principal Secretary of State for the Colonies,<sup>1</sup> and has forwarded to us a copy of the petition for review. The petition is a colourless statement of facts, but it shows most clearly that underlying it is the general question as to the operation of the Dealers' Licenses Act. Unless it is erased from the Statute-book of the Colony, there will be no rest for British Indian traders. It is not fair to them, and it is less fair to the licensing officers, that arbitrary powers should be placed in the latter's hands. We do not ask for indiscriminate trading rights, but we do contend that every trading application should be treated on its merits, and where no reasons, save those of prejudice, can be adduced against such application, it should be granted. The case before us is aggravated, because the petitioner labours under a double-barrelled disability, for, in Vryheid, he, being a British Indian, labours under all the disabilities of the Natal laws, without getting any of the advantages, as Law 3 of 1885 of the Transvaal has also been retained, in spite of the incorporation of Vryheid with Natal. The condition is as anomalous as it possibly could be, and it is to be hoped that Lord Elgin will secure substantial justice for his petitioner.

The question of interference with the domestic affairs of the Colony will naturally be raised. The principle of non-interference can hardly stand, in the case of those who are totally unrepresented in a Colony governed under representative institutions. Natal enjoys self-government, on the tacit assumption that it is capable of governing itself. There is little self-government exercised, when one class of subjects living in the Colony are meted out scant justice. Self-government means self-control; if privileges are granted, responsibilities must be assumed also, and if these privileges are enjoyed to the fullest extent, without discharge of the responsibilities, the power that gave them surely has the right to see to it that those responsibilities are properly discharged.

*Indian Opinion*, 14-4-1906

<sup>1</sup> *Vide* "Petition to Lord Elgin", 30-3-1906

### 163. A LICENSING CIRCULAR

A Gujarati correspondent draws our attention to some rules said to have been framed by the Government for the guidance of traders' licenses officers. The latter are, so our correspondent states, instructed henceforth, in issuing licenses to Indians, to take their finger-prints and signatures on counterfoils of the licences granted. This, we understand, has been done in order to establish identity. If our information be correct, the preliminary question that occurs to us is, why have Indians alone been singled out for this further disability? Where is the occasion for establishing identity? Does it mean that the Natal Government do not desire that the Indian businesses may be continued after the withdrawal of their present owners? Do they, in other words, mean to convey to the Licensing Officers that Indian businesses are to become extinct with their owners? If so, it means that, sooner or later, every Indian must be compelled to sell off, instead of disposing of his business as a going concern. And why should the Government interfere with the administration of the law in such a one-sided manner? If the Licensing Officers are to exercise their own discretion, unfettered by any considerations save those of justice, how can the Government restrict their discretion [by] issuing circulars such as the one we are now considering? The position under the Licensing Law is becoming more and more unbearable, and unless some relief can be granted by the Home Government, it is merely a question of time as to when British Indian traders in Natal will have to close their businesses entirely.

*Indian Opinion*, 14-4-1906

### 164. THE NATAL REBELLION

The twelve Kaffirs sentenced to capital punishment have been shot dead.<sup>1</sup> The Colonists of Natal are pleased. Mr. Smythe's prestige has been vindicated. The Imperial Government have had to climb down. Mm Churchill made a very good speech in this connection. He showed that the Imperial Government were entitled to an explanation from Natal. For, if the Kaffirs did not remain under proper control, the Imperial Government were bound to send an expeditionary force. Incidents that followed, like Mr. Smythe's resignation, are to be ascribed solely to the speeches made by Mr. Chamberlain's partisans and to the fact that all the newspapers in South Africa are controlled

<sup>1</sup> *Vide* "Political Turmoil in Natal", 7-4-1906

by that party. Mr. Churchill pointed out that, if Mr. Smythe's act should become a precedent, the good feeling between England and the Colonies would not endure.

While Mr. Churchill was speaking thus, the third chapter of this woeful tale was being written. Though twelve Kaffirs were put to death, the rebellion, instead of being quelled, has gathered strength. Bambata, the Kaffir Chief, was deposed and another installed in his place, because the behaviour of the former was not satisfactory. Seizing the right opportunity, Bambata kidnapped the new Chief and rose in revolt. And the disturbance continues in Grey Town. The region in which Bambata is operating as an outlaw is in difficult terrain full of bushes and trees, where the Kaffirs can remain in hiding for long periods. To find them out and force a fight is a difficult job.

The small party of soldiers that was on Bambata's trail included the Englishmen who had shot the twelve Kaffirs. Bambata and his men encircled the party and, though they fought very bravely, the soldiers were defeated in the end and managed to escape with great difficulty. Some of them were killed. The dead included those who had shot the twelve Kaffirs. Such is the law of God. The executioners met their death within two days.

At the time of writing, Bambata is at large. Meanwhile, his followers go on increasing. There is no knowing how all this will end.

What is our duty during these calamitous times in the Colony? It is not for us to say whether the revolt of the Kaffirs is justified or not. We are in Natal by virtue of British power. Our very existence depends upon it. It is therefore our duty to render whatever help we can. There was a discussion in the Press as to what part the Indian community would play in the event of an actual war. We have already declared in the English columns of this journal that the Indian community is ready to play its part;<sup>1</sup> and we believe what we did during the Boer War should also be done now. That is, if the Government so desires, we should raise an ambulance corps. We should also agree to become permanent volunteers, if the Government is prepared to give us the requisite training.

Such a step would be considered proper, even if we viewed it from the standpoint of our own interests. The case of the twelve Kaffirs shows us that whatever justice we may seek is to be had ultimately from the local Government. The first step in trying to get it is to do our own duty. The common people in this country keep

<sup>1</sup> *Vide* "Indian Volunteering", 31-3-1906

themselves in readiness for war. We, too, should contribute our share.

[From Gujarati]

*Indian Opinion*, 14-4-1906

### *165. A THREAT TO HAWKERS*

The Durban Town Council has passed a resolution calling upon the Licensing Officer not to issue fresh licences to hawkers, and to reduce, as far as practicable, the number of licences already in force, because shop-keepers are adversely affected by the hawkers' trade. Hitherto the Town Council issued confidential instructions to the Licensing Officer; now it has openly told him what to do. This means that the Town Council arrogates to itself the functions of both the lower and the appellate courts.

Moreover, this order means that, no matter what inconveniences the people may have to suffer, the interests of the shop-keepers must be safeguarded. Some relief can be had only if a very strong struggle is put up against such a regulation.

[From Gujarati]

*Indian Opinion*, 14-4-1906

### *166. THE LADYSMITH LICENSING BOARD*

We have already dealt with what has appeared to us to be a case of very great injustice done to an inoffensive Indian trader.<sup>1</sup> We have since been placed in possession of fuller information regarding the case of Mackillican referred to by the appellate court in support of its decision. We have a true copy of the original record of that case placed before us. From it we find that the reasons for refusing to renew the licence of Mackillican were overwhelmingly strong. They are:

- I. Because a native man and woman were convicted on the 19th October, 1903, for selling liquor without a licence in a shed—a building on applicant's premises which were only licensed as a retail store. No less than three large casks of beer were found in the shed. The applicant must have been cognisant of the carrying on of this illicit traffic.
2. Because the applicant was convicted on the 15th day of January, 1904 of selling opium at the same premises on the 7th day of November, 1903; this trade had been carried on for some time causing severe mental

<sup>1</sup> *Vide* "A Hard Case", 14-4-1906

depression and other injuries to the Indians at the Elandslaagte mine, besides being a constant cause of worry to the Manager, till he found out the source of the evil that was being wrought on his servants.

Thus, the applicant was indirectly guilty of poisoning Natives with liquor sold illicitly and of stupefying Indian miners by selling them opium in contravention of the law. In each case, the fault was the applicant's own. It is a prostitution of terms to compare this case with the Indian case and use it as a precedent for depriving the latter of his licence. It would have been more dignified and more honest on the part of the Board to have taken its stand on the true ground for refusal—that is, of colour.

We have been placed in possession, too, of some of the certificates produced by the applicant in support of his application. One of the principal merchants of Durban, writing to the Licensing Officer, states: "We consider him to be a very respectable, reliable, and straightforward Indian, and quite fitted to hold a licence in your district." Thus, while the personal character of Mackillican undoubtedly unfitted him to hold a trading licence, that of the Indian is irreproachable. What has happened to the poor Indian in Ladysmith is probably not an uncommon experience for Indians in Natal. We trust, therefore, that the Natal Indian Congress, which is ever watchful of the interests of the Indian community, will not fail to bring the matter to the notice of the Government and secure justice.

*Indian Opinion*, 21-4-1906

### 167. TRANSVAAL PERMITS

We reproduce elsewhere the remarks of our contemporary, *The Rand Daily Mail*, on the Manga case to which we have drawn attention in these columns.<sup>1</sup> Our contemporary's remarks are strong, but thoroughly deserved. We congratulate the writer on the courage of his convictions. Our correspondent at Johannesburg mentions another case in his "Jottings", which points to a state of affairs which, if continued, bids fair to make it impossible for even British Indian refugees to get redress. Our correspondent refers to the case of a British Indian refugee of position having been refused his permit, in spite of the fact that the applicant produced evidence of respectable Europeans to prove previous residence. This is the first case, so far as we are aware, of a refugee having been definitely refused permission to re-enter. What is more aggravating still is the fact that the Russian

<sup>1</sup> *Vide* "The Transvaal Permit Ordinance", 14-4-1906

method of secrecy has lately been adopted regarding the administration of the Permit Ordinance, so far as Indians are concerned. Our correspondent states that, as in the case of Mr. Manga, so in this, the Permit Officer has declined to give the reasons for his refusal. So that, henceforth, British Indians will be kept out of the Transvaal without their being informed why.

Nor is this all. A correspondent in the Gujarati columns invites our attention to a case where a six-year-old infant was torn away from his parent at Volksrust, because the infant held no permit! We understand that the unfortunate father's registration contained a reference to his having two boys.

We beg to draw Lord Selborne's attention to the seriousness of the Indian position. It is high time that His Excellency's words were translated into deeds. We yield to no one in our desire to respect reasonable prejudice. We have, therefore, approved of the desirability of regulating the immigration of Asiatics who have not previously resided in the Transvaal. But the way in which the authorities at Pretoria are going about to please the anti-Asiatic party means a totally different proposition. And they are much mistaken if they think that Indians will allow vested rights to be trampled under foot without at any rate a serious effort to obtain redress.

*Indian Opinion*, 21-4-1906

#### 168. THE DURBAN TOWN COUNCIL AND INDIANS

The Licensing Committee of the Durban Town Council has, *The Natal Mercury* reports, "expressed the wish that the Licensing Officers grant no new hawkers' licences, and curtail as much as possible existing hawkers' licences, since traders of this class interfere with the legitimate trade of shop-keepers". This recommendation of the Licensing Committee is the aftermath of decisions on the Dealers' Licenses Act. The judgment in the case of Dada Osman,<sup>1</sup> and other judgments in cases arising out of that Act, have emboldened the town councils in their policy of repression. From half-concealed suggestions to Licensing Officers, they have now proceeded to open instructions to them. It will, therefore, be a question of the town councils instructing their officers to give a judgment on licensing applications, and then sitting in appeal on what will be after all their own judgments. They will thus reduce the Licenses Act to a mere farce. Moreover, the instructions we have referred to above show

<sup>1</sup> *Vide* "Petition to Lord Elgin", 30-3-1906

clearly that, in administering the Dealers' Licenses Act, attention is paid, not to the general community, but to the store-keepers alone. As their trade is likely to be interfered with, no new hawkers' licences are to be issued, and existing licences are to be curtailed. That they supply a want, and that they are a boon to the householders who receive what they want at their doors is of no consequence to the town councils, so long as a privileged class can be raised up. Exception may be taken to our argument in that the instructions of the Licensing Committee are general, but so is our argument. It applies both to hawkers who are Europeans and those who are Indians, but as a matter of fact, the brunt of such a policy will have to be borne mainly by Indians, as hawking is their speciality, and most of the hawkers in Durban are Indians. We are, nevertheless, inclined to welcome these excesses in the administration of the law, because they will bring in their trail their own doom.

*Indian Opinion*, 21-4-1906

#### *169. TRAVELLING DIFFICULTY ON THE C. S. A. R.*

A correspondent writes to us from Klerksdorp, in the Gujarati columns, recounting the difficulties that the Indian passengers have to undergo on the trains between Klerksdorp and Johannesburg. Our correspondent complains that Indian passengers, no matter to what class they may belong, are not allowed a seat on the trains unless they have compartments attached to them having the labels "coloured" or "reserved". Our correspondent adds that, as a result of the action of the authorities, very few Indian passengers travel with any degree of comfort. All the trains do not have the labels, and if, therefore, an Indian passenger misses a particular train and wishes to take another having no reserved seats, he very often cannot do so. The only condition, our correspondent urges, of travelling by such a train is that the passengers have to remain standing in the corridor the whole of the time. This is no small matter, as the journey occupies over eight hours. If what our correspondent complains [of] be true, it is evident that the comfort of the Coloured travellers does not receive sufficient consideration.

*Indian Opinion*, 21-4-1906

#### *170. VESUVIUS*

Vesuvius in Italy is active and emitting lava; this is a reminder to us of Nature's power and a warning not to take life for granted even for a moment. The recent accident in the Courier mines in France

where many men were buried alive also brought home the same truth to us. In the latter case, one could find fault with the engineers and persuade oneself that the men would not have lost their lives if certain precautions had been taken. The same thing cannot, however, be said of the volcanic eruption. We do not want to expatiate further on this subject. It is futile to hope that men who have come all the way from far-away India can fully realise the significance of this line of thought; but we want particularly to draw the readers' attention to the courage shown by a scientist while the volcano was still active. In the vicinity of the volcano, there is a meteorological station where Professor Metusi lives. The station is in great danger of being destroyed any moment by the lava from the volcano. However, Professor Metusi has not abandoned his post and keeps sending information to Naples about the volcano. It is a matter of no ordinary courage thus to stay amidst danger. No one has forced him to stay at the danger spot. Nothing can be said in his reproach if, like thousands of other men, he leaves the place to save his life. Yet he has refused to leave. When many Indians too of this calibre are born in India or South Africa, we shall cease to suffer as at present.

[From Gujarati]

*Indian Opinion*, 21-4-1906

### 171. INDIAN DEPUTATION TO ENGLAND

Last week we published the resolution passed by the Natal Indian Congress. It is highly creditable to the Congress officials that the Congress Hall was fully packed and people showed great enthusiasm. At present, a new Liberal Ministry is in power [in the United Kingdom], and it is eminently desirable that we go and place before it an account of our grievances. But we feel that the deputation had better leave after the visit of the Commission that is due to come. Moreover, if a deputation is to go, we strongly feel that it should be composed of at least three members so that it will carry weight with and be listened to by the Cabinet. Such tasks, however, cannot be accomplished without money. Help from many quarters will be needed and money has to be spent generously. Something can be achieved only if Indians from all over South Africa lend a helping hand.

[From Gujarati]

*Indian Opinion*, 21-4-1906



### *172. INSTRUCTIONS TO INDIANS COMING TO NATAL BY STEAMER*

We often find that Indian passengers entitled to land at Durban are greatly discommoded while doing so. In order that some at any rate of these difficulties may be avoided, we make the following suggestions.

There should be no difficulty at all about the entry of the wife whose husband is according to law a resident of Natal; but the Immigration Officer allows a woman to land only after she has produced legal proof of her marriage to a resident. Hence the man should make an affidavit and get it endorsed by the Immigration Officer in advance. This will enable his wife to disembark soon after the steamer arrives.

The same procedure should be followed in the case of children. The father making the affidavit should remember that the son or the daughter must be under sixteen years of age. It is not enough that the parent swears an affidavit that the age of his son or daughter is below sixteen. For it is up to the Immigration Officer to accept or reject the statement about age. A difficulty may therefore arise if the son or daughter appears to be over sixteen, the affidavit notwithstanding. Moreover, if the person is married, he or she, though under sixteen, is not entitled to land by virtue of the title of his or her parents.

If a resident of Natal himself wants to disembark but does not hold a domicile pass, he too has to put up with inconvenience. Strong evidence has to be produced before the officer well in advance. Nevertheless, there is one way by which such a person can land immediately: he should deposit £100 as security and after landing; produce the requisite evidence, or he should take out a £10 visiting pass and then do likewise. If £100 are deposited, one is not required to pay the fee of £1 to the Government. But, according to the new regulation, one has to pay that fee to take out a £10 visiting pass.

[From Gujarati]

*Indian Opinion*, 21-4-1906

### 173. JOHANNESBURG LETTER

JOHANNESBURG,  
*April 21, 1906*

#### DEPUTATION REGARDING MALAY LOCATION

As I promised last week, I give here an account of the deputation that waited upon Sir Richard Solomon<sup>1</sup> concerning the Malay Location.

Mr. Haji Ojer Ali saw Sir Richard and presented the following facts before him.

When land was allotted by the Boer Government to the Malay people, they developed it. On their applying for permission to construct buildings on it, the Government allowed them to do so unconditionally. Consequently many well-built houses of burnt brick have sprung up in the Malay Location. Moreover, the residents have effected lasting improvements in the land, and the population has increased. When the site for the Malay Location was fixed, the white population in the surrounding area was also increasing, but they did not raise any objection at the time. And though the improvement of the land by the residents of the Location has been going on for years, nothing has been done to give them security of tenure. An Ordinance was promulgated last September vesting the ownership of the Location in the Johannesburg Municipality. On the other hand, the Government intends to confer definite rights on the Dutch residents of Vrededorp. Handing over the Malay Location to the Municipality is likely therefore to prejudice the interests of the residents in the Location.

If rights are granted to the Dutch, they should be granted equally to the Stand-holders of the Malay Location, who have always been loyal subjects. If a permanent lease is granted to the people of the Malay Location, it can be safely assumed that they will improve the land further and construct even more elegant buildings.

In reply to this representation, Sir Richard has promised to go into the whole matter fully and write later in detail. He has shown much sympathy, but it appears that the Government is nowadays plentiful in that commodity. Even Mr. Winston Churchill has expressed much sympathy. What the worthy knight will actually do, he alone knows.

The situation regarding permits continues as before. There has

<sup>1</sup> Acting Lieutenant-Governor of the Transvaal

been very severe criticism of [the handling of] Mr. Manga's case, in a local paper, *The Rand Daily Mail*. It has two leading articles on the subject. They may have some effect on the Permit Office in course of time.

[From Gujarati]

*Indian Opinion*, 28-4-1906

#### 174. "INDIAN OPINION"

*A meeting of Durban Indian was held at Mr. Omar Haji Amod Zaveri's residence on Monday, to consider the future of Indian Opinion. Mr. Abdulla Haji Amod Zaveri was in the chair. On being requested to place the position of the journal before the meeting, Gandhiji spoke as follows.*

DURBAN,  
April 23, 1906

Indian Opinion has been published for some years now. It was founded by Mr. Madanjit, who struggled hard to make it a success and put his all into it. When the paper was started, the extent of the financial liability was not fully realised. Later on, it was found that much more money was needed to run the paper. The total deficit could not be covered even after the £1,600 received by me as fees in the cases against the Johannesburg Corporation was handed over.<sup>1</sup> Every month there was a deficit of £75. which was beyond my means to meet. We had therefore to think of running the paper on different lines. It was decided to shift the Press to some place outside the city where the workers would lead a very simple life.<sup>2</sup> For this step no responsibility attaches to Mr. Madanjit. He was afraid that the paper would not come out under the proposed arrangement and therefore dissociated himself from it, leaving the responsibility solely to me. However, since Mr. Madanjit had started the paper for selfless reasons and since after his return to India he is still serving the country like a true patriot, his name has been retained as printer and publisher.

The paper has been published for some time past according to this arrangement; but I find that we have reached a stage when, if we do not make special efforts, we shall incur deficits and not have enough to pay even the bare monthly allowance to the workers who take only £3 a month. When I took charge of the paper, the number of subscribers was 887 and the advertisements had greatly decreased. I

<sup>1</sup> *Vide Autobiography*, Part IV, Chap. XIII.

<sup>2</sup> The Press was shifted to Phoenix in December, 1904.

am confident that I shall somehow continue to bring out the English section, at any rate as long as some of the Press workers hold on. But I have never believed that the Indian community will not accord the venture any support I, therefore, still hope that the paper will get all the help it needs.

The objects of the journal are threefold: first, to make our grievances known to the Government, to the whites here in South Africa and in England and to people in India; secondly, to tell our people of their own shortcomings and to exhort them to overcome these and, thirdly—and this is perhaps the principal object—to eliminate the distinctions as between Hindus and Mahomedans and also those among Gujaratis, Tamilians and Calcuttawallas prevalent here. The British rulers in India, it would appear, follow a different policy. They do not desire that we should come together and become united. Here in South Africa, these groups are small in numbers. We are all confronted with the same disabilities. We are moreover free from certain restrictions from which our people suffer in India. We can therefore easily essay an experiment in achieving unity. It is the aim of this journal to inculcate these ideals in the minds of our people and strengthen the community. It is necessary to secure the assistance of all thoughtful Indians to this end. I believe that many things can be achieved if this journal receives adequate support. I think that those among us who are educated and can afford to pay should subscribe to it. There are at least 20,000 Gujaratis living in South Africa. It would not be too much to expect 25 per cent. of this number to become subscribers. As for educated Indians, it is not enough that they become subscribers themselves. They should try their utmost to help in the fulfilment of the aims of the journal. They can persuade others to do so. The journal is a great instrument of education. It is necessary for every Indian to look upon the journal as belonging to him, not as something mine.

[From Gujarati]

*Indian Opinion*, 28-4-1906

### 175. TO YOUNG MUSLIMS

A meeting of the Young Men's Mahomedan Association was held at the Natal Indian Congress Hall, Durban, with Mr. Peeran Mahomed in the chair. Mr. M. C. Anglia made some suggestions regarding the name of the Association and asked Gandhiji for advice on this. He also suggested that the drafting of a constitution for the Association be entrusted to Gandhiji. Speaking on the occasion,

Gandhiji said:

DURBAN  
*April 24, 1906*

If the aim of this Association is to spread education, to promote morality and to introduce other reforms in the community, the name “Young Men’s Mahomedan Association” would be proper. The Young Men’s Christian Association is famous the world over. It has many prominent persons to encourage it. This Association can also work in the same way.

[From Gujarati]

*Indian Opinion*, 28-4-1906

### *176. SPEECH AT CONGRESS MEETING*

*A meeting of the Natal Indian Congress was held in the Congress Hall, Durban to consider the advisability of raising an Indian ambulance corps to help the Government during the Zulu rebellion. Dawad Mahomed, Chairman of the Congress, presided. This speech by Gandhiji is extracted from a press report of the meeting at which others also spoke.*

DURBAN,  
*April 24, 1906*

Mr. Gandhi referred to the part that the Indians had taken during the Boer war. He said that the meeting was not concerned with the general question of Indian volunteering. He thought that the Government were neglecting a plain duty to the Colony in not utilizing the defensive force they had at their disposal in the Indian community. Mr. Watt had stated that he would not be defended by an Indian and at the same time said that he would use the Indian for digging trenches. We had the late Mr. Escombe’s word for it that the digging of trenches and the nursing of the wounded were just as honourable and necessary as the shouldering of a rifle. But they had nothing to do that evening with Mr. Watt’s views. They had to consider whether they should, during the present crisis, offer to the Government their assistance, however humble it might be. It was true they were labouring under disabilities and they were irritated. Opinions, too, may differ as to the cause of the Native revolt. But it was their duty not to be prejudiced by any such thoughts. If they claimed rights of citizenship, they were bound to take their natural share in the responsibilities that such rights carried with them. It was, therefore, their duty to assist in averting the danger that threatened the

Colony. The Indians had done good work during the Boer war. It was recognised by General Buller, and the speaker advised that a similar offer should be made to the Government this time also.

Mr. Advocate Gabriel then moved the following resolution:

This Meeting of British Indians, assembled under the auspices of the Natal Indian Congress, hereby authorises the Chairman to send an offer to the Government, in connection with the Native rising, of the same nature as during the Boer war.

Mr. Lazarus Gabriel asked whether those who might vote for the resolution bound themselves to offer their services. Mr. Gandhi said such was not the meaning of the resolution. But every member who voted for it would be bound to assist in making the movement a success. It was for the members present to form a corps, should the Government be pleased to accept the offer.

*Indian Opinion*, 28-4-1906

### *177. LETTER TO COLONIAL SECRETARY*

DURBAN,  
*April 25, 1906*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PIETERMARITZBURG  
SIR,

At a meeting of British Indians held on the 24th instant at the Congress Hall in Grey Street under the auspices of the Natal Indian Congress, and attended by over two hundred and fifty British Indians, the enclosed resolution proposed by Mr. Bernard Gabriel, Barrister-at-law, and seconded by Mr. Ismail Cora of the firm of Messrs. B. Ebrahim Ismail & Co., was carried unanimously.

I have the honour to draw the attention of the Government that, on the occasion alluded to in the resolution, several British Indians offered their services and they were accepted as leaders of ambulance parties. In the opinion of the Natal Indian Congress, it is possible to raise, similar corps, should it be necessary for the present crisis. The Congress trusts that the Government will be pleased to accept the offer. I may state that at the close of the meeting about forth British Indians handed in their names for ambulance or any such work for

which they may be considered fit.

*I have the honour to remain,*

*Sir,*

*Your most obedient servant,*

DAWAD MAHOMED

*Indian Opinion, 28-4-1906*

### 178. INTERVIEW TO "THE NATAL MERCURY"

*It was decided by a committee appointed by the Natal Indian Congress that a deputation be sent to the Imperial Government to place before them the grievances of British Indians. Gandhiji, Ismail Cora and representatives of the Transvaal and the Cape were to form the deputation. The following is an extract from a report of The Natal Mercury representative who interviewed Gandhiji.*

[Before April 26, 1906]

Mr. Gandhi, on being interviewed on the subject, said that the deputation would probably leave within the next two months. The Transvaal and Cape had not as yet replied. Their intention was to place before the Home Government the grievances of British Indians throughout South Africa, and to endeavour to obtain reasonable redress. They would also represent the disabilities under which British Indians laboured. No formal programme had been drawn up, but they would remain here until they saw the movements of the Commission<sup>1</sup>, which left on the 7th inst. If necessary, he would appear before that Commission.

*The Natal Mercury, 26-4-1906*

### 179. AN INDIAN OFFER

The meeting held under the auspices of the Natal Indian Congress the other day is to be congratulated on having passed a resolution offering the services of Indians in connection with the Native revolt.<sup>2</sup> The offer is a complete answer to the many

<sup>1</sup> Presumably, the Constitution Committee headed by Sir West Ridgeway set up by the British Government to look into, among other things, the question of granting responsible government to the Transvaal. The deputation met the Committee on May 29; *vide* "Statement Presented to Constitution Committee", 29-5-1906

<sup>2</sup> *Vide* "Speech at Congress Meeting", 24-4-1906

correspondents in the local Press, who have been worrying themselves over the prospect, should the rebellion spread, of having to defend themselves and also Indians in the Colony. Those Indians who packed the Congress Hall last Tuesday evening have shown that they possess the faculty of discrimination in an eminent degree, and that they are capable of forgetting personal grievances when the common good of the body politic, of which they form a part, is concerned. We trust that the Government will see their way to accept the offer, and give the Indian community the chance once more of proving its worth.

But whether the offer is accepted or not, it shows most clearly the importance of the Government turning to good account the Indian willingness to take its share in the defence of the Colony by giving Indians a proper previous training. We have more than once pointed out the criminal folly of not utilizing the admirable material the Indian community offers for additional defensive purposes. If it is not possible to turn the present Indian population out of the Colony, it is surely elementary wisdom to give it an adequate military training. There is an expressive Indian proverb that you cannot start digging a well when a fire breaks out. Nor can you suddenly develop the Indians, however willing and capable they may be, into an efficient corps of even “trench-diggers”. Will Mr. Watt and his fellow-ministers wake up to a sense of their duty in the matter?<sup>1</sup>

*Indian Opinion*, 28-4-1906

### 180. THE NATAL SHOPS ACT

Our contemporary, *The Natal Advertiser*, has given prominence to a lengthy contribution from the Secretaries of the Natal Stores Employees’ Association on the Shops Act. In it the Secretaries have endeavoured to justify the Act by attempting to show that it has injured Asiatic trade. Whether it has injured that trade or not, we do not propose to discuss. We have accepted the principle underlying the Act. We believe it is right that the opening and the closing hours of shops should be State-regulated. But we cannot help thinking that the actual hours fixed by the statute are inconvenient in every respect. In fixing them, no account has been taken of the public who support the traders. To close the shops on Saturday afternoons is the height of absurdity. But all this is by the way. We believe that the Act will require early amending before it becomes workable.

It is, however, the irresponsible manner in which the responsible

<sup>1</sup> *Vide* “Indian Volunteering”, 31-3-1906



officers of the Association have dealt with the Indian traders that appears to us to call for some remarks. The Secretaries state that, before the Act, the Indian traders kept their shops open for 103 hours per week, as against 53 hours after the passing of the Act. There is no authority produced for the sweeping statement. It is inherently incorrect. The 103 hours per week mean 17 hours and ten minutes per day. Now, if we assume that the Indian store-keeper (not requiring, of course, any food and not attending to the toilet) opened his store at 6 a.m., he would not close, in order to have over 17 hours, until after 11.10 p.m. We should be glad to be furnished with the names of Indian traders who kept open during the pre-Act days between 6 a.m. and 11.10 p.m. We have heard of Irish members of the House of Commons tirelessly sitting out whole nights in the House, satisfying their hunger on a bit of kola-nut. But we have not heard of any Indian traders, with their employees, springing out of their beds (if they may be credited with having any) and hastening to their shops at 6 a.m., and standing behind the counter up to 11.10 p.m. We have heard many exaggerated accounts about Indians, but this one from the Natal Stores Employees' Association must certainly take the palm. We are prepared, however, to admit that some Indian store-keepers did keep open longer than they do now, but we are also prepared to show, if proof were needed, that European traders of the same type sinned equally, if not much worse.

Almost on a par with the above exaggeration are the other statements made by the Secretaries. We ask them to study their facts before they rush into print and they will, we assure them, find that the Indian trader is not as vile, after all, as they make him appear.

*Indian Opinion*, 28-4-1906

### *181. FINANCIAL POSITION OF THIS JOURNAL*

Our readers may feel pleased to see that this journal is growing day by day. In the beginning we used to publish only four pages of Gujarati. Later, we made them five, and, after discontinuing the Tamil and Hindi sections, eight. This week we print twelve pages. It will be easily realised that such expansion means increased expenditure. And we cannot advance further without encouragement. The account of the meeting,<sup>1</sup> held at Mr. Omar Haji Amod Zaveri's place, will give some idea of the present financial position of the journal. We believe it is the duty of every Indian to help. All persons connected with the journal are such that they can earn their livelihood by other means.

<sup>1</sup> *Vide* "Indian Opinion", 23-4-1906

That they continue with the journal despite this is due, we believe, to the spark of patriotism that they keep alive in their hearts. And if enough support from the community is forthcoming, the journal can render even greater service. We wish therefore to suggest to our subscribers that, if each one of them enlists another, the number of subscribers will double in no time. We can assure them that any addition to the income of the journal will all be used for improving it.

[From Gujarati]

*Indian Opinion*, 28-4-1906

### *182. APPEAL TO YOUNG INDIANS IN SOUTH AFRICA*

Various associations of Indian youth are nowadays being formed in South Africa. They indicate an improvement in our condition. While a Young Men's Mahomedan Society has come into being in Durban, Sanatan Dharma Sabhas have been founded in Johannesburg and other towns. This is a matter for satisfaction. But we feel it necessary to sound a note of warning to both kinds of bodies.

It is a confirmed law of nature that an association of persons can grow and endure only if their minds are free from prejudice and all of them seek their good in the good of the association.

Every country depends a great deal on its young men and women. Old men with their set habits of thought cannot readjust their opinions as necessary. They cling to old ideas. Every community, however, has undoubtedly need of such men, for they help to contain the restless enthusiasm of youth within limits. While they have their uses, they have their disadvantages also, since they often hesitate to do things which needs must be done. This may be thought becoming in them; but it is helpful to have good young men coming forward, for it is they alone who can venture to experiment. It is therefore as necessary for us to encourage these associations as to caution them against over-enthusiasm.

The members of these youth organizations will be able to achieve many great things, if they work with sincerity and with the sole intention of doing the right thing by their country. For instance, there is much insanitation among us. Mr. Peeran Mahomed has already commented on this subject at a Congress meeting. Our young men can do much to remedy this laxity by making house-to-house visits and politely persuading people. Some poor Indians are given to drinking, and their wives have also fallen victims to the habit. Our young men can do much, if they take up the very important work of redeeming them. We should like here to ask our Gujarati readers not

to assume that they may not do this kind of work among the Madrasis given to drinking. We may add that the drinking habit is spreading among some Gujarati Hindus also. Whether Hindus or Muslims, all of us can help in reclaiming them.

Moreover, it is necessary for such youth organizations to be more mindful of the needs of education. There is a dearth of education even among our youth. We do not consider mere literacy to be education. We ought to have some knowledge of world history, the constitutions of various countries and other related subjects. We can learn from history how other nations have progressed. We can emulate them in the matter of their burning patriotism. Youth organizations can do many such things; indeed, it is their duty to do so. We do hope that these associations will fulfil their obligations by taking on such benevolent functions, earn people's gratitude, and take their due share in meeting the difficulties that are our lot in this country.

[From Gujarati]

*Indian Opinion*, 28-4-1906

### 183. THE MEETING AT MOMBASA

There seems to be no end to India's misery. Wherever the Indian goes, the whites there are against him. Where there is no danger from the whites, there are internal quarrels. If we are free from these, we are caught by the plague. And if we escape these three calamities, famine is there at our heels.

These thoughts come to mind as we read the account of the meeting of our brethren at Mombasa, published elsewhere in this issue. The whites cast their greedy eyes on the fertile territory of Nairobi, near Mombasa. They tried to drive the Indians out of the place or to stop them from entering the territory. They seem to have succeeded in the attempt. Following this, our people held a big meeting and are preparing to resist the whites. So great was their enthusiasm that, within half an hour, they succeeded in collecting Rs. 20,000 and have further undertaken to raise Rs. 400 a month for calling in a lawyer to help.

We are witness to much unhappiness in this country, but as against that, we are also becoming united. If our hardships should thus lead to unity, we might as well welcome them for the time being. If we unite and put up a fight in every part of the world, our problems will ease, they will soon be forgotten and we shall become one unified community.

The Chairman of the meeting said in his address that we in

South Africa enjoyed equal rights with the whites. If Mr. Jivanji does at all know of this journal, he must be aware of our privations. We are sorry to have to tell him that our political condition here is worse than that of our brethren in Mombasa. If an Indian in Natal can acquire land, he has other hardships to face; and preparations are afoot to deprive him even of the right to hold land. In the Transvaal and the Orange River Colony, land cannot be owned by an Indian to this day.

[From Gujarati]

*Indian Opinion*, 28-4-1906

#### 184. THE NATAL REBELLION AND AID TO NATAL

Bambata is still at large, and it is reported that he has 300 men with him. Many speeches have been made on the armed encounters with him. The Natal cabinet has declared that it will not seek aid from England. Telegrams have been received which mention a large meeting held at Johannesburg and say that the people there are prepared to render all aid to Natal. All this means that the strength and the independence of Natal will increase. It was right and proper of the Indian community to have gone to the help of the Government at such a time. Had they not made the offer, a slur would have been put on our good name for ever. Those who have enlisted themselves for war have indeed shown great courage and enthusiasm. Most of them are Colonial-born. It is a matter of satisfaction to us that they have joined the other Indians and it is the duty of the leaders to encourage them to go forward.

[From Gujarati]

*Indian Opinion*, 28-4-1906

#### 185. STIR IN CHINA

*The Times* correspondent says that the Chinese are taking greater liberties every day and are attacking the whites. Chinese newspapers publish very inflammatory articles, and in this they are being assisted by Japanese journalists. The speeches made by men of the Liberal Party on the subject of Chinese labour in the Transvaal mines have had a very bad effect on the Chinese who have become all the more enraged against the whites.

[From Gujarati]

*Indian Opinion*, 28-4-1906

### 186. EVILS OF TOBACCO

An article by the renowned Dr. Cortez of Paris has appeared in the latest number of *The Indian Review*, wherein he mentions many evils of tobacco. The more important among them are that digestion is impaired and eyesight badly affected. It leads to loss of memory and disables one from developing high moral virtues. Moreover, it has now been found that even hearing is affected. The doctor has conclusively shown that irregular action of the nerves governing the sense of hearing is to be ascribed to tobacco.

[From Gujarati]

*Indian Opinion* 28-4-1906

### 187. THE FATE OF SAN FRANCISCO

Owing to the earthquake, this city has been laid waste for the most part. The princes of yesterday have become paupers today. Many wealthy people have been left without shelter or clothes to wear. On this occasion of Nature's wrath, the millionaires and the penniless have been reduced to the same level. Even the distinction between white and black has disappeared. There is great scarcity of food in the city. Even bread is hard to get. A violinist who was living in a palatial building is roaming the streets, violin in hand, almost naked.

Notwithstanding this catastrophe, as the latest cablegrams show, the people in the city have started reconstructing it and making it as splendid as ever. Consequently, steel is in very great demand.

[From Gujarati]

*Indian Opinion*, 28-4-1906

### 188. REPLY TO YOUNG MEN'S MAHOMEDAN SOCIETY

This report<sup>1</sup> was received while I was away at Phoenix. Since the Secretary desired that it should be published in full, I have passed on

<sup>1</sup> This was a report in *Indian Opinion* covering the proceedings of the two meetings of the Young Men's Mahomedan Society, Durban, held on April 16 and 24. Some speakers at these meetings had complained, among other things, that articles of interest to Muslims, reports of the activities of their Society, their subscription lists and letters to the Press, etc., were not published in *Indian Opinion* in full or given adequate publicity. This would not have happened, they pointed out, had they had a paper of their own. Gandhiji's statement is in reply to this criticism.

the whole of it for publication. But I have a word to say to my young friends. Reports should always be such as to enable people to learn something from them. I see nothing of the kind in the above report.

I accept the criticism levelled against me in all humility, and do not in the least hesitate to print it. I have nowhere said—nor indeed can I say—that the Muslims were converted from among *bhangis* and the like. I have not offended the feelings of the whites either; rather, I spoke in their favour. However, if I have committed an error in anything that I said, I have already requested my brethren to forgive me.<sup>1</sup>

I have allowed all the letters written against me or this journal to be published while I disallowed the letters to the Editor written in my defence. But I must add that writings likely to encourage dissension in the community will never be published. I shall always be glad if another Gujarati journal or other printing presses are started. To render public service is the only aim of this journal. It will be a matter for pride for the men running this Press, if others come forward and compete in rendering such service.

The lists acknowledging receipts of contributions to the Hindu Crematorium Fund were published against payment in *Indian Opinion*. So also were contributions to the Dabhel Madresa Fund. This journal is being published under such difficult conditions that all Indians are expected to render it maximum help. All the space in it is so valuable that whatever matter is printed in it free of cost should be such as to educate and enlighten.

In brief, my only request to my young friends is that they ought to display enthusiasm for public work. This journal is for the service of the entire Indian community. If they help it, they will be deemed to have done their duty. Their help will lend strength to the journal, which in turn will redound to the community.

I hope my friends will not take offence at what I have written and will construe it aright. My purpose in writing this is also to serve.

M. K. GANDHI

29-4-1906<sup>2</sup>

[From Gujarati]

*Indian Opinion*, 28-4-1906

<sup>1</sup> Vide "Mr. Gandhi's Comments", 3-6-1905

<sup>2</sup> This date is evidently incorrect since the issue in which it was published bears the date, 28-4-1906.

### 189. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*April 30, 1906*

MY DEAR CHHAGANLAL,

I am sending more Gujarati [matter] to-day. I intended to send some this morning but I was not able to post it as Kalyandas came to the office late and I wanted to get on with the office work. I hope, however, all the matter will be in good time.

I am leaving for Pretoria at 11.30. I, therefore, cannot write much.

Kalyandas will leave on Wednesday morning and not on Tuesday. He is anxious to pass a day here. He will, therefore, be with you on Thursday. You may send the Kaffir boy to meet him and take his things by the afternoon train. All of you, I know, will be engaged on Thursday over the paper.

Let Gokuldas start on Friday, if possible. He can leave by the 4.30 train, if he can be spared and take the mail train. Of course, he should take a single ticket. If he cannot leave on Friday, he must leave without fail on Saturday so as to be here on Sunday, but please try to send him on Friday as I shall be very much rushed.

Kalyandas should immediately take up the town work. You should get an annual second class pass for him. If he has to leave in the meantime, as you said, we can get a refund. For the present, your whole attention should be entirely devoted to the books.

I hope to write more fully in the train today or at the house tonight.

I am glad you have shaken off the fever.

*Yours sincerely,*

M. K. GANDHI

C. K. GANDHI, ESQ.

*c/o Indian Opinion*

PHOENIX

From a photostat of the original signed by Gandhiji: S.N. 4354

### 190. NATAL LAND BILL

The Parliament of Natal will have before it a measure of far-reaching importance for consideration in the shape of the Land

Clauses Bill. It is the second attempt of the Natal Government to pass the measure through Parliament. The clause of the greatest importance to the Indian community is that which restricts the meaning of beneficial occupation, so far as tenant's occupation is concerned, to European occupation only. Thus, land that may be occupied by Indian tenants would be considered to be non-beneficial occupation, and will be subject, on that account, to heavy taxation. It has been universally admitted that, whatever may be the faults of the Indian, he is not lazy; he is a born tiller of the soil. He is, by common consent, considered to have reclaimed some of the worst soil in the Colony. He has turned dense bush into gardens, and has made it possible, by his productive capacity, to bring garden produce within easy reach of the poor householder in Natal. Is his very virtue to be singled out for taxation? Will the Government thereby promote European occupation? We doubt it. And if our doubt be reasonable, we are safe in saying that the Government will be pursuing a dog-in-the-manger policy, by persisting in retaining the definition, above alluded to, of the expression "beneficial occupation". It is not by Acts such as this that the Government will be able to solve the Indian question in Natal. It behoves the ministers and the leaders of public opinion to reflect seriously and calmly on the whole question and deal with it in a statesmanlike manner, instead of by the recent spasmodic anti-Indian legislation.

*Indian Opinion*, 5-5-1906

### 191. CAPE DEALERS' LICENCES

The Cape *Government Gazette* of the 20th April contains the text of a Bill to regulate the trade of a general dealer. We have no hesitation in welcoming the measure. Granted that some restriction of an indiscriminate issue of trade licenses is necessary, the Bill before us is free from reproach. It safeguards vested rights, and provides reasonable precautions against any injustice being done to applicants for new licence". It gives the power ultimately to the people themselves to say whether they will have among them a new trader or not. The Bill, whilst it protects existing traders against undue competition, gives fair facilities for new enterprise. It avoids all the faults of the Natal Dealers' Licenses Act, and secures all that the Natal Act could ever achieve consistently with regard for vested rights. We hope that the Natal Government will copy the measure and free the Statute-book of the Colony from legislation that has been condemned by all thoughtful men, and that has



caused intense irritation amongst a portion of His Majesty's subjects.

*Indian Opinion*, 5-5- 1906

### *192. BRITAIN, TURKEY AND EGYPT*

The latest cablegrams show that the ill-feeling between the British and the Turkish Governments has further increased. The whole trouble is about the Egyptian boundary which still remains undefined. The first clash occurred near Akaba. Following this, the Turkish army marched on Taba Yama in the Sinai district with a view to taking possession of it. The British Government thereupon sent a communication to their Ambassador, Sir Nicholas O'Connor, asking him to lodge a strong protest with the Turkish Government and urge them to withdraw their army from Taba. The Turkish Government took no notice, and was, on the other hand, encouraged by the German Emperor to flout the British Government's wishes. Now the Turkish army is building a fort at Akaba and apparently preparing for war.<sup>1</sup> In retaliation, the British Government have started strengthening their garrison in Egypt. Moreover, the British Government fear that the Egyptians too are on the side of the Turkish Government. If these differences between the British and Turkish Governments should lead to war, it would be the first of its kind. It does not seem likely that the Turkish Government will retract. A cablegram received by *The Witness* shows that the border posts erected near Rafa have been demolished by the Turkish army.

[From Gujarati]

*Indian Opinion*, 5-5-1906

<sup>1</sup> Taba was occupied by the Turkish forces ostensibly to protect the Turkish Railway between Damascus and Mecca. Eventually, a new demarcation of the frontier between Rafa and Akaba was agreed upon.

### 193. OUR DUTY

A correspondent who has signed himself “Ajax” has addressed a letter to *The Advertiser*. We print a translation elsewhere in this issue. The letter deserves to be pondered over by all Indians. It is intended to stir up public feeling against us. All of it is written in an ironical manner, the purport being that Indians are useless in times of war.

We should give this accusation earnest thought. In sending an offer of help to the Natal Government we took the right step. Because of this, we can face others with some measure of confidence. But that is not enough. We should strive harder with a view to playing [a more direct] part in times of war. Under the Militia Law, enlisting is compulsory for whites when war breaks out. If we can also prove our willingness and ability to fight, our disabilities may possibly disappear. But whether these are removed or not, we Indians in South Africa ought to hold ourselves in readiness to share in the adversity that might befall Natal or any other part of South Africa. If we fail to do so, we shall be found wanting to that extent.

There is rumour of a revolt in Swaziland. The Natal Government has ordered huge quantities of ammunition. All this goes to show that the Natal rebellion will last many more days. And if it spreads further, it might affect the whole of South Africa. This time help from the Transvaal has already reached Natal.<sup>1</sup> The Cape has promised aid, and an offer has been made by England also. If we keep aloof at such a time, it is bound to create a bad impression about us. It is necessary for every Indian to consider this matter very seriously.

[From Gujarati]

*Indian Opinion*, 5-5-1906

### 194. THE EXAMPLE OF MOMBASA

Two more issues of the newspaper published in Mombasa have been received, which show that the Indians there are determined to do all that is necessary to secure their rights. Their example deserves to be followed by us all. We wish the Indians of Mombasa success.

From the subsequent issues of the paper, one learns that the apparent misunderstanding at the meeting about South Africa was due

<sup>1</sup> *Vide* “The Natal Rebellion”, 14-4-1906

really to incorrect reporting.<sup>1</sup> The Indians there know quite well that we in South Africa do not enjoy the same rights as the whites do. But the more important thing one finds is what the Editor of the journal himself points out. He says that there is no unity among the Indians and that they will not succeed in securing their rights as long as it is not achieved. There are many factions amongst them. If the Commissioner wants any information about the whites, he can immediately find a white person to speak for all of them; but when the Commissioner desires to know anything about Indians, he has to invite half a dozen men of different communities. This is indeed unfortunate, if true. As we all come from the same country, we should forget that we belong to different communities. So long as we do not bear this in mind, we can never be rid of our hardships.

[From Gujarati]

*Indian Opinion*, 5-5-1906

### 195. WORKMEN'S LIVING HABITS

Nowadays, there is an increasing appreciation among enlightened men of the need for open air. Where large cities have come into being, labourers have to work cooped up in factories the whole day. As the price of urban land is high, factory buildings are not spacious enough, and the tenements of labourers are also very small. This invariably results in a steady deterioration of their health. Dr. Newman of Hinsborough in London has shown that the death rate per thousand is 38 in areas where too many people live huddled together in one room, but where the same number live in two rooms, the death rate is 22; where the same number of people share three rooms, it is 11 and where they have the use of four rooms, the death rate is only 5. There is nothing surprising in this. A man can do without food for several days and live a day altogether without waters but it is impossible to carry on without air even for a minute. If a thing that is so very vital to life is not pure, the result cannot but be deleterious. It was for these considerations that large manufacturers like Cadbury Brothers and Lever Brothers, who have always been very mindful of the welfare of their workers have shifted their factories to open places outside cities. They have built very good quarters for their workers with all the attendant amenities, such as gardens and libraries; although they have spent all this money, they have flourished in their business. A similar movement has spread all over England in the wake of this example.

<sup>1</sup> Vide "The Meeting at Mombasa", 28-4-1906

This matter deserves consideration by Indian leaders. We suffer much because we do not realise the value of pure air, and this again is a strong reason why diseases like plague spread among us.

[From Gujarati]

*Indian Opinion*, 5-3-1906

### 196. INDIAN MERCHANTS' CHAMBER

In our last issue, we published Mr. Omar Haji Amod Zaveri's letter on this subject. It deserves careful consideration. Every Indian who knows the conditions in South Africa can understand how much influence the British Chamber of Commerce wields. Had Indians taken *part* in the activities of British chambers from the beginning, the condition of the Indian trader would be different today. Numerous reforms could have been effected through them. We know that, when Indian traders first came to South Africa, Englishmen used to invite them to join their Chamber. Now the situation is such that we would be rejected if we sought admission.

Mr. Omar Zaveri now puts forward the idea that, if we cannot secure admission to the British Chamber, we can start one of our own. If it is started and our traders work for it diligently and introduce such reforms as are necessary, and if all of them act according to its advice, it will be able to achieve a good many things. The British chambers command great influence because their authority is accepted by all traders. If we cannot bring about such a state of affairs, it will make no difference whether or not we set up a Chamber. If therefore experienced and public-spirited Indian merchants meet together, consider the matter seriously and found a chamber of Indian merchants, we stand to gain. And it will be considered a good step taken to better the lot of Indian merchants.

[From Gujarati]

*Indian Opinion*, 5-5-1906

### 197. JOHANNESBURG LETTER

#### THE MALAY LOCATION

I have already reported that the deputation regarding the Malay Location waited upon the Lieutenant-Governor.<sup>1</sup> The latter has sent his reply, saying that a part of the Malay Location will be taken over

<sup>1</sup> *Vide* "Johannesbuurg Letter", 21-4-1906

by the Railway authorities and the rest by the Johannesburg Municipality; that they will pay compensation to owners for buildings in the Location taken over by them, and that the Colonial Secretary will set up another Location for the displaced tenants. This reply means nothing. This outcome was anticipated even before the deputation waited on the Lieutenant-Governor. It does not appear that, for the present, the local Government will render any kind of justice.

#### HARDSHIPS ON THE RAILWAY

The Chairman and the Secretary of the British Indian Association saw Mr. Price, the General Manager, regarding the prohibition of Indian and other Coloured passengers from travelling by the 8-30 [a.m.] and 4-40 p.m. trains from Johannesburg to Pretoria and the morning train leaving Pretoria at 8-30 for Johannesburg. The interview lasted about an hour. Mr. Price argued that the feeling among the whites ran rather high then and it would not be desirable for the Indians to press the point further. Finally, he gave the assurance that, if an Indian had to travel by any of these trains for any urgent piece of work, the station master would, on request, arrange for him to travel with the guard. Mr. Price, however, suggested that, for the present, as few Indians as possible should travel by these three trains. He said that such restriction would not continue for long. A recent case that has a bearing on this subject deserves notice. A Coloured man was travelling in a second-class carriage with a white woman sitting beside him. Mr. Bowcker, a white, noticed this, and his blood boiled at the sight. He asked the Coloured man to vacate his seat, but the latter merely produced his ticket. But Mr. Bowcker was not satisfied and spoke to the guard who refused to intervene. Mr. Bowcker thereupon brought other white passengers to the carriage and threatened to evict the Coloured man. The helpless guard was forced to throw him out. It is not here possible to apportion blame to any official. Such difficulties are bound to occur as long as the whites continue to behave excitedly over this question.

The following is a translation of what another white writes in *The Transvaal Leader* under the title "Coolie Traveller".

Mr. Bowcker deserves the gratitude of the whites for what he has written about the Coloured man. Some time ago, I was travelling from Potchefstroom to Park. There were also two 'coolies' in the train. It is true that they were in another compartment; but that does not lessen the evil. For a white will have to sit in that compartment after they leave. Moreover, the two 'coolies' wiped their hands with the towels kept there. The same would have to be used by the white also. And I am sure no decent white would want to use the cup or the towel used by a 'coolie'. Surely, it behoves the Railway authorities to show some consideration for the public.

One comes across such correspondents in many papers. The only thing Indians could do on such occasions is to be patient.

MR. RITCH AND MESSRS GEORGE AND JAMES GODFREY

Cablegrams received by the local Press say that Mr. Ritch has passed his examination in England; and so have Messrs George and James Godfrey. The two brothers will shortly return, having qualified as Barristers.

#### THE CONDITION OF THE CHINESE

The Imperial Government is pressing for early publication of notices for the repatriation of the Chinese mine-workers at Government cost, if the latter find this work distasteful. The mine-owners, on the other hand, say that they will not put up the notices in their compounds. A serious dispute is likely to arise if the mine-owners decide to flout the Government.

#### THE TRAM CASE

The tram test case is not over yet. The case of Mr. Coovadia will be heard again before the Magistrate. The Crown Counsel had the hearing fixed for Saturday, the 12th.

#### THE CONSTITUTION COMMITTEE

The Commission headed by Sir Joseph West Ridgeway has arrived in the Transvaal. It is at present sitting in Pretoria. The British Indian Association has inquired whether the Commission will record such evidence as the Association may place before it regarding the condition of Indians. If the Commission agrees, it will be possible to present the whole case before it.

[From Gujarati]

*Indian Opinion*, 12-5-1906

### 198. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,

May 5, 1906

MY DEAR CHHAGANLAL,

I have your letter. I am surprised you did not receive the Johannesburg letter this week. I certainly sent it. I have a list of all the articles I sent. I should check it as soon as I receive *Indian Opinion*, and then let you know. If it is at all possible to let me have Gujarati copy as well as English copy in advance on Fridays, it will be very much better, as I should then receive them on Sunday mornings and make use [of them]. You have sent me many cuttings. I am dealing

with them in Gujarati but some of them really should have been dealt with this week and if they have, I should not have to write on them at all. That I could do on Sundays if I got an advance copy. You may also in sending your copies mark there whether you have dealt with it in the current issue or not. I do hope Gokuldas left yesterday. I can then prepare him for the work on Monday, but as there is no telegram, I fear that he has not left. I would like you to tell me whether Mr. Isaac has dealt with the matters you entrusted to him. I want you to remind me about the list of Mr. Nazar's effects next week. As I am destroying your letter, I may forget all about it. You should do the work of general supervision as to the other matters and devote the balance of your time entirely to the books. I wish you to promise to yourself as to the time when you will have the balance-sheet ready.

Kalyandas ought to be a tower of strength to you. If he is willing to stay with you he may do so, but I think that if he remains with Hemchand, he will exert a better influence on him. He will not very often take his luncheon in Phoenix. All, therefore, he will have is one meal in the evening. He may as well have that separate but you may all decide otherwise, if you choose to. I am glad you are attending to the improvements of your ground. It is most necessary work, and I would like you, now that you will be freer, to devote your time to it methodically. There should not be a weed within your two acres. I will write to Sam about the garden.<sup>1</sup> I return the cutting on gardening you have sent me. You should keep it and let others read it. You should read other books also on gardening. I think there is a little book with Mr. West.<sup>2</sup> You should learn to lead in such matters. I shall write to Mohanlal about a weekly letter. I spoke to Vyas also. I do not think it is necessary at present to offer to send them the *Opinion* free of charge. Let them feel that it is their duty to write these letters.

I have not yet recovered the money from the theatre people. You should not, therefore, execute the job until I have done so.

Apropos of the Johannesburg letter, may it not have been received by Anandlal directly, because I believe the first batch of my Gujarati writing I addressed to Anandlal...<sup>3</sup>

From a photostat of the original: S.N. 4356

<sup>1</sup> This letter, if written, is not available.

<sup>2</sup> On this, Mr. West writes : "I think that the book referred to was written by one Du Casse, a man of great practical experience in Natal who had a lovely garden at Hillary, not far from Durban. Many of our fruits and ornamental trees planted at Phoenix come from his nurseries. The title of the book I cannot remember. The publishers, I think, were P. Davis & Son, Pietermaritzburg. . . ."

<sup>3</sup> The letter is incomplete.

## 199. LETTER TO CHHAGANLAL GANDHI

*Sunday, [May 6, 1906]*

MY DEAR CHHAGANLAL,

There is something I have to write to you about but have no time today. You have to occupy yourself wholly with the books for the present. I am sending herewith the Gujarati matter. Go through it yourself, and after showing it to Harilal Thakar, pass it on to Anandlal. At the moment I do not have the time to write him a letter. I shall address the matter that I write to-night directly to him. Please take care that nothing incorrect is printed in Gujarati. You may keep an eye on it, but put the whole burden of it on Mr. Thakar. I shall write asking him to show all the Gujarati material to you. But you are not to spend much time over it at present. I collected twenty more names by Friday, which I shall send you tomorrow. Subscriptions from six of them have already been received. Kalyandas will leave on Tuesday morning, arriving there on Wednesday evening. It will do if either you or some one else meets him at Phoenix on Wednesday evening. Entrust all the Durban work to him. It will be enough if you go [to Durban] once a fortnight with the editor's ticket. It is necessary that you concentrate mostly on books.

Send Gokuldas as soon as you can. Else on Saturday.

*Blessings from*

MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 4357

## 200. LETTER TO LORD SELBORNE<sup>1</sup>

[JOHANNESBURG,

*Before May 12, 1906]*

SIR,

I have the honour to acknowledge the receipt of your letter dated the 30th ultimo, No. 15/4/1906. My Association ventures to think that the complaint forwarded to His Excellency<sup>2</sup> has not received that investigation which the circumstances required. As to the dilatoriness, my Association will watch the working of the new

<sup>1</sup> This was published in *Indian Opinion* under the caption "British Indian Association's Reply".

<sup>2</sup> *Vide* "Letter to William Wedderburn", 12-4-1906



department. In the meanwhile, attention is respectfully drawn to the fact that applications have been pending for months, and it is difficult for my Association to reconcile such a lapse of time with any regard for the convenience of the applicants.

With reference to the case of Mr. Suliman Manga, my Association has ascertained the full facts, and my Association thinks that the information given to His Excellency is by no means complete. There was absolutely no mis-statement of material facts in connection with the application. The application was made through Mr. Gandhi, who, my Association understands, was instructed by a friend of the Mangas'. The ground for the application was not that Mr. Manga wanted to visit his uncle, but that he wanted to pass through the Transvaal on his way to Delagoa Bay. A reply was received on the 14th March rejecting the application for a temporary permit. The variation as to the description of the relative only took place after rejection of the application. In reply to the letter in question, Mr. Gandhi wrote to the Permit Officer expressing his surprise and there described the uncle as father, which, as he explains, was written without his having referred to the previous letter. In any case, there was no question of misleading, as the variation in the description of relationship was so palpable that it could only be accounted as a mistake. As a matter of fact, as it now transpires, Mr. Manga had neither a father nor an uncle in Delagoa Bay, but he had a cousin, and for that matter there was a further discrepancy that Mr. Manga was described as a British Indian, whereas he happened to be a Portuguese Indian. All this arose as instructions were given by a friend of the Mangas' who did not know them intimately. But none of these facts had any direct bearing on the application. In the second letter, information was given to the effect that Mr. Manga was a student from England. A later development of the case showed the painful fact that Mr. Manga, considered as a British Indian, was unable to secure what he got for the asking when it became known that he was a Portuguese subject. The case of Mr. Suliman Manga is, in the humble opinion of my Association, very important as showing the difficult position in which the British Indian community is placed in the Transvaal. The reason, too, given for the refusal was denied to my Association. My Association became aware of it for the first time through your letter. The foregoing statement of facts shows that the reason for refusal could not have been the variation in the description of the relative in Delagoa Bay, because when the decision was announced, the slip as to the uncle being described as father had not occurred. My Association ventures to submit that there should be sufficient latitude granted in connection with temporary permits, or what may be termed visitors'

passes, and that in any case applicants should have reasons given to them as to why their applications have been rejected. My Association has obtained copies of the correspondence in the matter which I take the liberty to enclose herewith.<sup>1</sup>

Regarding the age limit for the introduction of male Asiatic minors, my Association respectfully submits that the reduction of the age limit would hardly cure the abuses referred to in the letter under reply. Those who intend to practise deception will continue to do so whether the age limit is sixteen or twelve. Abuses under legislation restrictive of human liberty are inevitable, but my Association respectfully submits that the abuses have by no means been extensive, and they have always been avoidable. May I further venture to state that the reduction of age limit is a punishment awarded to the innocent for the crimes of the guilty persons.

With reference to all persons irrespective of age or sex being required to obtain permits, my Association takes it that it only refers to British Indians or Asiatics, for it is within the knowledge of my Association that many European children and ladies have entered the country without any permits at all. My Association ventures to submit that the requiring of wives, and children five years of age, or, as it has been said, infants-in-arms, to carry permits is hardly called for and is calculated to create a great deal of irritation. My Association, therefore, once more respectfully requests His Excellency's sympathetic intervention.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion, 12-5-1906*

## 201. INDIAN VOLUNTEERING

Correspondence has appeared in *The Natal Advertiser* on the offer of the Indian community, in connection with the Native rebellion, which ordinarily we should not feel justified in noticing. As, however, the subject discussed by the correspondents of our contemporary is of such vital importance both to the Indian community and to the Colony, we make no apology for dealing with the points raised by them. We have no concern with the reckless abuse

<sup>1</sup> Not reproduced here

indulged in by some of the correspondents.

One of them has satirically suggested that Indians, so that they may not run away, should be placed in the front-line, and that then the fight between them and the Natives will be a sight for the gods. We propose to take the correspondent seriously, and venture to suggest that, if such a course were adopted, it would be undoubtedly the very best that could happen to the Indians. If they be cowardly, they will deserve the fate that will overtake them; if they be brave, nothing can be better than for brave men to be in the front-line. But the pity of it is that the Government, and the European Colonists who have dictated the policy to the Government, have not taken the elementary precaution of giving the necessary discipline and instruction to the Indians. It is, therefore, a matter of physical impossibility to expect Indians to do any work with the rifle; or, for that matter, to do any work in connection with war with much efficiency. The Indian Ambulance Corps, at the time of the late war, did excellent work, without the necessary instruction and discipline, only because the Indian leaders who joined the Corps had previously been instructed and prepared under Dr. Booth.

Another correspondent has suggested that Indians should not be armed, because if they were, they would sell their arms to the Natives. This is a suggestion which is made wickedly, and without any foundation in fact. Indians have never been armed; it is, therefore, sheer folly to say that, if they were, they would act in a particular direction. It has also been suggested that the offer has been made to gain cheap applause, and also to gain something not made apparent in the proceedings of the Congress meeting. The first statement is slanderous, and the best way to disprove the stricture is for these correspondents to make the Government accept the offer, and to see whether the response is adequate or not. The second statement is difficult to understand. If it is intended to convey the impression that Indians, by serving during war time, hope to obtain a redress of their wrongs, the statement is true, and no Indian should be ashamed of such a motive. What can be better and more praise worthy than that Indians, by standing shoulder to shoulder with their fellow-Colonists in the present trouble, should show that they are not unworthy of the ordinary rights of citizenship which they have been claiming all these years? But it is equally true also that the offer has been made unconditionally, as a matter of simple duty, and irrespective of whether there is any redress of the grievances granted or not. We, therefore, consider it to be the special aim of every Colonist to support the Indian community in the offer it has made, and thereby to show prudence and foresight, for it cannot be seriously

argued that there is any wisdom or statesmanship in blindly refusing to make use of, for purposes of war, one hundred thousand Indians who are perfectly loyal, and who are capable of good training.

*Indian Opinion*, 12-5-1906

## 202. INDIAN PERMITS

Lord Selborne has now replied to the representations of the British Indian Association on the working of the Permit Ordinance. The Association has sent in a further representation, traversing some of the facts and arguments contained in His Excellency's reply. We cannot help saying that Lord Selborne's reply is most disappointing. The Manga case has been fully dealt with by the Association in its reply.<sup>1</sup> We need not, therefore, comment any further upon the curious reason given for refusing Mr. Manga's application for a permit.

It is evident, from Lord Selborne's letter, that the age limit has been reduced arbitrarily from sixteen to twelve, for, as the Association has pointed out, evasion of the regulations by some people could be no ground for reduction of the age limit. But where utter want of regard for the feelings of Indians has been shown is in connection with separate permits being required for wives accompanying their husbands. This is an innovation which has absolutely no justification for it. The anti-Asiatic party has never said one word regarding the influx of Indian women. There are, as is well known, very few Indian women in the Transvaal, and they do not in any way compete in trade. Their work is confined solely to looking after their households. We must, therefore, frankly confess that we were not prepared for the reply that Lord Selborne has given regarding separate permits for wives. Is it a new discovery that "all persons in the Transvaal, irrespective of age or sex, are required under the Peace Preservation Ordinance to obtain permits"? If it is not, why have Indian women not been called upon hitherto to produce any permits? Why have Indian children been exempted until recently from having to carry any permits?

And, as the Association points out, the Peace Preservation Ordinance is not by any means universally applied, in that European ladies and children under sixteen years are free from having to obtain or carry permits when travelling with their husbands or parents; nor has His Excellency taken any note of peculiar Indian susceptibilities regarding Indian womanhood. We have no hesitation in saying that

<sup>1</sup> *Vide* "Letter to Lord Selborne", Before 21-5-1906

the regulation is unreasonable, insulting, and totally uncalled for. If it is enforced, it will create irritation which will be difficult to allay. It is strange, indeed, that, with the innovations introduced, His Excellency can conclude his letter by saying that the permit work is being done with "as much consideration for the convenience of the applicants as is possible under all circumstances". Not until the age limit has been restored, not until Indian women are rendered free from unwarranted insult, not until Indian refugees can have their applications considered immediately on their receipt, can, in our humble opinion, His Excellency say, with any show of justice, that the Permit regulations are enforced with any degree of reasonableness. We can quite understand the difficulties in the way of the officers who have to administer the law, but if they are short-handed, it is the duty of the Government to supplement the staff, so as not to delay consideration of the applications. Such an increase in the staff can only be temporary, for there must, some time or other, be an end to the applications from refugees. It is the congestion of work in the Office which has to be dealt with. Why cannot that congestion be removed by employing extra men?

*Indian Opinion*, 12-5-1906

### 203. THE COLOURED PEOPLE'S PETITION

The Coloured People's Vigilance Committee has prepared a petition, for submission to the House of Commons, in connection with the new Constitution to be granted to the Transvaal and the Orange River Colony. The public are not informed whether the petition is in continuation of that addressed to King Edward VII by the African Political Organization<sup>1</sup>, or whether it is a distinct and separate movement. In any case, both the petitions represent practically the same interests. The only difference is that, whereas the petition to the King deals with Coloured people as distinguished from the Natives, the present petition seems to include the Natives. There is no doubt that, ultimately, the policy enunciated by the late Mr. Rhodes<sup>2</sup> will have to be accepted by South Africa, if there is to be federation, and if it is to continue to remain under the British flag. We, however, question whether, in view of what Mr. Churchill has

<sup>1</sup> *Vide* "The Coloured People's Petition", 24-3-1906

<sup>2</sup> Cecil Rhodes, Prime Minister of Cape Colony, 1890-6. His policy was to unite the Dutch and the British in a self-governing South African Federation which will extend gradually to cover Native territories. He also believed in self-government within the Empire.

so often said, it will be at all possible to grant the prayer of the petitioners, though either petition cannot help [*sic*] but do good, as they will have paved the way for a discussion of the subject so soon as the Parliaments of the two Colonies meet under Responsible Government.

*Indian Opinion*, 12-5-1906

## 204. HOME RULE FOR INDIA

Mr. Parekh, the Vice-President of the Indian Home Rule Society, delivered a speech at Newcastle in England to the effect that home rule should be granted to India. He said that India should be given complete independence and that Englishmen should leave the country. The present policy was good for neither the rulers nor the ruled. That policy sometimes vitiated the character of the persons going out to serve in India. It is said that the administration of India is carried on under the direction and control of Parliament; but in reality the authority of Parliament was so limited as to be almost negligible. Since Parliament had no time to listen to the grievances of India's millions, the bureaucracy there exercised its powers arbitrarily. If home rule was granted, the condition of the people would certainly improve.

The reason why famines continually recur in India is not that there is not enough grain in the country. Where there is scarcity of grain, it is often confined only to particular parts of the country. The reason for countrywide famines, however, is quite different. Grain there is, but the people have not the means of buying it. India suffers from starvation because there is dearth not of grain, but of purchasing power. The Government there does not do its duty by its subjects; and the claim that British rule promotes the common weal has become a sheer pretence and mockery. In the name of justice and for the good of humanity, India must be given home rule.

[From Gujarati]

*Indian Opinion*, 12-5-1906

## 205. THE CHINESE CAN RETURN

The mine-owners in the Transvaal caused a furore over the notice which the Government intends to put up regarding permission to the Chinese to go back to their country. A public meeting was convened at Boksburg on the 8th instant, and it was demanded of the Government that they should not give the Chinese money to return

home. Similar resolutions were passed, at a meeting in the Market Square, by the Rand Pioneers and the Krugersdorp Chamber of Commerce.

One mine-owner prevented a Government official from putting up the notice on his premises, and filed a test case in the Transvaal High Court. While delivering judgment, the Chief Justice stated that the Government had every right to put up such a notice. The plaintiff's suit was dismissed with costs; and circulars have been issued asking managers of mines to assist Government officials in putting up the notice in every compound occupied by the Chinese.

[From Gujarati]

*Indian Opinion*, 12-5-1906

## 206. NATAL SHOPS ACT

The Natal Store Employees' Association published a long statement in *The Advertiser* concerning the Act that has been passed regarding the closing time of shops in Natal. We gave a summary of it. We wrote strongly against it in our English section<sup>1</sup> and the Secretary of the Association has replied to that. Apart from showering abuse, he has nothing in particular to say. It is a good thing, he says, that Indians have been forced to submit to the Act, and that they have suffered so much in consequence. There is no doubts he adds, that Indians used to keep the shops open up to 11 in the evening. He is still not able, however, to give any proof of this.

We have again commented<sup>2</sup> on this in the English section above and asked the Secretary to produce evidence in support of his charge.

[From Gujarati]

*Indian Opinion*, 12-5-1906

## 207. JOHANNESBURG LETTER

May 14, 1906

### TRAM TEST CASE

THE TRAM CASE WAS TO HAVE BEEN HEARD TODAY. HOWEVER, AS THE MUNICIPALITY HAS DECIDED TO ENGAGE A BARRISTER EVEN FOR THE MAGISTRATE'S COURT, THE CASE HAS BEEN POSTPONED TO FRIDAY. SIR

<sup>1</sup> *Vide* "The Early Closing Act of Natal" 24-3-1906

<sup>2</sup> *Ibid*

RICHARD SOLOMON AND LORD SELBORNE ARE TAKING A KEEN INTEREST IN THIS CASE.   HARDSHIPS ON THE RAILWAY

The local Chamber of Commerce has protested against the power given to Railway guards to shift passengers about from one compartment to another. As a regulation to that effect will apply to all, the Chamber's protest will cover Indians automatically. All this has arisen from a minor inconvenience caused to a white passenger. Vehement speeches were made at the Chamber meeting also.

A few days ago, while Mr. Ahmed Surtie of Aliwal North was travelling from Germiston to Park Station, the guard put him to needless trouble. Mr. Surtie complained to the Railway authorities, who replied saying that the guard had been reprimanded. I have already mentioned the interview which the Chairman and the Secretary of the British Indian Association had with the General Manager.<sup>1</sup> Construing our conciliatory attitude as a sign of weakness and taking advantage of it, the General Manager has now gone a step further and says that Indians or other Coloured passengers should not attempt to travel even by the train leaving Pretoria at five o'clock in the afternoon. The Association has expressed its inability to agree to the imposition of this handicap, for, as the five o'clock train is convenient to them, Indians will not give up their right to use it.

#### THE COMMISSION MEETINGS

The Ridgeway Commission held three meetings at Johannesburg, at which the Progressive Party and the Rand Pioneers gave evidence. Major Barnett has written to the British Indian Association to say that the Commission will record their evidence when they visit Johannesburg next. Mr. Daniel, too, is trying to get a hearing for his testimony on behalf of the Coloured People's Association.

#### UNCLEANLINESS AMONG INDIANS

At the corner of Pioneer and Park Roads in Fordsburg, there is a fruit and vegetable shop owned by an Indian. He was accused of sleeping in the same room where he kept foodstuffs. Giving evidence, the constable said that he saw fruit, bread and vegetable stored in the room in which the accused and another man were sleeping. Furthermore, there was also a bitch with a litter of eight pups in the same room behind a curtain. The shop stank badly. The Court sentenced the store-keeper to a fine of £5 or imprisonment for three weeks. A white showed me the report of the case published in *The Star*

<sup>1</sup> Vide "Johannesburg Letter", 5-5-1906



and said, "It is such men as these that do harm to the cause of your countrymen. How can you defend such a man?" I had no defence to offer. I could only hide my face in shame, while taking the newspaper from him.

#### THE TRANSVAAL LEGISLATIVE COUNCIL

The Transvaal Legislative Council will meet on the 25th. The items on its agenda must be important, for this is probably its last session. A new Council is likely to come into existence next year

#### THE CHINESE POSTERS

The mine-owners had approached the Supreme Court contesting the order which required a poster to be put up within every mine-compound to say that the cost of returning Chinese indentured labour to their country will be paid. Despite Mr. Leonard's best efforts in their behalf, the Supreme Court has once again shown its independence and sense of justice. Chief Justice Sir Joyce Rossiness, delivering judgment, said that the Government has full authority to put up such a notice in the mine premises. The Court has dismissed the application of mine-owners with cost, and 3 notice in Chinese has been put up at every mine. The effect of this now remains to be seen. Some people think that many Chinese will avail themselves of this opportunity and return to their country. Others believe that the notice will have no effect them at all. If the number leaving is large, the mine-owners will be very badly affected. Some of them are threatening to close down their mines.

[From Gujarati]

*Indian Opinion*, 19-5-1906

### 208. LETTER TO DADABHAI NAOROJI

21-24 COURT CHAMBERS,  
CORNER RISSIK & ANDERSON STREETS,  
P. O. BOX 6522,  
JOHANNESBURG,  
May 16, 1906

THE HON'BLE DADABHAI NAOROJI

[LONDON]

DEAR SIR,

This is to introduce to you Mr. A. H. West who has been managing the International P. Press and sub-editing in *Indian Opinion*. Mr. West is one of the founders of the scheme under which

the paper is being published. Mr. West is paying a short visit to his people and during that time he will do what public work he can.

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

From a photostat of the original: G.N. 2272

### 209. AN ASIATIC POLICY

The well-known writer L. E. N. has now finished his able articles contributed to *The Rand Daily Mail* on Asiatics in the Colonies. He has suggested the following measures for dealing with the question:

(1) Keep out masses of Asiatics as permanent residents, as far as possible, at all costs.

(2) If indentured labour is needed, insist on repatriation on expiration of contract.

(3) Fair, even generous, treatment to those Asiatics who have, under the conditions of the old days, become part of the population of the country.

(4) No irritating restrictions on the movements of the temporary visitor or traveller. L. E. N. winds up by saying:

With such a policy there must be no vexatious restrictions to insult the educated man—things more irritating and harmful than the regulation which quietly keeps out thousands of the poorer class. The cultured traveller of the Eastern world ought not to have to submit to treatment which is not even meted out to a pauper immigrant on a New York quay; he should not have to consent to having his thumb-impressions taken like a criminal or to be threatened, as the extremists of the Transvaal threatened him, with instant removal to a location.

With a presentment such as this we can heartily agree except in one particular. In fact the policy sketched out by L. E. N. is one that has been accepted by the Indian community. The exception, however, that we have in mind is a very serious one. If indentured labour be introduced from India, whether for the Rand mines or for the plantations of Natal, it should not be subject to the repatriation clause. Had such labour not been introduced, probably the Indian question would never have arisen in South Africa, but if it be considered absolutely essential to the prosperity of any portion of South Africa that indentured Indian labour should be introduced, it is only fair that, after the men have been so introduced, and, in the words of the late Mr. Escombe, have given the best five years of their lives,

they should be free to settle in the country and reap the reward of their services by following any honest occupation they may choose. Even the late Sir William Wilson Hunter, who was known for his extreme moderation, and who was always credited with being able to take a sane view of things, did not hesitate to consider the state of indentured labour as “one perilously near slavery”. The least, therefore, that such men are entitled to is freedom of residence in the country which they have served so well. We think, therefore, that L. E. N. would have added greater weight to his contributions had he treated the question of free Indian immigration on its own merits, because such immigration is a matter of Imperial policy, whereas the question of indentured labour is a matter of contract and bargain.

Considerations that guide the examination of the one question do not necessarily apply to that of the other; in South Africa, where both the Transvaal and Natal are largely dependent upon indentured labour, either from India or other parts of Asia, it is extremely necessary to bear this distinction in mind.

*Indian Opinion*, 19-5-1906

## 210. MOVE FOR SHOP-CLOSING HOURS IN SOUTH AFRICA

Everyone knows that a law requiring shops to be closed at a given hour has already been enacted in Natal. We said earlier that a similar Bill was to be brought before the Cape Legislature. Now comes news from Johannesburg that a like move is afoot in the Transvaal too. There was a meeting of leading Europeans at the Masonic Temple, presided over by Sir George Farrar, and the Mayor of Johannesburg was present. The meeting passed a resolution to say that a law should be enacted requiring shops to be closed at a given hour. Indian merchants should take a hint from this. It would behove us to act of our own accord before a law is passed enjoining us to do so. The store-managers of Natal are trying to show that, in closing shops after being compelled by law to do so, we are doing nothing extraordinary. This is true to some extent. When Indian merchants in Potchefstroom decided to close shops at regular hours, we congratulated them. Our agent, however, informs us that they have reverted to their earlier practice. We are sorry if this is true. We would strongly urge upon the Indian merchants in Potchefstroom as also those in other places that they reach an understanding with white merchants in the matter of closing shops before a law is enacted.

[From Gujarati]

*Indian Opinion*, 19-5-1906

## 211. POTCHEFSTROOM AND KLERKSDORP<sup>1</sup>

There is at present a trade depression in Potchefstroom. The discrimination that Indians there have to suffer relates in particular to using cabs and visiting public gardens. It is difficult for an Indian to hire a cab readily. There is little chance of securing legal redress in the matter. For when an incident of this nature occurred earlier, the Potchefstroom Municipality framed a bye-law, which is now in force. The remedy about the use of gardens lies in the hands of the Indians themselves. We cannot be legally debarred from visiting the public gardens; and we can institute a case even in a Magistrate's court and seek redress.

The agreement arrived at by the Indians in Potchefstroom after negotiations with the British traders, regarding the closing of shops at the same time as whites, appears to have been broken. This is not at all proper. The agreement should have been implemented in the same way in which it was negotiated. It should not happen that, because the whites are not fair in their dealings with us, we should also fail to do the right thing.

As between Klerksdorp and Potchefstroom, the Indian stores in the former town excel those in the latter. The Klerksdorp stores are built better and their facades, too, are more pleasing. There is no reason why the same cannot be done in Potchefstroom. Both at Klerksdorp and Potchefstroom, the Indian stores were mostly found to be quite comparable to those of the Europeans in elegance and in other respects; but the backyards and living conditions need improvement. The tenements in the yard should, however, be cleaner and more spacious; and the bathrooms, etc., should also be kept clean.

[From Gujarati]

*Indian Opinion*, 19-5-1906

## 212. OUR SHORTCOMINGS

The lack of cleanliness among Indians, to which our Johannesburg Correspondent refers, deserves to be pondered over by all of us. If one glances at the newspapers of the last twenty years, one will find that the most serious accusation against Indians has all along been about their uncleanness. In so far as the whites have

<sup>1</sup> This article was based "On a Visit by Our Special Representative".

exaggerated this charge, we have given suitable replies. The case which our Johannesburg Correspondent mentions should, however, put us to shame. That the same room should be used for sleeping and keeping vegetables, bread, etc., is reprehensible. We have nothing to say against the fine imposed by the court. Neither can we say that the offence was unwittingly committed. We want repeatedly to draw the attention of the Indians in South Africa to such incidents. The remedy for this kind of evil should lie in our own hands. It is not enough that we do not commit such offences ourselves; it is our duty to persuade our neighbours, our acquaintances and others whom we can influence to eschew such faults. It would not be thought improper if we appointed committees to bring about reforms in the matter. We believe that this should be the main function of the associations that have been recently founded. We specially invite the attention of the Mahomedan Association and the Hindu Sanatan Dharma Sabha to these matters. Our big merchants, who are the true leaders of the community, can effect many improvements in this respect. To begin with, they can clean up the backyards of their stores and, by so doing, influence the small traders and hawkers.

It will not be wrong to say that we have brought upon ourselves certain of these stringent regulations; and if we do not wake up now, late as it is, we shall only meet with greater severity. While talking among ourselves, we compare our position with that of the Jews and say that, though they live in a more slovenly fashion, they do not have to suffer the same inconveniences as we do. This is only a half-truth, and a half-truth is always misleading. There is no doubt that the living habits of poor Jews are worse than ours. But when money comes into their hands, they can make very good use of it. Instead of hoarding wealth, they put it to appropriate use. In Durban, in Johannesburg or in Cape Town, wherever we look, it is quite obvious that the Jews who have made money know how best to spend it; that their houses are very tidy and elegant, and that their standards of life are high. They mix easily with other Europeans and by doing so, they have been able to make so much money that, in Johannesburg, they wield as much influence as the rulers themselves. The richest persons in the world are to be found among the Jews.

It is characteristic of human nature to discover in others the faults which are in oneself, and thus to feel complacent in the belief that others share one's defects. Men of discernment who are patriotic, and who are moved by the valour of others, should entertain good thoughts, should consider the merits and not the demerits of

others, and should try to follow their example and persuade others to do likewise.

[From Gujarati]

*Indian Opinion*, 19-5-1906

### 213. "THE RAND DAILY MAIL" ON INDIANS

For some weeks past, a writer who signs himself 'L. E. N.' has been writing a series of articles on the condition of Indians for The *Daily Mail* of Johannesburg in South Africa. The concluding article of the series appeared last week. In it the writer has expressed the following views.

(1) In so far as it is possible, Asiatics should not henceforth be allowed into South Africa.

(2) If Asiatic labour be found necessary, it should be provided for in the contract with them that they would be repatriated to their native country, India or whatever it be.

(3) Generous treatment may be given to those Asiatics who have already settled in the country.

(4) No restrictions should be imposed on Indians who wish to come on a short visit.

The writer is an influential person and has written in the same strain in several other papers also. One may generally accept all his views excepting that relating to the compulsory repatriation of labour imported under indenture, and, as a matter of fact, we have been making similar demands for some time past.

[From Gujarati]

*Indian Opinion*, 19-5-1906

### 214. INSTRUCTIONS REGARDING PERMITS FOR CHILDREN

Permits are not at present granted to children under sixteen, but the British Indian Association is active in the matter. In all probability those who are above 12 but under 16 years and have already entered South Africa will not have any difficulty. We therefore request those persons, whose children above the age of 12 are stranded in any of the ports in South Africa, to let us have their names, addresses and other details so that we can send these to the proper quarters.

[From Gujarati]

*Indian Opinion*, 19-5-1906

## 215. THE QUESTION OF REPATRIATING THE CHINESE

We had earlier told our readers that the British Government had taken up the matter of repatriating the Chinese and that they were also prepared to bear the cost of doing so.<sup>1</sup> This has led to much excitement in the Transvaal, and the white mine-owners are planning, among other things, to send a deputation to England to prevent Chinese repatriation. General Botha has written to the Government saying that the Chinese not only did not desist from acts of violence against Boer farmers but were, in fact, becoming more cruel. The question arises as to how long these outrages will continue. If the Government of the Transvaal and the mine-owners could not stop this outrageous conduct by the Chinese, the Boers would complain to the British Government about it. He further says that, if the Government did not give a satisfactory reply, the Boers would send a deputation to the British Government in order to appeal to them to arrange the repatriation of the Chinese.

[From Gujarati]

*Indian Opinion*, 19-5-1906

## 216. JOHANNESBURG LETTER

[After May 18, 1906]<sup>2</sup>

### TRAM TEST CASE

The case filed by Mr. Ebrahim Saleji Coovadia against the Johannesburg municipality was heard last Friday the 18th by Mr. Cross, the Magistrate. In his deposition, Mr. Coovadia stated that he was the Treasurer of the British Indian Association and that, when, on April 7, he attempted to board an electric tram, the conductor refused to admit him. The conductor deposed on behalf of the municipality, and with his testimony, the presentation of the municipal case was over. On this occasion, the municipality was represented by Barrister Feetham. On behalf of Mr. Coovadia, Mr. Gandhi was present to brief and assist Mr. Blaine, the Defence[?] Counsel. Arguing the case for the municipality, Mr. Feetham said that, at the time of the outbreak of

<sup>1</sup> *Vide* "Johannesburg Letter", 5-5-1906

<sup>2</sup> The original is wrongly dated May 14, 1906. It is clear, from the reference to the hearing of Coovadia's suit against the Municipality on Friday the 18th, that this despatch was written on or after that date. The last few paragraphs are dated May 22, 1906.

smallpox in 1897, the Boer Government had issued certain regulations. Under these regulations, Coloured persons could not travel with whites in a tram-car unless they were servants of the latter. As the regulations were then still in force, Indians could not be allowed to travel by trams. The Magistrate, Mr. Cross, did not admit the argument and found that Mr. Coovadia had the right to use the tram under the regulations framed by the municipality in the matter and sentenced the conductor to pay a fine of 5s., or undergo imprisonment for a day in default. The conductor immediately paid the fine.

During the case, it transpired that the Town Council, with a view to thwarting the Indian case, had stated, while taking out a licence, that the trams were for the exclusive use of the whites; and Mr. Feetham was all flushed with triumph when he produced the licence before the court. But, as the Gujarati proverb goes, he who digs a pit for others falls into it himself; the Town Council committed a blunder in producing the licence. For it was found to have been issued four days after the date on which Mr. Coovadia had attempted to board the tram; and Mr. Feetham had to hang his head from shame when he realized the mistake.

Press reporters were present to cover the case, and a fairly full report has appeared in all the local papers. But though the success of the Indians was thus complete, the Town Council has wrested the fruits of victory from their hands. The joy at the court decision on Friday was marred by the regulation issued by the Johannesburg municipality and published in the *Government Gazette* on Saturday. It simply states that the regulations framed by the municipality in the matter of the tramway have been repealed. There is nothing apparently objectionable in such a regulation; but its legal implications are as follows.

Our plea was that, as the tram regulations of the Johannesburg municipality came after the smallpox regulations, the latter, which were not in consonance with the said municipal regulations, stood abrogated. But the argument of the municipality appears to be that, since the new regulations have now been repealed, the old ones about smallpox come into force again.

This is a clear case of betrayal. This means that we shall have to put up a fresh struggle beginning all over again—which will be both very troublesome and costly. But it has to be undertaken if the Indian community does not want to submit to this defeat.

There is a member of the Town Council named Mr. Lane who asked the Chairman of the Tramways Committee some questions yesterday and wanted to know the expense to which the Town Council put the citizens by fighting law suits of this nature. He also suggested



that, if the Council at all cared for its prestige, it should no longer harass Indians.

#### LORD SELBORNE'S REPLY ABOUT PERMITS

Lord Selborne has replied to the second communication of the British Indian Association. The reply is both brusque and arrogant. It says that he is for the present unable to do anything further in the matter of permits. This means that it would be obligatory even for women to take out permits. However, I believe the Indian community will not yield to such a law and His Lordship's views regarding Indians will not be allowed to prevail.

#### MALAY LOCATION

The owners of the Stands in the Malay Location have decided to send a deputation to Lord Selborne regarding the authority granted to the Town Council to acquire the Location.

#### THE COMMISSION FROM ENGLAND

The Indian deputation will appear before this Commission at 3-15 p.m. on Tuesday, the 22nd. An account of what happens there will, if possible, be sent in time for this issue.

*Tuesday, May 22, 1906*

#### THE INDIAN DEPUTATION BEFORE THE CONSTITUTION COMMITTEE

The Indian deputation appeared before the Constitution Committee today. It included Mr. Abdul Gani (Chairman), Mr. Haji Ojer Ali, Mr. Ebrahim Saleji Coovadia (Johannesburg), Mr. Ismail Patel (Klerksdorp), Mr. Ibrahim Khota (Heidelberg), Mr. Ibrahim Jasaat (Standerton), Mr. E. M. Patel (Potchefstroom) and Mr. M. K. Gandhi. A telegram was received from Mr. Haji Habib saying that he was prevented from joining the deputation at the last minute owing to pressure of work.

A statement prepared by the deputationists was submitted to the Commission and was hurriedly gone through by the Chairman of that body. He then asked some questions pertaining to it and further invited the delegates to raise any more points if any of them wanted to. In response to this Haji Ojer Ali said that the Indians were more particular about their general rights as British Indians than about the right of franchise; that they were not allowed even to use the trams and had to suffer frequent humiliation.

On the Chairman's wanting to know more about the problem, Mr. Gandhi gave a full account of the difficulties relating to the use of trams and added that there was another difficulty which caused greater

harassment to the Indians: they were not only denied the right to purchase land, but they could not hold it in their own names even for religious purposes. Constant difficulties were experienced in the matter of transferring such lands in Pretoria, Johannesburg, Heidelberg and other places. It was a gross injustice to seek to place Indians in the same class as the Kaffirs. There were a number of laws in the Transvaal in which the term "Native" did not cover the Indian.

After this, the Chairman of the Commission asked the deputationists to send to the Secretary in writing all the details about the problems of trams as also whatever additional information they wanted to give, so that the Commission might consider them. The deputation then withdrew.

Lord Sandhurst, who was formerly Governor of Bombay, then came out and made casual inquiries about Bombay, etc., adding that he liked Bombay very much and would like to go there again.

Next week I shall send the statement submitted to the Commission.

[From Gujarati]

*Indian Opinion*, 26-5-1906

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

JOHANNESBURG,  
May 21, 1906

TO

THE EDITOR

*Transvaal Leader*

[JOHANNESBURG]

SIR,

May I say with reference to your leader on the tram-car case, brought at the instance of the British Indian Association, that the magistrate's decision does not "throw open the trams to Coloured persons of every grade". For instance, it does not throw open the cars to the Natives, and it leaves untouched the regulation which enables conductors to reject passengers who are drunken, ill-dressed or otherwise objectionable. So that when you say that your "remarks are directed to the matter in its broadest aspects", you give away the case for the Council. For nobody has ever contended that the cars should be usable by all without distinction.

<sup>1</sup> This was published under the caption "Tram Case".

But, Sir, the Town Council, by a method which is the reverse of honourable, has deprived the Indians of the fruits of their victory. For, in the current number of the *Government Gazette*, there appears a by-law which repeals the Traffic By-laws regarding tram-cars. This means that the tram-cars are now to run without any regulations to control the traffic on them. But it means too that now it will not be possible for a British Indian to claim to ride in the municipal cars under the general by-laws. And, I expect, the municipality will contend that the repeal revives the smallpox regulations of the old Government which the magistrate held to be not applicable in the face of the by-laws now repealed. Britishers are rightly proud of the fact that they never hit below the belt. With great deference, it appears to me, as it would, I hope, to every other ratepayer, that the Town Council, in adopting the above procedure, has departed from that proud tradition.

Consequent upon the Town Council's action then, for the timebeing, your fear as to the tram-cars being used by "Coloured persons of every grade" are groundless, apart from the facts submitted by me. I, however, ask you whether you approve of the means adopted by the Town Council to achieve its purpose.

I

am, etc.,

M. K. GANDHI

*Transvaal Leader*, 25-5-1906

## 218. EMPIRE DAY

On Thursday last, throughout the Empire, the birthday of the late Queen-Empress was celebrated. As the years roll on, the memory of that noble lady remains as fresh as ever. Her interest in India and its people was intense, and in return, she received the whole-hearted affection of India's millions. Her late Majesty showed her interest in and toleration for the religions of India, when she had the whole of the Proclamation of 1858 re-written, because of an unwarranted reference to the power the Government possessed of undermining native religions and customs. In her letter to Lord Derby<sup>1</sup>, the Queen wrote:

Such a document should breathe feelings of generosity, benevolence, and religious toleration, and point out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilization.

<sup>1</sup> Edward Stanley Derby, (1799-1869), Prime Minister of England, 1852, 1856 and 1866

These were the principles on which the Empire's foundation was laid. Expansion of trade and the acquisition of territory are not the only things true Imperialists aim at. There is a greater and a nobler ideal to work for: that of producing, as John Ruskin puts it, "as many as possible full-breathed, bright-eyed, and happy-hearted human creatures". We would place this ideal before our South African public men, and ask them to put away the feelings of race hatred and colour distinction. The great British Empire has not risen to its present proud position by methods of oppression, nor is it possible to hold that position by unfair treatment of its loyal subjects. British Indians have always been most devoted to their Sovereign, and the Empire has lost nothing by including them among its subjects. India is a vast storehouse of wealth to Great Britain, whilst thousands of its inhabitants are dying of starvation with scarcely a murmur. We venture to suggest that, if there were more of Queen Victoria's spirit of enlightenment put into the affairs of the Empire, we should be worthier followers of so great an Empire-builder.

*Indian Opinion*, 26-5-1906

### 219. A RAILWAY GRIEVANCE ON THE N. G. R.<sup>1</sup>

A correspondent writes a letter to us in Gujarati, of which the following is a translation:

By the train that left Durban at 6 p.m. on the 1st of May, 1906, an Indian gentleman, by name Mr. Kundanlal Shivilal Maharaj, took a second-class ticket for Ennersdale from Estcourt. He occupied a seat in a reserved compartment. But there being many second-class white passengers, Mr. Kundanlal was forced by the Station Master to leave his compartment, and go to a third-class one.

Our correspondent adds that this matter has been already brought by the aggrieved passenger to the notice of the General Manager. We hope that the complaint will be thoroughly investigated. There appears to be no reason to justify the alleged action of the Station Master at Estcourt.

*Indian Opinion*, 26-5-1906

### 220. THE NATAL LAND ACT

We are likely to be saved incidentally because of the whites this year as we were last year. We earlier published the news that, among the new Bills to be introduced in the Natal Parliament, one would

<sup>1</sup> Natal Government Railways

relate to a new tax on land. That Bill was introduced, but, during examination by Committee, it was rejected. Mr. Rethman, a member of Parliament, moved that it should be rejected saying that, if it were passed, it would mean great loss to the people living beyond the Railway limits. The motion was passed, and the Natal Government sustained a defeat. This has created a situation in which the Ministry should normally resign; but they have not done so and have stayed on in office. However, the Land Tax Bill will remain in abeyance for the present. What will happen next remains to be seen, though there is reason to hope that the Bill will not be passed during the current session.

[From Gujarati]

*Indian Opinion*, 26-5-1906

## 221. A SIGN OF CHINESE AWAKENING

There is an island to the east of China named Weihaiwei. This island was given by the Chinese Government to the British Government on certain conditions, one of them being that the whites could occupy the island as long as Port Arthur was in Russian possession. Now, since Russia has been obliged to vacate Port Arthur, as a result of the Russo-Japanese War, China has asked Britain to quit Weihaiwei. China refuses to pay the large expenditure incurred by Great Britain on the island. There is a likelihood of serious trouble arising out of this situation which may involve the Governments of China, Germany<sup>1</sup> and England.

[From Gujarati]

*Indian Opinion*, 26-5-1906

## 222. THE YELLOW PERIL

We have already published the news that some Japanese people are on a visit to Australia. Though they are treated with all courtesy, inwardly the Australian feeling appears to be anti-Japanese. It is said on the strength of a cablegram from Melbourne that the Australians rejected the invitation from the Japanese Naval Officer to visit a fighter vessel, for, according to the former Defence Minister of Australia, they could not trust the Japanese. The Minister fears that Japan might some day try to take possession of Australia. It appears

<sup>1</sup> After the capture of Kiaochow in 1897, Germany became interested as a colonial power in the off-shore islands of China.

from the leading journals of Australia that this view is held by many people there.

[From Gujarati]

*Indian Opinion*, 26-5-1906

### 223. WEALTHY AMERICANS

It is well known that America has a large number of wealthy persons. Generally speaking, the people of Europe are found to be foremost in amassing fortunes. With the help of new inventions and technology, the people of Europe see to it that the world market does not go out of their hands. Despite this, it would not be wrong to say that Europe lags far behind America in the race for wealth. There are, of course, some reasons for this. The people there are caught in the spell of money more than the Europeans, and it has been found that, once large quantities of wealth accumulate, they tend to go on increasing. This becomes understandable if a long-range view is taken. Now, some of these Americans have grown so inordinately rich—so we learn from a speech by President Roosevelt, the Head of the United States—that it will not be improper to enact a law enabling the State to limit this acquisition of wealth. He said that one might not think it wrong for a man to own one or two million pounds; but that hoarded fortunes have so exceeded this volume and so spread in extent that there is a large number of Americans who have a hundredtimes this sum. These multi-millionaires, President Roosevelt has found, might some day influence State authority. With the power of their money they can influence, as they deem fit, such institutions of the State as courts of justice, and elections to a municipality or the Senate. Such a development, it is felt, will be dangerous, and limiting by law the accumulation of wealth is contemplated. An individual may not hold more than £10,00,000 and whatever he may have in excess, he must distribute as he likes among his relatives and others. These thoughts of President Roosevelt have greatly perturbed American multi-millionaires.

[From Gujarati]

*Indian Opinion*, 26-5-1906

### 224. CHANGES IN THE CONDITION OF CHINA

It cannot be gainsaid that civilization is spreading day by day. Few can be ignorant of the effect produced on India by European civilization. This march of civilization has received a new impetus

from the progress made by Japan, which has attracted the attention of the whole world. Wherever we go, we hear Japan being discussed. It is clear that in the circumstances, European civilization should influence China, a neighbour of Japan.

This civilization is burgeoning everywhere in China. On the one hand, thanks to the Japanese living in China, the attention of the people is drawn to education; on the other, hundreds of young Chinese go to foreign countries to learn the various arts and sciences. Some Chinese students have gone to Japan for all kinds of study, and others have gone as far as America for the same purpose. These students not only acquire proficiency in the arts and sciences, but the noteworthy thing is that they also bring home with them new ideas from America, Japan and Europe. The spirit of freedom blowing through those lands has thoroughly permeated their youthful blood. These students return home and lend their energies to promoting the progress of China.

By holding meetings and making speeches at various places, they have begun to impress their ideas upon people's minds. They start new journals and send out men in all directions to propagate their ideas. Thus, they educate the people in a number of ways and sow the seeds of freedom and ideas of reform in their minds. Neither do they appear to have left political reform out of their list. They are carrying on an agitation to keep foreigners out of their country, and this has set the white nations a-thinking. That the boycott of American goods is spreading with more or less success in some parts of the country is also due to these new ideas. In this agitation, some Japanese, too, are taking a leading part.

It is natural that everyone who desires the growth of civilization should welcome these signs of progress. Yet, there are some Europeans who say that this enthusiasm has exceeded the limits of propriety and is likely to lead the people astray, and that it should therefore be kept under restraint. With this end in view, a writer has suggested that the Chinese Government should be persuaded to bring under control, and if possible eliminate, those journals which spread undesirable ideas and incite people to harmful acts.

[From Gujarati]

*Indian Opinion*, 26-5-1906

## 225. THE PRINCE OF WALES' VISIT TO INDIA

Their Royal Highnesses the Prince of Wales and his Consort have returned to England after their visit to India. A very big reception was held in London to welcome them. The speech made by the Prince on the occasion deserves to be noted. He expressed his thanks to the people of India and praised their loyalty. Concluding, he said:

I believe that, if we show more sympathy for the people while carrying on the administration of India, it will be easy to rule that country, and I am sure that we shall be amply rewarded. Every Briton going to India can help to bring about better understanding between that country and England, and spread goodwill and a feeling of brotherhood.

It is necessary to understand the true significance of this speech. It shows us that the Prince has a kind heart and much sympathy for Indians. He has noticed the hardships we are made to suffer and, since he cannot directly intervene in matters of administration, he has no more than hinted that the Indian officials in India should think twice before resorting to any harsh measures in dealing with Indians. Mr. John Morley, Secretary of State for India, has endorsed the Prince's speech.<sup>1</sup> We have reason, therefore, to hope that some relief will soon be forthcoming to the people of India.

[From Gujarati]

*Indian Opinion*, 26-5-1906

## 226. DISCRIMINATION AGAINST INDIANS IN BASUTOLAND

Writing from Bloemfontein, a correspondent of *The Rand Daily Mail* says that trade licences will not be issued to Indians in Basutoland. The Government had at one time thought of issuing about twelve licences, but they have since given up the idea.

[From Gujarati]

*Indian Opinion*, 26-5-1906

<sup>1</sup> At a lunch given in honour of the Prince of Wales at the Guild Hall, London, on May 17, 1906, Mr. Morley, speaking after the Prince, endorsed the latter's plea "for a wider element of sympathy in the task of governing India". *Vide India*, 25-5-1906.



## 227. CHINESE LABOURERS

We mentioned earlier that General Botha had addressed a letter to the Transvaal Government regarding the outrageous behaviour of Chinese labourers towards Boer farmers.<sup>1</sup> Thanking him for the letter, Sir Richard Solomon has expressed his regret for the cruel deeds of the Chinese. He has promised to ask the mine-owners to ensure that the Chinese are unable to obtain explosive materials, and that every effort will be made to improve the conduct of the Chinese. He sincerely hopes that atrocities of this kind will cease when the recommendations regarding stricter regulation of the working conditions of the Chinese are implemented.

[From Gujarati]

*Indian Opinion*, 26-5-1906

## 228. THE SHOPS CLOSING ACT

In the Natal Parliament, Mr. Rethman moved an amendment to the Shops Closing Act, enabling the rural areas to fix any day of their choice for a half-holiday. To this, the Natal Government replied that no changes in the Act were contemplated for at least a year. From this, it would appear that a change of some kind in the law would ultimately be effected.

[From Gujarati]

*Indian Opinion*, 26-5-1906

## 229. THE NATAL SMALLPOX ACT

We have earlier reproduced the provisions of this Act in this journal. We have also mentioned the protest of the whites against the stringency of the Act. This matter has attracted much attention and is being widely discussed.

The opponents of vaccination say that it cannot be asserted that, by getting oneself vaccinated against smallpox, one will become absolutely immune to the disease. Not only this, vaccination has often done harm also. Instances are known of small children who were found to have contracted syphilis after vaccination. Besides, one strange instance was cited of a child who, because of vaccination, did

<sup>1</sup> *Vide* "The Question of Repatriating the Chinese", 19-5-1906

not at all grow physically for several years. On the strength of several such examples, the opponents of the Vaccination Act say that they cannot believe that any benefit is to be had from vaccination. They therefore desire that a “conscience clause” be added to the provisions of the Act to say that the Smallpox Act will not apply to persons who declare on oath before a magistrate that they conscientiously object to vaccination. There is such a provision in the British law also. The whites are holding meetings and carrying on heated discussions to secure the adoption of a similar clause here. As a result of all this, the clause may be added.

Looking at the matter from the Indian standpoint—quite apart from whether vaccination does good or harm—one fact is certain that, if the proposed clause is not added, some Indians may have to suffer some ill-treatment.

[From Gujarati]

*Indian Opinion*, 26-5-1906

### 230. JOHANNESBURG LETTER

May 26, 1906

#### LORD SELBORNE’S REPLY REGARDING PERMITS

To the communication that the British Indian Association had again addressed him, Lord Selborne has replied saying that for the present he has nothing more to add to his previous answer. This means that women will have to take out permits and that only children under twelve will be able to enter.

#### THE REMEDY

This reply will cause much disappointment. However, women need not take out separate permits but the struggle about children should continue.

#### THE REQUEST OF THE BRITISH INDIAN ASSOCIATION

The Association has addressed a letter to Mr. Chamney, the Registrar, demanding that permission should at least be granted to the boys who are twelve years old and are waiting at various ports to enter the Transvaal. The Association says that the number of such boys is not likely to exceed a hundred.

#### AN IMPORTANT PERMIT CASE

While official pressure is thus being exerted against us, the law is in our favour. There is a boy under 12, named Adam Ebrahim, whose

father is at Johannesburg. He has come with a "Letter of Notification". He has not yet got a permit. He has not been to Pretoria. Meanwhile, he was charged with failure to take out a £3 register and the case was heard by Mr. Cross yesterday. Mr. Gandhi, who appeared on behalf of the boy, pleaded that it was not necessary for children to take out such a register in any case not for a person who did not himself carry on a trade. The Magistrate admitted the plea and dismissed the case.

#### THE CONSEQUENCE OF THE CASE

If no appeal is preferred against the Magistrate's decision, it will mean that, for boys who are already in the Transvaal, there will be no difficulty in remaining there even without a permit or a register. Really speaking, the decision in the case does not give a ruling about permits; but it can be so construed by implication. It may perhaps be necessary to have a test case about permits for children.

#### THE TRAM CASE

The discussion on the matter is still going on. The Town Council has not yet answered the question put to it by Mr. Lane. Mr. Gandhi has addressed a letter on the subject to the *Leader* to the following effect.<sup>1</sup>

You say that the Magistrate's decision is unsatisfactory, because it would enable a person, however unclean, to travel by a tram and that even the Kaffirs would be able to do so. But the Magistrate's decision is quite different. The Court has declared that the Kaffirs have no legal right to travel by the trams. And, according to tram regulations, those in an unclean dress or in a drunken state are prohibited from boarding a tram. Thanks to the Court's decision, only clean Indians or Coloured people other than Kaffirs can now travel by the trams.

But even this victory that we have achieved has been snatched away from us by the Council in an indecent manner. For, while the Magistrate gave his decision on Friday, on Saturday appeared the news in the *Government Gazette* that the Town Council had withdrawn the tram regulations. This means that an Indian will no more be able to file a suit under the bye-laws; and the Council may perhaps be under the impression that the Smallpox Act of 1897 will now apply to Indians.

It has been a common belief that the British people never stab any one in the back. But I feel—and other tax-payers must also feel the same—that the Town Council has stabbed the Indian community

<sup>1</sup> Vide "Letter to Transvaal Leader" 21-5-1906

in the back. You express sorrow at the decision in the case; but, even apart from the instances mentioned by me, there is nothing to be sorry for, at least for the present. But do you approve of the crooked way in which the Council has brought about this result?

Now commences the third stage of the tram case.

#### RAILWAY HARDSHIPS

Disabilities on the railways have ever been troubling us. As I said earlier, the General Manager had written to say that Coloured people might not travel even by the 5-5 afternoon train from Pretoria to Johannesburg. To the Association's protest against this, the General Manager has now replied saying that the restrictions against the non-whites with regard to that train will be relaxed. The same relaxation has now been asked for in regard to the train leaving Johannesburg at 4-30 in the afternoon. Even if a favourable reply to this is received, the prohibition against travelling by the morning train between Pretoria and Johannesburg will continue for the present.

#### THE DEPUTATION TO ENGLAND

Letters were addressed to Sir William Wedderburn and other well-wishers of ours, inquiring whether or not we should send a deputation to England. Sir William has sent a cablegram in reply, asking us to wait till his letter reaches us. We expect to get the letter by June 15.

#### AN INDIAN MURDERED

Today's papers report the murder of an Asiatic, named Hyder, last night by an unknown person near Cleveland Station. He seems to have been stabbed with a dagger. It is not known who committed the crime and why. The papers report that Hyder was poor and in search of employment.

#### NEW LOCATION FOR KAFFIRS

Preparations are being made to transfer the Kaffirs quickly to Klipspruit. The municipality has even framed the regulations in that regard. It is, however, reported that the Kaffirs, instead of going to the Location, continue to stay on with their masters in the town, though some of them have acquired land in the Location.

#### NEW LAW FOR THE MUNICIPALITY

The Johannesburg municipality wants a new law to be passed during the current session of the legislature. It has asked for, among

other things, authority to provide for Asiatic Bazaars also.

[From Gujarati]

*Indian Opinion*, 2-6-1906

### 231. LETTER TO LAKSHMIDAS GANDHI<sup>1</sup>

JOHANNESBURG,

May 27, 1906

RESPECTED BROTHER,

I have your letter of the 17th April. I do not know what to say. You are prejudiced against me. There is no remedy against prejudice. I am helpless. I can only reply to your letter in full.

1. I have no idea of separating from you.
2. I claim nothing there.
3. I do not claim anything as mine.
4. All that I have is being utilized for public purposes.
5. It is available to relations who devote themselves to public work.

6. I could have satisfied your desire for money if I had not dedicated my all for public use.

I have never said that I have done much for brothers or other relations. I gave them all that I could save; and this I have mentioned not out of pride, and only to friends.

Rest assured that I will cheerfully assume the burden of supporting the family in case you pass on before me. You need have no fear on that score.

I am not now in a position to send you money as you desire.

It is well if Harilal is married; it is also well if he is not. For the present at any rate I have ceased to think of him as a son.

I am willing to go to India to attend Mani's wedding if at all possible. But I cannot give you any idea of my present condition. I am so hard pressed for time that I scarcely know what to do. Please cable the date of marriage, so that if possible I might hold myself in readiness to go.

I might perhaps inform you that I am in debt to Revashankarbhai.

<sup>1</sup> The letter was translated from Gujarati by V. G. Desai who tells us that it was revised by Gandhiji himself.

You may repudiate me, but still I will be to you what I have always been.

I do not remember that I expressed a desire to separate from you when I was there. But even if I did, my mind is now quite clear, my aspirations are higher and I have no desire for worldly enjoyments of any type whatever.

I am engaged in my present activities as I look upon them as essential to life. If I have to face death while thus engaged, I shall face it with equanimity. I am now a stranger to fear.

I like those who are pure in heart. Young Kalyandas, Jagmohandas's son, is like Prahlad in spirit. He is therefore dearer to me than one who is a son because so born.

M. K. GANDHI: *Selected Letters*: (First Series), Navajivan, 1949

## 232. STATEMENT PRESENTED TO CONSTITUTION COMMITTEE<sup>1</sup>

[JOHANNESBURG,  
May 29, 1906]

### WHITE PREDOMINANCE

(1) The British Indian Association has always admitted the principle of white predominance and has, therefore, no desire to press, on behalf of the community it represents, for any political rights for the sake of them. But past experience shows that in a Colony enjoying self-government, communities that have no voice in the choice of representatives have been very largely neglected.

### HISTORY OF BOER ANTI-INDIAN LEGISLATION

(2) There is in the Transvaal, at the present moment, an estimated population of over 12,000 British Indians. Before war, the adult Indian population was 15,000.

(3) The first Indian settlers found their way into the Transvaal in the early eighties.

(4) They were then free from restrictions of any kind whatsoever.

(5) But by their successful enterprise, they aroused the jealousy of white traders and soon there sprang up an anti-Indian agitation

<sup>1</sup> This along with the addenda was presented to the Constitution Committee. Vide "Johannesburg Letter", After 18-5-1906

initiated by chambers of commerce wherein the British element was predominant.

(6) As a result, the Government of the late President Kruger approached Her late Majesty's Government for permission to pass legislation restrictive of the liberty of British Indians. They proposed to interpret the term, "Natives", occurring in the London Convention, to include Asiatics.

(7) This contention Her Majesty's advisers rejected but they were not unwilling, for "sanitary reasons", to sanction legislation restricting Asiatics as to their residence to Bazaars or Locations with the proviso that British Indians of the trader class should be left entirely free.

(8) As a result of these negotiations, Law 3 of 1885 as amended in 1886 was passed.

(9) Immediately it became known, a strong protest went up from British Indians.

(10) It was then realized that the Law was, contrary to the expectations of Her late Majesty's Government, sought to be enforced against all British Indians.

(11) Then followed a series of strong representations by Her late Majesty's Government, addressed to the late Boer Government, culminating in the matter being submitted to the arbitration of the then Chief Justice of the Orange River Colony.<sup>1</sup>

(12) Between 1885 and 1895, therefore, the Law 3 of 1885 practically remained a dead letter, although the Boer Government always threatened to enforce it.

(13) The award of the arbitrator did not define the legal position. But it left the question of interpretation of Law 3 of 1885 to the Courts of the late Republic.<sup>2</sup>

(14) British Indians again appealed to the British Government for protection.

(15) Mr. Chamberlain, whilst he declined to disturb the award, did not abandon the case for the Indian subjects of Her late Majesty. In his dispatch dated the 4th September 1895, he stated:

In conclusion, I would say, that whilst desirous loyally to abide by the award, and to allow it to close the legal and international question 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 the

<sup>1</sup> 1888.

<sup>2</sup> *Ibid*

traders, and possibly to invite the 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 reason to believe, does not emanate from the governing class in the Republic.

This was in 1895.

(16) Owing, then, to such representations, which continued up to the time of the war, the Law in question was never effectively enforced, and Indians traded and lived where they liked, in spite of the prohibition contemplated by it.

(17) But an enforcement of the Law being imminent in 1899, it was, among other things, a subject for discussion at the Bloemfontein Conference, which preceded the war. The subject was considered so important by Lord Milner that, when the question of franchise to the Uitlanders seemed to admit of a settlement, Lord Milner cabled that the question of the status of coloured British subjects was still outstanding.

(18) Lord Lansdowne declared that it was a contributory cause of war.

(19) At the close of the war, and at the time of the Vereeniging compact, His Majesty's Government informed the Boer representatives that the status of Coloured persons should be the same in the two Colonies as at the Cape.

#### THE POSITION TODAY

(20) But today the position is worse than before war.

(21) The Progressive party, from which at least Indians as fellow-loyalists and fellow-sufferers before war may claim a fair measure of justice, has stated it as an item of its programme that the liberty of British Indians should be specifically restricted. If its desires were carried out, the position, bad as it is today, would be much worse then.

(22) From the Dutch party, it is now impossible to expect any measure of reasonableness.

(23) Under Responsible Government, then, British Indians and others similarly situated, unless they are specially protected, stand practically little chance of justice being done to them.

#### REMEDY

(24) It would, therefore, seem that the granting of the franchise



to British Indians would be the most natural means of protecting their interests.

(25) It has been urged that the treaty of Vereeniging precludes the possibility of any such provision being made.

(26) But it is respectfully submitted that the term “Natives”, whatever else it may mean, can never include British Indians.

(27) The Statute-book of the Colony is replete with laws which deal with the “Natives”, but which admittedly do not apply to Asiatics or British Indians.

(28) The fact that Law 3 of 1885 deals specially with Asiatics and does not apply to the “Natives” shows, too, that the Transvaal laws have almost invariably distinguished between “Natives” and “Asiatics”.

(29) Indeed, whereas Natives can, owing to the meaning that the term has borne, hold landed property in the Transvaal, Asiatics cannot.

(30) Thus, therefore, so far as the Vereeniging compact is concerned, there appears to be no justification whatever for depriving the Indians of the franchise.

(31) But the Committee of the British Indian Association is well aware of the almost unanimous hostility of white races against provision being made in the Constitution for a grant of the franchise to British Indians.

(32) If, therefore, such a grant be considered impossible, it is absolutely essential that, apart from the orthodox reservatory clause as to the power of veto over all *class* legislation, there should be a special clause which shall be a living reality, and which, instead of being exercised only on the rarest occasions, should ensure the fullest protection to the British Indian settlers as to their right to own landed property, freedom of movement, and freedom of trade, subject to such safeguards of a *general* nature as may be considered necessary, and are made applicable to all, irrespective of race or colour.

(33) Then, and only then, will it be possible, apart from the inherent right that every British subject should have to ordinary civil rights in British dominions, for His Majesty’s advisers to redeem the promises specifically made to British Indians as to their status in the Transvaal.

(34) Much of what has been stated above applies to the position of British Indians in the Orange River Colony.

(35) There the Indian has no rights, save as a domestic servant. An elaborate anti-Asiatic law deprives him of practically all civil

liberty.

(SIGNED) ABDUL GANIE

PRESIDENT, B. I. A.

E. S. COOVADIA

H. O. ALLY

EBRAHIM H.

KHOTA

E. M. PATEL

E. M. JOSSEP

J. A. PATEL

M. K. GANDHI

#### APPENDIX A

For authorities in support of the facts cited in the foregoing statement, the Deputation beg to refer the Constitution Committee to the following:

1. *Transvaal Green Book*, No. I of 1894.
2. *Transvaal Green Book*, No. 2 of 1894.
3. *Blue Book on Grievances of British Indians in the Transvaal*, published in 1896.
4. *Blue Book* containing correspondence relating to British Indians in the Transvaal—Cd. 2239.
5. *Laws and Volksraad Resolutions*, & c., relating to “Natives and Coolies” (a separate Government publication).
6. Chapter XXXIII, p. 199, *Laws of the Orange River Colony*.

#### APPENDIX B

The following is a comparison of the position of British Indians in the Transvaal under Boer and under British rule.

##### *Before the War*

(1) Indians were free to enter the country without restriction.

(2) Payment of registration fee not enforced.

##### *Under British Rule*

(1) No immigration permitted other than of *bona-fide* refugees who left on the eve of the war, and they are only admitted gradually and after long delay for the consideration of their applications. Permits are required even for little children, and every Indian has to attach his thumb-impression on these documents.

(2) Registration fee of £3, on pain of fine not exceeding £100, or imprisonment for not more than 6 months, strictly enforced. Attempt is being made now to exact

- |   |   |
|---|---|
| <p>(3) Landed property could be held in the names of Europeans.</p> <p>(4) Indians held 99 years' lease for landed property in Location or bazaar in Johannesburg.</p> <p>(5) No separate inquisitorial Asiatic Department.</p> <p>(6) Many harsh legislative restrictions allowed to remain inoperative owing largely to British intervention.</p> | <p>registration fees from Indian women and require them to take out permits.</p> <p>(3) The law against Asiatics holding real property strictly enforced, even in cases where land is required for religious purposes.</p> <p>(4) These leases have been expropriated under the Insanitary Area Commissioner's Report, without the owners receiving equal title elsewhere in Johannesburg in a suitable position.</p> <p>(5) Office of Registrar of Asiatics established; is arbitrary in procedure and delays the settlement of individual applications, permits, etc.</p> <p>(6) Inoperative Boer enactments brought into force, and rendered more stringent by Ordinances or Executive Orders, and British Indians offensively classed in legislation with Kaffirs, savages, and semi-civilised races.</p> |
|---|---|

The following addendum was prepared at the instance of the Constitution Committee.

#### CIVIL DISABILITIES

**I.** The Commissioners seem to be under the impression that British Indians have full rights in the Transvaal.

**II.** Unfortunately, as will appear from the schedule attached to the statement, British Indians have very few civil rights; we venture to recapitulate the civil disabilities:

#### NO OWNERSHIP OF LAND

**III.** (1) British Indians cannot own landed property, including even long leases, except in Locations or streets set apart for them.

(2) There are no streets set apart, but there are Locations far away from town, like the Continental Ghettos. And in these, too, except in one or two places, Indians are only monthly squatters. In Pretoria and Potchefstroom alone do they receive twenty-one years' leases. In Germiston, they have even received notices not to receive any tenants on their Stands. The notice reads as follows:

You are hereby notified that you are not permitted to sublet rooms to natives or others. Such subletting to any person is a breach of the contract

under which you are allowed to hold a stand, and renders you liable to have your stand permit cancelled, and yourself expelled from this location.

(3) So much is this prohibition carried out in practice that Indians are unable to have their mosques transferred in the names of Indian trustees.

#### REGISTRATION FEE

(4) Indians have to pay a registration fee of £3 on arrival in this country. The Government has now threatened even to require women and children to take out registration certificates.

#### FOOT-PATHS AND TRAMWAYS

(5) Indians in Pretoria and Johannesburg are prohibited by law from walking on the foot-paths. They, however, do make use of them on sufferance. An attempt was only recently made to prevent them from using the foot-paths.

(6) Indians are not allowed to make use of the tram-cars in Pretoria.

(7) They are prevented in Johannesburg from riding in the ordinary cars but special trailer cars are occasionally run for Coloured people.

(8) It was contended on behalf of the Indians that, under the ordinary by-laws, they could insist on riding in the tram-cars. The Town Council opposed the contention on the ground that certain smallpox regulations that were promulgated by the late Dutch Government in 1897 were still in force. The matter was twice tested before the Magistrate at Johannesburg and, each time, the Town Council lost. It has, therefore now met the Indians by cancelling, the by-laws regulating the traffic on the tram-cars. In order to gain its end, the Town Council is now running the Municipal cars without any by-laws whatsoever. Whether under the common law Indians will be able now to make good their right or not is an open question.

It is worthy of note that the above-mentioned cancelling by-law was surreptitiously published in the following manner:

Prior to the 9th May, 1906, in accordance with Section 22 of Proclamation 16 of 1901, a notice had been published in a newspaper circulating in the Municipality, setting forth the general purport of these proposed amendments and stating that they were open to inspection at the office of the Council.

On the 9th inst., a meeting of the Town Council was held. The notice was apparently advertised in such a manner as to render it almost a matter of impossibility for parties concerned to challenge the

proposed amendments, owing chiefly to the fact that no report of them had appeared in the ordinary columns of the newspapers, and to the further fact that, as will be seen, the proposal came through the Works Committee, instead of the Tramways and Lighting Committee, which would ordinarily concern itself with Tramways Regulations as it has done in the past.

On the occasion of the aforesaid Council meeting, the Works Committee brought forward the proposed amendment on the following pretext:

Since the Tramway System was taken over by the Municipal Council, the Traffic Bye-laws applicable to tram-cars are no longer required as they were only intended for application to private tram-cars. It is proposed, therefore, that the Bye-laws should be amended accordingly.

The proposals were submitted at the end of a long agenda, when even the most vigilant Councillor might have been lulled into a sense of security, especially in view of the seemingly innocuous nature of the preamble and passed without comment. A notice appeared in the *Government Gazette* of the 18th inst., adopting the proposed cancelling bye-law, and giving it the force of law. The whole matter, therefore, was settled practically behind the backs of the British Indians within a period of nine days, for all practical purposes, without warning.

(9) Attempt is now being made to expropriate what is known as the Malay Location in Johannesburg, which has a large Indian population, and to send the Indians to a place thirteen miles away from Johannesburg.

#### PERMIT ORDINANCE

(10) Whereas formerly Indians were free to immigrate into the Transvaal, at present the Peace Preservation Ordinance, which is purely a political law, is being wrested from its legitimate purpose to prevent Indians from entering the Transvaal. Not only are new Indians being prevented from entering the country, but the following exceptional hardships are imposed on all residents of the Transvaal:

(a) There are no published regulations regarding the administration of the Ordinance.

(b) It changes according to the whims or prejudices of the officials administering it. The following is, therefore, the practice in vogue today:

(i) Indians, who were in the Transvaal before war and who paid £3 for registration, are prevented from returning, unless they can prove absolutely that they left on the outbreak of hostilities.

(ii) Those who are allowed to enter the Transvaal have to put their thumb-impressions upon their applications, as also upon their permits, and they are required to put them each time they enter the Transvaal. This is applicable to all Indians without regard to their position and without regard to the fact whether they can sign their names in English or not. An England-returned Indian gentleman, who speaks English well, and who is a very well-known merchant, was twice obliged to put his thumb -impression .

(iii) Wives and children under twelve years of such Indians are now required to take out separate permits.

(iv) Children, twelve years old or over, of such Indians are not allowed to join or accompany their parents.

(v) Indian merchants are not allowed to import any trustworthy clerks or managers, unless the latter are themselves such as fall within the first clause hereinbefore referred to.

(vi) Even those who are allowed to enter have to wait for months before they are permitted to enter the country.

(vii) Even temporary permits are refused to Indians of respectability. Mr. Suliman Manga, who is studying for the bar in London, wishing to pass through the Transvaal on his way to Delagoa Bay, was refused a permit when his case was considered as of a British subject. When it became known that he was a Portuguese subject, for fear, evidently, of international complications, he was granted a temporary permit.

(viii) Such is the terrible position of British Indians who are resident in the Transvaal. It is growing daily worse, and unless the Imperial Government is willing and ready to protect them, the ultimate result can only be slow extinction.

#### WHAT EUROPEANS WILL DO.

(11) The following facts will shew what the Europeans of the Transvaal will do, if they are left to themselves:

(a) The National Convention, which specially met to consider the Asiatic question, passed the following resolutions:

(1st) That having regard to the preponderance of the native races in this country, the difficulties surrounding the settlement of native policy, the necessity for protecting the existing European population and encouraging further European immigration, this Convention affirms the principle that Asiatic immigration should be prohibited except under the provisions of the Labour Importation Ordinance.

(2nd) That this Convention, having regard to the importance of arriving

at a permanent and conclusive settlement of the whole question and preventing any further attempts to reopen the matter, recommends that the Government be invited to take into consideration the advisability of removing into bazaars all Asiatic traders, compensation being provided for such as may have vested interests which have been legally acquired prior to the war.

(3rd) That this Convention, recognising the grave danger resulting from the continued issue of trading licences to Asiatics permitting trade outside bazaars, requests the Government to take immediate steps to pass the necessary legal enactments to prevent any further issue of such licences and that with regard to the appointment of any proposed Commission to deal with the Asiatic question, this Convention urges upon the Government the necessity for including therein men, other than officials, with a thorough knowledge of existing conditions in South Africa.

(4th) That this Convention affirms its opinion that all Asiatics should be required to reside in bazaars.

(b) The following is the declared policy of the Progressive party:

The restriction of immigration of Asiatics into the Transvaal, except in the case of indentured labourers who are subject to repatriation at the expiration of their contract, and the regulation of Asiatic trading licences.

(c) The people of Potchefstroom once met together, created a disturbance, and even broke the windows of Indian stores.

(d) The Europeans of Boksburg wish to remove Indians from their present Location, which they occupied before war, to a site far away from town where trade is utterly impossible, and they have more than once threatened to use physical force should an Indian attempt to open a store outside the Location.

#### PAST EXPERIENCE—A PARALLEL

(12) In the main statement, the Deputation have urged that past experience shows that the deprivation of the franchise and the orthodox power of veto have been totally inadequate to protect Indians.

(13) We will venture now to give instances:

In Natal, after the grant of Responsible Government, Indians were virtually deprived of the franchise. The late Sir John Robinson, in supporting the Bill, said that, by disfranchising Indians, every

member of the Natal Parliament became a trustee for Indians.<sup>1</sup>

Soon after the Bill became an Act of Parliament the trust was thus discharged:

(a) An annual poll-tax of £3 was imposed on all indentured Indians, who entered after its promulgation, to be payable on the termination of their indentures, unless they returned to India or re-indentured themselves.

(b) An Immigration Restriction Act was passed prohibiting all who did not possess a knowledge of one of the European languages from entering Natal unless they were formerly domiciled in the Colony.

(c) A Dealers' Licenses Act was passed with absolute powers to the Town Councils or Licensing Boards to control trade licences. It ousts the jurisdiction of the Supreme Court. Ostensibly applying to all traders, it is enforced only against Indians. And under it, no Indian, however, well established, is ever secure as to his license from year's end to year's end.

Against all this legislation, the Imperial Government has felt powerless to protect British Indians.

#### THE UNIQUE POSITION IN THE TRANSVAAL AND THE ORANGE

##### RIVER COLONY

(14) Whether Indians are granted the franchise under the Constitution or not, a special clause protecting vested interests is absolutely necessary.

(15) No Colony on the eve of receiving self-government has presented the features that the Transvaal and Orange River Colonies present.

(16) All the causes for which the war took place have not been removed. Anti-Indian legislation of the Transvaal was one of the causes.

(17) Promise made by the Home Government that Indians and other Coloured people in the two Colonies should be treated the same way as those at the Cape has not yet been redeemed.

(18) Negotiations were actually pending between the Home Government and the Local Governments as to the removal of the disabilities of British Indians when His Majesty's new Ministers decided to grant Responsible Government to the two Colonies, and the negotiations have, therefore, been suspended or dropped altogether.

<sup>1</sup> *Vide* "The Plague", 9-7-1903



(19) The position at the Cape is that Indians have equal rights with the Europeans, i.e.,

(a) They have the same franchise rights as the Europeans.

(b) They are under the same Immigration Restriction Act as the Europeans.

(c) They have equal rights with the latter to hold landed property and to trade.

(d) They have full freedom of locomotion from place to place. Dated at Johannesburg this 29th day of May 1906.

*Indian Opinion*, 2-6-1906

### 233. INDIAN PASSENGERS

Of late our Gujarati correspondence columns have been full of complaints from Indian deck-passengers who so largely patronise the steamers of the German East Africa Company. Our correspondents have complained of over-crowding, insufficient sanitary arrangements, and general want of consideration for deck-passengers. Some of them state that the passengers are very much inconvenienced whenever the steamers touch any port. They are then without any cover, and are called upon to shift their luggage. We draw the attention of the local agents of the Company to these complaints. In many respects, we are aware that a certain amount of inconvenience is inseparable from the mode of travelling that the poor Indian passengers are compelled to select. It is impossible to expect much from accommodation on deck. At the same time, it is a notorious fact that the deck-passenger traffic is the most lucrative and least troublesome. It, therefore, behoves the Company's managers to ensure as much comfort as is possible in the circumstances for the deck-passengers, if only for mercenary reasons.

*Indian Opinion*, 2-6-1906

### 234. A PERMIT CASE

Our Johannesburg correspondent reports a case tried the other day before Mr. Cross at the Johannesburg Court. One Adam Ebrahim, a lad under twelve years, was brought before the Magistrate for being in the Transvaal without a registration certificate.

The form of prosecution was somewhat novel, for hitherto all such cases were tried under the Peace Preservation Ordinance. Whilst escape under it was less easy, there was no penalty in the nature of a fine or imprisonment, whereas a conviction under Law 3 of 1885

renders the accused liable to a fine of not more than £100 or not more than six months' imprisonment, with or without hard labour. Happily, counsel for the accused had no difficulty in showing that the boy was not liable to pay the registration fee on entering the Transvaal.

Thus, the more galling the shackles imposed by the Government upon the Indian, the heavier, it would appear, is the liberating blow delivered by the judicial hammer. The Judiciary protects what the Executive would gladly destroy. Will Lord Selborne still say that the administration of the Law, which has now been demonstrated to be illegal, is reasonable and is being carried on with due consideration for those affected by it?

*Indian Opinion*, 2-6-1906

### 235. THE LATE DR. SATHIANADHAN

We regret to have to chronicle the news of the death of the late Professor Sathianadhan of Madras. Our exchanges from India are full of appreciation of the deceased Professor's work. Dr. Sathianadhan died in harness, and in the prime of life. Brilliant as his career was, it was a life full of much greater promise.

The deceased gentleman was an M. A., LL. B. of Madras University, and [a] very conscientious convert to Christianity. He was respected by all classes for his sterling qualities both of the head and of heart, and so much enjoyed the confidence of the Government, that he was appointed to officiate as Deputy Director of Public Instruction. The death of such an Indian removes from Indian society a figure it can ill afford to lose. We beg to tender to the family of the deceased gentleman our respectful sympathy in their loss, which is indeed a national loss.

*Indian Opinion*, 2-6-1906

### 236. IMMIGRATION LAW IN THE CAPE

It appears from what our Cape correspondent reports that there will no longer be any difficulties for Indians on a temporary visit to the Cape. There has so far been in the Cape no provision for temporary visits such as exists in Natal.

However, according to our correspondent, the amendments to the Immigration Act that have come up for consideration before the present Parliament will cause much hardship. As we have said earlier, under the new Act, if it is passed, the authority to decide as to who has acquired domicile will pass from a court to an executive officer. If this

happens, it will be a very serious matter. Moreover, it is at present possible for a man to enter the Cape if he has South African domicile; but under the new Act, just as in Natal, only a Cape resident will be able to enter the Cape. The British Indian League ought to resist both these changes. We hope the members of the League will move in the matter immediately.

[From Gujarati]

*Indian Opinion*, 2-6-1906

### 237. *SIR HENRY COTTON AND INDIANS*

Our readers will see from an extract we print from *India* how Sir Henry Cotton, at one time Commissioner of Assam, is putting up a great fight for us in Parliament, and for this we are all grateful to him. We must inform our readers on this occasion that the working force behind Sir Henry Cotton is the British Committee of the [Indian National] Congress. Sir Henry tables those questions that are prepared by the Committee, and the leading members of the British Committee are Sir William Wedderburn and Dadabhai Naoroji, the Grand Old Man of India. We are therefore under a deep obligation to that Committee also.

[From Gujarati]

*Indian Opinion*, 2-6-1906

### 238. *THE NATAL REBELLION*

We publish elsewhere a translation of a letter an old Colonist has addressed to *The Times of Natal*. The substance of it is that the Indians are not able to go to the battle-field, but that they can assist the men at the front with the requisite amenities. It is necessary that Indians help in the way they did when a fund was started at the time of the Boer War. It will be good to collect some money and send it to the Government or to some Fund that might have been started. We shall then be considered to have done our duty to that extent. We hope the leaders of the community will take up this matter.

[From Gujarati]

*Indian Opinion*, 2-6-1906

### 239. A NEW SAN FRANCISCO

It is certainly not for the first time that the reader is reminded of the proverb, "God can do what He wills within the instant." History furnishes many examples of a pauper becoming wealthy and a wealthy man turning pauper in a moment. But this rule is not confined to individuals. The rule, "from the palace to the hovel", and *vice versa* can apply equally to a whole city or country. The recent San Francisco earthquake is a case in point. Three hundred thousand persons—why, even more— were in a moment rendered homeless ! Thousands, who were used to living in comfort and the luxury of big palaces and did not have to tell day from night, were left without even a rickety hut. Spacious and well-furnished mansions and beautiful streets, razed to the ground in a movement and reduced to a heap of dust, have paid their obeisance to Time. A barren desert has spread over the site once covered by gardens and villas. Countless men have been deprived of shelter and food in the twinkling of an eye. Who, having seen this, would not wonder at the mysterious ways of God? By far the more astonishing fact is, however, quite a different one. True bravery consists in standing erect and boldly in the face of the cruel blow dealt by such a fearful catastrophe. This colossal task has been undertaken by the people of San Francisco. Well known for its perseverance and industry, the American nation is out to prove its mettle. The task of reconstructing a new and more splendid San Francisco without the aid of the outside world and in the face of divine wrath has begun. Plans are being drawn up to add to the world's beauty by recreating a more beautiful San Francisco. Huge structures are being erected for bringing a new celestial city into being. Thousands of workmen have been invited from distant lands. The quantity of steel ordered for the purpose is so large that it might lead to a boom in the country's iron market. Plans are being drawn up to construct a new dock of the latest style, the like of which will be found only in a few parts of the world. The streets are so planned that they will further add to the charm of the new city. The people there are thus fully prepared to meet this natural calamity in a variety of ways. With the help of electric power generated from waterfalls, human intelligence has been able to run railway trains and factories thousands of miles away. It has been able to produce ships and balloons voyaging across the high seas and reaching the highest regions of the sky. It is also conducting experiments to communicate with men on other planets of the Universe. But the selfsame

intelligence cannot feel the tremors within the bowels of the earth and is unable to prevent the occurrence of earthquakes. This, indeed, is a matter for sorrow, but it should certainly gladden our hearts to see how man faces such shocks with courage.

[From Gujarati]

*Indian Opinion*, 2-5-1906

#### 240. LETTER TO COLONIAL SECRETARY

DURBAN,  
*June 2, 1906*

TO

THE HONOURABLE THE COLONIAL SECRETARY

PIETERMARITZBURG

SIR,

We have the honour to acknowledge your letter of the 30th ultimo with reference to the offer of the Natal Indian Congress to raise an Ambulance Corps.<sup>1</sup>

The Committee of our Congress is grateful to the Government for accepting the offer. Our Committee has, as desired by the Government, placed itself in communication with the Principal Medical Officer, Natal Militia. Copy of said communication is herewith enclosed.<sup>2</sup>

*We have the honour to be,*

*Sir,*

*Your obedient servants,*

O. H. A. JOHARI

M. C. ANGLIA

JOINT HONORARY SECRETARIES, N.I.C.

*Indian Opinion*, 9-6-1906

<sup>1</sup> *Vide* "Letter to Colonial Secretary", 25-4-1906

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

241. LETTER TO PRINCIPAL MEDICAL OFFICER

DURBAN,  
June 2, 1906

TO  
THE PRINCIPAL MEDICAL  
OFFICER  
NATAL MILITIA  
PIETERMARITZBURG  
SIR,

The Natal Indian Congress has received from the Government a communication accepting the offer of an Indian Ambulance Corps.

As a preliminary trial, the Government state that the Corps should consist of 20 stretcher-bearers. Our Committee has the honour to inform you that 20 men will be at your disposal at the time and place that you may be pleased to advise. We take it that you will make the necessary arrangements for equipment, uniform and transport.

The Government have informed our Committee that the pay of the Corps will be one shilling and six pence per day per man. When the offer was made, it was the intention of the community represented by the Congress to pay the men. Our Committee, therefore, trusts that the Government will be pleased to allow the Indian community to pay their men. At the same time, we beg to submit that it is not possible to raise the Corps on a salary of less than one pound per week, which sum, we are instructed to say, the Indian community is willing to pay as long as the services of the Corps are required.

We beg further to add that most of the men, whilst in every respect willing to work, are untrained, for no fault of their own, for the purpose of an Ambulance Corps.

*We have the honour to remain,*

*Sir,*

*Your obedient servants,*

O. H. A. JOHARI

M. C. ANGLIA

JOINT HONORARY SECRETARIES, N.I.C.

*Indian Opinion, 9-6-1906*

## 242. JOHANNESBURG LETTER

*June 6, 1906*

### THE STORY OF THE TRAM CASE

The tram case has taken a new turn. A keen tussle is going on between the Town Council and the Indians. Neither side would accept defeat.

While, on the one hand, the Town Council abolished the tramway regulations on the excuse that none were necessary, a committee of the Council has, on the other, framed new ones. From information received from confidential sources, I learn that Mr. Duncan<sup>1</sup> attended the Committee meeting. The Committee expressed the opinion that there should be a provision in the Regulations forbidding Indians from travelling in tram-cars; that they might, if they so desired, use separate trams; and that only Indians with special permits could travel by all the trams. Mr. Duncan, it is said, opposed this view of the Committee, saying that, just as the Indian community had remained patient in the matter of the railway, so they would remain patient in the matter of the tramway too, if some concessions were granted. If further harassment were caused, they would be provoked and the result would be far from desirable. The Committee's work of framing Regulations is still going on. In a few days, when these are published, we shall know more about them.

The Town Council has thus been active in the matter. Meanwhile, the Indian community has taken a step forward. Mr. Abdul Gani, the Chairman of the British Indian Association, and Mr. Polak, the present English Editor of this journal, got into a tram. The conductor refused to allow Mr. Abdul Gani to sit, but he said that he would not get off the tram unless forced to do so. The conductor called in the police, who also got the same reply. At last, the Tram Inspector arrived and spoke politely to Mr. Gani. As a result of the talk, it was decided that Mr. Abdul Gani would be prosecuted on a charge of having obstructed the tram-car. Mr. Abdul Gani and Mr. Polak agreed to this and got down. When this was reported to the Town Council by the Inspector, the Town Clerk immediately wrote a note to Gani and Polak requesting them to see him. He told them that the Indians had done enough, and that they should not further harass the Council; that the Regulations in the matter would be published in a few days; and that, if the Indians did not approve of them, they might

<sup>1</sup> Colonial Secretary

challenge them. The Town Clerk requested them to spare the Council for the time being.

#### THE DEPUTATION TO ENGLAND

A second cablegram regarding a deputation to England has been received from Sir William Wedderburn. Though the Committee working for us in England is not very hopeful of success, it suggests that Mr. Gandhi alone may be sent to England by the same steamer by which the Constitution Committee will sail. The Committee is likely to leave for England towards the beginning of July. The Committee of the Association met on the night of Wednesday last to consider the membership of the deputation. It passed a resolution calling for a meeting of all the Indians in Johannesburg and appealing for funds. It further decided that Mr. Haji Habib, the Secretary of the Pretoria Committee, and Mr. Haji Ojer Ali might be sent, besides Mr. Gandhi, if sufficient funds could be raised. I have already written that this meeting will be held at 2 p.m. in the West End Hall.

#### MINERS' DEMANDS

The Miners' deputation, which waited on the Committee, demanded that Indians should in future be denied entry into the Colony, and that further issue of trade and other licences to them should be stopped.

#### PERMIT HARDSHIPS

Tired of the permit problems, the Association has now taken the last step. It has written to the Government saying that, if the difficulties regarding permits were not now ended, the Association would file cases to test the four following principles:

1. Those who can prove having made a payment of £3 to the Boer Government should be allowed to enter without permits;
2. children under sixteen of parents who are themselves entitled to enter should be allowed in, and that without a permit;
3. wives of those who are entitled to enter should be allowed in without a permit; and, lastly,
4. instead of the current practice of arbitrarily issuing permits to whomsoever the Government wishes, there should be clear and definite regulations to determine those eligible for permits.

The Association has issued instructions that, if the Government does not give a satisfactory reply in this matter, test cases should be instituted on all the said points.

[From Gujarati]

*Indian Opinion*, 9-6-1906



243. LETTER TO DADABHAI NAOROJI

DURBAN,  
NATAL,  
June 8, 1906

TO  
THE HON'BLE DADABHAI NAOROJI KENNINGTON ROAD  
LONDON  
DEAR SIR,

I had your last cablegram suggesting that I should go to England alone by same steamer as the commissioners.

I was making preparations accordingly, when a communication was received from the Natal Government accepting the offer of the Indian community to form an "Indian Stretcher-Bearer Corps". I am, therefore, expecting to leave for the front any day.

Under the circumstances, we have all decided that the formation of the Corps is far more important than a visit to England. It is recognised that I should be with the Corps, at least in the initial stages. It is evident that the Natal Government intend to test the capability of the Indians for ambulance work.

I fear, therefore, for the present, I should abandon any idea of going to England.

We here, therefore, hope that the Committee that is looking after Indian interests in South Africa will take the necessary steps to place the position before the Government.

You will have seen the statement placed before the Constitution Committee<sup>1</sup> on behalf of the British Indians in the Transvaal. It represents all that could be said in the matter. The statement appears in *Indian Opinion* for the 2nd instant.

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

From a photostat of the original: G. N. 2273

<sup>1</sup> *Vide* "Statement Presented to Constitution Committee", 29-5-1906

#### 244. INDIANS AND THE NATIVE UNREST

The Government have at last accepted the offer of the Indian community, and put it upon its mettle. By way of experiment, they want a corps of twenty stretcher-bearers. The Natal Indian Congress has sent in a prompt reply.<sup>1</sup> We think the Congress has done well in offering to defray the wages of the bearers, so long as the corps remains in the experimental stage.

The acceptance by the Government synchronizes with the amendment of the Fire-Arms Act, providing for the supply of arms to Indians, and the statement made by Mr. Maydon to the effect that the Government intended to give Indians an opportunity of taking their share in the defence of the Colony.

Indians have now a splendid opportunity for showing that they are capable of appreciating the duties of citizenship. At the same time, the fact of the corps being raised is nothing to be unduly proud of. Twenty Indians, or even two hundred, going to the front is a flea-bite. The Indian sacrifice will rightly be considered infinitesimal. But it is the principle involved which marks the importance of the event. The Government have, by accepting the offer, shown their goodwill. And if Indians come successfully through the ordeal, the possibilities for the future are very great. Should they be assigned a permanent part in the Militia, there will remain no ground for the European complaint that Europeans alone have to bear the brunt of Colonial defence, and Indians will cease to feel that, in not being allowed to participate in it, they are slighted.

*Indian Opinion*, 9-6-1906

#### 245. SOLDIERS' FUND

The Durban Women's Association has started a special fund for the soldiers who have gone to the front to fight the Kaffirs. All leading men have contributed to the Fund and some Indian names are seen among the contributors. It is our advice that more Indians, traders and others, should subscribe to the Fund. We mentioned last time how a correspondent had advised us to raise such a fund in Maritzburg. He says that, since we cannot bear our full share of the burden in the war, it is better that we help in this manner.

<sup>1</sup> *Vide* "Letter to Colonial Secretary", 2-6-1906

The soldiers' life is a hard one. The salary and allowances that the Government pay them are not always enough. Those, therefore, who do not go to the front should, in order to express their sympathy, raise a fund for the purpose of sending the soldiers fruits, tobacco, warm clothing and other things that they might need. It is our duty to subscribe to such a fund.

[From Gujarati]

*Indian Opinion*, 9-6-1906

## 246. INDIAN POSITION IN NATAL<sup>1</sup>

[Before June 13, 1906]

Two things cause the greatest trouble to the Indian community in Natal. The first is the Dealers' Licenses Act.

When this Act was passed, the late Sir Henry Binns strongly protested against it, saying that it was an un-British measure, and that the ousting of the ordinary jurisdiction of the Supreme Court was a dangerous principle. Experience has shown the justness of these prophetic words. The administration of the Act was, in its initial stages, marked by an excess of zeal in restricting British Indian trade. The Licensing Officer at Newcastle refused to renew all Indian licences, that is, nine in number. It was after very great expense and trouble that six of them were renewed. As a result, and owing to pressure from the Colonial Office, the Government issued a warning to the licensing authorities that, unless they administered the Act with prudence and moderation and respected existing licences, the Government might be obliged to amend the law, and restore the jurisdiction of the Supreme Court. The circular letter served its purpose for a time. It could do no more. Three typical cases have since happened to show how harsh has been the administration.

1. Mr. Hoondamal, who has been trading in the Colony for some time, wished to change premises, and to remove from Grey Street to West Street.<sup>2</sup> The shop was absolutely free from objection from a sanitary standpoint. It belonged to an Indian landlord, and it was in a block of buildings which have been devoted to Indian traders

<sup>1</sup> This was published in *The Natal Mercury* of 13-6-1906. That paper had suggested that Indians should "set down their grievances concisely in writing for the benefit of the public, who would then be in a better position to form an opinion". The statement was later reproduced in *Indian Opinion*

<sup>2</sup> *Vide* "Indian Licences: Need for Vigilance —I" 18-2-1905

for several years. Mr. Hoondamal had a fancyware business, and dealt in Oriental silks and other fancy goods. He did not come into competition with any European. His shop was kept in a scrupulously clean condition, but the transfer from one premises to another was rejected by the Town Council.

2. Mr. Dada Osman had been in trade in Vryheid for several years before the war.<sup>1</sup> The place he was trading in was considered a Location or a Bazaar during the Boer regime after Vryheid was annexed to Natal the Licensing Board refused to renew his licence, unless he would go to another Location far away from town, where it was impossible for him to do any business at all. Mr. Dada Osman's business in Vryheid has, therefore, proved a very serious loss to him. In this case, as also in the previous case, many certificates from Europeans of good standing were produced to show the respectability of the applicants. It should be remembered that Mr. Dada Osman's was the only Indian store in Vryheid. To add to the misery of the position, the anti-Asiatic laws of the Transvaal have been taken over bodily for this district of Natal. A British Indian, therefore, staying in Vryheid, not only has to undergo the disabilities that the Natal laws imposed on him, but has added to them the disabilities that the Transvaal laws have created for him.

3. Mr. Cassim Mahomed has been trading for three years on a farm near Ladysmith. For some time his was the only store. Recently, a European firm, by name Burdett & Co., have opened a store near by. Mr. Cassim Mahomed's servant, in his absence, was trapped and charged with a breach of the law as to Sunday trading, the servant having sold to the traps a piece of soap and a little sugar. Armed with this conviction, Messrs Burdett & Co. opposed Mr. Cassim Mahomed's application for a renewal of his licence. The Licensing Officer listened to their objections, and refused to renew the licence. There was an appeal to the Board, which confirmed the decision of the Licensing Officer. The court said that it was not guided by any prejudice; it proposed to treat Mr. Cassim Mahomed as it had treated a certain European. This was incorrect. This European was himself convicted of having sold opium, in contravention of the law, to the Indians working at the mines in his neighbourhood, and other allegations were made against him. There is an ocean of difference between the technical breach of the Sunday Law by the servant of Mr. Cassim Mahomed and the breach of the opium law of the Colony by the European personally. Mr. Cassim Mahomed, too, produced

<sup>1</sup> *Vide* "Dada Osman's Case", 14-9-1898

excellent references from European firms of good standing.

In all the above-named three cases, there is not an iota of reason for depriving the applicants of their licences, and thereby, perhaps, their means of livelihood. They were all vested interests, but the popular Boards, in our opinion, did not hesitate to trample under foot all sense of justice and right. Had the jurisdiction of the Supreme Court been reserved, such gross injustice would never have been possible. It is possible to understand objections to traders whose premises are insanitary or even ugly, to traders who cannot produce any intelligible record of their transactions or have been known to have deceived their creditors. One could also understand a great deal of hesitation in granting new licences to Indian traders in view of popular feeling and prejudice, but it is hard to justify treatment meted out to cases like the foregoing. A study of the Cape Bill, recently published, in connection with this matter would be very appropriate, and would throw a great deal of light on the question. No reasonable exception could be taken to that measure, and yet it would do all that the Natal Act was intended to do, without doing violence to British traditions, or even the elementary ideas of right and wrong.

A further difficulty has now been introduced by reason of a circular issued by the Government to the licensing authorities, to the effect that for Indian applications they are to take thumb-impressions on the counterfoils of the licences issued, in order to establish identity. Why such a distinction against Indians should be made it is difficult to understand, except on the supposition that the Government intend that, as soon as the present Indian holders have retired from business or died, the business should be sold, not as a going concern, but outright. What this means to a trader can be better imagined than described.

#### IMMIGRATION RESTRICTION ACT

Under this Act, latterly, the Government have framed rules imposing fees which are simply extortionate. Any Indian who is domiciled in Natal, and wants to return to Natal, as a rule takes with him some documentary proof and the Government grant him a certificate of domicile on sufficient proof being given. Hitherto, the nominal charge of 2s. 6d. has been made, but it has now been raised to £1. Similarly, facilities are afforded to those who wish to enter the Colony for a temporary visit, or who, belonging to the inland States, wish to pass through Natal on their way to India. These are called visitors' or embarkation passes, and were naturally issued till recently without any fee, but on a deposit of £10, to be refunded on leaving the

Colony. A fee of £1 has now been imposed on these passes also. The imposition is extraordinary. British Indians not only contribute to the railway revenue by passing through Natal, but have now to pay for the privilege of doing so a fee of £1. The same argument applies to visitors. One would consider that, seeing that the law restricts immigration, and not temporary sojourn, of people, the expenses of ensuring the return of those who wish to temporarily remain in the Colony should be borne by the general treasury. The Government, however, have taken a different view. They consider that a man who visits Natal temporarily may also be dealt with under the Immigration Restriction Act, and that, therefore, when he is allowed to visit the Colony, it is a privilege that is extended to him. For such a contention there is no support in law. Cases have occurred where British Indians in Johannesburg have taken out embarkation passes, for which they have paid £1. They have been obliged to change their minds, and to indefinitely postpone their visit to India, and yet they have been obliged to forfeit the fee of £1 paid for their embarkation passes, although they have never used them, and when the time comes for them to go to India, they would have to take [out] other embarkation passes, and pay the fee again. The above fees, therefore, could only be interpreted as an attempt to indirectly tax British Indians.

*Indian Opinion, 16-6-1906*

#### 247. PLEDGE OF ALLEGIANCE

We, the undersigned, solemnly and sincerely declare that we will be faithful and bear true allegiance to His Majesty King Edward the Seventh, His Heirs and Successors, and that we will faithfully serve in the supernumerary list of the Active Militia Force of the Colony of Natal as Stretcher-Bearers, until we shall lawfully cease to be members thereof, and the terms of the service are that we should each receive Rations, Uniform, Equipment and 1s. 6d. per day.

M. K. GANDHI, U. M. SEHLAT, H. I. JOSHI, S.B. MEDH, KHAN MAHOMED, MAHOMEDSHAIKH, DADA MIAN, POOTI NAIKEN, APPA SAMY, KUNJEE, SHAIKH MADAR, MAHOMED,ALWAR,MUTHUSAMY, COOPOOSAMY, AJODHYASING, KISTAMA, ALI,BHAILAL,JAMALUDIN.<sup>1</sup>

*Indian Opinion, 16-6-1906*

<sup>1</sup> Cf., however, "Indian Stretcher-Bearer Corps", Before 19-7-1906

## 248. LORD SELBORNE

Lord Selborne made a significant speech while laying the foundation-stone of the new Town Hall at Germiston. The speech consists of advice on morality and politics. Addressed as it is to the whites, it is perhaps of less direct interest to us from a political standpoint. But from the moral point of view, Lord Selborne's words deserve to be pondered over. Accordingly, we summarise the speech below:

The Municipalities exercise a necessary influence on the lives of us whites, who are politically very active. They are the schools which prepare men for the administration of the State. It is there that the seeds of the freedom of a people are sown and nurtured. The British prefer a harsh but self-governing political system to a mild alien rule. At all times and everywhere, the Municipalities have been the chief forum of public opinion. The Municipality serves as a training-ground not only for its members but also for the electorate and for others who discuss [public affairs]. The electors should never forget how to offer legitimate criticism. This is a region in which engaging storms blow. Storms are of two kinds: actual storms and the metaphorical ones in politics. One who preserves one's equanimity during an actual storm can be said to have a cool and collected temperament. In the same way, one who remains unperturbed during a political storm is considered a man of firm convictions. I should consider a person reliable who sticks to his own way of life in fair weather and foul. A man should prove that he is absolutely firm in his principles regardless of whether or not people interpret his words or actions aright.

[From Gujarati]

*Indian Opinion*, 16-6-1906

## 249. MR. SEDDON

Mr. Seddon<sup>1</sup>, the Prime Minister of New Zealand, died at the age of sixty-one without having suffered any illness. He was an able English statesman. For a long time he was the President of New Zealand to which office he was elected; he earned a good name for himself and succeeded in bringing prosperity to the land entrusted to

<sup>1</sup> Richard Seddon died on June 10, 1906 aboard the *Oswestry Grange* while on his way back to New Zealand after a tour of Australia.

his care. He was in the front rank of Colonial statesmen. Though ever trying to increase the power of the Colonies by disregarding the Imperial Government, he was always considered fit to play a leading role in British Imperial Councils and Committees since his attitude was never really harmful to the interests of the British Empire.

At the Jubilee Colonial and Coronation Conferences, he proved to be the foremost among the Colonial Prime Ministers. The death of such a statesman will be mourned in every part of the British Empire. His Majesty King Edward has sent a message of condolence to the people of New Zealand. The Natal Government has also sent a similar message, which bears testimony to his popularity.

[From Gujarati]

*Indian Opinion*, 16-6-1906

### 250. LETTER TO PATROL LEADER

DURBAN,  
*June 18, 1906*

CHIEF LEADER N. CHIAZZARI

POINT

[DURBAN]

DEAR SIR,

In accordance with the efforts made by Captain Dray,<sup>1</sup> leader of Ward IV, to raise subscriptions from Indian merchants resident in the above ward, for the supply of uniforms to such members of the patrol for the said ward as may be too poor to afford the uniform themselves, we have much pleasure in informing you that we have now collected subscriptions larger than the estimate made by Captain Dray, as you will see from the list herewith enclosed. The amount required was £70. 15. 0, and the amount subscribed is £86. 7. 0.

We beg to hand you herewith the sum of £50.0.0 cash to be used as above. Should you require more, we would send you the balance.

We shall feel obliged if you will kindly let us have for the information of the subscribers a list of those that may be so supplied with uniforms.

If, in view of the utter collapse of the rebellion, the fund is not

<sup>1</sup> He addressed a meeting of Indian residents of the Ward on June 2 in the Congress Hall. Gandhiji, along with some other leaders of the community, also spoke, and it was decided to raise a subscription of £70 for uniforms and to provide 16 men for ambulance work.



now required, we take it that the same will be refunded.

We would also like to add that the uniforms, should they be bought, should remain the property of Ward IV.

In conclusion, we beg to record our thanks to Captain Dray for enabling us to show our appreciation in ever so slight a manner of those townsmen who have come forward for the defence of the persons and property of their fellow-residents in Ward IV.

*We remain, dear sir,*

*Yours faithfully,*

S. P. MAHOMED & CO.

[Enclosure]

#### NAMES OF SUBSCRIBERS

	£	s	d
Aboobaker Amod & Co.	10	10	0
M. C. Camroodeen & Co.	10	10	0
Dawad Mahomed	10	10	0
B. Ebrahim Esmail	8	8	0
P. Dawji Mahomed	7	10	0
G. H. Miankhan	6	6	0
Parsee Rustomjee	6	6	0
S. P. Mahomed	4	4	0
M. C. Anglia	2	2	0
Hoosen Cassim	2	2	0
Abdool Hak & Amod	2	10	0
A. Hack Mahomed Ismail	2	2	0
A. M. Paruk	2	2	0
M. S. Randeri	1	1	0
G. H. Randeri	1	1	0
E. A. Tayob	1	1	0
N. Kotwal	2	2	0
East Indian Trading Co.	2	2	0
Dada Abdoolla & Co.	1	1	0
Abdool Hack Kajee Sahib	1	1	0
I. B. Timol	1	1	0
Friend	0	15	0
Total	£ 86	7	0

*Indian Opinion, 23-6-1906*

## 251. LETTER TO G. K. GOKHALE

STANGER LAAGER,  
*June 22, 1906*

DEAR PROF. GOKHALE,

I am writing this from the military laager at Stanger.<sup>1</sup> The Indian Stretcher-Bearer Corps received orders yesterday to march. The work before the Corps this time is of a more difficult type. In any case, it was absolutely necessary for me to accompany the Corps if it was to be formed at all. The question of my coming to England must, therefore, remain in abeyance.

I am very thankful for your long letter and the suggestions made by you.

I suppose we shall know in time the result of your interviews<sup>2</sup> with Mr. Morley. You will put a finishing touch to your brilliant work, if you could on your way pass through South Africa. That I know is a selfish view, but I may be pardoned for taking such a view, seeing that all my work at present seems to be connected with South Africa alone.

*I am,*

*Yours truly,*

M. K. GANDHI

[PROF. GOKHALE  
LONDON]

From the handwritten original: Courtesy: Servants of India Society

## 252. AN IMPORTANT PERMIT CASE

Justice has again been vindicated, and the excesses of the Asiatic Permit Department in the Transvaal have received a salutary check at the hands of the presiding Magistrate at Volksrust. From the summary furnished by our Johannesburg correspondent of the case in question, it would appear that Mr. E. M. Bhyat, brother of Mr. A. M. Bhyat, of Heidelberg, a well-known Indian merchant, was refused a permit to

<sup>1</sup> A town 45 miles to the north-east of Durban

<sup>2</sup> Gokhale, who had presided over the Congress Session at Banaras in December 1905, was at this time in England and met Mr. Morley several times in connection with, the Partition of Bengal, proposals for reform and Indian problems generally.

re-enter the Transvaal, although he proved that he was an old resident of that Colony and had paid three pounds to the Dutch Government as the price of settlement in the Transvaal. Mr Bhyat's application had received very influential European support. He was to go to the Transvaal in order to replace his brother, who found it necessary to go to India for reasons of health. In spite of such proof, Mr. Bhyat could not get a permit, the reason alleged being that he, having left the Transvaal some time before the outbreak of war, could not be termed a refugee. The case went to Lord Selborne through the British Indian Association, but His Excellency declined to grant relief. It is a matter of painful surprise to us that the High Commissioner should have denied justice in a case of such importance. Indians have a right to complain that His Excellency did not show for the Indian community that reasonable regard to which he said some time ago it was rightly entitled.

Exasperated by the refusal, Mr. Bhyat appealed to the law court of the Colony, whose decision was entirely in Mr. Bhyat's favour. The Magisterial interpretation of the Peace Preservation Ordinance means that those Indians who have paid three pounds to the old Government are free to enter the Transvaal without permits, on proof of such payment.

The case shows once more how hard it is for an Indian to get justice from the Government in the Transvaal. Ever since the establishment of British authority in that Colony, Indians have been obliged to struggle against it for their right to exist in that portion of the British Empire. They have more than once been obliged to extort from an unwilling administration a measure of justice by the help of the law courts of the Colony. Lord Selborne was inclined to resent the complaint of the British Indian Association that the Government opposed the Indian community in the licence test case. Perhaps there was some ground for resentment, as there was a decided case of the Republican High Court to which the present Government felt bound to give effect. In the present case, there was no such precedent. The Peace Preservation Ordinance is a creation of the British Government. It has been wrested from its proper sphere in order to restrict Indian immigration. It was within the power of the Government to grant relief, of its own motion, without being troubled with any precedents. And yet an Indian merchant has had to undergo much expense and worry, and has been compelled to resort to the law courts of the Colony before he could receive even the elements of equitable

treatment. We wonder how Lord Selborne will justify this latest action of the executive authority in the Transvaal.

*Indian Opinion*, 23-6-1906

### 253. INDIAN VOLUNTEERS

Much discussion has been carried on in this journal regarding whether or not the Indians should participate in the war. The Government has agreed to accept a corps of twenty stretcher-bearers, and the Congress has got that number together. This has produced a very favourable impression on the minds of prominent whites. Some leading members of the community have, because of this, formed the opinion that we must have innate ability for such work; and they advise us that we should accordingly ask for a permanent place in the Volunteer Corps.

Between this proposal and the Stretcher-Bearer Corps that has already been raised, there is much difference. The Stretcher-Bearer Corps is to last only a few days. Its work will be only to carry the wounded, and it will be disbanded when such work is no longer necessary. These men are not allowed to bear arms. The move for a Volunteer Corps is quite different and much more important. That Corps will be a permanent body; its members will be issued weapons, and they will receive military training every year at stated times. For the present they will not have any fighting to do. Wars are not fought all the time. A war breaks out, roughly speaking, once in twenty years. It is now more than twenty years since the last Kaffir rebellion broke out. There is, therefore, absolutely no risk in joining the Volunteer Corps. It can be looked upon as a kind of annual picnic. The person joining it gets enough exercise and thus keeps his body in good trim and improves his health. One who enlists as a volunteer is much respected. People love him and praise him, calling him a civilian soldier.

If the Indians are given such a status, we believe it would be a very good thing. It is likely to bring in some political advantage. Whether or not any advantage is to be derived, there is no doubt that it is our duty to enlist. Hundreds of leading whites enlist themselves and take pride in doing so. Under the prevailing law, it is open to the Government to enlist compulsorily. We ought to obey the laws designed for the defence of the country we live in. Therefore, considering the matter from any point, it is clear that, if we are able to join the Volunteer Corps, the reproach against us would be lived

down, once and for all.

For fifteen years now the whites have accused the Indians that, if it came to giving one's life in defence of Natal, they would desert their posts of duty and flee home. We cannot meet this charge with a written rejoinder. There is but one way of disproving it—the way of action. The time to act appears to have come now. But how is it to be done? Not by making volunteers out of the poor labourers freed from their indentures. It is the duty of the trading community to take part in the movement themselves. Many men can be trained up even if each shop offers only one man. Trade will not suffer. The condition of those who join will improve. They will gain in strength and energy and will be deemed to have done their duty as citizens.

It is sheer superstition to believe, as some appear to do, that there is greater risk to life in going to the battle-field or preparing for it. Next week we intend to adduce examples in support of this.<sup>1</sup>

Meanwhile, we are placing these thoughts before the leaders of the community and we hope that they will receive due consideration.

[From Gujarati]

*Indian Opinion*, 23-6-1966

#### 254. THE CASE OF SULIMAN MANGA

We have already published in our English columns a full account of the case relating to a permit for Mr. Suliman Manga.<sup>2</sup> Sir Henry Cotton asked a question in the House of Commons based on this information. Mr. Churchill<sup>3</sup> in reply stated that a prompt inquiry would be made into the matter. Both the question and the answer are very important. It remains to be seen what reply Lord Selborne can give now. Probably the relief that one can hope for in permit problems will largely depend on his answer.

Mr. Churchill's reply that an inquiry would be made gives us adequate grounds to hope that the Home Government will not entirely disown responsibility.

[From Gujarati]

*Indian Opinion*, 23-6-1906

<sup>1</sup> *Vide* "Should Indians Volunteer or Not?" 30-6-1906

<sup>2</sup> *Vide* "A Permit Case", 2-6-1906

<sup>3</sup> Winston Churchill, who was Under-Secretary of State for the Colonies

### 255. *INDENTURED INDIANS IN LADYSMITH*

Earlier, our Ladysmith correspondent wrote an account of the tyrannies perpetrated on the indentured Indians of Ladysmith. The despatch was published in our English columns also.<sup>1</sup> Mr. Polkinghorne, the Protector, who happened to read it, has informed us that necessary inquiries in the matter are being made. This is heartening news, and it is to be hoped that the poor Indians will get some redress.

[From Gujarati]

*Indian Opinion*, 23-6-1906

### 256. *INDIAN STRETCHER-BEARER CORPS*

Mr. Omar Haji Amod Johari and Mr. Mahomed Cassim Anglia, the Joint Honorary Secretaries of the Congress, have received from the Government a reply to their letter offering to pay the salary of the members of the Stretcher-Bearer Corps. The Government have accepted the offer.

Mrs Nanji and Mrs Gabriel have together prepared Red Cross badges for the members of the Corps. These badges are worn on the left arm and identify those who are engaged exclusively in attending to the wounded. These badges cannot be very important in the Kaffirrebellion; but among European nations there is a convention that arms cannot be used against persons wearing such badges.

[From Gujarati]

*Indian Opinion*, 23-6-1906

### 257. *AN IMPORTANT TENANCY CASE*

The Supreme Court of Natal recently decided an important case on the notice to be given to a tenant on a monthly tenure. The common understanding is that it is sufficient to give a tenant a month's notice beginning from any date of the month, and that he in turn, can give a similar notice and vacate the premises. This seems to be the interpretation accepted among some lawyers too. But the Supreme Court has decided that the notice should be given on the same date on which the tenancy began. For example, if the tenant took possession on the 6th of a certain month, he can give the necessary month's notice on the 6th of any month or earlier, but the

<sup>1</sup> *Vide Indian Opinion*, 9-6-1906.

notice will only take effect from the 6th of the succeeding month. The landlord also is, for his part, bound to give similar notice.

[From Gujarati]

*Indian Opinion*, 23-6-1906

## 258. JOHANNESBURG LETTER

### MR. BHAYAT'S PERMIT CASE

Just as there was a permit case in respect of Mr. Suliman Manga, so a case has now been decided concerning Ebrahim Bhayat. Mr. Manga, though fully and clearly entitled to a temporary permit, was not given one by the Permit Officer; he secured it at last from Delagoa Bay. Mr. Ebrahim Bhayat was an old resident of the Transvaal and knew a number of prominent whites; and his application was supported by many of them. Even so, he was refused a permit on the ground that it was not during the war that he had left the Transvaal but a year earlier. This was the limit of oppression. As it was absolutely essential for Mr. Bhayat to go to the Transvaal in connection with his brother's business, he decided to go to court. Mr. Benson's opinion had been obtained, and Mr. Lichtenstein appeared in the case at Volksrust. Mr. Bhayat's defence was as follows:

1. Mr. Ebrahim Bhayat was an old resident of the Transvaal
2. He had paid £3 to the Dutch Government, and had by that payment purchased the right of permanent residence.
3. By virtue of the London Convention such men were entitled to stay permanently.<sup>1</sup>
4. Furthermore, since Mr. Bhayat's marriage had been solemnized in the Transvaal, he should be regarded a permanent resident of the Colony.

The Permit Act could not be enforced in the face of these arguments; and the Magistrate decided that such persons needed no permits to enter the Transvaal.

This is a very good decision, and the Permit Office has met with a crushing defeat. We shall await the defence Lord Selborne can muster in reply.

As a result of this decision, those Indians who were formerly

<sup>1</sup> Under the terms of the London Convention, which provided for the free and unrestricted entry of all British subjects into the erstwhile Republic, a person was not subject to the Governor's discretionary powers unless he was considered dangerous or seditious.

residents of the Transvaal and hold a Dutch registration certificate will be able to enter without a permit. This will obviate many inconveniences met with by those applying for permits.

I must, however, point out that there is a confusion in this case. The good gentleman that the Volksrust Magistrate is, he has interpreted the law very sympathetically and in our favour. There are many eminent barristers who are of the opinion that it is necessary even for those who possess registration certificates to take out permits; and, undoubtedly, there are many difficulties in doing so. However, the Government cannot go in appeal against the Magistrate's decision; and as long as the Indians make out their case carefully and strongly, they should have no trouble at all. It will perhaps be easier for them to come through Volksrust than through Komatipoort, for there is no reason to suppose that all magistrates will give a similar decision. The matter cannot be taken as finally settled as long as the Supreme Court has not given its decision. It should also be remembered that this is not a case that can be taken to the Supreme Court.

#### NEW ACT FOR JOHANNESBURG MUNICIPALITY

The Johannesburg Municipality intends to get a new law passed concerning its own powers during the present session of the legislature. It seeks further enabling powers to declare an area a Location or Bazaar, and to refuse a licence to those who are otherwise entitled to it on such grounds as the unsatisfactory condition of the building or the applicant being guilty of some offence. Persons dissatisfied with the decision of the Municipality would be able to prefer an appeal before a Magistrate. It does not seem possible to oppose either of these two points. However, the power to fix a site for a Location or a Bazaar does not authorize the Municipality to force people to shift there.

#### LORD SELBORNE

It appears from the local newspapers that a movement is afoot to recall Lord Selborne from South Africa. Members of the Radical Party believe that Lord Selborne does not carry out the policy of the Liberal Party in full measure.

[From Gujarati]

*Indian Opinion*, 23-6-1906



### 259. *SHOULD INDIANS VOLUNTEER OR NOT?*

We commented on this subject in our last issue.<sup>1</sup> Towards the end of that article, we had said that most of us held back only because of fear. There is, however, no cause whatever for fear, as should be evident from the examples we propose to give for the benefit of those who believe that we should be ever ready to participate in war if we want to live happily and respectably in Natal, in South Africa or, for that matter, in any part of the British Empire. The Crimean War caused heavy casualties; yet it has been estimated that fewer men died from bayonet or bullet wounds in that war than through sheer carelessness or perverse living. It was calculated that, on an average, more men died of fever and other diseases during the attack on Ladysmith than by Boer bullets. The experience in every war has been similar.

Moreover, those who can take care of themselves and lead regular lives while at the front can live in health and happiness. The training such men receive cannot be had elsewhere, that is, if they do not go to the front only to prove their valour or quench their thirst for blood. A man going to the battle-front has to train himself to endure severe hardships. He is obliged to cultivate the habit of living in comradeship with large numbers of men. He easily learns to make do with simple food. He is required to keep regular hours. He forms the habit of obeying his superior's orders promptly and without argument. He also learns to discipline the movement of his limbs. And he has also to learn how to live in limited space according to the maxims of health. Instances are known of unruly and wayward men who went to the front and returned reformed and able fully to control both their mind and body.

For the Indian community, going to the battle-field should be an easy matter; for, whether Muslims or Hindus, we are men with profound faith in God. We have a greater sense of duty, and it should therefore be easier for us to volunteer. We are not overcome by fear when hundred of thousands of men die of famine or plague in our country. What is more, when we are told of our duty, we continue to be indifferent, keep our houses dirty, lie hugging our hoarded wealth. Thus, we live a wretched life acquiescing in a long, tormented process ending in death. Why, then, should we fear the death that may perhaps overtake us on the battle-field? We have to learn much from what the whites are doing in Natal. There is hardly any family from which someone has not gone to fight the Kaffir rebels. Following their

<sup>1</sup> *Vide* "Indian Volunteers", 23-06-1906

example, we should steel our hearts and take courage. Now is the time when the leading whites want us to take this step; if we letgo this opportunity, we shall repent later. We therefore urge all Indian leaders to do their duty to the best of their ability.

[From Gujarati]

*Indian Opinion*, 30-6-1906

## 260. EXTRACT FROM LETTER TO DADABHAI NAOROJI

*June 30, 1906*<sup>2</sup>

Under separate cover, I am sending you marked copy of Indian Opinion, wherein will be found copy of correspondence from Lord Elgin to the Governor of the Colony of Natal on the subject of the Municipal Corporations Consolidation Bill. I would bring to your notice the resolution arrived at by the Municipalities Association at its recent meeting, held to consider Lord Elgin's despatch, to the effect that no alteration should be made in the definition of "Coloured Persons". This decision leaves the Indian community in the same danger of insult and degradation as before, and it is to be hoped that the Secretary of State for India and the Indian Government will insist upon the carrying out of the suggestion proffered by the Secretary of State for the Colonies. Moreover, I would point out that Lord Elgin omits all reference to the Clause of the Bill disfranchising all those who are not in possession of the parliamentary franchise. It will doubtless be within your recollection that the Indian community of Natal acquiesced in the disfranchisement of all Indians who were not at that time on the Parliamentary Voters Roll at the urgent desire of the late Mr. Harry Escombe, on the distinct understanding that such disfranchisement was not to be carried to any greater lengths. I need not do more than remind you that British Indians in Natal, if such Municipal disfranchisement takes place, will be in a worse position than they would be in India, where, of course, such representative institutions are enjoyed by them. In view of the action of some of the Municipalities, as reported on various occasions in the columns of Indian Opinion, in making invidious, arbitrary distinctions between British Indians and Europeans, it is obvious that a grave injustice will be inflicted upon the British Indian community in Natal, unless steps

<sup>1</sup> The original is not available. Dadabhai Naoroji, in his letter dated July 24 to the Secretary of State for India, quoted this as "from a letter received from a correspondent in Johannesburg", i.e., Gandhiji. Though the latter was away at the front on that date, it is not unlikely that he had drafted it earlier.

<sup>2</sup> *ibid*

are immediately taken to prevent this curtailment of their civil rights.

From a photostat of Dadabhai Naoroji's letter: G. N. 2316

## 261. INDIAN STRETCHER-BEARER CORPS<sup>1</sup>

[Before July 19, 1906]

### COMPOSITION OF THE CORPS

This Corps, which has been formed at the instance of the Natal Government by way of experiment, in connection with the operations against the Natives, consists of twenty<sup>2</sup> Indians whose names are as follows :

M. K. Gandhi (Sgt.-Major), U. M. Shelat (Sgt.), H. I. Joshi (Sgt.), S. B. Medh (Sgt.), Parbhu Hari (Corporal), Khan Mahomed, Jamaludin, Mahomed, Sheikh Madar, Sheik Dada Mia, Mahomed Essop, Puti Naiken, Appasamy, Kitama, Kupusamy, Bomaya, Kunji, Ajodhyasing.

According to religion, the Corps is composed of six Mahomedans and fourteen Hindus. Geographically, there are five belonging to the Bombay Presidency, twelve to the Presidency of Madras, two to the Punjab, and one to the Presidency of Bengal. It may be added that one of the twelve Madrasis is Colonial-born.

According to status, thirteen men have been, at one time or [an]other, under indenture in Natal, and are now working as free men, in the capacity of gardeners, domestic servants, etc. Two of them are engine-drivers by profession, one [is] a goldsmith, three are agents and book-keepers, having received higher education in India, and one is a barrister.

It is now well known that the Government has provided uniforms and rations, and the Natal Indian Congress pays the salaries.

### AT THE FRONT

On the 22nd June, this Corps entrained for Stanger by the early train and joined the B. M. R. column under Colonel Arnott, who was in laager at Stanger. After discussion with the regimental Sgt.-Major, Colonel Arnott gave orders that the Corps was to receive European rations, and rice and *dholl*, with curry-powder, in lieu of meat. For the information of readers of this journal, the scale per man per day is

<sup>1</sup> This was the first of the two despatches sent by Gandhiji and published in *Indian Opinion* as "From Our Special Correspondent at the Front"

<sup>2</sup> Actually only 18 are listed.

appended:

Bread or Biscuits 1 Ib., Sugar 5 oz., Tea \_ oz., Coffee \_ oz., Butter 1 oz., Salt \_ oz., Jam 2 oz., Cheese 2 oz., Potatoes 4 oz., Onions 2 oz., Mealiemeal 4 oz., Pepper, Rice 1 Ib., Lentils \_ Ib.

As there was no medical officer attached to Colonel Arnott's column, the Colonel authorized the issue of a small quantity of medicine of immediate necessity, and a supply of bandages. Seeing us with Red Cross bandages, application was made the same day by several troopers who had either suffered slight accidental injuries or were suffering from malarial fever. The medicine, therefore, came in very handy, and one portion of the Corps' work commenced at the laager.

The night of the 22nd was passed in laager, and all of us had to sleep in the open. One blanket supplied to each of us was not enough protection against cold, and the overcoats, furnished from the Comforts Fund opened by the Indian community, were very much appreciated. After breakfast on the 23rd June, the whole column moved forward, the Durban Reserves, the Indian Corps, and an escort bringing up the rear.

We had to march with the whole of our kit on, and as the experience was new to most of us, and as the marching was mostly up hill, it was severely felt by some. On the way, we passed by Sir James Hulett's garden, and the troops were permitted to help themselves liberally to the luscious naartjes, with which the trees in the garden were weighted. After three cheers for the donor for the timely gift, the column moved forward and laagered about a mile beyond the estate. On the 24th, at 6-30 a.m., the march commenced. We were allowed on this occasion to put our kit onto the waggons—a great relief. The columns encamped at Otimati, a hill in a beautiful valley. Just near us ran a sparkling stream. The column was not intended to go as far as Mapumulo, but was to operate from the Otimati camp. The Corps had, however, instructions to proceed with the first convoy to Mapumulo. On the 25th June, therefore, we were in a state of uncertainty as to our fate, but hardly had our luncheon been half cooked, when orders were received that we should march to Mapumulo with some waggons that were leaving for that place. we had therefore to leave our food, pack up kit, and march, which we did within a quarter of an hour of the receipt of the orders. We reached Mapumulo at about 5 p.m. and reported ourselves to Captain Howden, the P. M. O. at that place. Captain Howden treated the Corps very nicely, and Corporal Little, who was to look after it, busied himself with providing us with tents,

etc., up to 10 p.m. We were given one bell tent, and five patrol tents, which after three nights in the open were more or less a luxury, though, to most of us, a very necessary one. Colonel Sparks, too, came and inquired about us.

*Indian Opinion*, 21-7-1906

## 262. INDIAN STRETCHER-BEARER CORPS<sup>1</sup>

[Before July 19, 1906]

### FATIGUE DUTIES

On the 26th our task was allotted to us. Nine of us were to form a fatigue party to accompany the tank-waggon, which brought water from an adjoining stream. Some of us were detained to disinfect the whole camp, under the superintendence of Dr. Savage, the District Surgeon for Mapumulo, and from three to four of us were to dress the wounds on the backs of several Native rebels, who had received lashes. One of us assisted at entering up the daily roll of patients treated by Captain Howden. The stretcher-bearing work, however, had yet to come. Some of the above work was partially interrupted or suspended as a helio-message was received to forward a stretcher party to Otimati in connection with operations that were to be undertaken by the B. M. R. column at Thring's Post. Early on the morning of the 27th, therefore, one-half of the Corps, with two stretchers under Sgt.-Major Gandhi and Sgt. Joshi proceeded to Otimati, where instructions were received to take a stretcher to carry one of the troopers who was dazed. Fortunately, the trooper had recovered before the party reached Thring's Post. But by an unfortunate accident, another trooper, by name Forder, had received a bullet-wound in the thigh from a co-trooper. He, however, pluckily rode to the camp. The stretcher party had to assist Mr. Stokes, of the N. M. C., in treating the wounded trooper, and others, who had received slight injuries through accidents or otherwise, requiring medical help. On the 28th, the stretcher party at Otimati were to take to Mapumulo Private Sutton of the Durban Reserves, whose toe was crushed under a waggon wheel, and Trooper Forder. The latter had to be carried on a stretcher, as his wound was very delicate. The work of carrying Trooper Forder proved to be much heavier than we had thought. The energy of all the available men had to be taxed to the utmost in carrying the wounded men, especially as it meant going

<sup>1</sup> This was the second and final despatch sent by Gandhiji from the front.

uphill all the way. As we were nearing Mapumulo, the Captain of our escort sent word that, if it could be managed, Forder should be placed in the ambulance waggon, as the Natives about the hill might wrongly consider that the rebels had succeeded in wounding at least one of our men. Trooper Forder, on hearing the message, gladly volunteered to go into the waggon. And the fatigued bearers were equally glad to be relieved of the necessity of having to carry their charge up the very steep hill near Mapumulo. With this brief interruption, then, the whole Corps resumed its former work, with which it had commenced, and continued to do so till the morning of the 3rd July, a day that will ever remain memorable to the members of the Corps.

#### HEAVY WORK

At 9 p.m. on the 2nd July, the Corps was ordered to follow a combined column at 2-30 a.m. the next morning which was to operate in the Umvoti Valley. We had to take two days' rations with us, our blankets, and five stretchers. We did so, and the march commenced at 3 a.m. on the 3rd. There were no waggons with the column, and, with the exception of the infantry, which had gone forward before, all were mounted men whom we had to follow. Men in the rear were to guard us. We were all unarmed. But as the troops galloped away in front of us and we followed them, we were quickly out-distanced. However, we marched on, trying, as far as possible, to overtake the column, but it was a hopeless task. There was, therefore, as a rule, considerable distance between the rear-guard and ourselves. At daybreak, the movement of the troops became naturally more rapid, and the distance between them and us began to increase. However, there was no prospect before us except that of running after the troops or of being assegaied by the rebels. Probably we had a narrow escape. At 7 o'clock troops were operating at some distance from us. As we were struggling along, we met a Kaffir who did not wear the loyal badge. He was armed with an assegai and was hiding himself. However, we safely rejoined the troops on the further hill, whilst they were sweeping with their carbines the bushes below. Thus, we had to perform what seemed to be a never-ending march. We had to cross and re-cross the Umvoti River, an operation that was difficult enough, seeing that we were obliged to take off our heavy boots and putties. One of the men narrowly escaped what might have been a very serious accident, and he only crossed the stream less his putties and with a bleeding toe. However, he marched bravely on with the rest of us. Towards evening, the column retired to a rise near the valley and pitched the camp.

### “DEAD TIRED”

All of us were dead tired, and it was a stroke of good luck that there were no casualties or accidents on our side. Had there been any, it is difficult to say how we would have discharged ourselves in carrying the wounded in such a fatigued condition, though the writer of these notes fully believes that, actuated as the Corps mainly was by a sense of duty, God would have given it sufficient strength to perform any such work. Anyhow, such was the answer given to the laughing troopers, who, half in pity and half in ridicule, inquired, as we were struggling along, what we should do if we had actually to carry some wounded. On the morning of the 4th, we were split up into two parties to accompany the two divisions of the column which were to operate in two different parts. The march had still to be without real protection. All this was inevitable in the nature of things. One party, however, had an easier day. Whilst it must have covered no less than 25 miles the previous day, on the 4th it could not have been more than 12 miles, but the other party, under Sgt. Shelat, had an equally trying time on that day. The result was that most of us were footsore, and it was about as much as we could do on the 5th to carry ourselves decently to Mapumulo, a distance of nearly 15 miles. Of course, the whole column was in a state of practical starvation, as, in the expectation of having only one night on the veld, everyone had taken two days' rations only. And so we had all to return to Mapumulo.

### WEARY AND FOOTSORE

Our surprise can be better imagined than described, when reaching Mapumulo, where we had expected a day's rest, we were ordered to march to Thring's Post the day following and shift our own camp there. It was a physical impossibility for about nine or ten of us, and the Sgt.-Major informed the P. M. O. that, unless transport was provided for such as were totally unfit to walk, it would be impossible to resume the march the following day. The matter was placed before Colonel Sparks, who said that footsore bearers could go in an empty waggon that was going to Thring's Post, and thus we were able to undertake the journey to Thring's Post on the 6th July. There, we were attached to Captain Pearson, who treated us with every consideration. Transport that was provided for the footsore bearers put us on our feet again, and we were able to respond to the call of duty on the morning of the 8th. Orders were received on Saturday evening that we should follow with our stretchers the guns that were to leave for the Tugela Valley at 3 a.m. the following day. Compared to the work done in the Umvoti Valley, our task was easy, and the march

could not have covered more than 16 miles. We returned to camp the same day.

#### DOING THE IMPOSSIBLE

At 2-30 a.m. on the 10th, we had to proceed to the Otimati Valley with the infantry, and though the work was very difficult, we had by this time become more or less seasoned. We had to take two days' rations with us; the path lay through what would ordinarily be an inaccessible valley. It was impossible for any ambulance to go down, and in parts we had to descend steep precipices. Troopers had to lead their horses, and the route was so long that we never seemed to reach the bottom. However, at about 12 o'clock we finished the day's journey, with no Kaffirs to fight. But an incident happened on the way down the valley which was calculated to test our ability to do stretcher-bearing work. A Kaffir, being a friendly boy, who was guiding a private of the D. L. I., was shot by him, under the belief, it is said, that the Native was misleading him. The Native was badly wounded, and required carrying, which was entrusted to us. Orders were given that we were to take him the same day to Mapumulo, and we were given four friendly Natives to help us, as also to guide us. Three of them, however, as soon as the troops were out of sight, deserted us, and the fourth, though he remained with us, declined flatly to go with us to Mapumulo, as he feared that, without an escort, we might be cut to pieces by the enemy. Fortunately, the troops were yet within reach. The Sergeant-Major, therefore, reported the matter to the proper officer, and fresh orders were given that the wounded Kaffir should be taken the next day, and that in the meanwhile we should nurse and feed him. The whole of the troops encamped for the night in the valley, and the following day we resumed our march with our precious charge, with orders to go to Mapumulo. We were given about 20 Kaffir levies to help us. They did so with much difficulty over part of the way, and then, too, because Doctor Savage happened to be with us. The Natives in our hands proved to be most unreliable and obstinate. Without constant attention, they would as soon have dropped the wounded man as not, and they seemed to bestow no care on their suffering countryman.

#### INDIAN RESOURCEFULNESS

However, the Indian bearers carried him to Mapumulo in splendid style. All our resourcefulness was put to the test during the march. After we had finished the most difficult part of our journey along a narrow and steep pathway, the Japanese stretcher on which we were carrying the patient, who was very bulky, gave way, fortunately



without hurting him. The railway stretcher, on which he was first carried, had already broken under his weight. What were we to do? Luckily, we had skilled men among us. We temporarily mended the railway stretcher, and took our charge safely to Mapumulo, reaching there about 4 p.m., a distance probably of over 15 miles.

After a day's rest in Mapumulo, we returned, on the 13th, to Thring's Post, only to retrace our steps on the 14th to a spot near Mapumulo, where we are encamped for the present. With the capture of Messini and his fellow-chief, the rebellion seems to be over, and we are now resting, expecting orders every day to be disbanded. Thus, since the 3rd day of July, our Corps has accompanied all the important operations; and at the end of them, the writer of these notes is able to confidently assert that the little band is capable of performing any work that may be entrusted to it, and that can be done by any other such Corps.

*Indian Opinion*, 28-7-1906

### 263. *SPEECH AT RECEPTION TO AMBULANCE CORPS*

*The Natal Indian Congress gave a reception to the Indian Stretcher-Bearer Corps which was disbanded on July 19, after six weeks at the front. Tributes were paid to the work of the Corps, to which Gandhiji replied. The following is an extract from a report of the proceedings.*

DURBAN,

July 20, 1906

Thanking the organization on behalf of the Corps, Mr. Gandhi said that what the Corps had done was only its duty. If the Indians really wanted to show their appreciation of the work of the Corps, they should try through the Government to have a permanent Corps set up and should also exert themselves to improve their physique in order to qualify for admission. He said that if, for any reason, the traders could not enlist, other educated Indians as well as the servants and clerks of traders could easily do so. From experience gained during the fighting, he could say that the whites treated the Indians very cordially, and distinctions based on colour had ceased to exist. If a larger Indian Corps was formed on a permanent footing, such fellow-feeling would increase, and it was likely that in the process white prejudice against Indians might altogether disappear. He therefore

very strongly recommended the formation of such a Corps.

[From Gujarati]

*Indian Opinion*, 28-7-1906

#### 264. STATEMENT ON THE DIAMOND JUBILEE LIBRARY

*At a meeting of the Natal Indian Congress held in the Congress Hall it was decided, among other things, to present silver medals to members of the Stretcher-Bearer Corps. The question of the management of the Diamond Jubilee Library also came up for discussion. Gandhiji made the following statement, which is an extract from the report of the proceedings.*

DURBAN,

July 23, 1906

The Diamond Jubilee Library was started to mark the Diamond Jubilee of Queen Victoria's rule. The ownership of the Library was vested in a special committee, which was also entrusted with its management, and the books were kept in the Congress Hall.<sup>1</sup> As the Lallubhai Library is not functioning at the moment, I saw the President of the Library, Mr. Ravishankar Bhatt, about bringing the books back to the Congress Hall, and he has agreed to return them. I have still to see one or two other gentlemen in this connection, and after securing their consent, the requisite transport will be sent to fetch the books.

[From Gujarati]

*Indian Opinion*, 28-7-1906

#### 265. TRANSVAAL PERMITS

In view of the recent decisions<sup>2</sup> of the Supreme Court of the Transvaal on the Peace Preservation Ordinance, it is necessary still further to examine the legal position created by those decisions. The dismissal by the Supreme Court of the application by the Attorney-General for a review of the Bhyat case leaves the question raised in that case undecided. Whilst, therefore, the Magistrate at Volksrust is bound by his own decision, and to recognise the Dutch Registration Certificates as equivalent to permits, we have no pronouncement from the Supreme Court endorsing the magisterial

<sup>1</sup> *Vide* "The Plague", 7-1-1905

<sup>2</sup> *Vide* "An Important Permit Case", 23-6-1906

view. And in the face of the contention raised by the Attorney-General, the state of the law is one of painful uncertainty to the Indian refugees. Other magistrates may unconsciously attach weight to the argument advanced on behalf of the Crown. It may then come to pass that an Indian holding the Dutch certificate may safely re-enter the Transvaal through Volksrust, and another equally qualified, passing through, say, Komatipoort, may be prevented from so doing. Not even the most violent anti-Asiatic would, we presume, be able to justify such a deplorable state of things. The Supreme Court decision on the registration law bears out the whole contention of the Indian community. Can Lord Selborne still claim for the Transvaal administration a reasonable spirit in the enforcement of the Peace Preservation Ordinance and Law 3 of 1885? We trust that the ever-vigilant British Indian Association will invite His Excellency's answer to the query.

*Indian Opinion*, 28-7-1906

## 266. LETTER TO W. WEDDERBURN

[JOHANNESBURG,]

*July 30, 1906*

SIR WILLIAM WEDDERBURN, BARONET

84-5 PALACE CHAMBERS

LONDON, ENGLAND

DEAR SIR,

I have just returned from the front. Although I cannot now be of any use in connection with the Report of the Constitution Committee, it is still the opinion of the British Indian Association that I should proceed to England accompanied by one or two merchants, not necessarily to influence the letters patent that will be granted but to place the British Indian position personally before the authorities. I shall, therefore, be obliged if you will kindly let me know by cable whether such a deputation is likely to be of any use whatsoever. If it is considered unnecessary, the word "needless" would explain the meaning. If you think that a deputation such as the above should proceed, please cable "yes". I do not know whether the end of September or October will be a suitable time.

*I remain,*

*Yours truly,*

From a photostat of the office copy: G. N. 2284

267. LETTER TO DADABHAI NAOROJI

21-24 COURT CHAMBERS,  
CORNER RISSIK & ANDERSON STREETS,  
JOHANNESBURG,  
*July 30, 1906*

DEAR MR. NAOROJI,

I have just returned from the front. I have your letter telling me that you have forwarded to the Secretaries of State for the Colonies and India our statement<sup>1</sup> submitted to the Constitution Committee. I enclose herewith copy of my letter to Sir William Wedderburn<sup>2</sup> for your information.

May I tender you my congratulations on the success of your granddaughter at her examination for the M. A. degree of the University of Edinburgh ?

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

THE HONOURABLE DADABHAI NAOROJI  
LONDON, ENGLAND

[PS.]

This letter was too late last week even for the late post.<sup>3</sup>

From a photostat of the original: G. N. 2274

<sup>1</sup> *Vide* "Statement Presented to Constitution Committee", 2-6-1906

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

<sup>3</sup> This is in Gandhiji's hand.

268. *LETTER TO PRINCIPAL MEDICAL OFFICER*<sup>1</sup>

[JOHANNESBURG,  
*July 31, 1906*]<sup>4</sup>

TO  
COL. J. HYSLOP  
PRINCIPAL MEDICAL OFFICER  
NATAL MILITIA  
PIETERMARITZBURG  
NATAL  
SIR,

The Indian Stretcher-Bearer Corps was disbanded on the 19th inst., and the Corps reached Durban on the 20th.

The Corps was called upon to do the work of disinfecting the camp at Mapumulo, of dressing injuries and wounds, and of marching with the troops and doing stretcher work. Most of the bearers accompanied the troops during the operations at the Tugela, the Otimati and the Umvoti Valleys. In my humble opinion, the men did the work willingly and skilfully. The object of the Natal Indian Congress, in offering to form the Corps, was to show that Indians recognized their responsibilities as settlers in Natal, and to induce the Government to utilise Indians as a permanent portion of the Natal Militia. I venture to think that my countrymen are essentially fit for ambulance and hospital work. Trooper Forder, whom we carried from Otimati, had, in addition to being carried, to be nursed by us, and he was so satisfied that he sought me out specially on his recovery to express his appreciation of the men's work.

The Corps consisted of some skilled English-educated Indians, as also of Indians of the labourer type, but all of them were intelligent workers, and capable in civil life of earning much more than what would be paid to them by the Indian community. As the community was anxious that its offer should be accepted, in order to avoid any difficulty, the men were induced to accept only one shilling and six pence per day, which they gladly did; but, in my opinion, it is not possible to get intelligent men for less than £1 per week.

<sup>1</sup> In his reply, Col. Hyslop, acknowledging Gandhiji's letter as of this date, conveyed the Militia Commander's thanks to the members of the Ambulance Corps and expressed his own appreciation "of the very valuable services afforded to the Medical Department of the Militia, not only as stretcher-bearers, but also in connection with the more important work of sanitation".

I also think that those who may be called leaders of stretcher parties should receive five shillings per day.

Members of the Corps were all untrained and untried men; they were called upon, too, to do responsible and independent work, and to face danger unarmed. If the Government would form a permanent Ambulance Corps, I think that special training is absolutely necessary, and that they should all be armed for self-protection.

As one who has been intimately connected with the Indian community for the last thirteen years, I have ventured to place the above views before you for your consideration.

[Yours faithfully,]

M. K. GANDHI

*Indian Opinion*, 11-8-1906

## 269. JOHANNESBURG LETTER

THE DEPUTATION TO ENGLAND

[Before August 4, 1906]

A meeting of the Committee of the British Indian Association was held last Friday, the 27th. Messrs Abdul Gani, Essop Mian, Coovadia, Mahomed Shahbuddin, Gulam Saheb, Mahomed Hoosain, Bhikhubhai; also Messrs Haji Habib and Amod Tayob of Pretoria, Messrs Amod Bhayat of Heidelberg and Omar Haji Amod Zaveri of Durban were present among others.

It was decided, after some discussion, that it was still necessary to send a deputation to England, as we were concerned more with the laws that would be enacted in the Transvaal after the Constitution had come into effect than with the Report of the Constitution Committee. On a proposal made by Haji Habib, it was resolved to ask for a grant of £250 out of the £1,000 sanctioned by the Natal Indian Congress towards the expenses of the deputation. Each member could draw up to £6120 as expenses, and the rest of the amount might be used to defray the expenses of the deputation as a whole. Furthermore, the Congress might avail itself of any aid received from the Cape. The Secretary has been asked to write a letter to that effect. If two persons go on deputations the expenses would be about £500. The Committee is of the opinion that the deputation should include Mr. Gandhi and a member from the trading class to represent the Transvaal. It has been decided to call for subscriptions at every place; the names of the members who should visit different places for the purpose have also

been drawn up. The Secretary has been asked to write letters to various places, and these have actually reached all the principal towns in the Transvaal. If therefore the requisite amount is raised; if the Natal Indian Congress agrees to contribute from it up to £250 towards expenses; and if no instructions to the contrary are received from England, the deputation will, in all probability, leave in September<sup>1</sup>.

#### WAR CLAIMS

I append herewith the list of war claimants<sup>2</sup> that has been published in the Transvaal *Gazette*. It is necessary to draw the readers' attention to it, for the sums shown therein, if not claimed, will lapse at the end of the current year.

#### THE RETURN OF T.M.R.

The contingent which was despatched from here to reinforce the units engaged in suppressing the Native revolt, namely, the Transvaal Mounted Rifles, has now returned. It was received with much pomp and *eclat* by the people of the Transvaal. Big meetings were held in its honour and grand banquets given. The celebrations still continue. Reuter messages about the discharge of the Indian Stretcher-Bearer Corps and the good work done by it have appeared in the local papers.

[From Gujarati]

*Indian Opinion*, 4-8-1906

#### 270. SECRET JUSTICE

Our Johannesburg Correspondent last week drew pointed attention to Mr. Loveday's approval of the work of the Permit Department regarding Asiatics,<sup>3</sup> and his endorsement of the appointment of an inspecting officer at the coast. There is much more behind this incident than appears on the surface. The public have no knowledge of the fact that there are what are practically secret advisory boards, which control the action of the Registrar of Asiatics who has charge of the issue of permits. For all practical purposes, therefore, the Registrar, although nominally the responsible officer for issuing permits, is merely an agent of the advisory boards, mechanically following their directions. Evidently, Mr. Loveday is the

<sup>1</sup> It actually left in October.

<sup>2</sup> Of compensation for losses suffered during the Boer War

<sup>3</sup> In "Johannesburg Jottings", *Indian Opinion*, 28-7-1906

chief of these advisory boards, without being publicly appointed by the Government. Hence the innumerable difficulties placed in the way of British Indians, who have a *bona-fide* right to re-enter the Transvaal.

We do not object to the greatest strictness being exercised in connection with applications of refugees, but we do emphatically object to the secrecy that shrouds the doings of these advisory boards. We are not aware that the parties who are immediately interested are heard before the boards or allowed to be represented. The boards alone know what evidence they take and what evidence they consider sufficient for establishing claims on the part of British Indians to re-enter the Colony. Under a system such as this, favouritism—it may be quite unconscious—must exist. Bitter complaints reach us from all sides as to the rejection of claims that are easily provable. Boys of tender years are kept out of the Colony by these boards, which have been arbitrarily armed with powers to decide upon the applications of British Indian refugees.

It is a strange method of dealing out justice to entrust avowed partisans with the duty of judging their opponents or persons whom they have hitherto traduced in unmeasured terms. The least that the Transvaal Administration owes to British Indians is that they should be able to know their position definitely. Severest rules of procedure, if well defined and well understood, would be preferable to the hole-and-corner enquiry that is now being held as to British Indian permits. No Indian can today feel safe that he can re-enter the Transvaal without difficulty, on production of evidence of his prior residence. The conditions which the Transvaal Administration has created for the unfortunate British Indian refugees are most unsatisfactory, and discreditable in the extreme. It has gone very much further than Natal or Cape Colony, where, no matter what the restrictions are on immigration, everyone knows the legal position, and everyone is capable of asserting it in a Court of Law. It is a state of things which it is the duty of every lover of justice and fairplay to see ended.

*Indian Opinion*, 4-8-1906

### 271. MR. BYTE'S WILL

We published in our last issue a brief account of the late Mr. Byte's will<sup>1</sup> which deserves to be taken note of by rich Indians.

<sup>1</sup> A Gujarati news item in *Indian Opinion*, dated July 28, 1906, said that, under



Mr. Byte earned millions of pounds in South Africa, and gave away the best part of that fortune to that country. Being an alien and having earned his name and fortune under the aegis of the British flag, he has provided for the widespread spending of a considerable part of his fortune in England as well. He has thus directed that his millions be used for deserving causes. The major portion of his legacy is to be spent on education. He has donated hundreds of acres of land in Johannesburg where a huge educational centre is to be set up; it is due exclusively to his munificence that the University of the Transvaal has come into existence. Such generosity has been an important factor in the progress of the whites. They know how to make money and also how best to spend it. We are backward in both respects, particularly in spending money aright. Even when we spend it, we do so indiscriminately, and largely for selfish ends or on personal pleasures.

To take the example of South Africa, there are few among us who have spent their money on the proper education of Indian children. It behoves us therefore to bear in mind such examples as Mr. Byte's. It is our prime duty to provide all the necessary means for the education of Indian children in South Africa. Our second duty is towards women's education. As long as our women do not realise their duty as mothers, the Indian people are bound to remain backward. And, thirdly, it is the duty of all gainfully employed, adult Indians to find some time at night to receive education. To do all this, money is needed. If Indians would come forward to emulate Mr. Byte, these things could easily be done. It is quite proper that we demand rights in South Africa and it is unjust that we should be denied those rights. We must, however, admit that we do not deserve them fully. It takes two to make a quarrel, and had we been without faults, we would not suffer in this land the hardships that we do.

[From Gujarati]

*Indian Opinion*, 4-8-1906

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Mr. Byte's will, £1,200,000 had been donated for improving transport and communications in South Africa, £200,000 for founding a University in Johannesburg, £20,000 for education in the Transvaal, £15,000 for education at Kimberley and £15,000 for education in the Cape Colony.

## 272. EGYPT AND NATAL—A COMPARISON

### IS THIS CIVILIZATION ?

A controversy is going on in England about what the Natal army did during the Kaffir rebellion. The people there believe that the whites of Natal perpetrated great atrocities on the Kaffirs. In reply to such critics, *The Star* has pointed to the doings of the Imperial army in Egypt. Those among the Egyptian rebels who had been captured were ordered to be flogged. The flogging was continued to the limits of the victims' endurance; it took place in public and was watched by thousands of people. Those sentenced to death were also hanged at the same time. While those sentenced to death were hanging, the flogging of the others was taken up. While the sentences were being executed, the relatives of the victims cried and wept until many of them swooned. If this be true, there is no reason why there should be such an outcry in England against the Natal outrage.

[From Gujarati]

*Indian Opinion*, 4-8-1906

## 273. JOHANNESBURG LETTER

*August 4, 1906*

### THE ELGIN CONSTITUTION

The resolution to grant a new Constitution to the Transvaal and the details that have been published regarding it are at present a subject of public discussion. There is, of course, a good deal of difference between the Constitution awarded last year by Mr. Lyttelton and the one now proposed by Lord Elgin.

According to the Lyttelton Constitution, the governance of the country was to continue in the hands of the British bureaucracy. According to Lord Elgin's, it will be carried on by the party which has a majority of elected members [in the Legislature]. This is the main difference between the two. The Lyttelton Constitution envisaged representative government, that is, a government consisting of men who understand the wishes of the people, while the Elgin Constitution proposes responsible government, wherein the executive will be responsible to elected members; so that the latter can, if they will, remove it from power. In Ceylon and Mauritius, there is

representative government, Natal and the Cape Colony have responsible government.

Another great difference is that Lord Elgin's Constitution places the Boers in a position in which they can form a government. Thus either the Boers or the British can come to power in the Transvaal, as indeed they can in the Cape. The Constitution has not yet been drafted, but Mr. Churchill has said that this would soon be done. The drafting will take about three weeks, and the Parliament elected under the new Constitution is not likely to meet before January.

#### PLACE OF INDIANS

What will be our position under the new set-up? It is a very difficult question to answer. Nothing definite can be learnt from reports of Mr. Churchill's speech cabled here. Our situation could not be worse. In any case, it is certain that, whatever new laws are made, they will not be enacted before January next.

#### NATAL AND THE TRANSVAAL

The unification of Natal and the Transvaal is being discussed. Some men of experience and influence favour this course of action. A gentleman named Mr. Soutter has expressed his views on the subject in *The Daily Mail*. He says that, if the two are united, the "Indian Policy" of Natal will have to be revised. The Editor of *The Daily Mail* thinks that it will be very difficult for Natal to merge in other States so long as it imports indentured labour.

#### THE STATE OF SOUTH AFRICA

Underlying all the thoughts in people's minds is the poverty of South Africa. At present, trade is slack and land prices are very low. People are desperately looking around to see how matters can be improved. But all things considered, one is driven to the conclusion that, for another two years, there can be no hope of any appreciable change. According to what economists call natural laws and men of faith, the will of God, it appears that conditions change from moment to moment. He who rises must fall. This is true of a country as well. In the vicissitudes of life, South Africa has seen good days, and now it is her turn to go through bad ones. She has not yet passed through even two lean years. Sometimes it takes three, five or even seven years for a change to set in. If this is true, it will take at least another year and a half for present conditions to change. In the meanwhile, those who are patient and live within their means<sup>1</sup> will win through. The rest will be

<sup>1</sup> The Gujarati idiom literally means "...draw the sheet and stretch or huddle according to its size".

washed away with the tide.

#### A DISCUSSION IN THE LEGISLATURE ABOUT ASIATICS

In the Legislative Council today, Mr. Duncan gave the following information:<sup>1</sup>

When the Council meets again, the Government proposes to introduce a Bill for the registration of Asiatics. That legislation would be in fulfilment of the policy of the Imperial Government with regard to Asiatics in this Colony: first, to afford just and fair treatment to those Asiatics who are already here and settled in this country; and secondly, to leave to the responsible government the question whether or not to allow new Asiatics to enter the country, and if they are to be allowed, under what restrictions. That is the policy the present Government has been attempting to carry out with the approval of the Imperial Government, and in doing so, it has had to rely upon the law passed by the Boer Government as well as the permit law<sup>2</sup> of the present Government. Experience has shown that these laws are not adequate to prevent the Asiatics from entering the Colony; for doubtless many Asiatics who had no title to enter the Colony have entered it on false evidence. Those who have never been in the Transvaal before have made false declarations in order to come in. The law regarding registration is vague; whenever a serious attempt was made to apply it, it led to litigation in the courts. We have therefore to accomplish two things: give fair and just treatment to those who were here before the war; and prevent an influx of Asiatics into this country before a responsible government is established. We should therefore get all the Asiatics now resident in the Transvaal registered afresh. They should take out [fresh] registration certificates, so that nobody may question their *bona fides*. Simultaneously, it is proposed to remove certain disabilities under which these Asiatics labour. No material changes in the law regarding ownership of land are envisaged. But it is proposed to enact a law which will enable Asiatics to hold the land on which their places of worship are built; again, the heirs of those who held land before the passing of Law 3 of 1885 will be enabled to inherit it. Furthermore, it is also proposed to make certain modifications in the existing permit law which will enable Asiatics to visit the country temporarily.

The statement is so important and disturbing that the Committee of the British Indian Association proposes to take immediate action on it. It is very doubtful now if the deputation can proceed to England in

<sup>1</sup> This version of the Colonial Secretary's speech has been collated with an English report from *India*.

<sup>2</sup> The Peace Preservation Ordinance

the immediate future.

[From Gujarati]

*Indian Opinion*, 11-8-1906

## 274. JOHANNESBURG LETTER

[After] August 4, 1906<sup>1</sup>

### THE DEPUTATION

The deputation to England has for the present been postponed as a result of Mr. Duncan's statement, which I sent last week.<sup>2</sup> Some persons were under the impression that the deputation was to visit England only in connection with the Report of the Constitution Committee, and that, since the nature of the Constitution to be granted to the Transvaal had been decided upon, there was no longer any point in sending the deputation.

This is a mistaken view. For, in the matter of the Constitution, there was little that the deputation could have done. Whatever laws are contemplated will be enacted later [that is, after the Constitution comes into force]. Even now we can approach the Imperial Government and represent before them our case regarding those laws. The deputation can therefore go to England to some advantage only so long as the Transvaal Parliament has not met and it is not known what new laws are going to be enacted. So far I have referred to the Transvaal only; but if and when the deputation does go, it will be its duty to take up the entire South African problem. This can be done whenever it may be that the deputation visits England. Moreover, if our case is put before our sympathisers who are already working on our behalf, they will understand it the better and will be better able to lend us active support. Furthermore, we would then get help from all parties. The Congress Committee<sup>3</sup>, the East India Association and other bodies are agitating on our behalf. If all of them could be brought together and a committee formed, it would help us a great deal. It is thus clear that the deputation, if sent, is bound to have some effect.

Mr. Duncan's statement, as I have pointed out, has served to discourage the idea of sending a deputation. A communication in the matter had already reached England last week. *The Rand Daily Mail*

<sup>1</sup> This date seems to have been retained from the previous issue through oversight. This despatch must have been written after that date.

<sup>2</sup> Vide "Johannesburg Letter", 11-8-1906

<sup>3</sup> British Committee of the Indian National Congress

has published a letter from Mr. Gandhi<sup>1</sup> on the subject. The British Indian Association has asked for a copy of the Bill referred to by Mr. Duncan. And as soon as it is received, petitions will be despatched. The situation is very serious; and we can save ourselves from this fresh attack only if we put up a tough fight.

As for the permits, on the one hand, new anti-Indian Acts are being drafted and, on the other, severity in dealing with Indians is increasing. Mr. Burgess has been inspecting the ports, and, as the rumour goes, many men have been obliged to return. One does not get a permit even after much inconvenience. It would seem that one can get a permit only if Mr. Loveday chooses to grant one. The issue of a registration certificate to children has been stopped; but in that case children should be free to enter. A question has been raised on this matter. Mr. Lichtenstein has written to the Colonial Secretary in strong terms pointing out some instances that serve clearly to illustrate the inconveniences encountered at the Permit Office. I give below some of these instances.

(1) When a letter was addressed to the Registrar regarding Shaikh Daud on June 21, he was informed that the decision would be arrived at when the Advisory Board met, but that it was not certain when the Board would meet. On July 10, he received a communication on the same subject saying that his application had been forwarded to the Advisory Board.

(2) On an application being made about a minor son of Hafejee Musa, the Registrar demanded proof of his age, etc. The evidence was produced on June 21. A reply was received on June 26, which said that the matter would be investigated in Natal.

(3) A permit was refused to Sakoor Nanjee despite the evidence of a disinterested physician and of the District Surgeon of Pretoria that he was only 16 years old.

(4) Though medical evidence has been produced to prove that Ebrahim Amod is only 12 years old, the Permit Office insists that the boy's age is 16.

Mr. Lichtenstein has cited 14 such examples. It remains to be seen what kind of a reply he will receive.

#### RAILWAY HARDSHIPS

The British Indian Association is still carrying on correspondence [with the railway authorities] in the matter of certain trains

<sup>1</sup> Vide "Letter to *The Rand Daily Mail*", Before 9-8-1906

between Pretoria and Johannesburg, by which Indians are either not allowed to travel at all or are made to sit in the guard's compartment. In deference to the General Manager's wishes, the Association temporarily agreed to the restriction relating to the 8-30 morning trains both ways. The General Manager wants such restriction to apply to the 5-30 train in the evening as well. The Association has refused to agree and, consequently, the matter is still under discussion.

[From Gujarati]

*Indian Opinion*, 18-8-1906

### 275. LETTER TO DADABHAI NAOROJI<sup>1</sup>

JOHANNESBURG,  
*August 6, 1906*

THE HON'BLE D. NAOROJI

DEAR SIR,

The Colonial Secretary, Mr. Duncan, has made a statement in the Legislative Council of which I send you copy herewith.

The statement is most extraordinary, and if legislation is introduced based on it, frightful injustice will be done to the Indian community. There is not a vestige of justice and Air treatment about the proposed legislation. Robbed of the soft words which clothe it, it means that every Indian in the Colony will have to be now registered for the third time without the slightest excuse. Land is to be registered in the names of Indian trustees for religious purposes, but this is no gain whatsoever as the Supreme Court has decided that such land can be registered in spite of Law 3 of 1885. The only relief that is to be granted is in one individual case about which I have already written to you,<sup>2</sup> namely, that of the estate of the late Aboobaker Amod, and if that relief is granted, it is not a question of just and fair treatment but it is a question of simple duty to be discharged by the British

<sup>1</sup> This letter as well as the one dated August 13 (p. 393) seems to have been addressed to Dadabhai Naoroji and some others, including the editor of *India*. The notings on the two letters, presumably by Dadabhai Naoroji, show that both of them were replied to on September 6, 1906 and that he deleted the last seven words of the first paragraph and the last two paragraphs of the first letter, added to it the last two paragraphs of the second and forwarded it to Mr. Morley and Lord Elgin, as we are informed by *India* in its prefatory note to the statement which it published as "from a well-informed correspondent". Except for a few verbal changes, this is the same as the one sent by Dadabhai Naoroji to the two Secretaries of State.

<sup>2</sup> *Vide* "Letter to Dadabhai Naoroji", 19-3-1906

Government towards an individual British subject.

If the proposed legislation is passed, the position of the British Indian will, as a matter of fact, be much worse than it is now. It should not be forgotten that the £3 registration is not an annual tax. Those who are in the Colony have paid the £3 and, under Law 3 of 1885, they cannot be called upon to pay over again. The proposed remission is, therefore, totally meaningless, for it is not to apply to newcomers, who are to be barred entirely until the coming Responsible Government chooses to pass an immigration law which may impose very severe restrictions. The question of granting visiting permits is also, I have no hesitation in saying, a blind, because such permits can be legally granted even under the existing law. That they are not granted where they ought to be is a discredit attached to the Government from which it cannot free itself by passing new legislation. I very much fear that the real situation is not understood by the Imperial Government, and that the local Government has evidently convinced the Imperial Government that, by passing legislation in the direction sketched by Mr. Duncan, they would be really granting concessions.

I have said before that, under the proposed legislation, the position would be much worse. I say so because I know that endless mischief is likely to be caused by new legislation. Indians were registered during the [rule of the] Dutch Government; registration then was simple. They were again registered after British rule was established; registration was then much more complex, and respectable Indians have been called upon to put their thumb-impressions. The third registration, if it comes at all, will, it is needless to say, be stricter still. All this because a few Indians who were not resident before war have stolen into the Colony and if they have done so, it is owing to the corrupt officials who were in charge at one time of the Permit Department. The matter had become so serious that, on the initiative taken by the British Indian Association, these officials were arrested and criminally tried. They were discharged by an indulgent jury but the Government was so satisfied of their guilt, that both these officials were discharged.

I hope, therefore, that unless some substantial justice can be done to British Indians before Responsible Government is granted, and unless the British Government will, in accordance with pre-war promises, put them, in its own words, on the same footing as British Indians at the Cape, it will be infinitely better that Law 3 of 1885 remained as it was and that the whole question was considered by Responsible Government.



Of course, all these remarks will still leave it free to the Government to do justice in the case of the late Aboobaker Amod with which, after all, the British Indian community as a whole is not concerned.

The unforeseen situation having arisen here, the question of a deputation proceeding from South Africa must remain in abeyance, as all the energy will have to be concentrated upon preventing this latest proposal to perpetrate an injustice on the British Indians in the Transvaal.

I venture to think that a personal interview with the Secretary of State for India as also the Secretary of State for the Colonies is necessary.

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

[PS.]

I have run short of the cuttings and I cannot get them as today is a Bank holiday.<sup>1</sup>

M. K. G.

From a photostat of the original signed by Gandhiji: G. N. 2275

## 276. LETTER TO “THE RAND DAILY MAIL”<sup>2</sup>

[JOHANNESBURG,  
Before August 9, 1906]

[TO  
THE EDITOR  
*The Rand Daily Mail*]  
SIR,

I trust you will permit me to offer a few remarks on your leading article regarding the Asiatic legislation foreshadowed by Mr. Duncan in what I would venture to term his extraordinary statement. In his brief pronouncement he thrice told his hearers that it was the desire of the Government to accord to the resident Asiatic population. “Just and fair treatment” and that it was for that reason that the legislation described by him was to be introduced, on the Legislative Council reassembling.

<sup>1</sup> This is in Gandhiji’s hand.

<sup>2</sup> This was reproduced in *Indian Opinion*, 11-8-1906.

You have considered that the Ordinance to be passed will mean generous treatment of the resident Asiatic population.

I very much fear that there is absolutely no generosity about the proposed legislation, but that it will fall very far short of even “just and fair treatment”. Re-registration is certainly not part of such treatment, and it is perfectly meaningless. Every Indian who has entered the Colony is supposed to have been registered for the most part for the second time. The second registration was, in reality, a concession to the Permit Department, which was at the time very much appreciated. A third registration is not a remedy for the evil of alleged fraudulent entrance of Asiatics into the Colony. It is easy enough to examine the present registration certificates of the resident Asiatic population, and to prosecute those who are without them. The British Indian Association has denied the charge of any wholesale fraudulent entrance. There will always be a few people prepared to break laws, no matter how stringently devised and how well enforced. To brand as criminals a whole community—for that is what re-registration implies—is hardly “just” or “fair”.

But Mr. Duncan says, in consideration for a fresh registration, he would give four things to the Asiatics, namely: (1) abolition of the £3 tax; (2) permission to the Asiatics to hold land for religious purposes; (3) permission for those Asiatics who held land before Law 3 of 1885 came into force to transmit same to their heirs; (4) authority to issue temporary permits to Asiatic visitors.

Now the first concession is, shall I say, a mere blind. It should be remembered that it applies to those only who are resident in the Colony, or perhaps to those who, being pre-war residents of the Transvaal, have a right to re-enter. The resident population has already paid the £3 and the majority of those who are still outside the Colony have also done likewise. There is no warrant in the existing legislation to charge the £3 fee twice. It is not an annual tax, but it is a fee that has to be paid once for all under Law 3 of 1885 by Asiatics who wish to settle in the Colony.

Nor is there any merit about the proposed authority to be given for holding land for religious purposes because it is possible to do so under the existing law. The Superior Courts have decided that Coloured persons can, as a corporate body, hold land for religious purposes.

The third grant would have been a concession, if it was applicable to any large body of Asiatics. Mr. Duncan well knows that there is only one such piece of land. It would be a performance of

simple duty to allow the heirs to hold their two-fifths of an erf in the Transvaal, and in any case, in doing so, it is not the community that will receive justice but an individual.

The fourth, of course, is again no concession. Mr. Nomura and Mr. Manga suffered not because there was no authority to issue temporary permits, but because there was a disinclination to exercise the authority. The difficulty, therefore, lies not in the law but in its administration.

I hope I have thus clearly shown that there is no question of “just and fair treatment” of the resident Asiatic population behind the forecast given by the Colonial Secretary on Saturday last. On the contrary, Damocles has again raised his sword [*sic*] over the heads of the poor Asiatics who, because of their belief in the sanctity of the British subject idea, have ventured to migrate to the Transvaal. There is no trace in Mr. Duncan’s statement of the fulfilment of the promises made before the war and, even after it, by Lord Milner and other representatives of the Crown.

And if I may repeat what I have already said, what is it that British Indians (to distinguish them from other Asiatics) want? They accept the doctrine of the Transvaal having the right to regulate immigration, and they—although such was not the case during the Dutch Government—are quite willing that restrictions after the Cape or the Australian Immigration Law applying to British subjects may be imposed on them; but as against that, they claim that those British Indians, who have settled in the country, ought to have full civil liberty, namely, the right to move about freely, the right to own land subject to such general restrictions as may be imposed to provide against speculative acquisition, and the right to trade subject again to such municipal restriction as may be deemed advisable in the interests of sanitation and of fair trade. It will be only when this elementary right of the British Indian is recognised, and not till then, that it will be possible for any representative of the Crown to say that British Indians are receiving “just and fair treatment”.

Remember, there is no attempt in the above statement to claim any political rights. British Indians only ask for what can easily be given, even by those who believe in the gospel of a white South Africa, if, that is to say, South Africa, to paraphrase Lord Selborne’s words, is to be white not only in the exterior but also in the interior.

*Yours, etc.,*

M. K. GANDHI

*The Rand Daily Mail, 9-8-1906*

## 277. "FAIR AND JUST TREATMENT"

On the adjournment of the Legislative Council of the Transvaal on Saturday last, the Colonial Secretary, Mr. Duncan, made an important statement on the proposed Asiatic legislation. In the course of his statement, which occupies only half a column of the *Transvaal Leader*, Mr. Duncan has thrice repeated that Asiatics resident in the Transvaal are entitled to "fair and just treatment". The honourable gentleman then proceeds to expound his meaning of such treatment. We have never seen a pronouncement so misleading as Mr. Duncan's and we can only hope that he is himself labouring under a mistaken view of the Law 3 of 1885, and has therefore come to the conclusion that, by the legislation he foreshadowed on Saturday last, he is really granting substantial relief. We will now proceed to shew that, instead of the legislation in question granting any relief at all to the Asiatic community settled in the Transvaal, it will simply cause intense irritation, and probably take away from the community what it already possesses.

Mr. Duncan has promised four things:

- (1) Fresh registration of all Asiatics in the Colony.
- (2) Abolition of the £3 registration fee.
- (3) Permission to the Asiatic religious communities to hold land for religious purposes.
- (4) Permission to the heirs of those Asiatics, who held land before the Law 3 of 1885 was passed, to get the same transferred in their own names.

The first proposal is most mischievous and most dangerous, and it is because the Government wishes to push it through that the last three are to be given as a sop, although even the first has been so cleverly put by Mr. Duncan as to give the impression that it is to be undertaken in the interests of the Asiatic community.

Let us go back to the past. Indians who held registration certificates from the Dutch Government were not called upon by law to take out any fresh registration certificates, but in order to have the same system applicable to all, when Lord Milner decided to enforce the Law 3 of 1885 as to the £3 fee, on representations made by the then Chief Secretary for Permits, British Indians consented to have fresh registration certificates on which were to be impressed thumb-prints. This procedure has since been uniformly followed. Let it be remembered that it was admitted by the Chief Secretary for

Permits, acting under legal advice, that there was no legal obligation on the part of the Indian community to take out fresh registration certificates. When, therefore, the British Indian Association consented to the proposal, it was naturally gratefully appreciated.

The hardships that the community had to undergo, when fresh registration took place, are still vivid in the minds of many Indians. They have not forgotten that they were practically pulled out of their houses in the early hours of the morning. Mr. Duncan now says that this registration is useless. Why, we do not know. It is therefore proposed to register the whole of the Asiatics [*sic*] over again, as if they were criminals. Mr. Duncan says that many Asiatics—one could wish he had discriminated between Asiatics and Asiatics, and said whether in his remarks he referred to British Indians, or Chinese, or other Asiatics—who had not previously resided in the Transvaal, entered the Colony under false declarations. We grant, for the sake of argument, that this is so. How is fresh registration to remedy the evil, and why should the majority of innocent men suffer because of the guilty few?

And may we here remind Mr. Duncan that, if some Asiatics have so entered the Colony, they have done so because of the corruption that was at one time rampant in one of the Chief Asiatic Offices. But, as a matter of fact, the British Indian Association has stoutly denied the charge that an appreciable number of Asiatics have entered the Colony under false declarations. In any case, it is a matter for judicial enquiry, and the Peace Preservation Ordinance is clear enough to meet cases of such description.

The second concession is again no concession at all. We hope Mr. Duncan is not thinking of the registration fee as if it were an annual charge. It is a fee only to be paid once. All Indians who are resident in the Colony, and who are by law required to pay the registration fee, have already paid it. Wherein, then, does the remission come into play? It certainly does not apply to the future new immigrants, because the door is to be completely barred against them until it is opened by the Responsible Government, under such conditions as it chooses to lay down. The abolition of the £3 fee, therefore, is totally meaningless.

Dealing with this subject, Mr. Duncan was pleased to say that the registration law proved a failure each time an attempt was made to seriously administer it. This is hardly correct. It has undoubtedly proved a failure when the Government has attempted to import into the law a meaning which the late Dutch Government never intended to give it. The law requires registration of those Asiatics who intend to

settle in the Transvaal for purposes of trade or otherwise. The local Government wanted to go further, and wished to register Indians, whether they were children or wives, or whether they wanted to trade or not. In this attempt, the Supreme Court has frustrated the Government. Is the law, therefore, vague and uncertain ? The answer, from any unbiased person, would be an emphatic “No”. It is uncertain only to those partisans who wish to impose on Indians disabilities which the late President Kruger and his Government never even dreamed of.

The third concession is that relating to land held for religious purposes. The Witwatersrand High Court has laid it down that such land can be held by any Coloured persons, and as a matter of fact, British Indians have now ceased to trouble the Government for any such permission, and are preparing to have Mosque properties in the Transvaal duly registered in the names of Indian trustees. They, therefore, do not require any authority or protection from the Government. Thus, here again there is absolutely no concession given to the Asiatics.

The fourth is undoubtedly a concession, but it does not affect the Asiatic community as such. It is meant to give relief in only one individual case. There is only one piece of property in the Transvaal that was held by an Indian before Law 3 of 1885 came into force—two-thirds<sup>1</sup> of an erf in extent—and if relief is granted in that case, and the property is allowed to be held by the heirs, it will be a case of the British Government performing its simple duty to an individual British subject. To dignify such a proposal by the name of a concession to the Asiatic community is to offer an insult to its intelligence.

So far, therefore, as Law 3 of 1885 is concerned, its repeal in the manner foreshadowed by Mr. Duncan is totally unnecessary, and will give rise to endless difficulties, from which perhaps British Indians are at present free.

Regarding the Peace Preservation Ordinance, Mr. Duncan mentioned that provision would be made for permits being granted to visitors. This again is, we would say with deference, a mere blind. Hitherto, no provision has been found necessary for granting such permits. It is true that the Government have raised difficulties in granting them, and it is, on that account, the greater discredit to them. They cannot free themselves from it by now sweetly talking of providing for temporary permits, which the law has ever allowed them

<sup>1</sup> On “Letter to The Rand Daily Mail”, Before 9-8-1906 the area is mentioned as two-fifths of an erf.

to grant, but which, from fear of anti-Indian agitators, they have hitherto declined to do.

Mr. Duncan, again, says that the policy defined in his statement has been the policy of the Imperial Government, as also the local Government. This is hardly consistent with facts, because the policy of Lord Milner was that, even before the Responsible Government was granted, Asiatic legislation should be brought into line with British traditions, and Indians, who were either qualified by education or other attainments, should be placed on an equality with the other subjects of the Crown in the Transvaal. Such also was the policy laid down in Mr. Lyttelton's dispatch. Mr. Duncan's statement, therefore, is a distinct retrogression from what was intended either by Lord Milner or, later on, by Mr. Lyttelton.

We ask whether the thrice-repeated declaration of "fair and just treatment" has any foundation in fact, or is it that, in Lord Lytton's words, "promises given to the ear are to be broken in practice", and that the effect of Mr. Duncan's declaration is to be exhausted in mere words?

*Indian Opinion*, 11-8-1906

## 278. SPEECH AT HAMIDIYA ISLAMIC SOCIETY

*A meeting of Indians was held in the 17th Street Hall in the Malay Location, under the auspices of the Hamidiya Islamic Society of Johannesburg, then recently formed. Abdul Gani and Gandhiji, President and Honorary Secretary respectively of the British Indian Association, were among the invitees. On being requested by the President of the Society to address the gathering on the Political condition of the Transvaal Indians, Gandhiji made a speech, of which the following is a brief report:*

JOHANNESBURG,  
August 12, 1906

Mr. Gandhi, at the outset, thanked the Hamidiya Islamic Society and expressed his pleasure at the formation of this body. He regretted the controversy that was going on among the people over the question whether the Society had been formed in opposition to the British Indian Association. He declared that this impression was absolutely incorrect and added that, on the contrary, the new Society would serve to strengthen the British Indian Association and the two would help each other in future.

Speaking on the present political condition of Indians in the

Transvaal Mr. Gandhi cited Mr. Duncan's statement and explained at length how the situation was very serious. Pointing out the need for organizing a strong protest against this statement, he advised that the deputation to England be postponed. Adverting to the weak financial position of the British Indian Association, Mr. Gandhi called upon all those present to contribute to its funds. He also expressed the hope that the formation of such societies would greatly help the Muslims, who were backward in education, and appealed to them to do their best to overcome this disadvantage.

[From Gujarati]

*Indian Opinion*, 25-8-1906

### 279. LETTER TO DADABHAI NAOROJI<sup>1</sup>

P. O. BOX 968,  
JOHANNESBURG,  
August 13, 1906

DEAR SIR,

The current issue of *Indian Opinion*<sup>2</sup> gives fullest information about the proposed change by Mr. Duncan in the Law 3 of 1885. Portions of Mr. Lyttelton's and Lord Milner's despatches and the full text of Law 3 of 1885 are also given.

It will be seen at a glance that Mr. Duncan is very much restricting the scope of the despatches in his proposed legislation. Neither Mr. Lyttelton nor Lord Milner have [*sic*] even mentioned anything about re-registration, and both of them have laid down that better-class Indians should, at least have full rights, so that for Mr. Duncan to state that he is carrying out the intentions of the Imperial Government is wide of the mark unless the Liberal ministers have veered round entirely and propose still farther to curtail the liberty of the British Indians than what the Conservative ministry was prepared to do.

I certainly think that while the Transvaal is under Crown Colony Government the Imperial Government should pass equitable legislation even though it may be as Lord Milner puts it "by using official majority and then throw the burden on the Responsible

<sup>1</sup> The original does not bear the addressee's name, but this letter was found in the Dadabhai Naoroji collection. *Vide* also "Letter to Dadabhai Naoroji", 6-8-1906

<sup>2</sup> Dated 11-8-1906



ministry of changing it if it dare to do so”,

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

From a photostat of the original: G. N. 2276

*280. PETITION TO LORD ELGIN*

DURBAN,  
*August 13, 1906*<sup>1</sup>

TO

HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF ELGIN, P.C., &C.

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES

LONDON, ENGLAND

HUMBLY SHEWETH THAT

Your Petitioners beg to draw Your Excellency's attention to the Municipal Corporations Consolidation Bill passed recently by the Natal Parliament.

Your Petitioners have noticed with thankfulness Your Excellency's despatch endorsing some of the objections raised by the Indian community to the Bill in question.

Your Petitioners, however, feel aggrieved that one of the objections raised against the Bill by your Petitioners has not been considered by Your Excellency, namely, the proposed disfranchisement of British Indians as voters at municipal elections.

When the Bill was under consideration by the Natal Parliament, the Indian community presented a petition<sup>2</sup> embodying its objections to the Bill, copy of which is hereto attached for Your Excellency's information.

British Indians resident in Natal feel that, if they are deprived of the municipal franchise, it will be a very serious grievance and will be a departure from the declaration of the responsible statesmen of Natal at the time the measure disfranchising Indians as to the Parliamentary vote was passed. It was then recognised that, if India did not possess

<sup>1</sup> This is the date on the printed petition, which does not bear the names of the signatories, but *Indian Opinion*, 18-8-1906, in which this is reproduced, gives it as August 15.

<sup>2</sup> This is not reproduced here. *Vide* "Memorial to Natal Legislative Assembly", 7-4-1905

parliamentary institutions, it certainly enjoyed municipal institutions, and that there were in India thousands of municipal voters.

No legitimate ground has been urged in favour of the contemplated disfranchisement. Indians do not aspire to any political power in the Colony of Natal, but they naturally resent interference with municipal liberty when they pay the same rates as the other ratepayers.

It has often been said that the Indian population in Natal is, for practical purposes, composed only of Indians of the indentured class. It is respectfully urged that such a statement would be hardly fair, in that there is at present in Natal a population of free Indians, who have paid their own passage-money, numbering about fifteen thousand, of whom the largest portion is to be found in Durban. These men belong to a very respectable class, and are mostly merchants and those connected with mercantile business. Some of them are even highly educated in the English language.

Your Petitioners humbly submit that to disfranchise such a class of people would be to subject them to uncalled-for degradation.

Your Petitioners, therefore, respectfully pray that Your Excellency will be pleased to favourably consider the subject matter of the petition and grant such relief as may be meet and proper.

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

Dated at Durban this 13th day of August, Nineteen Hundred and Six.

[DAWAD MAHOMED

PRESIDENT,

O. H. A. JOHARI

M. C. ANGLIA

JOINT HON. SECRETARIES

NATAL INDIAN CONGRESS]

From a photostat of the original: C. D. 179, Vol. 243

281. LETTER TO HAJI ISMAIL HAJI ABOOBAKER JOHARI

P. O. BOX 6522,  
JOHANNESBURG,  
*August 14, 1906*

MY DEAR SHETH SHRI HAJI ISMAIL HAJI ABOOBAKER,

Now there seems to be very solid ground for hoping that, within a short time, the land in Pretoria will be transferred to the names of both of you! Since Omar Sheth has already written to you of this, I need not dilate upon it.

I have always complained to Omar Sheth about the expenses there. These are hard times now in South Africa, and they are likely to become harder still. The prices of land have gone down by 66 per cent., and it would be no matter for surprise if they fell still further. The rent you used to get has decreased by a half and will further decrease. Even a well-furnished shop on the first floor in a place like West Street remains untenanted. If, in such bad times, you do not reduce your household and other expenditure, whatever property you have will be eroded. As it is, you are living, so to speak, on capital. That we are making some profit in trade is, however, a matter for satisfaction. But, then, that profit consists of stocks and of arrears collected from clients. The actual profit from trade cannot be reckoned precisely unless the final accounts are made up and goods converted into cash. I must say that Omar Sheth is living a very simple life. The house he lives in does not become a man of your status and reputation. The food is likewise simple. Besides, he is at present staying with me and living a more than usually austere life. I am sometimes pained at this, but allow things to continue in the hope that he will ultimately benefit by it. For example, last evening he only had bread, butter, *papad* and cocoa for dinner, and walked with me three-and-a-half miles before turning in for the night. I do not mean to suggest that you yourself should go to these lengths; but I do wish to say that your monthly expenses should not exceed £25. People will criticise you for cutting down on expenses, but such critics are really no friends at all, for they will not help you to run your household. It is therefore the duty of those who realize their condition to think of the hard times and live accordingly. What more shall I say? I write in this strain because I wish well of you.

I hope you are all right.

The document pertaining to the sale deed which you have

signed and sent here does not bear the signature of a witness. I am therefore returning it to you for getting it witnessed. Please return it after getting it signed by a witness and attested by the Political Agent under his seal and signature.

*Salaams from*  
M. K. GANDHI

Haji Ismail Haji Aboobaker Johari, Esq.

[PORBUNDER]

[PS.]

You may send the enclosed documents through a State pleader to the Political Agent for signature.

M. K GANDHI

From a photostat of the Gujarati original in Gandhiji's hand received from Jhaveri Brothers, Durban

## 282. *INDIA FOR INDIANS*

This today is the cry of thousands of voices in India. No one can say that India is today the home of a single people, but all of us wish it were. To bring this about, patriotic Indians have been suggesting all manner of remedies that occur to them. Among such Indians is the editor of the *Indian World*—a well-known monthly published from Calcutta. He says that India will not become a single nation until most of the people in the various parts of the country speak a common language. Though English-speaking people are found in the different regions, their number is as yet small and will always remain so, for the main reason that, since it is a foreign language and a difficult one at that, the common people will not be able to learn it. There is therefore little likelihood of India achieving nationhood through that language. For this purpose, Indians will have to choose one of the Indian languages. There are, of course, many Indians who can speak Gujarati, Bengali, Tamil and other languages; but there is hardly any chance of any of these spreading throughout the country. One language remains, namely, Hindustani, which is spoken by North Indians. Derived as it is from Sanskrit and Persian, it suits Hindus and Muslims alike. Moreover, since the *fakirs* and the *sanyasis* both speak it, they help to propagate it throughout the land. Many Englishmen too study it. It is thus spoken over an extensive area. The language itself is very sweet, polite and spirited. Many books have been, and are still being, written in it. The editor of the

*Indian World* therefore suggests that it should be taught in every school in India in addition to the mother tongue. Parents too should inculcate the habit of speaking Hindustani to their children from their formative years. Only then can India truly become a nation.

[From Gujarati]

*Indian Opinion*, 18-8-1906

### 283. JOHANNESBURG LETTER

*August 18, 1906*

#### MR. BHABHA'S CASE

In deference to the counsel's unfavourable opinion, the appeal in Mr. Mahomed Suliman Bhabha's permit case, which was decided at Volksrust, has been withdrawn. On the advice of his counsel, Mr. Bhabha refused to leave the Transvaal within the notified time and was therefore prosecuted again. It was argued that the order passed by him could not prevent Mr. Bhabha from staying on in the Transvaal, as he had the right to enter the territory. But the Magistrate did not accept this plea and sentenced Mr. Bhabha to a month's simple imprisonment, the minimum laid down. Mr. Bhabha has now appealed again, and it is believed that he will win.

#### IMPORTANT JUDGMENT IN LAND SUIT

This week, Sir William Smith has given an important decision on a petition presented to him. The well-known Sheth Mahomed Kasim Camroodeen of Johannesburg, whose entire land stood in the name of the late Mr. Chamberlain, wanted, on the latter's death, to get it transferred to the name of another European. On the Registrar's refusal to do so, the Sheth approached the court for an order of transfer. To begin with, Mr. Justice Smith himself raised an objection saying that the consent of the heir was necessary. It was argued before Mr. Justice Smith that the heir had no claim on the land. His Worship admitted the plea and issued orders for the transfer of the land to the name of the other European. It will be seen from this that, if proper precautions are taken in keeping the land in the name of a European, the true owner does not have to suffer in any way.

#### THE MALAY LOCATION

On behalf of the Location Committee, an application was made to the Town Council concerning the Malay Location. The Town Council, in its reply, says that the Location will not be allowed to

continue on its present site, that long-term leases will not be granted to the residents, but that leases would instead be offered to them at Klipspruit. The Committee has decided to challenge this reply [in a court of law].

[From Gujarati]

*Indian Opinion*, 25-8-1906

## 284. *THE LATE MR. W. C. BONNERJEE*

We regret to announce the death of Mr. Womesh Chunder Bonnerjee, one of the greatest Indian patriots of modern times. The late Mr. Bonnerjee belonged to what may be called the Naoroji school of patriots, who devoted their time and talents to their country's good. Mr. Bonnerjee was one of the foremost barristers in Bengal, and at a very early stage of his career rose to fame by his forensic eloquence and legal acumen. The unusual influence he thereby gained was used for the benefit of his country. The deceased was one of the founders of the Indian National Congress, of which he was the first President, and which he served up to the last day of his life, using his purse freely for the public cause.

Mr. Bonnerjee had an abundant faith in western education, of which he was so fine a product. He, therefore, bought a house in Croydon, where he passed half his time looking after the education of his children, with the result that the deceased statesman's sons and daughters have received a liberal education, of which they have been making, like their father, a public use.

A life, such as Mr. Bonnerjee's, teaches many a lesson to the present generation of Indian youth, and the best tribute that any Indian can render to the memory of the deceased is to copy his example. We tender to the late Mr. Bonnerjee's family our respectful sympathy. Their loss is also India's.

*Indian Opinion*, 25-8-1906

## 285. *A PLEA FOR DISTINCTION*

The Johannesburg *Star* has lately had a very severe leader on "Coloured Hooliganism". The reflections of the leader-writer arose out of the recent riots which have taken place in Cape Town. Our contemporary has taken care to distinguish the "Coloured people" from the Malays and others who are also universally labelled

“Coloured”. But there can be no doubt that, to the average newspaper reader, the term “Coloured people” has meant Malays, British Indians and all other Asiatics. The very distinction drawn by *The Star* presupposes such a confusion in the public mind.

The result of classing Asiatics and others as “Coloured people” has caused a great deal of undeserved injustice to the British Indians in South Africa. The most glaring instance is that given by Mr. Winston Churchill. The deprivation of the franchise from the British Indians has been justified by the Colonial Under-Secretary, on the ground that the Dutch understood the term “Natives”, that is, in this instance, “Coloured people”, to mean natives of any non-European country. Lord Milner, we know, has protested against any such use, or rather abuse, of the term, but his protest has not availed to protect them from the above mentioned injustice.

There are, at present, in the Statute-books of the Transvaal and the Orange River Colony, laws which apply to British Indians, because, according to usage, the term “Coloured people” is applied to British Indians, although, from the nature of the legislation, one would consider it totally unnecessary to apply it to British Indians, who suffer doubly. They labour under disabilities imposed upon “Coloured people” as also because they are Asiatics. Thus, the illicit gold law and the foot-path regulations of the Transvaal apply to them, because they are “Coloured people”, and the Law 3 of 1885 applies to them as Asiatics. Their position, therefore, is actually worse than that of the “Coloured people” who are not Asiatics.

We think, in the illustrations given above, we have shown sufficiently clearly that, if justice is to be done to the British Indians, they should be no longer classed with the “Coloured people”. And this we say without wishing to make any odious comparisons. “Coloured people” and British Indians have different points of attack in their struggle for freedom of existence. They have to secure justice through different channels and it were well if the Government and the publicists were to recognise the importance of distinguishing between the two.

*Indian Opinion*, 25-8-1906

## 286. THE CONDITION OF THE HINDU CREMATION GROUND<sup>1</sup>

Mr. Daugherty has written us a letter on the condition of the Hindu cremation ground, to which we invite the attention of the Durban Indians. If its condition is really such as Mr. Daugherty describes, it is a shame and a disgrace to the Hindu community. It is the duty of every Hindu to keep the ground tidy. By failing to do so, we not only violate the law of the land and the rules of sanitation, but the maxim that in such matters we human beings should have a sense of delicacy. We have in fact received more letters about the condition of the cremation ground. We have not published them as they are caustic and indulge in personal criticism. But we would earnestly remind every Hindu that, whatever our differences in other matters, death should evoke in us nothing but tender and solemn sentiments. And if it cannot, that will be thought a grave shortcoming of ours, as everyone will readily agree.

[From Gujarati]

*Indian Opinion*, 25-8-1906

## 287. THE SITUATION IN PERSIA

The Shah of Persia recently announced that a National Council would be convened to save the country from insolvency. This almost bankrupt condition to which Persia has been reduced is mainly due to the Shah's own extravagance. The people of the country have been so very disaffected with the present regime that at the beginning of this year hundreds of merchants and mullahs left Teheran and went abroad. The Shah was alarmed and promised to convene an elected council of mullahs, merchants and landlords; but the serious financial crisis that has arisen cannot be so easily resolved. The present Shah Muzaffaruddin has brought Persia to this sorry pass over a period of ten years. The country's entire revenue is at his disposal. The former Shahs were able to accumulate private fortunes, and the present Shah inherited some two million pounds. It is estimated that not only all this private wealth but the country's annual revenue of a million and a half pounds has been squandered. The country is daily being thus impoverished. The main source of revenue is the working classes. Immense wealth has been dissipated during the last three or four years on visits to Europe and on pomp in the palace. Describing the straits

<sup>1</sup> *Vide* also "The Hindu Cremation Ground", 8-9-1906



in which Persia finds herself, The Rand Daily Mail of Johannesburg says that we should be vigilant and ensure that Russia does not exploit this crisis in Persia to her advantage, since no Englishman will be happy to see Russia gaining a foothold in the neighbourhood of India.

[From Gujarati]

*Indian Opinion*, 25-8-1906

## 288. LETTER TO COLONIAL SECRETARY

JOHANNESBURG,  
*August 25, 1906*

TO

THE HON. THE COLONIAL SECRETARY

PRETORIA

SIR,

I have the honour, on behalf of the British Indian Association, to enter its respectful protest against the Draft Asiatic Law Amendment Ordinance published in the *Government Gazette* dated the 22nd instant.

In the humble opinion of my Association, the Draft Ordinance in question is calculated to provoke the bitterest irritation among the Indian community and to wound its susceptibilities to an extent which it is difficult to measure.

The Draft, it is respectfully submitted, is a complete reversal of solemn promises repeatedly made by British administrators, and is in contravention of the despatches of Mr. Lyttelton and Lord Milner.

The Draft gives to the British Indians in the Transvaal absolutely nothing, and takes away from them much, and that too in a manner which, to use Mr. Chamberlain's words, "puts an unnecessary affront" upon British Indian settlers in the Transvaal.

My Association respectfully urges that, if the object of the Draft Ordinance is to remove from the Colony any British Indians who may not be residing in it by lawful authority, an inspection of the documents at present possessed by them would absolutely meet the case without hurting the feelings of British Indians and without causing to the Colony a heavy expense which the machinery proposed by the Draft Ordinance must necessarily do.

My Association has no hesitation in saying that the Draft under discussion shews unmistakably the power possessed by a strong party

over helpless men who have done nothing to offend the former and it shews a desire to wield that power with the greatest rigour and in total disregard of the feelings of the helpless victims. This would appear to be strong language, but, examining it from the British Indian standpoint, the language used represents the honest convictions of those British Indians who have studied the Ordinance.

My Association draws the earnest attention of the Government to the following among other most objectionable features of the Draft Ordinance:

(a) Section 2 sets the seal of approval on the part of the British Government on the insulting and false definition of the term "Asiatic" given by Law 3 of 1885, which ignorantly includes "the so-called Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Dominion". Such a definition is degrading to the Asiatics, in that it takes note only of coolies and perpetuates the use of the term as applied to all the inhabitants of Asia. The definition is false because there are hardly any Arabs and Mahomedan subjects of the Turkish Dominion, and does grave injustice to the Malays who have never yet been molested under Law 3 of 1885 and who have not suffered the misfortune in common with British Indians of being classed as competitors in trade with the Europeans.

(b) While the Draft subjects to innumerable pinpricks every Asiatic resident in the Colony, it leaves the position of the pre-war residents of the Transvaal who have not yet returned to the Colony as indefinite, as vague and as painful as heretofore.

(c) It takes no note whatsoever of the elaborate registration carried on by Captain Hamilton Fowle. It may be here mentioned that the registration carried out by Captain Fowle was arranged in consultation with the Indian community, which, courteously and gracefully bowing to the advice given by Lord Milner, consented to the registration although, as was acknowledged, there was no legal sanction for it so far as those who had already paid the £3 to the old Government were concerned. Of this, and all such voluntary acts of the community, the Draft Ordinance makes no acknowledgement.

(d) Section 3 deliberately narrows even the advantages enjoyed by the Indian community under the Peace Preservation Ordinance. As the Government is well aware, there is a magisterial decision to the effect that possession of old Dutch registration certificates by a British Indian entitles him to enter the Colony without any further permit. The effect of the decision would be nullified by sub-section 2 of Section 3.

(e) Whereas under Law 3 of 1885 and under the recent decision of the Supreme Court, only male adults who intend to settle in the

Transvaal for purposes of trade are required to undergo registration, the present Ordinance would compel every Indian, male and female, over the age of eight to be registered. If the apprehension of my Association is correct, the Law will needlessly violate female modesty, as it is understood by millions of British Indians, and would ride roughshod over sentiments cherished dearly for ages by the community represented by my Association. This law of registration, if it is carried into effect, would mean that His Majesty's Government condemned every Indian as a criminal. So far as my Association is aware, such a law is unknown within British Dominions so far as the free Indian population is concerned.

(f) The so-called remission of the £3 fee is tantamount, in the humble opinion of my Association, to adding insult to injury, in that, almost all the Asiatics at present residing in the Colony are registered and have paid £3, in many cases twice over.

(g) Sub-section 4 of Section 17, authorising the Lieutenant-Governor to exempt a British Indian holder of a temporary permit from the provisions of the Liquor Licensing Ordinance, is an instance of another added insult to injury. My Association is not aware of any self-respecting Indian who would want the precious exemption.

It is possible to enumerate still further objectionable features of the proposed Ordinance, but my Association trusts that sufficient has been given above to shew what the Ordinance means to British Indians.

My Association will be pardoned for stating that the relief sought to be given by Section 21 is not recognised by the Indian community as such. If the Government chooses to perform a simple duty towards a British subject by allowing him to own his inheritance, it is no relief to the community in general. As to permitting fixed property to be held by British Indians for religious uses, my Association is advised that no provision is necessary in view of a decision given by the Witwatersrand High Court in a case recently adjudicated.

Responsible Government will soon be established in the Colony. My Association, therefore, respectfully urges that, if the Government does not intend to grant any real and substantial relief in accordance with the oft-plighted word of British administrators, Law 3 of 1885 may be allowed to remain undisturbed, and the Responsible Government may be left to deal with the whole position in

consultation with the Imperial Government.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 1-9-1906

### 289. LONG LIVE THE GRAND OLD MAN<sup>1</sup>

The fourth of September will be the eighty-second birthday of the Honourable Dadabhai Naoroji, the veteran patriot of India, who is its "Grand Old Man" as not even the late Mr. Gladstone was of England. The spectacle of Mr. Naoroji tirelessly fighting India's battles, hoping against hope, living a life of self-imposed exile and of incessant energy that would do credit to a youth of twenty-five, is magnificent, ennobling and inspiring. No one can, with any justification, talk of India as in its decline when it produces even one such life as Mr. Naoroji's. To him, India's service is the breath of life. It is his religion and it is his one occupation. He has dedicated his all to India as no one else has. We cannot but think that it is his intense love and devotion to the cause which enable him to bear his years so lightly as he has done. Shall we say it is also a result of divine pleasure over so much pure sacrifice of self? To us in South Africa, a life such as this teaches many a lesson and we can render no greater homage and offer no more sincere prayer for yet more divine pleasure to be bestowed upon the Grand Old Man than by endeavouring to copy the life that Mr. Naoroji has placed before all India. We feel certain, in fact we know, that nothing will give him greater pleasure than to know that we cherish his life's work and that we want to follow in his footsteps, and that even after the grave has closed over him, he will live in our memories and in our deeds. Those that are connected with this journal have in many of their trials been uplifted by the remembrance of this one name. Indeed, the enterprise has been possible only because of the great example set by the noblest Indian patriot living. Our heartfelt prayer goes to the Almighty for a long life to the Grand Old Man of India.

*Indian Opinion*, 1-9-1906

<sup>1</sup> This and the three following items were written on or before August 27, 1906. *Vide* "Letter to Chhaganlal Gandhi", 27-8-1906

## 290. ABOMINABLE!

Abominable is a very strong adjective to use in respect of any act, and yet we can find, even after calmly considering it, no other term equally fitting to characterise the Draft Asiatic Ordinance published in the Transvaal *Government Gazette Extraordinary* dated the 22nd inst. This is in compliance with Mr. Duncan's forecast given at the time of the adjournment of the Legislative Council of the Transvaal. The worst fears of the Indian community of the Transvaal have been realised by the Bill under discussion. It is in violation of many a sacred promise made to the unfortunate Indians residing in that Colony. It sets at nought the British principle of justice and fairplay, and it tramples upon the ordinary ideas of right and wrong as they have been known<sup>1</sup> to mankind for ages past. We give in another column the strongly-worded protest of the British Indian Association<sup>2</sup> but the language used in it is none too strong even for an official document. The Ordinance goes much further than we had anticipated from Mr. Duncan's language. It unsettles the Indian mind as no other measure in South Africa has ever done before. It threatens to invade the sanctity of home life. Before it, Law 3 of 1885 pales into utter insignificance. The most pitiful part of it consists in the fact that what the Boer Government did in ignorance of facts and without meaning to do much harm and in respect of persons not its own subjects, the British Government is doing with the fullest knowledge of facts with the deliberate intention of injuring the Indian community and in respect of British subjects. In its method, the present Government intends to surpass the Boer Government and it would now bring under the clutches of the law those who were outside it under the Dutch rule, namely, women, children and non-traders. We are much pained to notice that our contemporary, the Johannesburg *Star*, welcomes the measure and actually gloats over its stringency. It betrays ignorance of the existing law and, therefore, deals with generalities, dignifying by the name of "concession" that which the Indian community interprets as an insult. In *The Star* language, exemption from the Liquor Licensing Ordinance vouchsafed to "distinguished Asiatic visitors" is a "sensible modification". Such language in a paper edited by an ex-private secretary of an ex-High Commissioner for South Africa leaves little hope of justice being done by the present

<sup>1</sup> The original has "... are known".

<sup>2</sup> *Vide* "Letter to Colonial Secretary", 25-8-1906

local Government. Asiatic law is to be amended not in order to fulfil promises given to the Indian community before and after war, but it is being introduced in order to conciliate Messrs Loveday and Company who have been practically dictating the Asiatic policy. Will the Home Government silently allow the proposed injustice to be perpetrated even while the Transvaal is a Crown Colony? If the local Government has not the courage to do justice, it will be for it a safe escape out of doing wanton injustice to accept the proposal of the British Indian Association and to allow Law 3 of 1885 to remain as it is, pending introduction of Responsible Government.

*Indian Opinion*, 1-9-1906

### 291. COLONIAL INDIANS, NOTE!

Herr Adolph Stein speaks as follows of the trials of the German soldier:

The lack of railways (in South-West Africa) has made it impossible for bigger supplies to be taken to the front and the troops have been on short rations since the beginning of the campaign which has now continued for two years and a half. The men have been without bread and salt for months together and there have been times when they have lived on the flesh of mules. These mules which were intended to drag the artillery had to be slaughtered to supply the starving soldiers with rations. The men have frequently fought or marched for forty hours without a drop of water or other beverage. Their uniforms are torn to shreds and have been replaced by all sorts of odds and ends of clothing, giving the troops a shabby appearance. Their shoes are worn out and have been replaced by sandals made from the hides of slaughtered oxen. Notwithstanding all these hardships, the troops have performed their duty without flinching.

There is a world of meaning to be read into these sentences by Indians in South Africa and particularly those who have been born and bred in this sub-continent. It must be remembered that these soldiers are, some of them, drawn from men ordinarily engaged in civil occupation. No country has become great without its inhabitants undergoing hardships and self-sacrifice. We often talk of the disabilities of British Indians in South Africa and we have a right to complain about them and to seek redress, but, as an esteemed friend wrote in these columns a few months ago, salvation of British Indians will ultimately have to come from within, and that will only be done when the rising generation of Indians recognise their communal duty and are prepared to undergo trials and difficulties even as German soldiers are now doing in South-West Africa.

*Indian Opinion*, 1-9-1906

## 292. THE CAPE LICENCES ACT

From the Cape *Government Gazette* of the 21st inst., we notice that the Cape Licences Bill has become an Act of Parliament and henceforth Indian traders, as indeed all other traders, will come under its operation. The Bill has undergone so many alterations that it is no longer possible to detect the original measure in the Act. In some respects it is undoubtedly harsh. The right of appeal to the Supreme Court has not been definitely taken away, but it is a moot question whether the decision that may be given by the Licensing Boards will be capable of being reviewed by the Supreme Court. Moreover, the safeguard that was left to intending applicants by the original Bill, by way of securing the consent of a majority of rate-payers, has been taken away. At the same time, the requirement as to the books being kept in English has been removed. We, however, never attached any importance to the clause; it was harmless, and we may here point out that, although there is nothing stated as to the keeping of books, it will be quite proper for the Municipal authorities to decline to grant licences if the applicants could not shew to their satisfaction that they are able to keep an intelligible record of their transactions. We have always recognised as legitimate a well-regulated control over trading licences. We, therefore, think that the Act should receive a fair trial. Much will, however, depend upon the manner [in] which the Licensing Boards will use their newly acquired powers. In the words of the late Mr. Escombe, we trust that, having received “a giant’s strength”, they will not use it as giants, but temper justice with mercy.

*Indian Opinion*, 1-9-1906

## 293. LETTER TO CHHAGANLAL GANDHI

P. O. Box 6522,  
JOHANNESBURG,  
*August 27, 1906*

MY DEAR CHHAGANLAL,

I am sending you three leading articles to-night; that about Dadabhai<sup>1</sup> will of course occupy the first place, the second should be that about Johannesburg<sup>2</sup> and the third, the Colonial-born Indians,

<sup>1</sup> *Vide* “Long Live the Grand Old Man”, 1-9-1906

<sup>2</sup> *Vide* “Abominable!”, 1-9-1906

Note<sup>1</sup>. I am too exhausted to give you more although I have a lot to write upon, nor have I the time, but I may be able to send an article or two to-morrow. They will reach you on Thursday. It is now nearly five o'clock; I shall try to give you some Gujarati, at least an article about Dadabhai. If possible, give Dadabhai's photograph as a supplement next week. Brian Gabriel has got the negative; he should do it free of charge. The block must be well printed. I was almost about to telegraph to you about the supplement but I think we do not want to hurry. It will come in very nicely next week. I am giving another article on the Cape Act<sup>2</sup> herewith, so that you have 4.

*Yours sincerely,*

M. K. GANDHI

C. K. GANDHI, ESQ.  
PHOENIX  
NATAL

From a photostat of the original: S. N. 4368

## *294. CABLE TO "INDIA"*

JOHANNESBURG,  
*August 28, 1906*

THE DRAFT ASIATIC ORDINANCE WHICH HAS BEEN PUBLISHED CONTRAVENES ALL PAST PROMISES, AND IS WORSE THAN THE EXISTING LAW, WHICH WAS TAKEN FROM THE BOER REGIME. IT SHOCKS INDIAN SENTIMENT BY REQUIRING WOMEN, AND CHILDREN OVER EIGHT YEARS, TO REGISTER. INDIANS, WHO HAVE ALREADY BEEN TWICE REQUIRED BY LAW TO REGISTER, REGISTERED THE LAST TIME VOLUNTARILY TO PLEASE LORD MILNER. THIS THIRD REGISTRATION IS BOTH UNNECESSARY AND OPPRESSIVE. INDIANS PREFER A CONTINUANCE OF THE OLD LAW TO SUBMITTING TO THE WANTON INDIGNITY WHICH THE PROPOSED ORDINANCE CONTEMPLATES. THE CHARGE OF UNLAWFUL ENTRY IS DENIED, AND A COMMISSION OF ENQUIRY IS REQUESTED.

*India, 31-8-1906*

<sup>1</sup> *Vide* "Colonial Indians, Note!", 1-9-1906.

<sup>2</sup> *Vide* "The Cape Licences Act", 1-9-1906



### 295. KODAMA, THE HERO OF JAPAN

General Kodama died suddenly last month in Tokyo without suffering any illness. He was born in the Samurai or Kshatriya class of Japan, and was naturally therefore an able soldier. He was moreover a well-known strategist. By his death the Japanese army has suffered a great loss.

Kodama joined the Japanese army in 1872, where his ability quickly attracted notice and he rose rapidly, becoming Lieutenant-Colonel in 1880. He became General in 1904. During the last Russo-Japanese War, he was Marshal Oyama's chief lieutenant. True to the nature of the Japanese people, he remained very patient and serene in war and was never impetuous. When, in the bloody battle of Layoyang, the Russian army made a fierce charge on the Japanese, he was at breakfast. As the Russians were marching towards General Kodama's camp, his men, concerned for the safety of their General, requested him to shift to another place. He replied that this he could never do, adding that, if his soldiers came to know he had left the front-line, they might waver and lose heart. It was therefore better for him to remain where he was. This brave conduct of the leader gave the soldiers courage and enabled them to repel the Russian attack.

In build and appearance, General Kodama resembled an Englishman. Sixteen years ago, he was sent to Europe by the Japanese Government to study western techniques of warfare. He gave proof of his proficiency during the last Chinese War. In appreciation of his services in that war, the Mikado made him a Baron. He was considered a capable man in Japan and it was expected that he would one day become Prime Minister. He was 53 when he died.

[From Gujarati]

*Indian Opinion*, 1-9-1906

### 296. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*September 1, 1906*

MY DEAR CHHAGANLAL,

I have your exhaustive letter, also your telegram regarding Harilal. I am sorry about the permit, but it cannot be helped. I have read your remarks to Mr. Polak; he laughed over them and says you

should have spoken to him when he was there. Mr. Medh<sup>1</sup> himself wants only a temporary job so that if you want him only for a time he will be quite willing and I am quite agreeable that you should have assistance. I certainly feel that you want some one to help you. Otherwise, what I am afraid of is that you will break down or that you will leave something undone which ought to be done now, especially the books. But if you have Mr. Medh only temporarily it will be very bad to offer him only £3. You should offer him £4 per month and if he makes himself thoroughly efficient, for the second month he should have £5. You will want him for about six months I think, even after Mr. West's return. Although I should be sending Gujarati matter from here, the political movements going on make my position very uncertain. I might have to go to England or I might have to go to gaol. I have informed Mr. Duncan, whom I met today, that, in the event of the legislation going through, I would be the first one to go to gaol rather than be registered or pay the fine. I believe the people here, too, are determined, but I should naturally take the lead in a matter of this kind. If that happens, it means incarceration perhaps for three months. You must, therefore, make your preparations to carry on the work efficiently without relying on me. I have the account against Mr. Osman Latief in my mind; I think I will be able to recover the amount some time or other. You can print Suliman Amod's books in 200 pages or 100 whichever suits you better. The theatrical handbills were received yesterday afternoon. Could you not have sent them by post instead of by parcel? I am really delighted with Harilal's taking a deck passage and managing everything himself. The papers re-directed by you have been received. I am very sorry indeed to hear of the death of Thakarshi. It is wonderful how young men are taken off so quickly; I believe I have found out reasons for the phenomenon but if I were to discuss them my voice would be a voice in the wilderness. You should furnish Osman Amod with an estimate of the cost. I have had a complaint about the Smashan fund article<sup>2</sup>. I have written to Motilal and I shall deal with it in the Gujarati columns<sup>3</sup>. It is ridiculous for him to complain about it especially against you. I hope you have pruned down considerably Shelat's contributions; you need not insert any of his contributions without shewing them to me as I have told him I would not put them in unless I found them to be suitable. You should tell Messrs Woods & Son that we are debarred

<sup>1</sup> Surendra Medh, who worked with Gandhiji and later with Manilal Gandhi in South Africa

<sup>2</sup> *Vide* "The Condition of the Hindu Cremation Ground", 25-8-1906

<sup>3</sup> *Vide* "The Hindu Cremation Ground", 8-9-1906

from circulating their handbills through the paper. I will write to Mr. Dada Osman about the advertisement. I received the proof sent by you at the same time as the paper.

*Yours sincerely,*

M. K. GANDHI

[PS.]

Please send me Kuhne's book which might be with you or in Mr. West's room.<sup>1</sup>

C. K. GANDHI, ESQ.

PHOENIX

NATAL

From a photostat of the original: S. N. 4372

### 297. JOHANNESBURG LETTER

*September 3, 1906*

#### THE INTERVIEW WITH MR. DUNCAN

On Mr. Duncan expressing a desire to meet the Indian deputation regarding the Asiatic Act, Messrs Abdul Gani, Essop Mian, Hajee Ojer Ally, Peter Moonlight and Gandhi, who were deputed by the Committee of the British Indian Association for this purpose, went to Pretoria last Saturday; there they were joined by Mr. Haji Habib on behalf of the Pretoria Committee. Mr. Duncan saw them at 11 a.m. Before writing further on the subject, I must say that their troubles began even as they got into the morning train that leaves at 8-30. Mr. Chamney, who had agreed to make all the arrangements at the station, had for his part no doubt done so. But neither the station master nor the conductor knew anything about them. The latter became obstructive, arguing that they had come without previous notice. Finally, however, the members were accommodated in a second-class compartment up to Germiston, whence they were able to have a first-class carriage. There ensued a long discussion with Mr. Duncan. The deputation told him that the Asiatic Act would be unacceptable to the Indian community under any circumstances and that re-registration would simply not take place. It was tyrannical that, in response to the community's plea for relief, the Government should attempt to enforce a harsher law. It was unthinkable that women and children should be registered. Registration was not necessary during the Dutch regime, and besides, the practice does not obtain elsewhere

<sup>1</sup> The postscript, in Gujarati, is in Gandhiji's hand.

in British territory. The deputation presented a detailed account of permit problems. Messrs Haji Ojer Ally and Haji Habib spoke in impassioned terms about them. Mr. Duncan told them that the Government would consider all the points and send a reply. In answer to the question about the Malays, Mr. Duncan said that the Act of 1885 had at no time applied to them, and that the Government would therefore consider whether to extend the Act to them or not, although, strictly speaking, it should.

Mr. Essop Mian, who wanted to say something on his own, was asked to seek a separate interview, as Mr. Duncan had to attend another meeting.

#### DADABHAI BIRTH ANNIVERSARY

The Committee of the British Indian Association met in Johannesburg last Friday, about thirty persons attending. It was unanimously decided to cable congratulations to Dadabhai on his eighty-second birthday. The cable was accordingly sent on September 4<sup>1</sup>.

[From Gujarati]

*Indian Opinion*, 8-9-1906

#### 298. CONGRATULATIONS TO DADABHAI NAOROJI

[JOHANNESBURG,  
*September 4, 1906*]

BRITISH INDIAN ASSOCIATION TENDERS YOU HEARTY CONGRATULATIONS BIRTHDAY. PRAY YOU MAY BE LONG SPARED SERVE YOUR COUNTRY.

*India*, 5-10-1906

#### 299. CRIMINAL

We have already described the Asiatic Draft Ordinance of the Transvaal Government as abominable.<sup>2</sup> A closer examination of the Ordinance and the complaints we have received about it require the use of an even stronger epithet regarding the proposed action of the Government. It will be a crime against humanity if it is persisted in.

<sup>1</sup> The letter, though begun on September 3, was completed on or after September 4.

<sup>2</sup> *Vide* "Abominable!", 1-9-1906

There are, to-day, not more than 13,000 Indians all told, including women and children, in the Transvaal. Women and children do not possess any documents authorising them to enter the country because the permit regulations do not require them. They are, however, not lawful residents of the Transvaal, according to the definition given to permits by the Ordinance. Will they, then, be banished from the Colony and torn from their husbands, or parents, as the case may be? Perhaps not. All the same, power is given to the department concerned with the administration of the Ordinance to subject women and children to indignities, and even to banish them. Immemorial experience shews that arbitrary power left in the hands of the best possible men tends to lower their humanity and makes them, very often in spite of themselves, do things which, under other circumstances of greater responsibility, they would not have done. The Christian Teacher, whose tenets the Government of the Transvaal, we suppose, professes to follow, only uttered simple truth when He decried temptation.

Nor is this all. The effect of the Ordinance will be to impugn the validity of every permit and registration certificate issued before the date of the Ordinance, that is to say, every holder of these documents will have to appear before the Registrar of Asiatics and satisfy that official that he is the lawful holder. Indians in the Transvaal know what this means; they will be subjected to all kinds of unnecessary and often insulting questions, and they will have to undergo a very strict examination before they receive a third certificate. And what is the reason for all this? Why, [it is] that some few Indians, whose moral sensibilities have been blunted by official folly and needless severity, have entered the Colony of the Transvaal without authority.

The only apparent reason for this Ordinance is to cover hopeless incompetence in the administration of the present laws, which, we maintain, are sufficient to meet all cases of fraudulent entrance. There is, in the Peace Preservation Ordinance, a clause which enables officials appointed thereunder to inspect permits, and non-production of same renders persons inspected liable to be arrested and ultimately deported from the Colony. Failure to leave the Colony carries with it a very heavy penalty. We hold that these clauses, wisely employed, would soon shew how far the statements of the anti-Asiatic agitators are borne out. It is curious that, instead of employing this efficient instrument at its disposal, the Government has devised degrading legislation in order to find out whether there are any persons who have surreptitiously entered the Colony.

A correspondent, of nineteen years' standing in the Transvaal, has asked a pertinent question in the Gujarati columns which we

translate in another place in this issue, asking what is the difference between Russian rule and British rule *a la* Transvaal. The difference, in our opinion, lies in the fact that, whereas, in Russia, when it suits the authorities, they do not hesitate to murder people openly and directly, in the Transvaal, because the authorities wish to do away with Indians, but cannot do so openly and honestly, instead of resorting to the direct method of murdering them or banishing them from the Colony, they intend to kill them by inches. They would devise means which exasperate even the mild Indian into leaving the country of his own accord or adopting means which serve the same purpose. And so the authorities are able unctuously to declare: "We are not guilty of the civil murder of these men—they left of their own accord." We present this thought to the Government for its earnest consideration, and ask it now, whilst there is yet time, to withdraw from an utterly false position.

*Indian Opinion*, 8-9-1906

### 300. THE GRAND OLD MAN

The various associations in South Africa have simply done their duty by forwarding congratulatory messages to the Honourable Dadabhai Naoroji on his eighty-second birthday.<sup>1</sup> This birthday anniversary has become a day of national rejoicing throughout India, and Indian life in South Africa seems to us to be incomplete without a reproduction, on however humble a scale, of what has been going on in India for years in connection with the birthday anniversary of the one man who is enshrined in the hearts of millions of Indians as is no other man at the present day. These voluntary offerings must be a matter of very great solace to the aged patriot, and it cannot but further the work that he has been doing so ungrudgingly for over half a century. We hope that, having commenced it, Indians in South Africa will make the sending of these messages an annual feature, and hope that they will be privileged, for many years to come, to be able to commemorate the day. We publish with this issue a supplement, containing a portrait of the Hon. Dadabhai Naoroji.

*Indian Opinion*, 8-9-1906

<sup>1</sup> *Vide* "Congratulations to Dadabhai Naoroji", 4-9-1906

### 301. RUSSIA AND INDIA

Mr. Essop Mian recently compared [conditions under] British rule in the Transvaal with the state of affairs prevailing in Russia.<sup>1</sup> Such a comparison is indeed worth making. Just as the Russian people are tyrannised over by government officials, so are Indians in the Transvaal. People are openly assaulted and killed in Russia. Under British rule, the harm inflicted on the people is, as in the case of a rat-bite, not immediately noticeable, but it may be said that the ultimate effect is just as bad.

It is interesting to compare the reactions of the Russian people to tyranny with our own reaction to it. Under British rule, we draft petitions, carry on a struggle through the Press, and seek justice from the King. All this is perfectly proper. It is necessary, and it also brings us some relief. But is there anything else that we should do? And, can we do it? We shall think of these questions later. For the present, let us see what Russia is doing. The people there, both rich and poor, do not send petitions and stop there. The oppression there is such that it has given rise to a number of anarchists. They believe that all rulers are oppressive, and the State should therefore be done away with. To achieve this end, people in Russia kill the officials openly as well as secretly. In this, however, they are making a mistake. Such thoughtless adventures only serve to keep the minds of both the rulers and the ruled in a state of constant tension. All the same, it is admitted on all hands that men taking such risks must be brave and patriotic.

Even young girls set out on such adventures and court risks. A book was recently published about the lives of young women who have thus made themselves immortal. Knowing that death is certain, these fearless girls, actuated by patriotism and a spirit of self-sacrifice, take the lives of those whom they believe to be the enemies of the country, and themselves meet an agonising death at the hands of officials. Facing such risks, they serve their country selflessly. It will be no wonder if such a country succeeds in achieving freedom from tyranny. The only reason why it has not become free immediately is that such patriotism is misdirected, as we have pointed out before, and results in bloodshed. In consequence, these people cannot, according to divine law, obtain any immediate benefit.

Do our people display patriotism of this order? We have regretfully to say "No". No one can be blamed, for we have not yet

<sup>1</sup> *Vide Indian Opinion*, 8-9-1906.

been trained for this. We are children in political matters. We do not understand the principle that the public good is also one's own good. But the time has now come for us to outgrow this state of mind. We need not, however, resort to violence. Neither need we set out on adventures, risking our lives. We must, however, submit our bodies to pain, and the new Transvaal Ordinance offers an excellent opportunity. The Ordinance represents the limit of oppression. It is not for us to punish those who made that Ordinance. If we did that, we would be as much at fault as the Russians. Indians are a meek people, and we wish they will always remain so. What, then, should we do? The answer to this question has been given by the Indian deputation to Mr. Duncan. They have told him that if, disregarding our attempts at gentle persuasion, the Government enforces the Ordinance, Indians will not abide by it; they will not [re-]register themselves, nor will they pay fines; they will rather go to gaol. We believe that, if the Indians in the Transvaal firmly stick to this resolution, they will at once be free of their shackles. The gaol will then be like a palace to them. Instead of being a disgrace, going to gaol will enhance their prestige. And the Government, for its part, will realize that it cannot with impunity go on humiliating Indians. What we do not do, besides addressing petitions—though we ought to do it—is that we will not sacrifice our bodily comforts. We give ourselves over to physical pleasures and cannot give them up. It is our duty to make some sacrifice for the sake of others. We do not realize that there is real beauty in this: that it is thus that we please God and do our true duty. The resolution<sup>1</sup> about the deputation [to England] is an excellent step. We hope that the Indians will not miss this golden opportunity and that every one of them in South Africa will support it.

[From Gujarati]

*Indian Opinion*, 8-9-1906

### 302. FALSE PERMITS IN THE TRANSVAAL

We have received a letter about false permits which we think it is unnecessary to publish. The writer says that some Indians try to enter the Transvaal with false permits, and innocent men have to suffer in consequence. Those who make the attempt are, of course, sentenced. Some time ago, eight Indians at Barberton were fined £30 and obliged to return. Though, in our view, the fine was unmerited, we do believe that it is necessary for every Indian to act with caution. The more our

<sup>1</sup> Vide "The Mass Meeting", 11-9-1906



people misuse permits, the more they will add to our woes. We are sorry for those who cannot enter the Transvaal; we sympathise with them. But, so long as the law is against them, they have to remain patient. We must always bear in mind that, in the process of securing one's own interest, one ought not to harm others. We hope every reader will learn a lesson from the Barberton cases.

[From Gujarati]

*Indian Opinion*, 8-9-1906

### 303. THE HINDU CREMATION GROUND

We commented in a previous issue on the condition of the Hindu cremation ground.<sup>1</sup> Some persons have construed our comments as intended to find fault with the management. We have gone through the article again, but are unable to read in it any such intention. However, to preclude any possible misunderstanding, we hereby declare that we have not, in the article, held the management guilty of any fault. As far as we know, they have been doing their best to keep the cremation ground clean and in good condition.

[From Gujarati]

*Indian Opinion*, 8-9-1906

### 304. LETTER TO COLONIAL SECRETARY

BRITISH INDIAN ASSOCIATION

Urgent

[JOHANNESBURG,]

*September 8, 1906*

SIR,

I have the honour to request Your Excellency to forward the enclosed telegrams to the Right Honourable the Secretary of State for India and His Excellency the Viceroy of India.<sup>2</sup>

You will notice that the text of the cable to His Excellency the Viceroy of India is different from that of the other two<sup>3</sup>. My Association has authorised me to disburse the expense of the cablegrams and on hearing from you, I shall forward cheque. As the

<sup>1</sup> *Vide* "The Condition of the Hindu Cremation Ground", 25-8-1906

<sup>2</sup> *Vide* the following items.

<sup>3</sup> Addressed to the Secretaries of State for India and for the Colonies

matter is one of great urgency, may I request that the cablegrams be sent today.

*I am, etc.,*  
ABDUL GANI

Pretoria Archives: L. G. File No. 93: Asiatics

*305. CABLE TO SECRETARY OF STATE FOR COLONIES<sup>1</sup>*

[JOHANNESBURG,]  
*September 8, 1906*

TO

SECRETARY OF STATE FOR THE COLONIES

BRITISH INDIANS ALARMED AT HASTE WITH WHICH ASIATIC  
ORDINANCE IS BEING RUSHED THROUGH LEGISLATIVE COUNCIL.  
ORDINANCE REDUCES INDIANS TO STATUS LOWER THAN KAFFIRS  
AND MUCH LOWER THAN THAT OCCUPIED UNDER DUTCH  
REGIME. BRITISH INDIAN ASSOCIATION REQUEST IMPERIAL  
SANCTION BE STAYED PENDING DEPUTATION PROCEEDING  
DIRECTLY. ASSOCIATION REQUESTS REASSURING REPLY.

BIAS

Pretoria Archives :L. G. File No. 93 Asiatics

*306. CABLE TO VICEROY OF INDIA*

[JOHANNESBURG, ]  
*September 8, 1906*

TO

HIS EXCELLENCY THE VICEROY OF INDIA

BRITISH INDIANS ALARMED AT ASIATIC ORDINANCE PASSING  
THROUGH LEGISLATIVE COUNCIL. TRANSVAAL ORDINANCE DEGRADING,  
INSULTING, REDUCES INDIANS TO A WORSE STATUS THAN THAT  
OF PARIAHS. BRITISH INDIAN ASSOCIATION REQUEST THE  
VICEROY'S ACTIVE INTERVENTION, HIS EXCELLENCY BEING DIRECTLY  
RESPONSIBLE FOR THEIR WELFARE.

BIAS

Pretoria Archives: L. G. File No. 93: Asiatics

<sup>1</sup> The same telegram was sent to the Secretary of State for India also.

### 307. SPEECH ON THE “BLACK ACT”

*At a meeting of some leading Indians held to consider the draft Asiatic Law Amendment Ordinance, Gandhiji explained its full implications. It shocked them as it had shocked Gandhiji. All present then resolved to hold a public meeting and consider and adopt measures to fight the “Black Act”.*

*The following is Gandhiji’s own reconstruction of the speech which, like the one at the mass meeting on September 11, (vide pp. 419-22), brings out the importance he attached to defiance of an unjust law.*

[JOHANNESBURG,

*Before September 9, 1906]*

This is a very serious crisis. If the Ordinance were passed and if we acquiesced in it, it would be imitated all over South Africa. As it seems to me, it is designed to strike at the very root of our existence in South Africa. It is not the last step, but the first step with a view to hound us out of the country. We are therefore responsible for the safety, not only of the ten or fifteen thousand Indians in the Transvaal but of the entire Indian community in South Africa. Again, if we fully understand all the implications of this legislation, we shall find that India’s honour is in our keeping. For the Ordinance seeks to humiliate not only ourselves but also the motherland. The humiliation consists in the degradation of innocent men. No one will take it upon himself to say that we have done anything to deserve such legislation. We are innocent, and insult offered to a single innocent member of a nation is tantamount to insulting the nation as a whole. It will not, therefore, do to be hasty, impatient or angry. That cannot save us from this onslaught. But God will come to our help, if we calmly think out and carry out in time measures of resistance, presenting a united front and bearing the hardship, which such resistance brings in its train.

M. K. Gandhi: *Satyagraha in South Africa*, Chapter XI; S. Ganesan, Madras; 1928

### 308. SPEECH AT HAMIDIYA ISLAMIC SOCIETY<sup>1</sup>

*At a meeting of the Hamidiya Islamic Society, Gandhiji explained the political situation in the Transsaal. The following is an extract from a report of the proceedings:*

<sup>1</sup> The report in the *Indian Opinion* has the caption, “Call to Action”.

JOHANNESBURG,  
September 9, 1906

We have received a reply to our cable<sup>1</sup> to the Colonial Secretary. (Mr. Gandhi here read out the reply.) I have also cabled to London<sup>2</sup> according to instructions. There is now no alternative to sending a deputation, because an intolerable and wicked law is being forced upon us; and we must not put up with it. As it is, our plight in the Transvaal is very bad, and now comes this vicious Draft Ordinance. My advice, therefore, is that we should not seek fresh registration.

Let the accusation of breaking the law fall on us. Let us cheerfully suffer imprisonment. There is nothing wrong in that. The distinctive virtue of the British is bravery. If therefore we also unite and offer resistance with courage and firmness, I am sure there is nothing that the Government can do. Even the half-castes and Kaffirs, who are less advanced than we, have resisted the Government. The pass law applies to them as well, but they do not take out passes.

I do not want to say more. I would only advise you not to register yourselves again. If the Government sends us to gaol, I shall be the first to court imprisonment. And if any Indian is put to trouble because of his refusal to register afresh in accordance with the Draft Ordinance, I will appear in his case free of charge.

On Tuesday next, we are holding a mass meeting, and I expect you all to close your business on that day and attend it.

Having explained all this at length, Mr. Gandhi made a few suggestions for collecting funds quickly, appointing a new committee to look after the funds and publishing the accounts every month.

[From Gujarati]

*Indian Opinion*, 22-9-1906

### 309. THE MASS MEETING

*A mass meeting of British Indians was held to protest against the draft Asiatic Law Amendment Ordinance. Abdul Gani, Chairman, British Indian Association, presided. Several speakers opposed the Ordinance and called for non compliance in case it became law. The following is a report of Gandhiji's speech:*

<sup>1</sup> This is not available.

<sup>2</sup> *Vide* "Cable to Secretary of State for Colonies", 8-9-1906

JOHANNESBURG,  
*September 11, 1906*

Mr. M. K. Gandhi, (Johannesburg), Hony. Secretary of the British Indian Association, then addressed the meeting. He pointed out that by some critics it might be thought that there was a defect in the chain of reasoning as outlined by their resolutions, because they asked for redress of their grievances, and then went on immediately to threaten to go to gaol if their prayer was not granted. He contended, however, that there was no real flaw in the chain, because they were not holding out a threat. It was merely a question of one ounce of practice which was worth whole tons of speeches and writings. He had thought the matter over seriously and earnestly before he had given his opinion upon the step they should take, and he felt that it was their bounden duty to adopt the course laid down if their prayer was not granted. He contended that every adjective used that day was justified for the occasion, and said that if he could find a stronger adjective he would use it. He had studied the whole of the anti-Asiatic legislation throughout South Africa; but he never, in the whole course of his experience, came across anything like this present Ordinance. Even the legislation of the O.R.C., drastic as it was, was far superior to that now introduced here, which was so bad that no self-respecting Indian could live under it. He admitted that the responsibility for the serious step he had taken was upon his shoulders, and he took the responsibility in its entirety. He felt he had done the right thing in advising them to take this step as loyal British subjects. In all their action in this respect they were full of loyalty. No shadow of disloyalty could rest upon them. Some people might say that they were foolish, and he would say that their action was foolish if he had not full confidence in his fellow-countrymen. But he knew them; he knew that he could trust them, and he knew also that, when occasion required an heroic step to be taken,—he knew that every man among them would take it. (Loud Cheers.)

*Indian Opinion, 22-9-1906*

*At the meeting, Haji Habib proposed that they should take a solemn oath to oppose the Ordinance. Explaining the implications of the suggestion, Gandhiji made a speech, which he recapitulates in Satyagraha in South Africa:*

I wish to explain to this meeting that there is a vast difference between this resolution and every other resolution we have passed upto date and that there is a wide divergence also in the manner of making it. It is a very grave resolution we are making, as our existence in South Africa depends upon our fully observing it. The manner of making the resolution suggested by our friend is as much of a novelty as of a solemnity. I did not come to the meeting with a view to getting

the resolution passed in that manner, which redounds to the credit of Sheth Haji Habib as well as it [*sic*] lays a burden of responsibility upon him. I tender my congratulations to him. I deeply appreciate his suggestion, but if you adopt it you too will share his responsibility. You must understand what is this responsibility, and as an adviser and servant of the community, it is my duty fully to explain it to you.

We all believe in one and the same God, the differences of nomenclature in Hinduism and Islam notwithstanding. To pledge ourselves or to take an oath in the name of that God or with Him as witness is not something to be trifled with. If having taken such an oath we violate our pledge we are guilty before God and man. Personally I hold that a man, who deliberately and intelligently takes a pledge and then breaks it, forfeits his manhood. And just as a copper coin treated with mercury not only becomes valueless when found out but also makes its owner liable to punishment, in the same way a man who lightly pledges his word and then breaks it becomes a man of straw and fits himself for punishment here as well as hereafter. Sheth Haji Habib is proposing to administer an oath of such a serious character. There is no one in this meeting who can be classed as an infant or as wanting in understanding. You are all well advanced in age and have seen the world; many of you are delegates and have discharged responsibilities in a greater or lesser measure. No one present, therefore, can ever hope to excuse himself by saying that he did not know what he was about when he took the oath.

I know that pledges and vows are, and should be, taken on rare occasions. A man who takes a vow every now and then is sure to stumble. But if I can imagine a crisis in the history of the Indian community of South Africa when it would be in the fitness of things to take pledges, that crisis is surely now. There is wisdom in taking serious steps with great caution and hesitation. But caution and hesitation have their limits, which we have now passed. The Government has taken leave of all sense of decency. We would only be betraying our unworthiness and cowardice, if we cannot stake our all in the face of the conflagration which envelopes us and sit watching it with folded hands. There is no doubt, therefore, that the present is a proper occasion for taking pledges. But every one of us must think out for himself if he has the will and the ability to pledge himself. Resolutions of this nature cannot be passed by a majority vote. Only those who take a pledge can be bound by it. This pledge must not be taken with a view to produce an effect on outsiders. No one should trouble to consider what impression it might have upon the local Government, the Imperial Government, or the Government of India. Every one must only search his own heart, and if the inner

voice assures him that he has the requisite strength to carry him through, then only should he pledge himself and then only would his pledge bear fruit.

A few words now as to the consequences. Hoping for the best, we may say that, if a majority of the Indians pledge themselves to resistance and if all who take the pledge prove true to themselves, the Ordinance may not even be passed and, if passed, may be soon repealed. It may be that we may not be called upon to suffer at all. But if on the one hand one who takes a pledge must be a robust optimist, on the other hand he must be prepared for the worst. It is therefore that I would give you an idea of the worst that might happen to us in the present struggle. Imagine that all of us present here numbering 3,000 at the most pledge ourselves. Imagine again that the remaining 10,000 Indians take no such pledge. We will only provoke ridicule in the beginning. Again, it is quite possible that in spite of the present warning some or many of those who pledge themselves might weaken at the very first trial. We might have to go to gaol, where we might be insulted. We might have to go hungry and suffer extreme heat or cold. Hard labour might be imposed upon us. We might be flogged by rude warders. We might be fined heavily and our property might be attached and held up to auction if there are only a few resisters left. Opulent today, we might be reduced to abject poverty tomorrow. We might be deported. Suffering from starvation and similar hardships in gaol, some of us might fall ill and even die. In short, therefore, it is not at all impossible that we might have to endure every hardship that we can imagine, and wisdom lies in pledging ourselves on the understanding that we shall have to suffer all that and worse. If someone asks me when and how the struggle may end, I may say that, if the entire community manfully stands the test, the end will be near. If many of us fall back under storm and stress, the struggle will be prolonged. But I can boldly declare, and with certainty, that so long as there is even a handful of men true to their pledge, there can only be one end to the struggle, and that is victory.

A word about my personal responsibility. If I am warning you of the risks attendant upon the pledge, I am at the same time inviting you to pledge yourselves, and I am fully conscious of my responsibility in the matter. It is possible that a majority of those present here might take the pledge in a fit of enthusiasm or indignation but might weaken under the ordeal, and only a handful might be left to face the final test. Even then there is only one course open to the like of me, to die but not to submit to the law. It is quite unlikely but even if every one else flinched leaving me alone to face the music, I am confident that I would never violate my pledge. Please do not

misunderstand me. I am not saying this out of vanity, but I wish to put you, especially the leaders upon the platform, on your guard. I wish respectfully to suggest it to you that, if you have not the will or the ability to stand firm even when you are perfectly isolated, you must not only not take the pledge yourselves, but you must declare your opposition before the resolution is put to the meeting and before its members begin to take pledges and you must not make yourselves parties to the resolution. Although we are going to take the pledge in a body, no one should imagine that default on the part of one or many can absolve the rest from their obligation. Every one should fully realize his responsibility, then only pledge himself independently of others and understand that he himself must be true to his pledge even unto death, no matter what others do.

M. K. Gandhi: *Satyagraha in South Africa*, Chapter XII; S. Ganesan, Madras; 1928

#### RESOLUTIONS PASSED AT THE MEETING<sup>1</sup>

##### RESOLUTION I

This mass meeting of British Indians here assembled, respectfully urges the Honourable the President and Members of the Legislative Council of the Transvaal not to pass the Draft Asiatic Ordinance to amend Law No. 3 of 1885, now before that Honourable House, in view of the facts that :

- (1) It is, so far as the Indian community of the Transvaal is concerned, a highly contentious measure.
- (2) It subjects the British Indian community of the Transvaal to degradation and insult totally undeserved by its past history.
- (3) The present machinery is sufficient for checking the alleged influx of Asiatics.
- (4) The statements as to the alleged influx are denied by the British Indian community.
- (5) If the Honourable House is not satisfied with the denial, this meeting invites [an] open, judicial, and British enquiry into the question of the alleged influx.

##### RESOLUTION II

This mass meeting of British Indians here assembled respectf-

<sup>1</sup> In accordance with Resolution V, copies of Resolutions II, III and IV were sent to the Secretary of State for India through the Governor of the Transvaal, who was also requested to telegraph their substance to the Viceroy of India. *Vide* "The Mass Meeting", 11-9-1906 and Cd. 3308 issued in February 1907.



ully protests against the Draft Asiatic Law Amendment Ordinance now being considered by the Legislative Council of the Transvaal, and humbly requests the local Government and the Imperial Authorities to withdraw the Draft Ordinance, for the reasons that :

- (1) It is manifestly in conflict with the past declarations of His Majesty's representatives.
- (2) It recognises no distinction between British and alien Asiatics.
- (3) It reduces British Indians to a status lower than that of the aboriginal races of South Africa and the Coloured people.
- (4) It renders the position of British Indians in the Transvaal much worse than under Law 3 of 1885, and, therefore, than under the Boer regime.
- (5) It sets up a system of passes and espionage unknown in any other British territory.
- (6) It brands the communities to which it is applied as criminals or suspects.
- (7) The alleged influx of unauthorised British Indians into the Transvaal is denied.
- (8) If such denial is not accepted, a judicial, open and British enquiry should be instituted before such drastic and uncalled for legislation is enforced.
- (9) The measure is otherwise un-British and unduly restricts the liberty of inoffensive British subjects and constitutes a compulsory invitation to British Indians in the Transvaal to leave the country.
- (10) This meeting further and especially requests the Right Honourable the Secretary of State for the Colonies and the Right Honourable the Secretary of State for India to suspend the Royal sanction and to receive a deputation on behalf of the British Indian community of the Transvaal in connection with this Draft Ordinance.

### RESOLUTION III

This meeting hereby appoints a delegation with power from the Committee of the British Indian Association to add to its membership or to change its personnel, to proceed to England and to lay before the Imperial Authorities the complaint of the British Indian community of the Transvaal regarding the Draft Asiatic Law Amendment Ordinance.

#### RESOLUTION IV

In the event of the Legislative Council, the local Government, and the Imperial Authorities rejecting the humble prayer of the British Indian community of the Transvaal in connection with the Draft Asiatic Law Amendment Ordinance, this mass meeting of British Indians here assembled solemnly and regretfully resolves that, rather than submit to the galling, tyrannous, and un-British requirements laid down in the above Draft Ordinance, every British Indian in the Transvaal shall submit himself to imprisonment and shall continue so to do until it shall please His Most Gracious Majesty the King-Emperor to grant relief.

#### RESOLUTION V

This meeting desires the Chairman to forward copy of the first resolution to the Honourable the President and Members of the Legislative Council, and copies of all the resolutions to the Honourable the Colonial Secretary, to His Excellency the Acting Lieutenant-Governor, and to His Excellency the High Commissioner, and to request His Excellency the High Commissioner to cable the text of resolutions Nos. 2, 3 and 4 to the Imperial Authorities.

*Indian Opinion*, 15-9-1906

### 310. JOHANNESBURG LETTER

*September 11, 1906*

A mammoth meeting was held under the presidentship of Mr. Abdul Gani, at two o'clock on Tuesday afternoon at the Empire Theatre, in connection with the agitation at present going on in the Transvaal against the Asiatic law<sup>1</sup>. About three thousand Indians attended. An invitation was sent to the Colonial Secretary, who sent Mr. Chamney.

In the course of his speech, Mr. Abdul Gani made the following points:

We in the Transvaal have never had to face such critical times before. On this occasion, we have to put in a mighty effort. I do not want to make a long speech; there is much work for us to do. At the time of the Boer War, Lord Selborne said that the need to protect the rights of Indians was one of the causes of the War. For, under the Union Jack, no one should suffer any disability; all must have equal rights.

<sup>1</sup> Draft Asiatic Law Amendment Ordinance

Again, at a meeting of Jews held a few days ago, he said that it was the duty of the British Government to redress the grievances of alien peoples as well. There should be no restrictions, he said, on living, no prohibition of acquisition of land in the British Empire. We have a right to ask how such speeches of Lord Selborne can be reconciled with the oppressive law directed against us.

We have already represented to the Government how drastic and offensive the law is. But, today, I want to read out to you Mr. Gregorowski's opinion on the subject. He writes:

The act is far more severe than the Dutch Law. There is not a single provision in it that is favourable to the Indians. The act makes the position of the Indian worse than that of the Kaffir. Not every Kaffir is required to carry a pass on him; but now every Indian will have to do so. Educated Kaffirs are exempt from such restrictive laws. But the Indian, whatever his education and standing, will have to carry a pass. The pass, it seems to us, will be like the one carried by prisoners, etc. Whatever loop-holes there existed in the Law [3] of 1885 have been closed in this Act. While Kaffirs can own land, Indians cannot. It does not seem probable that the Liberal Government will approve such a law.

What we have been saying is by no means more strongly worded than what Mr. Gregorowski has said.

Now that a serious situation has arisen, we should think about what we ought to do if the Imperial Government does not heed our grievances. Today some resolutions will be placed before you. According to one of them, we shall resolve to send a deputation to England, of which I need say no more. But there is only one very important resolution for today. What shall we do if we fail to secure relief? We have patiently endured the hardships, which have continued unmitigated. But the further disability proposed by this law is insufferable. We therefore want to resolve that, if the Imperial Government too intends to heap more oppressions on us, we will rather go to gaol than put up with it. It always happens that one hits upon the true remedy only when one goes through extreme suffering, and it is our duty firmly to resolve to defy the law and go to gaol. There is nothing to be ashamed of in going to gaol. And I pray to God to give us the strength and the good sense to adhere to our determination.

This is for us the time for deeds, not words. We have to act boldly; and in doing so, we have to be humble and non-violent. We should not speak or listen to any bitter words.

After the President's speech, the following resolutions were passed.

#### RESOLUTION I<sup>1</sup>

This mass meeting respectfully urges the Legislative Council not to pass the Asiatic Ordinance in view of the fact that

- (1) it is, according to the Indian community, a highly objectionable measure;
- (2) it subjects the Indian community to degradation and insult without any cause whatever;
- (3) if it is supposed that Indians enter the Transvaal without permits, there is adequate provision in the existing law to prevent them from so doing;
- (4) the Indian community denies the allegation that there is any large influx of permitless Indians into the Transvaal;
- (5) if the Legislative Council disbelieves these statements, the Indian community demands that a judicial inquiry, which accords with British practice, be held.

#### RESOLUTION II

This mass meeting respectfully protests against the Asiatic Ordinance and humbly requests the local and the Imperial Governments to withdraw the Draft Ordinance for the following reasons:

- (1) it is manifestly in conflict with the past declarations of His Majesty;
- (2) it recognises no distinction between British Indians and other Asiatics;
- (3) it reduces British Indians to a status lower than that of the Kaffirs and other Coloured persons;
- (4) it renders the position of Indians much worse than it was under the Boer regime;
- (5) it sets up a system of passes unknown in any other Colony;
- (6) in effect, it brands all persons of the Indian community as criminals;
- (7) the Indian community denies the alleged influx of unauthorised Indians into the Transvaal;
- (8) if this denial is unacceptable, the Indian community demands that a judicial inquiry which is in conformity with the British system be held;
- (9) the measure is otherwise unjust, restricts the liberty of the

<sup>1</sup> As the report has been translated from the summary in Gujarati, it is not a *verbatim* reproduction of the original English text of the resolutions. For the English resolutions *vide* "The Mass Meeting", 11-9-1906

Indian community and is calculated to oust the community through ill treatment.

- (10) Furthermore, this meeting requests in particular the Right Honourable the Secretary of State for the Colonies and the Right Honourable the Secretary of State for India to recommend the withholding of Royal sanction (until after the Indian deputation has waited upon them).

#### RESOLUTION III

This meeting hereby authorizes the British Indian Association to send a deputation to England in order to put the grievances of the Indian community before the Imperial Government.

#### RESOLUTION IV

Should the Legislative Council, the local and the Imperial Governments reject the humble prayer of the Indian community against the Asiatic Ordinance, every Indian present at this meeting solemnly and sincerely resolves that, rather than submit to this tyrannical law and abide by its un-British provisions, he will prefer to go to gaol and will continue to do so until it pleases His Majesty the King-Emperor to grant relief.

#### RESOLUTION V

This meeting authorizes the Chairman to forward the first resolution to the Legislative Council and all the other resolutions to His Excellency the High Commissioner and through him to the Imperial Government by cable.

#### POSITION OF THE LAW TILL TUESDAY EVENING

I am unable to send reports of the other speakers or their speeches for the current issue. To be brief, the meeting was attended by representatives from Pietersburg, Klerksdorp, Krugersdorp, Pretoria and all other important places. The fear was widely shared that the law might have already received the approval of the Imperial Government. On this point, however, Sir Richard Solomon assures us that the law will not be enforced as long as it has not been sent to England and approved. There is thus still scope for the deputation to visit England, and for sending petitions, etc. Moreover, the law has been so amended that it will not apply to children under sixteen. That is to say, such children entering the Transvaal will not be prosecuted. Another amending clause has, however, been added according to which anyone who smuggles in a child of another as his own will be prosecuted and sentenced. Not only that, but his permit and

registration certificate will be cancelled, and he will be deported.

[From Gujarati]

*Indian Opinion*, 15-9-1906

*311. LETTER TO PRESIDENT OF LEGISLATIVE COUNCIL*

[JOHANNESBURG,]

*September 11, 1906*

TO

HON, THE PRESIDENT OF THE LEGISLATIVE COUNCIL

PRETORIA

SIR,

I have the honour to enclose herewith, by direction of the Mass Meeting of British Indians held this afternoon in Johannesburg, copy of the first resolution<sup>1</sup> unanimously passed by the Meeting for submission to the Honourable House for its sympathetic consideration.

I have the honour to request that the same may be read to the Honourable House.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN ,

BRITISH INDIAN MASS MEETING

Pretoria Archives: L. G. File No. 93: Asiatics

<sup>1</sup> *Vide* "The Mass Meeting", 11-9-1906

312. *LETTER TO LT.-GOVERNOR OF THE TRANSVAAL*

BRITISH INDIAN ASSOCIATION

P. O. BOX 6522,  
JOHANNESBURG,  
*September 12, 1906*

TO

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
OF THE TRANSVAAL AND JOHANNESBURG  
SIR,

In accordance with a resolution passed by the British Indian Mass Meeting held at the Empire Theatre, Johannesburg, I have the honour to enclose herewith Resolutions 2, 3, 4 and 5 for Your Excellency's information.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN ,

BRITISH INDIAN MASS MEETING

Pretoria Archives: L. G. Files: 1902-1906

313. *REPLY TO "THE RAND DAILY MAIL"*

[JOHANNESBURG,  
*September 12, 1906*]

[THE EDITOR]

*The Rand Daily Mail*

SIR,

You have accused me in your leading article of the confusion of the issues in connection with the British Indian mass meeting<sup>1</sup> held yesterday. I fear, however, that it is rather on your side than on mine. The point that I, and every other speaker, made was perfectly clear.

Here is what I stated, as reported in your paper:

They did not ask to bring the 350 millions into this country, but they said that those who had entered the country were entitled to the same protection and

<sup>1</sup> *Vide* "The Mass Meeting", 11-9-1906

rights and privileges as all the Europeans who had come in.

While the meeting earnestly pleaded for a reasonable treatment of the resident British Indian population, you, Sir, shall I say, deliberately have confused the issue by dragging in all Asiatics, British and otherwise, and by raising the question of immigration. How can we raise any such question when it is a matter of life and death for the handful of British Indians that are in the Transvaal? In order to accentuate my point, I did indeed say that, if aliens, not always of a desirable character, could enter the Transvaal freely and without permits, and enjoy all the privileges, it was reasonable that Indians, who are accepted as British subjects, should have a prior right.

You again talk of a suspicious disinclination to descend to details! There was no occasion for it as they are embodied in the British Indian protest which you have already published. No amount of amending the Ordinance as to details can make it acceptable when the very principle of it is bad, namely, to ask every Indian without exception to carry a pass under a system of identification applied only to criminals. We would be unworthy sons of India if, mild as we are, we submitted to the contemplated degradation.

[Yours, etc.,

M. K. GANDHI]

*Indian Opinion*, 22-9-1906

### 314. LETTER TO “THE STAR”

[JOHANNESBURG,

*Before September 14, 1906]*

TO  
THE EDITOR  
THE STAR  
SIR,

You have been good enough, in your leading article on the British Indian protest regarding the Asiatic Draft Ordinance, to give advice to the British Indian Association which, in your opinion, is not very “judiciously” led.

It is a trite saying that “our neighbours always know best what is good for us,” and I have no doubt that, on the principle, your opinion, that the British Indian community is badly led, is also correct. However, for the present, I am more concerned with the attitude you have taken up regarding the British Indian protest than with your judgement about the leaders of the Association.



You think that the community has no case whatever against the new Ordinance, because it is purely a matter of fresh registration and that it imposes no fresh disabilities on any class of His Majesty's subjects. I join issue on both the points. Just as the administration of the Peace Preservation Ordinance has been distorted in order to prohibit Indian immigration, so also the scope of Law 3 of 1885 has been distorted by the new Ordinance to meet a demand that was never made during the Dutch regime. The Dutch law was aimed at the traders. Its policy was not to restrict immigration, but to penalise the immigrants who wanted to trade, and it was for that reason that, originally, it fixed a registration fee of £25, which was reduced to £3 on the intervention of the British Government.

The present Ordinance, which is supposed merely to amend Law 3 of 1885, and therefore, to continue its scope and not entirely change it, as a matter of fact, provides for a system of identification which, in its operation, cannot but be most galling to those who have to submit to it. Re-registration does not mean taking a census of the Indian population, but it means the following :

Every Indian resident in the Colony has to carry with him a registration certificate containing degrading identification particulars. He has to have his new-born child provisionally registered, giving such particulars as to identification as may be required by the regulation to be framed by the Lieutenant-Governor. He has to take out a registration for children above the age of eight years with similar conditions as to identification.

All this is absolutely new and never contemplated by Law 3 of 1885. And yet you have no hesitation in saying that the Ordinance does not impose any disability on the resident Indian population.

Let me assure you that the policy of passive resistance is not a *brutum fulmen*.<sup>1</sup> It is simply a resolve on the part of my countrymen to decline to submit to conditions that are quite unbearable, and if, as suggested by you, it provokes "a movement of their wholesale expulsion as an expensive nuisance", it will be a great relief. That it will be a new departure in the British policy, of course, does not matter to the new school of Imperialists, of whom you are, undoubtedly, a leading light. My countrymen have remained long enough in the background—not discreetly, as you suggest, but rather indiscreetly.

<sup>1</sup> This is in response to the following editorial observation made by *The Star*. "The suggestion of a policy of passive resistance is either a *brutum fulmen* or based on a very hazy notion of the value of that policy in the English educational controversy."

Their coming out of their seclusion will not mean much loss, if it brings no gain. In their opinion, they have already lost almost all.

If your inciting of South Africans results in their taking some interest in the Indian question, I make bold to say that, in spite of your suggestion above referred to, it will open their eyes, and show them how heavily they have sinned against British Indians, and how much they have misunderstood them.

*I am, etc.,*  
ABDOOL GANI,  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*The Star, 22-9-1906*

### *315. THE NEW TRANSVAAL BILL*

The resolutions unanimously passed by the mass meeting of Indians appear in the Johannesburg Letter<sup>1</sup>. Our correspondent says that the meeting was attended by representatives from all over the Transvaal. We congratulate them on foregathering to pass the resolutions unanimously, and wish them complete success in their endeavours. We believe that the Government will be obliged to withdraw the Bill if this movement is continued with unity. The Draft Ordinance has gone through two readings in the legislature. A special amendment places women outside the purview of the Act. The Bill was presented for its third reading, when the telegram received from the British Indian Association was read out; and after some discussion—during which certain amendments were put forward—it was decided to put off consideration until the final report on the Bill [was ready]. If, as our correspondent asks, the Imperial Government should give its assent meanwhile and the Bill become law, what should Indians do? In that case, we hope and pray that God may give them the strength and tenacity to adhere to the Fourth Resolution passed unanimously at the mass meeting till the grievances are redre

[From Gujarati]

*Indian Opinion, 15-9-1906*

<sup>1</sup> *Vide* “Johannesburg Letter”, 11-9-1906

### 316. STATEMENT ON DRAFT ASIATIC ORDINANCE

[Before September 17, 1906]

It is much worse than was expected would be the case. If the Bill is passed, it will constitute a breach of the promises made hitherto. Instead of giving relief it is calculated to give the greatest irritation, and that, too, without the slightest justification.

Law 3 of 1885 as it stands is infinitely superior to the present Ordinance; for, under the latter, women, children, and adults who do not enter the country for purposes of trade will be liable to be registered, although they are free under the former. The remission of £3 merely adds insult to injury, for all those who have been registered have already paid the £3. It must not be forgotten that this measure, if it passes, will necessitate a third registration; and why? Simply because some [anti-]Asiatic agitators have said that many Indians have entered the country without authority. The British Indian Association has repudiated the suggestion as applied to the community in general.<sup>2</sup> Assuming, however, that a large body of people have so entered, the evil can be obviated by inspecting the permits already issued.

The Johannesburg *Star* states, evidently with authority, that the method of identification now to be adopted will be very severe. The Indian community has quite gratuitously, and in order to conciliate Lord Milner, allowed the authorities to take thumb-impressions. How much further the Government intends to go, and what further indignity it wishes to impose, it is not possible to conjecture.

I need not go further into the matter at this stage. Much fuller information will be found in the next issue of *Indian Opinion*<sup>3</sup> to which I beg to draw your attention.

From Mr. Duncan's statement, it would appear that the Imperial Government has already sanctioned the principle of the proposed legislation. If so, I can only say that they have not given any consideration to the matter. They have not studied the past despatches, which promised a great deal. Throughout these despatches, no mention is made of registration of the community as if it were merely composed of criminals. The Draft Ordinance draws no distinction between British Asiatics and others. In one of the Sections, you will

<sup>1</sup> This was sent to Dadabhai Naoroji who forwarded it to the Secretary of State for the Colonies on September 17. With the exception of the fourth paragraph, it was later published in *India* as from "A Well-informed South African Correspondent".

<sup>2</sup> *Vide* "Letter to Colonial Secretary", 25-8-1906

<sup>3</sup> *Vide* "On Trial", 29-9-1906

notice exemption promised at the discretion of the Government from the Liquor Ordinance to holders of temporary permits. The Section is a wanton insult to the community. No self-respecting Indian will ever claim any such exemption. It is most galling to think that in British territories if Prince Ranjitsinghjee wanted to enter the Transvaal he should have to apply for a permit, and then, in order that he might have a glass of beer, he should have to apply cringingly to the Government for exemption from the Liquor Ordinance. Is this the way in which the most Liberal Government that the Empire has seen for years will protect weak and helpless members thereof?

*India, 28-9-1906*

### 317. LETTER TO THE PRESS<sup>1</sup>

[JOHANNESBURG,]  
*September 19, 1906*<sup>2</sup>

[SIR,]

I trust for the sake of elementary justice you will give publicity to the following facts, and even comment, if you think, as I do, that those facts bring to light a shocking state of affairs in the Colony.

An Indian woman named Punia was travelling with her husband from Durban to Johannesburg on the 14th inst. by the Kaffir mail. Her husband held a permit and registration certificate, which mentioned his wife. The wife was, however, arrested and detained at Volksrust for being without a permit. The poor husband had also, therefore, to stay. Both passed the night in the lock-up. Next morning the wife was tried. She had to stand in the dock like a common felon. The arresting constable gave the following evidence:

My instructions are to arrest all Indians entering this Colony without permits—no matter whether male or female, minors or adults. There is no age limit. These instructions apply even when women and children accompany their husbands and parents. It is of no account for the registration certificate to mention a wife.

It transpired, in the course of evidence, that, according to the husband's testimony, the wife was with him during and after the war in

<sup>1</sup> This letter was addressed by Gandhiji to the three local dailies of Johannesburg, and reproduced in *Indian Opinion* under the title, "A Shocking Permit Case".

<sup>2</sup> The letter, without the first paragraph, was published in *The Natal Mercury*, 20-9-1906, as a special despatch, dated September 19, from its Johannesburg Correspondent.

the Transvaal. The Magistrate held that he had no option but to order the wife to leave the Colony before 7 p.m. the same day, as she held no permit. The wife, however, under counsel's advice, proceeded to Johannesburg in defiance of the order of expulsion. She was, therefore, arrested at Germiston. The last has not yet been heard of the case.

But the future development has nothing to do with the point I wish to make. It is this: May the Government, in the name of the people of the Transvaal, thus set up a reign of terror for British Indian women and children? It was admitted at the trial that this was not an isolated case. Remember that, according to the authorised and printed permit regulations, wives and children under 16 years accompanying their husbands or parents are not required to take out permits. Are Indian women now to go to the Permit Office, and, after a process of exhausting and exasperating examination, to take out their permits? And what of babes in arms? This is no tale from the *Arabian Nights*. Infants hardly able to crawl have been detained at Volksrust. Do even Messrs Loveday and Company require all this? Do you?

*I am, etc.,*

M. K. GANDHI

*The Star*, 19-9-1906

### *318. LETTER TO DR. E. NUNDY*

21-24 COURT CHAMBERS,  
JOHANNESBURG,  
*September 20, 1906*

DEAR DR. NUNDY,

My answer to both your questions<sup>1</sup> is yes, if the Court is

<sup>1</sup> The questions posed were:

“(a) In view of the fact that a certain number of Indians are said to have entered this Colony by illegitimate means and that there is a difference of opinion between the representatives of the British Indians and the officials of the Asiatic Department as to the approximate number, will you be prepared to accept the decision of a Commission or a special Court, composed of two persons, one a Magistrate of the Colony and the other a person unconnected with the Government, unbiased and capable of conducting a judicial investigation?

(b) In regard to those Indians who are said to be legitimately entitled to return to this Colony, whether they may be at present resident in India or elsewhere, and who for some reason or other are unable to obtain permission to enter the Transvaal, will you accept the decision of the aforesaid Commission in this case, such decision to be final except when there is a difference of opinion between the two members forming the Court in which case an appeal should lie to the Supreme Court by either side?”

composed of men of known standing and ability.

*Yours truly,*  
M. K. GANDHI

[DR. EDWARD NUNDY  
JACOB CHAMBERS  
COURT ROAD  
JOHANNESBURG]

Pretoria Archives: L. G. File No. 93: Asiatics

319. LETTER TO "LEADER"<sup>1</sup>

JOHANNESBURG,  
September 21, 1906

THE EDITOR  
*Leader*  
SIR,

Your own Durban correspondent has sent you what purports to be an explanation of my letter to the Press<sup>2</sup> regarding Punia, who was

<sup>1</sup> This was re-published in *Indian Opinion*, 29-9-1906.

<sup>2</sup> Apropos of Gandhiji's "Letter to the Press", 19-9-1906, *The Natal Mercury*, 21-9-1906, published the following explanation of the Punia case:

"The detention of an Indian woman at Volksrust by the Transvaal authorities, which forms the subject of Mr. M. K. Gandhi's protest in *The Rand Daily Mail*, and published in the Natal papers yesterday, is clearly an incident upon which the wrong construction has been placed. The impression received from Mr. Gandhi's letter is that the intercepting of an Asiatic female, who presents herself at the border without a permit, is unprecedented, and the Transvaal Government's instructions to the police have been characterised as 'War on Women', but this is entirely denied by the immigration authorities in Durban. The Transvaal regulations require, it is explained, that every Asiatic immigrant, whether adult or child, male or female, shall possess a permit before they are allowed to enter the Colony, a man bringing his wife with him, having, in addition, to prove that he is married to the woman. The case is somewhat different in Natal where a woman, accompanying her husband, is not required to produce a separate permit. The man, however, has to furnish convincing evidence as to the woman being actually his wife, and not only has he to bring with him a certificate to that effect, but the matter is subjected to close individual investigation. As a rule, a description of the woman is entered upon the man's registration certificate, so that, as a substitute for her own individual pass, she may be readily identified, but it appears that this is sometimes omitted in the case of Mohammedan women, whose religion obliges them to go about with their faces veiled. It is seldom or never that the local immigration officials insist upon these women's veils being removed, every consideration being shown, wherever possible, to the immigrants' religious prejudices.

"The Transvaal, which has for some time been carrying out a policy of

recently arrested at Volksrust for being without a permit, although shewas in the company of her husband. "The reason," your correspondent says, "of altering the Transvaal regulations was that women are being taken in as wives by Indians already living in the Colony, who were nothing of the kind, but often of indifferent character". I can only use one expression to fit the wicked libel on Indian womanhood, namely, that it is an infamous lie. You should publish the name of the immigration official who is said to have given this precious reason. I challenge him to publish the name of even one such woman. I have no hesitation in saying that I am not aware during the whole course of the very considerable experience I have of the administration of the Peace Preservation Ordinance of a single Indian woman of indifferent character having entered the Colony in the manner suggested by your correspondent. I have asked for official information, which shall be placed at the disposal of your readers.<sup>1</sup> In the meanwhile, is it not somewhat strange that the explanation about Transvaal regulations should have to travel all the way from Durban?

*I am, etc.,*

M. K. GANDHI

*Transvaal Leader, 22-9-1906*

### 320. THE LATE JUSTICE BUDRUDDIN TYEBJI

India has, of late, been losing the best of her sons. We had only the other day to record the death of late [*sic*] Mr. W. C. Bonnerjee.<sup>2</sup>

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vigorous Asiatic exclusion, makes the entry of coloured immigrants into their territory a matter of much greater difficulty; and this supplies the reason for women being required to carry permits as well as the men. At one time women and children were admitted without passes, owing to the clause in the Ordinance merely specifying 'Asiatics', but this has since been amended to include females as well as males. It was found that women were being brought in ostensibly as the wives of Indians already living in the Colony, who were nothing of the kind, but persons of indifferent character, and the Transvaal authorities now insist upon women taking out permits, because, without that precaution, they feel that the men could bring in an indefinite number of women by simply stating they were married to them.

"At any rate, the woman who was stopped at Volksrust was no detached instance of the Transvaal authorities' activity in restricting unauthorised immigration, and, from the information which is obtainable locally, it certainly appears that the comment of one of the Transvaal papers as to the Government making war on women is justified only by the view that may be taken of the Transvaal's new laws."

<sup>1</sup> *Vide* "Letter to Leader", 22-9-1906 ; 27--9-1906

<sup>2</sup> *Vide* "The Late Mr. W. C. Bonnerjee", 25-8-1906

We have now to chronicle the death of an equally distinguished patriot in the person of Mr. Justice Budruddin Tyebji. Like the late Mr. Bonnerjee, Mr. Budruddin Tyebji belonged to the Naoroji school.

He was one of the earliest barristers from the Bombay side, having been called to the Bar in 1867. He was the first Indian to be enrolled as an advocate in the High Court of Judicature at Bombay. The late Mr. Budruddin Tyebji, by his industry and ability, soon rose to the top of his profession. He was one of the promoters of the National Congress and was its third President. His knowledge of Urdu was unrivalled, and he shone equally as an orator, whether as an English or as an Urdu speaker. He was held in high estimation as a Judge of the Bombay High Court and his decisions were considered to be always sound and just. His activity as to social reform among his co-religionists was most praiseworthy, and he was an undaunted champion of female education. Not only did he push it among the Mahomedans by his speeches, but he illustrated it in his own family. His own daughters have all received first-class university education.

We tender our respectful condolences to the late Mr. Tyebji's family.

*Indian Opinion*, 22-9-1906

### 321. *THE TRANSVAAL INDIAN PROTEST*

The great Indian meeting<sup>1</sup> held in the old Empire Theatre has already begun to bear fruit. *The Rand Daily Mail* has ridiculed the meeting by setting up a false comparison between the Bengal partition agitation and the movement against the Draft Ordinance of the Transvaal, which culminated in the great demonstration recently held in Johannesburg. The ridicule shows that the importance of the meeting was felt. *The Star* has gone into hysterics over the meeting. It incites South Africans to inaugurate an agitation for physical expulsion of the Indians from the Transvaal by way of answer to the British Indian resolve to offer passive resistance to the Ordinance.

Neither *The Daily Mail* nor *The Star* has taken the trouble to study or understand the Ordinance. To them it is a harmless process of registration. If the Ordinance had been given its proper title, namely, an 'ordinance for the identification of suspects or criminals', instead of being misdescribed as a registration ordinance, perhaps our contemporaries would have realized its horror. It is not necessary, as *The Daily Mail* puts it, to impute to the Government any studied desire

<sup>1</sup> *Vide* "The Mass Meeting", 11-9-1906



to subject Indians to unnecessary indignity. The Ordinance speaks for itself. Let it be understood that Indians already hold registration certificates giving particulars, including thumb-prints, in order to identify the holders with the certificates. The new Ordinance now provides for a process of identification to be hereafter devised by regulations subject to change from time to time.

*The Star*, which seems to enjoy official confidence, informs us that the new system of identification will be drastic enough to ensure detection of abuse or misuse of certificates. Even without the information given by *The Star*, it is only reasonable to suppose that the new system must be stricter than the present one, as Mr. Duncan, with a self-assurance that is astounding, has declared that the present system is inadequate. We have reason to believe that Mr. Duncan, up to the eve of the first reading of the Ordinance, was not aware of the system in vogue. This, however, is by the way, and quite in keeping with the general ignorance and indifference displayed about Indian matters in the Transvaal.

The first registration under the British regime was a voluntary act by the Indian community. This self-effacing courtesy has been misinterpreted by the Government as<sup>1</sup> a docility of nature that would stand any strain and any indignity. If *The Star* thinks that the Indian is born to suffer any ignominy, a meeting such as the one that has agitated our contemporary, was necessary, if only to disabuse it of the idea.

Neither the ridicule of *The Daily Mail* nor the wild threats of *The Star* need turn the Transvaal Indians from their solemn undertaking. Threats were only to be expected and so was ridicule. We shall no doubt have much more of both before the struggle is ended. The information we continue to receive from different centres in the Transvaal goes to show that the determination to carry out the historic resolution is as keen as ever. May God help our suffering countrymen in their trial.

*Indian Opinion*, 22-9-1906

### 322. TRANSVAAL PERMIT ORDINANCE

In another place, we print the full text<sup>2</sup> of the judgment of the Supreme Court in the case of *Rex v. Bhabha*. It will be remembered that, some time ago, Mr. E. M. Bhyat entered the Transvaal on the

<sup>1</sup> The original has “ . . . misinterpreted by the Government into. . . ”.

<sup>2</sup> Not reproduced here

strength of possession by him of an old Dutch registration certificate. The Magistrate at Volksrust decided that such a certificate was a formal authorisation to reside in the Transvaal, in terms of the Peace Preservation Ordinance. This case was brought in review at the instance of the Attorney-General, but the Supreme Court dismissed the application for review, and the point raised in Mr. Bhyat's case remained undecided.<sup>1</sup>

The same point was brought before the Supreme Court in the case we have mentioned above, and this time there was no difficulty in getting a judicial decision from the highest tribunal of justice in the Transvaal. The decision has gone against the British Indian contention, nor are we surprised at it, but the Supreme Court has decided the main point raised in this case in favour of the appellant, namely, that an expulsion order granted by a Magistrate at the investigation of an application for exemption from having to hold a permit does not prevent the Magistrate from reconsidering his decision on further evidence being brought before him. However, as the Court held that the Magistrate's judgment in Mr. Bhabha's case was right though based on wrong premises, the result was that the sentence of civil imprisonment passed by the Magistrate was reluctantly confirmed by the Bench, though the Supreme Court expressed a great deal of sympathy with the appellant. The Chief Justice suggested that the Crown should remit the sentence, as the case was in the nature of a test case, and both the Chief Justice and Justice Mason thought that Mr. Bhabha, being in possession of the old Dutch certificate, should have a permit issued to him. The Lieutenant-Governor has exercised the prerogative of mercy and remitted the sentence passed on Mr. Bhabha, and it is highly probable that Mr. Bhabha will be allowed to remain undisturbed in the Transvaal. So far, therefore, as the individual is concerned, at last justice will have been done.

But this case has important bearings on the Indian position. It shews that there is something very seriously wrong with the administration of the Peace Preservation Ordinance. We have the solemn word of Lord Selborne, given to the British Indian deputation at Middelburg, that all pre-war Indian residents of the Transvaal shall be allowed to enter the country.<sup>2</sup> We have the assurance of the Colonial Secretary that such residents have a right to enter the country, and yet, we find that Mr. Bhabha had a very great deal of

<sup>1</sup> *Vide* "Transvaal Permits", 28-7-1906

<sup>2</sup> Lord Selborne gave this assurance when an address was presented to him at Middelburg on September 4; *vide Indian Opinion*, 8-9-1906.

difficulty about entering the Transvaal. There are many such cases in which, in spite of proof of registration certificates, men are still without their permits. May we not then hope that Lord Selborne's assurance will be translated into practice, and such men who have waited long enough at the coast will be permitted to re-enter the Transvaal?

*Indian Opinion, 22-9-1906*

### *323. DIFFICULTIES OF INDIAN WOMEN IN THE TRANSVAAL*

The permit difficulties of women continue unabated in the Transvaal. We give details of one such case in our English columns. Mangare and his wife, Punia, were both travelling to the Transvaal on September 14. The Police Inspector at Volksrust forced the wife to detain as she did not have a separate permit. Mangare produced his own permit and registration certificate. And though the wife's name was also mentioned in the register, she was not allowed to proceed. So the husband and the wife both got off the train and had to stay in the lock-up. When the case was heard on the 15th, the Police Officer deposed that his orders were to arrest permitless women and children whether or not they were accompanied by their husbands or parents and whatever the age of the children. The evidence also revealed that the wife was in the Transvaal on May 31, 1902. Nevertheless, on the ground that the woman did not come forward to give evidence, the Magistrate ordered her to leave the Colony before seven o'clock that very evening. Thus are wives separated from husbands and children from parents under this Government. It is necessary for us to take effective measures in this matter. We hope this case will, if necessary, be taken to the Supreme Court. We believe that it is a thousand times better for men to suffer imprisonment than to submit to such a law.

[From Gujarati]

*Indian Opinion, 22-9-1906*

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

#### THE MASS MEETING IN THE TRANSVAAL

*The Rand Daily Mail* says that no meeting has ever taken place in the Transvaal like the one held by the Indians in the Empire Theatre. The Theatre was packed, at least three thousand persons attending. Many people could not get in for want of room. The shopkeepers and hawkers had all closed business at ten in the morning. Though the Theatre gates were due to be opened at two, people began collecting from eleven onwards and the Theatre had to be opened at twelve. By 1.30 there was no room for anyone to enter the spacious Theatre. Though such a large number of persons had assembled, there was no untoward incident, and quiet prevailed everywhere. The people sat or stood patiently, waiting for the proceedings to start. Such a meeting and such enthusiasm have never before been seen among Indians.

Though all this shows the extent of oppression to which Indians are subjected, it must be admitted that much of the credit for holding such a meeting goes to the Hamidiya Islamic Society. The Society's Hall was thrown open to all, Hindus and Muslims alike. For a week past, meetings had been held there during which all the leading Indians held consultations. Very often, the meetings continued till midnight. Younger associations in South Africa would do well to follow the example of the Hamidiya Society.

The meeting was attended by representatives from a number of places. Telegrams or letters expressing sympathy and agreement with the aims of the meeting were received from Middelburg, Standerton, Klerksdorp and other places. Both the Colonial Secretary and Mr. Chamney were invited. Mr. Chamney attended and sat to the right of the President. In addition, white gentlemen like Mr. Lichtenstein, a lawyer from Pretoria, Mr. Israelstram, Mr. Littmann Landsberg and Mr. Stuart Campbell's manager were present. Reporters from all the three newspapers also came.

The President, Mr. Abdul Gani, began his speech exactly at three o'clock. Everyone felt that Mr. Abdul Gani was at his best. His speech in excellent Hindustani was brief and eloquent. His narration of the facts was quite moderate, yet forceful. His voice was loud and so audible everywhere. His speech was received with acclamation. When he spoke of gaol-going, the audience shouted in one voice,

<sup>1</sup> This despatch was entitled "A Special Report".

“We shall go to gaol, but will not register ourselves again.”

The English version of Mr. Gani’s speech was read out by Dr. Godfrey.

MR. NANALAL SHAH

The task of moving the First Resolution was entrusted to Mr. Nanalal Valji Shah, who spoke in English. We summarize his speech below:

We have met today for very serious business. Mr. Duncan has said that the new law is necessary, because the registers<sup>1</sup> already issued are such as can be sold, and with these, others who do not have the right come in. Now let us take the example of a bank. Suppose a bank finds that some forged notes bearing its name have passed into currency, will it cancel all the notes? Mr. Duncan tells us that because our registers are faked, he will give fresh ones in exchange. What a law this is! But I assert that the registers are not counterfeit.

Producing his own register Mr. Shah declared, “This register contains my name, my wife’s name, my caste, my profession, my height, my age,” and slamming the paper on the table, he added:

It bears even my thumb-impression. Is all this not enough? How can anyone else use this register? Does the Government want now to brand us on our foreheads? I will never return my register. Neither will I be registered again. I prefer going to gaol, and I will go there. (Applause.)

Mr. C. K. T. Naidoo seconded Mr. Shah and explained the matter to the Tamil-speaking people in their language.

MR. ABDUL RAHMAN

Mr. Abdul Rahman rose to move<sup>2</sup> the Second Resolution. In his brief speech he said that we suffered greater oppression under the British regime than under the Boers. As Sir Henry Cotton had put it, while the Boer Government flogged us, the British Government was scourging us with scorpion stings.<sup>3</sup>

DR. GODFREY

Supporting Mr. Abdul Rahman, Dr. Godfrey said:

The tall promises made to us by Lord Milner, Lord Roberts and

<sup>1</sup> In the Gujarati, Gandhiji has used “register” for “registration certificates”.

<sup>2</sup> The original has “to second”.

<sup>3</sup> At the twentieth session of the Indian National Congress held at Bombay in 1904, he said, “In dealing with Indian Colonists their [the British rulers’] little finger has been thicker than Mr. Kruger’s loins, and where he had chastised with whips, they have chastised with scorpions.”

Mr. Chamberlain have proved worthless. ('Shame!')

The Doctor produced a photograph of the late Queen-Empress that had been distributed by the Indian community among its schoolboys in Durban,<sup>1</sup> and said:

We worship this Queen, whose Proclamation has been set at naught by the Transvaal Government. Whereas under the Union Jack we should get equal rights, liberty and justice, we have instead slavery, injustice and denial of our rights. I do not at all agree that there has been an influx of Indians without permits or with false ones. I defy Mr. Loveday and his company to contradict me if they have the courage. We are not going to submit to such oppression. We shall go to gaol rather than do so. Let no one imagine that we shall run away in fear. If the bill is passed, we will storm the courts and say, 'Arrest us'. (Applause.)

Mr. Getta of Potchefstroom spoke in Gujarati and supported the Second Resolution.

MR. ESSOP MIAN

The task of moving the Third Resolution fell to Mr. Essop Mian, who said:

British rule in the Transvaal is worse than the regime in Russia. I myself went to Pretoria to wait on Mr. Duncan, who made many promises, but has fulfilled none of them and has betrayed us. It is necessary for us to send a deputation to England. We shall raise an outcry there, but if the Imperial Government does not listen to us, we shall go to gaol. I have been in the Transvaal for nineteen years, but never before have I seen such oppression as during the last three years.

MR. E. S. COOVADIA

Seconding this Resolution, Mr. Ebrahim Salejee Coovadia made the following speech:

The chairman and others have already spoken on the Draft Asiatic Ordinance, so that little remains for me to say about it. This much is certain: wherever the subjects of a State are free from tyranny, they are happy and both the rulers and the ruled are relaxed. The late Boer Government, at the instigation of these same British friends, enacted oppressive laws before the war; being rather kindly disposed towards us, that Government did not, however, enforce them. Thanks to their kindness, we were quite happy until the war with the British broke out. Now that our [British] Government had won control of the Colony, we

<sup>1</sup> *Vide* "To Heads of Indian Schools", 19-3-1901 and illustration facing "Letter to Colonial Secretary", 9-2-1906

were hoping that we would gain all the rights, since the Government had also given us assurances to that effect, but unfortunately, what we see today is quite the opposite, and they are enacting insufferable laws against us. It is, of course, our duty to submit to all the reasonable laws that the Government may make in the public interest. But such is not the case. Since the present Government assumed power in the Colony, they have placed, upon us in particular, one severe restriction after another. All these we have suffered so far, but now we have had our fill. Just as a river in spate can take in no more and overflows its banks, so also can we no longer stomach oppressive laws. We should therefore take strong measures against the Draft Ordinance, though we are told that the law is designed for our benefit as we are British subjects. To this I would only answer, 'By these laws, you are not making of us British *raiya*, but *maiya*<sup>1</sup>.' I therefore support the resolution moved by Mr. Essop Mian to send a deputation as soon as possible to England and to put up a stiff resistance.

Mr. A. E. Wania of Krugersdorp supported the resolution, and Mr. Manilal Desai of Pretoria spoke in favour of it.

#### THE GAOL RESOLUTION

Even as Mr. Hajee Habib rose to speak, the audience greeted him with cheers. His speech was so caustic and impassioned that even those who did not know Gujarati said they could follow its purport. Now and then, Mr. Hajee Habib used English anecdotes. The audience was greatly roused by his speech of which the following is a summary:

The Fourth Resolution is the most important of all. Everything depends upon it. There is no disgrace in going to gaol; rather it is an honour. Only a few people knew of Mr. Tilak before he went to gaol; today the whole world knows him. We are not going to get justice at the hands of the British Government. It kills us with sweet words; we should not be deceived. They offer us sympathy, but we ask for justice, not sympathy. The British are ever willing to advise others. They are always ready to appease the Christian peoples. Take the case of Turkey. The British do not hesitate to bully Turkey, and that not in order to secure the interests of their own subjects. Again in this country, the doors are open to the whites and Christians, even if they be foreign nationals. In their view, the whites are descended from Heaven and we, they think, have come from the other place. This Bill is most objectionable. If it is passed, I solemnly declare that I will never get myself registered again and will be the first to go to gaol. (Applause.) I recommend the same course to you all. Are you all

<sup>1</sup> "Not subjects but corpses"

prepared to take the oath ? (The Assembly stood up to a man and said, 'Yes, we will go to gaol!') Only by so doing shall we succeed. We tried this method in the days of the Boer Government also. Some 40 of our men were once arrested for trading without licences. I advised them to go to gaol and not to seek release on bail. Accordingly, they all remained there without offering bail. I immediately approached the British Agent, who approved of our action and ultimately secured justice for us. Now that a British Government is in power, the time has come for us to go to gaol, and go we will.

As he repeated the last phrase thrice, the meeting greeted his resolve with applause.

MR. HAJEE OJER ALLY

When Mr. Hajee Ojer Ally stood up to second the Fourth Resolution, the whole Theatre resounded with prolonged cheers which took some time to subside. Then Mr. Ally made a thundering speech in English, which is summarised below:

The resolution I stand here to second is not an ordinary one, and it enjoins a great responsibility on us. I am the father of eleven children, but I am prepared to take up the responsibility. Like Mr. Hajee Habib, I, too, shall refuse to register myself and prefer to go to gaol and deem it an honour. The Government have betrayed us. In answer to our petition, they said that the matter was under consideration and that they would give us a definite reply. They said the same thing to the deputation. Despite this, two days later, they brought the Bill before the Legislative Council, and within four days, had it passed. ('Shame!') The Bill originally envisaged registration of women also. But, owing to the efforts of the Hamidiya Society, that provision was dropped.

Producing a Union Jack, he went on:

Since my childhood, I have been told that, under this Union Jack, I shall always find protection. That is exactly what we now ask for. On the occasion of the Delhi Durbar, His Majesty King-Emperor Edward declared that he would give us our rights and preserve our status just as Her Majesty Queen Victoria had done. Does not that promise extend to the Transvaal also? We, the Indians resident here, demand that we be allowed to live in peace and happiness. In fact, we should have more rights than the non-British whites. They complain, because a few of us might have entered the Colony without permits. I make bold to say that, if only the Government would send three constables with me, I shall forthwith have a thousand permitless whites arrested. For the last 25 years, I have been in South Africa. In the Cape I exercised the right to vote and other rights as well. Nowhere except here in the Transvaal have I seen such oppression of our people. And the Transvaal is still a Crown Colony. When it was under the Boers, the British whites came to me for my signature to their



petition. Now they are against us. We will not take up rifles as they did but like them<sup>1</sup> we shall go to gaol. (Applause.)

Mr. Moonlight Mudaliar then supported the Resolution in a Tamil speech.

Seconding the Resolution, Dr. Godfrey said:

Just as India is the crown of the British Empire, so shall we, by going to Johannesburg gaol, become its most cherished possession. We won't wait for the police to come and arrest us.

Mr. Aswat, who spoke in support, appealed to those present to write and tell their people at home that they were all getting ready to go to gaol.

Mr. A. E. Chhotabhai of Krugersdorp supported the Resolution in a Gujarati speech, saying that the people of the town were prepared to go to gaol rather than register themselves.

Mr. Omarji Saheb also supported the Resolution.

Mr. Tar Mahomed Tayob of Pietersburg declared that the people there were ready to go to gaol but would not register themselves.

Mr. Imam Abdul Kadir also supported the Resolution.

In supporting the Resolution, Jemadar Nawabkhan said that he had served the Government in the War. He would now prefer gaol to the humiliation of registration.

Mr. Gandhi said that the responsibility for advising them to go to gaol was his. The step was grave, but unavoidable. In doing so, they did not hold out a threat, but showed that the time for action—over and above making speeches and submitting petitions—had arrived. When people passed a resolution, it was their duty to adhere to it. And if they did that, success was bound to be theirs.

Thereafter, the whole assembly stood up and passed, amid acclamation, the resolution about going to gaol.

Mr. Bhikubhai D. Malia moved the Fifth Resolution, and made a brief speech. Mr. Jusab Haji Vali of Pietersburg seconded it.

The business of the meeting was over at 5.30 p.m. Mr. Chamney then rose with the Chairman's permission and expressed his thanks for having been invited to the meeting.

Mr. Laishansai proposed a vote of thanks to the Chair, adding that he had never seen such a meeting before and hoped that the Liberal Ministry [in England] would do them justice. Mr. Israelstram,

<sup>1</sup> The contrast appears to be between the British in South Africa who fought the Boers and Britons like Hampden and Bunyan who went to gaol.

who seconded the vote, expressed sympathy for the Indian cause and appealed to the audience to continue the struggle.

The meeting dispersed at five minutes to six. Three cheers were called for King-Emperor Edward, and *God Save The King* was sung.

For Indians, this meeting will for ever remain memorable.

[From Gujarati]

*Indian Opinion*, 22-9-1906

### 325. LETTER TO “LEADER”

[JOHANNESBURG]

September 29, 1906

[THE EDITOR

*LEADER*

SIR,]

I have promised, in my letter dated the 21st instant<sup>1</sup> regarding the treatment of the Indian woman, Punia, to let you have any official reply I might receive. The following is the text of a telegram I addressed to the Registrar of Asiatics:

*Leader* publishes statement that reason for requiring women take out separate permits is that women are taken in as wives by Indians in Colony though they were not wives but were often of indifferent character. Will you please wire whether your office believes in above charge. I wish to publish your reply.

The Registrar has returned the following reply:

With reference your telegram 21st inst., no such statement as that alluded to in your message was made by any officer in the service of this department.

In justice to the community that has been so cruelly libelled by your correspondent at Durban, I trust that you will publish the name of the official who is supposed to have given the information referred to by your correspondent, or ask him to withdraw the statement made

<sup>1</sup> Vide “Letter to *Leader*”, 21-9-1906

by him.<sup>1</sup>

*Yours etc.,*  
M. K.. GANDHI]

*Indian Opinion*, 29-9-1906

**326. LETTER TO IMMIGRATION RESTRICTION OFFICER**

[JOHANNESBURG,]  
*September 22, 1906*

To  
THE PRINCIPAL IMMIGRATION RESTRICTION OFFICER  
DURBAN  
[SIR, ]

I enclose herewith cutting from the *Transvaal Leader* referring to certain regulations that have been framed in connection with the granting of permits to Asiatics in the Transvaal.

I shall be obliged if you will kindly let me know whether any

<sup>1</sup> In response to Gandhiji's letter, *Transvaal Leader*, 9-10-1906, published the following apology:

"With reference to the statements published some days back concerning the grant of permits to British Indian subjects to enter the Transvaal Colony, and the allegation that women who were styled wives were 'frequently of indifferent character', *The Natal Mercury* of Monday last has the following: 'Mr. M. K. Gandhi has written to us from Johannesburg concerning an article which appeared in our issue of the 21st ult., in which the detention of an Indian woman, named Punia, at Volksrut, for being without a permit, was dealt with. Mr. Gandhi is displeased with certain contents of the article, which he views as casting an unjustified aspersion upon Indian women in the Transvaal. We applied to what quarters were available in Durban for information upon the incident, but it will be obvious that here in Natal the same facilities—such as those open to Mr. Gandhi, for instance—for obtaining full intelligence as to the Transvaal affairs do not exist as in Johannesburg, where Mr. Gandhi resides, and any unfounded or exaggerated statement is mainly attributable to that cause. It is emphatically denied by Mr. Gandhi that Indians domiciled in the Transvaal are seeking to gain admittance to the Transvaal of women of indifferent character, passing them off as their wives, and to prove this he has made enquiries in official and other quarters, and denial was the result. The statement must, therefore, be withdrawn as being one that is not in accordance with ascertained facts. It is well that the public should know this, and further, that Mr. Gandhi assures us that he does not know of a single such case.'

"Similar statements were published in this journal upon the authority of our Durban Correspondent, and conceivably derived from the same source, and it is therefore only fair that equal publicity should be given to the retraction."

<sup>2</sup> This was reproduced in *Indian Opinion*, 13-10-1906.

official in your department is responsible for the reason that is alleged to have been given to the Durban correspondent of the *Leader* by an immigration official, namely, that Indians in the Transvaal have taken in, as their wives, Indian women of indifferent character.

I may state that I addressed a similar enquiry to the Registrar of Asiatics at Pretoria and he has repudiated the statement.<sup>1</sup>

*Yours, etc.,*

M. K. GANDHI]

*Indian Opinion*, 6-10-1906

### 327. JOHANNESBURG LETTER

*September 25, 1906*

For the Indian community in the Transvaal the last week was full of restlessness, like that of a delirious patient tossing from side to side. Just when the deputation was to leave and all preparations had been finally made, came the bomb-shell—a letter from Lord Selborne which, as is now known, was full of ambiguities. It caused a split. Everybody took it that the Bill for re-registration had become law. It was therefore decided that the deputation should not sail. This was the state of affairs till Tuesday noon. In the afternoon on that day, a telephone message was received from the High Commissioner saying that Lord Elgin's approval did not mean that formal sanction had been given to the law. This again led to a new course of action. Thesame night some Indians met together, called on Mr. Haji Ojer Ally, obtained his consent, and considered recommending that the Indian community send him alone as a one-man deputation. On Wednesday that idea was put into execution; but it was shown last week to every Indian how and when man is rendered powerless. Messrs Gregorowski and Lichtenstein were of the emphatic opinion that it was absolutely essential to include Mr. Gandhi in the deputation, and that the deputation should certainly be sent. The Indian community in Pretoria, on the other hand, emphasized the need of Mr. Gandhi remaining in the Transvaal, lest through fear or temptation people should waver and take out new registration certificates. Strongly-worded telegrams were received from Natal to say that it was quite necessary to send the deputation as decided earlier. A meeting was therefore held on Friday, and it was unanimously decided that both Mr. Ally and Mr. Gandhi should go. The consensus of opinion was that Mr. Abdul Gani should also go,

<sup>1</sup> *Vide* "Letter to *Leader*", 22-9-1906

but the idea had to be reluctantly given up as there were strong reasons why he could not go. Before agreeing to go, Mr. Gandhi got the leading men to give a written undertaking that, notwithstanding difficulties that might arise, they would adhere to the Fourth Resolution. This document will be published next week.

#### ANOTHER LETTER FROM LORD SELBORNE

About the time this decision was taken, another letter was received from Lord Selborne. Clarifying the situation further, he said that the new Ordinance would be despatched that week to England, and that the Royal assent, if given at all, would naturally be after it had reached there. Under the circumstances, there was no cause for apprehension. It is likely that the Royal assent will not be given and the Bill cannot become law before the deputation returns.

#### DEPUTATION EXPENSES

The Committee has sanctioned up to £900 towards the expenses of the deputation of which £300 have been sanctioned for Mr. Ally for his domestic and other expenses. Mr. Ally has indicated that he will, if necessary, spend a portion of this sum on public work in England. The remaining £600 will be spent on the deputation, and a detailed statement of expenses will be submitted to the Committee.

#### MEMBERS OF THE DEPUTATION

Of one of the members of the deputation, Mr. Gandhi, it is needless to write here. The other, Mr. Haji Ojer Ally was born in 1853 in Mauritius, where he had his education. He started work in 1868 and took up the job of a printer in the office of the *Commercial Gazette*. In 1873 he got employed as a clerk in a wharf, and joined the firm of Messrs Charles Jacob and Son as a shipping clerk in 1876. He then went on a pilgrimage to Mecca and became a Haji. In 1884 he landed at Cape Town and set up business as a manufacturer of aerated water. He began doing public work in 1885. The Government proposed to remove the Malay cemetery to a place far away from town. The Malays opposed the move and a disturbance was feared. Mr. Ally then intervened. A settlement was effected and a nearer site fixed for the cemetery. In Cape Town, Mr. Ally was a voter both for Parliament and the Municipality and always took a prominent part in the elections. In 1892 he went to Kimberley and other places, where he was elected Chairman of the Coloured Peoples' Organization. He took a leading part in the movement against the Franchise Law Amendment Act of the Cape, when a petition signed by 22,000 Coloured people was sent to London. After 1892 Mr. Ally went to Johannesburg and settled there. Mr. Ally interviewed the British Agent

and other public men in the Transvaal in connection with the condition of British Indians there. He is the founder of the Hamidiya Islamic Society and is at present its President. The Society is doing excellent work. As is well known, it has a large membership and its work is being carried on with great enthusiasm. Mr. Ally has a large family; he is the father of eleven children whom he has been giving a good education.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 6-10-1906

328. *LETTER TO D. C. MALCOLM*

JOHANNESBURG,  
*September 26, 1906*

To

D. C. MALCOLM, ESQ.

GOVERNOR'S OFFICE

JOHANNESBURG

DEAR SIR,

With reference to your letter of the 24th instant addressed to the Association, will you be good enough to let me know whether it means that Royal assent has been given by cable to the Asiatic Ordinance?

*I remain,*

*Yours faithfully,*

ABDOOL GANIE

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 6- 10-1906

<sup>1</sup> *Vide* also "Haji Ojeer Ally", 6-10-1906

329. LETTER TO DR. E. NUNDY<sup>1</sup>

21-24 COURT CHAMBERS,  
JOHANNESBURG ,  
*September 26, 1906*

[DR. EDWARD NUNDY  
JACOB CHAMBERS  
COURT ROAD  
JOHANNESBURG]

DEAR DR. NUNDY,

I hold that a Colony has a perfect right to regulate immigration even as to British subjects, but not so as to make class distinctions.

You may make what use you like of this communication.

*Yours truly,*  
M. K. GANDHI

Pretoria Archives : L. G. File No. 93: Asiatics

330. A PLEDGE<sup>2</sup>

*September 27, 1906*

We, the undersigned, propose that Mr. Abdul Gani or, in his place, Mr. Essop Mian or Mr. Ahmed Coovadia and Mr. Haji Ojeer Ally and Mr. Gandhi should be on the deputation going to England. We give the assurance that we shall do our utmost to see that these men are not prevented from obtaining new registration and we pledge our word that whatever the difficulties, we ourselves will definitely not

<sup>1</sup> This was in reply to Dr. Nundy's letter which read: "Would you mind putting in writing your views as to whether a country or Colony has the right to restrict by legislation the entrance into its territory of a particular race or class of people, even though the would-be immigrants are subjects of the same Crown?"

"If as you stated to me, your views on this subject have been misunderstood, it would be desirable to correct such a misapprehension, and I shall be glad if, when writing, you would give me the permission to make use of your reply, if I consider it necessary."

<sup>2</sup> This was signed by 29 persons. Presumably this was the "individual pledge from leading Indians" mentioned in *Satyagraha in South Africa; vide* "Satyagraha in South Africa", 26-4-1928

The deputation comprising Gandhiji and Haji Ojeer Ally left for London on October 1 "to submit to the Imperial authorities the Indian view of the Asiatic Law Amendment Ordinance"; *vide* "Telegram to Transvaal Governor", 30-9-1906

obtain re-registration. But this is on condition that the deputation, or at least Mr. Gandhi, should reach the Transvaal before the first of January.

From a photostat of the Gujarati: S.N. 4376

### 331. LETTER TO "LEADER"

[JOHANNESBURG ,]  
September 27, 1906

[EDITOR  
*Leader*

SIR,]

To complete the chain of enquiry regarding the libel on Indian womanhood published in your paper<sup>1</sup>, I hope you will insert the following reply received by me from the Principal Immigration Restriction Officer at Durban:

As the reasons that guided the Transvaal Government in the framing of the regulations touching Immigration are unknown here, it is impossible that any expression of them can have emanated from this Department.

*Yours etc.,*  
M. K. GANDHI]

*Indian Opinion*, 6-10-1906

### 332. LETTER TO DR. E. NUNDY<sup>2</sup>

21-24 COURT CHAMBERS,  
JOHANNESBURG S,  
September 27, 1906

[DR. EDWARD NUNDY  
JACOB CHAMBERS  
COURT ROAD  
JOHANNESBURG]

DEAR DR. NUNDY,

By class distinction I mean that there should be no legislation applying to Asiatics, Coloured people or Indians as such.

All legislation ought to be, [as] laid down by Chamberlain, of a

<sup>1</sup> *Vide* "Letter to *Leader*", 21-11-1906

<sup>2</sup> This was in response to Dr. Nundy's query as to what Gandhiji meant by "class distinction". *Vide* "Letter to Dr. Nundy", 26-9-1906



general character.

*Yours truly,*  
(Signed) H. M. GANDHI<sup>1</sup>  
FOR M. K. GANDHI

Pretoria Archives: L. G. File No. 93: Asiatics

### 333. *ON TRIAL*

We are enabled to publish copies of communications from Lord Selborne addressed to the British Indian Association, in connection with the new Asiatic Ordinance of the Transvaal. One of them states that Lord Elgin has already approved of the Ordinance, and that His Excellency does not consider that any useful purpose is likely to be served by sending the proposed deputation to England.

We offer our sincere congratulations to the British Indians in the Transvaal on the decision of Lord Elgin. The decision reflects no credit on a liberal Secretary of State for the Colonies, especially when one realizes that the Secretary of State for the Colonies has, at one time, occupied the Viceregal throne in India. But Lord Selborne has told us that out of evil very often cometh good, and if the British Indian community is true to itself, good will most assuredly result from the momentous decision of Lord Elgin. His Excellency has clothed with life the historic fourth resolution<sup>2</sup> of the great meeting, held in the now extinct Empire Theatre in Johannesburg. That resolution will be the touchstone by which the national and self-respecting spirit of Indians in the Transvaal is to be tested. Lord Elgin, evidently under the inspiration of Lord Selborne, has accepted the Indian challenge. On one side has now to be ranged brute force; on the other, simple passive resistance. British Indians have a just cause; it will become infinitely juster and more sanctified by their putting into force the fourth resolution and declining, in spite of Lord Elgin's approval of the Ordinance, to submit to its galling conditions, and to the "serious and wanton injustice" which the Ordinance contemplates. We have no hesitation in very respectfully repeating the last expression, although Lord Selborne, in one of his letters, does not agree that the Ordinance inflicts any such injustice. We must accept His Excellency's assurance that the Ordinance is not in conflict with the views expressed by His Excellency from time to time. He alone knew with what mental reservations he uttered the lofty

<sup>1</sup> Gandhiji's eldest son

<sup>2</sup> *Vide* "The Mass Meeting", 11-9-1906

sentiments before the Zionist meeting, and spoke of the trusteeship on the eve of the Boer war.

Similarly, we beg leave to take exception to His Excellency's judgement as to the Ordinance; it is those who have to submit to it that are at all capable of knowing whether it is just or otherwise. Lord Selborne's reply to the British Indian protest bristles with points which can be argued from a British Indian standpoint, but enough of argument has already been devoted to the controversy. It is now time, not for argument, but for action.

The first of January will be, for millions of His Majesty's subjects, a day of gladsome prospect. To British Indians in the Transvaal likewise, it will be a similar day, though not in the same sense. They must marshal their forces and conserve their energy. They will need to be ready to face the inevitable on that eventful day. The community is now on its trial. Let us hope it will emerge scatheless. By its action will be judged Indian character, if not throughout the world, certainly in South Africa. In having passed the historic resolution, the meeting has undertaken a trust which British Indians in the Transvaal must discharge, come what may.

*Indian Opinion*, 29-9-1906

### 334. *THE PUNIA CASE*

Our contemporary, *The Rand Daily Mail*, by its spirited advocacy of the unfortunate British Indian woman, Punia, has given the matter a prominence which is thoroughly deserved by the circumstances of the case.<sup>1</sup> Indeed, it would appear that Mr. Gandhi

<sup>1</sup> *The Rand Daily Mail*, while publishing the "Letter to the Press", 19-11-1906 wrote: "The harshness complained of touches the British Indian community in a particularly tender spot. No nation is more careful of the women of its race than the mass of people of India. No one in the Transvaal desires to create friction and make an admittedly difficult problem still more difficult by stirring up bad feeling over such a delicate matter. We feel that the white people will demand an investigation and an explanation of the Punia affair as strongly as Mr. Gandhi. There is a fixed determination to prevent an influx of Asiatics, but the government has received no mandate from the people to make war on women."

has understated the gravity of the situation, in that he omitted to mention what is, perhaps, the most unpleasant feature of an unfortunate affair, namely, that the woman was made to give her ten finger-prints at the Charge Office in Volksrust, and was obliged to do so again at Germiston. The facts being undisputed, a discreditable attempt has been made to justify the regulations referred to by Constable McGregor who arrested the woman, and we are grieved to find that *The Natal Mercury* has lent itself, we have no doubt unconsciously, to such an attempt. The *Transvaal Leader* had the substance of the paragraph in *The Natal Mercury* telegraphed to it, to which Mr. Gandhi has sent a reply<sup>1</sup> repudiating the vile charge made against Indian women, and characterising it as an infamous lie. He then wired to the Registrar of Asiatics, who has promptly replied to the effect that no such statement as published in the papers had been made by any official connected with his department. *The Natal Mercury*, which is always fair, will, we hope, in this case, publish the name of the official who made the statement attributed to him or withdraw the libel.

If the working of the Permit Ordinance was as well known to the public generally as it is to us, they would have realised the full significance of the Punia case, and the cruel wrong that has been inflicted not only on the woman in question, but on the whole of the Indian community. The evidence given by the constable in this painful case was, we have reason to believe, the first authoritative pronouncement regarding British Indian women having to take out permits, even when they may be in the company of their husbands. The husband of Punia stated emphatically that he knew nothing about a permit being required for his wife, but we will assume that the husband was aware that a separate permit was necessary. It is still a legitimate question why Indian women should require any permits at all. The printed instructions issued by the Chief Secretary for Permits lay down that wives of husbands holding permits are not required to take [out] permits apart from their husbands, nor are children under sixteen years apart from their parents. If such be the case, why should separate instructions be issued for Indian wives, seeing that they, too, are governed by the same Permit Ordinance ?

Even if definite instructions were to be issued in writing regarding Indian women, we consider that it would be the paramount duty of British Indians to refrain from taking out any such permits for Indian women, and to protect them from the insult and degradation that attend the taking out of these permits. Are Indian women to make

<sup>1</sup> *Vide* "Letter to Leader", 22-11-1906

separate applications, put down their thumb-impressions, go half-a-dozen times to Justices of the Peace in order to make declarations required by the Asiatic Office, and to make affidavits that they are the wives of their husbands— perchance, also, to prove that they are refugees, for is it not the rule of the Asiatic Office not to grant permits to any but British Indian refugees? Suppose, further, that the application of a wife is delayed or refused, is the husband, who is holder of a legitimate permit, to remain out of the Colony until after the application of his wife is granted, or, to remain out of the Colony entirely, in the event of a refusal of the application on behalf of the wife ? There never has been any reproach against Indian womanhood in South Africa except now, for the first time, in the sinful imagination of an anonymous immigration official. But even if a few miserable specimens of Indian humanity were to introduce into the Colony women of indifferent character, will that be any justification for submitting wives of hundreds of honest Indian settlers in Johannesburg to the painful processes required to be undergone by the Permit Office ? If the authorities persist in the instructions said to have been issued, we have no hesitation in saying that they will be playing with fire, and they may give rise to a state of things for which they, and other South Africans, may have reason to be extremely sorry.

We can emphatically re-echo the sentiments of the leader-writer of *The Rand Daily Mail* that harshness of the kind that poor Punia had to undergo touches British Indian sentiment on its tenderest part. We think that our contemporary has rendered a public service in drawing pointed attention to this case. We hope that the authorities will issue definite instructions countermanding the orders referred to by Constable McGregor, and give those instructions as wide a publicity as possible.

*Indian Opinion*, 29-9-1906

### 335. TRANSVAAL PERMIT ORDINANCE

On the 15th inst., one Hafeji Moosa and his son, Mahomed Hafeji Moosa, were tried before the Magistrate at Volksrust under the Peace Preservation Ordinance; the father for having abetted his son (who was acknowledged to be under eleven years) in entering the Transvaal under a permit obtained by improper means, and the son with the offence of having entered the Colony on a permit obtained by improper means. Evidence was given to the effect that the father and son travelled together on the 5th July and passed through Volksrust. They were examined there. The father produced his permit

and the son is alleged to have produced a permit issued in the name of one Bhaima. The inspecting constable was unable to say that the boy produced the permit in question. The boy's thumb-imprints were taken, sent to Pretoria, and as they did not tally with the thumb-imprints on the counterfoil of the permit issued to Bhaima, both the father and son were arrested at Potchefstroom. It further came out, in the evidence of Mr. Cody, Chief Clerk in the office of the Registrar of Asiatics, that the instructions from the Permit Office were to arrest all British Indians, whether male or female, of whatever age, in the case of wives, whether [or not] they were in the company of their husbands, and in the case of children, whether [or not] they were in the company of their parents, unless they could produce separate permits. Both the father and son denied that the son had entered on the permit issued to Bhaima. The Magistrate discharged the father, but found the son guilty, and sentenced him to pay a fine of £50 or suffer imprisonment without hard labour for three months. Appeal has been noted. The case is considered to be of considerable importance, in that a boy of tender years, travelling with his father, has been sentenced so heavily, in spite of the fact that Magistrates are guided in the punishment of juvenile offenders by special powers given to them to administer cuts.

*Indian Opinion*, 29-9-1906

### 336. INDIANS IN DELAGOA BAY

The fear of an attack on the rights of Indians increases as more and more Englishmen crowd into Delagoa Bay. According to our correspondent, a movement is afoot in that place to drive Indians into Locations. It also appears that the Indians there will offer strong resistance. Our correspondent adds that an Association has been formed to fight the measure. We hope the Association will do its work with vigilance. It is very gratifying that, at this juncture, there is in Delagoa Bay a gentleman like Mr. Kothari. He is a lawyer of the Bombay High Court and a patriot. He has made good use of his stay in Delagoa Bay. He has studied Portuguese, which, we believe, will stand him in good stead in serving the country. Wherever there are educated Indians, it should be their duty to use their education in the service of their motherland.

[From Gujarati]

*Indian Opinion*, 29-9-1906

### 337. A WARNING

The report of an Indian case, published by the Town Council in the *Krugersdorp Standard* dated September 1, is regrettable, and puts the Indian community to shame. A leading Indian of the place did not effect the necessary improvements to his premises despite a notice requiring him to do so. His bedroom had a ceiling only of cloth; the lavatory floor was not proof against the seeping of dirty water; and the lavatory was used although it had no bucket. Since the notice was ignored, the Town Council ordered proceedings to be instituted against him, with results so far unknown to us. But that those who are considered leading Indians should keep their premises in the condition described here makes us hang our heads in shame. One of the many charges the whites make against Indians is that of uncleanness. Such cases only prove the charge, and the outcome cannot but be unfavourable when these are found among moneyed and respectable Indians. All Indians will, we hope, learn a lesson from this case and keep their premises clean. No one can deny that the state of our houses is not all that it should be. It is clear that we should be all the more cautious in matters where our shortcomings are only too apparent.

[From Gujarati]

*Indian Opinion*, 29-9-1906

### 338. JOHANNESBURG LETTER

#### A WHIP

The huge meeting at the Empire Theatre is over. (The Theatre has [since] been gutted by fire.)<sup>1</sup> Three thousand men mustered together; they applauded; evinced enthusiasm; it was all very impressive. But all this seems to have vanished like a dream! All the men present in that theatre had resolved that a deputation must be sent to England. They had declared that there would be no difficulty in collecting the necessary funds. Your correspondent, who had full faith in the people had taken it for granted that men speaking such words could raise six to seven thousand pounds in a day. But I am sorry to have to say that Mr. Gulam Mahomed, the Treasurer, has not yet received even a thousand pounds towards the fund for sending a

<sup>1</sup> Round brackets are ours.

deputation and fighting the Asiatic Ordinance. Men who have collected money are not willing to part with it on the pretext that others are not doing so. A telegram from a certain place says that the collection is yet to be made. News received from another says that remittances would be made only after a certain Sheth has made his contribution. A message from a third town says that they do not mean to send anything because a certain community is not contributing. Thus, for a variety of reasons, money is not forthcoming. No one can say that a proper organization has not been set up for the management of the Fund. A committee consisting of about 25 leaders of different communities has been formed. Not a single cheque will be issued without the sanction of the committee. Four persons have to sign a cheque, and it is obligatory for the committee to publish detailed accounts every month. Thus, on the one side, our hardships are unlimited; on the other, we have with great care appointed a committee of management. What could be more shameful in these circumstances than to be unable to raise the necessary funds ? This is a testing time for every Indian; and if we are found wanting, we shall suffer a heavy penalty. Not only shall we be reduced to a sorry plight, but even our heirs shall taste the fruit of our sin. Not only has the money not been collected, but even the membership of the deputation has not been decided on.

#### MR. BHABHA'S CASE

An account has been given already of Mr. Bhabha's case up to the stage where it was taken to the Supreme Court. As recommended by the judges, the sentence passed on Mr. Bhabha has been remitted, and he has now got the permit and the register enabling him to stay in the Transvaal. Three or four other Indians who had come in relying on Mr. Bhayat's case have also got their permits. One cannot say what will happen to the other Indians with old registers who are still outside the Colony. It is possible that the delay which was there before will not occur now.

#### HEAVY SENTENCE ON MINOR CHILD

A permit case against Mr. Hafeji Moosa of Potchefstroom and his eleven-year-old son, Mahomed, was heard at Volksrust on September 15. The charge against Mr. Moosa was that he had secured the entry of his son with a false permit, and the charge against his son was that he had entered the Colony with such a permit.

In his evidence, the constable who had examined the father and son could not say that he had seen the son. But it was established in the evidence that the son's thumb-impressions had been taken. The

magistrate found the father not guilty, and sentenced the son to a fine of £50 or three months' simple imprisonment. Such a heavy penalty on a mere child is dreadful. Had the magistrate looked into the matter more thoughtfully, he would have seen that a mere boy could not be given such a sentence. An appeal has been preferred to the Supreme Court, and, it is expected, the boy will be let off.

#### MR. QUINN AND THE INDIANS

Mr. Quinn, the Mayor of Johannesburg and Chairman of the Chamber of Trade, says in his monthly report that the passing of the Asiatic Ordinance is a proper step. According to him the unauthorised influx of Indians into the Transvaal justifies the Ordinance. It is not possible for the Europeans to compete with the Asiatics in [lowering] living standards. If it is thought that the law is strict, the fault was that of the Asiatics themselves. Referring to what Mr. Niven had said about the case of Punia<sup>1</sup>, viz., that it could not be the view of the Chamber of Trade that women should be subjected to such hardships, Mr. Quinn said that it was their own fault, since they entered the Colony though they knew they would not be allowed in without a permit.

[From Gujarati]

*Indian Opinion*, 29-9-1906

### 339. THE TRANSVAAL ORDINANCE

#### ASSENT OF IMPERIAL GOVERNMENT: DEPUTATION POSTPONED

The saying, "Man proposes and God disposes",<sup>2</sup> has proved true in the case of the Transvaal Indians.

#### LORD ELGIN'S REPLY

The deputation which was to proceed to England to represent our grievances [to the authorities there] was scheduled to sail on Monday, October 1 ; but owing to some obstacle, its departure has been postponed by a week. Just as arrangements were being made for booking the passages of delegates by steamer and letters were despatched to all the places to say that the deputation would leave on Monday, a communication<sup>3</sup> was received from Lord Selborne on

<sup>1</sup> *Vide* "Difficulties of Indian Women in the Transvaal", 22-9-1906

<sup>2</sup> The saying in Gujarati literally means, "Tasks begun by us remain unfinished; only God's will be done."

<sup>3</sup> The letter was dated September 24, 1906. This as well as the translation of Lord Selborne's letter on "The Transvaal Ordinance", 29-9-1906 has been collated with the English texts of the relevant letters.



Tuesday morning. It said:

Lord Elgin desires Lord Selborne to inform you that though the former is aware that the new legislation does not effect all the improvements in the condition of the Indians which His Majesty's Government would desire, he has approved it as removing some of the hardships to which Asiatics are subject and goes as far as is possible on the eve of responsible government. Lord Elgin adds that, while delegates from the Transvaal, if sent, will be given every opportunity for stating their views, he does not consider that any useful purpose is likely to be served by sending the deputation.

#### MEANING OF THE LETTER

The implication of the letter is that Lord Elgin asks us not to send a deputation. It is obvious that there is nothing to be gained by the deputation going to England after the Ordinance has been passed. The other implication is that, since the Indian community has made a show of strength and has resolved to oppose the Ordinance, it should be suppressed. This is the way of the British: to look at accretions of strength with a stern eye and to dash them to the ground. Lord Selborne must have advised Lord Elgin that, if the deputation went to England and if he received it, the Indian community would be led to entertain hopes of the Ordinance being dropped and that the community would meanwhile go on gathering strength. It would therefore be advisable to nip in the bud their growing strength. Acting presumably on such advice, Lord Elgin has approved the Ordinance without listening to what the deputation has to say.

This has ever been the way of the British with a subject people. They have succeeded in it for the most part, since a conquered and subdued people is brave only in words, and shrinks back at the time of action.

#### OUR DUTY

Let us consider what the duty of the Indian community now is. Our resolve to resist the Ordinance can give strength; it can also take it away. If the Indian community firmly adheres to the Resolution, not only will it rise in the esteem of the people in the Transvaal and put an end to its many troubles, but the beneficent effect will be seen all over South Africa, and hundreds of men in the land of our birth will gain from it. If, on the other hand, the Resolution were not acted upon, those who took the pledge would lose face; the whole community would be disgraced; our petitions would in future carry no weight and our plight would become worse than at present. The whites would moreover laugh at us. They would spit upon us, spurn us and call us cowards. Never shall we be regarded as a united people.

## NO ACHIEVEMENT WITHOUT ADVENTURE

Such risk is always there in great undertakings. In trade entailing great risks, if there is profit, it is immense, and if there is loss, it reduces one to utter poverty. As our poets<sup>1</sup> have said, it was through adventure that Alexander became an Emperor; it was through adventure that Columbus discovered America; nothing is achieved without adventure. Themselves an adventurous people, the British admire only those who are adventurous. It is therefore the clear duty of every Indian not to take out [a register] again, but to go to gaol and stand firm on the pledge taken at the Empire Theatre.

### SECOND LETTER FROM LORD SELBORNE

Another letter has been received from Lord Selborne, which gives added force to our advice. The earlier letter which we have already cited in translation was written by Lord Selborne on behalf of Lord Elgin. Let us now see what His Excellency has to say for himself:

From the argument which your Association puts forward, it seems that you have not grasped the real significance of the new law, which merely provides for the verification of existing documents . . . and for the substitution of more complete, authentic documents such as will relieve Asiatics from the inconveniences to which they are liable under the present system. If there is to be a system of registration, which will fulfil its purpose and prevent a general influx of Asiatics into the country, pending the establishment of responsible government, it must be complete and thorough.

With regard to the definition of Asiatics and the position of pre-war Indian residents, the Ordinance does not disturb the existing conditions. The provision for exemption from the liquor law had no special reference to British Indians. It is intended to apply to individual Asiatics in respect of whom the present provisions of the law are an anomaly. The Ordinance will apply to males only.

Lord Selborne cannot agree that the Draft Ordinance will be an act of serious wanton injustice directed against the Indian community or that it is in conflict with the views expressed by His Excellency from time to time.

This reply shows that Lord Selborne has not taken the trouble to acquaint himself with the Ordinance thoroughly or to understand the present situation. Where there is so much ignorance, our duty can only be this: to act up to the Fourth Resolution about gaol-going. The Government will then immediately see that, unless there were genuine difficulties, a thousand men would not court imprisonment.

<sup>1</sup> The reference is to Narmadashanker, a Gujarati poet.

## NEED FOR FUNDS

But just as it is necessary to go to gaol, it is also necessary to raise a fund. The expenses now will be greater than if the deputation had gone to England. Without money it will be impossible to do things like sending telegrams about men sentenced to imprisonment, and providing for their families when they are in gaol. Moreover, it cannot be said that the struggle will be over in a couple of days. Money is therefore absolutely necessary. It has been shown earlier how our people lag behind in such matters. It is absolutely essential for us to remain thoroughly vigilant and wholly united.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 29-9-1906

### 340. TELEGRAM TO TRANSVAAL GOVERNOR

[JOHANNESBURG,  
*September 30, 1906*]<sup>3</sup>

BRITISH INDIAN ASSOCIATION REGRETS LORD ELGIN'S APPROVAL OF ASIATIC ORDINANCE. IN ITS HUMBLE OPINION APPROVAL DUE TO MISUNDERSTANDING OF ORDINANCE. ASSOCIATION DOES NOT CONSIDER ANY RELIEF BEING GRANTED INDIAN COMMUNITY. ASSOCIATION HAS THEREFORE WITH GREAT DEFERENCE DECIDED TO SEND MESSRS GANDHI AND ALLY AS DEPUTATION TO LAY BEFORE IMPERIAL GOVERNMENT INDIANS'

<sup>1</sup> The following was added to the article above by the Editor, *Indian Opinion*:  
*STOP PRESS NEWS*

"It will be seen from the foregoing that now there is no need for the Deputation to be sent. But the latest cablegram we have received says that the assent of the Imperial Government to the Ordinance has not been given and that it will take about five weeks to get it. A perusal of letters cited above shows that there has been some confusion in interpreting them. More clarification is likely to be available next week."

<sup>2</sup> This was forwarded to the Secretary of State for the Colonies on October 2 by the Transvaal Governor at the request of the British Indian Association.

<sup>3</sup> The Deputation left for Cape Town on October 1, on its way to England. This telegram, evidently, was sent a day before. The deputation carried the following credentials from the British Indian Association: "This is to certify that M. K. Gandhi, Esq., Honorary Secretary of the British Indian Association and Haji Ojer Ally, Esq., President of the Hamidiya Islamic Society, have been elected delegates to proceed to London, and submit to the Imperial Authorities the Indian view of the Asiatic Law Amendment Ordinance, as also to interview friends in England of British Indians in South Africa."

VIEW OF ORDINANCE AND PRAYS THAT ROYAL SANCTION  
WITHHELD PENDING HEARING BEING GRANTED.<sup>1</sup> DEPUTATION  
PROCEEDING BY NEXT MAIL.

BIAS

Pretoria Archives: L. G. File No. 93: Asiatics

### 341. SPEECH AT FAREWELL MEETING<sup>2</sup>

*A meeting of the British Indian Association was held to bid farewell to the members of the deputation proceeding to London. The following is a brief summary of Gandhiji's reply to the speech of the Chairman, Abdul Gani.*

JOHANNESBURG,  
September 30, 1906

Mr. Gandhi pointed out that he was only going in view of the solemn promises of the leaders and their followers under no circumstances to comply with the requirements of the new Ordinance.

*Indian Opinion*, 6-10-1906

### 342. HAJI OJEER ALLY<sup>3</sup>

Mr. Haji Ojeer Ally was born on the 23rd November, 1853, in the island of Mauritius, and received his education at the Government schools there. In 1864, he started work as a printer at the Commercial Gazette Offices, and in 1868, he was employed as wharf-clerk with

<sup>1</sup> It became known later that the approval had reference only to the proposal to introduce such an ordinance but the Ordinance itself was yet to receive Royal assent.

<sup>2</sup> This is an extract from "Johannesburg Jottings" by the Transvaal Representative (Mr. Polak) of *Indian Opinion*. Tendulkar quotes another speech in his *Mahatma*: "We shall of course try our best, but there is little chance of our prayer being granted. We, therefore, must mainly rely upon the Fourth Resolution. We shall explain our case to all our friends in England. You too will do your duty by not submitting to registration. Money must be collected to carry on the movement and what is more important still, the Hindus and Muslims must be absolutely united." (p. 96, Vol. I; Jhaveri and Tendulkar, Bombay, August 1951). Neither the source nor the date of this speech has been found. It is not clear whether this is from another speech made at the second of the two farewell meetings held at the Hamidiya Society Hall. Or it may be from the same British Indian Association speech reproduced above.

<sup>3</sup> This is part of an article published under the title "The Personnel of the Deputation: Biographical sketches", which included a similar sketch on Gandhiji; the latter is not reproduced here. *Vide* also "Johannesburg Letter", 25-9-1906

Messrs P. Adam & Co. He was for some time assistant shipping clerk with Messrs Joshua Bros. and, later, was also shipping clerk to another firm. In 1883, as behoves every good Mahomedan, he visited Mecca and became a Haji. He came to South Africa in 1884, landing at Cape Town, where he commenced business on his own account as a mineral water manufacturer. Ever since that time he has taken an active part in the politics of the country and endeavoured to ameliorate the condition of the Coloured people, more especially his co-religionists, the Malays and his fellow-countrymen, the British Indians. He helped to quell a Malay disturbance that took place by reason of the Cape Government having fixed a Malay cemetery very far away from the town, and it was mainly through his efforts that a site was ultimately selected which satisfied the Malay community.

During his stay in Cape Town, Mr. Ally was both a parliamentary and municipal voter. In 1892, he was elected Chairman of the Coloured Peoples' Organization, and took a leading part in connection with the Franchise Law Amendment. A petition signed by 22,000 Coloured people was promoted and sent to London. Later, Mr. Ally migrated to Johannesburg, where, too, he has been taking an active part with reference to the position of British Indians in the Transvaal. Before the war, he interviewed the prominent Boer officials, as also the British Agents, and did a great deal to secure relief.

Mr. Ally is the founder and President of the Hamidiya Islamic Society; which has been doing excellent and useful work among the Mahomedans of Johannesburg, and which was chiefly instrumental in organising the Mass Meeting at the Empire Theatre. The Society is in a flourishing condition, and has a membership of several hundred Mahomedans.

Mr. Ally, although not a finished speaker, has a very good command of the English language, has a fine voice, and is often very eloquent. He is married to a Malay lady and is the father of eleven children. He holds liberal views regarding female education and has been endeavouring, in spite of the handicap of colour, to give a good education to his daughters.

*Indian Opinion*, 6-10-1906

### 343. DIVINE WRATH ON HONG KONG

While the news of how a beautiful city like San Francisco was suddenly reduced to dust and thousands of men were buried alive in a trice is still green in our memory, a similar earthquake has occurred in Chile and lakhs of people in Valparaiso and other places have been

rendered homeless and obliged to wander about without food. Hardly is that woeful tale over when there comes a cry from Asia that its children are no less unfortunate than those of America. Last week there appeared the news of a cyclone in the sea near Hong Kong to the south of China. Several ships and steamers were driven ashore and some completely wrecked. Small craft and fishing-boats sank and thousands of precious lives were lost. As the sea-rushed into the harbour, rivers began to flow through the city streets and the people in distress struggled hard to save themselves by means of boats. It is said that about fifty steamers and ships were engulfed in the storm. Traces have been found of only a few of the 600 fishing-boats that were out on a cruise. At least 10,000 men lost their lives. All this happened within a couple of hours. Thoughtful persons will be grieved to know this. Stories told in text books of God making or unmaking a universe in a moment, we now see enacted before our very eyes. Inscrutable are the ways of God. Man has always some lesson to learn from His dispensations. While such an event is fresh in the mind, the virtuous have promptings from their inner selves, "Good man, take to the true path. We know not when Death will overtake us. Do good deeds then and make provision for your journey hence." The same event warns the erring: "You fool, cast off your pride and walk in fear of God. For Death might swallow you in no time."

[From Gujarati]

*Indian Opinion*, 6-10-1906

### 344. THE DUTY OF TRANSVAAL INDIANS

Since we give elsewhere a full account of the Transvaal situation, it is needless for us to say anything more about it here. The present time is so critical that even Indians outside the Transvaal have become alarmed. All of them feel that the step taken by the Indians in the Transvaal is very difficult and arduous. It will justify itself only if it succeeds. The Resolution passed by Indians is, and at the same time is not, unique. We consider it unique, because nowhere else in the world have Indians so far resolved, as they have done now, to go to gaol rather than submit to a law. On the other hand, we do not consider it unique because a number of similar instances are found [in history]. When we are dissatisfied with anything, we often resort to *hartal*. In India we often consider it our duty to do so, in order to obtain redress of our grievances, particularly in the Native States. The *hartal* only means that we do not approve of a certain measure taken by the ruler. This tradition of resisting a law has been in vogue among us from

very early days, when the English people were in a barbarous state. Thus, really speaking, the Resolution passed by the Transvaal Indians is nothing extraordinary and there is no reason why we should feel nervous.

Moreover, such examples are to be found even in South Africa. When President Kruger proposed to remove the Indians from the Malay Location and send them to the Tobianski Farm, Mr. Emrys Evans, the British Agent, gave Indians the specific advice that they should on no account submit to President Kruger's order. Hence, despite police investigations and detectives entering their homes, the people remained firm, and they won.

When there were difficulties about licences, the Indians carried on their business in the towns fearlessly without licences, did not bow to the Boer Government, and succeeded. That Government tried hard to send us to the Locations, but failed.

Subsequent to the war too, instances are found. When Lord Milner brandished the sword of the Bazaar Notice against the Indians, the people for once were scared, but later they thought over the matter and finally decided not to go to the Location. The summons that had already been issued at Potchefstroom had to be withdrawn. The Indian people refused to accept the passes bearing their photographs that Mr. Moore had issued, and the Regulation had to be withdrawn.

We can easily find such examples among other communities too. The Pass Law applies to Hottentots, but they oppose it and do not take out passes and the Government is powerless to do anything. A house tax is levied on the Kaffirs of Natal; but some of the Zulu tribes do not pay the tax at all. It is an open secret that the Government does not collect the tax from them.

All these instances show that there is no cause for us to be afraid at all. However, there is some difference between the instances quoted above and the Resolution of the Indian community. In all these instances no community as a whole had passed any resolution. Further, though the people chose not to submit to the laws in question, they had not decided on how to meet the consequences and bring the issue to a final conclusion. For example, when the Hottentots are arrested for not taking out passes, some of them pay the fine and some go to gaol. The Transvaal Indians are determined to go to gaol rather than take out a new Register. Two other alternatives are open to them—either to pay the fine or to leave the Colony. After giving serious thought to both, the Indian community has discarded them. And herein lie its uniqueness, its beauty and its strength. If we pay the fine, it will be just the thing the Government wants. If we leave the

Colony, the whites will rejoice, clap their hands and wave their flags. We will do neither of these things, for it would be ignominious and cowardly to do either. Going to gaol is a unique step, a sacred act, and only by doing so can the Indian community maintain its honour. What does it matter if, in doing so, we lose our trade ? If a fire destroys their houses and goods, traders accept it calmly and, being courageous, start their business afresh and earn their livelihood. No one who has hands and feet and possesses ability and intelligence has need, at any rate in this country, to starve. What if a hundred or more lose their all and become paupers in serving the community or the country? The English honour only those who make such sacrifice. Their shining glory has spread just because great heroes have been and are still born among them. Such were Wat Tyler, John Hampden, John Bunyan and others. They laid the foundations of England's political supremacy. Who they were and what they did we shall tell some other time.<sup>1</sup> But we shall continue to be in our present abject condition till we follow their example. The Indian community has a good opportunity today of proving its mettle. We hope that it will not let it slip, but will rush to the field, plunge in whole-heartedly and fight to the last. There was a time in India when the mother refused to look at the face of a son who returned vanquished from the battle-field. We pray to God that every Indian in the Transvaal will remember that time.

[From Gujarati]

*Indian Opinion*, 6-10-1906

### 345. CABLE TO SECRETARY OF STATE FOR COLONIES

JOHANNESBURG,

OCTOBER 8, 1906

BRITISH INDIAN ASSOCIATION HAS READ WITH REGRET VREDEDORP STANDS ORDINANCE PUBLISHED IN GOVERNMENT GAZETTE. RESTRICTIONS AS TO TRANSFER LEASES TO AND RESIDENCE OF ASIATICS VREDEDORP UNJUST. REQUEST STAY ROYAL SANCTION PENDING RECEIPT

<sup>1</sup> *Vide* "Tyler, Hampden and Bunyan", 20-10-1906

<sup>2</sup> This was sent to the Transvaal Governor who cabled it to the Secretary of State for the Colonies at the request of the British Indian Association. The cable was presumably drafted by Gandhiji after the publication of the Vrededorp Stands Ordinance in the *Government Gazette* on September 28, before his departure for England on October 1. It was perhaps despatched by the British Indian Association later.



346. PETITION TO LORD ELGIN<sup>1</sup>

JOHANNESBURG,  
October 8, 1906<sup>2</sup>

TO

HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF ELGIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
LONDON

The Petition of Abdul Ganie, in his capacity as Chairman of the British Indian Association of the Transvaal, Humbly Sheweth:

That the British Indian Association of the Transvaal respectfully approaches Your Lordship with reference to the Vrededorp Stands Ordinance of 1906 published in the Transvaal *Government Gazette* dated the 28th September.

(2) The Ordinance) your Petitioner notices, is not to take effect "unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same".

Your petitioner, therefore, ventured to send Your Lordship a cable<sup>3</sup> requesting that the Royal pleasure may not be declared until the Association had the opportunity of making its submission to Your Lordship.

(3) The Association respectfully protests against sections 5, 8 and 9 of the second schedule to the Ordinance above named.

(4) The sections in question are as follows:

5. This lease shall not be transferable to any coloured person and if registered in the name of any such person this lease shall *ipso facto* cease and determine.

8. Neither the said stand nor any part thereof nor any building thereon shall be sub-let to any coloured person or Asiatic. Upon any breach of this condition the Council may forthwith by notice in writing given in the

<sup>1</sup> This was also published in *Indian Opinion*, 13-10-1906 and *India*, 2-11-1906.

<sup>2</sup> Though this was submitted a week after Gandhiji's departure for England, it is probable that, before he left, Gandhiji drafted this petition on an issue of vital concern to the Indians.

<sup>3</sup> *Vide* the preceding item.

manner provided in Clause Four terminate this lease.

9. The Lessee shall not permit any coloured person or Asiatic other than the servant *bona fide* of some white person for the time being residing on the said stand to reside thereon or to occupy the same or any part thereof. If any coloured person or Asiatic other than such servant as aforesaid is at any time found residing on the said stand or occupying the same or any part thereof the Council may give notice to the Lessee in the manner provided in Clause Four requiring him to cause such person to cease to reside thereon or to occupy the same or any part thereof within a period of three weeks from the date of such notice and if at any time after the expiration of such period such person shall be found residing thereon or occupying the same or any part thereof, the Council may forthwith by notice to the Lessee given in the manner aforesaid terminate this lease.

(5) Thus, in effect, the Ordinance prohibits the residence of British Indians except as domestic servants.

(6) Such prohibition will create a fresh disability against British Indians.

(7) In the humble opinion of the Association, there is no justification for the contemplated restriction.

(8) The Association, moreover, draws Your Lordship's attention to the fact that British Indians have, for years past, held stands within the area affected by the Ordinance, from the original grantees—the burghers of Vrededorp.

(9) Some British Indians have erected substantial structures on such stands, and some are at present either residing on the stands leased by them or carrying on trade.

(10) If the clauses objected to are sanctioned, all such persons as are here in before referred to and have acquired vested rights will be adversely affected and some of them ruined in business.

(11) The Association ventures to point out that, when the Vrededorp Commission sat some time ago to report upon the Draft Ordinance, objection to any such clauses as are before referred to was submitted to the Commission on behalf of British Indians.

(12) The Association draws Your Lordship's attention to the further fact that the area affected by the Ordinance is contiguous to the Malay Location, which contains a large Asiatic, and principally British Indian, population. The relations between the inhabitants of Vrededorp and the Malay Location have always been satisfactory.

(13) The Association feels that, if the clauses referred to are approved by Your Lordship, the acceptance will form a precedent for other bodies, and may lead to the ultimate reduction of British Indians

to the status of menials and their compulsory removal to Locations.

(14) Your petitioner, therefore, humbly prays that the Ordinance in question will be disallowed, or such other relief will be granted as to Your Lordship may seem meet.

And for this act of justice and mercy your petitioner shall for ever pray, etc., etc.

Dated at Johannesburg this 8th day of October, 1906.

ABDOOL GANIE

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

From a photostat of the office copy: S. N. 4384

### 347. *THE DEPUTATION'S VOYAGE—I*

[s. s. *ARMADALE CASTLE*,  
Before *October 11, 1906*]

Readers of *Indian Opinion* are aware of the election of the deputation to England with regard to the new Asiatic Ordinance and of the difficulties experienced in that connection. From the very beginning the people had decided that the deputation should consist of three men, viz., Messrs Abdul Gani, Ally and Gandhi; but at the last moment Mr. Abdul Gani withdrew and Messrs Ally and Gandhi had to go without him.

#### INITIAL DIFFICULTY

On Friday, September 28, a definite resolution was passed that the two members mentioned above should go. It was decided that they should sail by the s.s. *Armadale Castle*, and their passages were booked on Saturday, September 29. The delegates were to leave by the Cape Mail on Monday, October 1, and the tickets for that train were also purchased; but an hour later word was received from the Station Master that the deputation could not go by the Cape Mail, but only by the train leaving at 9 p.m. This meant that the deputation, being thus unable to travel by the Cape Mail, would miss the *Armadale Castle* and hence be delayed by a week. Mr. Gandhi immediately spoke to the General Manager over the 'phone and explained to him how necessary it was for them to leave by the Cape Mail. The General Manager could not understand the Station Master's objection and told Mr. Gandhi that he would make inquiries and then telephone the result to him. After an hour, a message was received saying that the Station Master had made a mistake and that there

would be no difficulty in the deputation travelling by the Cape Mail

#### ON THE TRAIN

The deputation boarded the train at 6-15 p.m. Certain persons, as previously decided, had come to the station to see the deputation off. They were Messrs Abdul Gani, Essop Mian, Coovadia, Omarji, Shahbuddin, Fancy, Bhikhubhai and others. Mr. Bhikhubhai had brought a coconut<sup>1</sup> and other things. The members of the deputation shook hands with everyone before taking leave.

#### MR. HAJI OJER ALLY'S HEALTH

Mr. Haji Ojer Ally was feeling exhausted owing to over-work during many days and he was ill and restless. He has rheumatism and, even when the deputation was being discussed, he was afraid of being troubled by it on the way. The fear came true on the train itself. Pain started in the joints. I pressed and massaged his joints and did whatever I could. But that gave no lasting relief. Mr. Ally took the food he had brought with him and also some coffee. He had no appetite for anything else. I went to the Saloon for meals, and took boiled potatoes and peas with bread. I also took the fruit and nuts Mr. Bhikhubhai had given us. I tin did my writing. Mr. Ally went to bed at ten. I retired at midnight after finishing my writing work. Mr. Ally spent a restless night. When he got up on Tuesday morning, he had a very severe pain, also slight fever and bronchitis.

#### ARRANGEMENTS ON THE CAPE MAIL

Amenities on the Cape Mail are almost the same as on a steamer. Food is served from the morning onwards. There is provision even for bathing. The passengers can have a shower-bath. Only first-class passengers can travel by this train.

#### IN CAPE TOWN

The train reached Cape Town at two o'clock on Wednesday. Messrs Yusuf Hamid Gool, Amod Gool, Lachhiram and Abdul Kadar had come to the station to receive us. Ma Yusuf Hamid Gool had arranged for our meal at his place. We took it and left at 4-45. All these gentlemen also came to the steamer to see us off.

#### "THE ARMADALE CASTLE"

This steamer is one of the biggest among those belonging to the Union Casle Line. Its tonnage is 12,973 and As horse-power 12,500. It is 590' 6" long, 64' 6" broad and 42' 3" high. It has

<sup>1</sup> The coconut is an auspicious symbol.

accommodation for 320 first-class, 225 second-class and 280 third-class passengers. For each of the classes there is a very large and beautiful dining-hall. It has excellent arrangements for ventilation. There are books to read and a separate reading-room for each class. The bathing arrangements are very good; and one can have as much hot and cold water as one wants. The lavatories are kept very clean, and there is a notice saying that passengers should not leave the seat dirty. The first and the second classes have four sections each. We hold first-class tickets for the third section and had each to pay £79-15-0.

#### CATERING ARRANGEMENTS

Catering arrangements in these steamers are such that it would appear that the passengers had nothing to do but eat the whole day. At six in the morning, the bearer brings coffee, bread and fruit. At 8-30 one has breakfast in the Saloon, and some ten different items are served. At eleven tea and biscuits are served on deck. Again at 1 p.m. lunch begins to be served in the Saloon; this again has ten to fifteen items. At four in the afternoon again, tea, biscuits, bread, etc.; at six o'clock dinner in the Saloon and at nine or later, tea, coffee, biscuits, cheese, etc., as the passengers choose. All this is covered by the steamer fare. In addition, the passengers can have wine, etc. between meals or at meal time for which they have of course to pay. One seldom comes across passengers who do not take alcoholic drinks.

#### PASSENGERS

Among fellow-passengers, there are three well-known men who must be mentioned. One is the Acting Lieutenant-Governor of the Transvaal, Sir Richard Solomon, accompanied by Lady Solomon. He is going especially to see Lord Elgin. Another is Sir David Gill, the famous astronomer of South Africa, and the third is Sir John Buchanan, a Judge of the Cape Supreme Court. Lord Wolmer is also with us.

In the next instalment, I shall describe Mr. Ally's state of health, the way Mr. Ally and I spend our time, and the arrangements we have made for our meals. Meanwhile, lest anyone should be anxious, I may say here straightaway that Mr. Ally's health has improved and, as I write this, he is enjoying himself on the deck.

[From Gujarati]

*Indian Opinion*, 10-11-1906

### 348. THE DEPUTATION'S VOYAGE—II

[S. S. ARMADALE CASTLE  
October 11, 1906]

#### WHAT DID WE DO ?

I said in my first article that Mr. Ally's health had not improved when we boarded the steamer. He was obliged to stay in bed. For two days he took the pills he had brought with him and got me to rub in soap liniment. This seemed to result in some improvement, but the pain did not stop altogether. On the third day, the doctor was consulted, and he gave him Phenacetin, a medicine inducing perspiration. That loosened the joints, and on the fourth day, Mr. Ally could leave his bed, but he was not yet completely cured. I then recommended to him Dr. Kuhne's treatment. Accordingly, Mr. Ally now takes hot and cold baths and does without the morning meal. Formerly he used to have coffee on getting up, and porridge, coffee and fruit at breakfast. He has stopped all this, now has his first meal at 1 p.m. and has given up all medicines. It is now (October 11) three days since he began this treatment. As a result, Mr. Ally feels better. He is hungry at 1 p.m., and constipation and indigestion do not trouble him now. He does not even smoke till 1 p.m. And though his health cannot yet be said to have returned to normal, his rheumatism is certainly under control; and he has little difficulty in moving his limbs. His food is simple. At one, he takes fish and potatoes, pudding and coffee, and ginger ale. He has a cup of tea at four in the afternoon and at 6-30 p.m., fish, green vegetables, ginger ale; pudding and coffee. He does not seem to feel the need for anything more. If the reader is curious to know what I eat, I may say that, for three days, I had three meals a day. But finding these unnecessary, I now take milk, bread, potatoes, soda water or ginger ale, stewed fruit and cream at 1 p.m., cocoa at four and potatoes, boiled vegetables, stewed fruit and soda water or ginger ale at 6-30 in the evening. I do not eat bread, raw fruit and nuts for the only reason that a loose molar has been hurting me. I feel quite satisfied with this diet and can do a lot of work. The main reason for this is, I think, that the stomach has rest till 1 p.m. and finds this food satisfying and sufficient. Some of these items are outside my usual menu. Yet, the fact that I keep fit shows that food, on an empty stomach, never does harm.

Mr. Ally is reading Justice Amir Ali's *Spirit of Islam* and Washington Irving's *Mahomet and His Successors*. I am studying Tamil, and reading Forbes's *Rasamala or A History of Gujarat*, and

the *Alien Immigration Report*. Now that Madeira is approaching, I have started writing my despatch for the *Opinion*. We have very little contact with other passengers. Occasionally a few words are exchanged with Sir Richard Solomon. There are with us the Chinese Consul, his nine-year-old daughter, and Mr. James of the Chinese Deputation [going to England] in connection with the Asiatic Act. The Chinese Consul wears official uniform. By nature he is sociable, pleasing in his manner and intelligent. Having had a good English education, his daughter enjoys herself and also amuses the passengers who are quite free with her.

#### GENERAL ATMOSPHERE ABOARD STEAMER

Other passengers spend the day in much merriment. Sports have been going on for the last week. Subscriptions were collected for awarding prizes, and we had to part with a guinea each. Among the games are deck cricket, ring tennis, egg-and-spoon race, etc. The sports will be over on the 12th and prizes distributed on the 14th. At night the passengers dance, and the band plays twice a day. Even Sir Richard Solomon takes part in the sports. The chief reason why we have not been able to participate in them is Mr. Ally's poor health and my own studies. There are no sports on Sundays. There is a "Church" gathering in the Saloon where prayers are offered according to Christian custom.

#### THOUGHTS ARISING FROM THIS

When I see all this I often ask myself why it is that the English rule. I am reminded of a poem by the Gujarati poet Narmadashanker<sup>1</sup>:

The Englishman rules,  
The country is under his heel,  
The native remains subdued;  
Look at their bodies, brother,  
He is full five cubits tall,  
A host in himself, match for five hundred.

As I observe all this, I find that the Englishman is not only full five cubits tall, a host in himself, match for five hundred but is capable in every other way. When he chooses to enjoy wealth and power, he excels in doing it and he makes the best of poverty, too. He alone knows how to give orders; and he knows too how to take them. In his behaviour he is great with the great and small with the small. He knows how to earn money and he alone knows how to spend it. He

<sup>1</sup> A late nineteenth century Gujarati poet whom Gandhiji often quotes

knows how to converse and move in company. He lives in the knowledge that his happiness depends on the happiness of others. The [English]man I observed during the war seems to be an altogether different person now. Then he did all his work himself, trekked over long distances and felt happy with dry bread. Here on board the ship he does not do any work. He presses a button, and an attendant stands before him. He must have nice dishes of all kinds to eat. Every day he puts on a new dress. All this becomes him, but he does not lose his balance. Like the sea, he can contain all within himself. Though, generally speaking, he has little sense of religion, yet living in society, he is disciplined and observes sabbath. Why indeed should such a people not rule?

The steamer is as big as a small town. There must be about a thousand persons on board, but there is no noise, no disorder. Everyone is absorbed in his or her own work. Only the waves make music and remind us of their ceaseless motion. More in my third instalment.

[From Gujarati]

*Indian Opinion*, 17-11-1906

### *349. A WORD ABOUT THE NEW MUNICIPAL ORDINANCE*

We publish elsewhere in this issue the Regulations giving certain powers to the Johannesburg Municipality. There is nothing to be said against the Regulations. They apply to all and can be considered necessary to maintain the health of the larger part of the city and for other similar reasons. In regard to many of them, we have got to struggle against ourselves. If we do not keep our compounds clean and have to suffer in consequence, we cannot find fault with others. It can be clearly seen from the Regulations that, if we do not observe the rules of cleanliness, we shall have to face many difficulties. If we do not take precautions, we shall have to suffer the consequences of our own doings. Our licences will be taken away, and we shall be left repenting and helpless. One who is surrounded by enemies has to be very vigilant. As the local phrase has it he has to live in a laager. Such is our condition. In cleanliness and other matters we have to compete with the whites. That stage has not yet come. But if we wake up from our slumber, give up our indolence, shed some of our greed and persist in our efforts, we can in no time drive away the evil of uncleanness from our midst. We have been perpetually tormented by the malignant tumour of uncleanness which eats into our vitals. Just as when a tumour is opened, we feel pain at first but relief later, so the



tumour of uncleanness must be opened. That should be the work of the Hamidiya, Hindu and other Societies, not only in the Transvaal, but in the other places as well. Will they wake up?

[From Gujarati]

*Indian Opinion*, 13-10-1906

### 350. CONFLAGRATION ALL ROUND

A lot of discussion is nowadays going on about the Asiatic question among public bodies in South Africa. In such discussions, Indians are held up to blame on the slightest pretext. Among the fault-finders, the foremost are the Chambers of Commerce. At a meeting of the Chambers of Commerce held in Delagoa Bay, a suggestion was made that Indians should be removed to a Location. We have referred to this matter earlier. Recently<sup>1</sup> a meeting of the Chamber of Commerce took place at Maritzburg, at which opinions about Indian traders were expressed. In his address the Chairman said that there had been an increase in the number of Coloured traders and a decrease in that of white traders. In saying this, the Chairman, Mr. Griffin, does not seem to have bothered about the correctness of his figures. Before asserting that the increase in the number of Indian traders was alarming, he should have offered precise proof of the increase. Mr. Griffin further stated that in the rural areas Indians were so well established that they could send a representative of their own to the [local] board. This statement, too, is as baseless as the earlier one. But supposing it is true, what is wrong about it? Do not the Indian traders contribute to the prosperity of the country? They require protection quite as much as the European traders. In the course of his speech, Mr. Griffin also blurted out that the Shops [Early Closing] Act had proved to be a weapon for crushing the Indians with. Such talk betrays the fact that the Act is aimed at Indians only. But the funny part of it is that, though the law was made to crush the Indians, the whites say that the Indians flourish in spite of it. If this is true, there must be some innate merit in the Indian. What then is to be gained by wasting time in finding fault with the Indian instead of learning from him?

[From Gujarati]

*Indian Opinion*, 13-10-1906

<sup>1</sup> On October 2, 1906

### 351. LETTER TO RAMDAS GANDHI

[S. S. ARMADALE CASTLE,  
Before *October 20, 1906*]

CHI. RAMDAS,

I must now get your letters.

MOHANDAS

RAMDAS GANDHI

*Indian Opinion*

PHOENIX, NATAL

From the Gujarati original in Gandhiji's hand: Courtesy: Shrimati Sushilabehn Gandhi.

### 352. THE DEPUTATION'S VOYAGE—III

[S. S. ARMADALE CASTLE,  
Before *October 20, 1906*]

#### MORE REFLECTIONS

Writing about the voyage, we have reflected why the English prosper. I am aware that, as every shield has two sides, so has the Englishman's way of life. It should not be our business to examine the reverse side. Just as a swan, as the saying goes, separates milk from water and drinks only the former, so must we learn to recognize our rulers' virtues, which alone we should follow. Continuing this train of thought, we noticed that people on the boat did not merely enjoy themselves all day long. Those who had work to do did it as if it was the most natural thing to do, without fuss. On this steamer there are passengers who are always reading. They read not for pleasure, but because it is necessary. As soon as their reading is over, they join others in sport and merriment. The crew discharge their duties punctually to the minute. Looking at the vanities around them, they do not forget their station in life. Envyng none, they remain absorbed in their work. We Indians, too, behave in much the same way, and in certain respects excel them. But if we take an overall view, the balance-sheet will show more to the Englishman's credit. We do not possess the ability to build steamers like the one we are sailing in. Even if we can build one, we have not the ability to operate it. We cannot match their record in public sanitation. We rarely present the spectacle of a number of men working together without noise. Their

mode of life is such that they can save much time, and in the modern age to save time is to gain money. On the steamer there is a printing press. Programmes and menus are printed every day. Typewriters are used for routine work. Most of the cooking is done with machines. Thus, cleanliness is maintained and time saved. All this is necessary for the way they wish to live and do live. Viewing things in this manner we should conclude, without looking at their faults or envying them, that they deserve all they have, and for the most part it is necessary to behave as they do. This is not the place to consider how we can set about doing this. Here I have put my thoughts before the reader as they occurred to me during the voyage.

#### STEAMERS SPEED AND THE WEATHER

A steamer belonging to this Line generally travels fast. On an average we cover about 370 miles a day. The weather was cold during the first four days, but as we proceeded it began to warm up. At present we are near the Equator, and it is very hot; in these parts this heat is normal. It will continue to be hot for another five or six days. We do not feel this extreme heat because of the many cooling devices on the steamer. In portholes there are arrangements to let in air so that it remains cool throughout the night. Changes are also made in the food to suit passengers' tastes. Every passenger is provided with a fan.

#### A TALK WITH SIR RICHARD SOLOMON

We had a talk with Sir Richard Solomon as we were approaching Madeira. After we had discussed the whole question he said that he would consider the idea of appointing a Commission at some future date. His information was that the Indian community had engaged agents at every port to instruct the immigrants about the geography of the Transvaal and help them to enter, and that many men had entered in this manner. This would mean that the whole Indian community was deceitful and that the new law had been enacted to punish it. The next day, Sir Richard advised Mr. Ally to accept the new Act, which leads one to infer that Sir Richard has given up the idea of appointing a Commission. The reason for this, I think, is that he aspires to be the Prime Minister under Responsible Government, and that his ambition would probably be thwarted if he accepted our plea and appointed a Commission. He would therefore do nothing for us.

[From Gujarati]

*Indian Opinion*, 24-11-1906

### 353. *SOME QUESTIONS*

Many questions have been asked about the new Transvaal Ordinance. We give below the important ones along with their replies.

#### QUESTIONS

1. How is one to disobey the law?
2. What defence can one offer for doing so?
3. May one seek release on bail or not?
4. What is the likely sentence?
5. Will they arrest the hawkers first or the others?
6. How will it affect the traders?
7. What will happen to licences next year?
8. What shall we do if nothing is gained even by going to gaol?
9. And if some take out new Registers?
10. What is the harm in taking out a Register?

#### ANSWERS

1. Many people believe that all Indians have to appear on January 1 at a Court or at the gate of a gaol and say, "We do not want to take out a Register. Arrest us." Resistance cannot be offered in this way. Even if all people thus present themselves, the Government will not arrest them. Whether to arrest or not depends on the will of the Government. They definitely want and expect most of the people to take out new Registers before January 1. The Government will be in a fix what to do if, no Indian has, by that date, taken out a Register. It is probable that they might seek the opinion of the leaders. Whether they do so or not, the [British Indian] Association will have to write to them intimating that no one from the community will take out the Register and that, if they intend prosecuting the offender, it will be proper for them to proceed against the leaders. The Government may or may not pay heed to the letter. When one or more men are arrested for not taking out Registers, Mr. Gandhi is bound to defend them, as he has promised. There will be no other defence. He will narrate the history of the matter and plead that the real culprit is not the person not taking out the Register, but that either Mr. Gandhi or the Association must be deemed guilty, for it was on their advice that people refrained from taking them out. Then, Mr. Gandhi may perhaps be arrested for inciting the people, or the arrested persons may be fined or sentenced to short terms of imprisonment. As paying the fine is out of the question, the only alternative will be to go to

gaol. Reports of these cases and of others that may be instituted will be cabled to the whole world.

2. There is to be no legal defence other than the one described above. If perchance the Prosecutor commits a mistake in law, advantage may no doubt be taken of it.

3. When we have already passed a resolution to go to gaol, there can be no question of release on bail. No disgrace attaches to this kind of imprisonment.

4. The sentence generally will be either fine or imprisonment in lieu of fine, or both, and further imprisonment in lieu of a fine. In no case is the fine to be paid. No sentence can be passed under which a man can be seized by the arm and turned out. Even after serving his sentence, if a man does not take out a new Register, he is again guilty and therefore the Government can, if it chooses, keep all these persons in gaol for all time.

5. It is not possible to say who will be arrested first.

6. It is not likely that all traders will have to go to gaol. If perchance such a thing should happen, it would be nothing to worry about. In that case, the shop should be closed or may be entrusted to a reliable white. It is hardly likely that the Government will go to these lengths. However, one must not assume that certain things will never happen.

7. According to the new Act, those who do not take out the new Registers are not entitled to licences. If licences are not issued, the fee for them may be tendered and the business continued. Even if prosecuted for trading without a licence, one should not pay the fine, but serve the gaol sentence.

8. Such a question cannot arise. When going to gaol is in itself a gain, further questioning is useless. What could be worse than giving one's finger-prints and disgracing oneself? How can we do that which we consider disgraceful? Surely, we are not going to commit theft because others do so. When Hampden refused to pay Ship Money, he did not argue in this strain.

9. If some persons take out the new Register, they will lose their good name and earn the contempt of the Indian community.

10. The disadvantage in taking out the new Register is that our condition will thereby become worse than that of the Kaffirs. The question does not arise here whether men without permits gain or lose by taking out or not taking out the Register. By taking out Registers we shall disgrace ourselves. There is as much objection to taking out Registers as to disgracing ourselves. For those who cannot stand a gaol sentence, the better course will be to leave the Transvaal. It is, of

course, cowardly to leave the land, but it is even more cowardly to take out a new Register.

[From Gujarati]

*Indian Opinion*, 20-10-1906

### 354. A RAY OF HOPE

There have not been two opinions on how for the Resolutions of the mass meeting will produce results. As for Resolutions 3 and 4, what will happen still remains to be seen. Their fruit is a long time away yet; and this depends upon the determination of the Indian community. Nothing but good can come of adhering staunchly to Resolution 4. However, who can say that it has not already begun to have effect? At one time it was thought that Resolution 3, about the sending of the deputation, might be dropped. Recent Press messages show that we did very well in sending the deputation in time. Our Johannesburg Correspondent says that the Secretary of State has sent a cablegram to Lord Selborne asking him to inform the British Indian Association that sanction to the Asiatic Act will not be accorded before the representation of the Indian deputation has been heard. This by itself shows that Resolution 3 has served its purpose. Among the reasons that prompted the Secretary of State to attach weight to Indian protests, the impact of Resolution 4 may be considered to be the primary one. Lord Elgin's cablegram proves the usefulness of Resolution 3 and also shows the impact of Resolution 4. Whether the deputation succeeds or not, this much is established that the Imperial Government has taken some notice of the Transvaal Indians. In these circumstances, the deputation will be able to do really good work. If Resolution 4 has begun to tell in such a short time, can it fail to have effect in England and elsewhere once it is actually put into execution?

[From Gujarati]

*Indian Opinion*, 20-10-1906

### 355. TYLER, HAMPDEN AND BUNYAN

We have, on an earlier occasion, cited the examples of these three men.<sup>1</sup> The chains that bind us would certainly snap even if a single person from amongst us did in South Africa a hundredth part of what these men did for their country.

<sup>1</sup>Vide "The Duty of Transvaal Indians", 6-10-1906

Wat Tyler lived in the twelfth century<sup>1</sup>. Once the King of England imposed a heavy tax on farmers. The tax was unjust, and Tyler resolved not to pay it. Many farmers joined him. An army was sent against Tyler and his men. Tyler was killed, but the burden of tax on the farmers was ultimately removed. This event gave the people an awareness of their strength, further results of which were seen during the seventeenth century.

At that time, King Charles was the ruler of England and he wanted to wage wars in foreign lands. As his treasury had become empty, he imposed Ship Money. Hampden, a rich gentleman of great prestige, saw that, if Ship Money were paid, the King's demands would go on increasing and the people would suffer. He therefore refused to pay the tax, and many joined him in this. Though some of them agreed to pay the tax, Hampden remained firm and was prosecuted. The judges sentenced him, declaring that he had committed a crime in not paying the tax. Despite the sentence, Hampden did not pay the tax. Hampden and his companions went to gaol and the people congratulated them. Like them, the people too remained firm. Many did not pay the tax and there was a great revolt. The King became nervous and the whole matter was reconsidered. It was realized that thousands of people could not be sent to gaol. He therefore got the earlier judgment reversed by other judges and Hampden was set free. The seed of the struggle for freedom that he sowed grew into a mighty tree. As a result of the struggle he put up, Cromwell emerged and England acquired real power and the people were given a large share in the governance of the country. Hampden died fighting for his country; he remains immortal.

John Bunyan was a saintly man. His only interest was prayer to God. He saw the terrible religious oppression prevailing at the time, that is, in the seventeenth century. He did not think it proper to do the bidding of the Bishops. He hearkened only to the call of God. Parted from his wife and children, he remained in Bedford Prison for twelve years. There he wrote the most beautiful book<sup>2</sup> in the English language. Today hundreds of thousands of men derive solace by reading it. It is written in such simple language that children and grown-ups alike can read it with joy. The place where Bunyan was imprisoned has now become a place of pilgrimage for the English. Bunyan himself suffered, but he freed his people from suffering and sorrow. It is because of saintly persons like Bunyan that people in England today enjoy freedom in matters of religion.

<sup>1</sup> Wat Tyler lived in the fourteenth century.

<sup>2</sup> The Pilgrim's Progress

A people that has produced such a trinity—why should it not enjoy self-rule? If these men suffered so much hardship, it would not be too much for the Transvaal Indians to go to gaol or to suffer some loss in trade. If they do not, they will earn a bad name. If they do, their chains will break.

[From Gujarati]

*Indian Opinion*, 20-10-1906

### 356. INTERVIEW TO “THE TRIBUNE”<sup>1</sup>

*The Deputation consisting of Gandhiji and Ally arrived in England on October 20, 1906. Interviewed on board ship at Southampton by a representative of The Tribune, Gandhiji said:*

[SOUTHAMPTON,  
October 20, 1906]

We think that the position has not been properly placed before Lord Elgin. An amendment Ordinance concerning Asiatics was recently passed by the Transvaal Government.

The law against which we are to make our submission to Lord Elgin is intended to make every Indian now settled in the Transvaal carry a pass, just as the Kaffirs<sup>2</sup> are required to do. The Indian passes, however, will be much more rigorous and severe. It is supposed that every pass will bear ten finger impressions of the holder. All Indians in the Transvaal, no matter what their status may be, will have to submit to this, whether they can read and write English or any other European language.

The reason for introducing this law is, as the Colonial Secretary has stated, that there is an influx of Indians into the Transvaal. The British Indian community has always denied this charge, and has invited a commission of inquiry to investigate it. The number of Indians in the Transvaal, according to the permits, is 13,000, and by the census returns, 10,000. I may point out that they suffer from many other disabilities. They cannot hold landed property except in Locations or wards that may be set apart for their residence. They cannot ride in tram-cars in Johannesburg or Pretoria, and there are difficulties even in railway travelling. There are regulations which, though not at present in force, are still on the statute-book, preventing British Indians, together with other Asiatics,

<sup>1</sup> This report was reproduced in *Indian opinion*, 24-11-1906.

<sup>2</sup> A term by which the native African Communities in South Africa were described. The Expression, however, is no longer in use.



from walking on the foot-paths. This applies especially to Johannesburg and Pretoria.

The new Ordinance contains a clause to the effect that it shall not come into operation until His Majesty has signified his pleasure not to disallow it. We wish to get it disallowed. At the same time, recognizing the prejudice that there is against colour in the Transvaal, we have always accepted the principle of restriction of further immigration under well-defined regulations which should not be harsh and savour of class legislation. Our experience has invariably been that, wherever there has been class legislation, it has been far more difficult to secure relief than if there have been laws of general application, as, for instance, at the Cape and Natal.

All we claim is fair and honourable treatment for British Indians residing in the Transvaal. This has been often promised by the British Government. In fact, as Lord Lansdowne stated, the disabilities of British Indians in the Transvaal were one of the causes of the late war.

*The Tribune*, 22-10-1906

### 357. INTERVIEW TO "THE MORNING LEADER"<sup>1</sup>

[October 20, 1906]

Mr. Gandhi, in a conversation [at Waterloo station] with a representative of *The Morning Leader*, asserted that, so far from the war having brought relief to the Indians, these British subjects were now worse off than they were under Boer rule.

The only things the Boers did were to deprive the British Indians of burgher rights and landownership, and to pass the Law [3] of 1885 under which those of them desiring to settle as traders in the country had to be registered and pay a fee of £3. Under the British regime, although a Kaffir may hold land, we are still debarred from the privilege, except in Locations or wards specially set apart for us, the idea being to reproduce the system of the Jewish ghettos.

#### ADDED DISABILITIES

But other disabilities have been added. There are, for example, difficulties as to travelling in trams. In Johannesburg British Indians are only allowed to ride in trailer cars. In Pretoria they are not allowed to travel on trams at all. It is, however, more particularly in connection with the question of registration that we feel aggrieved. Under the Boers, the immigration of British Indians was absolutely free and

<sup>1</sup> This report was reproduced in *India*, 26-10-1906 and in *Indian Opinion*, 1-12-1906.

unrestricted. But today, not only are Indians prevented from entering the country, but even old settlers find it difficult to regain admission.

It is true that, under Law 3 of 1885 passed by the Boers, Indians settling in the country for purposes of trade had to register themselves. But the Legislative Council has now carried an amending law—the Asiatic Law Amendment Ordinance—which, the British Indians assert, is worse than the law which it seeks to amend. It is in connection with this new piece of legislation that the Deputation has come to London.

#### HARDSHIPS OF THE PASS

By virtue of that Ordinance, not only traders, but every Indian now resident in the Transvaal, must be registered and carry a pass (like the Kaffirs). This pass is euphemistically called a certificate of registra-tion. I must point out that this measure has been introduced in spite of the fact that Indians in the country are already in possession of permits which authorize them to reside there, while they also hold registration certificates for which they have each paid £3.

When Great Britain took possession of the Transvaal, the Indians, on the advice of Lord Milner, exchanged their Boer registration for English registration, and even submitted to their thumb marks being impressed on their registration certificates. This certificate, by the way, also contained particulars as to the age, height, and family of the person who carried it. In reality it was an identification certificate.

#### “UNAUTHORIZED” IMMIGRATION

And now the new Ordinance enacts yet a third registration.

The reason given is that there has been a large unauthorized immigration of Indians into the Transvaal, and it is proposed, by means of the new Ordinance, to ascertain who they are. But this object could just as well be attained by inspecting the registration certificate now held. As a matter of fact, the Indians stoutly deny that there is any unauthorized influx on a wholesale scale, as the Government asserts, and they have asked for the appointment of a commission to inquire into the question.

The amending law will require a much stricter identification than under the old system. As the Assistant Colonial Secretary (Mr. Curtis) said, the Indian, no matter what his status, will have to have ten finger impressions on his certificate (instead of the thumb-impression only). Failure to register will carry with it very severe penalties. Not only will the adult male population have to be registered, but also children of parents domiciled in the Transvaal, and even infants in arms.

#### PREJUDICE AGAINST COLOUR

The Indian community recognize the prejudice against colour in the Transvaal, and have, therefore, accepted the principle of restriction of British Indian immigration—but on such terms as are not humiliating, and do not interfere with the liberty of those already settled in the country. This can be easily done by passing legislation after the Natal or Cape style. Legislation of this character ought to be general, and applicable to all. Throughout the self-governing colonies, hitherto, special class legislation has been vetoed by the home Government. An attempt made by Natal to pass legislation specially affecting Asiatics was disallowed by Mr. Chamberlain; and we have come here to try and induce Lord Elgin to withhold the royal sanction to the amending law, and to appoint a commission to inquire into the allegation as to the Indian influx.

Mr. Gandhi states that the Indians are greatly stirred over the matter, and are prepared to go to gaol rather than submit.

*The Morning Leader*, 22-10-1906

#### 358. LETTER TO “THE TIMES”<sup>1</sup>

[LONDON,]

*October 22, 1906*

TO  
THE EDITOR  
THE TIMES  
[LONDON]  
SIR,

I have seen the cablegram in your issue of to-day's date from your Johannesburg correspondent in connection with the British Indian Deputation that has arrived from the Transvaal to wait upon the Imperial authorities regarding the Asiatic Law Amendment Ordinance of the Transvaal.

I trust that, in fairness, you will allow us to correct certain misstatements made by your correspondent. He says: “The present Ordinance provides for the complete registration of all Asiatics in such a way that personation, in which the Asiatic is a past master, would be made impossible.” We deny that there has been any personation, and we venture to state emphatically that the existing

<sup>1</sup> This was published “in substance” in *The Times*, 25-10-1906. The letter was reproduced in full in *Indian Opinion*, 24-11-1906.

registration certificates held by British Indians entirely prevent personation. These certificates contain the names of the holders [and] their wives, number of children, their age, height, [and] their thumb imprints. Whenever an attempt has been made to personate, the culprit has been promptly brought to justice.

Your correspondent states that the present Ordinance will give a full title to Asiatics already domiciled, and that it will extend greater privileges to them. They have the full title to residence already, unless it is to be snatch[ed] from them by fresh legislation. They hold permits authorizing them to enter and remain in the Colony of the Transvaal, also registration certificates above mentioned, which were taken out by them as a voluntary act on the advice of Lord Milner who at the time assured them that those registration certificates were final and complete.<sup>1</sup>

That Asiatics will be absolved from the obnoxious registration fee is a preposterous statement as they have already paid it, either to the Boer Government or to the British. They will not be given a title to their land and mosques, as your correspondent suggests. He is thinking of the Draft Ordinance which contained a clause authorizing the Government to give the British Indians a title to their mosques or places of worship but not to their land apart from mosque premises. But this clause does not now find place in the Ordinance as passed by the Legislative Council, nor was it necessary, because the Supreme Court of the Transvaal has decided that, in spite of Law 3 of 1885, Indians, acting as a religious corporation, [can] hold fixed property for religious purposes. British Indians in their wildest dreams have never claimed the right of free immigration into the Transvaal. They recognize the several prejudices against any such immigration, and have therefore accepted the principle of restriction in vogue at the Cape, Natal and other British Colonies.

The British Indians of the Transvaal respectfully but firmly oppose the Ordinance because it imposes wanton, uncalled for and unjust degradation upon them. It reduces them to a level lower than the Kaffirs. It sets up a system of passes and identification applicable only to criminals. Is it right that every Indian, irrespective of status, should be called upon to carry a pass containing impressions of all his digits, to be produced to every policeman who may choose to ask for it? Is it right that babies in arms should be taken to an officer called the Registrar of Asiatics, to give him particulars of identification in respect of the baby and to have it provisionally registered[?]

Whereas Law 3 of 1885 requires registration of traders only and

<sup>1</sup> *Vide* "The British Indian Association and Lord Milner", 11-6-1903

registration certificates under it are merely a receipt for £3, the present law requires registration of the above kind of every male Indian in the Colony.

The statement that the first undersigned has been the principal agent through whom Indians obtained permits to enter the Transvaal, and that he has in the past established a large business on this footing, is false. The large number of Indian refugees had already entered the Transvaal at the time the first undersigned was required to settle there.<sup>1</sup>

It is hardly necessary to deal with the personal element introduced by your correspondent. It is felt that the British Indian community has been much misrepresented and misunderstood.

Any influx of Asiatics into the Transvaal on a wholesale basis has been all denied by the British Indian community, whose position to-day is infinitely worse than it was under the Boer regime. The community has asked for an enquiry into the alleged influx of Asiatics on a large scale.<sup>2</sup> We assert that the vast majority of the 13,000 British Indians of the Transvaal are in possession of lawful permits and certificates. If there are any without the necessary documents, the Peace Preservation Ordinance is strong enough and severe enough to expel such people from the country. Successful prosecutions have often taken place in connection with such men.

It will therefore be seen that the British Indian community is prepared to meet in a perfectly fair spirit [the fear]<sup>3</sup> as to undue influx or undue competition in trade; but it claims for the resident Indian population the ordinary rights of citizenship, namely, freedom to hold landed property, freedom of locomotion and freedom of trade under general regulations, without class distinction.

*We are, etc.,*

[M. K. GANDHI

H. O. ALLY]

MEMBERS OF THE

TRANSVAAL BRITISH [INDIAN] DEPUTATION

From a photostat of the typewritten office copy: S. N. 4385

<sup>1</sup> This was in early 1903; *vide* "Chronology", 1903

<sup>2</sup> *Vide* "Influx of Asiatics", 10-3-1906

<sup>3</sup> These words are found in the version published in *India*.

359. *LETTER TO F. MACKARNESS*<sup>1</sup>

HOTEL CECIL,  
[LONDON,]  
*October 24, 1906*

DEAR SIR,

Mr. H. O. Ally of Johannesburg and I have arrived, being appointed as a Deputation by the British Indian Association of the Transvaal in connection with the Asiatic Law Amendment Ordinance passed by the Legislative Council of the Transvaal.

It is our intention to wait upon the authorities in connection with the Ordinance, as also upon prominent public men who have taken an interest in South African matters. I shall be obliged if you will kindly grant the Deputation an interview at an early date<sup>2</sup> and allow it to place the position before<sup>3</sup> you.

*I remain,  
Dear Sir,  
Yours faithfully,*

F. MACKARNESS, ESQ., M. P.<sup>4</sup>

6, KING'S BENCH WALK

INNER TEMPLE

Copy to Sir Lepel Griffin, K.C.S.I.,<sup>5</sup> Sloane Square, London<sup>6</sup>

From a photostat of the typewritten, unsigned draft: S. N. 4386

<sup>1</sup> According to the secretary's note, similar letters were sent to P. A. Molteno, M.P., Sir Charles Dilke, M.P. and Rt. Hon. Lord Stanley of Alderley.

<sup>2</sup> Date

<sup>3</sup> Before

<sup>4</sup> Frederic Coleridge Mackarness, (1854-1920), advocate of Cape Supreme Court, 1882; Liberal Member of Parliament, 1906-10

<sup>5</sup> (1838-1909); Anglo-Indian administrator and Chairman of the Council of East India Association, author of books on India and an advocate of the Indian cause in South Africa

<sup>6</sup> This is in Gandhiji's hand.

360. "INTERVIEW TO "SOUTH AFRICA" <sup>1</sup>

[HOTEL CECIL,  
LONDON,  
*October 25, 1906*]

[REPORTER:] Will you please give me your views on this question which has brought you so many thousand miles, Mr. Gandhi?

[GANDHI:] With pleasure, I had better begin at the beginning.

If you please.

Well, Mr. H. O. Ally, the Chairman of the Hamidiya Islamic Society, and myself have come over as an appointed Deputation from the British Indian Association of the Transvaal in virtue of the resolution passed by the great Indian mass meeting held at the Old Empire Theatre in Johannesburg last month.

And your object?

Our object is to place before the authorities here what we consider to be a true statement of the facts with a view to securing a disallowance of the Asiatic Law Amendment Ordinance of the Transvaal.

You consider, then, that the information so far available to the Colonial Secretary and the Secretary of State for India is inadequate?

That is so. I notice that you, as well as the *London Times*, have been misinformed regarding the Ordinance and the objection to it.

In what respect, may I ask?

For instance, it has been supposed that there is a very great unauthorized influx, [in] to the Transvaal, of British Indians, and that this influx is actually countenanced by the British Indian community as a body.

Then are those suppositions incorrect?

Yes. If those two statements were at all true, there would be some excuse for what is, after all, panic legislation; but the British Indian community has repeatedly denied the alleged unauthorized influx.

I take it that you agree with those denials, Mr. Gandhi?

Certainly. I claim personally to have a very wide experience of the working of the Permit Department, and I have no hesitation in saying that there is absolutely no unauthorized influx of British

<sup>1</sup> This appeared in *South Africa*, 27-10-1906, and was reproduced in *Indian Opinion*.

Indians [in] to the Colony, except [in] isolated cases; and those cases can be most effectively dealt with even under the present Peace Preservation Ordinance and Law No. 3 of 1885.

AS THE LAW STANDS AT PRESENT

Indeed, successful prosecutions have taken place in connection with any Indians who have tried to enter the Colony, either without permits, or on permits not belonging to them. Such persons can usually be detected by comparing the thumb-impressions of those who may present permits or registration certificates with the thumb imprints on those documents.

And if they do not agree, a prosecution follows?

Yes. If the thumb-impressions do not tally, the unlawful holders of such documents are liable to very heavy penalties. If an Indian is found in the Colony without a permit, he has either to leave the Transvaal on a summary notice, under pain of imprisonment, or to show that he belongs to one of the exempted classes mentioned in the Peace Preservation Ordinance. So you will see that the present machinery is absolutely complete. It therefore came to me as a painful surprise when I read a long cablegram in *The Times* last Monday to the effect that there was an unauthorized influx of British Indians [in]to the Transvaal, and that there was a great deal of personation going on which it was difficult to detect.

You complain, I believe, of injustice being done in some cases even under the present laws?

Undoubtedly. Even under the present laws, a great deal of terrible injustice has been inflicted, as, for instance, in the case of the Indian woman Punia,<sup>1</sup> which aroused general sympathy throughout the Transvaal. In that case, as is now well known, an Indian woman was torn away from her husband who held a proper permit.

But was not that rather an exceptional case?

By no means. In another case a child under eleven years of age was taken away from his parent because he was supposed to have come into the Transvaal on a permit not his own.<sup>2</sup>

What happened eventually?

A cablegram has now been received, stating that the Supreme Court has held the conviction of the child to be wholly bad, and has expressed the opinion that such prosecutions were calculated to bring

<sup>1</sup> *Vide* "Letter to the Press", 19-11-1906

<sup>2</sup> *Vide* "Transvaal Permit Ordinance", 29-9-1906



ridicule and contempt upon the administration of the law.<sup>1</sup>

#### SCOPE OF NEW ORDINANCE

If, therefore, the Asiatic Law Amendment Ordinance now before Lord Elgin is passed, one can easily understand how much more difficult the position of British Indians in the Transvaal is likely to be.

Does it represent, then, such very exceptional legislation ?

Indeed it does. The new Ordinance goes much further than anything I have seen in the legislation of any of the British Colonies.

But in what does the head and front of its offending consist?

I will tell you. It is most humiliating, in that it will require every Indian, irrespective of status, to put down the impression of his ten digits, and such a pass will have to be produced to every policeman who cares to demand it. All Indians, including children, will have to be registered in this manner, or, as it is called in the case of infants under eight years of age, provisionally registered.

And this is quite a new provision?

Yes. All this used not to be so under the Dutch regime, and we could always rely upon British protection whenever there was anything harsh or unjust in the administration of Law No. 3 of 1885.

But this Ordinance only amends the former Law?

No; it is a mistake to call the new Ordinance an amending ordinance, because its scope is entirely different from that of Law No. 3 of 1885. The latter penalises Indian traders to the extent only of one single payment of £3, whilst the former entirely restricts the immigration of British Indians.

Then do you take strong objection to that restriction?

No, with the restriction we do not quarrel, but the manner of it is, as I have shown, most humiliating and totally uncalled for.

The restriction itself, then, is not the bone of contention?

It is like this. We recognize the prejudice that exists in the Transvaal against British Indians and men of colour generally. We have, therefore, accepted the principle of restriction on the Cape or the Natal basis. After profound consideration, that has been the line of legislation adopted for all the colonies which have to face similar problems.

#### AN ENLIGHTENED INDIAN VIEW

There is not the slightest reason, why the Transvaal should be allowed to go any further than the other Colonies, or why the people

<sup>1</sup> *Vide* "British Indians in the Transvaal", 8-11-1906

of the Transvaal themselves should wish for any further powers, unless they intend—which I for one do not believe—to drive the Indians already in the country out of the Colony.

Has there not been considerable agitation against the Indian trader

We hear often of trade competition by British Indians, certainly, but I personally consider that new traders' licences may be regulated by the Town Councils or Licensing Boards, somewhat after the fashion of the Cape Dealers' Act; only such legislation, in order to be just, ought to be of general application, and not class legislation. You will therefore see that the British Indian community is perfectly willing to satisfy all reasonable objections raised to its presence, but, after that has been done, I think that all fair-minded men must admit that those at least who are [already] resident in the Colony should have freedom to move about, freedom to own landed property, and freedom to trade under the regulations I have referred to. I cannot conceive what exception any South African can take to a programme such as this.

Then the statement you have just made may be taken as embodying the case for the British Indians in the Transvaal, Mr. Gandhi?

Yes it is because we believe that there is a great deal of misunderstanding and exaggeration about our position that Mr. Ally and I have travelled all the Way from South Africa to endeavour to place our case fairly before the authorities. We are anxious to reconcile local opinions as much as possible.

You have not yet been received by Lord Elgin ?

Not yet; but all arrangements are being made, and we hope to see him in a few days. We should like the Deputation to be led and introduced by a number of British Members of Parliament and other prominent men who sympathize with the British Indians of the Transvaal on this question; and I thank *South Africa* from my heart for allowing me to give expression to our views in its columns.

*Indian Opinion*, 24- 11-1906

*361. TELEGRAM TO SIR MUNCHERJI BHOWNAGGREE*

[October 25, 1906]

TO  
MUNCHERJI  
196, CROMWELL ROAD, S. W.

SIR LEPEL HAS DECLINED TAKE PART DEPUTATION.<sup>1</sup>

From the typewritten office copy: S. N. 4388

*362. TELEGRAM TO SIR GEORGE BIRDWOOD*

[October 25, 1906]

TO  
SIR GEORGE BIRDWOOD<sup>2</sup>  
119, THE AVENUE  
WEST EALING

MR. ALLY AND I HAVE ARRIVED FROM TRANSVAAL AS DEPUTATION  
WAIT ON LORD ELGIN. SIR HENRY COTTON, MR. NAOROJI, SIR MUNCHERJI, MR.  
COX<sup>3</sup> HAVE AGREED TO FORM DEPUTATION  
COMMITTEE AND INTRODUCE US AND LEAD. MAY I VENTURE  
ASK YOU JOIN AND BE SPOKESMAN, MAY I REQUEST ALSO INTER-  
VIEW? AM WIRING AS URGENT.

GANDHI, HOTEL CECIL

From the typewritten office copy: S. N. 4389

<sup>1</sup> He did ultimately lead the deputation.

<sup>2</sup> (1832-1917); Anglo-Indian official and author of *Industrial Arts of India*  
and other books and a student of Indian philosophy and art

<sup>3</sup> Harold Cox, [1859-1936); Professor of Mathematics, Aligarh College,  
1885-7; economist and journalist; Member of Parliament, 1906-9

### 363. TELEGRAM TO AMEER ALI

[October 25, 1906]

TO

AMEER ALI<sup>1</sup>

WROTE YOU TUESDAY<sup>2</sup> REQUESTING YOU FOR INTERVIEW FOR INDIAN DEPUTATION FROM SOUTH AFRICA. HAVE NOT YET HEARD. PROBABLY LETTER MISCARRIED. IT IS PROPOSED THERE SHOULD BE DEPUTATION INTRODUCING US TO LORD ELGIN. HAVE JUST INVITED SIR GEORGE BIRDWOOD TO BE SPOKESMAN. SIR HENRY COTTON, MR. NAOROJI HAVE CONSENTED JOIN DEPUTATION. MAY I REQUEST YOU ALSO JOIN ? PLEASE WIRE REPLY AND TIME FOR INTERVIEW AT THE HOTEL CECIL.

GANDHI, HOTEL CECIL

From the typewritten office copy: S N. 4390

### 364. LETTER TO S. M. MANGA

[HOTEL CECIL]

LONDON,]

October 25, 1906

DEAR MR. MANGA,

Will you please give me a call on Monday between nine and half past in the morning, for all the other days I think I shall be engaged.

*Yours truly,*

S. M. MANGA, ESQ.<sup>3</sup>

106, BARON'S COURT ROAD

WEST KENSINGTON

From the typewritten office copy: S. N. 4392

<sup>1</sup> A former Judge of the Calcutta High Court, he was at this time a Member of the Privy Council. Author of the *Spirit of Islam* and *A Short History of the Saracens*.

<sup>2</sup> This is not available.

<sup>3</sup> Suliman Manga was at this time studying for the Bar in London. *Vide* "Letter to the Leader", Before 7-4-1906

365. *LETTER TO J. H. POLAK*

[HOTEL CECIL,  
LONDON,]

*October 25, 1906*

DEAR MR POLAK,

You will consider it perhaps funny that I have not yet looked you up.

Many thanks for sending the typist. Miss Lawson<sup>1</sup> is her name. She and I have commenced to know each other, and we are getting on very nicely. Unfortunately I had decided to take on Mr. Simmonds of South Africa, who was Private Secretary to Sir George Farrar<sup>2</sup>, and whom I knew very well. I shall therefore reluctantly have to part with Miss Lawson next Saturday.

I want to discuss with you the question you incidentally raised while we were walking to your hospitable home. If therefore you should not be otherwise engaged, will you lunch with me tomorrow, and call here some time between one and two ? If I have not returned from my calls, I shall ask you kindly to wait either in the Hall or in my room until my return.

*Yours truly,*

J. H. POLAK, ESQ.<sup>3</sup>  
28, GROSVENOR ROAD  
CANONBURY, N.

PS.

If you will let me have a telephone message between 9 and 9.30 as to whether you can come or not, I shall be glad, as I am generally away after 9.30.

From the typewritten office copy: S. N. 4393

<sup>1</sup> Miss Edith Lawson, secretarial assistant to the Deputation; *vide* "Certificate to Miss E. Lawson", 27-11-1906

<sup>2</sup> A miner, millionaire and legislator of the Transvaal; *vide* "Falling into Line", 12-8-1905

<sup>3</sup> Father of H. S. L. Polak

366. *LETTER TO A. H. GOOL*

[HOTEL CECIL,  
LONDON,]  
*October 25, 1906*

DEAR MR. GOOL,

Your father has asked me particularly to see you before I return to Johannesburg. My arrangements do not allow of my paying friendly calls at present, and lest I may be too much engaged during the whole of my stay, may I ask you to give me a call at the above address between 9 and 9.30 in the morning, any day. The day is occupied with paying visits, and I am never sure when I am in. I hope you are getting on well.

*Yours truly,*

A. H. GOOL, ESQ.<sup>1</sup>  
27, PECKHAM ROAD, S.E.

From the typewritten office copy: S.N. 4394

367. *LETTER TO L. M. JAMES*

HOTEL CECIL,  
LONDON,  
*October 25, 1906*

DEAR MR. JAMES,

I waited for you on Wednesday at lunch time, thinking you would turn up. I am sorry you did not. I take it some engagement kept you away. I return the handkerchief you kindly lent me. Perhaps you will be able to meet me some other time. Mr. Lew<sup>2</sup> was to have sent me a representative of the Chinese Embassy. I have to draw up a letter to the Foreign Office<sup>3</sup> in connection with it. Will you kindly therefore send me a copy of your representation ? I take it it is the

<sup>1</sup> Son of Hamid Gool, a leading Indian of Cape Town

<sup>2</sup> Yuk Lin Lew, Chinese Consul-General in the Transvaal. Both he and James sailed by the same steamer as Gandhiji and H. O. Ally.

<sup>3</sup> *Vide* "Draft for Chinese Ambassador", After 31-10-1906

same that I drew up.<sup>1</sup> Unfortunately I have not a copy with me.

*Yours truly,*

L. M. JAMES, ESQ.<sup>2</sup>  
CHINESE LEGATION  
PORTLAND PLACE, W.

From the typewritten office copy: S.N. 4395

*368. LETTER TO SIR GEORGE BIRDWOOD*

HOTEL CECIL,  
LONDON,  
*October 25, 1906*

DEAR SIR ,

I am much obliged to you for your telegram in reply to my wire<sup>3</sup> regarding the Indian Deputation. I have been in constant touch with Sir Muncherji<sup>4</sup>, and am writing to him again,<sup>5</sup> and have no doubt that he will approve of the idea of your becoming spokesman. I may mention that I approached Sir Lepel Griffin, but somehow, although he is in full sympathy with our views, he will not lead. Before, however, the deputation goes forth, Mr. Ally and I are anxious to pay our respects to you and to place the position before you. I hope, therefore, that there will be an appointment in your letter following your telegram. If not, I shall thank you to give me one.

*I remain,*

*Yours faithfully,*

SIR GEORGE BIRDWOOD  
119, THE AVENUE  
WEST EALING

From the typewritten office copy: S. N. 4396

<sup>1</sup> This is not available.

<sup>2</sup> L. M. James was specially deputed by the Chinese community in South Africa to present, in person, a petition on their behalf to the Chinese Ambassador in England.

<sup>3</sup> *Vide* "Telegram to Sir George Birdwood", 25-10-1906

<sup>4</sup> Gandhiji now spells the name as "Muncherji", which is how Sir Muncherji Bhownaggee himself spelt it.

<sup>5</sup> *Vide* "Letter to Sir Muncherji Bhownaggee", 25-10-1906

369. *LETTER TO L. W. RITCH*

[HOTEL CECIL,  
LONDON,]  
*October 25, 1906*

MY DEAR RITCH

I had a very long chat with Sir Muncherji, and am to have another again. Will you please come up to the City tomorrow ? You need not necessarily see me, as I may be away, except between 9 and 9.30 but I would like you to look up office rooms<sup>1</sup> in Victoria Street or some such neighbourhood. I see that the main difficulty will prove to be with our finances in working the committee, especially for South African work. Sir Muncherji has promised to work whole-heartedly. He seems to feel most keenly about the question, and there is a great deal of organizing still to be done so that something may be definitely fixed before I go. I hope Mr. Cohen<sup>2</sup> is better; he should certainly be sent to a hospital. You should see him some time tomorrow, either before or after you have finished your round.

*Yours sincerely,*

L. [W.] RITCH, ESQ.<sup>3</sup>  
[41, SPRINGFIELD ROAD  
ST. JOHN'S WOOD, N.]

From the typewritten office copy: S. N. 4397

370. *LETTER TO PRIVATE SECRETARY TO LORD ELGIN*

HOTEL CECIL,  
LONDON, W.C.,  
*October 25, 1906*

TO

THE PRIVATE SECRETARY TO

THE RIGHT HON'BLE THE EARL OF ELGIN

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES

LONDON

SIR,

Mr H. O. Ally and I, appointed by the British Indian

<sup>1</sup> For the proposed South Africa British Indian Committee

<sup>2</sup> Ritch's father-in-law

<sup>3</sup> A theosophist friend and assistant of Gandhiji; was at this time in England keeping terms for the Bar.



Association of the Transvaal as a Deputation to wait upon Your Lordship in connection with the Asiatic Law Amendment Ordinance of the Transvaal, published in the Transvaal *Government Gazette* on the 28th day of September, 1906, arrived on Saturday last, and I have the honour to report our arrival.

My co-Delegate and I shall have the honour to avail ourselves of the permission graciously granted by His Lordship to wait upon him in connection with the Asiatic Law Amendment Ordinance of the Transvaal. Several gentlemen who have interested themselves in the British Indian question in South Africa will probably introduce the Deputation to His Lordship, and they will in due course request an appointment.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

M. K. GANDHI

From a photostat of the typewritten original: C. O. 291, Vol. 113, Ind; also office copy: S. N. 4398

### *371. LETTER TO SIR MUNCHERJI BHOWNAGGREE*

HOTEL CECIL,

LONDON,

*October 25, 1906*

DEAR SIR MUNCHERJEE

At the time I telegraphed<sup>1</sup> to you, I telegraphed to Sir George Birdwood<sup>2</sup> also asking him whether he will lead the deputation. He sends a telegram which I am sure you will appreciate. He says: "Yes, if Sir Muncherji approves I will attend and speak." I have now written to him telling him that I have no doubt you will. Will you kindly write to Sir George Birdwood whatever you deem fit, and let me know.

It is strange that Sir Lepel, although he has always sympathized, would not join the deputation. I believe it is because of his not being in harmony with the other proposed members of the deputation.

I have not yet heard from Mr. Ameer Ali. I have, therefore,

<sup>1</sup> *Vide* "Telegram to Sir Muncherji Bhownaggree", 25-10-1906.

<sup>2</sup> *Vide* "Telegram to Sir George Birdwood", 25-10-1906

telegraphed to him.<sup>1</sup>

*I remain,  
Yours truly,*

SIR MUNCHERJEE M. BHOWNAGGREE, K.C.S.I.  
196, CROMWELL ROAD  
LONDON, S. W.

From a photostat of the typewritten office copy: S. N. 4399

### 372. LETTER TO G. J. ADAM

[HOTEL CECIL,  
LONDON,]  
*October 26, 1906*

DEAR SIR,

I am very sorry I missed you when you gave me a call at the above address. I shall be pleased to see you between ten and half-past tomorrow morning, and to give you all the information you may require. My co-Delegate Mr. Ally, I am sorry to say, is at present at the Lady Margaret Hospital undergoing treatment for rheumatism.

*Yours faithfully,*

G. J. ADAM, ESQ.<sup>2</sup>  
82, SHAFTESBURY AVENUE, W.

From the typewritten office copy: S. N. 4400

### 373. LETTER TO H. S. L. POLAK

HOTEL CECIL,  
LONDON,  
*October 26, 1906*

DEAR MR. POLAK,

I am sending you all the cuttings that I consider to be useful. If I can find the time, I shall translate<sup>3</sup> the substance of the fight of the women suffragists for the Guzerati<sup>4</sup> columns, but if I do not, let Chhaganlal translate them, and make an

<sup>1</sup> *Vide* "Telegram to Ameer Ali" 25-10-1906

<sup>2</sup> Of Reuter; *vide* "Interview to Reuter", 27-10-1906.

<sup>3</sup> *Vide* "Deeds Better than Words", 26-10-1906

<sup>4</sup> Gujarati

effective use of these valuable cuttings. I have asked Mr. Mukerji<sup>1</sup> also to deal with the matter in his London Letter. Of course all the cuttings I am sending you are not necessarily to be used for *Indian Opinion*. Some of them you would like to see yourself—that is why I am sending them.

I have not allowed myself a moment's rest ever since my landing here. Work commenced on Saturday immediately on landing.

I gave an interview to *The Tribune*<sup>2</sup> man on board, and to *The Morning Leader*<sup>3</sup> man, whom your father had brought with him, at the station immediately I got on to the platform. Soon after having my meal, Mr. Ally and I went over to the London Indian Society and paid our respects to the Grand Old Man, and made with him appointments for seeing Sir William<sup>4</sup> and Sir Henry<sup>5</sup>. I have not gone to bed before one o'clock, except on Wednesday night: interviewing people takes up a lot of time. So far as I have progressed, it seems that Sir George Birdwood, supported by Sir Muncherji, Sir Henry Cotton and others, will introduce us to Lord Elgin. It will therefore be a very good movement. Mr. Ameer Ali has telegraphed to me saying he also would join in introducing the Deputation. Lord Elgin will therefore know what an influential backing we have and that the Conservative, the Liberal, the Anglo-Indian and the Mahomedan opinion is all solid in our favour.

I have received your cable. It was extended by me for the columns of *India*. I hope it represents correctly what I received in your cablegram. It was not very clear. I send you a copy of the cablegram as received by me. You will see for yourself whether it is a correct copy. I hardly think it is. You should have given me the necessary stops.

As soon as the date of the Deputation is fixed, I shall cable you and shall include a few words regarding Mr. Abdool Gani. I may, however, state that I made absolutely no such statement as was attributed to me by Mr. Murray. I did not tell him that the second bond should be lodged with the Bank: on the contrary, I told him that we should use the second bond for raising a loan. The whole

<sup>1</sup> Gandhiji had asked him to send regular despatches for *Indian Opinion*, especially selected news items and comments from *The Times*; vide "Letter to J. C. Mukerji", 27-10-1906

<sup>2</sup> Vide "Interview to *The Tribune*", 20-10-1906

<sup>3</sup> Vide "Interview to *The Morning Leader*", 20-10-1906

<sup>4</sup> Sir William Wedderburn

<sup>5</sup> Sir Henry Cotton

conversation took place through the 'phone. You may, therefore, assure Mr. Abdool Gani that there was no such binding statement made by me.

I now come to the most important part of my letter. I think that it is quite possible to have here a very strong committee solely devoted to the affairs of British Indians in South Africa. Sir Muncherji is very enthusiastic. Sir William has approved of the suggestion. The way is therefore paved. Ritch's hands will be free. No matter whether the Deputation succeeds or not, its work must be continued, and there is not the slightest doubt that we will have legislation as soon as Responsible Government is established. We will then be able to avoid a Deputation, which will be almost [un]necessary if we have an effective working committee. We would not only then do more through it than through a temporary deputation, but would do it at perhaps one-tenth of the cost of a deputation; but if it requires the proper man, it requires funds also. I think that at the most—or perhaps at the least—have not yet all the figures before me—we would want to spend £25 per month. The committee will probably last two years. Anyhow we shall guarantee a year's expenses, viz., £300. We would not be able to take up offices cheaply on less than a year's lease. We would have to pay something to Ritch, as he cannot be expected in the present state of his finances to do the work gratis. After he returns to South Africa, it is my intention to offer the post to your father, if he will take it. I am going to discuss it today with him at luncheon time. Please therefore call a meeting of the Association British Indian Committee<sup>1</sup> and place the whole position before them. If they agree, let me have a cable saying, Yes. At the same time you should have funds ready. Do not send me the affirmative cable unless you get the funds there in your possession, or unless you feel absolutely certain of getting them. Mr. Ally entirely approves of the idea; probably he will be writing.

I passed last Sunday with your people. Nothing surprised me, as you had prepared me for everything; otherwise to meet your sisters and your brilliant father would have been a most agreeable surprise. Both the sisters are really most lovable, and if I was unmarried, or young, or believed in mixed marriage, you know what I would have done! As it is, I told them that if I had made their acquaintance in 1888 (for not doing which they took me severely to task) I should have adopted them as daughters, from which proposition your father violently dissented. Your mother was very hospitable. Professor Parmanand<sup>2</sup> was with me. He has made himself one of the family.

<sup>1</sup> Committee of the British Indian Association

<sup>2</sup> *Vide* "Letter to Revashankar Jhaveri", 18-7-1905

Your mother is suffering from a very severe attack of indigestion. I mildly proposed an extended Jewish fast. I am afraid the proposal won't wash, however it has gone in for what it is worth. I pushed in the claim for earth-bandages also, and by the time I have done with them, I might be able to make some impression. Anyhow she said she was quite open to conviction. The soup, let me tell you, was all prepared by your father. He told me he passed a considerable time in thinking out all the ingredients, etc., etc. I have not been able to go and see Milly's<sup>1</sup> sister. I see that I have more work before me than I bargained for, and have not a moment to spare to pay friendly calls. I have, however, written to her asking her to give me an appointment for an evening. The reply is due some time today. I will not leave before seeing her.

You will not be surprised to learn that this is being dictated to our friend Mr. Simmonds. I sent the cable<sup>2</sup> about our arrival, as Mr. Ally was anxious that I should. He has promised to do so to Mrs. Ally.

Since the above was in type I have seen your father. He thinks that £300 per year will not be sufficient. Of course his ideas are necessarily large. At the same time they are entitled to every respect, as he has local knowledge and experience. If, therefore, you can push through the proposal for £500, it will be better. We should simply spend what is absolutely necessary. At the same time, if authority is given for spending more, I know that the money will not be wasted. I have now seen Mr. Scott, and, you will be pleased to hear, Mr. J. M. Robertson. Your father took me to Mr. Scott, who is his personal friend, and it was at the House of Commons<sup>3</sup> that Mr. Robertson happened to come in, and we were introduced to him by Mr. Scott. Both gentlemen have interested themselves in the question. Mr. Scott suggested that I should address a number of members of the House of Commons,<sup>2</sup> and Mr. Scott and Mr. Robertson are going to see about it. A similar suggestion has been made by Mr. Mackarness also. Let us see what happens. This now brings me up to date. I need not now say anything more. Carefully go through all the cuttings I am sending you: they are worth reading. My kind regards to all. I have not the time to write separately to any one else. As it is, this portion of my letter is being dictated at five minutes to eight. I am to see your people again on Sunday.

Will you please send this letter to Mr. West so that I may not

<sup>1</sup> Mrs. Millie Graham Polak

<sup>2</sup> This is not available

<sup>3</sup> This he did on November 7; *vide* "Meeting at House of Commons", 7-11-1906

have to repeat in my letter to him what I have said in this letter ? I do not think the personal matters I have touched upon need prevent this letter going to him. I am not sending you a copy of the full text of our letter to *The Times*<sup>1</sup> as you will see it reproduced in *India*. You will see something in the current issue of *India* about the election of Mr. Naoroji to the Presidentship of the Congress. You need not deal with the matter in the paper. I have no time to go into the reasons. Had it been necessary I would have dealt with it from here. You may reproduce two notes from *India* without any comment, regarding the treatment of indentured Indians on board the *Umfuli*.

*Yours sincerely,*

[H. S. L. POLAK, ESQ.  
BOX 6522  
JOHANNESBURG  
SOUTH AFRICA]

From a photostat of the typewritten office copy: S. N. 4406

### 374. LETTER TO A. H. WEST

HOTEL CECIL,  
LONDON,  
October 26, 1906

DEAR MR. WEST

Ever since Saturday last I have not had breathing time, and except for one night I have not been able to go to bed before one o'clock in the morning. I have written a very long letter to Polak,<sup>2</sup> and have asked him to send it on to you for perusal. Please read it yourself and show it to Chhaganlal. It will give you in full detail everything about my movements. As this is being typed at 8.30 p.m. you will excuse me for not giving you a long letter. I see that I shall be busy up to the end of my stay here. Under the circumstances it is hardly possible to cut myself away from London for full one day. I have, therefore, asked Miss Pywell<sup>3</sup> to see me in London by appointment, and have offered, if you will let me, to defray her expenses. I am only hoping that she will come. I have had a chat with Mr. Mukerji about

<sup>1</sup> *Vide* "Letter to *The Times*", 22-10-1906

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

<sup>3</sup> Ada Pywell, later Mrs. West

his contribution.

*Yours sincerely,*

A. H. WEST, ESQ.

*Indian Opinion*

PHOENIX

NATAL

From a photostat of the typewritten office copy: S.N. 4401

*375. LETTER TO CHHAGANLAL GANDHI*

HOTEL CECIL,

LONDON,

*October 26, 1906*

MY DEAR CHHAGANLAL,

I have not a moment to spare. It is now 8.30 p.m. and I have not touched the Gujarati letter. If I can, I want to give you one leading article<sup>1</sup> and one correspondence letter<sup>2</sup> in continuation of what I have sent you already from the *Armada*. I shall do what I can: the rest you must learn from my long letter to Mr. Polak,<sup>3</sup> which I have asked him to send there. Mr. West is bringing his sister there. I think it is a wise step. She appeared to be simple and willing. We do want some English ladies there. Do please make the best use possible of her. Let your wife and other ladies mix freely with her, and let her feel that there is no distance between her and us, and make her as comfortable as possible. Let the ladies learn all that is to be learnt from her and give her all that can possibly be given to her in the way of teaching. Each party has very strong points for the other to imbibe. I do hope all the womenfolk go to the Press, especially on Saturdays. Let there be a real effort in that direction. I hope to place the London correspondence on a very strong footing before I come away.

*Yours sincerely,*

C. K. GANDHI, ESQ.

*Indian Opinion*

PHOENIX

NATAL

From a photostat of the typewritten office copy: S.N. 4402

<sup>1</sup> "Deeds Better than Words", 26-10-1906

<sup>2</sup> Perhaps a typing error for 'correspondent's letter'. The reference is to "The Deputation's Voyage-IV": *vide* "The Deputation's Voyage —IV", 26-10-1906

<sup>3</sup> *Vide* "Letter to H. S. L. Polak", 26-10-1906

376. LETTER TO SIR HENRY COTTON

HOTEL CECIL,  
LONDON,  
October 26, 1906

DEAR SIR,

I beg to report that Sir Lepel Griffin has declined to lead the deputation that is to introduce the Indian Deputation from South Africa. I waited on Sir William and Mr. Naoroji this morning with the news. When I received an answer in the negative from Sir Lepel, not knowing all the local circumstances, I immediately telegraphed to Sir George Birdwood,<sup>1</sup> thinking he being a neutral man would be the next best person, asking him whether he would join the deputation and be the spokesman. He telegraphed saying he would if Sir Muncherji agreed. Sir William thought that I had done a rash act in asking Sir George Birdwood to be the spokesman, as the proposition might not be acceptable to the other members of the deputation. I realized my mistake too late. Sir William and Mr. Naoroji think that Sir Muncherji, who has been uniformly and zealously working in connection with the matter of the British Indians in South Africa, should be asked to be the spokesman, but they suggested that I was to secure your permission before I moved further. I, therefore, went to the House of Commons to see you, but a constable informed me that you were not in the House. I now write this asking you kindly to wire me whether you approve of the proposal that Sir Muncherji should be the spokesman.

*I remain,  
Yours faithfully,*

SIR HENRY COTTON, M.P.  
45, ST. JOHN'S WOOD PARK, N. W.

From a photostat of the typewritten office copy: S.N. 4403

<sup>1</sup> Vide "Telegram to Sir George Birdwood", 25-10-1906



377. LETTER TO DR. J. OLDFIELD

HOTEL CECIL,  
[LONDON,]  
*October 26, 1906*

MY DEAR OLDFIELD

I see Mr. Ally has had a relapse last night. I write this just to ask you please to see Mr. Ally every day. Expense is of no consideration. Please, therefore, do not let that hinder you from seeing him every day. Your presence alone would be inspiring and cheering. I am most anxious to have him, if only during the day time, to work here and see people. It is necessary for him to do so.

I had a delicious supper last night at the place. I hope to be able to pay a visit in the day time and inspect all your arrangements and the Hospital grounds. I want to write about my sorrows<sup>1</sup> also, but I am too late to do so tonight.

*Yours sincerely,*

DR. JOSIAH OLDFIELD<sup>2</sup>  
LADY MARGARET HOSPITAL  
BROMLEY  
KENT

From a photostat of the typewritten office copy: S. N. 4404

378. LETTER TO L. W. RITCH

HOTEL CECIL,  
[LONDON,]  
*October 26, 1906*

MY DEAR RITCH,

I see you called at the Hotel today while I was in. I asked the waiter to bring you up, but evidently you came in only to leave your card, as he did not find you. I notice, too, you saw George Godfrey, and learning from him he was looking for offices, you did not go. I, however, wanted you to make independent enquiries. We want to manage it as cheaply as possible. However, when you get the time,

<sup>1</sup> *Vide* "Letter to Dr. J. Oldfield", 27-10-1906

<sup>2</sup> Editor, *The Vegetarian*, and President of the Vegetarian Society, London. Gandhiji met him for the first time while a student in England.

please go out. I see, after all, that tomorrow I shall not be able to attend the confirmation ceremony. If I can, I shall certainly come in, but I have a letter from Sir George Birdwood asking me if Sir Muncherji is agreeable to see him at the latter's house in the afternoon. It is quite possible that I may be able, after I leave Sir Muncherji, to go over. If I can, I will do so. You need not wait for me, however. If I drop in, I shall have something to eat at your place, but if I do drop in, it is not likely to be before 7 or 8 o'clock. You need not expect me at all after 8. If Sir Muncherji does not wire an engagement in the morning, of course, I come down to your place. I am at the Hotel tomorrow at least up to 10.30, because I have given an appointment to Reuter's man<sup>1</sup> up to that time.

*Yours sincerely,*

L. W. RITCH, ESQ.  
41, SPRINGFIELD ROAD  
ST. JOHN'S WOOD, N.

From a photostat of the typewritten office copy: S. N. 4405

### *379. LETTER TO PROFESSOR PARMANAND*

HOTEL CECIL,  
LONDON,  
*October 26, 1906*

DEAR PROFESSOR PARMANAND,

I had a chat with Ratnam<sup>2</sup> when he was here with my luggage. Ever since that I have been thinking of him during spare moments. To me every one from South Africa is a valuable asset and to be converted into a still more valuable asset by proper nursing. I think that, even from a material standpoint, Ratnam's life is being very much wasted. His preliminary education being very poor, he will find it hard to battle in his profession; more so in South Africa where he will have to live down a great deal of prejudice. I know of no practitioner in South Africa with so little equipment as he will have at the time he is finished.

It is not enough that he will know English perhaps fairly well; he must have, in my opinion, a good grounding in mathematics. The leader of the South African Bar considers that a knowledge of French, Latin and Dutch (especially Latin) is almost indispensable for success

<sup>1</sup> G. J. Adam; *vide* "Interview to Reuter", 27-10-1906

<sup>2</sup> Ruthnam Pather, who was studying for the Bar

at the Bar. Some scientific training also is necessary; otherwise Ratnam will find himself very greatly handicapped when his opponents make use of scientific expressions, or the Court does so. Also, if ever he is going to dedicate his knowledge of law to the good of his country and does not wish to use it commercially, he must have a knowledge of some technical art as a means of living. He is young enough to do all these things. Above all, he must have discipline, even severe discipline. I, therefore, suggested to him that he should attend a school here and go through a regular matriculation course, and even if a pass is beyond him, the same grounding at the school will do him good. As you are looking after him, I thought I should tell you what I have already told him. He said he would consult you and let me know.

*Yours sincerely,*

PROFESSOR PARMANAND  
65, CROMWELL AVENUE  
HIGHGATE

From a photostat of the typewritten office copy: S. N. 4407

### *380. LETTER TO H. O. ALLY*

HOTEL CECIL,  
LONDON,  
*October 26, 1906*

DEAR MR. ALLY

I have just heard through the telephone that you passed a very bad night. I am exceedingly sorry and I wonder what the cause of it could be. I am superstitious enough to say it was due to the cigar. As a matter of fact, I told George<sup>1</sup>, as we were walking, that, while the progress was imminent, it might be retarded by even one puff of the deadly cigar—such is my strong conviction regarding nicotine. I have seen much suffering from it. However, I may be mistaken. If so, please pardon. All I want is to find you hale and hearty. I was delighted to see you chatting away so hilariously last night. I was, therefore, very much pained to hear through the nurse that you had passed a bad night.

I shall send George as soon as he comes. I have given the nurse a message for you to which I may receive a reply later on, but I put it down in writing also. I might have mentioned it there but I forgot.

I have been discussing with Sir Muncherji and Sir William

<sup>1</sup> George Godfrey

Wedderburn the advisability of establishing a permanent committee for British Indians in South Africa. Perhaps you recollect that you made the suggestion long ago. I think that our work could be usefully continued if such a permanent committee composed of people representing all shades of opinion is established, say, for one or two years. I am, therefore, most anxious that such a committee be formed. We could then perhaps afford a second deputation.

I have written to Mr. Polak about it and asked him to reply, yes or no.<sup>1</sup>

Will you kindly let me know your opinion on the matter and, if you agree with me, please write this evening confirming my opinion.

*Yours sincerely,*

HAJEE OJER ALLY, ESQ.  
LADY MARGARET HOSPITAL  
BROMLEY

From a photostat of the typewritten office copy: S.N. 4408

### *381. LETTER TO YUK LIN LEW*

[HOTEL CECIL,  
LONDON,]  
*October 26, 1906*

DEAR MR. LEW

You promised to send me a representation addressed by the Chinese community to the Chinese Ambassador (or is it Minister?), so as to enable me to draft the letter you want me to.

I am quite ready to draft the representation<sup>2</sup> as soon as I get the Chinese petition, but you will recognize that it is necessary for me to have it, if only for the date and description.

*Yours truly,*

YUK LIN LEW, ESQ.  
CHINESE LEGATION  
PORTLAND PLACE, W.

From a photostat of the typewritten office copy: S. N. 4409

<sup>1</sup> *Vide* "Letter to H. S. L. Polak", 26-10-1906

<sup>2</sup> *Vide* "Draft for Chinese Ambassador", After 31-10-1906

### 382. THE DEPUTATION'S VOYAGE—IV

HOTEL CECIL,  
LONDON,  
October 26, 1906

I have already given an account of our voyage up to the time we were about to reach Madeira.

#### MADEIRA

We reached Madeira on the morning of Tuesday, October 16. Generally all passengers land at Madeira and go for a stroll, and we too went ashore. This island is very beautiful. Situated upon a hill, Madeira is inhabited, tier upon tier up to a height of 2,500 feet. There is greenery all round, with hardly an uncultivated patch. All over the island the paths are paved, and no wheeled carriages are used, only sledgelike barrows, drawn along the way. These barrows go down the slopes at great speed but without the least danger. The barrow is so light that a man can carry it on his head. The island is in the possession of the Portuguese and is inhabited entirely by them. No Indian was to be seen. The view of the island is lovely and charming.

#### ARRIVAL IN LONDON

On the morning of the 20th, we reached Southampton Docks where we were met by Mr. West and his sister. From here one has to take a train [to London]. A reporter of *The Tribune*, a well-known paper, came to see us on board the steamer. We told him all the facts. He published the whole account in his paper on Monday. The train reached Waterloo Station at 12.30. Messrs Ritch, Godfrey and Joseph Royeppen met us at the station and Mr. Henry Polak's father had also come there with a reporter of *The Morning Leader*. We gave him the story. The report<sup>1</sup> published by *The Morning Leader* on Monday was much better than that<sup>2</sup> in *The Tribune*. Thus, our work began even before we reached London. We went to India House, as Mr. Ritch had made arrangements for our stay there. There is not enough space this time for an account of India House. I propose to give one the next time.<sup>3</sup> We ate our meal and left forthwith for the meeting of the London Indian Society, where we had the good fortune of meeting Mr. Dadabhai Naoroji. He welcomed us, and a visit to him again on Monday was fixed. We spent the whole of Sunday meeting Indian

<sup>1</sup> Vide "Interview to *The Morning Leader*", 20-10-1906

<sup>2</sup> Vide "Interview to *The Tribune*", 22-10-1906

<sup>3</sup> Vide "The Deputation's Voyage—V", 3-11-1906

youths and Mr. Polak and at night met Pandit Shyamji Krishnavarma.<sup>1</sup> Our conversation went on till one in the morning.

MONDAY TO FRIDAY

I do not get a moment's leisure here. As I write this it is 11 p.m. We have had interviews with Sir Muncherji, Sir William Wedderburn, Sir Henry Cotton, Mr. Cotton<sup>2</sup>, Mr. Hall, Mr. Robertson, Mr. Arathoon,<sup>3</sup> Mr. Scott and other gentlemen. Our idea is to have men of different parties here to accompany and introduce us to Lord Elgin to plead for us and to give us their full support. Mr. Dadabhai Naoroji, Sir Muncherji Bhownaggee, Mr. Harold Cox, Mr. Justice Ameer Ali and Sir George Birdwood are already with us. Very probably the interview will take place next week. We have informed Lord Elgin of our arrival and his acknowledgement too has been received.

"THE TIMES" CORRESPONDENT

*The Times* correspondent in the Transvaal, as if by previous arrangement, cabled just on Monday to his paper saying that many Indians had entered the Colony. If they continued to enter in this way, the whites would have to leave bag and baggage. As the new act gave the Indians the right to hold land and other rights, it was hoped that Lord Elgin would give his assent to it. If he did not, the whites would be very much offended. Again, the correspondent hoped that Sir Richard Solomon would fully champion the cause of the whites in regard to the act. Moreover, he added, Mr. Gandhi, a member of the Deputation, was a clever lawyer, who was responsible for the entry of Indians into the Transvaal and who had made much money thereby. Such a cablegram was despatched from there to throw dust into the eyes of people here. The same day, we sent *The Times* a reply<sup>4</sup> from which important paragraphs were published on Thursday. The whole reply was published in *India* on Friday. In our reply we had said that, even if any Indians entered without permits, their number was very small, that the Government had even now the authority to expel them and that the new law was oppressive. No Indian wants that the whole of India should migrate to South Africa. Nor does anyone wish that the whites should be deprived of all their trade. In proof of our *bona fides* we are prepared to accept laws on the lines of those at the Cape or

<sup>1</sup> Gandhiji had several talks with him; *ibid*.

<sup>2</sup> H. E. A. Cotton, Editor, *India*.

<sup>3</sup> Editor, *Asia Quarterly Review* and Honorary Secretary of East India Association; elsewhere letters are addressed to or mention is made of C. W. Arathoon, W. H. Arathoon and W. Arathoon—presumably the same person.

<sup>4</sup> Vide "Letter to *The Times*", 22-10-1906

Natal, but we must have equal rights [with the whites] to hold land, etc.

[From Gujarati]

*Indian Opinion*, 1-12-1906

### 383. *DEEDS BETTER THAN WORDS*<sup>1</sup>

[October 26, 1906]

Two things are now being widely discussed in England. One relates to the decision of the soap manufacturers who, like their American opposite numbers, have combined and resolved to increase the price of soap. The dealers in soap and the public naturally did not relish the decision. But they did not approach the Government for help; neither did they appeal to the manufacturers; but they resorted to direct action. They notified the manufacturers that they would not buy their soap even if it meant a great loss to them. The result was that Lever Brothers, of Sunlight Soap fame, who used till now to have fifteen ounces of soap in their one-pound cake, will henceforth give the full sixteen. The lesson from this is that deeds are better than words. The action of the dealers proved more fruitful than mere words.

The second example illustrating this saying is more remarkable. It is the movement in England for women's right to vote, which the Government is unwilling to concede. The women therefore go to the House of Commons and harass the Members. They have sent petitions, written letters, delivered speeches and tried many other means. Last Wednesday, they went to the House of Commons as soon as it opened and demanded the right to vote; they caused some damage also, for which they were prosecuted and sentenced to furnish a security of £5 each. On their refusing to do so, they were sentenced to imprisonment, and they are now in gaol. Most of the women have got three months. All of them come from respectable families and some are very well educated. One of these is the daughter of the late Mr. Cobden who was highly respected by the people. She is serving her term in gaol. Another is the wife of Mr. Lawrence. A third is an LL.B. On the very day these women went to gaol there was a huge meeting here in support of the resolve adopted by the brave ladies, and a sum of £650 was collected on the spot. Mr. Lawrence announced that he would pay £10 a day as long as his wife was in gaol. Some persons regard these women as insane; the police use

<sup>1</sup> This article was promised to Polak in Gandhiji's letter to him; *vide* "Letter to H.S.L. Polak, 26-10-1906"

force against them; the magistrate looks upon them with a stern eye. Cobden's brave daughter said, "I shall never obey any law in the making of which I have no hand; I will not accept the authority of the court executing those laws; if you send me to gaol, I will go there, but I shall on no account pay a fine. I will not furnish any security either." It is no wonder that a people which produces such daughters and mothers should hold the sceptre. Today the whole country is laughing at them, and they have only a few people on their side. But undaunted, these women work on steadfast in their cause. They are bound to succeed and gain the franchise, for the simple reason that deeds are better than words. Even those who laughed at them would be left wondering. If even women display such courage, will the Transvaal Indians fail in their duty and be afraid of gaol? Or would they rather consider the gaol a palace and readily go there? When that time comes, India's bonds will snap of themselves.

We have sent petitions; made speeches; and we shall continue to do so. But we shall gain our object only if we have the kind of strength we have spoken of. People do not have much faith in articles and speeches. Anyone can do that, they call for no courage. Deeds after all better than words. All other things are unavailing, and no one is afraid of them. The only way therefore is to sacrifice oneself and take the plunge. We have much to do yet, no doubt of that.

[From Gujarati]

*Indian Opinion*, 24-11-1906

### 384. DRAFT LETTER TO LORD ELGIN<sup>1</sup>

196, CROMWELL ROAD,  
LONDON, S. W.,  
October 27, 1906

TO

THE RIGHT HON'BLE THE EARL OF ELGIN

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
LONDON

DEAR LORD ELGIN,

Sir George Birdwood, Mr. Naoroji, Sir Henry Cotton and

<sup>1</sup> This draft letter, found among Gandhiji's papers, was clearly intended to be signed by Sir Muncherji Bhownaggee whose address it bears at the top. It was not sent as Sir Lepel Griffin did eventually agree to lead the deputation. *Vide* also "Telegram to Sir Muncherji Bhownaggee", 25-10-1906



Mr. Ameer Ali and a few others, including myself, have been approached by the Indian Deputation that has arrived from the Transvaal. The Indian Delegates have asked us to lead the Deputation as most of us have always taken an interest in the question affecting British Indians in South Africa.

I have been asked to become spokesman by those who have consented to take part in the deputation, and as I have studied the question perhaps more thoroughly than the others, I have accepted the position.

May I then, on behalf of the Committee, ask you to appoint a time for receiving the Delegates from the Transvaal, accompanied by the Committee.

*I am,*

*Yours truly*

From a photostat of the typewritten draft S. N. 4410

### *385. INTERVIEW TO REUTER<sup>2</sup>*

*[October 27, 1906]<sup>1</sup>*

Mr. Gandhi, speaking to Reuter's representative, said:

We have come to protest against the new Transvaal Asiatic Ordinance, which is humiliating for the British Indians, all of whom will have to carry a pass bearing thumb-prints and other marks of identification. The object of the new Ordinance is to prevent unauthorized Indians from entering the Transvaal. We hope to convince the Imperial Government that this is effectually done by the existing Permit Ordinance<sup>2</sup>, which is very strictly applied.

*The Times*, 29-10-1906

### *386. LETTER TO H. O. ALLY*

HOTEL CECIL,  
LONDON,  
*October 27, 1906*

DEAR MR. ALLY,

George has seen me after his interview with you, and also Dr. Oldfield. I am delighted that what I feared was a relapse was, after all, a blessing in disguise. I am delighted also that, when he saw you, you

<sup>1</sup> *Vide* "Letter to G. J. Adam", 26-10-1906 and the following item.

<sup>2</sup> Peace Preservation Ordinance

were looking hale and hearty. When I think of it, I do feel that our stay here would have been incomplete without George. Who [else] would have been the link between us?<sup>1</sup> The idea you have suggested about a gathering has been uppermost in my mind. As you may imagine, I have not been at all idle. I have been seeing people here and there. A suggestion has already been made that there should be a meeting in the House of Commons<sup>2</sup> which should be addressed by both of us. I do want you to be present at these gatherings, unless adverse circumstances prevent it. I would not think of addressing these gatherings without you. I know full well the value of your presence as also of your speech. The interview with Lord Elgin is not likely to come off before the week after next, that is to say, not for the next 8 or 9 days. I have just returned from a visit to Sir Muncherji and Sir George Birdwood. The latter paid a friendly call at the Hotel and enquired about you. I am only sorry that you are not with me during these visits; you would have seen a great deal of the public men here, and obtained an insight into the working of British institutions. However, I believe sufficiently in predestination, and I, therefore, take comfort in the thought that even in your absence from these meetings there may be some good lurking. It may be that, when you suddenly appear to address a gathering, you would lend a charm to it which would not have been possible if you had seen the members individually, but whenever there is a public function, even though it may be inconvenient, you shall always attend. There are likely to be two such gatherings. Mr. Polak is trying to have a gathering by an educational society. I beseech you to keep yourself religiously away from cigars. Certainly, have as much as you like of the hubble-bubble. Follow Dr. Oldfield's instructions implicitly. I am certain that no other doctor could restore you to health with the same amount of despatch as Dr. Oldfield. I feel, therefore, that you are in the safest hands. I sent you a budget of letters today, and a copy of *Indian Opinion. South Africa* has certainly given the very best interview<sup>3</sup> possible, and you will see how the Editor has veered round to a moderate expression in his editorial columns. You might not have seen his violent articles 3 or 4 weeks ago. The editorial this morning was, therefore, quite refreshing reading. Please command me if you want anything more, and do not hesitate to send any suggestions you wish to send.

I did not ring off this morning after you told me you were well.

<sup>1</sup> The original has, "George, who would have been..."

<sup>2</sup> Vide "Meeting at House of Commons", 7-11-1906

<sup>3</sup> Vide "Interview to *South Africa*", 25-10-1906

It was the silly girl at the exchange who did it. I then tried to have the connection restored, but failed, and then gave it up, because I wanted to be ready to meet Reuter's agent. I had a long chat with him at the Hotel. He saw immediately that the Ordinance was practically useless and tyrannical. These are, of course, mere words, but who knows, they may do good in the end.

*Yours sincerely,*

H. O. ALLY, ESQ.  
LADY MARGARET HOSPITAL  
BROMLEY  
KENT

From a photostat of the typewritten office copy: S.N. 4411

### *387. LETTER TO DR. J. OLDFIELD*

HOTEL CECIL,  
LONDON,  
*October 27, 1906*

MY DEAR OLDFIELD,

I told you that I wanted to write to you about my sorrows.<sup>1</sup> I think I mentioned that, when I was in Bombay, I had lost my sense of smell; as the doctor put it, I am supposed to be suffering from chronic<sup>2</sup> *ozaena*. I have chronic catarrh. Of course, I do not know whether you have made a speciality of throat diseases. If not, and you think it is worth while, you can put me on to a specialist again. I think it was when I was carrying on a fruit-and-nut diet experiment that I damaged my teeth. I believed that I had permanently damaged two molars and I thought that I was going to lose one of them on board. I certainly tried hard to pull one out but I did not succeed. Would you see them or do you want me to go to a dentist? If so, please give me a reliable name.

Friends though we are, if you are going to attend to either of the two complaints, you must do so professionally if only because whatever you receive, I know, goes to a humanitarian purpose.

If you will see me professionally, kindly give me an appointment, but you may name more than one time, so that I can make my selection. I have to interview so many people that it is not possible for me to make definite appointments. Mr. Ally telephoned

<sup>1</sup> *Vide* "Letter to Dr. J. Oldfield", 26-10-1906

<sup>2</sup> The original has "chronis".

to me saying he is much better today. I was delighted to hear it. I hope you will soon put him right.

*Yours sincerely,*

DR. OLDFIELD  
LADY MARGARET HOSPITAL  
BROMLEY

From a photostat of the typewritten office copy: S. N. 4412

388. *LETTER TO J. C. MUKERJI*

[HOTEL CECIL,  
LONDON,]  
*October 27, 1906*

DEAR MR. MUKERJI,

I forgot to tell you one thing, and I thought of it only as I was looking through *The Times* for *Indian Opinion*. I see that there is always enough matter in *The Times* to be sent for *Indian Opinion*. Although you may send your correspondence on Friday nights, I think you should send from *The Times* the latest news and Parliamentary reports on Saturdays and post them, if necessary, up to the last moment at the General Post Office. That is the only way, I think, you will be able to make your correspondence effective and up to date. While Parliament is sitting, I now notice that you can send a great deal from *The Times* on the Indian and cognate questions, as for instance, the Natives, the Chinese, etc. *The Times* evidently gives a very full report. You are then in advance of *India*, and you keep up with the South African papers, which, as I have told you, are thoroughly up to date. I reduce this suggestion to writing now lest I may forget it.

*Yours sincerely,*

J. C. MUKERJI, ESQ.  
65 CROMWELL AVENUE  
HIGHGATE, N.

From a photostat of the typewritten office copy: S. N. 4413

389. *LETTER TO F. MACKARNESS*

[HOTEL CECIL,  
LONDON,]  
*October 27, 1906*

DEAR SIR,

I am much obliged to you for your letter of the 25th instant. I have placed this suggestion before Sir William Wedderburn and he agrees that there should be a meeting like the one mentioned by you. I venture to think that, unless local circumstances prevent it, it need not necessarily be a meeting of Liberal Members only, as there is no division of opinion on the question of the treatment of British Indian in South Africa.

*I remain,  
Yours faithfully,*

F. MACKARNESS, ESQ., M.P.  
6, CROWN OFFICE ROW  
TEMPLE

From the typewritten office copy: S. N. 4414

390. *LETTER TO S. KRISHNAVARMA*

[HOTEL CECIL,  
LONDON,]  
*October 29, 1906*

DEAR PANDIT SHYAMJI KRISHNAVARMA,

I enclose herewith stamps for 1s 6d which you were good enough to advance last evening.

*I remain,  
Yours faithfully,*

Enclosure  
PANDIT SHYAMJI KRISHNAVARMA  
9, QUEEN'S WOOD AVENUE  
HIGHGATE

From the typewritten office copy: S.N. 4415

391. *LETTER TO PRIVATE SECRETARY TO LORD ELGIN*

HOTEL CECIL,  
LONDON, W.C.,  
*October 29, 1906*

TO  
THE PRIVATE SECRETARY TO  
THE RIGHT HON'BLE THE EARL OF ELGIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
LONDON  
SIR,

I have the-honour to acknowledge your letter of the 26th instant in continuation of my letter<sup>1</sup> of the 25th. I beg now to state that Sir Muncherji M. Bhownaggee, Sir George Birdwood, Sir Henry Cotton, the Hon'ble Mr. Dadabhai Naoroji, and Mr. Ameer Ali, among others, have consented to lead the British Indian Deputation from the Transvaal. A few more friends are also likely to join the deputation committee. May I now request His Lordship to fix a date, if possible some time early *next week*, for receiving the deputation so that I may inform the gentlemen above named and others who may wish to take part in the deputation.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

M. K. GANDHI

From a photostat of the original: C. O. 291, Vol. 113/Ind.; also a photostat of the typewritten office copy: S. N. 4416

392. *LETTER TO F. H. BROWN*

[HOTEL CECIL,  
LONDON,]  
*October 30, 1906*

DEAR SIR,

I have your letter of the 29th instant. I am sorry that I received it after the time I could have spoken to you through the telephone, and

<sup>1</sup> *Vide* "Letter to Private Secretary to Lord Elgin", 25-10-1906

as a matter of fact between 10 and 10.45 today I was out visiting. If it is at all possible for you to favour me with a call tomorrow or on Thursday between 1 and 2, we may perhaps lunch together and talk over the question of British Indians in South Africa. If you cannot do that, I must defer the pleasure of seeing you till Thursday at the time of the N.I.A.<sup>1</sup> reception for which you have so kindly sent me a card. If you can however conveniently lunch with me either tomorrow or the day after, please drop me a line.

I am sorry Mr. Ally, my co-Delegate, is laid up in bed with rheumatism, and is at present undergoing treatment at the Lady Margaret Hospital in Bromley.

I regret I have not any photographs with me throwing light on the question, nor have I a photograph of myself. Mr. Ally's I think I could let you have. It is in his family group.

I am inclined to think that we have met before, and that was when, I believe, you used to advise young Indians coming to London, I believe I was introduced to you by Mr. D. B. Shukla.

*I am,  
Yours truly,*

F. H. BROWN, ESQ.  
"DILKUSHA"  
WESTBOURNE ROAD  
FOREST HILL, S. E.

From the typewritten office copy: S. N. 4417

### 393. LETTER TO J. C. MUKERJI

[HOTEL CECIL,  
LONDON,]  
*October 30, 1906*

DEAR MR. MUKERJI,

I apologize for not keeping the appointment, but as you know every appointment outside the work that has brought me here is subservient to that work. As it was quite beyond my expectation, I had to be busy with Sir Muncherji up to six o'clock in the evening. Do you mind taking the same appointment for tomorrow, but this time let it be 6 o'clock. I shall endeavour to keep the appointment. We will then go to a restaurant, take a meal, and come back to the Hotel. I have cancelled all evening appointments also, so that I can cope with the arrears of dictating work, but we will discuss Rutnam for about

<sup>1</sup> National Indian Association

half an hour, though most of the discussion will perhaps have been finished at the dinner table. Please however do not go away, even if I am not in, because I am bound to be at the Hotel for my meal sooner or later. So far as I know at present, I should not be engaged beyond 6 o'clock tomorrow evening. Please convey my apologies to the Professor<sup>1</sup> also. My invitation extends to you and the Professor, as also to Rutnam, if you consider his presence to be necessary.

*Yours sincerely,*

J. C. MUKERJI, ESQ.  
65, CROMWELL AVENUE  
HIGHGATE, N.

From the typewritten office copy: S. N. 4418

### *394. LETTER TO J. ROYEPPEN*

HOTEL CECIL,  
[LONDON,]  
*October 30, 1906*

MY DEAR JOSEPH,

I must cancel the appointment for the evening I have given you, because I shall now be exceedingly busy, and it is only in the evenings that I am in a position to dictate anything. I shall write to you if I have a free evening.

*Yours sincerely,*

JOSEPH ROYEPPEN, ESQ.  
36, STAPLETON HALL ROAD  
STROUD GREEN, N.

From the typewritten office copy: S.N. 4419

### *395. LETTER TO M. N. DOCTOR*

[HOTEL CECIL,  
LONDON,]  
*October 30, 1906*

DEAR MR. DOCTOR,

I find that I am so very busy that I must cancel the appointment given you; but if you can come on Sunday at 12 o'clock, we can walk together and talk on my way to Mr. Polak's, with whom I have an

<sup>1</sup> Parmanand



engagement. If you know London well, we will then separate somewhere near Highbury.

*Yours sincerely,*

M. N. DOCTOR, ESQ.

102, WHARTON ROAD, W.

From the typewritten office copy: S. N. 4420

*396. LETTER TO LORD REAY*

HOTEL CECIL,

LONDON,

*October 30, 1906*

MY LORD,

I ventured to call on Your Lordship yesterday, without appointment, with a view to paying my respects and placing before Your Lordship the position of British Indians in the Transvaal. Together with Mr. Hajee Ojer Ally, I have arrived from the Transvaal as a Deputation appointed to wait on Lord Elgin and Mr. Morley in connection with the Asiatic Law Amendment Ordinance recently passed by the Transvaal Legislative Council. Sir Charles Dilke<sup>1</sup>, Mr. Naoroji, Sir Muncherji, Sir George Birdwood, Sir Henry Cotton, Mr. Ameer Ali, and a few other gentlemen who have taken an interest in British Indian matters in the Transvaal have kindly consented to introduce the Deputation to Lord Elgin and thus extend to our mission the weight of their influence. An appointment will probably be given by Lord Elgin for next week. May I know whether you will be pleased to join the introducing deputation. In any case, both Mr. Ally and I will be greatly obliged if Your Lordship will allow us the opportunity of placing before you the position of British Indians in

<sup>1</sup> Sir Charles Wentworth Dilke, (1843-1911); politician, writer and Member of Parliament, he became Under-Secretary of State in the Foreign Office in 1876.

the Transvaal.

*I beg to remain,  
Your Lordship's humble servant,*

THE RIGHT HON'BLE LORD REAY<sup>1</sup>  
6, GREAT STANHOPE STREET  
LONDON

From a photostat of the typewritten office copy: S. N. 4423

*397. LETTER TO H. O. ALLY*

[HOTEL CECIL,  
LONDON,]  
*October 30, 1906*

DEAR MR. ALLY,

I have your note, as also your telephone message, but have only just settled down to work, i.e., 12 midnight. I have been away the whole day from 10.30 a.m. I looked in just at lunch time and at 8 o'clock at night, when I found the message from you, as also your letter. I shall find out the address of the Turkish Ambassador. I shall take some late train tomorrow unless I find it impossible.

Lord Elgin has appointed Thursday the 8th November at 3 o'clock to receive the Deputation, so you will see that there is ample time. My work, however, is entirely cut out for all that time. More when we meet.

*Yours sincerely,*

HAJEE OJER ALLY, ESQ.  
LADY MARGARET HOSPITAL  
BROMLEY  
KENT

From the typewritten office copy: S.N. 4421

<sup>1</sup> Donald James Mackay, ( 1839-1921 ); Governor of Bombay Presidency, 1885-90, and first President of British Academy; Under-Secretary of State for India, 1894-5

398. *LETTER TO J. H. POLAK*

HOTEL CECIL,  
LONDON,  
*October 30, 1906*

DEAR MR. POLAK,

I told you that I should pass the whole of Sunday with you, but I see that I shall have to attend to an important matter in the evening. The Pandit<sup>1</sup> of whom I spoke to you and I have not yet finished the whole of our discussion, and as it is rather important I am afraid that I must deprive myself of the pleasure, I was looking forward to, of passing the whole of next Sunday with you. I fear therefore that I will have to leave you next Sunday also at about 4 o'clock.

My regards to all.

*Yours truly,*

J. H. POLAK, ESQ.  
28, GROSVENOR ROAD  
CANONBURY

From the typewritten office copy: S. N. 4422

399. *LETTER TO W. P. BYLES*

[HOTEL CECIL,  
LONDON,]  
*October 30, 1906*

DEAR SIR,

I thank you for your note of the 28th instant. I shall have much pleasure in sending you my card at the House of Commons some time this week, and I hope probably today.

*yours faithfully*

W. P. BYLES, ESQ., M.P.  
HOUSE OF COMMONS  
LONDON

From the typewritten office copy: S. N. 4424

<sup>1</sup> Shyamji Krishnavarma

400. LETTER TO A. MERCER

[HOTEL CECIL,  
LONDON,]  
October 30, 1906

DEAR SIR,

I am much obliged to you for giving me Mrs. Spencer Walton's address, and the enclosure.

*Yours truly,*

ARTHUR MERCER, ESQ.  
17, HOMEFIELD ROAD  
WIMBLEDON

From the typewritten office copy: S. N. 4425

401. LETTER TO MRS. S. WALTON

[HOTEL CECIL,  
LONDON, ]  
October 30, 1906

DEAR MRS. SPENCER WALTON,

I was exceedingly sorry to hear of the death of Mr. Spencer Walton. His death is an irreparable loss to you but I have no doubt that many feel poorer by his death. I was hoping to be able to pay you a visit during my stay here, but I find that I shall be so much occupied during the three or four weeks I am here that I may not be able to take a run down. However, I shall be obliged if you will drop me a line telling me when you are as a rule to be found at home.

*I am,*

*Yours truly,*

MRS. SPENCER WALTON  
ANDREW HOUSE  
TONBRIDGE  
KENT

From the typewritten office copy: S. N. 4426

*402. DRAFT LETTER TO LORD ELGIN<sup>1</sup>*

22, KENNINGTON ROAD,

[LONDON,]

*October 30, 1906*

TO

THE RIGHT HON'BLE THE EARL OF ELGIN

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES

LONDON

MY LORD,

I enclose herewith copy of a Petition from the British Indian Association of the Transvaal regarding the Vrededorp Stands Ordinance of 1906 passed by the Legislative Council of the Transvaal<sup>2</sup> I understand from the Acting Honorary Secretary<sup>3</sup> of the British Indian Association of the Transvaal that the Petition was forwarded through Lord Selborne to you the same week that a copy was sent to me, and that a cablegram<sup>4</sup> too was sent through the Governor by the British Indian Association requesting that the Ordinance might not be sanctioned until the Petition was in your hands.

I venture to think that the Association has a very strong and just case. It is quite plain that this Ordinance, if sanctioned, will prevent British Indians even from holding leases of landed property, which they have hitherto been allowed to hold under Law 3 of 1885. Thus then, on the eve of the Colony receiving Responsible Government, it would appear that the present Ordinance, instead of at least maintaining the *status quo*, will render the position of British Indians worse in respect of holding land, as it has been in other respects, than before the war. I trust, therefore, that you will see your way to advise His Majesty to disallow the Ordinance.

In view of the arrival of the British Indian Deputation from the Transvaal and their mission, coupled with the fact of the passing of the Ordinance which is the subject matter of this communication, I think

<sup>1</sup> This letter was presumably drafted by Gandhiji, as an earlier draft bears some instructions to the secretary in Gandhiji's hand. The draft also clearly indicates that it was to be signed by Dadabhai Naoroji.

<sup>2</sup> *Vide* "Petition to Lord Elgin", 8-10-1906

<sup>3</sup> H. S. L. Polak

<sup>4</sup> *Vide* "Cable to Secretary of State for Colonies", 8-10-1906

that a commission of enquiry such as was suggested by Sir Muncherji to your predecessor, which commission I understand was all but appointed, is very necessary for the protection of British Indians in the Transvaal.

*I am, my Lord,  
Your obedient servant,*

From a photostat of the typewritten draft: S. N. 4427/2

*403. CIRCULAR LETTER<sup>1</sup>*

HOTEL CECIL,  
LONDON, W.C.,  
*October 31, 1906*

DEAR SIR,

I beg to inform you that Lord Elgin has appointed Thursday the 8th November at 3 p.m. to receive the Transvaal Indian Deputation at the Colonial Office. Mr. Ally and I trust that you will be kind enough to make it convenient to attend at the Colonial Office at 2.30 p.m. on Thursday the 8th November so that there may be a short conference between the members of the introducing deputation. Sir Lepel Griffin has now consented to head the deputation and to introduce Mr. Ally and me.

I hope shortly to be able to let you have a copy of the Representation<sup>2</sup> to be submitted to Lord Elgin previous to the reception of the deputation, which will form the basis for the deputation to work upon.

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

From a photostat of the signed typewritten office copy: S. N. 4429

<sup>1</sup> The noting on the office copy shows that this letter was sent to Sir Charles Dilke, Dadabhai Naoroji, Sir Lepel Griffin, Sir Muncherji Bhownagree, Sir Henry Cotton, Ameer Ali and Sir George Birdwood.

<sup>2</sup> "Representation to Lord Elgin", 31-10-1906

#### 404. LETTER TO PROFESSOR PARMANAND

[HOTEL CECIL,  
LONDON,]

*October 31, 1906*

DEAR PROFESSOR PARMANAND,

I am sorry you cannot be here today. Pillay's Case is very sad. I do not know what should be done, but when we meet we shall have to think it out. He seems to have difficulty in finding even his good. Will you go into his case thoroughly and if necessary find him lodgings at India House?

*Yours sincerely,*

PROFESSOR PARMANAND  
65, CROMWELL AVENUE  
HIGHGATE

From a photostat of the typewritten office copy: S. N. 4430

#### 405. LETTER TO LORD STANLEY

[HOTEL CECIL,  
LONDON,]

*October 31, 1906*

TO

THE RIGHT HON'BLE LORD STANLEY OF ALDERLEY<sup>1</sup>  
18, MANSFIELD STREET

MY LORD,

I am obliged for the appointment given by you. I shall avail myself of it at 10 a.m. tomorrow (Thursday).

*I remain,*

*Your humble servant,*

From the typewritten office copy: S.N. 4431

<sup>1</sup> (1839-1925); educationist and Member of Parliament

406. LETTER TO. F. H. BROWN

[HOTEL CECIL,  
LONDON,]  
October 31, 1906

DEAR SIR,

I thank you for your letter. I shall await you at 3.o'clock tomorrow and then after having a chat together I shall avail myself of your kind offer to take me to the reception.<sup>1</sup>

*I remain,  
Yours faithfully*

F. H. BROWN, ESQ.  
"DILKUSHA"  
WESTBOURNE ROAD  
FOREST HILL, S.E.

From the typewritten office copy: S. N. 4432

407. REPRESENTATION TO LORD ELGIN<sup>2</sup>

HOTEL CECIL,  
LONDON,  
October 31, 1906

TO  
THE RIGHT HON'BLE THE EARL OF ELGIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
COLONIAL OFFICE  
LONDON  
MY LORD,

APPOINTMENT OF DELEGATES

1. We, the undersigned, have been appointed by the British Indian Association of the Transvaal to lay before you the views of the Indian community of the Transvaal regarding the Asiatic Law Amendment Ordinance of the Transvaal Legislative Council published in the Transvaal *Government Gazette* dated the 28th day of September, 1906. At a mass meeting of British Indians, numbering nearly 3,000 British Indian residents of the Transvaal, held at the old

<sup>1</sup> *Vide* "Letter to F. H. Brown", 30-10-1906

<sup>2</sup> This was drawn up by Gandhiji on or before October 31 and forwarded with the "Letter to Private Secretary to Lord Elgin", 2-11-1906



Empire Theatre in Johannesburg on the 11th day of September, 1906, it was among other things resolved to send a Deputation to attend on Your Lordship. The selection of the delegates was left to the Committee of the Association and, as said before<sup>1</sup>, we were selected by the Committee.

#### WHO ARE THE DELEGATES?

2. The first undersigned is the Honorary Secretary of the Association, was one of the organizers of the Natal Indian Volunteer Ambulance Corps formed at the time of the Boer War, and was the organizer and in charge of the Indian Stretcher-Bearer Corps formed under the auspices of the Natal Indian Congress in connection with the recent Native rebellion of Natal. He is a Barrister of the Inner Temple and has since 1903 practised as a solicitor in Johannesburg.

3. The second undersigned is a merchant by profession, and besides being a member of the British Indian Association, is the founder and Chairman of the Hamidia Islamic Society of Johannesburg.

4. Both the undersigned are old settlers of South Africa; the first undersigned settled in South Africa in 1893 and is father of four children, all of whom are in South Africa. The second undersigned has settled in South Africa for the last twenty-three years and is the father of eleven children all born in South Africa.

#### INDIAN POPULATION OF THE TRANSVAAL

5. The present Indian population of the Transvaal is about 13,000 according to permit returns, and over 10,000 according to census returns, as against a white population of over 280,000. The Indians of the Transvaal are merchants, traders, their assistants, hawkers and domestic servants—the great majority being merchants or hawkers.

#### LAW 3 OF 1885

6. Law 3 [of] 1885 as amended in 1886 is applicable to Asiatics, including “coolies, Malays, Arabs, and Mahomedan subjects of the Turkish Empire”, and as interpreted by the Supreme Court of the Transvaal,

(1) confines as to residence those who come under it to locations or streets set specially apart for them, for a breach of which provision there is no sanction provided in the law and which is therefore nugatory in effect,

(2) deprives them of burgher rights,

(3) deprives them of right of ownership of fixed property except in locations and streets before referred to,

<sup>1</sup> *Vide* “Letter to Private Secretary to Lord Elgin”, 25-10-1906

(4) and requires those who may settle in the Transvaal for purposes of trade or otherwise to pay a fee of £3 and be registered within eight days of their arrival. *(The Law as interpreted by the courts does not require eregistration of children of such settlers, their wives and those who are not traders.)*

7. The above Law is not restrictive of immigration but it is meant to penalize traders to the extent of £3. During the Boer regime it formed the subject of representations by the British Government and was therefore never then strictly enforced. For its administration there was no separate department of the State, and *registration merely consisted in passing to the payer a receipt for £3.*

#### UNDER THE BRITISH REGIME

8. After the advent of British rule, contrary to promises and expectations, separate Asiatic Offices were established. The Peace Preservation Ordinance, which was admittedly a measure calculated to safeguard the State from dangerous characters, was misapplied to restrict Indian immigration, and under it permits were only granted to British Indians on the recommendation of the officers in charge. This practice gave rise to much abuse and corruption. These officers accepted bribes on a wholesale system, and Indian refugees who had a right to immediate return to the Transvaal had difficulty in doing so, and were often obliged to pay as much as £30. This was brought to the notice of the local Government more than once by the British Indian Association, with the result ultimately that two officials were criminally tried, and although the jury discharged them for want of evidence, they were dismissed from Government service. The Asiatic Offices were then abolished and the granting of permits was transferred, as it should have been, to the Chief Secretary for Permits.<sup>1</sup> Though under this regime permits to British Indians were granted only sparingly and after a great deal of delay and searching examination, there was no corruption. In the meanwhile an official was appointed under the designation of Protector of Asiatics in the Colonial Department.

#### INDIANS REGISTERED

9. While the Permit Department was under the Chief Secretary for Permits, Lord Milner thought fit to enforce Law 3 of 1885 rigorously, and appointed the Permit Secretary to be Registrar of Asiatics. The British Indian Association respectfully protested against the step,<sup>2</sup> but although it was not obligatory on the British Indians who had paid £3 to the Boer Government to re-register, on the urgent

<sup>1</sup> Vide "Deputation to Lord Selborne", 29-11-1905

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

advice of Lord Milner they allowed themselves to be re-registered. These certificates contain names of holders, their wives, number of children, the age of the holders, their distinctive marks and thumb-prints.

10. The following was the assurance given by Lord Milner at the time the advice was offered:

I think that registration is a protection to them. To that registration there is attached a £3 tax. It is only asked for once. Those who have paid it to the old Government have only to prove that they have done so and they have not to pay it again. Again, once on the register, their position is established and *no further registration is necessary*, nor is a fresh permit required. That registration gives you a right to be here and a right to come and go.<sup>1</sup>

11. At the present day, save women and children, almost every Indian in the Transvaal is in possession of a permit bearing the holder's name, place of birth, occupation, last address, his signature and as a rule thumb-impression and in most if not all cases, registration certificates above described. If, therefore, there are any Indians in the Transvaal who are without permits and do not fall within the exemption clauses of the Peace Preservation Ordinance, they are unauthorized residents and liable to be expelled under that Ordinance. Those who cannot produce permits have the burden thrown on them of proving that they come within the exemption clauses. If they do not obey expulsion orders, they are liable to suffer imprisonment. The Peace Preservation Ordinance moreover makes it a criminal offence to obtain a permit by fraudulent representations, or to abet one in so obtaining a permit, or to enter on a permit obtained by fraud.

#### PRESENT MACHINERY FOR DETECTION OF UNAUTHORIZED ENTRY COMPLETE

12. Thus the machinery for punishing unauthorized Indian residents in the Transvaal is complete and effective. And by its voluntary act above referred to, the Indian community has furnished the authorities with complete means of identification of a double character. Those Indians who have tried to enter on permits belonging to other Indians have been heavily punished. Many such cases are on record.

13. There would appear therefore to be no occasion for any further measure of law to prevent fraud, or impersonation, or unauthorized entry. Under the present permit regulations, according to the testimony given by an official,

<sup>1</sup> *Vide* "The British Indian Association and Lord Milner", 11-6-1903

- (1) women, whether they accompany their husbands or not, [and]
- (2) children of whatever age, even infants, whether in company of their parents or not, are required to produce permits. Cases have happened where tender children five years old have been torn away from their parents, and wives from their husbands, although the fathers or the husbands accompanying the children or wives have produced permits.

14. Old residents of the Transvaal who have paid £3 as the price of their residence experience a delay of months before they receive their permits, and that after an investigation which is over-severe in character and carried on secretly, and by boards which sit at their leisure to conduct their examination.

#### NEW ORDINANCE

15. On the top of all these disabilities has come like a thunderbolt upon the Indian community the amending Ordinance. It sets up a humiliating system of passes to be carried by every Indian resident in the Transvaal. It establishes a system of identification which may vary from time to time. The Assistant Colonial Secretary informed a deputation of Indians that the imprints of all the digits should be required and passes containing such imprints should be produced by the holders to every police official who may wish to challenge the Indians. The permits and registration certificates, obtained after a great deal of trouble, are to be surrendered in exchange for the new certificates. We may state that, in order to carry out the above registration, people were dragged from their rooms in the early morning and subjected to much hard treatment.

#### ITS REAL NATURE

16. The Ordinance in fact is not one for registration but for identification, of a type applied to the worst criminals. So far as we are aware such a law is unknown in any of the British Colonies. It is hardly an amendment of the Law 3 of 1885, because its scope is admittedly totally different from that of the latter.

17. The amending law condemns every permit unless the holder of it can prove it to be not tainted with fraud. It leaves the children of parents, though the latter may be in possession of *bona-fide* permits, to the tender mercy of the officer in charge of its administration. It is class legislation of the worst type. While it is calculated to submit the Indians to intense irritation and humiliation, it gives absolutely nothing.

#### THE SO-CALLED RELIEF

18. For the remission of £3 fee is superfluous, as every adult male Indian and in many cases even children at present resident in the Transvaal have already paid it. According to the statement by the

Transvaal Colonial Secretary, no Indians who are not pre-war residents of the Transvaal will be allowed to enter the Colony until the Responsible Government has considered the question of immigration. And as the present Indian residents have already paid the £3, and as the pre-war residents who have still to re-enter have also mostly paid the £3 to the Dutch Government, the remission of the £3 payment is no concession at all.

19. The authority for temporary permits is also not required as they have been granted at the discretion of the authorities under the Peace Preservation Ordinance.

20. The relief as to the supply of liquor is, so far as it may be applicable to Indians, a direct insult.

21. The relief to the heirs of those Indians who may have held fixed property before the date of Law 3 of 1885 is individual in character and is meant only to affect one small piece of land in the Transvaal.

22. The Ordinance therefore is in no way a relief or protection to the Indian community.

#### COMPARISON

23. We cannot lay too much stress on the fact that the amending Ordinance, while it leaves untouched all the disabilities of Law 3 of 1885, makes the position of British Indians much worse than under Law 3 of 1885, as will appear more clearly from the following comparison:

UNDER LAW 3 OF 1885	UNDER NEW ORDINANCE
1. <i>Traders only</i> were required to pay £3 and take out receipts.	All male Indians (they have already paid £3) are now to take out certificates of registration.
2. No particulars of identification had to be furnished.	Most humiliating particulars of identification are to be furnished.
3. Registration was not in restriction of immigration.	This registration is essentially for restricting immigration.
4. Children of registered parents were not required to register.	Children of registered parents must all be registered: (a) Children under eight years to be provisionally registered, and parents to furnish means of identification. (A baby eight days old will have to give ten digit prints and be carried to the registering officer.)

- (b) Children over eight years must be separately registered, subject to the same requirement as to identification.
- (c) If the children are not so registered after they attain the age of 16 years, they are liable to expulsion under severe penalty unless they get themselves registered.
- (d) Any Asiatic without authority bringing into the Colony a child under 16 years is liable to a severe penalty and cancellation of his registration and to expulsion. (This probably applies to parents bringing their babies in arms and certainly to lawfully resident Asiatics bringing the baby of another resident Asiatic.)
- (e) Any Asiatic employing (even ignorantly!) such a child is liable to like penalties.
- (f) Failure on the part of parent or guardian to make application under (a) and (b) renders him liable to a fine of £100 or 3 months' imprisonment.

5. Failure to register never carried with it expulsion.

Failure to register carries with it expulsion although the Asiatic in question be in possession of permit and registration, and therefore doubly a lawful resident of the Transvaal, even according to the amending Ordinance. *Thus by a stroke of the pen the present title to residence is to be rendered of no effect and value. In other words,*

*vested interests, hitherto considered so sacred, are to be taken away to satisfy a caprice.*

6. Malays were subject to registration under Law 3 of 1885.

Malays are exempt from the operation of the new Ordinance.

7. Law 3 of 1885 was a law passed by an ignorant Government, and was under promise of total repeal by the British Government.

The present Ordinance has been passed deliberately by an enlightened Government in possession of full knowledge of the history of India and its civilization.

8. Responsible Government could not use Law 3 of 1885 as a precedent for class legislation.

Responsible Government would be perfectly justified in using this Ordinance as a precedent for class legislation.

9. Law 3 of 1885 was passed by a Government in respect of people not its own subjects.

The present Ordinance has been passed by a Government belonging to the same Imperial fold as the Indians.

10. There could be no question of exemption as registration was not humiliating.

The present Ordinance reduces Indians to a lower level than the Kaffirs:

(a) because Kaffirs who carry passes do not have to supply humiliating identification particulars contemplated by the Ordinance,

(b) Kaffirs having reached a certain status are exempted from liability to carry passes, whereas Indians, no matter what status they may enjoy or how well educated they may be, must be registered and carry passes.

#### REASONS FOR THE NEW ORDINANCE

24. We learn that the reasons for passing the Ordinance are that:

(a) the local Government wishes to stop the alleged large, unauthorized influx of Indians, against whom there is a great deal of prejudice on the part of the white residents of the Transvaal;

(b) the local Government believes that there is on the part

of the Indian community an organized attempt to flood the country with British Indians without authority.

25. It is not denied that there are Indians who attempt to enter the Transvaal without authority. To meet such cases the present laws are, as shown above, amply sufficient. A large unauthorized influx has been repeatedly denied by the Indians, and never proved. The allegation as to an organized attempt by the community is a pure fabrication.

#### LOCAL PREJUDICE

26. The prejudice on the part of many white men, especially of the petty trading class, is admitted. We would at the same time respectfully state that the general body of white people are indifferent. The Indian trader and the hawker—the former relying on the support of wholesale European houses and the latter on the white households of all descriptions—would not be able to exist in the Transvaal but for such support. The petition<sup>1</sup> presented on behalf of Indians by Mr. Hosken and other representatives of leading houses bears out this contention.

#### REMEDY FOR MEETING THE PREJUDICE

27. But recognizing the prejudice, the Indian community has all along accepted the principle of restriction of immigration along the Cape or Natal line, subject to permission to import assistants and servants, and since it is the traders who arouse hostility and jealousy, the community has also accepted the principle of control and regulation of *new* trade licences by municipal bodies, their decisions being subject in gross cases to review by the Supreme Court. These two enactment's, if adopted, would dispel all fear of an inordinate influx of Asiatics, or their competition in trade. *But any such legislation should, by repealing Law 3 of 1885, restore to the resident Indian population the right of ownership of fixed property and freedom of movement and locomotion.*

28. Legislation of the above-mentioned type, being applicable to all, would obviate gross abuse of authority, which experience has shown always takes place wherever there is class legislation specially applicable to weaker races. It will moreover continue the policy laid down by Mr. Chamberlain at the Conference of the Colonial Premiers and since re-affirmed by him in practice. It was that policy which dictated a veto of the first Disfranchising Bill of the Natal Legislative Assembly<sup>2</sup> and the Immigration Restriction Draft Bill<sup>3</sup> specially

<sup>1</sup> *Vide* "Letter to Lieutenant-Governor", 1-5-1903

<sup>2</sup> *Vide* "A brief Chronicle of South Africa"; &."Speech at Public Meeting, Bombay", 26-9-1896

<sup>3</sup> *ibid*



applied to Asiatics and submitted by the late Mr. Harry Escombe<sup>1</sup>. Such non-class legislation can be effectively passed now. It will then place before the incoming Responsible Government the Imperial idea of restrictive legislation and throw on it the burden of showing the necessity for any further restrictions.

29. If, however, such a step be not practicable at present, the whole question should, in the humble opinion of the Deputation, be left over until the newly formed Transvaal legislature under the new constitution has met.

#### A COMMISSION AS AN ALTERNATIVE

30. In the meanwhile, the least that is due to the Indian community is the appointment of a strong and impartial commission to investigate the allegations as to the unauthorized entry of British Indians into the Transvaal, and to report upon the administration of the Peace Preservation Ordinance as affecting British Indians, and also to report upon the adequacy or otherwise of the present laws to meet unlawful entry of Indians, and generally upon the legislation affecting British Indians. If those who have been making the allegations are sincere, the deliberations of the commission need not take a long time.

#### BRITISH INDIANS AS APART FROM OTHER ASIATICS

31. The Deputation has been specially directed to secure an insistence on the consideration of the question affecting British Indians as such, instead of their being mixed up with non-British Asiatics. Special promises have been made to British Indians, both in India and outside it, even in connection with the Transvaal laws. It may not be considered too much on the part of the Indians to ask for a proper fulfilment of such promises.

32. Above all, the integrity of the community is at stake. The amending Ordinance is a punitive measure. It has been brought in to meet the alleged organized attempt of the community to introduce into the Transvaal unauthorized Indians. If His Majesty's Government sanctions such a measure, it will be party to a wholesale condemnation of the Indian community, without any proof whatsoever having been

<sup>1</sup> (1838-99): Prime Minister of Natal, 1897;

publicly brought forward to substantiate such a serious accusation.

*We have the honour to remain,*

*Your Lordship's humble servants,*

M. K. GANDHI

H. O. ALLY

MEMBERS OF THE

TRANSCAAL BRITISH INDIAN DEPUTATION

From a photostat of the printed original: C.O. 291 Vol. 113/Ind.; also S.N.  
4441a

*408. LETTER TO G. GODFREY*

HOTEL CECIL,

[LONDON,]

*October 31, 1906*

MY DEAR GEORGE,

Here is your Representation<sup>1</sup>. I believe it will be most effective. I have been thinking over the printing expenses; I think it will be more hallowed if the signatories bore the expenses. I have to render to the Association an account of every penny that is spent, and I hate the idea of even thinking that such a personal appeal has to be paid for. It takes away so much from the reality of the thing. The cost will be trifling. I can bear it myself; Mr. Ally has offered to bear it; but none of these things will meet the case. You must—five or six of you—divide it amongst you. You will understand the thing: it is the principle I want to inculcate here: it is a matter of very little moment, but you ought to be able to face anybody and say you have borne the expense, because you have felt. The Representation as drawn up by me will not cost more than £2, if that.

There should be no time lost in sending this out. I would like you and the others who will join with you to [go to] the House of Commons yourselves and make a personal canvass in our interests and a personal appeal in distributing the pamphlets, and similarly to go to the different Editors. If they do not receive you it does not matter: they cannot do the cause any harm, and if they do receive you,

<sup>1</sup> This draft was revised by Gandhiji after discussion with the signatories. For final version, *vide* "Representation to Lord Elgin", 3-11-1906

so much the better.

*Yours sincerely,*

GEO. GODFREY, ESQ.  
LONDON

From a photostat of the typewritten office copy: S. N. 4433

*409. LETTER TO H. ROSE MACKENZIE*

HOTEL CECIL,  
LONDON,  
*October 31, 1906*

DEAR MR. MACKENZIE,

I am sorry I was away when you called at the Hotel. I thank you for the very good interview published in S.A.<sup>1</sup> and for the marked copy sent by you. The whole of my day is passed mostly in interviewing people, and I am never certain when I am here, but it is always possible for me to be at the Hotel between 1 and 2 o'clock. May I ask you to lunch with me tomorrow, if you are free, when we may have a further chat about the question that has brought the Deputation here. I still feel that a great deal can be done by a quiet chat, because there is much misunderstanding as to the Indian position. If you can kindly come, please telephone or wire.

*Yours faithfully,*

H. ROSE MACKENZIE, ESQ.<sup>2</sup>  
WINCHESTER HOUSE, E. C.

From a photostat of the typewritten office copy: S. N. 4435

*410. LETTER TO DR. J. OLDFIELD*

[HOTEL CECIL,  
LONDON,]  
*October 31, 1906*

MY DEAR OLDFIELD,

Many thanks for your note. I am so much occupied that I see I must encroach upon my dinner hours and see you at 145, New Kent Road, Elephant and Castle, on Thursday between 6 and 7 p.m. I take it

<sup>1</sup> *Vide* "interview to *South Africa*", 25-10-1906

<sup>2</sup> Representative of *South Africa*?

that you are there in any case. If I cannot come then, please do not wait beyond 7 p.m. I shall then try to be at Bromley on Friday some time after 4 p.m. I shall telephone or write if I have to disturb the appointment for Thursday, if I know it earlier.

I am delighted that Mr. Ally is making very good progress.

*Yours sincerely,*

DR. OLDFIELD  
LADY MARGARET HOSPITAL  
BROMLEY,  
KENT

From the typewritten office copy: S. N. 4436

#### *411. LETTER TO YUK LIN LEW*

[HOTEL CECIL,  
LONDON, ]  
*October 31, 1906*

DEAR MR. LEW,

I had a copy of the Chinese Representation from Mr. James. I see that this is not in accordance with the draft<sup>1</sup> I had prepared. Paragraph 6 of the Petition is open to grave objection. There are other minor points also which might have been left alone. However, I do not consider it necessary to disturb the Representation. I enclose herewith draft of the letter<sup>2</sup> that should be forwarded to H. E. the Chinese Minister.

*Yours truly,*

Enclosure

From a photostat of the typewritten office copy: S. N. 4437

<sup>1</sup> This is not available.

<sup>2</sup> *Vide* "Draft for Chinese Ambassador", After 31-10-1906

*412. LETTER TO PRIVATE SECRETARY TO LORD ELGIN*

[HOTEL CECIL,  
LONDON,]  
*October 31, 1906*

TO  
THE PRIVATE SECRETARY TO  
THE RIGHT HON'BLE THE EARL OF ELGIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
LONDON  
SIR,

I have the honour to acknowledge your letter of the 30th instant informing me that Lord Elgin will be pleased to receive the Transvaal Indian Deputation at 3 o'clock on Thursday the 8th November at the Colonial Office, for which I beg on behalf of my co-Delegate Mr. Ally and myself to tender our respectful thanks to His Lordship.

I note the remarks made in the last paragraph of your letter, and I shall see to it that the number does not exceed twelve. As soon as the list is complete I shall have the honour to forward to you the names of those who will be present.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

From a photostat of the typewritten office copy: S. N. 4438

*413. LETTER TO MISS A. PYWELL<sup>1</sup>*

[HOTEL CECIL,  
LONDON,]  
*October 31, 1906*

DEAR MISS PYWELL,

I have your note of the 26th instant. I should be very sorry to have to leave England without having made your acquaintance. Will you kindly tell me whether I am likely to find you any day it may be possible for me to take a run to Leicester. It is just possible that I may

<sup>1</sup> *Vide* "Letter to A. H. West", 26-10-1906

be able to put in a day without disturbing my work.

*Yours truly,*

MISS ADA PYWELL  
35, MELBOURNE STREET  
LEICESTER

From the typewritten office copy: S. N. 4439

*414. LETTER TO H. O. ALLY*

HOTEL CECIL,  
LONDON,  
*October 31, 1906*

DEAR MR. ALLY,

I am exceedingly sorry I have not been able to come this evening, but shall try to come tomorrow. When we see each other, I shall describe to you how I have been spending my time. In the meantime I can only tell you that I am working under greater pressure than in Johannesburg. I went to bed last night at 3.30 in the morning.

The Chinese Deputation is being pushed. I am in touch with them. I have forwarded a Representation<sup>1</sup> to be sent in by the Chinese Minister.

As to your coming here every day and returning in the afternoon, we will discuss that when we meet.

I chanced to meet Sir Richard Solomon<sup>2</sup> at the House of Commons tonight and had a brief chat with him. He was very nice about the whole thing. He enquired about you.

I have not yet been able to see Justice Ameer Ali myself, but have been in correspondence with him. Mr. Ameer Ali writes to me saying that he will meet us on the day of the Deputation. Sir Muncherji is strongly of the opinion that there should be a permanent committee.<sup>3</sup> I have, therefore, in order that it may be established while we are here, cabled today for sanction.<sup>4</sup>

I have sent you a phone message that I shall probably come to Bromley tomorrow. I am to see Dr. Oldfield between 6 and 7 in the

<sup>1</sup> *Vide* "Letter to Yuk Lin Lew", 31-10-1906

<sup>2</sup> Sir Richard was in England at this time; *vide* "The Deputations's Voyage-I", 10-11-1906 and "Some Questions", 20-10-1906.

<sup>3</sup> *Vide* "Letter to H. S. L. Polak", 26-10-1906

<sup>4</sup> The cable is not available.

evening and shall probably come along with him.

*Yours sincerely,*

H. O. ALLY, ESQ.  
LADY MARGARET HOSPITAL,  
BROMLEY,  
KENT

From a photostat of the typewritten office copy: S. N. 4440

*415. DRAFT FOR CHINESE AMBASSADOR<sup>1</sup>*

*[After October 31, 1906]*

FROM  
HIS EXCELLENCY THE ENVOY EXTRAORDINARY AND MINISTER  
PLENIPOTENTIARY OF HIS MAJESTY THE EMPEROR OF CHINA  
LONDON  
TO  
HIS EXCELLENCY SIR EDWARD GREY  
HIS BRITANNIC MAJESTY'S PRINCIPAL SECRETARY OF  
STATE FOR FOREIGN AFFAIRS  
SIR,

I beg to forward herewith a true translation of a Petition received by me from the free Chinese subjects resident in the Transvaal in connection with their grievances in that Colony, and particularly with reference to an Ordinance called "The Asiatic Law Amendment Ordinance" numbered 29 and passed by the Legislative Council of that Colony. I granted audience to Mr. L. M. James, the delegate who has been specially deputed by the Chinese subjects aforementioned to present in person the Petition above referred to, and to place before me their case.

It appears to me that, if the statements made in the Petition are correct, and from investigation made by me and from what I have learnt through the Chinese Consul-General for South Africa I have no doubt as to the truth of these statements, the Chinese subjects have a very real grievance.

I am aware that the objectionable features referred to in paragraph 7 of the Petition do not appear in the Ordinance itself, but I am informed that it is the intention of the Transvaal Government to

<sup>1</sup> This representation was drafted by Gandhiji; *vide* "Letter to Yuk Lin Lew" 26-10-1906 and "Letter to H. O. Ally", 31-10-1906

pass regulations requiring finger-impressions and other particulars of identification, which the Petitioners would properly resent. Apart, however, from any such regulations the Ordinance in question undoubtedly appears to be open to very serious objections, and exposes Chinese subjects to unnecessary hardships, inconvenience and degradation.

I invite your attention to the fact that the most amicable relations exist between His Majesty King Edward VII and the Emperor of China, and that British subjects are entitled to the most-favoured-nation treatment throughout the Chinese Empire. I therefore trust that Your Excellency will deem it fit to secure for the Chinese subjects in the Transvaal proper treatment to which I apprehend, as subjects of an independent nation in alliance with Great Britain, they are entitled.

*I have the honour to remain,  
Your Excellency's obedient servant.*

From a photostat of the typewritten office copy: S. N. 4441

#### *416. INTERVIEW TO "SOUTH AFRICA"<sup>1</sup>*

[LONDON,  
*November 1, 1906*]

In conversation with a representative of *South Africa*, Mr. Advocate Gandhi... stated that the Natal Indian Congress had passed a resolution sympathizing with the objects of the Deputation, similar to the one recently adopted by the British Indians at the Cape.

[GANDHI:] While on the subject of Natal, I may mention that I have received a cablegram<sup>2</sup> asking me to place before the authorities here the questions arising out of the Bill to be introduced in the Natal legislature by Mr. Ralph Tatham.

[REPORTER:] What are the main objections to that measure from the Indian point of view?

[GANDHI:] Well, the net result of that Bill, supposing it becomes law—which I cannot for a moment conceive—will be to deprive hundreds of Indian traders of their means of livelihood. It will mean the sweeping away of vested rights by a stroke of the pen. In Durban there are only about 250 Indian voters out of a List of 7,000, and in

<sup>1</sup> Published in *South Africa*, 3-11-1906 and republished in *Indian Opinion*, 15-12-1906

<sup>2</sup> Vide "Letter to T.H. Thornton", 2-11-1906



Maritzburg, about 31 out of nearly 3,000, and all those Indian voters are not by any means merchant traders. Some of them are professional men, and at present many of them are not in Natal at all, so that the Bill, if passed into law, will make a clean sweep of the Indian traders both in Durban and Maritzburg. Moreover, the Voters' Roll, so far as Indians are concerned, is now a closed book for any future Indians because of the Franchise Act, which prevents all those who do not come from countries possessing Parliamentary institutions being placed on the Roll.

But the matter of licences is in the hands of the licensing authorities at present ?

Yes, that is so, and it makes the reason for bringing in such a Bill as this all the more inconceivable to me. The present Dealers' Licenses Act of Natal leaves [it] at the discretion of the licensing officers either to grant licenses or to refuse them.

And that discretion, I presume, is used fairly ?

On the contrary, the licensing officers have exercised that discretion sometimes in a most high-handed manner, without any relief being obtainable from the Supreme Court.

Can you mention a specific instance, Mr. Gandhi?

Certainly I can. In Vryheid the only Indian merchant, Dada Osman, was deprived of his licence to trade, although he was trading on his own ground, and had been doing so for a long time during the Boer regime.<sup>1</sup> Had Vryheid remained part of the Transvaal, Mr. Dada Osman would have been trading to-day; but as Vryheid has been taken over by Natal, subject to the anti-Asiatic laws of the Transvaal, there are two sets of laws in operation there against Indians, of which the Natal law is the more drastic, so far as the licensing of Indian traders is concerned.

How does that affect Mr. Osman?

The result is that, in virtue of the Transvaal law, he cannot hold landed property in Vryheid; whilst in virtue of the Natal law, he is at the mercy of the licensing officer for his trade. He has therefore been obliged to quit the district altogether.

Is not that an isolated case, resulting from the particular circumstances at Vryheid ?

Not so. The licensing officer in Durban refused to transfer the license of a well-known Indian silk merchant from one place of business to another, although the merchant referred to has been in

<sup>1</sup> *Vide* "Dada Osman's Appeal", 4-11-1905

business for a very long time, and his store was in no way in competition with European trade.<sup>1</sup> It seems to me in fact, that Mr. Tatham's Bill is quite uncalled for, and is really an attempt to drive the Indians out of Natal altogether.

But you know there is a strong prejudice growing against the Indian community in Natal?

I fail to see why there should be any such feeling. Natal has incurred a threefold obligation in favour of Indians. One is that it owes its prosperity to the existence of indentured Indian labour; the second is that it was the Natal Indians who raised an Ambulance Corps of over 1,000 Indians at the time of the Boer War,<sup>2</sup> whose work was specially mentioned in General Buller's despatches, and the third is that, during the recent native rebellion, the Indians, recognizing their duty as citizens, irrespective altogether of their political opinions, offered the Government services of an Indian Stretcher-bearer Corps,<sup>3</sup> whose work was highly appreciated by Sir Henry McCallum.

Reverting for a moment to the question of the Transvaal Ordinance, our representative pointed out to Mr. Gandhi that the enactment contained no provisions necessitating the identification of Indians by means of digital impressions.

That is so. But Mr. Lionel Curtis, who was then Assistant Colonial Secretary for Urban Affairs in the Transvaal, told a British Indian deputation about three months ago that it was the Government's intention to establish a system of identification under which all Indians would be required to put down on their passes the impressions of their ten fingers, a provision which the Deputation naturally very strongly protest against.

But there is no such provision in the Ordinance?

No; but the Ordinance provides that the Lieutenant-Governor may from time to time make regulations under it, prescribing, amongst other things, the means of identification to be furnished by Indians. It is also laid down in the Ordinance that police officers shall have the right not only to demand from all Asiatics over the age of 16 years production of their passes, but to insist on their furnishing such means of identification as may be prescribed by the regulations, which, according to Mr. Curtis's declaration, means finger-impressions. Such a system is not in force, so far as I am aware, in any

<sup>1</sup> The case of Hoondamal; *vide* "Indian Licences: Need for Vigilance —I", 18-2-1905

<sup>2</sup> *Vide* "Indian Ambulance Corps in Natal", 14-3-1900

<sup>3</sup> *Vide* "The Case of Suliman Manga", 23-6-1906 and "Indian Stretcher-Bearer Corps", Before 19-7-1906.

part of the world, at any rate with regard to British Indians. It does not apply even to the indentured Indians in Natal.

*Indian Opinion*, 15-12-1906

417. LETTER TO SIR CHARLES SCHWANN

HOTEL CECIL,  
LONDON,  
*November 1, 1906*

DEAR SIR,

Mr. Ally and I have arrived from South Africa as a Deputation on behalf of the British Indians of the Transvaal to wait upon Lord Elgin, and later on Mr. Morley, in connection with the recently passed Asiatic Ordinance of the Legislative Council of the Transvaal. Mr. Ally and I have been endeavouring to induce gentlemen who have sympathized with the British Indians in South Africa and who have at all studied the question to lead us. The gentlemen as per list<sup>1</sup> enclosed have already consented to join the Deputation, and Sir Lepel Griffin has been asked and has consented, to head-it. Mr. Ally and I shall be very much obliged if you could see your way, as you have often spoken in the House on the British Indian question in South Africa, to also lend the Deputation the weight of your influence by your presence. In any case we shall be obliged if you will favour us with an interview so that we may place the position before you. The date fixed by Lord Elgin to receive the Deputation is Thursday the 8th instant at 3 p.m. at the Colonial Office.

*On behalf of Mr. Ally and myself,*

*I remain,*

*Yours faithfully,*

Enclosure

SIR CHARLES SCHWANN, M.P.

HOUSE OF COMMONS

LONDON

From a photostat of the typewritten office copy: S.N. 4442

<sup>1</sup> This as well as the one mentioned in the "Letter to G. J. Adam", 2-11-1906, was very likely the same as that sent to Lord Elgin later. *Vide* "Letter to Private Secretary to Lord Elgin", 6-11-1906

*418. LETTER TO H. COX*

[HOTEL CECIL,  
LONDON,]

*November 1, 1906*

DEAR SIR,

I thrice attempted to see you at the House, and sent my card, but I have not been fortunate enough to meet you. I enclose herewith a letter given to me by Sir William Wedderburn. Sir Henry Cotton has sent me a message that you have consented to join the deputation, for which both Mr. Ally and I are extremely obliged to you. If you could kindly give me an appointment, I shall wait upon you at the time given by you and place the position before you. Lord Elgin has fixed Thursday the 8th instant at 3 o'clock to receive the Deputation at the Colonial Office. Sir Lepel Griffin has been asked, and has consented, to head the deputation.

*I remain,  
Yours faithfully,*

Enclosure<sup>1</sup>

HAROLD COX, ESQ., M.P.  
HOUSE OF COMMONS  
LONDON

From a photostat of the typewritten office copy: S. N. 4443

*419. LETTER TO AMEER ALI*

[HOTEL CECIL,  
LONDON,]

*November 1, 1906*

DEAR SIR,

I have your postcard. My letter informing you, however, of the date of the Deputation must have crossed the postcard. Mr. Ally, I am sorry to say, has not yet returned from the Hospital, though he is getting much better. Both he and I are anxious to pay our respects to you and to place the position before you before the Deputation waits on Lord Elgin. If, therefore, you can give an appointment some time

<sup>1</sup> Through oversight the enclosure was not sent with this letter. It was later forwarded by Gandhiji's secretary.

before Thursday Mr. Ally will come down from Bromley specially and we will wait on you.

*I am,  
Yours faithfully,*

AMEER ALI, ESQ., C.I.E.  
THE LAMBDENS,  
BEENHAM  
NEAR READING

From a photostat of the typewritten office copy: S. N. 4445

*420. CIRCULAR LETTER<sup>1</sup>*

[HOTEL CECIL,  
LONDON,]  
*November 2, 1906*

Will you please attend at the Hotel at 12 noon sharp tomorrow (Saturday, 3rd) in connection with the Representation<sup>2</sup> to be sent to Lord Elgin by the Indian students from South Africa.

*Yours truly,*

From a photostat of the typewritten office copy: S.N. 4448

*421. LETTER TO PRIVATE SECRETARY TO LORD ELGIN*

[HOTEL CECIL,  
LONDON,]  
*November 2, 1906*

TO  
THE PRIVATE SECRETARY TO  
THE RIGHT HON'BLE THE EARL OF ELGIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
LONDON  
SIR,

In continuation of my letter of the 31st October, I have now the honour to enclose herewith a Representation<sup>3</sup> containing a statement

<sup>1</sup> This was evidently addressed to George Godfrey and other South African Indians then studying in England.

<sup>2</sup> *Vide* "Letter to G. Godfrey", 31-10-1906

<sup>3</sup> *Vide* "Representation to Lord Elgin", 31-10-1906

of facts prepared by the Delegates which will form the basis for further submission to Lord Elgin on the 8th instant. I shall be obliged if you will kindly lay it before His Lordship.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

M. K. GANDHI

Enclosure

From a photostat of the original: Colonial Office Records: C. O. 291, Vol. 113/Ind.; also a photostat of the typewritten office copy: S.N. 4470

## *422. LETTER TO H. S. L. POLAK*

HOTEL CECIL,

[LONDON,]

*November 2, 1906*

DEAR MR. POLAK,

I send you by book-post 25 copies of the Representation, presented to Lord Elgin by us as the basis for discussion at the interview which comes off on the 8th. It is not to be printed, because most of the points raised therein will be found in the memorials presented there. You may deal with it generally if you like, though it will be stale by the time it reaches you. You may, however, let friends have copies.

I am sending you only a short note this mail. I have not the energy to give you more. It is now 10.45. I am sending you a few cuttings also.

I expect a reply to my cablegram<sup>1</sup> and hope you have encountered no difficulty in getting them to agree. Mr. Ally is with me completely. I have asked for only £300, and it is possible to manage with that amount with close attention to economy, but if more could be voted more work could be got through. Sir Muncherji is very enthusiastic.

Please ascertain from Miss Neufliess Miss Taylor's address, and forward it to Mr. Bissicks. His address is 83, Commercial Road, Blackfriars, E.C.

From a photostat of the typewritten office copy: S. N. 4449

<sup>1</sup> Not available. From "Letter to H. S. L. Polak", 26-10-1906, it is clear that the cablegram refers to the proposed South Africa British Indian Committee.

423. LETTER TO H. KALLENBACH

[HOTEL CECIL,  
LONDON,]

November 2, 1906

DEAR MR. KALLENBACH,

Just one line to thank you very much for your letter. I dare not say more. I am working under greater pressure than in J'burg. Except for one night, I have not gone to bed before one o'clock. At times I have sat up till 3.30 in the morning and I do not know when I shall retire tonight. It is now 10.15. I shall look forward to your letters every week. If I don't write again from here, you will know why.

*Yours sincerely,*

H. KALLENBACH, ESQ.<sup>1</sup>  
P. O. BOX 2493  
JOHANNESBURG  
SOUTH AFRICA

From a photostat of the typewritten office copy: S. N. 4450

424. LETTER TO A. H. WEST

HOTEL CECIL,  
[LONDON,]

November 2, 1906

DEAR MR. WEST,

The enclosed<sup>2</sup> tells you all I have to say: I am too busy to say more. I had a letter from Miss Pywell in reply to mine<sup>3</sup>. I shall endeavour still to run up to Leicester, if I can.

*Yours sincerely*

Enclosure

From the typewritten office copy: S.N. 4451

<sup>1</sup> A prosperous Johannesburg architect and admirer of Tolstoy; became a close associate and friend of Gandhiji. *Vide Satyagraha in South Africa*, Ch. XXIII and *Autobiography* Part IV, Ch. XXX.

<sup>2</sup> Not available

<sup>3</sup> *Vide* "Letter to Miss A. Pywell", 31-10-1906

425. LETTER TO W. J. MACINTYRE

[HOTEL CECIL,  
LONDON,]

November 2, 1906

DEAR MR. MACINTYRE,

I have your nice, chatty, and humorous letter. Your pun is good. It is funny that you should not have been aware to the extent you now are of the spirit of toleration I possess. However, we shall know each other better when the mists have rolled away. By the time this reaches you you will be nearing your examination. Mr. Ritch has passed, and your sanguine letter inspires me with the hope that you will do likewise. I expect tomorrow Mrs. Freeth's address.

*Yours sincerely,*

W. J. MACINTYRE, ESQ.<sup>1</sup>  
BOX 6522  
JOHANNESBURG

From a photostat of the typewritten office copy: S. N. 4452

426. LETTER TO J. C. MUKERJI

[HOTEL CECIL,  
LONDON,]

November 2, 1906

DEAR MR. MUKERJI,

I received your wire. I had intended to send the list through the professor<sup>2</sup>, but I forgot at the last moment. I shall now be sending the names to Mr. Polak himself. I hope I have not unnecessarily detained you.

*Yours truly,*

From the typewritten office copy: S. N. 4453

<sup>1</sup> A Scottish theosophist and articled clerk of Gandhiji

<sup>2</sup> Parmanand



427. LETTER TO G. J. ADAM

[HOTEL CECIL,  
LONDON,]  
*November 2, 1906*

DEAR SIR,

Lord Elgin has appointed Thursday the 8th instant for receiving the Deputation. The Delegates from the Transvaal will be assisted by the gentlemen as per list enclosed. Sir Lepel Griffin will head the deputation. The list is subject to addition.

*Yours truly,*

G. J. ADAM, ESQ.

From the typewritten office copy: S. N. 4454

428. LETTER TO H. COX

[HOTEL CECIL,  
LONDON,]  
*November 2, 1906*

DEAR SIR,

I have your Letter and your postcard. I shall be pleased to wait on you on Monday at 4.30.

*I*

*am,*

*Yours truly,*

HAROLD COX, ESQ.  
6, RAYMOND'S BUILDINGS  
GRAY'S INN, W.C.

From the typewritten office copy: S. N. 4455

429. LETTER TO MRS. S. WALTON

[HOTEL CECIL,  
LONDON,]  
*.November 2, 1906*

DEAR MRS. SPENCER WALTON,

I have your letter of the 30th ultimo. I am now preparing for the interview with Lord Elgin, which comes off on Thursday next. I shall

therefore endeavour to call on you either on Friday next, or early some time week after. I shall however drop you a note if I can at all spare the time.

*Yours sincerely*

MRS. SPENCER WALTON,

From the typewritten office copy: S. N. 4456

*430. LETTER TO MISS E. LAWSON*

[HOTEL CECIL,,

LONDON, ]

*November 2, 1906*

DEAR MISS LAWSON,

Does your not having turned up show that: you have been suited?

If so, my congratulations. If you have not been fixed up, I will value a call from you tomorrow. If I am away, please wait. I am likely to be in the whole morning. If I go out in the afternoon I shall leave word with somebody as to my movements. Mr. Simmonds will probably be away for the afternoon; otherwise he would have waited.

*Yours truly,*

MISS LAWSON

C/O MRS. HOSTER

ST. STEPHEN'S CHAMBERS

TELEGRAPH STREET, E.C.

From the typewritten office copy: S. N. 4457

*431. LETTER TO J. C. GIBSON*

[HOTEL CECIL,

LONDON,]

*November 2, 1906*

DEAR MR. GIBSON,

I am obliged to you for your sympathetic note. As a matter of fact I fully intended to call on you before leaving Johannesburg, but working against time I have had to leave undone many things I would have liked to do. I do not see the slightest chance of my being able to go to Scotland. I have come here for a month, but I see I can put in a good six months' work and yet have a balance left over. I am

practically working day and night.

*Yours truly,*

J. C. GIBSON, ESQ.<sup>1</sup>  
P. O. BOX 1261  
JOHANNESBURG

From the typewritten office copy: S. N. 4458

*432. LETTER TO S. HOLLICK*

[HOTEL CECIL,  
LONDON,]  
*November 2, 1906*

DEAR SIR,

I have your letter of the 31st ultimo. I shall be pleased to see you at the Hotel on Monday or Tuesday next at 9.30 a.m. if it is convenient to you.

*Yours faithfully,*

S. HOLLICK, ESQ.  
62, LONDON WALL, E.C.

From the typewritten office copy: S. N. 4459

*433. LETTER TO H. BISSICKS*

[HOTEL CECIL,]  
LONDON,  
*November 2, 1906*

DEAR MR. BISSICKS,

Your letter addressed to me at Johannesburg has been redirected to me here. You will no doubt be surprised to receive this letter. If you have the time I shall be glad to see you on Wednesday or Thursday next at 9.30 a.m. I would have called myself, but as my stay here is very brief, I am obliged to give up many friendly calls. I fully sympathize with you in your troubles, and I do not at all expect you to pay anything towards the advance made by me to the late Miss

<sup>1</sup> A resident of Johannesburg. It was to his private office that Gandhiji was carried in an unconscious state after being assaulted by Mir Alam and others on February 10, 1908; *vide Satyagraha in South Africa*, Ch. XXII.

Bissicks<sup>1</sup>. It was my contribution to the cause of vegetarianism. I regret I do not know Miss Taylor's address, but I am asking my people in Johannesburg to send it to you.<sup>2</sup>

*Yours truly,*

H. BISSICKS, ESQ.  
83, COMMERCIAL ROAD  
BLACKFRIARS, E . C.

From the typewritten office copy: S. N. 4460

*434. LETTER TO PRIVATE SECRETARY TO LORD ELGIN*

HOTEL CECIL,  
LONDON, W. C.,  
*November 2, 1906*

TO  
THE PRIVATE SECRETARY TO  
THE RIGHT HON'BLE THE EARL OF ELGIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
LONDON  
SIR,

As I have arrived here as a member of the Transvaal Indian Deputation, the Natal Indian Congress has forwarded to me the enclosed authority<sup>3</sup> to wait on His Lordship in connection with the local disabilities of British Indians in Natal. I was Honorary Secretary of the Congress for over six years, and even during my residence in Johannesburg I have had the privilege of advising the Congress. I therefore possess a fairly intimate knowledge of the situation in Natal.

On the 29th October I received the following cable:

Alarming Bill to restrict renewal of licenses to Parliamentary voters only lodged in Assembly by Tatham. Trading liberty at stake. Explain Colonial Office British public. Message recommended by representative gathering.

This message has reference to a Bill that it is proposed to introduce b Mr. Ralph Tatham, [*sic*] a new Member of the Legislative Assembly of Natal, limiting the renewal of trade licenses to those only

<sup>1</sup> A theosophist, client and friend. The reference is to the money Gandhiji had lent her. *Vide* "Letter to Dada Osman", 5-8-1905

<sup>2</sup> *Vide* "Letter to H. S. L. Polak", 2-11-1906

<sup>3</sup> By oversight Gandhiji failed to enclose this letter of authority. *Vide* "Letter to Private Secretary to Lord Elgin", 7-11-1906

who are on the Parliamentary Voters' Roll. The effect of this measure would be, if it were passed into law, to efface the Indian trader entirely from the Colony of Natal.

I shall be greatly obliged if His Lordship would favour me with a short interview regarding the Natal matters, and I am sure that if Lord Elgin could spare the time the favour would be highly appreciated by the Natal Indian community.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

M. K. GANDHI

[Enclosure]

Colonial Office Records: C. O. 179, Vol. 239/Ind.; also a photostat of the typewritten office copy: S. N. 4461

*435. LETTER TO T. H. THORNTON*

[HOTEL CECIL,

LONDON,]

*November 2, 1906*

DEAR SIR,

Mr. Arathoon told me that on the invitation of Sir Lepel Griffin you had kindly consented to join the deputation which is to wait on Lord Elgin in connection with the British Indians in the Transvaal. I beg, therefore, to state that the Deputation will be received by Lord Elgin at the Colonial Office on Thursday the 8th instant at 3 o'clock. I have advised the other members of the time, and venture to suggest that it will be better if all the members were at the Colonial Office at half-past two, so that there should be a short conference amongst the members of the deputation. I enclose also a Circular

Letter<sup>1</sup> I have addressed to the members together with some papers

*I remain,*

*Yours faithfully,*

3 enclosures

T. H. THORNTON, ESQ., C.S.I., D.C.L.<sup>2</sup>

C/O THE EAST INDIA ASSOCIATION

3, WESTMINSTER CHAMBERS

VICTORIA STREET, S.W.

From a photostat of the typewritten office copy: S. N. 4462

*436. LETTER TO J. H. POLAK*

HOTEL CECIL,

LONDON,

*November 2, 1906*

DEAR MR. POLAK,

I sent Mr. Ritch over to you in connection with the meeting, not only because you know Mr. Scott much better than I do, but also because my time is otherwise very fully occupied and I feel that if you could spare a few hours during the 3 or 4 days that are available it might be possible to hasten the proposed meeting of Members. The idea is to have the meeting before the Deputation meets Lord Elgin and to have a resolution passed by the meeting, to be forwarded to Lord Elgin. If, therefore, you can do it, please bestir yourself. At the same time I shall certainly see Mr. Scott and other Members, as suggested by you.

What have you done with *The Morning Leader* man? Have you, too, further considered the question of the education of the young man<sup>3</sup> about whom I had a chat with you last Sunday?

May I say that any expenses you may incur in connection with the moving about, etc., should be paid by me.

As it is not possible for me to see the Pundit<sup>4</sup> before Sunday or on any other day, I am afraid I shall have to deny myself the

<sup>1</sup> Vide "Circular Letter", 31-10-1906

<sup>2</sup> Thomas Henry Thornton, (1832-1913); Chief Secretary to Government of the Punjab (1864-76); Acting Foreign Secretary to the Government of India, (1876-7); author of books on India

<sup>3</sup> Ruthnum Pather

<sup>4</sup> Shyamji Krishnavarma

pleasure of enjoying the musical evening at your house, and shall have to be satisfied with the few hours I shall be able to pass with you in the afternoon of Sunday. May I ask you also to look me up at the Hotel in the morning, before you go to your office.

*Yours truly,*

J. H. POLAK, ESQ.  
28, GROSVENOR ROAD  
CANONBURY

From a photostat of the typewritten office copy: S.N. 4463

*437. LETTER TO MESSRS A. BONNER*

[HOTEL CECIL,  
LONDON,]  
*November 2, 1906*

DEAR SIRs,

I enclose herewith cheque for £6.17.0 together with your bill in settlement of your account. I shall thank you to receipt the bill and return it.

*Yours faithfully,*

[2] enclosure[s]  
Cheque, £6.17.0  
Account  
MESSRS A. BONNER<sup>1</sup>  
1 & 2, TOOK'S COURT  
LONDON, E.C.

From the typewritten office copy: S. N. 4464

*438. LETTER TO SIR HENRY COTTON*

HOTEL CECIL,  
LONDON,  
*November 2, 1906*

DEAR SIR HENRY,

Mr. Scott, Mr. Robertson, and Mr. Mackarness have suggested a meeting of Members at the House to hear the views of the Indian

<sup>1</sup> Printers of *India*, who presumably did Gandhiji's printing work while he was in England

Delegates. Sir William approves of the idea. It seems to me that if such a meeting were possible before the date fixed by Lord Elgin for meeting the Deputation, and if a resolution were adopted by the meeting sympathizing with the objects of the Deputation, it will strengthen the hands of the Deputation, as also Lord Elgin's. I have therefore written to Mr. Scott. If you approve of the idea, may I ask you to move in the matter. If you desire me to wait upon you, I will do so with pleasure.

*Yours truly,*

SIR HENRY COTTON, M.P.

45, ST. JOHN'S WOOD PARK, N.W.

From a photostat of the typewritten office copy: S. N. 4466

*439. LETTER TO SIR HENRY COTTON*

[HOTEL CECIL,  
LONDON,]

*November 2, 1906*

DEAR SIR HENRY,

I am obliged to you for your letter of the 1st instant. I have now placed myself in communication with Mr. Harold Cox. I went over to the House twice to see him but I could not catch him.

*Yours sincerely,*

SIR HENRY COTTON, M.P.

45, ST. JOHN'S WOOD PARK, N.W.

From the typewritten office copy: S. N. 4465

*440. LETTER TO W. A. WALLACE*

[HOTEL CECIL,  
LONDON,]

*November 2, 1906*

DEAR SIR,

I have your letter regarding the renting of room No. 28, Ground Floor, for which I thank you. I hope to be able to let you know



definitely in the course of next week.

*Yours faithfully,*

W. A. WALLACE, ESQ.  
QUEEN ANNE'S CHAMBERS  
BROADWAY  
WESTMINSTER

From the typewritten office copy: S.N. 4467

*441. LETTER TO YUK LIN LEW*

[HOTEL CECIL,  
LONDON,]

*November 2, 1906*

DEAR MR. LEW,

I hope you have received the draft of the letter<sup>1</sup> for the Chinese Minister to send to the Foreign Secretary.

*Yours truly,*

HIS EXCELLENCY YUK LIN LEW  
CHINESE CONSUL-GENERAL IN THE TRANSVAAL  
RICHMOND HOUSE  
49, PORTLAND PLACE, W.

From the typewritten office copy: S. N. 4468

*442. LETTER TO A. H. SCOTT*

[HOTEL CECIL,  
LONDON,]

*November 2, 1906*

DEAR MR. SCOTT,

You and Mr. Robertson suggested that there should be a meeting of Members of the House who take an interest in the British Indian Association. May I know whether you have taken any further steps in the matter? A very strong deputation will introduce us to Lord Elgin. I beg to enclose herewith a list of the names [*sic*] of the deputation<sup>2</sup> and a copy of a representation to Lord Elgin which will be

<sup>1</sup> *Vide* Draft for Chinese Ambassador", After 31-10-1906

<sup>2</sup> For final list of members of the deputation, *vide* "Letter to Private Secretary to Lord Elgin", 6-11-1906

the basis for submission to His Excellency on Thursday next, when he will receive the deputation. Lord Elgin has asked me to restrict the number of the deputation to twelve. I am, therefore, precluded from inviting any other friends of the cause who I know would willingly join it. But I feel it would strengthen our hands, as also Lord Elgin's, if the meeting referred to above could take place before Thursday next and a resolution passed thereat, which could be conveyed to Lord Elgin. I shall esteem it a personal favour if you could kindly move in the matter. If you want me to wait on you I shall do so.

*I*

*am,*

*Yours truly,*

2 enclosures

A. H. SCOTT, ESQ., M.P.

HOUSE OF COMMONS

LONDON

From a photostat of the typewritten office copy: S. N. 4469

#### *443. LETTER TO LORD GEORGE HAMILTON*

[HOTEL CECIL,

LONDON,]

*November 2, 1906*

MY LORD,

I am obliged to you for your letter of the 31st October. Mr. Ally and will be in London at least up to the 17th instant. Lord Elgin will receive us on the 8th instant. If it is possible for your Lordship to give Mr. Ally and myself an appointment before that date we will feel greatly obliged.

*I beg to remain,*

*Your Lordship's humble servant,*

THE RIGHT HON'BLE LORD GEORGE HAMILTON<sup>1</sup>,

17, MONTAGU STREET

PORTMAN SQUARE, W.

From a photostat of the typewritten office copy: S. N. 4471

<sup>1</sup> Under-Secretary and later Secretary of State for India

#### 444. JUVENILE SMOKING

We have drawn the attention of our readers more than once to the fact that the habit of smoking *bidis* or cigars is harmful.<sup>1</sup> Now we have yet another occasion to refer to it. A law has been enacted in the Victoria Province of Australia to check the evil habit; under this law none below sixteen may smoke. A shopkeeper found selling or giving a *bidi* to a boy below that age may be fined 20 shillings for the first offence and 40 shillings for the second; if he is caught a third time, his licence may be cancelled for five years. It is not for the first time in the history of the world that such strict measures have been adopted for the prevention of smoking. Such laws are in force in some civilized countries like Japan and Germany and, nearer home, the Cape Colony. A short time ago, a similar bill was introduced in Natal also. But the usefulness of a juvenile smoking bill is not recognized in a land where enthusiasm is misused for getting rich by ruining others and, if possible, driving them out. Tobacco does nothing but harm. It weakens body and mind. It is obvious that its harmful effect is felt all the more in youth. In certain places, religion forbids the use of tobacco, and it is true that many Indians do not smoke for that reason. But in some places the habit is so firmly rooted that we feel no hesitation in writing against it again and again.

[From Gujarati]

*Indian Opinion*, 3-11-1906

<sup>1</sup> *Vide* "The Evils of Smoking", 21-10-1905

445. REPRESENTATION TO LORD ELGIN<sup>1</sup>

COMMON ROOM,  
LINCOLN'S INN, W.C.  
November 3, 1906

TO  
THE RIGHT HON'BLE THE EARL OF ELGIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES  
LONDON  
MAY IT PLEASE YOUR LORDSHIP,

We, the undersigned British Indians domiciled in South Africa, have read with a great deal of pain and anxiety the Asiatic Law Amendment Ordinance of the Transvaal, and we have naturally followed with great interest the movements of the British Indian Deputation that has arrived from the Transvaal.

We are all students from South Africa, four of us studying for the Bar, and one of us studying medicine, and while we cannot but sympathize with the struggles of our countrymen in the Transvaal for liberty, our chief anxiety is regarding ourselves and persons placed in a position similar to our own, and we venture respectfully to approach your Lordship to explain our position in the light of the new Ordinance.

We are all of us either born or brought up in South Africa, and to us South Africa is more our home than India. Even our mother tongue is English, our parents having brought us up to speak that language from our infancy. Three of us are Christians, one a Mahommedan, and one a Hindoo.

According to the information received by us, and in accordance with the personal knowledge of the first undersigned, the effect of the Peace Preservation Ordinance of the Transvaal, the declaration made by Lord Selborne to the White Leagues of the Transvaal, and the present Asiatic Law Amendment Ordinance which has brought the Indian Deputation to wait on your Lordship (with the exception of the first undersigned, who has lived in the Transvaal and who was practising as a sworn Translator and Interpreter in the English and

<sup>1</sup> This is the final form of the representation which Gandhiji drafted. *Vide* footnote to "Letter to G. Godfrey's, 31-10-1906 and "Circular Letter", 2-11-1906 The representation was reproduced in *Indian Opinion*, 8-12 1906.

Hindustani languages of the Honourable the Supreme Court of the Transvaal, and who came into very close contact with the Asiatic Department), all of us would be unable to proceed to the Transvaal because we are not pre-war residents of the Transvaal. The net result of this disability would be that, although the certificates we would receive on our being called to the Bar, or on our receiving the Medical Diploma, which [*sic*] would entitle us to carry on our professions in any part of the British Dominions on the production of those certificates and of evidence of good character, our diplomas or certificates would be valueless, so far as the Transvaal is concerned. We would moreover on the one hand be able, although being without the Transvaal border, on application to receive from the Court or from the Medical Society a license to carry on our profession, but we would be debarred from making use thereof by reason of the want of a permit to enter the Transvaal

Most of us, and many others born in South Africa and elsewhere, and equally well educated, would be required to submit to registration, and to produce a permit to any policeman who may demand to see it and to be marched off to the police station, or to the Criminal Investigation Department office to furnish means of identification in order to show that we are lawful possessors of those passes. We would also, we apprehend, be liable to be called upon to furnish means of identification at the time of taking out the passes in question, and be called upon to give the imprints of our ten digits and any other particulars that may be required under regulations to be framed by the Lieutenant Governor.

Having lived in England, and having breathed its free atmosphere, and having received every consideration from Englishmen in this country, your Lordship will easily appreciate the anxiety the prospect of the above Ordinance engenders. We are here being nurtured in the teachings of Bentham, Austin, and other English writers whose names are a watchword for liberty and independence, and we could hardly believe that anything of the kind referred to above would possibly be applicable to us. We would not have troubled your Lordship with this representation if it was a matter affecting and ending only with ourselves, but we are aware that the desire on the part of the Indians to give a good education to their children is daily growing. There are to-day Indians in South Africa occupying a status similar to our own. We therefore think, it is but right that we should bring to the notice of your Lordship and, through this humble representation, to the attention of every public man in the Empire the intensity of the feeling aroused by the present status of British Indians

in the Transvaal. We therefore humbly pray and hope that your Lordship will be able to grant us, and those similarly placed as we are, the protection that we venture to believe we are entitled to.

*We beg to remain,*

*Your Lordship's humble and obedient servants,*

GEORGE V. GODFREY

JOSEPH ROYEPPEN

JAS. W. GODFREY

A. H. GOOL

S. RUTHNUM PATHER

From a photostat of the printed copy: G. N. 2307

*446. LETTER TO A. W. ARATHOON*

[HOTEL CECIL,  
LONDON,]

*November 3, 1906*

DEAR SIR,

Mr. Ritch has given me your kind note. I forwarded to Mr. Thornton the papers under the care of the Association<sup>1</sup> yesterday,<sup>2</sup> which I hope you have re-directed. I am very thankful to you for the interest you are taking in the matter. I am writing to Mr. Thornton again today confirming my letter of yesterday.

*Yours truly,*

A. W. ARATHOON, ESQ.

3, VICTORIA STREET, S. W.

From a photostat of the typewritten office copy: S. N. 4472

*447. LETTER TO F. H. BROWN*

[HOTEL CECIL,  
LONDON,]

*November 3, 1906*

DEAR MR. BROWN,

I venture to enclose herewith two copies of the Representation forwarded to Lord Elgin for your perusal. The Representation will be

<sup>1</sup> East India Association

<sup>2</sup> *Vide* "Letter to T. H. Thornton", 2-11-1906

used as the basis for discussion at the interview that comes off on the 8th instant.

*Yours truly,*

2 enclosures

F. H. BROWN, ESQ.

From a photostat of the typewritten office copy: S. N. 4473

*448. LETTER TO NATAL BANK MANAGER*

[HOTEL CECIL,  
LONDON,]

*November 3, 1906*

TO  
THE MANAGER  
NATAL BANK  
LONDON  
DEAR SIR,

Will you kindly give the bearer Mr Ritch a draft on Johannesburg for £100 filled in. I shall then sign it and return it to you to be placed to my credit.

*Yours faithfully,*

From the typewritten office copy: S. N. 4474

*449. LETTER TO A. CARTWRIGHT*

[HOTEL CECIL,  
LONDON,]

*November 3, 1906*

DEAR SIR,

A Mrs. Reide called on me today. She seemed to be very ill. I was unable to follow all she said, and as she appeared very nervous I did not put any questions to her. She gave me your name, and showed me some paper also bearing your name. I believe she needs some assistance. If you know of her case, or if you have interested yourself in her case, I shall thank you to let me know

something about it.

*I am,  
Yours faithfully,*

ALBERT CARTWRIGHT, ESQ.<sup>1</sup>  
62, LONDON WALL, E. C.

From a photostat of the typewritten office copy: S. N. 4475

*450. LETTER FO SIR CHARLES DILKE*

[HOTEL CECIL,  
LONDON,]  
*November 3, 1906*

DEAR SIR,

I am much obliged to you for your letter regarding the Indian Deputation from the Transvaal. If you cannot possibly come, I venture to hope that you will be good enough to send on Wednesday a letter of sympathy which could be read to Lord Elgin.

*I beg to remain,  
Yours faithfully,*

THE RIGHT HON'BLE SIR CHARLES DILKE, BART., M.P.  
SLOANE STREETS, W.

From the typewritten office copy: S.N. 4476

*451. LETTER TO SIR LEPEL GRIFFIN*

[HOTEL CECIL,  
LONDON,]  
*November 3, 1906*

DEAR SIR LEPEL,

I am obliged to you for your letter of the 2nd instant. I sent you yesterday papers in connection with the question. I now beg to enclose herewith a list of those who have consented to join the deputation. Lord Elgin has asked me to restrict the number to twelve.

<sup>1</sup> Later editor of *The Transvaal Leader*, he mediated between Gandhiji and Smuts; *vide Satyagraha in South Africa*, Ch. XXI.



It is quite probable that Sir Charles Schwann would join.

*I remain,  
Yours faithfully,*

Enclosure  
SIR LEPEL GRIFFIN  
4, CADOGAN GARDENS, S. W.

From the typewritten office copy: S. N. 4477

*452. LETTER TO T. H. THORNTON*

[HOTEL CECIL,  
LONDON,]  
*November 3, 1906*

DEAR SIR,

Mr. Arathoon has forwarded your letter of the 1st instant to me. As soon as he gave me your name as one of the deputation, I forwarded the papers to you, and hope you have received them. I write now only to add that, if you could find time to see Mr. Ally and me before the deputation meets in order to enable us to pay our respects to you and to place the position more fully before you, we shall be very much obliged.

*I remain,  
Yours faithfully,*

T. THORNTON, ESQ., C.S.I., D.C.L., &C.  
10, MARLBOROUGH BUILDINGS  
BATH

From a photostat of the typewritten office copy: S. N. 4478

### 453. THE DEPUTATION'S VOYAGE—V<sup>1</sup>

LONDON,  
November 3, 1906

#### SHYAMJI KRISHNAVARMA AND INDIA HOUSE

As I promised in my last despatch, I now write about Mr. Shyamji Krishnavarma and India House. Mr. Shyamji Krishnavarma is a barrister from Bombay, and a son-in-law of Mr. Chhabildas Bhansali. As his knowledge of Sanskrit was of a very high order, the late Prof. Monier Williams took him to Oxford where, because of his ability, he was made a professor and earned a lot of money.

Meanwhile he studied law and was called to the bar, took a degree at Oxford and studied Greek, Latin and other languages. When he returned to India, he took with him £2,000 which he had saved—a thing which, it is said, no other Indian had done before. In India he served as Dewan in Ajmer<sup>2</sup> and other States. Later, his ideas changed and he decided to spend his earnings for the benefit of the country. With this end in view he came to England and settled here. He lives on the land which he has purchased. Though he can afford to live in comfort, he lives in poverty. He dresses simply and lives like an ascetic. His mission is service to his country. The idea underlying his service is that there should be complete *swaraj* for India and that the British should quit the country, handing over power to Indians. If they do not do so, the Indians should refuse them all help so that they become unable to carry on the administration and are forced to leave. He holds that unless this is done the people of India will never be happy. Everything else will follow *swaraj*.

#### INDIA HOUSE

In order to seek support for these views and win people over to his faith, he has founded India House at his own cost. Any Indian student is allowed to stay there against a very small weekly payment. All Indians, whether Hindus, Muslims or others, can and do stay there. The expenses of some students are borne by Shyamji himself. There is full freedom for everyone in the matter of food and drink. Being

<sup>1</sup> This and the previous instalment, "The Deputation's Voyage-IV", 26-10-1906, appeared together in the same issue of Indian Opinion. As this was, however, written later and meant to be a separate despatch, it is here printed separately in its proper sequence.

<sup>2</sup> Ajmer was British territory, not a Native State. Gandhiji seems to have mistaken it for Udaipur where Krishnavarma was Dewan.

situated in fine surroundings, the place has a very good atmosphere. On the first day of our arrival, both Mr. Ally and I went to stay at India House, and we were very well looked after. But as our work requires our getting in touch with important people and as India House is rather remote, we have been obliged to come and live at this Hotel at great expense.

#### EXPENSES IN ENGLAND

I had believed a man could live here on £1 a day, but my estimate has proved wrong. Here a bed-sitting-room costs 12s 6d a day, with extra charge for a bath. These charges are for a single person. For reasons of health, Mr. Ally sleeps in Dr. Oldfield's home. If one eats at the Hotel, a meal costs as much as 5s. We therefore eat at a vegetarian restaurant. We have a meal at the Hotel only when we ask an acquaintance over or invite an important person to lunch or dinner. Today, for instance, we had Mr. James, the Chinese delegate, and a Chinese lawyer. Mr. Ritch was also with us. The bill for a single meal came to £1.11s. At the vegetarian restaurant a meal hardly costs more than 1s 6d for a person. And as Mr. Godfrey or some other assistant is always with us, the cost for a meal comes to three to four shillings. As all the important persons live at distant places, we have to spend a great deal on transport. We go sometimes by train, sometimes by bus and often by cab. There is hardly time for walking. In spite of all this hurrying, we cannot see more than two persons a day. Often at the House of Commons we have to wait an hour before we can see a Member. However, we hope to be able to keep the expenses within the limits set by the Committee.

#### INSUFFICIENT TIME

We had intended to stay here for a month. But from experience I see that there would be work enough for us to do if we were to stay six months and that it would not all be fruitless. We find many people coming forward who sympathize with our cause and are ready to work for it.

#### INTERVIEW WITH LORD ELGIN

The meeting with Lord Elgin has been fixed for November 8, when Sir Lepel Griffin, Lord Stanley, Sir Muncherji Bhownaggee, Mr. Dadabhai Naoroji, Sir Henry Cotton, Mr. Thornton, Mr. Justice Ameer Ali, Mr. Harold Cox, Sir George Birdwood and Sir Charles Dilke will join us. Sir Lepel Griffin will act as the leader. A petition setting out the facts in brief has been printed and sent today to Lord Elgin. As it consists mostly of the arguments we have been advancing there, I do not give its translation here.

#### PRESS COMMENTS

Interviews [with the Press] have been published in *South Africa*, *The Morning Leader* and *The Tribune*. *South Africa*, which used to be bitterly critical, has now written somewhat in our favour. Our letter to *The Times* has been published in substance. Notice has been taken of it in other papers also.

#### MEMBERS OF HOUSE OF COMMONS

Efforts are being made to bring together some Members of the House of Commons so that they may hear us and pass a resolution expressing sympathy with our cause. In this matter we have received great assistance from Mr. Polak's father and Mr. Ritch. I cannot say more just yet. Efforts are also being made to arrange an interview with Lord George Hamilton, former Secretary of State for India, which most likely will materialize. Whatever happens, I at any rate expect to return before January 1. Mr. Ally has sought an interview with the Turkish Ambassador. A reply is expected on Monday.

#### NEED FOR A PERMANENT COMMITTEE

Sir Muncherji has been working hard in our behalf. He and some others are of the opinion that, for a few years at least, it is necessary to have a standing committee here. Even if Lord Elgin rejects the Ordinance, it is certain that, when the Transvaal gets self-government, new laws will be enacted, and some vigilant work will have to be put in here. Unless there is a person who gives all his time to a single cause, it is difficult to carry on public work in this city. Many may express sympathy, but if work is to be got out of them, they must be supplied with prepared material. Only then can they do something, for they have many other matters to attend to. The expenses for a committee of this kind may come to at least £300 a year. It can be formed only if the Transvaal Indian community undertakes to find the money. It will need an office, for which more than £50 a year will be required. Mr. Ritch has now done his final examination and as long as he is here, he can do a lot for us. He should be given an allowance of at least £10 a month. He is a poor man. Otherwise, he is so good that he would work for us free of

charge. Thus, £170 will be spent on the office and the Secretary. The furniture is expected to cost £30. The remaining £100 to be spent on house rent, conveyance, printing, dinners, etc., is a small amount. But I believe that, with this expenditure, much can be accomplished here. Such committees for big causes are to be found all over London. We find that a Committee of the Chinese League is already functioning here. As the committee can be formed only while we are here and as the work is urgent, a cablegram has been sent to South Africa. Natal and the Cape can both join in this. As there is not much to do for the Cape Indians just now and as their leaders have been passing through hard times, we have not suggested collection of any funds from the Cape. Many prominent Britishers have agreed to work on this committee, if it is formed.

#### BRAVE WOMEN

A vigorous movement is going on here for securing the franchise for women. When the Government showed willingness to grant special treatment in gaol to the brave daughter of the late Mr. Cobden, she replied, 'No matter how I suffer, I shall seek no favour from you. I am in gaol for my own and my sisters' rights, and I will live like a common prisoner till the franchise is granted.' Such words have stirred up public feeling in their favour, and the papers which used to ridicule them before have stopped doing so. Every Indian in the Transvaal should take to heart the example of these brave women.

[From Gujarati]

*Indian Opinion*, 1-12-1906