

## 1. LETTER TO G. K. GOKHALE

AGAKHAN'S BUILDINGS, 2ND FLOOR,  
OPPOSITE HIGH COURT,  
BOMBAY, FORT,  
*August 1, 1902*

DEAR PROF. GOKHALE,

I think I have told you that if I receive the funds expected from Natal, I would settle in Bombay. Having received over Rs. 3000, I have opened an office here and propose giving a year's trial to this place.

I need hardly repeat the assurance that you could command me at any time.

I hope you are doing well constitutionally.

*I remain,  
yours truly,*  
M. K. GANDHI

From the photostat of the original: G.N. 3717.

## 2. LETTER TO DEVCHAND PAREKH<sup>1</sup>

OPPOSITE HIGH COURT,  
BOMBAY, FORT,  
*August 6, 1902*

MY DEAR DEVCHANDBHAI,

I did not wish to suggest that Mr. Indrajit should be given any responsible work at all. His wish is to act as junior counsel in addition to your paid junior. All he wants, I suppose, is to be able to say that he appeared as Junior Counsel in a Privy Council case and possibly to gain some practical knowledge.

I have taken up a room from Payne, Gilbert, Sayani and Moos for office, and a part of Keshavji Tulsidas' Bungalow in Girgam Back Road for residence. That is all the progress I have made so far.

I have just finished the welcome draft work that Shukla sent me while I was in Rajkot, and am now free to lounge about the High Court letting the Solicitors know of an addition to the ranks of the

<sup>1</sup> A friend of Gandhiji who later gave up legal practice to join States politics and Gandhiji's constructive work.

briefless ones.

Mehta, on my going to him for a blessing, gave me a curse which as he said might prove a blessing. He thought, contrary to my expectations, that I would be foolishly wasting away in Bombay my small savings from Natal. Wachha, I have not yet been able to see. Gokhale is not here. The Solicitors, whom I have seen, say that I would have to wait long before I could get any work from them. The Chief Justice is very anxious for the advancement of the junior barristers and only last week established a moot society for their benefit.

Such briefly are the circumstances under which I find myself. The work is uphill. But I do not despair. I rather appreciate the regular life and the struggle that Bombay imposes on one. So long, therefore, as the latter does not become unbearable, I am not likely to wish to be out of Bombay.

I am very glad to learn that Manilal is doing so well.

It is true that my nephew at first sent disappointing reports from Benares: that they provide only two meals per day does still appear to me to be a drawback. But it is yet too soon to pass judgment one way or the other. He will be able to send me more reliable reports after he has become used to his totally new surroundings.

If the rains fail in Kathiawar this time also, the outlook must be very serious. I am afraid the joshis<sup>1</sup> and other weather prophets are good only for evil reports.

Please show this to Shukla.

*Yours truly,*  
M. K. GANDHI

*Mahatma*, Vol. I; from a photostat.

<sup>1</sup>Astrologers.

### 3. LETTER TO D. B. SHUKLA

AGAKHAN'S BUILDINGS,  
OPPOSITE HIGH COURT,  
BOMBAY,  
*November 3, 1902*

MY DEAR SHUKLA,

I have your letter. Yes, I received a cablegram from Natal asking me if I could go to London and thence to the Transvaal. I replied saying no unless it was absolutely necessary. Just then my children were ill and in any case I do not yet feel strong enough for the mental strain a visit to London and South Africa would require. I have not yet heard in reply to the cable from me.

I cannot yet say, I have begun to feel my way about here. I am not, however, anxious about the future. So far the office work has paid my expenses which I see will reach a higher figure than we thought there.

I am very glad you have been retained for the prosecution in the Najawala case. For more reasons than one, I hope you will succeed in securing a conviction.

I do not know whether letter-heads for a Barrister are in good taste. Whether they are or not, mine are a present from Durban and I have been using them though not yet for office work.

The Plague must have changed the face of Rajkot. I hope it is now on the wane.

*Yours sincerely,*  
M. K. GANDHI

From the photostat of the original: G.N. 2329.

#### 4. LETTER TO D. B. SHUKLA

AGAKHAN'S BUILDINGS,  
OPPOSITE HIGH COURT,  
BOMBAY,  
*November 8, 1902*

MY DEAR SHUKLA,

I have received a message<sup>1</sup> with funds requesting me to sail for Natal at once. As I have not left in me sufficient energy to cope with the difficulties there, I have asked certain questions before deciding to leave, so that my way may be as smooth as possible under the circumstances, so far at any rate as the internal management is concerned. 99 chances to 1, I will have to leave and that too on the 19th instant. This therefore may be my last letter to you in India. I have not the time to write to Devchand Parekh separately; kindly therefore show this to him. If he is ready to go, or if Vanichand, of whom he talked to me, is ready to go, I shall be prepared to do all I can. South Africa can accommodate 6 Indian Barristers, if not more, and if some, of course of the right stamp, were to come with one eye on their living and the other on public work, much of the burden may be distributed —not to speak of the relief in the pressure here. I am corresponding with another party too.

Now for self; whether Mrs. Gandhi accompanies me or not will be decided after I receive the reply from Durban. But whether; she does or not, I propose to leave the two boys Gokaldas and Harilal here. They would go to Rajkot as soon as it is free from plague. Benares I have tried but it would not suit. Gondal has no special attractions. The best thing therefore to do is to put them in the Kattywar High School and to keep a trustworthy, paid man who would look after their education. All I have to say to you, then is, please look after the boys, look them up now and then, induce them, if you have no objection, to use your tennis court. I might have also to trouble you to find out the right man for them if I fail in doing so myself.

<sup>1</sup> The following cable had been sent to him from Durban: "Barrister Gandhi, Rajkot. Committee requests fulfil promise. Remitting." (S. N. 4013).

How is the plague going on there now?

*Yours sincerely,*  
M. K. GANDHI

From the photostat of the original: G.N. 2330.

### 5. LETTER TO G. K. GOKHALE

OPPOSITE HIGH COURT,  
BOMBAY,  
*November 14, 1902*

DEAR PROF. GOKHALE,

When I was just feeling that I had settled down in Bombay, I received a message from Natal asking me immediately to go there. From the cablegrams exchanged between our people in Natal and myself, I think it is in connection with Mr. Chamberlain's approaching visit to South Africa that I am required there. I propose to leave by the first steamer available. That would be probably the 20th instant.

I wish I could meet you before my departure. But that seems impossible.

I hope you will keep an eye on the Indian question in South Africa. So long as I am there, I would deem it my duty to keep you informed of the position. I consider Lord George Hamilton's reply to be rather hopeful. And if the movement in India were well directed, I feel sure that much good will be done to the cause.

I hope you are keeping good health. Mr. Wachha told me sometime ago that you were going to Mahabaleshwar for a change.

*I remain,*  
*yrs truly,*  
M. K. GANDHI

From the photostat of the original: G.N. 2245.

## 6. DEPUTATION TO CHAMBERLAIN

THE NATAL INDIAN CONGRESS,  
P. O. BOX. 182,  
CONGRESS HALL,  
DURBAN,  
*December 25, 1902*

DEAR MR. MAYOR,

There is an insuperable difficulty in the way of the Indian deputation waiting on the Right Hon. Mr. Chamberlain tomorrow, as it is a Friday, and as it is just the very time for prayer which most of the gentlemen, who are to form the deputation, would be quite unable to forgo. Under the circumstances, I shall be very much obliged if you will be good enough to fix some time on Saturday for the Indian deputation.

*I remain,  
yours truly,*

From the office copy in the Sabarmati Sangrahalaya: S.N. 4020.

## 7. PETITION TO CHAMBERLAIN<sup>1</sup>

DURBAN,  
*December 27, 1902*

TO  
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN  
HIS MAJESTY'S PRINCIPAL SECRETARY OF  
STATE FOR THE COLONIES  
DURBAN

RIGHT HONOURABLE SIR,

We, the undersigned, representing and on behalf of the British Indians residing in the Colony of Natal, respectfully venture to draw your attention to the following statement of the legal disabilities under which Indian subjects of His Most Gracious Majesty the King-Emperor are labouring.

The Dealers' Licenses Act, which was promulgated on the 29th

<sup>1</sup> The petition was presented by the deputation of Natal Indians which waited on the Secretary of State for the Colonies during his visit to Durban. Gandhiji led the deputation.

day of May, 1897, giving as it does practically absolute power to the Licensing Officer appointed thereunder to grant or refuse applications for licenses to shopkeepers or hawkers, is an engine of very great oppression, and affects a large body of the most respectable and the wealthiest portion of the Indian community in the Colony. There is a right of appeal against the decisions of the Licensing Officers to the local Corporations, Boards or Licensing Boards, as the case may be. It deprives the Supreme Court of its inherent jurisdiction over the judgment of these popular bodies in this matter, and we need hardly point out how popular bodies at times abuse powers vested in them. In course of our previous representations on the subject, we had the honour to draw your attention to cases of real hardship caused by the operation of the Act. Indirectly, it checks a great amount of Indian enterprise, the poorest trader not even venturing to make an application for a license, and all Indian traders remaining under suspense from year's end to year's end, for these licenses have to be renewed every year, and are liable under the Act to be refused any year. In response, we believe, to a representation from you to the Natal Government when most Local Boards threatened to wipe out Indian traders wholesale, one Corporation at first refusing all Indian applications, the Natal Government wrote to them saying that, unless they exercised the arbitrary power given by the law to them in a judicial and fair manner, it might have to be revoked. Since then, we must confess, as a rule, the old licenses have not been touched; but it is a law that may involve at any time many an Indian merchant in ruin, and so long as it remains unmodified, it is difficult for us to be at ease. We would venture to quote an instance of gross injustice committed under it. One Mr. Amod Ebrahim, who is able to read, write and speak the English language fluently, a merchant of 17 years' standing in the Colony, held a trading license for over six years in Greytown. This year, his application, although backed by 138 residents for the transfer of his license from an old building to a new and more suitable one, has been refused without any reasons being given therefor. The Greytown Board passed last year the following resolution in respect of the Indian merchants there:

That the licenses held by the present Arabs, at the pleasure of the Board, will only be renewed as long as the Arabs hold same, but no fresh licenses will be issued for other Arab tenants for vacated premises.

The same merchant has also been refused a license in respect of

his own land in Greytown. The matter was brought before His Excellency the Governor, who has declined to interfere.

All that we ask for is a restoration to the Supreme Court of its jurisdiction over the decisions of the bodies above mentioned, who, very often, being traders, are interested parties. We have exhausted every means in our power, having gone as far as the Privy Council which has decided that, under the Act, the Supreme Court is powerless to grant substantial relief. We think the Indian community, as has often been acknowledged by the Licensing Officer in Durban, as well as the Sanitary Inspector, is always ready to comply with the sanitary requirements of the law, and we feel it very keenly that, even when all these have been fulfilled, we may not get licenses to trade merely because of the colour of our skin.

The Immigration Restriction Act, which was promulgated on the 8th day of May, 1897, directly affects many British Indians intending to emigrate to the Colony and indirectly affects those already settled in it. The clause which tells rather hardly on intending settlers is one imposing the education test whereby a knowledge of one of the European languages is insisted upon. A merchant, well versed in an Indian language, would, under the laws, be a prohibited immigrant. Where, however, it becomes most irksome is when the settlers in the Colony intend to bring out storemen, salesmen, assistants, clerks, cooks and other domestic servants. It is not always possible to draw upon the men previously domiciled in the Colony, who under the law are free to enter it whether they have a knowledge of the English language or not. Applications have often been made to the Natal Government to allow facilities for admitting such persons for local requirements, but they have been invariably refused, with very rare exceptions. Moreover, a person domiciled in the Colony is unable to have his parents or his other relations with him, except his wife and minor children, although they may be dependent upon him. The possibilities for grave mischief under the law are very numerous. To take only one instance: during the war, hundreds of Indian refugees from the Transvaal found themselves unable even to pass through the Colony, unless they could deposit £10 each. The matter became very serious. The Government were twice approached. But it was only when His Excellency the High Commissioner intervened that permission was granted to these refugees to pass through the Colony. That British subjects, neither criminals nor paupers, should find it difficult to enter



any part of His Majesty's dominions is a thing very difficult to understand.

The question of Indian education is becoming day by day more serious. At the same time, we are not blind to the fact that the Government have to contend against great popular prejudice. Be that, however, as it may, it is respectfully submitted that the Indian population in the Colony, which contributes its quota to its general revenue, is fairly entitled to reasonable facilities for educating the Indian youths who are born in Natal, and to whom Natal is their only home. Gentlemen occupying responsible positions under the Government, living entirely in the European style, as many Indian youths having English as their mother tongue, were debarred, in spite of representations to the highest authorities, from sending their children to the ordinary Government schools. Government have been pleased lately to open two Higher Grade Indian schools, one in Durban and the other in Maritzburg, where elementary education is being given, but there are no facilities, after an Indian boy leaves these schools for further education.

That the indentured Indians, upon whom depends the prosperity of this Colony, after the completion of their indentures, have to pay a polltax of three pounds sterling every year, if they decide to remain in the Colony, is, in our humble opinion and as has been admitted by His Excellency Lord Elgin, bad enough. But now a Bill has passed through the Natal Parliament imposing the tax on their children above the age of thirteen years in the case of girls and sixteen years in the case of boys. That Bill is now before you for consideration. All that could be said on it has been said in our memorial laid before you thereon, and seeing that it is so manifestly against British traditions, we feel confident that it will not receive the Royal assent.

There are other disabilities of perhaps minor importance which we do not propose to dwell upon: for instance, the vexatious Pass Restrictions, both during day time and night time, and alike in country places as in towns. We recognise that so long as there is indentured Indian population in the Colony, some Pass law is necessary, and the remedy probably lies in the judicious administration thereof. Respectable people, men and women, were only lately arrested under the suspicion that they were indentured Indians; one man was out in search for a doctor for his wife who was in labour. Bail was refused for them. The matter was duly brought before the Government, who

advised legal steps!

We are engaged in an incessant struggle for existence in the Colony. We never know when the finality in the list of our disabilities will be reached. There is a serious talk about compelling the time-expired indentured Indians to return to India, and about preventing the Indian residents from buying land. The Indian community is practically without any political power, nor does it aspire to any. When years ago we protested against disfranchisement, we did so because of the degradation it involved, and because it was admittedly an earnest of anti-Indian legislation which was to follow. The Honourable Sir John Robinson, at the time of introducing the disfranchising measure, in reply to the fear above referred to, said that no such fear was to be entertained as, after disfranchisement, it would be the special duty of the Legislature to look after the interests of the disfranchised. The disabilities narrated above show how unavailing the Honourable Gentleman's assurances have been. The colour prejudice born of unreasonable fear of trade competition has been too strong.

The first two enactments have received the Royal assent, but we trust it will not on that account appear out of place for us to refer to them, seeing that they are a source of constant irritation to us. Nor are we unaware of the slightness of the check that is exercised by the Home Government on the Self-governing Colonies. But we venture to trust that the question now brought before you is of such importance as to belong to the category of those which call for the exercise of whatever power the Home Government may possess over the Self-governing Colonies.

Ours is not, after all, a question that affects only a few thousand Indians but it is that of the status of His Majesty's Indian subjects. In the words of the late Sir W. W. Hunter [writing in the *London Times*]:

May the British Indians, when they leave India, have the same status before the law as other British subjects enjoy? May they, or may they not, go freely from one British possession to another, and claim the rights of British subjects in allied States?

Regarding Natal, Lord Ripon assured us in one of his despatches that:

It is the desire of Her Majesty's Government that the Queen's Indian subjects should be treated upon a footing of equality with all Her Majesty's other subjects.

Locally, we have been doing our utmost to deserve a better treatment, as we doubt not the Ministers will inform you. The Protector of Indian Immigrants, although he deals only with the lowest, or rather, the poorest, of our countrymen, in his last Report says:

On the whole, the Indian immigrants resident in this Colony, I am happy to say, still form an orderly, law-abiding and respectable element of the community, and may be considered as generally prosperous.

We need hardly add more. We know we have your sympathy, and we pray that you will be graciously pleased to exercise your great influence in our behalf.

*We have the honour to remain,*

Your most obedient and humble servants,

M. K. GANDHI

AND FIFTEEN OTHERS

Colonial Office Records: Petitions and Memorials, 1902, C.O. 529/1.

## 8. *LETTER TO COLONIAL. SECRETARY*

338, PRINSLOO STREET,  
PRETORIA,  
*January 2, 1903*

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PRETORIA  
SIR,

It is the wish of the British Indian community in the Transvaal to lay before the Right Honourable Mr. Joseph Chamberlain its views on the legal disabilities it is labouring under in the Colony as well as the Orange River Colony.

I have the honour on behalf of the community to enquire whether the Right Honourable Gentleman will be pleased to receive a deputation in the matter and, if so, when.

From 1894 to the middle of 1901, my countrymen here have been guided by the advice of Mr. Advocate M. K. Gandhi by whom were also prepared most of the representations submitted to the Colonial Office during that time.

The Honourable the Assistant Colonial Secretary, on whom I

and our secretary, Mr. Hajee Habib, waited this morning, as also did Mr. Gandhi, says that he (Mr. Gandhi) not being a resident of the Transvaal will not be allowed to represent us before Mr. Chamberlain. But as we have not among us one who has studied and knows anti-Indian laws of the late Republic as Mr. Gandhi has and does, and as he has been specially sent for from Bombay, I am to beg respectfully to ask for permission for Mr. Gandhi to accompany the deputation above referred to if the Right Honourable Gentleman graciously consents to receive it.

*I have the honour to remain,*

*Sir,*

*your most obedient servant,*

TAYOB HAJEE KHAN MAHOMED

From the photostat of the office copy: S.N. 4023.

## 9. LETTER TO THE TRANSVAAL GOVERNOR

CALCUTTA HOUSE,

PRETORIA,

January 6, 1903

TO

THE PRIVATE SECRETARY

TO HIS EXCELLENCY THE GOVERNOR

PRETORIA

SIR,

I had the honour on the 2nd inst., as Chairman of the British India Committee, to write to the Honourable Colonial Secretary enquiring whether the Right Honourable Mr. Joseph Chamberlain would graciously receive a British Indian deputation in connection with the disabilities of my countrymen residing in the Colony, and protesting against the refusal of the Assistant Colonial Secretary to allow Mr. Advocate M. K. Gandhi to be the spokesman of the deputation. The Assistant Colonial Secretary has after several verbal and written reminders and after 4 days' delay sent the enclosed reply.<sup>1</sup> Copy of the letter to the Honourable the Colonial Secretary<sup>2</sup> is herewith enclosed.

I have the honour now to repeat the request for permission for Mr. Gandhi to be our spokesman. The refusal seems to my

<sup>1</sup> This is not given here.

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

Committee, with due respect, to be a most extraordinary procedure. As His Excellency is probably aware, Mr. Gandhi has been hitherto allowed to represent the British Indians here before British officers; as, for instance, he represented us on several occasions before His Honour the British Agent at Pretoria, as well as the British Vice-Consul at Johannesburg, before the war broke out.

Hostile as the late Republican Government was to our interests, he was moreover allowed to represent us before its members.

My Committee also desires me to enter its respectful protest against the Supervisor of Asiatics being imposed upon us as our interpreter and spokesman. We have always understood that the Right Honourable Gentleman's wish is to receive deputations from representatives without any official restraint and the presence of that officer is hardly likely to carry it out.

I am to request you to place this communication before His Excellency, and I venture to trust that His Excellency will be pleased to give my Committee directions in the matter.<sup>1</sup>

*I have the honour to be,  
Sir,*

*your obedient servant,*

TAYOB HAJEE KHAN MAHOMED

Pretoria Archives: Lt. G. 92 & L.G. 2132, No. 97.1.2: Asiatics, 1902/1906.

## *10. ADDRESS TO CHAMBERLAIN<sup>2</sup>*

PRETORIA,  
*January [7],<sup>3</sup> 1903*

TO  
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN  
HIS MAJESTY'S PRINCIPAL SECRETARY  
OF STATE FOR THE COLONIES  
PRETORIA

SIR,

We the undersigned, representing and on behalf of the Indian

<sup>1</sup> In a reply dated January 7, the Lieut.-Governor regretted he could not accede to the request for Gandhiji's inclusion or see any objection to the presence of the Supervisor of Asiatics. (S.N. 4027). Gandhiji deals with this incident in his *Autobiography*, p. 259.

<sup>2</sup> Gandhiji mentions in his *Autobiography* (p. 259) that he drafted this memorial.

<sup>3</sup> The Address was presented on January 7.

subjects of His Most Gracious Majesty the King-Emperor, respectfully venture to draw your attention to the following statement of the legal disabilities under which our countrymen are labouring in the Colony. According to the laws of the late Republic, the British Indians:

- (1) cannot own landed property. except in Locations,
- (2) are bound to have their names entered in a separate register within eight days of their arrival and pay therefor the sum of £3, stg.,
- (3) must trade and reside only in Locations,
- (4) cannot be out after 9 P.M., except on special permission,
- (5) cannot travel on the railways except third class,
- (6) cannot walk on the footpaths in Johannesburg and Pretoria,
- (7) cannot, in Johannesburg and Pretoria, drive in hire vehicles,
- (8) cannot own native gold or take out diggers' licences.

Such, so far as we have been able to ascertain, is the anti-Indian legislation inherited by the Imperial Government from the late Republic and [it] remains still unrepealed.

Of these laws and bye-laws, the curfew, the railway travelling, the footpath and the cab regulations, although they were strictly enforced soon after the war, have been latterly considerably relaxed; at the same time, so long as they remain unrepealed, they are apt, at any moment, to be enforced strictly and, in any case, put an unnecessary affront on the Indian community.

As is well known, the whole of the anti-Indian legislation of the late Boer Government is due to their classing us with the natives of South Africa. Soon after the passing of the London Convention, that Government interpreted the term "Natives of South Africa" to include British Indians. Against such interpretation and the treatment based thereon, there was on the part of Her late Majesty's Government, with one unfortunate vacillation arising from a misunderstanding, a continued protest.

Then, what is more, there was the constant, wholesome fear of the intervention of the British Government in our behalf. The result was that, although the principal law against us was passed in 1885, and although we had to remain in a state of great suspense and uncertainty, most of us were able to ward off the final blow. But, now, the laws stand without such consoling circumstances surrounding them. The sole duty of the Asiatic Department is to enforce the laws

affecting us, and to say who shall receive the permits to enter the Colony. While, therefore, the Europeans, whether British subjects or otherwise, get permits practically for the asking, the Indian refugees have to apply to the Supervisor of Asiatics who decides whether he would allow the Permit Officer at the Cape, Natal, or Delagoa Bay, as the case may be, to issue particular permits or not. And, as if this were not enough, the Indian refugees after their arrival are expected to take out what are called residential passes, although these are now no longer necessary for the rest of the inhabitants.

Whereas, under the lax Boer Administration, many Indians traded without paying for their licences with full knowledge of the authorities, under the vigilant British Administration such a thing is naturally impossible.

You, Sir, when appealed to in our behalf, were pleased to say that, although our complaint was admittedly just and that we had your sympathy, you were then powerless to do anything further than making friendly representations to the late South African Republic. Moreover, when war came, it was declared officially that the disabilities of the British Indians were one of its causes.

With the end of the war, therefore, we thought that our difficulties would be over. But, so far, unfortunately, the hope has not been realized. The laws above referred to, which are manifestly un-British, are now, as a rule, being enforced with British regularity. The curfew and the other laws which have been relaxed were never rigidly enforced even under the old regime.

There has been established what is known as the Department of Asiatic Affairs which, however well-intentioned its institution may have been, has been, in practice, an innovation on the old system very much to our disadvantage. When it was inaugurated, we respectfully protested; but it was understood that it was only a temporary department, to be withdrawn on regular business being resumed. Under the old regime, there was no separate department with only Indian matters to attend to.

There are now, therefore, fewer Indian merchants and storekeepers than before, and the tendency is towards greater strictness. Some licences were issued at the commencement of the British occupation to those who did not hold the same before the war. The Government have notified their intention not to issue licences to such people. Thus, many of us, who traded before the war without a

licence and had licences issued to us last year, are now confronted with the prospect of our licences being stopped.

In Pietersburg, notice has already been issued to such holders that they would receive only temporary licences for three months to enable them to sell off their stock.

The resident Magistrate of Wakkerstroom has informed the Chamber of Commerce that the existing Indian licences will not be renewed this year. Our proper course, we know, is, in such matters, to approach the higher authorities here before appealing to you. We mention them only to show how we are at present worse off than before and that it is an incident of the separate administration of Asiatic Affairs, which, moreover, tends to accentuate the distinction between classes.

To show further how our position is for the time being worse than before, it may be stated that the children of a Government Officer, who were allowed under the Boer regime to attend an ordinary European school, have been, after British occupation, removed from it.

Just before the outbreak of the war, the Boer Government were trying to remove the present Indian Location at Johannesburg to a place far away from town. A protest was lodged.<sup>1</sup> Mr. Evans, the then Vice-Consul, intervened on our behalf, and the matter was allowed to remain in abeyance. Now, however, it has progressed far enough to fill its residents with alarm. We know that the present medical officer has condemned it in unmeasured terms. But, if it is in an insanitary condition, from what he states, apparently the fault is not one-fourth that of the residents. Its requirements were neglected under the Boer regime. The charge of insanitation against the Indian community has been fully discussed and, we hope, thoroughly refuted in our previous memorials.<sup>2</sup> We venture to quote below two medical certificates by practitioners of standing.

Dr. H. Prior Veale, B.A., M. B. B. C. (Cantab), certifies as follows:

I have generally found them (Indians) cleanly in their persons and free from the personal diseases due to dirt and careless habits. Their dwellings are generally clean and sanitation is willingly attended to by them. Class considered, I should be of opinion that the lowest-class Indian compares most

<sup>1</sup>*Vide* "Letter to British Agent", July 21, 1899.

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



favourably with the lowest-class white, that is, the lowest-class Indian lives better and in better habitation and with more regard to sanitary measures than the lowest-class white. I have further found that, during the period that small-pox was epidemic in the town and district, and it is still epidemic in the district, although every nation nearly had one or more of its members at some time in the Lazaretto, there was not a single Indian attacked. Generally, in my opinion, it is impossible to object to the Indian on sanitary grounds, provided always, the inspection of the sanitary authorities is made as strictly and regularly for the Indian as for the white.

Dr. F. P. Marais, M. D. (Edin), certifies:

Having a very extensive practice among these people, I can speak from personal experience, and repeat that they are more cleanly than the poor whites, and if the coloured people were to be moved on account of want of cleanliness, then some of the poor whites will have to suffer the same fate.

But we need not labour the point any further, in view of the fact that you were pleased, in reply to our memorial, to declare yourself satisfied that restrictions on our liberty were an outcome of trade jealousy. Nor, perhaps, is it necessary for us to refer to the White Leagues that have been formed in some parts of the Colony. It is a strange irony of fate that, when the famous Uitlander petition was sent to the Home Government, we were invited as brethren to join in protest against the Boer misrule and were told how our disabilities were sure to be removed as soon as the Imperial rule was established. Now, these gentlemen are passing resolutions asking the Imperial Government to keep the very disabilities afoot.

If it is permissible to refer to the anti-Indian legislation in the Orange River Colony, we beg to summarize it below.

Chapter 33 of 1890 prevents any Asiatics from:

- (1) remaining in the state for more than two months without permission from the President,
- (2) owning landed property,
- (3) trading or farming, and Chapter 10 levies a poll-tax of 10 shillings per year when permission has been granted subject to the restrictions above named.

Out of the many Indian traders who were settled there, three who struggled for existence up to the last moment were by the late Government expelled from the country under the ordinance referred to, at a loss to them of over nine thousand pounds.

Amid all these difficulties, we have been able to derive consolation from the fact that they have engaged the close and sympathetic attention of yourself and His Excellency the High Commissioner.

His Majesty the King-Emperor, according to the newspaper reports, in his message to the people of India at the great Delhi Durbar renews his assurance of his regard for their liberties, rights and welfare.

And now, Sir, that you have come to study the Indian Question among many others in the new Colonies, may we hope that, in the near future, the gracious assurance will be translated into an act of freedom for us, in common with other British subjects, to earn our livelihood in the new Colonies without being subjected to the indignities and restraints such as have been above described.

*We have the honour to remain,*

*Sir,*

*your most obedient and humble servants*

Colonial Office Records: Petitions and Memorials, 1903, C.O. 529, Volume 1.

## *11. PETITION TO LORD CURZON*

DURBAN, NATAL,  
*January [?], 1903<sup>1</sup>*

TO

HIS EXCELLENCY THE RIGHT HONOURABLE THE LORD CURZON, OF KEDLESTON, P.C., G.M.S.I., G.M.I.E., &C., &C., VICEROY AND GOVERNOR-GENERAL OF INDIA, CALCUTTA

THE HUMBLE PETITION OF THE UNDERSIGNED, REPRESENTING THE BRITISH INDIAN COMMUNITY RESIDING IN THE COLONY OF NATAL

RESPECTFULLY SHOWETH THAT:

Your Excellency's petitioners hereby beg to approach Your Excellency with reference to a Commission that has just set out from Natal With a view to induce the Government of India to sanction the compulsory return of the indentured Indians who go to Natal after the expiry of their indentures.

<sup>1</sup> The original did not specify the date.

Your Petitioners draw Your Excellency's attention to the fact that, in 1894, the Natal Government deputed two gentlemen to confer with the Indian Government with the same object in view, and they succeeded in persuading your predecessor, much against his will, to approve of a condition in the contracts of indentured Indians whereby they undertake, during their stay in the Colony, to continue to serve under indentures, or to return to India, or to pay an annual Poll-tax of £3.

The Commissioners, after their return to Natal, reported that though the Government of India had not accepted the proposal for compulsory return, their mission might be regarded as successful in that "so far, no second term of indenture has been agreed to in the case of any country to which coolies emigrated, although the consent of the Government of India had been frequently asked for, and in no case had the condition of compulsory return at the end of the indenture been sanctioned."

Seeing, therefore, that the Government of India went as far as it did in 1894, with so much reluctance, your petitioners have every confidence that the Commission that has proceeded to India this year will not receive countenance from Your Excellency.

Your Petitioners will, however, crave leave to take a brief survey of the situation in Natal and contemplate the results of the drastic proposals about to be submitted to Your Excellency by the Commission.

The last Report of the Protector of Indian Immigrants emphasises the fact that the demand for Indian labour is day by day increasing.

Mr. T. L. Hyslop, President of a Farmers' Association in Natal, in his annual address last year, is reported to have said as follows:

We at times hear a great outcry against the introduction of Indians into the Colony. We may as well look the fact in the face that, however much we would like to do without the coolie, any attempt to stop his introduction here would paralyse every industry in the country. There is much talk amongst badly informed people that we should do this, that, and the other thing with the Indians, but there is no use blinking the fact that we are very much in the hands of the Indian Government in regard to this question. I believe it is a fact that recent legislation in this Colony, and still more, ill-advised speeches by some of our legislators, have occasioned considerable irritation in India, and it is useless for us to appeal for further concessions at present. I understand that the proposal to have the indentures of Indians to terminate in India has no

chance of being listened to by the Indian Government.

*The Natal Mercury*, in a leader commenting on Mr. Hyslop's speech, says:

The Indian Government have to consult the well-being of the people under their care more than our convenience, and if crude legislation is passed by Parliament, and ill-advised speeches are made by Members, we may find ourselves very seriously hampered in getting the labour we need from India. At one time, it was only the sugar planter that made much use of the Indian labourer. Now the up-country farmer is quite as much in need of his services, and not only the farmer, but the mine owner, the contractor, the manufacturer and the merchant.

It is thus clear that the more thoughtful among the leaders of public opinion in Natal realise the unfairness of the proposal, and do not expect the Indian Government to countenance it. But, were it otherwise, in your Petitioners' humble opinion, there can be no two opinions about the Indian view of the question. If the labourer is to be forced back to India, the very object with which the Emigration Act was passed in India would be frustrated. It was for the protection and the benefit of the emigrants from India that it was passed, and not for the benefit of the Colonies. As it is, in your Petitioners' humble opinion, Natal already enjoys the most favourable terms. It has more than a lion's share in the partnership and now it wants to go many steps further. The goal of its ambition is either "the coolie must remain under bondage in the Colony, or must return to India if he wants to remain free." That in returning to India he might have, in the words of the late Mr. Saunders, a legislator of Natal, "to face starvation" is a matter of no consideration for the Colony.

The main argument used to justify the proposal of compulsory return is that there cannot be any hardship in the conditions of a contract a party willingly undertakes to perform. The late Right Honourable Mr. Harry Escombe, sometime Prime Minister of Natal, in his evidence before a Commission appointed by the Natal Government, said as follows:

A man is brought here, in theory with his own consent, in practice very often without it. He gives the best 5 years of his life, he forms new ties, forgets the old ones, and he cannot, according to my view: of right and wrong, be sent back.

The Indian Government by the very act of prohibiting the emigration of such men, except under State supervision, have answered

the argument by implying that they are in a state of pupillage and, therefore, incapable of understanding their own interests.

Your Petitioners would respectfully refer Your Excellency to the petition addressed to your predecessor with reference to the sanction of a £3 Poll-tax<sup>1</sup> hereinbefore referred to, wherein is collected evidence to show how the matter was exhaustively gone into, in 1887, by a Natal Commission, and how it reported against the proposal of compulsory return. But, even if every one in Natal thought otherwise, your Petitioners venture to trust that Your Excellency will not allow Indian labour to be exploited for the one-sided benefit of Natal.

Your Petitioners, therefore, humbly pray that if the Colony is not prepared to grant the indentured Indians the elementary rights of British citizenship, viz., freedom of settlement in the Colony, Your Excellency will be graciously pleased to advise the Colony to discontinue importing Indian labour.

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

From the photostat of an original, printed copy: S.N. 4031.

## 12. LETTER TO DADABHAI NAOROJI

14, MERCURY LANE,  
DURBAN,  
*January 30, 1903*

[THE HONOURABLE DADABHAI NAOROJI  
LONDON]

[SIR.]

Two Indian deputations waited on Mr. Chamberlain in Natal—one at Durban and the other at Maritzburg. The statement<sup>2</sup> sent herewith was presented by the Durban deputation: it needs no comment.

The Rt. Hon. Gentleman considers that with reference to the laws already in force he can do very little, as the Colony is “responsibly”(?) governed. This reply in a measure is true. He also said that, with reference to the recent Bill imposing a tax of £3 on the children of indentured Indians, he would be guided by advice from the India

<sup>1</sup>*Vide* “Petition to Lord Ripon”, before 5-5-1985

<sup>2</sup> “Memorial to Chamberlain”, December 27, 1902.

Office. From what Lord George Hamilton has said to you at the deputation, it is to be hoped that the Bill will be rejected. He<sup>1</sup> seems to share the fear of the Colonists that, unless the immigration of free Indians is checked, and indentured Indians are driven back to India on the termination of their indentures, this sub-continent will be swamped by the Indians. In a way he seemed to justify the attitude of the Colonists. I was present when he addressed the deputation in Durban. It was my intention to try to remove one or two of his misapprehensions when he received the Maritzburg deputation; but I was asked not to discuss any matter. So, I simply endorsed what had been represented to him at Durban, and Mr. Chamberlain repeated what he had said there.

Recently, the Natal Government has sent a commission to India to secure the termination of indentures in India, so that the indentured Indians may not have the opportunity of settling in Natal. This, of course, would be the climax in injustice, if it is at all countenanced by Lord Curzon. There is absolutely no precedent for it and it would be unadulterated slavery for a term of years. That, after the preaching of Imperial patriotism by Mr. Chamberlain, Natal should still make an effort to exploit Indian labour for its sole benefit, in total disregard of reasonable principles of contract, passes comprehension, and shows that the Colony has not in the least degree changed its hostile attitude towards British Indians. This is further confirmed by the fact that the Maritzburg Town Council is endeavouring to debar Indians from owning land. The solution is simple and most effective, viz., prohibition of indentured emigration to Natal, as suggested by Lord George Hamilton.

*Yours very truly,*

From the photostat of the office copy: S.N. 4035.

<sup>1</sup> Mr. Chamberlain.

### 13. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*Thursday, February 5, 1903*

DEAR CHHAGANLAL,

Though I am at the above-mentioned place, write to me at Durban only.

Received your long letter. Maganlal<sup>1</sup> and Anandlal<sup>2</sup> have opened a shop.<sup>3</sup> So I do not think he<sup>4</sup> will come here. I have written to him to come if he so desires. There are good prospects of employment. If ever I have to stay here, there is a good chance to secure him a job. Even then I have left it to him. He had a slight fever on board the ship. But that was not a matter to be communicated to you.

There is a great uncertainty about me. Despite my best efforts, I am not in a position to give you more satisfactory news. If it is not possible to stay on here, I may leave in March. If I have to stay on, it will be possible to bring you all after six months. There is no chance of getting you here immediately; if it does not involve breach of duty, I shall make every possible effort to return home. It's no bed of roses here. I cannot offer more definite news. I shall wire if I am to come. If my staying on is decided upon, even then I shall send a wire if only for the satisfaction of you all.

I do not mind [paying] Manilal's fees, but he must be sent to learn instrumental music. It was not proper to have withdrawn him. The blame is not yours, but your aunt's.

You must have received the books from Mr. Narbheram.

Pay my respects to Mr. Daftari<sup>5</sup> and request him to write to me. When I find time, I shall write him a separate letter. The sum of Re. 0-8-0 he sent was by way of a formal adjustment. The matter is now over.

*Blessings from*  
MOHANDAS

<sup>1</sup> A brother of the addressee.

<sup>2</sup> A nephew of Gandhiji.

<sup>3</sup> This was in Tongaat.

<sup>4</sup> The reference is to Maganlal.

<sup>5</sup> A solicitor in Bombay working with Gandhiji.

[PS.]

You need not be in a hurry to vacate the place.<sup>1</sup>

From the Gujarati original in Gandhiji's hand: C.W. 2938.

#### 14. LETTER TO COLONIAL SECRETARY

P. O. BOX 299,  
JOHANNESBURG,  
*February 18, 1903*

TO  
THE HONOURABLE  
COLONIAL SECRETARY  
PRETORIA  
SIR,

In accordance with the desire expressed by His Excellency the Lieutenant-Governor<sup>2</sup> and yourself, I beg to record the Indian view of the proposed institution of Bazaars in the principal townships of the Colony.

Such an institution would, in my humble opinion, be acceptable to the Indian community provided that:

1. the Bazaar (or Bazaars) is situated within the town limits in a business portion usually frequented by all classes including Europeans;
2. there should be no legal obligation on the part of the Indian community to reside or trade in the Bazaar;
3. in any case, the Indian merchants and traders, at present residing and(or)trading in towns, and those who traded or resided within town limits in any township in the Colony before the war, should not be expected to reside or trade in Bazaars;
4. the Indian community should be allowed to purchase Stands in any such Bazaars subject to the buyer's acceptance of the Building and Sanitary Regulations that may be imposed by the Government.

<sup>1</sup> The reference is to the chambers rented by Gandhiji while he practised in Bombay.

<sup>2</sup> Gandhiji had interviewed the Lieutenant-Governor.



If Bazaars are established on the above principle, I venture to think that the Indian community would respectfully co-operate with the Government in making the institutions a success.

The drifting Indian population mentioned by His Excellency would gladly avail itself of cheap and comfortable dwellings that will naturally be erected in any such Bazaars.

If any further information, or my presence, is required, I shall be happy to supply it, or wait on you, as the case may be.

*I have the honour to be,*

*Sir,*

*your obedient servant,*

M K. GANDHI

Pretoria Archives: File Lt. G. 94.

### 15. THE INDIAN QUESTION<sup>1</sup>

BOX 299,  
JOHANNESBURG,  
*February 23, 1903*

#### A SHORT STATEMENT OF THE INDIAN QUESTION IN THE TRANSVAAL AND THE ORANGE RIVER COLONIES

Mr. Chamberlain will probably sail for England this week, but the position of the Indians remains unchanged.

A small deputation waited on His Excellency the Lieutenant-Governor of the Transvaal<sup>2</sup> and he said the whole question will be considered *en bloc* when the enlarged Legislative Council was formed. He was very courteous.

Mr. Chamberlain is said to have told an anti-Indian deputation that it was a question which will have to be submitted to the Cabinet at Home when it will be finally decided.

Putting together this reply and His Excellency's reply above quoted, it would appear that Mr. Chamberlain, after consultation with the Home Government, would cable here a scheme of legislation which would be submitted to the Legislative Council. Against such

<sup>1</sup> The statement was sent to Dadabhai Naoroji, who forwarded it to the Secretary of State for India; a copy sent to Sir William Wedderburn was forwarded by him to the Viceroy of India.

<sup>2</sup> *Vide* "Letter to Colonial Secretary", February 18, 1903.

legislation, after it is passed, there would be practically no appeal, if it is found to be against Indian interests. Hence the great need for concentration of efforts upon the proposed legislation in the new Colonies.

What the anti-Indian legislation is has been clearly set forth in the statement placed before Mr. Chamberlain,<sup>1</sup> copies of which have already been forwarded to the friends in England.

From one responsible source comes the information that the Government, being over-anxious to please the Colonists, are going to sell the Indians and propose legislation that would go further than the Cape and Natal, even Australia.

From another equally responsible source comes the information that the legislation will be adopted on the Natal lines of anti-Asiatic legislation.

Mr. Chamberlain said to the Indian deputation somewhat as follows: "What is the use of my passing such legislation now as would be repealed on my granting responsible Government in two or three years? You must, therefore, try to conciliate public opinion and work with the authorities in the Transvaal." He is said to have told the anti-Indian deputation "Indians are our fellow-subjects, and are entitled to fair and honourable treatment. At the same time, I would be prepared to sympathise with you in your opposition to unrestricted influx of millions from India who may easily swamp you. I would, therefore, recommend restriction on further immigration in undue numbers, but cannot undertake to place disabilities on those that are already settled in the Colony."

If Mr. Chamberlain has spoken to the anti-Indian deputation in the above terms, it is very satisfactory.

Indians cannot swamp the Colony. They would not emigrate in such large numbers. There are not more than 12,000 Indians in the Transvaal as against nearly 100,000 Europeans in Johannesburg alone. But, if the Government wish to give legislative recognition to the fear of swamping, the utmost that we can agree to, if that is to say the Indian voice is to be heard, is legislation on Natal lines with modifications. In Natal, there is legislation of a general character applicable to all whereby intending settlers not formerly domiciled in Natal, unless they are wives or minor children of domiciled men in the

<sup>1</sup> *Vide* "Address to Chamberlain", January 7, 1903.

Colony, are not allowed to enter the Colony unless they have a knowledge of one of the European languages.

If instead of European languages, “any language used or spoken in His Majesty’s Dominions” were inserted, it will then leave room open for the respectable merchants, etc., and yet shut out the illiterate millions. There should also be a clause added that special permission would be granted to those who may be bona fide required in the interests of the domiciled community, such as domestic servants, cooks, &c., who are, illiterate but are absolutely required for the old settlers. Moreover, any such legislation should not affect those domiciled in South Africa.

I need not repeat that it is the wretched anti-Indian legislation inherited from the Republics that we are struggling against—not its operation. I, therefore, do not burden these notes with the numerous instances of injustice that are happening daily. To have that alone remedied would be to lop off the branches; we, therefore, ask that the tree itself should be uprooted. For, what is the use of palliatives in the shape of instructions from Home to the effect that the laws, in themselves bad, are not to be enforced strictly?

I hope there would be no acceptance of the principle of Locations as was hinted at in Lord George’s remarks to the Deputation. They are not in vogue in the self-governing Colonies of the Cape and Natal. Can they then be in the Crown Colonies of the Transvaal and Orange River?

I hope that the Joint Committee<sup>1</sup> that waited on Lord George will ask for information as to when the legislation is to be passed repealing the old and on what lines. It is very necessary to hasten it. The difficulties the people have to go through are very great owing to the presence of some very unsympathetic officials who are administering Indian affairs. If it takes long, it might be necessary to draw the attention of friends to some very typical cases of hardship. At present, we are trying to get justice locally.

M. K. GANDHI

India Office: Judicial and Public Records, 402.

<sup>1</sup> The British Committee and the East India Association had set up a joint body to deal with matters concerning Indians in South Africa.

16. LETTER TO G. K. GOKHALE

Box 299,  
JOHANNESBURG,  
February 23, 1903

DEAR PROFESSOR GOKHALE,

Events have been progressing very fast in this country & naturally I have been in the thick of the fight. The struggle is far more intense than I expected.

Herewith statement<sup>1</sup> presented to Mr. Chamberlain at Pretoria and a copy of statement<sup>2</sup> up to date sent to London. There is a great deal of underhand work going on. The old laws are being severely enforced. And it probably means my having to stop here longer than March.

I was just in time to join the Durban deputation that waited on Mr. C.<sup>3</sup> I hope you received copies of the D'n<sup>4</sup> statement.<sup>5</sup>

I hope you will do what you can there. The matter being constantly & intelligently discussed in the papers wd. do good. Hoping you are well [,]

*I remain,*  
*yours truly,*  
M. K. GANDHI

From the photostat of the original: S.N. 4100.

<sup>1</sup> "Address to Chamberlain", January 7, 1903.

<sup>2</sup> "The Indian Question", February 23, 1903.

<sup>3</sup> Chamberlain.

<sup>4</sup> Deputation.

<sup>5</sup> "Petition to Chamberlain", December 27, 1902.

*17. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL*

BRITISH INDIAN ASSOCIATION,  
BOX 299,  
JOHANNESBURG,  
*February 28, 1903*

TO  
PRIVATE SECRETARY  
HIS EXCELLENCY LIEUTENANT-GOVERNOR

RESPECTFULLY PRAY FOR EARLY RELIEF REGARDING  
INDIAN STORES CLOSED.<sup>1</sup> WAKKERSTROOM AND RUSTEN-  
BURG BOTH SUFFERING HEAVILY.

BIAS<sup>2</sup>

Pretoria Archives: LG. 92 97/LG

*18. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL*

BRITISH INDIAN ASSOCIATION,  
BOX 299,  
JOHANNESBURG,  
*March 5, 1903*

TO  
PRIVATE SECRETARY  
HIS EXCELLENCY LIEUTENANT-GOVERNOR

ASSOCIATION AGAIN RESPECTFULLY VENTURE TO REMIND  
HIS EXCELLENCY ABOUT RUSTENBURG AND WAKKER-  
STROOM INDIAN STORES WHICH STILL REMAIN CLOSED.  
OWNERS SUFFERING HEAVILY.

BIAS

Pretoria Archives: LG. 92 97/LG

<sup>1</sup> The stores had been refused trading licences; *vide* also "Physician, Heal Thyself", 18-6-1903 & "The Bright side of the Picture", 25-6-1903

<sup>2</sup> Telegraphic address of the British Indian Association, Transvaal, of which Gandhiji was the Honorary Secretary

*19. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL*

BRITISH INDIAN ASSOCIATION,  
BOX 299,  
JOHANNESBURG,  
*March 12, 1903*

TO

PRIVATE SECRETARY  
HIS EXCELLENCY LIEUTENANT-GOVERNOR

ASSOCIATION WILL HIGHLY APPRECIATE SOME REPLY  
REGARDING BRITISH INDIAN STORES STILL REMAINING  
CLOSED RUSTENBURG AND WAKKERSTROOM. SUSPENSE  
VERY PAINFUL TO PARTIES CONCERNED.

BIAS

Pretoria Archives: LG. 92 97/LG

*20. INDIAN POSITION IN NEW COLONIES<sup>1</sup>*

JOHANNESBURG,  
*March 16, 1903*

A SHORT STATEMENT REGARDING THE INDIAN POSITION  
IN THE NEW COLONIES

The developments taking place daily are filling the Indian residents with alarm.

THE TRANSVAAL

There is yet no knowing when the promised changes in the existing anti-Indian legislation will be made.

In the meanwhile, the following events have happened.

The store of Hoosen Amod, a merchant of ten years, standing in Wakkerstroom, has been forcibly closed and a trading license has been refused to him. His is the only Indian store in that town. It has now remained closed for over two months.

Suliman Ismail, who had a license issued to him last year, has

<sup>1</sup> This statement with some verbal changes and omissions was published in *India*, 17-4-1903.

been refused his license this year, and his store<sup>1</sup> has now remained closed for over a month.

Both the above merchants have a large stock. They have already suffered great loss, and, if they are not allowed to open their stores, it would mean ruin to them.

Transfers of licenses from one store to another or from one person to another are being refused. An Indian trades in a place rented by him. The landlord gives notice to quit. The Indian wants to remove to another place. The Licensing Officer would not allow this. The man must either go to a Location or close altogether. Another Indian wants to retire. An old resident of the Colony is prepared to buy the business as a going concern. The licensing officer would not transfer the license to the buyer. The original owner can, therefore, only sell out by auction. It follows that no new licenses are being granted.

The Asiatic Office is a terror to the people. Its business is to invent new engines of torture. Those who want to leave the country with the intention of returning must take out passes on which are to be affixed their photographs. Thus, the Indians are to be treated as criminals. Of course, the idea is to prevent the passes from being unlawfully used. So, the whole community is to be branded for the sake of some who would make a fraudulent use of their passes. The introduction takes no note of the religious objection on the part of the Mahomedans to have themselves photographed at all.

The Chairman of the British Indian Association, managing partner of the premier Indian firm in South Africa, Messrs N. C. Cumroodeen and Co., was ordered last week to get out of a foot-path in Johannesburg. He stood his ground and would not. All the same, he had to suffer much indignity. The matter is now engaging the attention of the Police Commissioner. The thing is that, so long as the foot-path bye-law remains on the statute book, so long must such cases occur.

There is a slight outbreak of plague in Natal. The authorities have made this an excuse for stopping the entry of Indians from that Colony. The result is that even the refugee Indians, those who have to prove their claims here, are shut out, whereas Europeans and Kaffirs are allowed to come in freely. Let it be noted that the plague has

<sup>1</sup> Situated in Rustenburg.

attacked all classes.

The above is merely a selection from the long catalogue of Indian grievances. There is no sentiment about them. They are real and substantial. They represent a life-and-death struggle.

And yet when we sank the differences and formed the Volunteer Ambulance Corps at the time of the war, we were “sons of the Empire, after all”. Our grievances were one of the causes of the war and made Lord Lansdowne’s blood to boil.

Nor is there here a question of future immigrants. It is that of the residents who, Mr. Chamberlain assured the Indian deputation, were “entitled to fair and honourable treatment”.

There is no hesitation in saying that, in the darkest days of the community under the old republican regime, it was not subjected to the treatment it is now undergoing. And what is more, then the British Government served as an effective shield against any serious wrong-doing. But, where are we now to find a shield against attacks from the very quarters which erstwhile afforded protection?

#### ORANGE RIVER COLONY

The old drastic legislation remains in force in this Colony. There is no relaxation. The Government refuse to grant any exemptions and decline to say when the legislation will be modified or repealed. Even the Indians who, before the legislation, traded in the Colony are not allowed to trade there.

#### CAPE COLONY: EAST LONDON

The Indian community there being small has requested the Committee here to help them. The Municipality of the Borough of East London received in 1895, when there was a very small Indian population there, power to pass bye-laws preventing Coloured people from walking on the foot-paths. This law, for the reason above stated, passed unnoticed. Last month, under the power vested in it, the Municipality passed a bye-law, and now the Indian community there finds itself face to face with the humiliation of having to abandon the foot-paths. Registered owners or occupiers of landed property in the Borough of the value of £75.0.0 are exempt from the law. As soon as the Indians heard of the law, they approached the Governor, who says they were too late. What are they to do now? They have addressed another representation to the Governor and cabled to the friends in London. The bye-law has its origin in the alleged or real, impudent



and, in some cases, indecent behaviour of the Kaffirs. But, whatever the charges are against the British Indians, no one has ever whispered that the Indians behave otherwise than as decent men. But, as it is the wont in this part of the world, they have been dragged down with the Kaffir without the slightest justification.

NATAL

Contrary to expectations, the Natal Bill taxing the children of indentured parents has received the Royal assent.

NOTE

As regards the Transvaal, it may be mentioned that the community has approached the Governor in the various matters mentioned. H. E. is now considering them.

India Office: Judicial and Public Records, 402.

*21. LETTER TO "THE VEGETARIAN"*

BOX 299,  
JOHANNESBURG,  
[post *March 21, 1903*]

TO  
THE EDITOR  
*The Vegetarian*  
[LONDON]

SIR,

Regarding the information wanted by your correspondent "K" in your issue of the 21st. ult., the following may be of some use to him:

Except mealie meal, which is South African produce, every necessary of life in South Africa is dearer than in England. The cost of fairly decent living for a bachelor may be put down at at least £15 per month. A single bedroom fetches £4 per month easily. A fairly good board would cost nothing less than £12 monthly.

Some vegetarian specialities are imported by a grocer in Natal, but so far as I am aware, no one imports them in the Orange River Colony. Your correspondent will do well to keep a small stock of these with him.

There is a well-managed vegetarian restaurant in Johannesburg, conducted on the principles laid down by Kuhne. I may add that fruit

being very plentiful in this country, there is no difficulty about the vegetarian diet.

It may not be superfluous to warn your correspondent against building hopes of prospects in South Africa for earning a living. There is everywhere a great pressure of population. The number of unemployed is very great, business is dull, and people do not know what will happen if the mining labour problem is not solved in the near future.

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

THE VEGETARIAN, 25-4-1903

## 22. LETTER TO W. WEDDERBURN

BOX 299,  
JOHANNESBURG,  
*March 22, 1903*

SIR WILLIAM WEDDERBURN, BARONET, LTC.  
CHAIRMAN  
I.N.C. COMMITTEE 1  
[LONDON]

SIR,

On behalf of the British Indian Committee, a cablegram<sup>2</sup> expressing respectful sympathy of the community to the late Mr. Caine's<sup>3</sup> family was yesterday sent through you.

In my communication last week,<sup>4</sup> I forgot to mention that the store of Suliman Ismail closed forcibly is situated in Rustenburg in this Colony. The position still remains unchanged. H. E. the Lieut.-Governor has not yet sent a reply to the Committee's representation.

*I remain,*  
*Sir,*  
*yours obediently,*  
M. K. GANDHI

From the photostat of the office copy: S.N. 2282.

<sup>1</sup> The British Committee of the Indian National Congress.

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

<sup>3</sup> W. S. Caine was a leading member of the British Committee of the Indian National Congress.

<sup>4</sup> *Vide* "Indian Position in New Colonies", March 16, 1903.

23. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
Box 299,  
JOHANNESBURG,  
*March 24, 1903*

TO  
PRIVATE SECRETARY  
HIS EXCELLENCY LIEUTENANT-GOVERNOR

ASSOCIATION HUMBLY THINKS SOME DEFINITE REPLY  
MAY NOW BE GIVEN REGARDING RUSTENBURG AND  
WAKKERSTROOM STORES WHICH HAVE REMAINED CLOSED  
VERY LONG.

BIAS

Pretoria Archives: LG. 92 97/LG

24. LETTER TO COLONIAL SECRETARY, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
Box 299,  
JOHANNESBURG,  
*March 25, 1903*

TO  
THE HONOURABLE COLONIAL SECRETARY  
PRETORIA  
SIR,

I have the honour to draw your attention to the enclosed copy of the notice served on British Indian store-keepers by the Magistrate in Pietersburg.

The notice has naturally produced consternation among the Indians in Pietersburg.

The threat conveyed by the notice was first given in December last. As you are aware, the matter was brought before Mr. Chamberlain<sup>1</sup>, but the Supervisor of Asiatics assured the Right

<sup>1</sup> Principal Secretary of State for Colonies; *vide* "Petition to Transvaal Governor"

Honourable gentleman that he had fixed up the thing with the Magistrate and that the licences would be renewed from quarter to quarter.

Again when the Magistrate in spite of the above assurance insisted on giving the notice that the licences issued last year to Indians in the town who were not trading before the War would not be renewed after the 31st March, the Supervisor was approached, and he gave the assurance that his understanding with the Magistrate was that the licences should be issued from quarter to quarter and stopped after 31st March.

But the Magistrate still insisting on giving the notice above referred to, the complaint was placed before you personally, first by Mr. Lunnon<sup>1</sup> and then by Mr. Gandhi both of whom, my Committee understands, were told not to bother about the notice and to advise the store-keepers concerned to take out quarterly licences and that they would be renewed from time to time at the end of every quarter.

The men on the strength of the assurance took out the licences. And yet my Committee is grieved to find, the notice herein referred to has been served by the Magistrate who evidently intends to enforce the threat first held out.

My Committee will be greatly obliged if you will be good enough to let me know by wire whether the Government will be pleased to instruct the Magistrate to withdraw the notice in question or to give my Committee the assurance that the threat covered by the notice will not be enforced.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 97/12 Asiatics. 1902-1906

<sup>1</sup>A solicitor of Pretoria

25. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
BOX 299,  
JOHANNESBURG,  
*March 28, 1903*

TO  
PRIVATE SECRETARY  
TO LIEUTENANT-GOVERNOR

REPLYING TO ENQUIRY HOOSEN AMOD WAKKERSTROOM  
SENDS FOLLOWING STARTLING WIRE: "LOCATION HERE  
ABOUT TWO MILES AWAY BUT NOT OCCUPIED. HOW  
CAN TRADE THERE. NO INDIAN LOCATION HERE NOR  
OTHER INDIAN IN PLACE."

BIAS

Pretoria Archives: LG. 92 97/LG

26. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
BOX 299,  
JOHANNESBURG,  
*March 28, 1903*

TO  
PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

I have the honour to acknowledge your telegram of yesterday's date, informing the Association that His Excellency has been pleased to instruct the Magistrate at Rustenburg to grant the licence to Suleman Ismail<sup>1</sup> but that the Magistrate at Wakkerstroom has properly refused the licence to Hoosen Amod<sup>2</sup> as there is a Location in Wakkerstroom.

<sup>1</sup>*Vide* "Telegram to Bhownaggee", 30-8-1898.

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

I am to tender the Association's respectful thanks to His Excellency for granting relief to Mr. Suleman Ismail.

As to Mr. Hoosen Amod my Committee is enquiring into the condition and position of the Location at Wakkerstroom but in the meantime my Committee would humbly draw His Excellency's attention to the fact that the principle that the decision seems to lay down is fraught with very serious consequences to the whole body of Indian traders. For the Licensing Officers may refuse licences to old Indian traders to continue to trade in towns where there are Locations set apart for Indians. Almost in every township of importance, the Indian merchants are liable to be compelled to trade in Locations. This would virtually mean that Indian merchants now trading in towns may at any time have to close business altogether. For the trade in towns is by no means always of the same description as in Locations.

Hoosen Amod's case, in my Committee's humble opinion, is probably the strongest that could be imagined. He has been trading in Wakkerstroom for over ten years under licence granted in his ownname, a privilege that very few Indians enjoyed during the old regime. He is the only Indian merchant in the midst of many European merchants trading in towns. He held a licence up to the outbreak of War. Almost every Indian occupying a similar position has been granted a licence. This case was brought before Mr. Chamberlain's notice on the strength of a newspaper report that his licence was to be refused for this year. The Right Honourable gentleman was not disposed to credit the report.

Hoosen Amod brought out from Durban Mr. Goodricke, a solicitor, who waited on the Assistant Colonial Secretary who, my Committee understands, assured Mr. Goodricke that at least temporary permission would be granted to Hoosen Amod to open his store pending consideration of his case as to a full license on its merits.

My Committee, therefore, respectfully requests His Excellency to reconsider the decision and order the licence to be granted to Hoosen Amod, if only temporarily pending final decision.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92 97/LG

27. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
BOX 299,  
JOHANNESBURG,  
*March 28, 1903*

TO

THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

I have the honour to enclose herewith a letter addressed by the Association to His Excellency the Lieutenant-Governor regarding a notice sent by the Magistrate at Pietersburg to the British Indian store-keepers there. The promise referred to in the letter was made by Mr. W. E. Davidson<sup>1</sup>. A reply has been received today from the Colonial Office signed by Mr. W. H. Moor, copy of which is enclosed herewith.

My Committee felt much aggrieved at the nature of the reply from Mr. Moor, in spite of the promise given by Mr. Davidson and the assurance given by the Supervisor of Asiatics. My Committee has telegraphed to Mr. Davidson personally but as the matter is of great importance and the quarter ends on Tuesday next, my Committee has decided to simultaneously approach His Excellency also.

May I request a telegraphic reply to this representation?

My Committee trusts it will be pardoned for the trouble it is often obliged to give to His Excellency for which the grave turn the events are taking for the community is the only excuse.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 97/12 Asiatics. 1902-1906 97/1/K. C. 24-8-59

<sup>1</sup> Colonial Secretary; *vide* also "The New Move", 25-06-1903

28. LETTER TO DADABHAI NAOROJI

BOX 299,  
JOHANNESBURG,  
March 30, 1903

TO  
THE HONOURABLE DADABHAI NAOROJI  
[LONDON]  
DEAR SIR,

I have to thank you for your letter. I now enclose a statement<sup>1</sup> up to date just to keep friends informed of the terrible position here.

At the request of the people in East London, I am sending today to Sir William a draft for £20-0-0 in connection with their matter. The state there is just the same, though I understand that the police, after the representations from the people, are not enforcing the regulation about foot-paths strictly.

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

From the photostat d the office copy: S.N. 2256.

29. POSITION OF INDIANS IN THE TRANSVAAL

JOHANNESBURG,  
March 30, 1903

ON THE POSITION OF THE BRITISH INDIANS IN THE TRANSVAAL

The license to Suliman Ismail at Rustenburg has been granted.

As to the license to Hoosen Amod at Wakkerstroom, His Excellency the Lieutenant-Governor declines to interfere, as there is a Location there. If this principle were to be established, nearly every Indian store-keeper must become insolvent. But what is more, the Location in Wakkerstroom is not for Indians. A site was certainly fixed by the late Government, but it remains totally unoccupied to the present day. And such as it is, it is situated two miles from the Town. These Acts have been placed before H.E. with a prayer for reconsideration.

<sup>1</sup> The following item.



In Pietersburg (please read the reference to the matter in the Statement submitted to Mr. Chamberlain<sup>1</sup>), some Indians, Who did not trade there before War, were last Bar granted licenses to trade in Town. They have imported large stock. Last December the Magistrate gave them notice that, after 31st March, they would not receive licenses to trade except in Location. It was brought to Ma Chambelain's notice, but the Supervisor of Asiatics said to him that he had seen the Magistrate and that the notice will not be acted upon.

Despite the assurance, the Magistrate insisted on giving the above notice to every Indian who applied for a renewal of his license. The matter was, therefore, brought to the Supervisor's notice, who repeated what he had said before Mr. Chamberlain, but said he was helpless, as the Assistant Colonial Secretary was against the applicants.

The matter was, thereupon, taken to the Colonial Secretary by Mr. Lunnon, a well-known At solicitor of Pretoria, as also by Mr. Gandhi. The Colonial Secretary assured them that, even if the Magistrate made it a condition before granting a quarterly license that he should give notice as aforesaid, he, the Colonial Secretary, would see that the licenses were renewed. The matter there ended for the time being.

In February last, the quarterly licenses were issued. The Magistrate did not give any notice.

But, on the 23rd March, he served a notice reminding the store-keepers of the December notice above referred to. The Colonial Secretary was approached. The Assistant Colonial Secretary replied that the notice of December must be adhered to. A telegram has, therefore, been sent to the Colonial Secretary, Mr. Davidson, personally, as being the officer who gave the assurance to Messrs. Lunnon and Gandhi. The matter has also been brought to the notice of H. E. the Lieutenant-Governor. The quarter ends on Tuesday next. No reply has been received up to the time of writing. It may be mentioned that to Indians only are quarterly licenses granted, in itself a great grievance. But these matters dwindle into insignificance before the life-and-death struggle illustrated by the above instances. And all these are merely symptoms of the disease. The anti-Asiatic laws still remain. The Indians are, therefore, absolutely at the mercy of the officers for such relaxation as they may grant in spite of the laws. H.

<sup>1</sup> *Vide* "Address to Chamberlain", 7-1-1903

E. has said that the whole question of legislation is to be dealt with when the enlarged Legislative Council is formed.

These notes are sent to friends just to keep them informed of what is going on, not necessarily for immediate action. For, by the time they are in their hands, relief might have been granted by the Government. Yet, they may be helpful for future action to explain cables, if it becomes necessary to send any.

Colonial Office Records: C.O. 291/61.

### 30. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
BOX 6522,  
JOHANNESBURG,  
*April 2, 1903*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

With reference to the Association's telegram<sup>1</sup> dated the 28th ultimo regarding the Wakkerstroom licence, my Committee has now received a confirmed report from the ex-Receiver of Revenue under the old Government, which I have the honour to enclose herewith. It bears out the telegram and shows that although a site was selected in 1899 by the late Government for an Indian Location, It was never and is not now occupied. My Committee feels sure that Hoosen. Amod is not expected to remove to that site.

Since the Magistrate, according to newspaper reports, refused a licence, yielding to pressure from the local Chamber of Commerce, Hoosen Amod has sent my Committee a document signed by some Europeans in the place showing that they have no objection to the licence being granted to him. It may also be mentioned that his custom is largely European. That the local traders should object is not strange.

Mr. Goodricke, his solicitor, met with an objection that he was not trading immediately before the War. So he had two affidavits

<sup>1</sup> *Vide* "Dada Osman's Case", september 14, 1898

prepared, one from the late Manager of the National Bank and the other by himself showing that he was trading till the October of 1899. These have been handed to my Committee and are hereto attached.

Thus every conceivable objection has been answered and my Committee ventures to think that if any Indian deserves a licence to trade in a township, the first is Hoosen Amod. My Committee, therefore, humbly trusts that early relief will be granted in the matter.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92 97/LG

### 31. INDIANS IN THE TRANSVAAL<sup>1</sup>

#### THE INDIAN CASE

The Indians are entitled to equal privileges with Europeans in this British Colony, on the ground, firstly, that they are British subjects, and, secondly, that they are in every way desirable citizens. No matter what part of the world they have gone to, Mr. Gandhi said to the representative of *The Star*, they have proved themselves amenable to control, never interfering with the politics of the country, and besides they are industrious, frugal and sober.

Speaking as to the desirability of according them full citizenship, Mr. Gandhi said he knew that their alleged insanitary habits were put forward as a ground for their exclusion, but he contended that a real study of the situation would disclose the facts that Indians were not so insanitary as to be beyond improvement, and that the authorities were responsible for the insanitation that existed in their abodes and habits. [In] any community which was entirely neglected in that direction, a proportion of it would drift into a condition which would be objectionable.

The strongest point he is urging and devoting his attention to at

<sup>1</sup> This is an extract from a report originally published in *The Natal Witness* and reproduced in *The Times of India*.

present is the abolition of what he calls “class legislation”, which is reflected in the restrictions imposed by the Supervisor’s Office and by the Town Council. To his mind there is absolutely no chance of a great influx of Asiatics into South Africa. Immigration is restricted by the Immigration Restriction Act, which has been rightly enforced in Natal against the Indian. An Act framed on similar lines came into operation in the Cape Colony, and the Delagoa Bay authorities have enforced regulations which are still more severe in their application. Under these Acts, an immigrant must prove that he was previously domiciled in the country, or he must be able to read and write one of the European languages before he will be allowed to disembark. The laws in this regard are not solely applied to Indians, and as an enactment is bound to be put on the statute book, Mr. Gandhi has been forced to accept the situation, and he suggests local legislation should be on the lines of the Natal Act, with slight modifications. He will urge the removal of the regulations, which will provide the Locations for Indians and in support of this, he argues that the poorer class of Indians would of their own free will reside in any place set apart for them, while only a few more wealthy and prosperous merchants would live in the town itself. As the Transvaal is a Crown Colony, he is pressing on the Government the desirability of removing the restrictions governing the issue of trading licenses to Indians. Natal and Gape Colony are self-governing, and can make their own laws affecting internal affairs, but the Imperial Government, he contends, must apply its general policy of freedom in trade and action to the subjects of the Crown in the Transvaal.

*The Times of India*, 6-4-1903

## 32. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
Box 6522,  
JOHANNESBURG,  
*April 11, 1903*

TO

PRIVATE SECRETARY

TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR

PRETORIA

SIR,

(1) The Committee of the Association ventures respectfully to approach His Excellency regarding the Government Notice No. 356 of 1903<sup>1</sup> published in the newspapers.

(2) It appears to be in reply to the various matters submitted to His Excellency by the deputation that waited on him at Johannesburg on the 12th February last. It has filled the Indian community with sorrow and alarm.

(3) His Excellency was pleased to assure the deputation that as soon as the enlarged Legislative Council was formed, suitable legislation replacing the old anti-Asiatic legislation would be introduced. The Notice in question would appear to disappoint the hopes based on the above assurance.

(4) His Excellency has been pleased to order licences to be renewed for the current quarter to all the Indian traders who, though they were not trading on the outbreak of hostilities, were granted licences last year. The Notice is silent as to whether the renewals will be continued or not. The matter is of such serious importance that, my Committee submits, a definite pronouncement is necessary.

(5) His Excellency was pleased to say to the deputation that if any officers had refused transfers of licences, either for other places in the same town, or to other persons, he would see that relief was granted. Contrary to my Committee's expectations, therefore, the statement that no transfers of licences would be granted has come as a great shock. And the publicity thereof is likely to ruin many Indian merchants, unless relief is soon granted. For landlords will not be slow

<sup>1</sup>Vide "Letter to H.V. Vora", June 30, 1903

to take advantage of the Notice and to raise rents of premises occupied by Indian merchants to a prohibitive extent. If the Government would fully respect vested interests, transfers, in my Committee's humble opinion, are absolutely necessary.

(6) The last clause of the Notice, while it is no doubt intended to confer benefit on the Indian community, impliedly casts a slur on the great race to which we belong, in that it assumes every Indian to be unfit to inhabit civilized townships unless he proves to the contrary. My Committee with the greatest deference submits that, barring popular prejudice born of trade jealousy, the whole of the evidence that could be collected in South Africa, would go to show that British Indians have everywhere been found to be amenable to the general sanitary laws of the place of their domicile. Only a few weeks ago, the Sanitary Inspector of Johannesburg reported that he had no fault to find with the manner in which the dwellings of Indians were kept in Market Street. My Committee would gladly co-operate with the Government in promoting a voluntary settlement of the poorer class of Indians in localities where suitable dwellings can be procured for cheaper rents. But my Committee ventures respectfully to protest against a compulsory removal to Locations or Bazaars—a principle against which Her Late Majesty's Government fought strenuously, when it was sought to be established by the Boer Government.

My Committee therefore ventures to hope that His Excellency will be pleased to grant relief in the following matters:

- (a) Whether an early alteration in existing anti-Indian laws is contemplated on the enlarged Legislative Council being formed.
- (b) Whether the renewal will be granted in the cases mentioned in paragraph (4) here of.
- (c) Whether transfers to places or persons will be authorized.
- (d) Whether the principle of compulsory segregation will be removed.

If further discussion of the above points is desired by His Excellency, a small deputation will wait on His Excellency.

*I have the honour to be,*

*Sir,*

*Your obedient servant*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

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

JOHANNESBURG,  
April 12, 1903

The present position regarding British Indians in the Transvaal is as follows.

The foot-path grievance in Standerton has been temporarily removed, the Government having instructed the Commandant not to enforce the bye-law against well-dressed and well-behaved Asiatics.

The enclosed Government Notice shows the position regarding licences. It has filled the community with alarm because:

(1) it seems to shelve indefinitely the question of repealing the anti-Indian legislation of the old Government;

(2) it leaves in suspense the Indian traders who were not trading on the outbreak of war, but who were granted licences last year, licences which Mr. Chamberlain said could not be touched;

(3) while pretending to respect the vested interests of those who were trading on the outbreak of war, it deals a death-blow to them in that it prohibits transfers of licences from one place to another, and thus leaves the store-keepers to the mercy of their landlords, and from one person to another, and thus prevents the store-keepers from ultimately realising profits by selling their business as going concerns;

(4) it casts a slur on the whole race in that it impliedly assumes every Indian to be unfit to reside in civilised townships, unless he proves the contrary.

These points have, after the publication of the Notice, been urged on the attention of His Excellency the Lieutenant-Governor, and a reply is awaited

With regard to Pietersburg, the Government have, after much difficulty, given a general decision:

(i) that all existing Indian licences will be provisionally renewed for the current quarter;

(ii) that no new licences will be granted to the Indians, whether they traded before the war or not;

(iii) that existing licences will not be transferred to other

<sup>1</sup> This was published in *India* as "From a Correspondent".

premises or other names, pending consideration of the whole question.

Thus, there is again another period of suspense and anxiety. The existing licences may or may not be renewed after the expiry of the current quarter. Mr. Chamberlain has definitely assured us that vested rights will not be touched. The outcome of the decision embodied in the last two statements above is that, if a landlord gives notice to quit, the store-keeper must necessarily close his business, and since his licence cannot be transferred to another person, he cannot sell it as a going concern. The District Commandant has issued the following notice to the Indian community there:

All coolies, being holders of licences, can obtain permits to walk on the foot-path in the town of Standerton, by applying to the police office. Any coolie or other coloured person found walking on the foot-paths in Standerton, not being in possession of a permit after April 1, will be prosecuted according to law.

Mark the contempt and utter disregard of the Indian feeling that are implied in the application of the term "coolie" to all Indians. During the Boer regime, Indians were not at all interfered with while walking on the foot-paths, much less were they required to carry permits of exemption. When such an attempt was made to enforce the bye-law, the British Government promptly intervened and stopped it. A protest against the above notice has been sent to the Government.

There are isolated cases of the bubonic plague in Durban and Maritzburg, in Natal. Kaffirs are the most largely attacked. They and the Europeans, who are also attacked, are allowed to enter the Transvaal from Natal, free of any restrictions. But the Indian immigration from Natal, not merely the infected towns, is totally prohibited. The Indian refugees, too, are not allowed to enter the Colony from Natal.

Indians here are, according to Mr. Chamberlain's advice, patiently trying to get redress from the local authorities. And it is but fair to mention that H. E. the Lieutenant-Governor is inclined to hold the scales even between the conflicting interests.

As to East London (Cape Colony), the foot-path grievance still remains without redress. H. E. the Governor has not yet replied to the last communication. The bye-law is not being enforced rigorously.

[Enclosure]



GOVERNMENT NOTICE

NO. 356 OF 1903

It is hereby notified for general information that His Excellency the Lieutenant-Governor, in Executive Council, has decided that in the disposal of applications made by Asiatics for licences to trade, the provisions of Law NO. 3 of 1885, as amended by Executive Council Resolution, Article 164, of the 12th August, 1886, which was adopted by the Volksraad on the 12th August, 1886, by Resolution, Article 1419, shall be enforced, with due regard to the vested interests of those Asiatics who were trading outside Bazaars at the commencement of the late hostilities, and has resolved accordingly:

1. That the Government take immediate steps to have Bazaars in every town set apart in which alone Asiatics may reside and trade; the Colonial Secretary shall be charged with the duty of defining such Asiatic Bazaars in consultation with the Resident Magistrate, or where such exists in the Town Council or Health Board.

2. No new licences to trade shall be granted to any Asiatic except to carry on his business in Bazaars set apart for the purpose.

3. In the case of Asiatic traders who held licences at the commencement of the late hostilities to trade in places not specially set apart by Government, licences may be renewed to trade under the same conditions during the residence in this Colony of the licensee, provided that such licences shall not be transferable and that, no licensee shall be entitled to hold more licences in any one town than were held by him at the commencement of hostilities.

With regard to the residence of Asiatics, which by the Law above-mentioned is confined to those streets, wards and locations which may be set apart for the purpose, His Excellency has decided that an exception shall be made in favour of those whose intellectual attainments or social qualities and habits of life appear to entitle them to it, and has accordingly resolved that any Asiatic who shall prove to the satisfaction of the Colonial Secretary that he holds any higher educational certificate from the Education Department in this or any other British Colony or Dependency, or that he is able and willing to adopt a mode of living not repugnant to European ideas, nor in conflict with sanitary laws, may apply to the Colonial Secretary for a letter of exemption which shall enable him to reside elsewhere than in a place specially set apart for Asiatics.

W. H. MOOR

(Assistant Colonial Secretary)

Colonial Secretary's Office,  
Pretoria, April 8, 1903.

*India, 15-5-1903*

34. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
Box 6522,  
JOHANNESBURG,  
*April 20, 1903*

TO

THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA, TRANSVAAL  
SIR,

Your letter dated 31st March and numbered LG2131 was delivered only today as the wrong box was marked on the envelope.

The objection referred to in the letter under reply has been fully answered by my letter of the 2nd<sup>1</sup> instant which still remains unanswered.

The affidavit of the ex-Manager of the National Bank at Wakkerstroom shows conclusively that Hoosen Amod's store was not closed in July 1899, but that owing to the War he closed it himself on the 2nd day of October 1899. His store was never closed by the Landdrost, and he could not do so because Hoosen Amod held his licence for the full year 1899, and not a quarterly licence as now.

The statement that Hoosen Amod's lease has not expired is, my Committee is informed, quite correct. His lease is and has been, my Committee is informed, in the possession of the Magistrate, and the Lessor is prepared to make an affidavit confirming the statement.

Hoosen Amod informs the Committee that some interested store-keepers in Wakkerstroom have thoroughly prejudiced the Magistrate against him, and given him false information regarding the alleged closing of the store by the Landdrost.

Objections have been raised against him one after another as the previous ones failed not to allow an answer.

He has been put to considerable loss for no fault of his own. Many Indians not having half his claims are now trading, and Hoosen Amod, a store-keeper of ten years' standing, backed by

<sup>1</sup> *Vide* "Telegram to Colonial Secretary" November 3, 1898

non-interested Europeans in Wakkerstroom and in possession of a long lease still in existence, finds his store forcibly closed. The Notice lately issued protects those occupying his position. My Committee respectfully submits that the injustice he is labouring under is manifest beyond doubt and craves justice at His Excellency's hands.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: L.G 92 97/LG

### 35. *LETTER TO COLONIAL SECRETARY*

THE BRITISH INDIAN ASSOCIATION

Box 6522,  
JOHANNESBURG,  
*April 25, 1903*

TO  
THE HONORABLE THE COLONIAL SECRETARY  
PRETORIA  
SIR,

I venture to bring to your notice the following translated extract from a letter addressed to the British Indian Association by the Indian residents of Heidelberg, and dated the 23rd instant.

This morning, at 5.30, the police constables surrounded every store, opened the doors and entered in and woke up all the people sleeping in the rooms, and struck terror into the people by shouting 'Come out, come out.' They did not allow them to wash their hands and faces, or to take tea or other tiffin. Many opened their shops at 6 o'clock, thinking that two or three might remain in the shops, while the others accompanied the police. But the masters were taken beforehand. On the men declining to close the shops, the police closed the doors themselves, drew the men out, handed the keys to them, and marched them out. Thus, every man was arrested as if he was a criminal. The only difference was that we were not handcuffed.

Thus were all the people brought to the Charge Office at 8 a.m. and kept under custody. Each man was separately taken into the office room, asked to

produce his permit or proof of his former domicile, and new permits were issued to those who could establish their claim. Then each was dismissed through the front door. Even these were at first detained after the permits were issued, but when we protested, they were allowed to go. Those that were thus freed were not allowed to hold any conversation with those that were detained, so the men who have been kept under custody since morning, hungry and thirsty as they are, had not been discharged up to 12.30 p.m. This letter is being written at 12.30 p.m. Still there are some merchants under custody. The spectacle of respectable Indian store-keepers being arrested early in the morning and marched through the streets has become the topic of general conversation in the town.

Thus, the police rudely and without permission entered all the rooms and did not quite mind our warning that some of the rooms contained Zanana ladies. When asked by what order we were being arrested, the reply was 'By order of the captain; we are going to take every one except women and children, and if you do not come willingly, we will force you.' The written order was asked for. They declined.

Such is the account of the police proceeding in Heidelberg. I may state that a similar occurrence happened in Johannesburg. The matter was brought to Captain Fowle's notice, and it was thought that the procedure would not be repeated. It was, however, repeated in Potchefstroom. It was still allowed to slide down. But it has now become impossible for my committee to remain silent.

In the darkest days of our time under the old regime, we were not subjected to such physical ill-treatment. The community has, so far as my committee is aware, committed no crime, and yet it has not only to face popular prejudice and its effects, but has now to face ill-treatment from those who are expected to protect us.

My committee humbly request an enquiry and an expression of opinion from the Government as to the proceeding of the police above referred to.

*I have the honour to remain,*

*Sir,*

*your obedient servant,*

ABDOOL GANI,

CHAIRMAN,

[THE] BRITISH INDIAN ASSOCIATION

*The Rand Daily Mail, 28-4-1903*

### 36. TREATMENT OF INDIANS

THE BRITISH INDIAN ASSOCIATION

BOX 6522,  
JOHANNESBURG,  
*April 27, 1903*

TO  
THE EDITOR  
*The Rand Daily Mail*  
JOHANNESBURG

SIR,

I beg to enclose herewith a copy of a letter<sup>1</sup> addressed to the Government for publication. The letter refers to the treatment by the police at Heidelberg of the British Indian residents there. Comment on the letter is superfluous. Whatever may be the policy of your paper on the question of the status of the British Indians in the Colony, I venture to trust that you will be able to sympathise with my countrymen in the physical ill-treatment alluded to in the letter. If there is one thing that is dearly cherished by the British Constitution, it is the respect for personal liberty the meanest of the King's subjects, whether white or black. This evidently is at stake in the Colony, as far as the British Indians are concerned.

*I have the honour to remain,*

*Sir,*

*your obedient servant,*

ABDOOL GANI,

CRAIRMAN,

[THE] BRITISH INDIAN ASSOCIATION

*The Rand Daily Mail, 28-4-1903*

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

37. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
Box 6522,  
JOHANNESBURG,  
*April 27, 1903*

TO

THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

I have the honour to acknowledge your letter of the 22nd of April received on the 24th instant.

My Committee tenders its respectful thanks to His Excellency for the reply which shows that he is anxious to do justice to the Indian Community, in that it puts a liberal construction on the Government Notice No. 356 of 1903.

But the reply has deeply grieved the community, in that it is, in my Committee's humble opinion, a departure from the declarations before War, of Her Late Majesty's Government, as well as the assurances since given by His Majesty's Government, that the existing Law would be reconsidered. My Committee will therefore be obliged later to revert to the general question. In the meanwhile, I am to request information on the following further points that arise out of the Notice and your letter under reply.

Indians who did not hold licences before War and yet were granted them last year were not informed that they were temporary. The first information given to such effect was last year and it was repudiated by the Right Honourable Mr. Chamberlain as soon as it was brought to his notice. Such store-keepers have in some instances gone to the expense of building substantial structures. Others hold long leases and all have built up a fair custom which is likely to increase as time goes on. It will be, therefore, in my Committee's humble opinion, unjust to require them to remove to Bazaars. The removal, as a rule, cannot be effected without a heavy loss, no matter how well situated the proposed Bazaars may be.

The Notice in question refers to renewals of licences outside

Bazaars to those who were trading on the outbreak of War. The letter under reply mentioned “trading before War”. Is my Committee right in understanding that all Indians who were trading before War, whether on the outbreak or not, will have their licences renewed? If not, an Indian who opened a store in 1899 outside Locations would be entitled to a renewal where as one who traded for fifteen years and went to India for a trip, closing his business in August 1899, would be disentitled, thus causing [sic] manifest injustice.

The enforcement of the whole Law would seem to imply a continuance of the prohibition to British Indians to hold landed property except in Locations or Bazaars. There are some Indians who hold landed property in the names of white persons. Most of these cases are already before His Excellency for consideration, more especially the three mosques in Johannesburg, Pretoria and Heidelberg. Law 3 of 1885 and its amendment contemplated a registration fee of £ 3 on every Indian—a clause that was formerly as a rule enforced only in the case of storekeepers and hawkers and because the Receivers of Revenue would not grant licences without the production of the Registration Certificate. A large number, however, never paid the fee nor were they ever called upon either to register themselves or to pay the fee. My Committee has seen the Notice appointing Captain Fowle<sup>1</sup> as the Registration Officer for Asiatics, but my Committee respectfully hopes that it is not the intention of the Government to enforce the provision which was not enforced during the old regime and which can have nothing to do with the Anti-Asiatic agitation on the part of the public at large.

My Committee, therefore, requests information

- (a) Whether His Excellency will be pleased to respect the vested interests of all existing licensees, whether they were trading before the War or not.
- (b) Whether licences will be granted to those who were trading before War outside Locations whether on the outbreak thereof or earlier.
- (c) Whether Law 3 of 1885 as amended in 1886 is to be enforced as to the prohibition to hold landed property, and if so whether permission will be granted for the transfers of those properties which are held by Indians in the name of white persons.

<sup>1</sup> Hamilton Fowle

(d) Whether it is the intention of the Government to enforce payment of the registration fee of £ 3 in terms of the Law.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

### 38. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL

JOHANNESBURG,  
[After April, 1903]<sup>1</sup>

TO

PRIVATE SECRETARY

TO HIS EXCELLENCY LIEUTENANT-GOVERNOR

RECEIVED LETTER CAPTAIN FOWLE INTIMATING INTENTION  
ENFORCE £ 3 TAX. RESPECTFULLY REQUEST SUSPENSION  
PENDING HIS EXCELLENCY'S DECISION ON REPRESENTA-  
TION DATED 27TH ULTIMO AND PETITION FROM MR.  
HOSKEN AND OTHERS.

BIAS

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

<sup>1</sup> From the reference to the petition signed by W. M. Hosken, which was dated "April, 1903"; *vide* "The Proclamation of 1858", 9-7-1903



### 39. LETTER TO LIEUTENANT-GOVERNOR<sup>1</sup>

THE BRITISH INDIAN ASSOCIATION

Box 6522,  
JOHANNESBURG,  
May 1, 1903

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

Mr. William Hosken and other leading residents of Johannesburg, whose names appear at the foot of the enclosed petition<sup>2</sup> addressed to His Excellency, have entrusted the Association with the task of submitting same to His Excellency, which, on behalf of the Association, I do hereby.

In doing so, I may state that the petition owes its origin to the request of the Association to the gentlemen in question to put their views before the Government regarding the notice No.356 of 1903 and to express their opinion generally regarding the Indian question. This they have gladly done.

I may be permitted to mention that, with very few exceptions, all the Europeans with whom we have come in contact have expressed sentiments similar to those of the petitioners. A few have approved of the notice in ignorance of the state of the law which it is intended to enforce, as also owing to misunderstanding as to the real scope of its meaning.

As to the subject matter of the petition, my committee would be prepared to agree to the principle of the legislation, submitted as model by the petitioners, with slight modifications. It would generally meet the object sought to be served by the notice in question and cannot fail to regulate the granting of licenses to the satisfaction of the most vehement opponent of the British Indian, in that, subject to the control, in extreme cases, of the Supreme Court, the popularly elected

<sup>1</sup> Gandhiji sent a copy of this letter to Dadabhai Naoroji to be forwarded to the Secretary of State for India.

<sup>2</sup>*Vide* enclosure on the following page.

bodies would regulate the granting of new licenses and would, at the same time, remove from the statute book the existing legislation which puts an unnecessary affront on His Majesty's loyal Indian subjects. The proposed legislation would moreover regulate the future immigration which the notice does not do.

In talking to the European gentlemen, my committee has also found that their opposition is not so much against the Indians as against the Chinese. To quote one glaring instance, when the statement dealing with Asiatics, made in the pamphlet published by the Johannesburg branch of the South Africa League, was brought to the notice of the executive of the League, they admitted at once that the use of the term Asiatic was an error. Their objection was entirely against the Chinese and not at all against the British Indians.

*I have the honour to remain,*

*Sir,*

*your obedient servant,*

CHAIRMAN,

[THE] BRITISH INDIAN ASSOCIATION

India Office: Judicial and Public Records, 402.

[Enclosure]<sup>1</sup>

The following is the text of the petition signed by W. M. Hosken and others, referred to in the above memorial of the British Indian Association:—

TO

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR OF THE TRANSVAAL  
PRETORIA

THE PETITION OF THE UNDERSIGNED, RESIDING IN THE COLONY  
OF THE TRANSVAAL

HUMBLY SHEWETH—

Your petitioners have read the Government Notice recently published in the papers regarding the Asiatics, and would venture respectfully to express their opinion on the question as follows:

1. Your petitioners regard it as necessary that the immigration of Asiatics into the Colony should be regulated by law, and would, therefore, suggest that in the place of the existing anti-Asiatic legislation, the Natal Act or the Cape Act may be copied with advantage. It would do away with race or colour question, while setting at rest any fear of an influx of undesirable people of any nationality.

<sup>1</sup> This was published in *India*, 25-9-1903.

2. But the notice in question, if it is meant to be permanent, appears to your petitioners to be in conflict with the declarations before the war of Her late Majesty's Government, in that they were then opposed to the anti-Asiatic laws of the late Republic so far as British Indians were concerned, and protested against their enforcement.

3. While, as stated above, your petitioners would object to an unrestricted influx into the Colony of the Indian population, in their humble opinion the present population is entitled to fair and honourable treatment.

4. The refusal to transfer existing licenses from one person to another or from one place to another would be tantamount to requiring the present holders to close their businesses sooner or later, and then at a heavy loss.

5. The notice in question is not clear whether all existing licenses will be renewed from time to time. It would be unjust to withhold licenses to trade outside Bazaars from those Indians who obtained them last year from British officers.

6. In your petitioners' humble opinion the best solution of the intricate question will be in Town Councils or Health Boards being granted powers, as in Natal, to refuse or grant licenses to new applicants, subject to safeguards against abuse thereof in the shape of the right, to the aggrieved party, of appealing to the Supreme Court against their decisions. The renewals of existing licenses, too, should be subject to the sanitary report from year to year.

7. In your petitioners' humble opinion the British Indians resident in the colony are an orderly, law-abiding and useful section of the community, and are quite equal in honesty and sobriety to others who are not British subjects, and yet enjoy full trading and other rights.

8. It is evident that the Indian supplies a felt want, because the general public support him.

Your petitioners, therefore, pray that the notice in question will 'be reconsidered in view of the points herein submitted, or such other relief will be granted to His Majesty's Indian subjects as may seem meet.

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

Johannesburg, April, 1903

W. M. HOSKEN, L. W. RITCH  
[AND SEVERAL OTHERS]

#### 40. CABLE TO "INDIA"<sup>1</sup>

JOHANNESBURG,  
May 9, [1903]

A PUBLIC MEETING OF INDIANS FROM ALL PARTS OF THE TRANSVAAL WAS HELD ON THE 6TH INST., AT WHICH A RESOLUTION WAS UNANIMOUSLY PASSED, PROTESTING AGAINST THE ENFORCEMENT OF THE ANTI-INDIAN LAWS OF THE LATE REPUBLIC, RESTRICTING INDIANS TO BAZAARS, ETC., ON THE GROUND THAT SUCH ENFORCEMENT CONSTITUTES A DEPARTURE FROM THE DECLARATIONS MADE BY THE GOVERNMENT ON AND AFTER THE OUTBREAK OF THE WAR, AND THAT THE LAWS ARE CONTRARY TO THE PROCLAMATION OF 1857<sup>2</sup> AND TO BRITISH POLICY, EVEN IN SELF-GOVERNING COLONIES.

THE RESOLUTION CONCLUDED BY PRAYING FOR THE REPEAL OF THE LAWS IN FAVOUR OF LAWS IN HARAMONY WITH BRITISH TRADITIONS.

*India, 15-5-1903*

#### 41. NOTES ON THE POSITION

P. O. Box 6522,  
JOHANNESBURG,  
May 9, 1903

##### NOTES ON THE POSITION UP TO DATE

The Notice 356<sup>3</sup> is still in force. The enclosures are all most important.

The complaint about the police proceedings in Heidelberg<sup>4</sup> (enclosure 1) shows the great patience of the community. The tyrannical proceedings in Johannesburg and Heidelberg were, deliberately and in spite of the protest of the sufferers, allowed to pass by in the hope that such exemplary patience would create a favourable impression on the minds of the officers immediately concerned. Evidently, the silence was misunderstood. It, therefore,

<sup>1</sup> This appeared as "By an Indian Correspondent".

<sup>2</sup> This is evidently a slip; the Proclamation was issued in 1858.

<sup>3</sup> *Vide* enclosure to "British Indians in South Africa", 12-4-1903.

<sup>4</sup> *Vide* "Letter to Colonial Secretary", April 25, 1903.

became imperative to treat the Heidelberg incident more seriously. The Government are now making [an] inquiry and the result is anxiously awaited.

The enclosure No. 2<sup>1</sup> shows that the most respectable members of the European community are hot unwilling to see justice done to the Indians. Mr. William Hosken, who is the first signatory to the petition, is one of the most prominent leaders in the Transvaal. He was a delegate of the recent Bloemfontein Conference and is a nominated unofficial member of the new Legislative Council. The signatories are all merchants of the highest standing. The petition is now in the hands of His Excellency the Lieutenant-Governor.

The enclosure 3 and 4<sup>2</sup> shows the intensity of the feelings of the Indian community. The great hall was crowded in every part. What we feel most is, not inconvenience due to the prejudice, but the utter degradation involved in Indians, as a class, being forced to the Locations or Bazaars. The existing law applies to Indians as such, a principle which Mr. Chamberlain has more than once set his face against.

Legislation on the Natal lines will be acceptable on the following conditions: (1) The educational test must include a knowledge of any of the Indian languages. Even this test would exclude millions of Indians, and it is the millions which are a bugbear to the Europeans. And the power should be reserved for the Government to allow special permission to those Indians who, though devoid of a knowledge of languages, are specially required for the benefit of the domiciled Indians.

(2) As to the traders' licenses, the existing ones should not be touched, but new applications, whether of Europeans or Indians, should be dealt with by the Local Boards, provided that the Supreme Court should have the power to revise their decisions in cases of gross injustice. Such legislation takes note of every reasonable objection that could be advanced against Indian settlers.

EAST LONDON

The foot-path bye-law is, evidently, now in working order. An Indian cleanly dressed has been fined £2 for walking on the

<sup>1</sup> *Vide* enclosure to "Letter to Lieutenant-Governor", May 1, 1903.

<sup>2</sup> The reference is to the newspaper reports of the meeting, which are not given here.

foot-paths. A cablegram has been sent to the British Committee and Sir Mancherji regarding the prosecution by the East London Indian Association.

India Office: Judicial and Public Records, 402.

#### 42. LETTER TO DADABHAI NAOROJI

COURT CHAMBERS, RISSIK ST.,  
P.O. BOX 6522,  
JOHANNESBURG,  
May 10, 1903

[TO]

THE HONOURABLE DADABHAI NAOROJI  
LONDON

DEAR SIR,

I am much obliged to you for your letter of the 16th April last. Lord George's reply is satisfactory so far as it goes. But the greater the delay in passing the desired legislation, the greater will be the difficulty. We here absolutely subscribe to the statement that an undue influx of cheap labour should be restricted. Nor do Indian labourers enter the Colony in large numbers. But, as you will see from the most important papers<sup>1</sup> I am enclosing herewith, in order to show our *bona fides*, we are prepared to accept legislation on the Natal basis with the very reasonable modifications suggested in the enclosed. As to Bazaars, not an Indian has accepted the principle of compulsory removal to Bazaars, but we are ready to co-operate with the Government in making the Bazaar system a success, if it is applied to new applicants. The real point is there should be no legislation to that effect compelling Indians as such to submit to the institution of Bazaars. I may add that Bazaars as understood here are merely an euphemism for Locations. I enclose herewith a letter that was addressed by me to the Government on the question and also the letter sent to them enclosing the petition from the Europeans of the

<sup>1</sup> The papers enclosed were: "Letter to Colonial Secretary", February 18, 1903; "Letter to Lieutenant-Governor", May 1, 1903, "Notes on the Position", May 9, 1903, and the petition of Europeans to the Lieut.-Governor, April 1903, "Letter to lieutenant-Governor", 1-5-1903 [Enclosure]

Transvaal sent herewith.

I know I am loading you with papers and documents in the midst of your other work. The great importance of the question is my only excuse.

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

India Office: Judicial and Public Records, 402.

### 43. LETTER TO G. K. GOKHALE

COURT CHAMBERS, RISSIK ST.,  
P. O. BOX 6522,  
JOHANNESBURG,  
*May 10, 1903*

DEAR PROFESSOR GOKHALE,

I have settled here under very great difficulties. The question has assumed a very serious aspect & requires very close attention. How long I will have to stop, it is difficult to say. I have hardly time to write about myself.

The enclosed cuttings are most important. I notice that the Bombay Chamber of Commerce has sent a strong protest. But it is, I fear, uninformed. The Cape Act is certainly bad. It required amending. But it is well nigh impossible to have an absolutely open door. Under it many white aliens have been turned away. It seems to be the settled policy of the Colonists that they would regulate immigration into their country. The real & effective stand we have therefore to take up is to fight legislation based on colour. The Cape & Natal Acts are general in terms. They hit us hard because the education test does not include a knowledge of the Indian languages. The Cape Act was drafted so as to include Indian languages but it was amended in Committee. The legislation here is against Indians (described as the "aboriginal races of Asia") as such & deprives them of the right of owning property, etc. You will find the full text of these laws in the papers sent before.

If your health is good & if time permits it, please study the question & direct the movement in India against it. The more I observe the effect of emigration of our people on their character, the more convinced I become that, if an open door is kept for us to

migrate to the colonies even the under restrictions of a general character applicable to all, there are great possibilities for us.

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

From the photostat of the original: G.N. 4101.

#### 44. NOTES

##### POSITION IN THE TRANSVAAL

BOX 6523,  
JOHANNESBURG,  
*May 16, 1903*

Hardly has the ink dried on the pen when information is officially received that it is the intention of the Government to enforce the £3 registration tax in terms of Law 3 of 1885. The information received from friends in London goes to show that the Law is to be altered. If so, it is difficult to imagine why it is now proposed to collect the registration tax of £3. It was never compulsorily collected during the Boer rule.

It is inconceivable why the very tax from which we were protected by the British Government should now be collected in its name. And there is not even the excuse of popular prejudice in favour of the tax. The agitation from the Europeans is against trading licenses. No one at any of the anti-Asiatic meetings has ever whispered a word as to the collection of the tax.

We have sent a respectful protest to His Excellency the Lieutenant-Governor and it is unlikely that the collection of the tax would be suspended before this reaches London. But the situation has become so critical that it has been thought advisable to pass on to London any developments in the position.

India Office: Judicial and Public Records, 402.

#### 45. THE BRITISH INDIAN ASSOCIATION AND LORD MILNER

His Excellency Lord Milner has forwarded to the Press the following account of his interview with the deputation of the British



Indian Association on the 22nd ultimo.

Present: His Excellency the Governor of the Transvaal, and Messrs. M. K. Gandhi, Abdul Gani, Haji Habib, H. O. Ally, S. V. Thomas, and Imam Shekh Ahmed.

Mr. M. K. Gandhi said that, on behalf of the deputation, he wished to thank His Excellency for receiving them. They wished to discuss the £3 tax and the general question. When they read His Excellency's address to the Municipal Congress, they felt obliged for the sentiments which he had expressed, and thought that they saw the end of their troubles. But the following morning they received a letter from His Excellency the Lieut.-Governor of the Transvaal, from which it appeared that the Government were going to enforce Law No. 3 of 1885, and that it would not be altered at all. It was quite true that this tax had been paid by some of the Asiatics to the old Government. Indeed, they could not get a license to trade unless they had previously paid this tax. But it was never regularly enforced. In 1885, when this law was passed, complaints from British Indians poured in, and there was a good deal of correspondence with the Colonial Office on the subject of the right of the Boers to impose this tax, and to pass the law. Finally, the late Government agreed to arbitration. But the decision<sup>1</sup> went against the British Indians. However, Mr. Chamberlain said that he reserved to himself the right to make friendly representations to the Transvaal Government. Mr. Chamberlain also told them that he heartily sympathised with the British Indians. In the end, the law was never wholly enforced. In 1899, when an attempt was made to enforce the Location Law, a deputation waited upon Sir Conyngham-Greene and Mr. Emrys Evans. The latter afterwards saw Dr. Krause, who was then the Public Prosecutor, who assured him that he had received no instructions to prosecute in cases where the people refused to go into Locations. But now the position was absolutely changed, and they were to be compelled to pay the tax and to go to Bazaars. He ventured to submit that the tax would be a grievous burden to the Indian community. Large numbers of Indians were employed as house-boys, domestic servants and waiters, and their wages were about £3 per month. Thus, they would have to pay one-twelfth of their wages by way of a tax. It was also a kind of a penal measure, for, if they did not pay, that law provided that a fine of

<sup>1</sup> *Vide* "Open Letter", before 19-12-1894 & "Letter to Europeans" 19-12-1894

from £10 to £100 could be imposed or, in default, fourteen days' to six months' imprisonment.

His Excellency: Is this an annual tax?

Mr. Gandhi said it was not, and had only to be paid once. It was intended to act as a deterrent to Indian immigration. That such payment should now be enforced against those already in the country came as a great surprise to them.

As to passes, Mr. Gandhi said that originally, after refugees were permitted to return to the Transvaal, permits held by Indians were taken away from them by the Asiatic Office, and temporary passes were granted. Passes were further necessary if an Indian wanted to visit a friend in another part of South Africa. These passes were made out for as many days as the issuing officer chose. There was, besides, a vast amount of unnecessary trouble. Later on, these passes were again exchanged for permits, and instead of a notice being put in the papers to this effect, Indians were brought to the office simply to be told about it. In one case, some Indians were dragged out of their homes at four o'clock in the morning, and kept waiting at the office till 9.30, simply to be told that their passes were no longer of any use, and had to be changed for permits. The community needed rest from these constant changes of passes and permits.

That was their position, and they had come to His Excellency to pray for relief, both as regards the present permit system and the £3 tax. This law was most painful to them—all the more so, as the enforcing of it now showed the intention of the Government to perpetuate it. It had been publicly declared that the refusal of the late Government to repeal that law was one of the causes of the war. But what did they find? That the new Government was going to enforce Law No. 3 of 1885 as it had never been enforced by the late Government. That being so, it followed that they would never be allowed to hold property in the Transvaal, except in Bazaars and Locations. He respectfully submitted that that was quite contrary to the principles of the British Constitution, and that it was not in vogue in any other British Colony. Now, a new Crown Colony was leading the way in this direction. In this connection, he would like to mention another difficulty. The sites where stood the Mosques in Pretoria and Johannesburg had been purchased many years ago, but owing to this law, they could not be transferred to them. And there was the same difficulty regarding the Mosque at Heidelberg. Lord Roberts, when

approached, pointed out that military law was still in force, but added that he hoped that, as soon as the civil administration was established, all British subjects would be treated alike. Yet this very law was being enforced against them by the present Government.

Then there was the trouble about photographs on visiting passes. If an Indian wished to visit friends in another Colony, he had to send three photographs to the Asiatic Office before he could get a pass to leave the Colony and return. Such a course might be necessary to prevent a fraudulent use of such permits, but he ventured to submit that it was not fair to assume that, because some Indians might make a fraudulent use of a permit, all Indians were criminally inclined. Those who should surely be caught and severely punished. They had frequently protested against this and the way the Asiatic Office was carried on. The officer there was reported to have said, in the course of an interview which appeared in the *Star*, that it was intended to advance the views of the White League and not to watch over the interests of Asiatics.

When Mr. Chamberlain was here, he received a Deputation of British Indians, and he told them that they should make it their duty to agree with the sentiments of the European population, so long as these sentiments did not interfere with their rights. They had taken that advice to heart, but now the White League demanded that they should be sent out of the country altogether. He could assure His Excellency that they had all been trying to follow the advice of Mr. Chamberlain, in so far as it was consistent with their self-respect. He did not think he need add anything more than to remind His Excellency that Mr. Chamberlain had said that those Indians already in the country would receive fair and honourable treatment, and that was what they now asked for.

H. O. Ally complained that they were not allowed to trade where they liked, and that they could not get transfers of licences.

Imam Shekh Ahmed stated that, some months ago, he applied for a permit for a Mohammedan priest, but it was refused point-blank. Surely no country could refuse to allow a priest to enter it for the purpose of ministering to a section of the inhabitants of that country. He had always found that great difficulties were put in their way when they went to any of the Government offices to see the officials. He could never, for instance, get in to see the Colonial Secretary.

His Excellency: I think what has just been said is rather an

illustration of the necessity of having an Asiatic Department. It is quite possible that the present Asiatic Office, which is a new institution, may not work very well. But my idea is that it would be an immense advantage for the Asiatics in this country if they had a special member of the Government to whom they could go about their affairs, instead of having to compete with so many other bodies for the attention of a very much overworked office like that of the Colonial Secretary. I admit that this special officer should not regard himself as a man merely to enforce the law with regard to Asiatics, but as a man to look after their interests, and by whom they should be well received when they have any complaint to make. I think such an Asiatic Department is very desirable, and its establishment is in your own interest. The discussion to-day has turned largely upon the £3 tax. It seems to be rather a small point among many big ones. The only reason for pressing for the £3 tax, which, I may tell you, I consider a very fair one in any case, is that it is part of the existing law. We are enforcing the laws as we find them. But I may say at once that we do not consider Law No. 3 of 1885 a perfect one at all. I have always maintained that it was necessary to deal with the position of Asiatics in this country by special law, but the law, under which I think they should be dealt with, would be materially different from Law No. 3 of 1885. I do not know that we should altogether agree as to what the provisions of such special law should be, but while I should not agree with you in all respects, neither should I agree with much I hear said, and with what I read in the newspapers with regard to the treatment of Asiatics.

I think we have a perfect right to restrict Asiatic immigration, and any other immigration for that matter, for the general good of the community,—that is a right inherent in every State which cannot for a moment be disputed—but I think that those Asiatics who are already here, and whom we may hereafter admit, should be well treated and feel that their rights are guaranteed. I hoped that ere now a new law of a permanent character would have been passed, so that a British Indian, or anyone else, could say to himself: “I know that, if I go to the Transvaal, I must abide by certain conditions, and, that being done, I shall be all right,” while those already in the country would be protected in their acquired rights. But, unfortunately, delays have occurred, and you see for yourselves what the difficulties are in passing a law dealing with this matter. I have a great faith in the effect of time, discussion and

consideration to bring conflicting views closer together. But at present, such a law as I should propose might not have the consent of the Government of Great Britain, and might cause protest from the Government of India: and, on the other hand, any law, which the Home Government suggested. to us, might not meet with public assent here, and, even if passed, might make your position worse by stimulating the opposition to you, and would then, on the establishment of self-government, almost certainly be repealed at once. It is no use trying to force the position here against the overwhelming body of white opinion. I think a reasonable law is possible—not a law which will give you all you want, but one which will give you a great deal; not a law which will altogether please the “White League”, but one which will do much to conciliate the reasonable members of the white population. Meanwhile, the Government of the Transvaal has been repeatedly called upon to enforce the law that exists, and it cannot do otherwise while it remains on the statute-book. You make a point of the fact that this law was not enforced by the old Government. That is what I object to about the system of the late Government of the Transvaal—it was so arbitrary. The law was enforced and. it was not enforced. But all the time it was hanging over your heads, and you never knew what was going to happen to you. Some were made to pay the tax and some were not. While the tax is on the statute-book, I say that it must be paid by all alike.

It has been said that my sentiments differ from those of the Lieut.-Governor. I do not think there is any inconsistency. I adhere to the sentiments which I expressed the other day, and to which you have refer red. But I also adhere to this, that you must make the best of existing conditions and submit to the existing law until it is altered. I do not think it is being carried out harshly. The present Government is showing a reasonable regard for the position of Indians already here. 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. Therefore, to me, registration seems a protection to you, as well as a help to the Government, and in any law that is passed. I should like to see registration

included.

As to Bazaars, continued His Excellency, would it not be better for the Indians to accept Bazaars, provided that they are good Bazaars, in reasonable localities and properly organised? I must say that I think once they are properly established, it would be a distinct advantage to the Indian community to occupy them, instead of causing general opposition to themselves by settling down here, there, and everywhere among people who do not want them. It would not be just to force into Bazaars those Indians who have already established themselves elsewhere, or Indians of a superior class. If some gentlemen of the "White League" would like to see all Indians, irrespective of their social position and irrespective of their acquired rights, compelled to migrate to Bazaars, I say I do not agree with them. But, rightly or wrongly, and for my own part, I think not unreasonably, the white population resent and will resist any large and indiscriminate influx of Asiatics into their own midst.

I have made a note of some of the points you have raised about photographs, about the difficulty of getting the title to mosques registered in your own names, and about passes. All these matters I will enquire into. I do not myself suppose that the difficulty about the registration of the title to the mosques is anything more than a technical legal difficulty. Whenever there is legislation on the subject, I have no doubt that we shall provide that places of worship may be registered in the names of those who use them. I think it is a very hard thing that they should not be allowed to hold them in their own names. Generally speaking, I am opposed to everything that would tend to make the life of Asiatics, uncomfortable, to make them feel themselves slighted, or to subject them to any restrictions except those absolutely necessary in the interests of the whole community, such as the restriction on immigration and regulations as to the place of residence of those who do not belong to what you may term the superior class, and who have not lawfully established themselves already.

You say that we have not recognised all acquired rights. That is because a number of people have come into the Transvaal since the war without proper authority. We have recognised the rights of the Indians who were here before the war, and who held licences before the war. We allow them to renew their licences for the premises they had prior to the war or to transfer them to other premises.

M. K. Gandhi: Those who have got new licences were refugees who had traded in other parts of the Colony. They have now built new homes and shops for themselves, and will have to leave them at the end of the year, when their licences expire, because they may not renew them.

His Excellency: Those original licences were for wholly different localities. At present, if an Indian had a licence for one street in Johannesburg before the war, he can either renew the licence for that shop or go to another, still in Johannesburg.

M. K. Gandhi: My point is this: some Indians had trading licences for the other parts of the Transvaal before the war. They went away as refugees, and now have come back to different localities and have obtained fresh licences. But now they are told that they cannot renew those licences at the end of the year, because they were not licensed in those districts before the war.

His Excellency: That is a new point. What I was thinking of was the case of people who were trading in any particular town before the war, but now desired to trade in another shop in the same town.

H. O. Ally: This is the point. Assume that I was trading in Commissioner Street, Johannesburg, before the war, and now desired to trade in Heidelberg instead. That I am not permitted to do, because I had not had a licence to trade in Heidelberg prior to the war.

His Excellency: That is quite a new point. I cannot express an opinion without further considering it.

H. O. Ally: This agitation against us is largely due to trade jealousy.

His Excellency: I think there is a great deal of trade jealousy. That is quite natural. There are a limited number of white people living here amongst a very large black population, and there are only certain employments open to them. Naturally, they do not want a large influx of strangers to come and take the bread out of their mouths. They are perfectly right in asking that we should control immigration. If there is at present a living here for, say, 100,000 people, we do not want 200,000 to rush in and swamp us. Our numbers are too small to allow of uncontrolled immigration, especially of a different race, when we have already so many racial problems.

Haji Habib: And yet many white people are making their bread

by trade with the Indians in India. But with regard to the Bazaars, how can they put up what are required? Today there might be a demand for 30, and tomorrow 300 might be wanted. The point about Bazaars is that we do not want any law forcing us to go into Bazaars.

His Excellency: I do not want to force those present to go into Bazaars, but I think that we have the right to say that we will not have more than a reasonable number of Asiatic traders here, and that, if they come, they must do so under certain restrictions.

M. K. Gandhi: A proposal was made to H.E. the Lieut.-Governor the other day. We asked to have the sites, which had been acquired for the purpose of Bazaars, pointed out to us, and suggested that anyone desiring to obtain a new license should be asked if he would take one out for a shop on that site, but that it should not be made compulsory that we should go and trade at that place. Then the thing becomes offensive to us. If there was a Bazaar, the poorer class of Indians would naturally go there. At present most of that class are in the Locations. They have naturally gravitated there.

His Excellency: What you say must be considered in dealing with new legislation. But my point for the moment is this, that, while the present system continues, the Government is quite right in saying that the law must be observed. Needless to say, the Government has no prejudice against you, though it may feel that the influx of any large additional number of Asiatic traders is undesirable. For those already here, I can only say that I hope they may continue to prosper.

M. K. Gandhi: That is a sentiment confined only to Your Excellency. For instance, it takes three months for an Indian, from the time he lands at one of the ports, to get up here.

His Excellency: I can tell you as a fact that at one time a far larger number of Indians were coming up here than people of all other nationalities, except British, put together. I must say that I, at one time, thought we were going too far and issuing far too many permits to Indians.

H. O. Ally: The mistake was made by the railway authorities, because they thought that any Indians who showed that they were refugees were entitled to return at once. That went on till the Peace Preservation Ordinance was passed.

His Excellency: To revert to the £3 tax. I have heard no valid argument against it.



H. O. Ally: It is a special tax. Greeks, Armenians, and others do not have to pay a special tax. They pay 18s. a year, and that is all.

His Excellency: Yes, but they pay that every year, whereas you pay the £3 tax once and have done with it.

H. O. Ally: And we should prefer to pay this 18s. a year, instead of the £3 tax.

His Excellency: But there is no choice in the matter. The law at present says that you have to pay £3, and that law is going to be enforced.

H. O. Ally: We have protested against this law for years, and we think that, if we submit to it now, we shall be prejudicing our case against it

His Excellency: You have a perfect right to make your views heard. What I say is that you would put yourselves in the wrong by resisting the action of the Government in carrying an existing law into execution.

H. O. Ally: We will never do anything like that. That is why we came to Your Excellency. Whatever conclusion the Government comes to in the matter, we will abide by that. But I think that, if the objection to us is that our homes are not sanitary, the Municipality should pass more stringent measures, and send inspectors round to see our places. I do not think any man would need to be fined a second time, and one fine would act as a warning to the others.

After thanking His Excellency for granting them the interview, the deputation withdrew.

*Indian Opinion*, 11-6-1903

#### 46. POSITION IN THE TRANSVAAL

[JOHANNESBURG,  
May 24, 1903]

THE POSITION IN THE TRANSVAAL FOR WEEK ENDING 23RD MAY, 1903

The Law 3 of 1885 as amended in 1886, it will be remembered, requires from every Indian settling in the Colony a registration fee of £3.

The Government, having decided to enforce the above Law, notified that the Indians who had not paid £3 tax during the old

regime were to pay it forthwith. The community, therefore, appealed to Lord Milner for protection on the following grounds:

(1) The Law 3 of 1885 was never approved by the British Government and it remained on the statute-book only after diplomatic representations had failed.

(2) The tax was never regularly enforced during the late regime.

(3) The Law, the removal of which was one of the causes of the war, should not be enforced.

(4) The Indian community needs rest from the constant change of passes and officers. The Asiatic Office, under whose yoke it is groaning, took away the permanent permits held by the Indians and granted temporary passes, for which there was no legal authority. These passes were changed for permits, and hardly has the police prosecution been effaced from the mind of the Indian community, when comes the proposal for registration certificates for which £3 have to be paid.

(5) The payment would be a crushing burden to poor Indian hawkers and others to whom the sum of £3 is not a joke.

(6) Unlike other personal taxes in the Colony, failure to pay the tax renders a man liable to the penalty of £10 to £100 fine and, in default, 14 days' to six months' imprisonment. The other taxes in the Colony are recoverable only by civil writ.

(7) The tax is not meant for the purposes of revenue but as a deterrent to future immigrants. But, seeing that *bona fide* refugees only are allowed to enter the Colony, there is no necessity for a deterrent.

(8) The £3 tax is merely a penalty for wearing the brown skin and it would appear that, whereas Kaffirs are taxed because they do not work at all or sufficiently, we are to be taxed evidently because we work too much, the only thing in common between the two being the absence of the white skin.

(9) The strangest part of the thing is that there is no demand on the part of the White Leagues for the enforcement of the payment. The only thing they want is the banishment of the Indians, if not out of the country altogether, certainly to Locations outside townships.

His Excellency received a deputation in the matter and gave it a

very long, patient and courteous hearing, but said that he saw no valid reason, in all the grounds enumerated above, for not enforcing the payment, that the Government were not unfriendly to the Indians, that while future immigration will most certainly be restricted, he considered that the present population were entitled to fair treatment. Replying to other matters raised by the deputation, His Excellency said he was considering in what way the existing law could be replaced, and he could see nothing wrong in a separate Asiatic Office) which was really (he added) in the interests of the Indians. His Lordship advised us not to resist payment of the tax and [to] bow to the inevitable.

Although we respectfully differ from His Excellency regarding the payment of the tax, we have decided to obey His Excellency's advice, (1) because we are anxious to fall in with the Government whenever it is possible, and (2) because we think that our energy and that of the friends in London should be concentrated on one central point, namely repeal of the existing law.

As to the Asiatic Office, while His Excellency's views are very soling as to its being in our interests, so far, in practice, it has proved a veritable yoke since its establishment. The community has not known what rest from vexation is.

#### EAST LONDON

Two well-dressed Indians, Doorysammy and Nadda, were fined £2 each or 14 days' or one month's hard labour respectively for walking on the foot-path in Oxford Street, East London, on the 6th and 9th May respectively. The foot-path bye-law is, therefore, in full working order and has naturally created consternation among the Indians in East London. It was hoped from the tone of the Town Council's reply to the Indian protest that the law would not be systematically enforced and that cleanlydressed Indians at any rate would not be molested. The Secretary of the East London Indian Association has, however, been politely asked by the police to keep off the foot-path on pain of being arrested. The situation is most cruel. Even if Mr. Chamberlain cannot officially interfere with the working of the existing legislation in East London, or the legislation itself, the people there are hoping that he will be graciously pleased to make friendly representations and use his great influence. with the Colonists in persuading them to desist from the irritating prosecutions for which there is no justification whatsoever. In the meanwhile, the most res-

pectable Indians of East London are obliged, for fear of being arrested, to keep off the foot-paths in the principal streets of East London. They have a perpetual reminder that they belong to an outcast race and that the fact that they are loyal British subjects is of no account in the British town of East London.

India Office: Judicial and Public Records, 402.

#### 47. LETTER TO DADABHAI NAOROJI

25 & 26, COURT CHAMBERS,  
RISSIK STREET,  
JOHANNESBURG,  
*May 24, 1903*

THE HONOURABLE DADABHAI NAOROJI  
LONDON  
SIR,

I beg to enclose herewith a statement<sup>1</sup> up to date regarding the Transvaal and East London. We read in the papers that Mr. Chamberlain is expecting Lord Milner's despatch as to the alteration of the existing legislation affecting the Indians. I trust a draft copy will be supplied to you. And if it is, I also trust that you will not accept any draft without letting me see it.

It is necessary, also, that something should be done with reference to the legislation of the Orange River Colony which shuts out the Indians altogether.

*I remains*  
*yours truly,*  
M. K. GANDHI

India Office: Judicial and Public Records, 402.

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

## 48. NOTES

[JOHANNESBURG,  
*May 31, 1903*]

### NOTES ON THE POSITION UP TO THE WEEK ENDING 30TH MAY 1903

In the previous notes, the British Indian Deputation that waited on Lord Milner has been alluded to. The official minutes thereof have been published in the papers. Cutting is hereto attached. It is sincerely to be hoped that in the new legislation that is under consideration, no class distinctions will be made.

#### ORANGE RIVER COLONY

It is time that something was done with reference to this Colony which practically shut out Indians altogether. There were many who were driven out of the Colony when it was under the old Government. The British Government could not then grant any relief as it was an independent Republic. Should not these be now reinstated?

During the Military rule there was some indication of the Law being altered, but now the situation is growing more and more serious; the matter, it is submitted, ought to be brought separately to the notice of Lord George Hamilton and Mr. Chamberlain. Unlike the Transvaal, the legislation in that Colony has already commenced to establish the principle of colour legislation by introducing colour distinction into the municipal franchise.

#### CAPE COLONY

A report<sup>1</sup> hereto of the meeting held by the British Indians there sufficiently explains the situation.

The story of the grievances of the Indians in East London is already familiar to the Fends.

The lead of the Transvaal in establishing Bazaars is, as will be seen by the report, being followed at the Cape.

India Office: Judicial and Public Records, 402.

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

#### 49. LETTER TO DADABHAI NAOROJI

25 & 26, COUT CHAPTERS,  
RISSIK STREET,  
JOHANNESBURG,  
May 31, 1903

TO  
THE HONOURABLE DADABHAI NAOROJI  
LONDON

DEAR SIR,

I beg to enclose herewith the usual statement.<sup>1</sup>

At the request of the store-keepers in Heidelberg I have returned with this a copy of the magisterial proceedings which took place during Mr. Chamberlain's stay in South Africa. They say the note is to be sent to you. I hope, however, you will not take any action thereon. Our countrymen here are at present naturally in such a state of unrest, confusion and terror, that they are unable to take a dispassionate view of things. I would therefore request you to be chary of receiving and using statements not received from Mr. Nazar or myself. Our policy is & must be to put up with the inconveniences such as those described in the Heidelberg proceedings. They are but a phase of the larger question. The whole effort has to be concentrated on the repeal of the existing legislation.

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

From the photostat of the original: S. N. 2257.

#### 50. OURSELVES<sup>2</sup>

We need offer no apology for making an appearance. The Indian community in South Africa is a recognised factor in the body politic, and a newspaper, voicing its feelings, and specially devoted to its cause, would hardly be considered out of place: indeed, we think, it

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

<sup>2</sup> This was Gandhiji's unsigned editorial in the inaugural issue of *Indian Opinion*.

would supply a longfelt want.

The Indians, resident in British South Africa, loyal subjects though they are of the King-Emperor, labour under a number of legal disabilities which, it is contended on their behalf, are undeserved and unjust. The reason of this state of affairs is to be found in the prejudice in the minds of the Colonists, arising out of misunderstanding the actual status of the Indian as a British subject, the close relations that render him kin to Colonists, as the dual title of the Crowned Head so significantly pronounces, and the unhappy forgetfulness of the great services India has always rendered to the Mother Country-ever since Providence brought loyal Hind under the flag of Britannia. It will be our endeavour, therefore, to remove the misunderstanding by placing facts in their true light before the public.

We are far from assuming that the Indians here are free from all the faults that are ascribed to them. Wherever we find them to be at fault, we will unhesitatingly point it out and suggest means for its removal. Our countrymen in South Africa are without the guiding influence of the institutions that exist in India and that impart the necessary moral tone when it is wanting. Those that have immigrated as children, or are born in the Colony, have no opportunity of studying the past history of the nation to which they belong, or of knowing its greatness. It will be our duty, so far as it may be in our power, to supply these wants by inviting contributions from competent writers in England, in India, and in this subcontinent.

Time alone will prove our desire to do what is right. But we can do very little unaided. We rely on generous support from our countrymen; may we hope for it from the great Anglo-Saxon race that hails His Majesty Edward VII as King-Emperor? For, there is nothing in our programme but a desire to promote harmony and good-will between the different sections of the one mighty Empire.

*Indian Opinion*, 4-6-1903

## 51. THE BRITISH INDIAN IN SOUTH AFRICA

The question which we propose to discuss in these columns for the next few weeks is a very large one. It is daily growing in importance. As with social questions, so with this, it will be readily admitted that prejudice has played not an inconsiderable part: it will be our duty then to steer clear of it, and to deal with the situation

without any bias, and with strict adherence to proved facts.

No politician worthy of the name can afford to ignore this matter. The presence of nearly 100,000 Indians in British South Africa cannot but affect the sub-continent for good or for evil. What to do with them is a problem on the correct solution of which depends their happiness, and in which every householder is undoubtedly concerned. Let us then see what the position is to-day.

In Natal, the Immigration Restriction Act effectually prohibits the entry of immigrants unless they have been formerly domiciled in the Colony, or unless they can read and write one of the European languages. The Dealers' Licences Act<sup>1</sup> places the trading class at the mercy of licensing officers who have practically absolute discretion either to grant or withhold trading licences which have to be taken out every year.

Then there are the vexatious laws about passes<sup>2</sup> under which even respectable persons? men and women, may be arrested, during day time or night time, and alike in country places as in towns. The question of education is growing in seriousness. Public schools are no longer open to Indian children. The Government has lately opened two Higher Grade Indian schools, one in Durban and the other in Maritzburg, but the education given there is elementary, and there are no facilities for further studies after the youth has finished his school course. In the Capital of the Colony, the Town Council has passed a resolution prohibiting alienation or leasing of townlands to the Indian subjects of His Imperial Majesty the King-Emperor. And the Prime Minister has sent the Durban Town Council a copy of the recent Transvaal Government Notice No. 356 of 1903, dealing with the trading licences and residence of "Asiatics":<sup>3</sup> this is ominous.

The presence of a large indentured population further complicates the situation. The lot of this population is harder still. After it becomes free at the end of full five years' indenture, it is subject not only to the general laws of the Colony, but also to some special ones. Thus, it must either enter into a series of fresh indentures, or return to India, or pay an annual tax, a poll tax, euphemistically described by the legislature as a licence, of £3. A recent Act imposes this hardship also on the major children of indentured immigrants,

<sup>1</sup> *Vide* "A Study in Facts", 18-6-1903 & "Immigration Bill" 25-06-1903

<sup>2</sup> *Vide* "Immigration Bill" 25-06-1903 & "The Bright Side of the Picture"

<sup>3</sup> *Vide* enclosure to "British Indians in South Africa", April 12, 1903.



i.e., on girls of 13, and boys of 16 years of age.<sup>1</sup>

The Cape Colony passed in February last an Immigration Act which goes further than the Natal Act in that the education test is so severe that it is possible for an officer to reject even well-educated Indians, though it is liberal in another respect in that it keeps the door open for people domiciled not only in the Cape Colony, but in any part of South Africa. The Town Council at East London has passed a legislation prohibiting Indians, not owners or occupiers of landed property of the Corporation value of £75, from walking on foot-paths, and [conferring] powers to restrict them to Locations. In fact, the Municipal Act classes the Indian with the Native of South Africa.

In the two new Colonies His Majesty's Government has inherited the legislation of the late Republics, which is naturally very drastic. It is now being reconsidered, and the whole of it will be recast in the not very distant future.

However, as the yoke falls most heavily upon Indians in the newly annexed territories, it is worthwhile recapitulating the Republican legislation.

In the Transvaal, the Indian cannot trade, or reside, or own landed property, except in Locations set apart for him. He must pay a registration fee of £3. He may not be out after 9 P.M., and may not walk on the footpaths. These are the principal disabilities. The licensing measure is being enforced with a severity unknown before.

In the Orange River Colony, the Indian has no footing except as purely and simply a labourer.

There is this marked distinction, worthy of note, between the Cape-Natal legislation and the Republican legislation, namely, that while the former, in theory, is applicable to all nationalities, the latter is especially directed against the Asiatics as such.

Strong popular prejudice has practically kept the Indian from the other parts of British South Africa.

Socially and popularly, the Indian is a pariah—in some places less so than in others. He is nicknamed “coolie”. In fact, popular prejudice has portrayed him as a “filthy being”, without any virtue. The prejudice, it must be confessed, has become much toned down in Natal. And though the differences between the two communities

<sup>1</sup>Vide “Indians in South Africa”, April 22, and “Indians in Natal”, May 10, 1902.

undoubtedly still exist, they are perhaps more based on the fact that each looks at the problem from a different standpoint from the other than on colour prejudice, pure and simple. The struggle seems to be fiercest in the Transvaal.

*Indian Opinion*, 4-6-1903

## 52. IS IT FAIR?

If a European commits a crime or a moral delinquency, it is the individual: if it is an Indian, it is the nation. This statement has been recently verified in the case of a certain Indian who has seen fit to let houses, taken by him on lease, for immoral purposes. For conduct such as this there is absolutely no defence. But it is one thing to condemn the individual, and another to justify and advocate restrictions on a whole nation, as the usually sober “Man in the Moon” of Mercury Lane<sup>1</sup> and our esteemed evening contemporary<sup>2</sup> have done, because of the acts of the man referred to above. And let it not be forgotten that it is a European landlord who has leased the premises to the Indian in question. But the incident ought to serve as a lesson to our countrymen. Like Caesar’s wife we must all be above suspicion. Living as we are in a country where somehow or other everything against us is immensely magnified, the least of us have to be careful as to what we may do, lest we may stultify the whole community.

*Indian Opinion*, 4-6-1903

## 53. VIRTUOUS INCONSISTENCY

Foolish consistency is the hobgoblin of little minds, said Emerson. Evidently the Transvaal Government thinks that uniform treatment during a plague scare would be ‘foolish consistency’. Therefore it has ruled that no Indian from Natal is to enter the Transvaal, while Europeans and Kaffirs are allowed in without restrictions, despite the fact that the plague has not respected persons, and has been foolishly consistent in attacking all the three races inhabiting Natal. The Indian may be forgiven if, therefore, he arrives at the conclusion that the embargo placed on him is more in the nature of a

<sup>1</sup>A weekly columnist of *The Natal Mercury*:

<sup>2</sup>*The Natal Advertiser*.

political closure than a precaution in the interests of public health. During the first stages of the scare, perhaps the restriction was excusable, in view of the popular prejudice. But a deliberate prohibition against Indians only, without the option of temporary quarantine, in the face of the fact that the plague is now, let us hope so, dying out, and that it has not progressed in all these months beyond the Capital, may be virtuous inconsistency, but to the victims of the embargo it becomes a very serious matter indeed. Refugees, and others who have connection with the Transvaal, suffer great loss and inconvenience. May we appeal to the local Government to obtain some measure of relief from such manifest injustice against a portion of the inhabitants of Natal, Indians though they may be? Fair play is the great characteristic of the British race; and we ask every true Britisher to say whether the onesided treatment described above is a sample of fair play.

*Indian Opinion*, 4-6-1903

#### 54. *BETTER LATE THAN NEVER*

The British Indian League in Cape Town has, at a large meeting of British Indians, passed resolutions protesting against the recently enacted Immigration Act<sup>1</sup> and the proposed measure for relegating Indians to Bazaars.<sup>2</sup> Our countrymen there have the powerful aid of the Bombay Chamber of Commerce, in their attempt to have the Cape law modified. The measure, in its Bill stage, was harmless enough. It protected the rights of British subjects, whether coloured or not; and it also recognized the Indian languages for the educational test. The Bill was introduced at the fag-end of the session, and rushed through the House in indecent haste, beating even Natal in this respect. Until, therefore, it had passed through all its stages, the public naturally could say nothing in the matter. For our part, we do not think that there is slightest danger of an un-due Indian influx. Mr. Chamberlain has laid down the principle that self-governing Colonies have the

<sup>1</sup> The Act 47 of 1902 imposed restrictions on Asiatic immigration (by removing Indian languages from the scope of the educational test). The British Indian League submitted a petition to the Colonial Secretary on June 6, 1903, protesting against the Act.

<sup>2</sup> The City Council of Cape Town sought to segregate Asiatics on the lines adopted in the Transvaal.

right, very largely, of governing immigration. Lord Milner, too, repeated the principle the other day in more emphatic terms<sup>1</sup> and our countrymen bow to it, as they must. But there are well-defined limitations to the doctrine, one of which is that colour is no ground for restriction, and the other is that a whole nation cannot be debarred. Now, the Cape Act nullifies both the tests. It lays down an educational test, under which even a graduate of a University may fail; and seeing that it does not include in the test a knowledge of the Indian languages, in effect it totally prohibits the Indian immigration. It is open to almost all the objections applicable to the Natal Act. It is to be sincerely hoped that next session it would be so modified as to respect reasonable Indian objections while upholding its main object. Indeed, the ministers said that as the Bill was being rushed, they would be prepared to amend it during the following session.

*Indian Opinion*, 4-6-1903

### 55. WORDS AND DEEDS

That the liberal-minded Premier<sup>2</sup> of this fair Colony should address municipalities in Natal on the Bazaar Notice of the Transvaal Government, and thus influence their action in the same direction, is a distressing surprise to us. What would Sir Albert have the municipalities to do? They have unlimited powers already. Very few new licences are granted. Whom would Sir Albert then send to Bazaars? Surely not these who are already established; for, such are not affected by the Transvaal Notice. It is a strange comment—this action of the gallant Premier—on the Imperial mission of Mr. Chamberlain to South Africa. Imperial spirit, imperial unity, this is the dominant note of the eighty speeches of the Right Honourable Gentleman. Dealing with the Indians, he laid down the rule that those already settled, were “entitled to fair and honourable treatment”. To force Indians to Bazaars, in plain terms Locations, is hardly ‘fair’ or ‘honourable’. One would have thought the Indians would be allowed to have rest after the passing of what to our mind are drastic measures; namely, the Immigration Restriction and Dealers, Licenses Acts. The Almighty has evidently willed otherwise.

(Since the above was in type, we have learnt, with a shock of

<sup>1</sup> *Vide* “The British Indian Association and Lord Milner”, 11-06-1903

<sup>2</sup> Sir Albert H. Hime, Premier, 1899-1903.

surprise, the opinion passed by the Mayor of Durban in the form of a minute. We reproduce the full text elsewhere,<sup>1</sup> and reserve comment till our next issue.<sup>2</sup>)

*Indian Opinion*, 4-6-1903

### 56. MINUTE BY THE MAYOR

The statement<sup>3</sup> made by the Mayor of Durban in Committee of the Whole Council on Tuesday last, which we reproduce below, seems to be a premature effort to introduce into Natal the repugnant old laws temporarily revived in the Transvaal, regarding Asiatic segregation, laws that roused the righteous indignation of the British Government before the War, and are being considered by the Imperial Government. It is a singular travesty of equal rights—of “fair and honourable treatment”, and is being evidently rushed with such undue haste as to suggest that the promoters are not anxious to court criticism.

#### THE MINUTE

The Hon. the Prime Minister has been good enough to forward copy of resolution passed by the Transvaal Executive Council, prescribing the principles to be adopted in dealing with applications for trading licences by Asiatics, which may be summarised under four headings, viz., (1) to provide for the allocation of Asiatics for trading and residential purposes in bazaars; (2) to restrict all new licences to premises in such bazaars; (3) to provide that existing licences outside the bazaars shall not be transferred to any other Asiatic trader, and that the holders of such licences shall not have more licences in any one town than they hold on a given date; and (4) permitting Asiatics, under certain circumstances in regard to method of living, to reside outside such bazaars.

We have now had six years in which to prove the success or failure in this borough of the legislation introduced in 1897, and I regret to have to confess that we have not experienced the benefits that were anticipated from that legislation—I refer to the Immigration Restriction Act, 1897, and’ Act 18 of 1897, “To amend the law relating to licences to wholesale and retail dealers.”

During the past six years, there have been very marked increases in the number of licences held by Asiatics, and we now find that in the main streets of the borough,

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

<sup>2</sup> *Vide* “The Lion and the Lamb”, 11-6-1903.

<sup>3</sup> The reference is to the minute which follows this editorial note by Gandhiji.

large blocks of valuable property are held by Asiatics, that they are daily acquiring other properties, and that many new buildings are being erected for trade purposes by Asiatics, which buildings under the existing laws will, in all probability, be licensed, because such laws will not permit of applications for licenses being arbitrarily refused.

It is impossible to overlook the fact that, by permitting these people to reside and carry on business in every part of the borough, we are perpetuating a very serious menace to the health of the community. In this connection, I need only refer to the preponderance of cases of bubonic plague, which have occurred amongst Indians, to prove that the habits of these people are not conducive to the health of the borough. I find that out of the 160 cases of plague to date, no fewer than 93 were Asiatic cases. Although the leading representatives of the Indian community have rendered very great assistance to the Health Department during the outbreak of plague, yet, owing to the customs of the race, considerable difficulty has been experienced in carrying out sanitary requirements, and these difficulties would, to a large extent, be overcome, if all Indians living in the town were required to reside in a given area. I do not anticipate any grave trouble in selecting a suitable neighbourhood as an Asiatic quarter.

The Asiatic owners of premises in West Street, Smith Street, Pine Street, Commercial Road, Railway Street, and elsewhere, have no vested right in the licences under which they trade, as, for good and sufficient reasons, these and other licences might not be renewed at the end of any given year. So, far from being a hardship, I consider it would be an advantage to the Indians themselves if their business premises and habitations were congregated together in a special area, instead of being distributed over the whole length and breadth of the borough, as at present. It might be somewhat harsh if existing licences were cancelled forthwith, but by permitting the present licensees to continue to hold licences for the same premises at present occupied during their lifetime, subject, of course, to their being kept in a thoroughly sanitary condition, I think justice would be done them. Under no circumstances, however, should the existing licences be transferred to other Indians, and, to secure this, it would be necessary to have a proper register kept of all Indians in the borough.

After giving the matter very careful consideration, it appears to me that the time has arrived when this Council should petition Government to introduce legislation, on somewhat similar lines as the laws in force in the Transvaal, in order to safeguard the health and trade interests not only of Durban, but of the whole Colony, and I would urge that no time be lost in approaching Government, as it is only to be expected that the effect of the new Transvaal regulations will be to encourage Asiatics to leave that Colony in favour of Natal, where they may, under

present conditions, conduct their businesses and reside in any part of the borough they may choose. Should Government be prepared to introduce the necessary legislation to put the Colony upon an equal footing with the Transvaal in the method of dealing with Asiatics, I would suggest that the Bill should provide:

1. For the registration of all Asiatics in boroughs or townships in a similar manner, as provided by the Transvaal Law 3 of 1885.

2. That Asiatic bazaars (or locations) be set apart by the municipal authorities in which shall reside all Asiatics, other than domestic servants in the employ of Europeans, or employees of Government, corporations, or firms providing suitable barrack accommodation.

3. That no new licences shall be granted to Asiatics except to carry on business in such bazaars.

4. That existing licences held by Asiatics be not transferred to other Asiatics, but on the decease of present licensees they be cancelled forthwith.

5. That no Asiatic shall be permitted to hold more licences than held by him on the date of the promulgation of the Bill.

6. That any Asiatic who shall prove to the satisfaction of the Colonial Secretary that he holds any high educational certificate from the Education Department in this or any other British Colony or dependency, or that he is able and willing to adopt a mode of living not repugnant to European ideas, nor in conflict with sanitary laws, may apply to the Colonial Secretary for a letter of exemption which shall enable him to reside elsewhere than in a place specially set apart for Asiatics.

Legislation on these lines would not have the effect of at once removing Asiatic businesses from our main streets, but it would preclude additional licences being granted there, and, if, simultaneously with the provision of native locations, we are enabled to compel all Asiatics to reside in bazaars (irrespective of where their business premises may be situated), we shall have accomplished an end which will be the means of improving the sanitary condition of our borough to a greater extent than is possible under any other conditions.

*Indian Opinion*, 4-6-1903

## 57. TELEGRAM TO INDIAN NATIONAL CONGRESS<sup>1</sup>

JOHANNESBURG,  
*June 6, 1903*

INDIAN NATIONAL CONGRESS  
84, PALACE CHAMBERS  
BRIDGE ST.  
LONDON S. W.

LORD MILNER REPLYING WHITE LEAGUE SAID HE ASKED  
INDIAN GOVERNMENT SUPPLY INDENTURED INDIANS WHO SHOULD RETURN  
AFTER COMPLETION INDENTURES. HOPE PROPOSAL COMPULSORY  
RETURN NOT SANCTIONED.

GANDHI

India Office: Judicial and Public Records, 402.

## 58. POSITION IN THE TRANSVAAL

JOHANNESBURG,  
*June 6, 1903*

THE POSITION IN THE TRANSVAAL UP TO 6TH JUNE 1903

This week, Lord Milner received a deputation from the White League. A copy of the full report is hereto attached. His Excellency was sympathetic towards the Indians and, if he was firm with the Indian Deputation, he was equally so with the White League.

A petition is now being prepared for submission to His Excellency with reference to his reply to the Indian Deputation. An advance proof copy be being sent by the same mail as this The petition would explain the whole situation and show what the needs of the Indian community are.

There was one point in Lord Milner's address to the White League which is ominous. His Lordship is in negotiation with the Indian Government for a supply of indentured labour from India on the condition that the Indians are forcibly repatriated. Happily, the Indian Government do not so far appear to have returned a response satisfactory to His Excellency. But seeing that the negotiations are still

<sup>1</sup> This cable, obviously addressed to the British Committee, was also sent to *India*, and a copy was submitted by Dadabhai Naoroji to the Secretary of State for India.



pending, the following cable was despatched to-day:

Lord Milner replying White League said he asked Indian Government supply indentured Indians who shall return after completion indentures. Hope compulsory return not sanctioned.

The proposal means nothing short of a reversal of the whole British policy. The Indians are wanted for the benefit of those who require their labour as bondsmen. As soon as their bonds are loosed they are to go back. In other words, the Colony would, if it could, take everything from India and give little in return. For the wages that would be offered would be always below the standard wage and, no matter how high they may be, they could hardly be high enough to compensate the Indian for the deprivation of his personal liberty and the right to settle in the country. Apart therefore, from the fact that the Transvaal cannot expect to receive any assistance from India until it is prepared to treat the free Indian population in a reasonable manner, it is to be sincerely hoped that it will not be allowed to exploit Indian labour for its own, one-sided benefit.

The people in East London cry aloud for redress. It is P true that it is a part of a self-governing Colony. But they appeal to Mr. Chamberlain for the exercise of his great influence to make the same friendly representations to the East London Municipality (which is, after all, a part of the Empire) which he was pleased to make to the late South African Republic, which was not a part of the Empire.

#### NATAL

Lord Milner's Bazaar Notice has produced an effect most damaging to the Indians throughout South Africa. The notice is now acknowledged to be temporary so far as the Transvaal is concerned. But the Durban Town Council has seriously taken it to heart and is asking the Natal Parliament to pass fresh legislation embodying the principle of Bazaars, that is, Locations, etc. It shows what mischief a single false step on the part of a great man may do. That the notice was a false step is hardly a matter for dispute. For, when it was framed, it was meant to be permanent. Now Lord Milner has declared that it is only tentative. Natal, as well as the Cape, has evidently treated it as permanent. In this connect on, the remarks of the Director-General of Statistics in India are worth perusal. A cutting giving the same is hereto attached.

India Office: Judicial and Pubic Records, 402.

## 59. PETITION TO TRANSVAAL GOVERNOR

THE BRITISH INDIAN ASSOCIATION

25 & 26, COURT CHAMBERS,  
RISSIK STREET,  
JOHANNESBURG,  
*June 8, 1903*

TO  
THE PRIVATE SECRETARY TO HIS EXCELLENCY  
THE GOVERNOR OF THE TRANSVAAL  
JOHANNESBURG  
SIR,

This Association ventures to approach His Excellency regarding the various points submitted to His Excellency by the Deputation which he was graciously pleased to receive on the 22nd May last.

The Committee of the Association feels that during the time that was at its disposal the Deputation could not sufficiently explain some of the points, nor could it give a humble reply to His Excellency's address.

Before proceeding to discuss those points, the Committee of the Association begs respectfully to thank His Excellency for the long, patient and courteous hearing that His Excellency was pleased to grant to the Deputation, and for His Excellency's sympathetic reply.

I THE ASIATIC OFFICE

With the greatest deference to His Excellency, my Committee still ventures to think that, as at present worked, it constitutes a heavy burden on the Indian community, and an unnecessary tax on the revenues of the Colony. In making remarks about its working, my Committee disclaims any intention to reflect on any of the Supervisors.

*(a) The Asiatic Office has caused a great deal of hardship in the matter of permits.*

His Excellency was pleased to say that at one time too many permits were being issued to Indians. But my Committee begs to say that, with perhaps isolated exceptions, permits have never been so far granted to non-refugee Indians. During a few days after the passing of the Peace Preservation Ordinance, the Railway Authorities, thinking

that there were no permits compulsorily required, issued railway tickets without production of permits, and there was no inspection thereof on the border towns. The result was that several Indians, quite unconscious of the fact that they were committing a breach of the law, were able to enter the Colony. These have been prosecuted and given notices to depart from the Colony. The entry of the Indians in the above manner, therefore, does not affect the question of the harsh working of that office.

Unlike Europeans, owing to the establishment of the Asiatic Office, the Indians cannot obtain permits unless they apply nominally to the Colonial Secretary, but virtually to the Asiatic Office. But the Supervisors of these offices have no power to grant the permits. They merely recommend them. The General Permit Officers then, but not till then, grant the permits thus recommended, at the coast towns. The evidence as to the *bona fides* of the applicant produced before the Asiatic Office is exactly the same that would be produced before the General Permit Officer at the coast. The difference is that the officer on the coast can see the applicant face to face and weigh the evidence he may produce. Not so the Supervisor who has to judge from a distance of several hundred miles. The procedure, without being of any use, involves an unnecessary waste of time. It takes, as a rule, three months before an Indian applicant has his permit granted. In several cases, a month has been known to elapse before the permits were granted after recommendation. If, therefore, the Office is in the interests of the Indian community, it has evidently not fulfilled its purpose so far as permits are concerned. It has meant a great deal of worry and legal expense.

*(b) The Asiatic Office introduced a system of passes which has been proved to be utterly useless.*

The Asiatic Office, having no jurisdiction over the Indians save such as it could invent for itself, instituted quite gratuitously a system of passes. Every Indian who arrived in the Colony was deprived of his permit and was given an Asiatic pass, the only use of which was to have the name of every Indian arrival on the register of the Office, which, as a matter of fact, it already had, in that the permits were issued after its recommendation. Whereas the permits were and are of a permanent character, entitling the holder to move about freely and leave and re-enter the Colony, the passes were of a temporary duration

and of no effect for the purpose of leaving and re-entering. Thus, as soon as the Indian entered the Colony, he found: his freedom of movement much curtailed. Unscrupulous Indians and Europeans were not found wanting to take advantage of the pass system; and abuse resulted very largely. As soon, therefore, as the Ordinance to amend the Peace Preservation Act was passed, the Chief Secretary for Permits issued instructions that the Asiatic passes were to be exchanged for permits. While the intention of granting permits was in itself good, the way in which it was carried out amounted to a cruel persecution of thousands of Indians in Johannesburg, Potchefstroom and Heidelberg. My Committee need not dwell on it, as it is occupying the attention of the Colonial Secretary. The point is that, but for the existence of the Asiatic Office, such a thing would have been an impossibility.

And now, notwithstanding the existence of that Office, the Government have found it necessary—my Committee knows not why—to appoint a new Registrar of Asiatics independent of the Asiatic Office.

His Excellency was pleased to say, in justifying the registration tax, that registration was useful. My Committee has loyally accepted His Excellency's advice and does not now wish to re-open it, save in so far as it is necessary to illustrate the present argument. As a matter of fact, then, registration was once made, as said 'above, by the Asiatic Office. It was made for the second time, as also said above, by the Chief Secretary for Permits. It is now being done for the third time. The enforcing of the Law 3 of 1885 does not, in my Committee's humble opinion, necessitate the elaborate registration that has now been undertaken. The £3 could have been collected without it from those that did not pay the amount during the old regime. But a separate Office has given rise to the arrangements made on the large but, in my Committee's humble opinion, useless scale.

*(c) The Asiatic Office has unnecessarily interfered with the Licensing Office.*

An Indian trader or hawker may not take out his license without the recommendation of the Asiatic Office. There is nothing in the law to justify it. But departmental instructions seem to have been issued to Revenue Officers not to issue them without such recommendations. Why the recommendation is required, my Committee is at a loss to understand. The applicant in any case produces his permit and makes

the usual declaration before he is granted his license. If it is intended to identify the applicant with the permit and his declaration, the Asiatic Office is in no better position than the Revenue Officers to do so. Fraud in such cases is in the very nature of the thing practically impossible.

*(d) The Asiatic Office is responsible for the institution of photographic passes.*

As if the hold of that Office on the Indian were incomplete, the system of visiting passes has been lately instituted, which interferes with the movement of the Indian—a system, moreover, for which there is no warrant in law.

The above completes the functions of the Asiatic Office.

*(e) The Asiatic Office is an unnecessary burden on the Revenue.*

That the Office is an unnecessary waste of public money will have been seen from the foregoing. For, if the authorised number of permits could as well, if not better, be issued by the officers at the different coast towns without the recommendation of the Asiatic Office, if the Revenue Officers could be trusted to issue licenses to British Indians in the usual manner, there is nothing left for the Asiatic Office to do.

*(f) Such a Department does not exist either at the Cape or Natal, where there is a far larger Indian population.*

Moreover, no such Office has been found necessary at the Cape or Natal, where there is a far larger Indian population than in the Transvaal. In Natal there is an Office of the Protector of Indian Immigrants, but that office has jurisdiction only over the indentured Indian population, and has absolutely no control over the free Indian population. And what is perhaps more, such a want was never felt by the old Government of the Transvaal.

*(g) The Asiatic Office does not do away with the approach to the other ordinary Departments.*

His Excellency was pleased to say that the Asiatic Office was necessary, in order that the Indians may have an easy access to officers who were solely devoted to Asiatic affairs, and might avoid having to go to other offices at all. Such, however, is not the case, for the intervention of the Asiatic Office is merely an additional burden, and does not in any case do away with the approach to the other

officials.

My Committee, therefore, ventures to hope that it has succeeded in convincing His Excellency that the Office is unnecessary in every way. Indeed, when it was first established, it was intended to be a temporary institution, and in any case it would have little left to do, as soon as the permit system is abolished.

## II THE BAZAAR NOTICE

The Association is grateful for the liberal construction that has been put upon the Notice No. 356 of 1903, which lays down the principle of Bazaars. But the notice, it is respectfully submitted, is still open to objection on two grounds:

(1) *Because it implies compulsory segregation and restriction on trade merely to Bazaars.*

(2) *Because in its working it will give rise to great hardships.*

As to the first ground, the Association would humbly point out that compulsion of any kind is contrary to the principles of justice, when it is intended to restrict freedom. It has been often said that the Indians ought not to object to Bazaars, because they are used to them in India. With deference, the Association would draw His Excellency's attention to the fact that an Indian bazaar is situated in the very heart of a town and is the busiest portion of it, and, in any case, there is no compulsion on any man to trade in bazaars. Needless to say, an Indian bazaar is never a place of residence. In fact, any place where trade is carried on is called a bazaar, and is by no means restricted to a particular class. Under the notice in question, the Bazaar is merely a euphemism for the Location, and is meant both for trade and residence. That the Government themselves do not consider the Bazaars to be of much respectability or consequence is evidenced by the fact that the pre-war Indian traders are not to be compelled to remove to Bazaars, and that Indians of education and position may be exempted from having to reside in them. Nor will the Transvaal Bazaars, unlike the *bona fide* bazaars of India, be centrally situated. That the Bazaars are to be located within town limits would not, the Association may be pardoned for saying, be in any way a lenient construction of the existing law, for it clearly contemplates the setting aside of streets and wards which could only be in towns. Again, the streets, wards, or Locations are, according to the law, to be set apart for

residence. Trade is not mentioned in it at all. It is, therefore, the Association submits, a strained construction to confine Indian trade to Bazaars only. The Association is aware that the High Court of the late Republic has laid down that the term "residence" shall include "trade" also for the purpose of construing the law. That decision was not unanimous—Mr. Justice Morice being the dissenting judge. And the Association submits that it is hardly a lenient interpretation of the statute to enforce the above decision, in view as well of the fact of the dissent as of the fact that the British Government always protested against any such interpretation even when they felt compelled to accept the law itself.

His Excellency was pleased to say that new legislation is under consideration. If so, the Association fails to see any occasion for enforcing the law at present. Very few Indians are being allowed to enter the Colony. Those who traded before the war are to have the right to trade outside Locations renewed. The new applicants, therefore, may be treated as the Government may think fit, pending legislation.

The White League has taken strong exception to the Bazaars being established within town limits. If it is wrong to issue trading licenses to Indians in towns generally, it is none the less wrong because it is issued in a portion of the town which is called a Bazaar. The Association, therefore, fears that if the Bazaars are established according to the intention of the Government in accessible parts of towns, the agitation against Indians would continue.

The Association, therefore, submits that, looked at from any point of view, the principle of the Bazaar is unsatisfactory.

While the Association does not admit that there is any fear of overtrading on the part of the Indians, the best solution of the difficulty would be in powers being given to the municipalities to control the granting of new licenses to trade, subject to revision of their decision by the Supreme Court. Thus, the existing licenses, so long as the law as to sanitation, proper book-keeping, etc., is observed, would be untouched by them, and the granting of new licenses, whether European or Indian, would practically depend upon the municipality, which represents the will of the people. With such a law, without any competition, each community would be automatically separated in distinct localities. The class of buildings could be improved from year to year, and the whole tone of the community

raised and no offence given to any portion of it. For the Association firmly believes that, if a good portion of a town were selected and Indians given the choice of going there, a large number would be found willing to avail themselves of the choice without any compulsion.

Coming to the second ground, the notice in question seriously affects the vested interests which the Government intend to protect, in that

(1) it does not respect all the existing Indian licenses;

(2) it does not give the right of transfer of licenses from man to man outside Bazaars;

(3) it is not clear whether only those who held licenses to trade outside Bazaars are alone to have their licenses renewed, or all who traded outside Bazaars before the war whether with or without licenses;

(4) it is not clear whether, in the case of a firm trading before war outside Bazaars, all the partners are to be entitled to a renewal or only one of them;

(5) it contemplates exemption only in respect of residence.

The Association would crave leave to discuss shortly all the points mentioned above.

(1) *It does not respect all the existing Indian licenses.*

Too much stress cannot be laid on this point, which practically means a matter of life and death to many present license-holders. Some Indian refugees who returned to the Transvaal with permits received licenses to trade in towns in which they were not trading before. These they received from British Officers for the full year without condition. But towards the end of last year, in some towns, the magistrates gave notices that such licenses would not be renewed. The matter was specifically brought to Mr. Chamberlain's notice by the Indian Deputation that waited on him. And he emphatically assured it that such licenses would be respected and renewed. Yet, the notice in question would relegate all such traders to Bazaars at the end of the year. The matter was brought by the Deputation to His Excellency's notice, who was pleased to say that he would consider the point. In the opinion of the Association, such traders with, in some cases, long-established businesses, having entered into long leases of premises and built upon them, never suspecting that, under British



rule, their tenure of licenses could be assailed, are entitled, if possible, to greater consideration than those old license-holders who have not yet returned to the Colony, but whose rights are respected because they traded outside Bazaars before the war. In the one case, the new man has an established business; in the other, the man, though an old trader, has to start *de novo*. The Association, therefore, trusts that, irrespective of any decision His Excellency may arrive at on the other points, this at any rate will be decided favourably to the men in question.

(2) *It does not give the right of transfer of licenses outside Bazaars.*

The notice respects the rights of those who traded before the war, and it does not; for it authorises a renewal up to the time of the residence of the holder. As soon as he thinks that his business is in a flourishing condition, he has established a goodwill and may well retire, the full fruition of honest labour is snatched from the lips. He cannot sell his business, as his license is not transferable, as a going concern. What the deprivation of this simple right of a tradesman means, it is unnecessary for the Association to dwell upon. If the vested interests are, therefore, to be really respected, the Association ventures to think that the right of transfer should be recognised. The point has been brought out by Mr. William Hosken and other European gentlemen of standing, who have presented a petition to His Excellency the Lieutenant-Governor on the Notice, and which is hereinafter more fully referred to, and a copy of which is attached hereto.<sup>1</sup>

(3) *It is not clear whether only those who held licenses to trade outside Bazaars are alone to have their licenses renewed, or all who traded outside Bazaars before war, whether with or without licenses.*

This is an important point. There were many Indians who, though they traded before the war, had no licenses issued to them. Very few held licenses. Many traded on the tender of license money, and some in the name of white men—all with the knowledge of the authorities. Such a state of things was tolerated because of the pressure from the British Government. Now the preamble of the Notice says “with due regard to the vested interests of those Asiatics who were

<sup>1</sup> This is not given here; *vide* “Letter to Lieutenant-Governor” 1-5-1903

trading outside Bazaars at the commencement of hostilities". But the 3rd Clause speaks of Asiatic traders "who *held licenses* at the commencement', etc. Many Indians, therefore, would suffer if the exception is restricted to those only who *held licenses* before the war, as distinguished from those who traded before war.

(4) *It is not clear whether in the case of a firm trading before war outside Bazaars, all the partners are to be entitled to a renewal or only one of them.*

This point is left open by the Notice. It would be manifestly unjust to allow a license to one partner who may come first, and refuse it to another or others. All traded before the war, and if a license was issued, all had an equal right to it.

(5) *It contemplates exemption only in respect of residence.*

To the Indian community, the whole principle of exemption is a sore point. Why an Indian should have to take out an exemption and thus pose as superior to his other countrymen, before he can reside anywhere he likes on British soil, is difficult to understand. But, accommodating oneself to such (if the Association may be excused the use of the term) an offensive principle for the sake of argument, the exemption only applies to residence. His Excellency was inclined to think that the exemption extended to trade as well as residence. But the Notice clearly limits it to residence. There would be some value in it, if it was meant to be an exemption from the whole Law 3 of 1885 .

But the Association is anxious not to labour the point. Its respectful protest is against the whole Notice. In its opinion, it is a departure from the Declaration of Her late Majesty's Government, is unnecessary in view of impending new legislation, is full of ambiguity and leaves the Indian community in practically the same state of suspense under which it has been for the last 15 years, and from which it had a right to be free on the establishment of the British Government, which entered on the costly war, if mainly for the redress of the grievances of the European Uitlander, not a little also for the redress of those of the Indian.

### III PROHIBITION TO HOLD LANDED PROPERTY SAVE IN LOCATIONS

The Law 3 of 1885 prevents Indians from owning landed property in the Colony except in streets, wards and Locations pointed out by Government. The Association respectfully considers the

prohibition a serious hardship and injury to the loyal British Indians. That a British subject cannot buy a piece of land where he likes in British territories is a thing extremely difficult to understand. The Association is hoping that this disability would be removed by the new legislation that is now being considered and, therefore, refrains from making any further remarks on the question.

#### IV

His Excellency was pleased to say that every State had a right to choose its citizens, a principle which the Association has always admitted, and still does admit. But, in the opinion of the Association, there is no fear of an Asiatic influx into the Colony. There are very stringent restrictive laws in force in the maritime Colonies of South Africa. That fact, coupled with the disinclination of the ordinary Indian to emigrate from India, are a substantial bar to any undue influx of Indians. But the European Colonists think otherwise. The chief reason for coercive legislation is this fear of the influx. The Association, therefore, would accept without demur any legislation of a restrictive character which is applicable to all, does not recognise colour distinction, and leaves the door open for a respectable class of Indians, and such Indians as may be necessary for the business of Indians established in the Colony.

In the petition hereinbefore referred to, Mr. William Hosken and the other petitioners have suggested the adoption of the Natal or the Cape Immigration Restriction Act, with certain modifications. The Association would gladly accept the solution proposed by the gentlemen, provided that the educational test recognises a knowledge of the principal Indian languages, and the Law gives authority to the officer to grant special permission to servants, managers and others, even if it be for a limited term, who may be required for the local Indian merchants.

#### CONCLUSION

The welfare of the British Indians in South Africa is in His Excellency's hands. The Bazaar Notice is already having a far-reaching effect in other parts of South Africa, and if the rights of the Indians are curtailed, or legislation on colour distinction is introduced in this Crown Colony, and that at the hands of His Excellency, holding the dual position of High Commissioner and Governor, and occupying a very large place in the hearts of the people of South Africa, the self-governing Colonies of the Cape of

Good Hope and Natal will not be slow to copy any such legislation.

In the humble opinion of the Association, it is only partially true that this country has been won by the white man. The arrival of the Indian Contingent at the nick of time was no mean contribution to the war from India. Nor did the Contingent consist wholly of white men; it had a large number of *dhooley*-bearers and other followers who were just as useful, and who braved the perils just as much as the soldiers. The local Indians were not behindhand in doing their duty. Indian soldiers are fighting the Empire's battles in many parts of the world.

The Indians are taught from their infancy the principle of equality between British subjects in the eye of the law. The people of India received their charter of liberty in 1857,<sup>1</sup> after the termination of a sanguinary strife, in which, it has often been acknowledged, the sterling loyalty of the people at large, put to a most severe test, saved India for the Empire.

What the British Indians pray for is very little. They ask for no political power. They admit the British race should be the dominant race in South Africa. They admit the principle of restricting the influx of cheap labour, no matter from which source it may come. All they ask for is freedom for those that are now settled and those that may be allowed to come in future to trade, to move about, and to hold landed property without any hindrance save the ordinary legal requirements. And they ask for abrogation of legislation that imposes disabilities on them because they wear a brown skin. The white inhabitants, or a portion of them, do indeed ask for drastic legislation against the Indians, and they are strong. The Indians are weak. But the British Government has always been known to protect the weak. The Association humbly appeals to His Excellency to extend that protection to the community and grant its prayer.

*I have the honour to remain,*

*Sir,*

*your obedient servant,*

ABDUL GANI,

CHAIRMAN,

[THE] BRITISH INDIAN ASSOCIATION

From the photostat of the original printed copy: C. W. 2940, India Office: Judicial and Public Records, 402, and *Indian Opinion*, 18-6-1903.

<sup>1</sup> This is a slip; the Queen's Proclamation was issued in 1858.

## 60. PETITION TO NATAL LEGISLATURE

THE BRITISH INDIAN ASSOCIATION

25 & 26, COURT CHAMBERS,  
RISSIK STREET,  
JOHANNESBURG,  
*June 10, 1903*

TO

THE HONOURABLE THE PRESIDENT AND MEMBERS OF  
THE LEGISLATIVE COUNCIL OF THE COLONY OF THE TRANSVAAL  
PRETORIA

THE PETITION OF THE UNDERSIGNED ABDUL GANI IN HIS CAPACITY AS  
CHAIRMAN OF THE BRITISH INDIAN ASSOCIATION

HUMBLY SHEWETH THAT,

Your Petitioner is the Chairman of the British Indian Association which represents the British Indians residing in the Transvaal.

Your Petitioner, on behalf of the Association above named, respectfully protests. against the amendment made in clause No 11 of the Draft Ordinance for Elective Municipal Councils now under consideration by this Honourable House.

The amendment, imposing as it does a disqualification from becoming Voters at the election of Town Councillors on the British Indians among others, casts a slur on the ancient and loyal Indian race.

The Indian community has followed, not without a great deal of pain, the debate in this Honourable House on the clause in question, in that they have been treated on a footing of equality with the Natives of South Africa.

Your Petitioner begs leave respectfully to remind this Honourable House that the Indian nation has been used to Municipal self-government for ages past, as the following from Sir Henry Sumner Maine's works would show.

It does not appear to me a hazardous proposition that the Indian and the ancient European systems of enjoyment and tillage by men grouped in village communities are in all essential particulars identical. . . .

No Indian phenomenon has been more carefully examined, and by men more thoroughly in earnest, than the village community. For many years past

the discovery and recognition of its existence have ranked among the greatest achievements of Anglo-Indian administration. . . . If very general language were employed, the description of the Teutonic or Scandinavian village communities might actually serve as a description of the same institution in India. . . . The description given by Maurer of the Teutonic Mark of the Townships as his researches have shown it to him, might here again pass for an account, so far as it goes, of an Indian village.

At the present day in India, there are hundreds of Municipalities which are managed by Indian Councillors.

Many Indian residents in the Transvaal have exercised the Municipal franchise in India.

Nor do the articles of Surrender referred to as the Treaty of Vereeniging, in your Petitioner's humble opinion, affect the position of the British Indians since they apply only to the Natives, as will appear from clause 8 thereof which provides that "the question of granting the franchise to natives will not be decided until after the introduction of self-government".

The question, therefore, of the kind of franchise does not arise in the case of the British Indians

The dominance of the British race in South Africa, in your Petitioner's humble opinion, would not be affected by granting the Municipal franchise to such British Indians as may be otherwise fitted for its exercise.

The distinction of colour, although legally made and recognised by the late Government, is repugnant to the British Constitution and your Petitioner respectfully submits, subversive of the broad foundation on which the British Empire is built.

The amendment in question, your Petitioner submits with deference, disregards the feelings of the British Indians altogether.

Your Petitioner, therefore, humbly prays that this Honourable House would reconsider the amendment and extend justice to the loyal British Indians or grant such other relief as to this Honourable House may seem meet.

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

ABDOOL GANI,  
CHAIRMAN,

[THE] BRITISH INDIAN ASSOCIATION

India Office: Judicial and Public Records, 402.

## 61. THE BRITISH INDIAN IN SOUTH AFRICA

(TRANSVAAL)

In the last issue we gave a bird's-eye view of the legal disabilities of the British Indians in South Africa. The Transvaal deserves more than passing attention. There, as our readers will recollect, the struggle is most acute. The restrictions are most galling. What adds to the difficulty is the utterly unsympathetic attitude of the officials who are in charge of the Asiatic Department.

Under the Boer rule, while the laws were very harsh, the administration was as lax as it well could be. The officials who had to enforce the laws did not share the prejudice that gave birth to them. The Government was by no means over-anxious to drive the Indian traders who had a large number of Boer customers into Locations; and, if it ever showed signs of activity, the protecting hands of the British Agent were stretched forth to stay it. We cannot but recall with deep gratitude the encouragement given by the then Vice-Consul, Mr. Emrys Evans, who, when he heard that the British Indians had received peremptory notice to go into Locations, said in effect: 'Ignore the notice, and if any force is attempted, I will protect you'. Naturally then, although the position was undoubtedly one of suspense and uncertainty, Indians traded in the Transvaal practically without any molestation. Many traded on the strength of tenders of license money, others in the names of Europeans. And all this was done openly. The Government knew it, and connived at it. An attempt to enforce the foot-path bye-laws was met by a severe protest from the then High Commissioner; and Dr. Leyds conveniently disclaimed any knowledge of the attempt, and assured Her late Majesty's Government that it was not the intention of the Boer Government to enforce the byelaws against the Asiatics. Of course, the immigration was totally unrestricted.

But now the position is entirely changed. There is no more any laxity, no more connivance. Some of the officials are sorry for past mildness which prevents them from enforcing the legislation as they would. There is no effectual protest against their acts. The result is that justice is unattainable, unless our countrymen approach His Excellency the Lieutenant-Governor who, we are aware, is anxious to hold the scales evenly. After British occupation, the policy of the

Government was to respect the position that the Indians held before the war, pending new legislation on the question. Most of the few refugees who were fortunate enough to reach the Colony during the first few months were, therefore, allowed licenses to trade in townships. At present, however, that policy has been set aside in favour of one of severity. An Indian trader is not allowed to have his licenses transferred to another person. He cannot, therefore, sell his business as a going concern. There was no such difficulty during the Boer rule. Attempts are being made by the local authorities in different parts of the Colony to enforce the foot-path bye-laws. Immigration has for the present been virtually stopped. The Plague scare has provided a good excuse for prohibiting it altogether from Natal. And it is after great difficulty that Indian refugees get permits to return to their homes from Delagoa Bay or Cape Town. Contrast this with the almost unrestricted immigration of the European newcomers who are not British subjects. The institution of the Asiatic Offices has filled the cup of woe, and has marked a sharp distinction in the eye of the law between Europeans and Indians. The division is, therefore, not between British subjects and non-British subjects, which would be a natural division, not between the civilized and the uncivilized, as Mr. Rhodes<sup>1</sup> laid it down, but it is the most unnatural, namely, between the white people and the coloured people. Such, in brief, is the dark cloud that hangs over our countrymen in the Transvaal. But we do not despair. We have unfailing faith in British Justice. And we hope and believe that the present situation is but a storm before a calm. We know Mr. Chamberlain's advocacy of our countrymen's cause in South Africa during their troubles under the late foreign rule; we have read his address to the Colonial Premiers laying down the rule as to immigration; we have also the speeches of the Imperial Ministers on the outbreak of war as an earnest that we would not be thrown overboard; and last, but not least, we believe in the watchfulness of the All-Wise Providence who dispenses Justice with an unerring hand.

*Indian Opinion*, 11-6-1903

<sup>1</sup> Cecil Rhodes.



## 62. THE LION AND THE LAMB

Once upon a time a lamb was drinking from a sparkling stream when a lion, so the story says, came upon the scene. Wanting to find some pretext for devouring the lamb, he muddled the water, and saddling the responsibility upon the lamb began abusing him. "Sire," said the lamb, "the water is running from your side, so I could not have dirtied it". "Shut up," said his lionic majesty, "if it is not you, it must be your father". "But my father is dead," gently pleaded the lamb. "Stop all that nonsense, it must be some kinsman of yours, then," and so saying, the lion made short work of the lamb. This was in the immortal Aesop's days. In our days, the European lion wishes to repeat the feat on the Indian lamb. He, therefore, says in effect to the Indian, "I will have none of you, for you dwell in shanties, and live on the smell of an oil rag". The poor Indian pleads, "But won't you look at the fact that all these years I have been trying to live as you do? In the whole of Grey Street, for instance, I have been replacing the shanties by substantial buildings, and the process is slowly but surely going on." "So much the worse for you then," roars the European lion. "How dare you build such palaces and encroach on my preserves? You are certainly doomed now." Such is the gist of the minute presented by His Worship the Mayor of Durban on the proposed Asiatic Bazaars. Like the boy in the tub in a well-known pictorial advertisement, the Europeans won't be happy till they have "got it"—namely, the extinction of the free Indian.

The fact that some Indians have prospered during the last few years, bought landed property, and built substantial structures, for which they have put thousands of pounds into European pockets, is too much for the Europeans. But we had expected better things from the sober-minded, patriotic and just Mr. Ellis Brown<sup>1</sup>. We venture to say that his Bazaar proposal is neither sober nor patriotic, and the manner in which he has seen fit to support it is hardly just. The proposal cannot be sober, because it is not considered final in the land of its birth, and is now being reconsidered. It is not patriotic, because it has been made irrespective of what his fellow-British subjects would think of it. As to the manner in which it has been supported, the less said about it the better. That a gentleman occupying the civic chair of

<sup>1</sup> The Mayor of Durban.

the Borough should make random statements which cannot bear the searchlight of facts is very distressing indeed. We can only hope that under the spell of Lord Milner's authority, and in the hurry of the modern rush, having no time to study the subject, the injustice done to the Indian community has been unconsciously done.

For he who runs may read that the Immigration Restriction Act has not proved a failure from the anti-Asiatic standpoint, and that the Indian community has been groaning under the weight of the system of certificates and passes issued under the law, and the police supervision exercised on every ship bringing Indian passengers. We commend to our readers' attention the latest Report of the Immigration Restriction Officer. As to the Dealers' Licences Act, unless His Worship accuses the Town officers in the Colony of not carrying out their duties conscientiously, a material increase in the Indian licences is impossible, if only because traders are absolutely at the mercy of the licensing officers. We ask for figures.

One of the most potent causes of the revival of the anti-Asiatic feeling is the continued increase of indentured labour from India. We read that the Immigration Trust Board is unable to cope with the ever-increasing applications. But the Colony persists in committing that sin, and wishes to avoid the consequences. We say with all the earnestness we can command: stop the indentured immigration, and you will soon see the number of Indians in the Colony materially diminishing as years roll by. It would furnish a practical demonstration as to whether the Colony can or cannot dispense with such labour. If it can, well and good. If it cannot, then it will be a potent reason for stopping the 'pin-prick' policy towards the Indians.

*Indian Opinion*, 11-6-1903

### 63. LORD MILNER ON THE ASIATIC QUESTION

His Excellency the High Commissioner for South Africa has boldly spoken out against the "savagery of the opposition" to the Asiatic. He would have none of the colour distinction. 'Equal rights for all civilized men South of the Zambesi', is His Lordship's motto, as it was that of the late Mr. Rhodes. His Lordship repeated the sentiments to the British Indian Deputation that waited on him on the 22nd ultimo. He further assured it that the Government had no

prejudice against the Indians, and that it did not like the laws of the late Republic as affecting them. For all this and much more in his reply to the Deputation, we are deeply thankful to His Excellency. But when Lord Milner descended to particulars and the practical applicability of his propositions, we confess to a feeling of disappointment. Take the Asiatic Office. The officers are all estimable men, and we should be sorry indeed if they were not provided for in the event of the disestablishment of that Office. And yet, what good has it done? Let us consider His Lordship's justification. A member of the Deputation said that he could not see the Colonial Secretary: therefore, said His Excellency, the Asiatic Office was a necessity; the Indian could have his grievances heard there. The Indian does not find it so. The Asiatic Officer at present is merely a conduit, and a very faulty one because of the constitution of his office. In not a single instance is the Indian able to avoid having to see the regular officers whenever he has any business to do: such is the report that reaches us from the Transvaal. Having nothing of importance to engage his attention, he 'finds some mischief still to do'. For, is it not the Asiatic Office that has invented the system of taking photographs and branded its protege as a criminal? With due respect to His Excellency, we do think that the man who has the practical experience is a better judge of the usefulness or otherwise of the thing experienced.

His Excellency is emphatic on the £3 tax. Our countrymen in the Transvaal have thought fit, and we think wisely, to bow to His Excellency's decision, and not to appeal to Mr. Chamberlain. At the same time, it does appear inconsistent to a lay mind that His Excellency should in theory object to colour distinction, and in practice justify the imposition of a penalty on colour. For to us, it is not the amount but the principle that is objectionable. A Kaffir is to be taxed because he does not work enough: an Indian is to be taxed because he works too much, as Sir Hiram Maim would say. The only thing in common between the so is that they do not wear a white skin.

His Excellency justifies the Bazaars on much the same ground: namely, that of colour. The Deputation very reasonably suggested that the removal to Bazaars should be left optional; it would be found that the poorer class of Indians would go to Bazaars of their own accord. But His Lordship could not see his way to do that Why? Because the Indian is a coloured man! There is no law to force the poor whites to

the particular quarter. The idea of compulsion is hateful to the Englishman, as applied to himself. An erudite Bishop once said that he Would see the whole English nation rather free and drunken than bound and sober. The Indian may not go the same length with the learned divine, but it may be permitted to him to resent compulsion when its effect is to degrade him.

But there is consolation in the thought that the bazaar Notice against which the Deputation protested is merely temporary, and that His Excellency is now considering new legislation. We only hope and pray that Providence will so guide His Excellency that he will bring out legislation that will put to an end once and for all the eternal anxiety and stress under which the Indian has been groaning in the Transvaal. Indeed, it is time that the Indian had rest from the pin-pricks to which he been subjected there for the past eighteen months at least more than during the old regime.

*Indian Opinion*, 11-6-1903

#### 64. "WITH WHAT MEASURE", &C.

We request His Excellency Lord Milner to ponder over the verse we have adopted as the heading of this note. His Excellency has seriously proposed to the Indian Government that it should let him have indentured Indians for developing the resources of the Transvaal on the understanding that, as soon as their indentures are finished, they should be compelled to return to India. The Indian Government so far seems to have turned a deaf ear to the proposal. But we ask His Excellency whether he would for a single moment accept such a pro-posal as he has made to the Indian Government, for the Europeans? We think not. We are entirely at one with the White League, that there should be no assisted Indian immigration, and that encouragement, and even assistance, be given to white men. We certainly appreciate the sentiment that the country being suitable for European settlement, it should be kept for them so far as it is consistent with the well-being of the Empire as a whole. Where we beg to differ from it is when it would shut out free Indian immigration altogether, or refuse equal opportunity to the Indians who have already settled in the country. The true solution of the colour prejudice is not in treating every coloured man as a beast, an animal having no feelings, but in actually flooding the country with white

men. If this cannot be done, if you must introduce Indian labour, then we say, be just be fair, do unto us as you would be done by.

*Indian Opinion*, 11-6-1903

## 65. THE BRITISH INDIAN IN SOUTH AFRICA

### ORANGE RIVER COLONY<sup>1</sup>

We reproduce in another column the full text of the anti-Asiatic law of the late Orange Free State. That law allows no footing to the Indian. He may be allowed to remain in the State practically as a labourer, pure and simple, and that, too, not without the permission of the State President. Should he be found with this permission, he is liable to pay a fine of £25, or to go to prison for 3 months. He must pay a poll-tax of ten shillings per annum. Curiously enough, the law does not apply to the Malays from the Cape Colony. This law is allowed to blot the statute-book of this British Colony of Orange River, though over two years have elapsed since the British occupied the country.

The history of the legislation is briefly this. There were in the Colony, before 1890, a iv Indian merchants who so roused the ire of the European merchants that the latter presented a petition to the President making all sorts of charges against the entire Indian race, one of which was that it considered women as soulless,<sup>2</sup> and another was that it introduced all kinds of loathsome diseases into the State. There was no convention with Britain enabling it to stop the then President from complying with the wishes of the good merchants who were afraid of the entry of the people with no sense of morals and tainted with horrible diseases. The law in question was, therefore, passed. Indian merchants were hounded out of the State without compensation. The British Government was approached, but it felt powerless. It had no jurisdiction. So the merchants had to suffer losses to the extent of nearly ten thousand pounds sterling.

The question naturally arises, has the British Government any jurisdiction now? Two of the old merchants, we understand, have already tested it and got a reply in the negative. Under the existing law, the Colonial Government says, it cannot grant them permission to

<sup>1</sup> The name given to the Orange Free State on its annexation by the British.

<sup>2</sup> *Vide* "Notes on the Grievances of the British Indians in South Africa", September 22, 1896

resume their trade. Asked when the law will be repealed or modified, it has no knowledge. The British Government, therefore, has either no jurisdiction or no willingness to rescind or alter the law. It has changed and abrogated many laws in that Colony, but not this.

It was said in the early days of British occupation, that the law could not be even modified until civil government was established. When civil authority did take the place of the military, Mr. Chamberlain's visit was to be awaited. Mr. Chamberlain has come and gone, and yet nothing is done—why?

Before the war, everybody was agreed that, as soon as it was over, all British subjects would be free in the two Republics. May we not appeal to every true Britisher and ask whether he approves of the above law?

The Indians have no desire to flood that Colony, or, for that matter, any other. But loyal as they are, we think that they are perfectly justified in asking that the law may be brought into harmony with the British sense of right and justice. Every Indian child is taught to sing, before he reaches Standard IV of his vernacular school in India, that under the British rule there is no inequality, the lion cannot hurt the lamb—all are free and well protected. Having been nurtured in such sentiments, we find it hard to understand the practical working of that mighty Government in this sub-continent. The European lion bids fair to swallow up the Indian lamb in British South Africa, while the arbiter at Downing Street is looking on!

*Indian Opinion*, 18-6-1903

## 66. IS IT IMPERIAL OR EMPIRICAL?

The debate in the newly formed Legislative Council of the Transvaal on the Elective Municipalities Ordinance would be an extremely interesting reading if it were not painful. How the non-official members of the Council argued themselves into the belief that it was strictly just to debar all coloured people from the exercise of the Municipal franchise, whether they were British subjects or aliens, passes our understanding. Indeed, if we did not know that Sir George Farrar<sup>1</sup> voted against the Government clause, we would have considered him to be a champion of the reasonable rights of coloured

<sup>1</sup>A nominated member of the Legislative Council of the Transvaal.

British subjects. For, we read that Sir George Farrar twitted Mr. Harry Solomon for his *volte-face*; in fact, before the war, he was always inclined to treat coloured people justly; and that, now that the British Government was established, he disregarded them entirely as members of the Empire to which he and they belong. Sir George Farrar admitted that it would be very offensive to the coloured people if they were debarred from the municipal franchise, because they happened to wear a brown skin, but as he was only a nominated member, Sir George thought that he could not possibly vote in favour of the Government clause. Now, what is the Government clause?

It provided that all who could read and write, *to the satisfaction of the officer*, either English or Dutch, and possessed certain property qualifications, were entitled to be placed on the voters' roll. Every member admitted that under that clause hardly a few coloured men would be able to have their names placed on the voters' roll. So, evidently, the question, as Mr. Loveday frankly and bluntly put it, was purely and simply "one of colour". It was not, then, as Sir Percy Fitzpatrick would have us believe, a question of keeping up the dominance of the British race. Indeed, it is assured beyond a doubt and, if we may put it with due deference to Sir Percy, we think that the action of the non-official members has certainly contributed to weaken the hold of the Empire on a portion of loyal British subjects. The argument was strong, also from the articles of Surrender, to the effect that if the articles were not broken to the letter by this Government clause, they were certainly broken in spirit, in that the Boers could not draw a distinction between municipal and political franchise! Now the clause of the article referred to by the honourable members says: "The question of granting the franchise to natives will not be decided until after the introduction of self-government'?. Even assuming that there is any force in the argument, it evidently does not apply to coloured people other than the natives of South Africa, and, therefore, certainly not to the British Indians, with whom alone we are at present concerned. If the action of the non-official members was surprising and painful, what shall we say of that of the Government which, after making a most able defence of their clause, and after having a majority in favour thereof, had to yield to the non-official members? We make bold to say that this is really going too far; and it very much appears as if the Transvaal was going not only to rule the whole of South Africa, but to trample under foot all that is most dearly cherished by the British Constitution, and that has stood the test

of time. Sir Richard, in announcing the decision of the Government to yield to the wishes of the thirteen non-official members, said that, on a question of that kind, the Government did not intend to override the feeling of the non-official members. We, in our simplicity, would have thought that it would be exactly on a question of that kind that the Government would stand firm. Why should a few, no doubt very influential, men be able to dictate a material change in the fundamental policy of the British Government, it is difficult for us to understand. Perhaps, the remarks made by the non-official members to the effect that the measure in question was only temporary, and that there was no reason why within a few years a change should not be made in the clause admitting coloured people to the franchise, weighed with the Government. We have come to think that all such promises are absolutely vain. We do not believe that when self-government is granted, the prejudice against colour would be removed at a stroke of the pen. On the contrary, the action of the Government during the transition stage would be quoted as a precedent for future restrictive legislation; and that by that time the prejudice, having been fed, as it were, by the Government, would have hardened so much as to be ineradicable.

The cloud, however, is not without its silver lining. Although it was a voice in the wilderness, it was that of Mr. William Hosken, who was the only non-official member who spoke out his mind boldly and fearlessly in favour of justice and humanity. If the other non-official members had no respect for the feelings of those whom by their action they were insulting, and if the Government in their wish to please them gave up the bare rights of the coloured people, Mr. Hosken at any rate showed by his action that he was not going to be a party to any such thing.

One thing we may venture to remind the honourable members of, *viz.*, that the British Indians have known the privilege of municipal government for ages past. We have the authority of Sir Henry Maine, the late Sir William Wilson Hunter, the official historian of India, and a host of other eminent writers, for saying that India enjoyed municipal self-government long before even the Anglo-Saxon race. And, though we admit that the great race has now left India behind it in advancement, we hope the honourable members do not think that the instinct of self-government has so far forsaken us as to make us unworthy of the municipal franchise in the Transvaal.



Mr. Chamberlain came to South Africa as the apostle of Imperial unity. We well remember the occasion of the great meeting in the Wanderers' Hall; how every sentence of Mr. Chamberlain's speech was applauded; and how the Imperial spirit, as distinguished from the parochial, pervaded that great assembly. Is it, then, Imperial to "cast a slur" on millions of His Majesty's subjects simply for the sake of gratifying a bit of prejudice, or, as we have asked in the heading, is it Empirical?

*Indian Opinion*, 18-6-1903

### 67. "PHYSICIAN, HEAL THYSELF"

Now that the Durban Town Council has formally raised the question of Bazaars, we think it is not inopportune to ask the Council what it is doing with its Eastern Vlei and Western Vlei. We do not suppose any evidence is necessary to show how rotten and how filthy these two places are from a sanitary standpoint. We can only cite the testimony of the Hon. Mr. Jameson, the apostle of sanitary reform in the Colony, and Mr. Daugherty, the Sanitary Inspector, in justification of the strong expressions we have used in describing the two places in question. And they are filthy and rotten, not because it is the Indians who are living there, but because the situation itself is so singularly unhealthy, and the sanitary control is so utterly insufficient. The Town Council has furnished an object lesson to the Indian community in sanitation by allowing "two plague spots" to exist in this model Borough of Durban. In discussing the Mayor's Minute on the Bazaars<sup>1</sup>, the Town Councillors showed great anxiety for the welfare of the Indian residents, and they were good enough to argue that it was really in the interests of the Indians themselves that Bazaars were necessary for their residence. May we, then, ask the Town Council, first of all to deal with the Eastern Vlei and the Western Vlei, and put them in thorough order, and make them habitable before it thinks of undertaking the compulsory segregation of thousands of British Indians residing in the Borough? It is all very well to say that effective supervision is not possible when Indians are scattered about, and when their habits are so different from those of the Europeans. We join issue on both these points, and venture to say that even at the present time the Indians are all, as a rule, living in particular localities, and that

<sup>1</sup> *Vide* "Minute by the Mayor", 4-6-1903.

their habits have really very little to do with sanitary control, because, the latter can be most effectively exercised in keeping with the Borough bye-laws, in spite of any habits to the contrary. Surely, the buildings are built in accordance with the plans approved by the Town Council; and, so far as the sanitary upkeep thereof is concerned, it is merely a matter of the Borough bye-laws being strictly and rigorously enforced. For, does the Town Council intend, if it succeeds in segregating the Indians, to leave them absolutely to themselves, without any sanitary supervision, or does it intend to exercise stricter sanitary control after segregation? How compulsory segregation is going to solve a difficulty that does not exist, we cannot understand.

*Indian Opinion*, 18-6-1903

### 68. WHAT IS IT ALL COMING TO?

It looks as if the Government of the Orange River Colony has not the remotest intention of altering or amending the drastic and un-British anti-Asiatic laws which it has inherited from the old Republican Government. For, one reads in the *Government Gazette Extraordinary* dated 19th May, a draft ordinance to provide for an increased *Poll-tax on coloured persons outside public diggings*. If, as was hoped at the time of the war, and as is hoped even now by British Indians, that the British Government would repeal the laws referred to, we do not understand this proposal to increase the poll-tax. We are aware that there is hardly any Indian population in that Colony. But we are trusting that, at no distant date, the door will be opened for reasonable immigration of British Indians into that Colony. Lord Milner is now supposed to be considering in what way and to what extent the anti-Asiatic legislation of the late South African Republic would be changed. Are we to suppose that, because there is no Indian population in the Orange River Colony, the door is for ever to remain closed against British Indians? We remember the time when, in reply to the protest by the British Indians against the laws of the Orange Free State, the Colonial Secretary said that it was an absolutely independent Republic, and that, much as he would like to help the British Indians, he was powerless. The Colonial Secretary is not now powerless. He has the control in his own hands. Will he exercise it on behalf of Right and Justice, or is he to be powerless against a new obstacle in the shape of downright trade jealousy and colour prejudice?

*Indian Opinion*, 18-6-1903

## 69. A STUDY IN FACTS

Sir Mancherji, to whom the whole of the Indian community in South Africa is beholden for his great advocacy, in season and out of season, of their cause, has put a question to Mr. Chamberlain to which the right honourable gentleman is reported to have replied as follows: "So far as Indians in the Transvaal were concerned, the old Law had not been enforced with its former rigour; indeed, considerable modifications had been introduced." We give below, in parallel columns, the facts of the matter, and make bold to say that the old laws are being enforced with a rigour unknown during the old regime.

### BEFORE WAR

"The Indians were not compelled to pay the £3 registration fee."

"Any Indian could trade in any part of the Transvaal without a license, in most cases simply as against tender of license money; and this because of the protection of the British Government."

"Any Indian could live in any part of the Transvaal without molestation and without having to apply for exemption."

"Indians could hold landed property, if only in the names of white people."

"Indians held 99 years' Leases in Johannesburg, under the old Government, for landed property in the Indian Location there."

### NOW

"Every Indian has now to take out his registration on pain of being fined from £10 to £100, or on failure, being imprisoned from 14 days to six months."

"Every Indian must remove to Bazaars for trade, except those who held licences to trade in town before War."

"No Indian, unless he receives a special exemption from the Colonial Secretary, may live in towns: but all Indians must remove to Locations, now to be called Bazaars."

"It is extremely difficult for Indians to hold landed property now in the names of white people."

"This land is now being taken away from them under 'Unsanitary Area Commissioners Report.' There is no guarantee that they will receive an equal title to land elsewhere in Johannesburg in a suitable place."

“Indians were free to enter the Transvaal without any restrictions whatsoever.”

“There was no separate Asiatic Department for Indians, with its passes and permits.

“Vested interests were never touched by the Transvaal Government, because of the mighty protection that was ever afforded to the Indians during the Republican regime by British Consuls.”

“Even *bona fide* Indian refugees are only sparingly allowed to enter the Colony, and then after nearly 3 months’ delay after application.”

“The Asiatic Department has become a painful fact with the Indian community in the Transvaal, with its inconveniences which are now occupying Lord Milner’s attention.”

“Some present ‘licensees’ possessing thousands of pounds’ worth to stock are under notice to shift to Location at the end of the year; although they received the licenses from British Officers.”

The above is merely a sample of what is now happening to the British Indians in the Transvaal. After two years’ British occupation, they are unable to say what definitely their position is under the flag whose protection they have been taught to rely upon from childhood. What was running in Mr. Chamberlain’s mind when he allowed himself to make the statement above referred to, we do not know. Sir Mancherji would be rendering a great service if he would press for a definite reply to the indictment drawn up above.

*Indian Opinion*, 18-6-1903

## 70. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
25 & 26 RISSIK STREET,  
JOHANNESBURG,  
*June 22, 1903*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
SIR,

I have the honour to draw His Excellency’s attention to the last communication of the Association dated 20th May, with reference to the plague restrictions on Indian arrivals from Natal.

A telegram appearing in the newspapers announces that the

plague is on the wane in Durban. In any case as His Excellency has been pleased to relax the total prohibition in favour of those Indians who may wish to visit Natal and return, my Committee respectfully trusts that His Excellency will graciously order removal of the total prohibition for Indians who may wish to come to the Transvaal from Natal under such precautions as His Excellency may deem fit to impose.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

### *71. IMMIGRATION BILL*

The following petition has been sent to the local Parliament:

DURBAN,  
*June 23, 1903*

[TO]

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

THE PETITION OF THE UNDERSIGNED REPRESENTING THE  
BRITISH INDIANS RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH:

That your Petitioners respectfully approach this Honourable House with reference to the Bill to place closer restrictions on Immigration, now before this Honourable House for consideration.

Your Petitioners, while accepting the principle of the Bill, beg to submit that further restrictions which are now sought to be imposed by the Bill in question are, in your Petitioners' humble opinion, unnecessary.

They are:

The raising of the educational test by sub-section A of Section 5

Fixing the age of majority at sixteen under sub-section F of Section 4.

The necessity for an applicant for a visitor's pass to attend before the Immigration Restriction Officer, or other Officers thereto appointed under Section 23.

The requiring of a residence in Natal for a period of not less than three consecutive years under Section 32, to entitle an applicant to claim the benefit of sub-section F of Section 4.

The denial of the benefit of domicile to indentured Indians in spite of at least five years' service in the Colony.

Your Petitioners would venture to discuss seriatim the clauses referred to above:

According to the last report of the Immigration Restriction Officer at Durban of the working of the present Act, it appears that only one hundred and fifteen Asiatics entered the Colony having passed the education test. Your Petitioners submit, with due deference to the officer who has, in spite of the above figures, advised a higher education test, that the number that has entered the Colony under the test is very insignificant, and does not justify a higher test. In fact, the opening remarks of the Immigration Officer would go to show that the Act has worked very satisfactorily, and that it has to a very great extent answered the purpose for which it was framed. But if this Honourable House is of opinion that the education test should be raised, your Petitioners humbly submit that this would be a suitable opportunity for granting the request of the Indian community that was made to this Honourable House when the present Act was introduced, namely, that the education test should recognise the principal Indian languages. Your Petitioners would then cheerfully submit to a higher educational test all round. It may be mentioned that millions in India are totally illiterate, and they would, therefore, be still prohibited immigrants under the Law. Such a test, moreover, will free the Act from the appearance of being offensive to the Indian nation.

The fixing of the age of majority at sixteen will, your Petitioners submit, be a very great hardship to those who are entitled to immigrate to the Colony, more so to the Indians. As this Honourable House is aware, Indian children are not withdrawn till after they have reached the age of over twenty-one years from parental control, and it will be a most serious thing for a domiciled Indian in the Colony to contemplate the abandoning of his children while they are yet hardly sixteen years; how close the family tie is in India, your Petitioners

need hardly point out.

Your Petitioners trust that the requiring of the attendance of an applicant for a visiting or an embarkation pass before an officer is merely an oversight. An applicant may be resident in any place, and it is hardly to be expected that the Government would make provision for stationing Officers at each and every place out of the Colony. It would, therefore, be manifestly impossible that an applicant could always attend before Officers appointed under the Act for passes. Your Petitioners, therefore, submit that the attendance of an agent before Immigration Officers should be accepted as sufficient.

Hitherto, a period of two years' residence has been considered as sufficient to entitle an applicant to claim former domicile in the Colony. Your Petitioners humbly think that even that period is too long, but to raise it to three years would prevent many members of the Indian community from returning to Natal, although they may have businesses and connections in the Colony. It may mean, in many cases, very serious loss to individuals.

Your Petitioners respectfully protest against the denial of simple rights of citizenship to indentured Indians who have deserved well of the Colony. Day by day the indentured Indian is becoming more and more indispensable for the prosperity of the Colony, and your Petitioners submit that he is entitled, by reason of his service, to most favourable consideration by this Honourable House

Your Petitioners would venture to make a suggestion with reference to the Bill in question.

Now that the whole of South Africa has come under British control, it is respectfully submitted that all those who are domiciled in British South Africa be free to enter the Colony unless they come under any of the sub-sections C, D, E, F and G of Section 5 of the Bill. Your Petitioners venture to draw the attention of this Honourable House to the fact that in the Colony of the Cape of Good Hope such a principle has already been adopted.

In conclusion, your Petitioners hope that this Honourable House would take this humble Petition under favourable consideration and grant the relief prayed for herein, and for this act of justice and mercy, your Petitioners, as in duty bound, shall for ever pray, etc.

ABDOOL CAADIR  
OF MOHAMED CASSIM CAMROODEEN & CO.  
AND OTHERS

*Indian Opinion*, 25-6-1903

## 72. *THE BRIGHT SIDE OF THE PICTURE*

So far we have been dealing with the grievances of the British Indians in South Africa; and lest we may be understood to be merely harping on that one theme, as if there was no relieving feature, we hasten to assure our readers that, in our opinion, there is much to be thankful for even amid the difficulties that undoubtedly surround the British Indian community throughout South Africa. Indeed, if there was no bright side to the gloomy picture that we have considered it our duty to draw in these columns, life would be absolutely unbearable for the Indians in this sub-continent.

It appears that the existing situation is, after all, inevitable, and that the white inhabitants are not perhaps much to blame, because circumstances control men's actions to a very great extent.

We are living among a thoroughly active and self-seeking (we do not use the latter term in any disparagement) community here, and there is no elbow-room to be found for those who would not help themselves or see to it that rights are not infringed: colonisation can only be made on that condition. It is only too true that people do not emigrate to the Colonies from any altruistic motives, but that they do so in order to better their material position to be wealthier, happier, and stronger in every respect. Such being the condition and such being the only aim for the time being, the members of the European community are slow, if not absolutely unwilling, to tolerate any competition with them in the same department of life in which they may be engaged and that, to our mind, is the key to the whole situation. If it were not for the presence of a large number of coloured people in South Africa, there would have been a warfare—we mean pecuniary warfare—going on between one white race and another, the same as we see going on at present in Europe. England, which has been the only apostle of Free Trade, finds one of its foremost men championing a mild form of protection, the underlying motive of which is evidently to gain relief from foreign competition. We lay stress on this phase to shew how much need there is among ourselves for patience and also for thankfulness—patience, because the causes for the colour prejudice lie deeper than we ourselves may perhaps care to admit, and thankfulness, because the situation is due, not merely to the opposition to colour, but to well-defined laws which govern new communities.



But there are far stronger reasons for contemplating what is the bright side of the picture. Was it not the late Right Honourable Mr. Escombe who came to our rescue in our time of need? It may not be generally known that it was he who, when he realised what harm the Dealers' Licenses Act was doing to the Indians, threw the whole weight of his influence in our favour, and saw that justice which was due to us was done. It was he, again, who spoke words of encouragement and gave his blessing to the little band of Indian Volunteers who went to the front.<sup>1</sup> His words to them have now become historic, because they were his last pronouncement before he was taken away from us. That speech throughout breathes nothing but the true Imperial spirit. Our readers will be able to call to mind many such happy incidents, the most noted of which was the generous response made by the Colony at the time of the acute famine which was raging in India in 1900.<sup>2</sup>

Looking beyond the border of Natal, we find Mr. Garlick, a member of the Legislative Council at the Cape, leading the British Indian Deputation and championing the cause which to him appeared to be just and honest. In the Transvaal we have Lord Milner defining for the Colonists a true policy that ought to be followed, and if we have cause to complain of His Lordship's views when they are translated into acts, we can well believe that it is not because he is less willing, but because he considers himself to be powerless. We find also Mr. William Hosken ranging himself on the side of right and justice.

We may go on repeating such amenities of the Indian life, but we think we have mentioned enough to show that we have every reason to be hopeful as to the future, and to think that, as the European community grows older, the awkward corners would be rubbed out, and that the different members of the Imperial family in South Africa would be able to live in perfect peace in the near future. That time may not come within the present generation; we may not live to see it, but that it will come no sane man can deny; and that being so, let us all strain our every nerve to hasten its coming, and that can only be done by calmness in discussion and strict adherence to facts and high ideals, and last, though not least, by trying to step into the shoes of our opponents and endeavouring to find out what may be running in their minds—to find out, that is to say, not merely the points of

<sup>1</sup>*Vide* "Indian Ambulance Corps", December 13, 1899.

<sup>2</sup>*Vide* "Letter to Dadabhai Naoroji", 8-10-1900 *supra*.

difference, but also points of agreement.

*Indian Opinion, 25-6-1903*

### 73. THE NEW MOVE

We have read the new Immigration Bill which is to be introduced by the Government during the present session of the Natal Parliament. One thing we have all to admit, namely, that the Home Government will not interfere with the right of the self-governing Colonies to regulate immigration within their borders so long as they do not, in so doing, tread upon the fundamental British policy. We have, therefore, nothing to say against the introduction of the Bill in question, excepting that the present Act has not received a fair trial, and that so far as it has gone, it has not failed to satisfy the expectations that were raised when it was first introduced. We also venture to think that the whole situation has not been carefully examined. However, seeing that the Government have brought in their Bill, it will perhaps be a hopeless task to expect them to withdraw it altogether, but we would say this that while they are about it, will it not be graceful to concede the just demands of the Indian community which is vitally affected by it?

We do not think that there is the slightest occasion for raising the educational test. Mr. Harry Smith<sup>1</sup> has stated in his last annual report that about one hundred Immigrants entered the Colony, having satisfied the educational test. Now, that in our opinion is eloquent testimony in favour of the sufficiency of that test; but, if the Government think that the test ought to be made more severe, then we do sincerely hope that they would take into consideration the reasonableness of the demand that has been made during all these years by the Indian community that the test ought to recognise the great Indian languages which belong to the same Aryan family as most of the European languages. At any rate, the experiment is worth trying. We can speak from experience that millions in India are absolutely illiterate, and that they would still be debarred from coming to the Colony under the more liberal test we have suggested, and if that test is adopted, we should have no quarrel with the set form being done away with, and that the knowledge required of any language should be more than elementary. If the experiment fails, and if it is

<sup>1</sup> Immigration Restriction Officer, Natal.

found that thousands can gain entrance into the Colony, there can be no difficulty about modifying the educational clause. Our contemporary, the *Natal Mercury*, has said that it is well the Bill has been brought, because it brings the Natal legislation in harmony with the Cape legislation on the question. Unfortunately, the Natal Act has not copied the Cape Act in all its essentials, for the Cape Act exempts from its operation not merely those that are domiciled in the Cape Colony, but all that are domiciled in South Africa, provided, of course, they are not criminals or are not otherwise objectionable, and it is but right, now that South Africa has become British, that persons living in one part of it should be free to move about in other parts without difficulty or hindrance. The Bill in question, moreover, includes under the term 'domicile' a residence for a period of three years. This we consider to be very unjust. The Government instructions have been to grant certificates of domicile to all who can prove two years' residence; why the period should now be increased to three years it is difficult to understand—we do think that even two years' continuous residence is a severe requirement. As to the indentured Indians not being considered domiciled in the Colony after the completion of five years' residence, we can only say that there is no justification whatsoever for it. They are the most deserving and the most useful people in the Colony. In the words of the late Mr. Escombe, they give the best five years of their life for a paltry wage under conditions which perilously border on slavery, and to deny to these people, after they have become free, the elementary rights of citizenship, is, to say the least of it, very unjust.

We hope the Government will see their way to consider seriously the objections we have ventured to make in connection with the Bill. The Indian community, as they have often admitted, has deserved well of the Colony. So far as we know, it has never been extravagant in its demands. It has always adopted a reasonable attitude, and has often exercised great self-control. If, therefore, we ask for a sympathetic hearing on its behalf, we trust we are not asking too much.

*Indian Opinion*, 25-6-1903

#### 74. THE CAPE INDIANS AND SIR PIETER FAURE

We have to congratulate our countrymen at the Cape on the success of their deputation to the Honourable the Colonial Secretary, and on getting Mr. Garlick to introduce the deputation. Sir Pieter was decidedly sympathetic, and has promised to reconsider the Cape Immigration Act, to induce the East London Town Council not to enforce its foot-path bye-law against respectable Indians, and not to accept the Bazaar proposals that may be made by the Cape Municipality, without due consideration. All these are hopeful signs, and we doubt not that, if our countrymen at the Cape moderately but persistently continue to make their voice heard, they will get the desired relief to which, as the *Cape Times* in the course of its remarks on the deputation admitted, the community is undoubtedly entitled. If the Cape Parliament would lead the way by recognising the great Indian languages, it would have, in our opinion, performed a service to the Empire. It would go a long way towards conciliating Indian opinion, and would at the same time keep intact the principle of the Immigration Act. That the foot-path bye-law in East London is an anomaly would be admitted by any man, and the sooner it is done away with, the better. As Dr. Abdul Rahman aptly put it, he himself would be liable to be arrested for walking on the foot-paths in East London under the present regulations.

*Indian Opinion, 25-6-1903*

#### 75. MR. CHAMBERLAIN ON THE INDIAN QUESTION

We notice in the cablegrams that have been lately published in the papers that, in answer to a question in the House of Commons, Mr. Chamberlain is reported to have replied to the effect that the Indians in the Transvaal had not complained of physical ill-treatment, and that there was nothing definite in the letter of the President of the British Indian Association at Johannesburg.<sup>1</sup> It is very difficult to understand the meaning of Mr. Chamberlain's reply from the meagre cables. It is quite true that the Indian community in the Transvaal, and, in fact, throughout South Africa, has never complained of systematic physical ill-treatment; it is the anti-Asiatic

<sup>1</sup> *Vide* "Letter to Colonial Secretary", April 25, 1903.

laws which have formed the basis for complaint; but we respectfully join issue with the Right Honourable Gentleman when he says that there is nothing definite in the letter of the President of the British Indian Association if he was referring to the Heidelberg incident. We have already reproduced the letter in these columns, and we make bold to say that it gives chapter and verse to shew that, at any rate, there was physical ill-treatment, but we are loathe to dwell on the incident in question, for we firmly believe that it was isolated, and that, whenever such things do happen, the higher authorities on the spot are ever ready and willing to see that justice is done. We are only concerned with the truth and definiteness of the statement made by the President of the British Indian Association, and as to that we know that, when the letter was first published, the opinion was unanimous that it betrayed a serious breach of duty on the part of the police.

*Indian Opinion, 25-6-1903*

#### 76. AN INSANITARY REPORT

In another column, we reproduce a telegram to the Johannesburg *Star* purporting to be the substance of a report of the Sanitary Inspector in Krugersdorp on the condition of the Indian Location there. It is evident that the Sanitary Inspector, when he paid his night visit, had the saying in his mind, namely, that "if you want to hang a dog, call it a bad name". Really, it is monstrous how responsible officers can let their imagination cloud their reason entirely and allow themselves to make what are undoubtedly libellous statements. We do not wish to soil the editorial columns by quoting anything from the report which speaks for itself: we only hope that the Government will not be led astray from their clear duty by such highly coloured reports. At the same time, we wish very emphatically to warn all our countrymen about the serious position they are in at present in the Transvaal. While we have no hesitation in saying that the report of the Sanitary Inspector is most inaccurate, we feel constrained at the same time to admit that the condition of the Location at Krugersdorp is certainly not all that could be desired from a sanitary standpoint. While it is, perhaps, a complete answer to any charge that may be brought by the Health Board that the Location has been entirely neglected by it and that the fault is more that of the Health Board than of the Indian community if the Location is not in a perfectly sanitary condition, such an answer is a very poor comfort to

us. We ought to be able to live decently and in a sanitary condition without requiring the supervision of the Sanitary Inspectors. If we could persuade our countrymen, be they the lowest, to follow out the plan suggested by us, what the Sanitary Inspector of Krugersdorp has pronounced will be turned into a blessing. Then, instead of feeling aggrieved at the report, we shall have to thank the Sanitary Inspector for having drawn upon his imagination in describing the condition of the Indian Location in Krugersdorp.

*Indian Opinion, 25-6-1903*

### 77. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
25 & 26 COURT CHAMBERS,  
JOHANNESBURG,  
*June 26, 1903*

TO

THE PRIVATE SECRETARY

TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR

PRETORIA

SIR,

The attention of my Committee has been drawn to the Draft Ordinance<sup>1</sup> published in the *Government Gazette* dated 19th June, to replace Law No. 11 of 1899.

My Committee is very reluctant to say anything whatsoever with reference to the proposed Ordinance dealing with a subject of a very delicate nature, but at the same time my Committee deems it a duty to draw the attention of His Excellency to subsection 5 of Section 19 of the Bill which, in my Committee's humble opinion, casts a serious affront on the whole of the Indian community.

My Committee ventures to think that the object aimed at by Section 19 could be served in a less offensive manner and without bracketing together in the same expression the British Indian subjects and races of mixed descent or the native races of Africa.

My Committee respectfully submits that in defining the

<sup>1</sup> For suppression of immorality; *vide* "Indian Art", 17-9-1903, "Notes", 21-9-1903 & The Dealers' licenses Act Redivivus: III, 24-9-1903

expression “native” in the sub-section in question no account has been taken of the feelings of those that are affected by it and therefore ventures to hope that His Excellency will be pleased to embody such an alteration in the section as would remove the objection raised by my Committee.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92 Asiatics. 1902-1906. L.G. 2132

*78. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL*

*June 29, 1903*

TO

PRIVATE SECRETARY

TO HIS EXCELLENCY LIEUTENANT-GOVERNOR

TELEGRAM APPEARS IN PAPERS SAYING PLAGUE HAS  
NEARLY DISAPPEARED DURBAN. ASSOCIATION REQUESTS  
FAVOURABLE REPLY LETTER 22ND INSTANT.

BIAS

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

*79. LETTER TO LT-GOVERNOR OF TRANSVAAL*

BRITISH INDIAN ASSOCIATION,

25 & 26 RISSIK STREET,

JOHANNESBURG,

*June 30, 1903*

TO

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR

OF THE TRANSVAAL

SIR,

In continuation of my telegram of yesterday's date, I beg to quote below a telegram that appears in today's *Leader* that refers to the plague in Durban, namely:

that the borough is now pronounced free of plague and the last patient, an Indian, having been discharged cured, no further bulletins will be issued.

Under the circumstances, I trust that His Excellency will be pleased to remove the plague restrictions referred to in my telegram.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

### 80. LETTER TO H. V. VORA<sup>1</sup>

COURT CHAMBERS,  
RISSIK ST.,  
P. O. BOX 6522,  
JOHANNESBURG,  
*June 30, 1903*

MY DEAR HARIDASBHAI,

I have your two letters. I am very glad that Harilal is now out of danger. You know that I sent a cablegram<sup>2</sup> asking that he should be sent here with Chhaganlal, and I do hope that he will be sent here. By the time he reaches, the cold weather will have passed, and seeing that he must not go to school for some time to come, perhaps he will benefit by the change of climate and greater regularity of habits. Moreover, your ideas about natural living will be far better enforced here than there and I shall see, so far as possible, that he does not receive any drugs.

During my self-imposed exile, I have been overwhelmed with kindness of friends in India. I know that you and Revashankarbai have supplied my place to Harilal. I do not wish to enlarge upon that subject. I can only wish that he was here to be attended to by me, and regret that he should have been a source of anxiety and worry to

<sup>1</sup> Haridas Vakhatchand Vora, a leading lawyer of Kathiawar, who pleaded against Gandhiji's excommunication after return from England in 1891, and later helped him in his early practice at Rajkot.

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



either of you.

I hope that you are not overworking yourself in your cases. I would like to know a little more about the nature of work you are getting there and the state of your health and that of the children. I know you will be anxious to know something about me.

I am doing fairly well with reference to the office work; in fact, during the few months that I have opened an office here, I notice that I have built up a decent practice and that I can afford to pick and choose. The public work, however, is of a most exacting nature and often causes very great anxiety. The result is that, just at present, I have to work from nearly a quarter to nine in the morning to ten o'clock at night, with intervals for meals and a short walk. It is a time of constant exertion and worry, and I see no prospect in the near future of the public work slackening. The Government is now considering the modification of the existing legislation, and one has to be very much on the alert. The thing is most difficult to foresee. Such being the case, I do not know what my future plans will be, but the more I look into things, the more I feel that it will be almost impossible for me to get away for several years. The thing is that I shall very likely have to repeat what I had to do in Natal. The question, then, is as to the fulfilment of my promise to Mrs. Gandhi. I told her that either I should return to India at the end of the year or that she should come here by that time. I am most anxious to fulfil the promise. How to do so is the difficulty. To return at the end of the year is out of the question. It however, she would allow me to recede from the promise and not insist on coming here, there is a likelihood of my being able to return to India earlier than I otherwise would. In any case, according to present plans, I must not think of returning for three or four years. Will she consent to remaining there all that time? If she does not, then, of course, she must come here at the end of the year, and I must be quietly to settle down in Johannesburg for ten years or so. It will, however, be a terrible thing to establish a new home here and to break it up as I did in Natal. Experience teaches me that it would cost a very great deal and, if there were great difficulties about it in Natal, they will be greater in Johannesburg. Please, therefore, consider this thing and, if Mrs. Gandhi is where you are, then you may all consult and let know. I do think, however, that if she would consent to remain there, for the time being at any rate, it would enable me to give undivided attention to public work. As she knows, she had

very little of my company in Natal; probably, she would have less in Johannesburg. However, I wish to be guided entirely by her sentiments and I place myself absolutely in her hands. If she must come, then she may make preparations in October and leave in the beginning of November. Between now and then there will be plenty of time for exchange of news.

I am very glad Bali<sup>1</sup> is not to be married this year. The later she is married, the better it will undoubtedly be for herself and her future husband.

*Yours sincerely,*

M. K. GANDHI

From the photostat of a handwritten copy: Sevagram No.1.

### 81. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
*June 30, 1903*

MY DEAR CHHAGANLAL,

I enclose a copy of my letter to Haridasbhai.<sup>2</sup> It gives all the news about mm Read it out and explain the situation here to your aunt. It is highly desirable that she should decide to stay on there, as life here rather expensive. If she remains there, savings made in this place will enable her and children to lead a comparatively easy life in India. In that case, I may be able to return home in two or three years' time. But if she insists, I shall not retreat from the promise I made her on the eve of my departure. If, however, she decides to leave, make all requisite preparations by October and take the first available boat in November. But do try to convince her that it will be best for her to remain in India. In consultation with Revashankerbhai, she may choose to stay either in Bombay or in Rajkot. If you have not already started with Harilal, and your aunt intends to accompany you, bring Ramdas and Devadas also along with you. Proper arrangements should be made in regard to the accommodation and education of Manilal and Gokuldas in Bombay. But if Manilal is not willing to stay behind, let him also join you. It will be good if Gokuldas continues his studies in Bombay. Let me know his mind and also what Raliatbehn has to say about it.

<sup>1</sup> Daughter of Haridasbhai

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

Bring as many books and photographs as you can from the list I sent you. It will be good if all the money is deposited with Revashankerbhai. Please see that the account of Fuli is closed. Settle the account with Shivlalbhai, if necessary by going to Rajkot. That will leave with you enough money for the journey.

If your aunt decides to stay in Rajkot, it will be better to bring Manilal here.

Maganlal<sup>1</sup> is doing well at Tongaat.

Read out this letter to Revashankerbhai. Having been hurriedly written, it will be difficult for him to read it himself.

*Blessings from*

MOHANDAS

Based on a translation of the original Gujarati in *My Childhood with Gandhiji*, pp. 192-3.

## 82. *THE BALANCE-SHEET*

A merchant who, hugging to himself a contemplation of his stock and outstandings, loses sight of his liabilities is doomed to perdition. Nemesis overtakes him all of a sudden, and his stock and outstandings are swept away in one swoop when he finds himself surrounded by a torrent of creditors. His surplus then vanishes, and he becomes insolvent. A wise merchant, therefore, sees that his liabilities are punctually paid. He is then assured of a surplus, more or less large. As with individuals, so with communities; as in pecuniary affairs, so in political matters.

Having, then, taken stock of the principal grievances of the British Indians in South Africa, and shown, as we believe, conclusively, that the unreasoning and unreasonable colour prejudice is generally at the bottom of them, we propose now to examine the other side, and see how far we are ourselves liable for the situation. And unless we take care to know our faults and wipe them out, we may find, one fine day, that what seemed to be a credit balance has been turned into a deficiency.

We are, then, charged with insanitation and niggardly living. In our opinion, neither charge is technically provable. Our countrymen have often been able to produce conclusive evidence that as a class the

<sup>1</sup>A brother of Chhaganlal Gandhi and a close associate of Gandhiji.

British Indians are no worse than the Europeans, as to sanitation. It has also been shown that the Indian does not live on the smell of an oil rag. Boiled clown, the charges amount to untidiness and extreme thrift. But, in matters political, where masses have to be dealt with, technical evidence is of little account. The populace will insist on repeating that our habits are so insanitary as to be a danger to the whole community, and that our mode of life is so low that we live on the smell of an oil rag.

It cannot be denied that we might have done better in either respect. While it is perfectly true that our poverty is responsible for our shanties and over-simple habits, no amount of poverty would be a sufficient excuse for gross untidiness and offensive simplicity observable in many an Indian home. It is certainly within our power to keep our huts scrupulously clean, and insist on living in a decent style even amid humiliating surroundings such as avail in the Eastern Vlei and Western Vlei in Durban, or Locations In the Transvaal.

We have an unique opportunity of learning from our neighbours. Left to themselves, a body of Englishmen would evolve order out of chaos, and would make a garden in a wilderness. Durban owes its elegance to English enterprise and English taste. As a matter of fact, the Indians have been earlier Colonists in Africa. A large Indian population settled in Zanzibar before the Englishman put his foot there. But the Indian settlers, though in many instances they have built substantial structures, have certainly not made it an elegant town. The reason is obvious. We lack the spirit of unity, co-operation, and a full measure of the spirit of sacrifice for the sake of the general good.

We look upon our troubles as a divine chastisement. If we would but learn the lessons that have to be learnt from our adversity, it will not have been lost upon us. We would emerge from the trial a community richer in social virtues, stronger in the justness of our cause, and, to take up the analogy we have used at the outset, with a far larger credit balance in our favour than we started with. We submit this before the thoughtful members of the Indian community all over South Africa.

*Indian Opinion, 2-7-1903*

### 83. *TRUE IMPERIALISM*

Mr. Chamberlain's reply to the Australian Colonies about the employment of Lascars on British ships is significant. Through Australia he has really addressed the Colonies generally, and has laid down the British policy in unmistakable terms, namely, that the coloured British subjects are entitled to be treated the same as the other British subjects. Let us hope that he will have strength enough to follow up the policy regarding the British Indians in South Africa. Be that, however, as it may, he has placed the British Indians under deep obligations to him for his clear enunciation of the British policy on the colour question.

*Indian Opinion, 2-7-1903*

### 84. *LETTER TO G. K. GOKHALE*

25 & 26, COURT CHAMBERS,  
CORNER, RISSIK & ANDERSON STREETS,  
JOHANNESBURG,  
*July 4, 1903*

DEAR PROFESSOR GOKHALE,

I have been sending you the papers in connection with the Indian situation in South Africa from time to time. Although you are, I know, overwhelmed with other public work, I see no way of avoiding having to trouble you about our grievances. It is felt that there is not enough sustained action taken in India and that unless the hands of the Viceroy, who, I believe, has been making ardent protests against the action of the Colonies, are strengthened by public opinion, the situation may be lost. The curious thing is that, even here, Lord Milner seems to be most anxious to do justice, but is almost frightened by what passes for public opinion on this side. As a matter of fact, the people in South Africa are so much engrossed in making money: that they take very little notice of what is going on outside their own sphere. But there are a few interested agitators who continue to send in protests to the Governor against any relaxation of the old anti-Asiatic laws as well in the Transvaal as in the Orange River Colony. It is, therefore, I think, very necessary that to counteract the effect of such agitation, a well-directed movement ought to be taken up and continued throughout India. I hope that you will find time to take the

matter up. You know what Mr. Turner<sup>1</sup> said to me when I was in Calcutta, and I doubt not that, if you wrote to him or could see him, he would be prepared to take action.

I am writing to Mr. Mehta,<sup>2</sup> but I hope you will see him in the matter.

*I remain,*  
*yours truly,*  
M. K. GANDHI

From the photostat of the original: G.N. 4102

### 85. THE PROCLAMATION OF 1858

This memorable Proclamation, which has been rightly termed “the Magna Charta of the British Indians”, is worthy of the attention and study of the people of South Africa, especially at a time like this, when a sustained agitation has been set up against British Indians throughout this sub-continent. It may not be out of place to refer to the origin of that document. As the world knows, the year 1857 was a year of great anxiety and trouble throughout the British dominions owing to the great Sepoy Revolt in India. At one time the cloud looked so black that even the final result had become a matter of uncertainty. An appeal was made to the worst superstitions of the people of India, religion was greatly brought into play, and all that could possibly be done by the evil-minded was done to unsettle people’s minds, and to make them hostile to British rule. It was at that time of stress and trouble that the great mass of the Indian people remained absolutely firm and unshaken in their loyalty. The late Sir John Lawrence has been called the Saviour of the Punjab, as indeed he was the saviour, in a very great measure, of the whole of British India. The reason, however, why he came to deserve that title was because he turned to the very best account the loyalty of the martial races of the Punjab, who had, only a few years before that eventful year, offered stubborn resistance to the British army at the historic field of Chillianwalla.<sup>3</sup> And throughout India did the masses remain faithful, and refuse to make common cause with the mutineers. All this was known to Lord Canning. He, in due course, transmitted to the late

<sup>1</sup> President, Bengal Chamber of Commerce.

<sup>2</sup> Sir (then Mr.) Pherozezshah Mehta

<sup>3</sup> This was during the Second Sikh War, 1848.

Queen-Empress the pathetic incidents that took place when the British Indians, at the peril of their lives, saved hundreds of English men and women. When, therefore, the Mutiny was ultimately stamped out, and when the time came for showing the Royal clemency, Lord Derby, the then Prime Minister, was commanded by the Queen to draft a proclamation. All the incidents connected with the draft have been preserved to us by the late Prince-Consort. We read in his work that the Queen did not like the draft because she considered it to be too tame, and not in keeping with the events that had taken place in India in connection with the Mutiny. She, therefore, commanded Lord Derby to re-draft it, laying stress upon the fact that it was a female Sovereign speaking to the millions of her faithful subjects who had just emerged from a terrible time, and that the Proclamation should be a document of freedom for the people of India, which they could treasure and value. It was then that the Proclamation in its present form was drafted and given to the people. It is superfluous to refer to the numerous occasions on which it has been referred to as the document giving the people of India full privileges and rights of British subjects. Viceroys after Viceroys have repeated the same thing, and Lord Curzon has, more than once, from his place in the Legislative Council at Calcutta, reiterated the promises made therein. Last, but not least, our King-Emperor, in his message to the Viceroy at the Delhi Durbar, said much the same thing.

Is it, then, any wonder that the British Indians, no matter where they go, invoke the aid of that Proclamation in their favour whenever any attempt is made to curtail their liberties or their rights as British subjects? We reproduce below the main portions of the Proclamation. Our readers will notice that in it there is absolutely no qualification whatsoever with reference to the place where the people to whom it was given are to enjoy the fulfilment of the promises given therein. It becomes necessary to mention this fact, as attempts have often been made in South Africa to explain away the document by saying that, as it was given in India, its applicability was confined merely to that place. As against this contention, we might, however, state that, in reply to a representation from Natal which referred to the Proclamation, Lord Ripon, the then Secretary of State for the Colonies, affirmed that: "The Queen's Indian subjects were entitled to the same rights in the Colonies as all her other subjects". Time and circumstances have thus combined to sanctify the Proclamation, and no matter what others may say to the contrary, it will ever remain a cherished treasure to the

Indian community, wherever settled, so long as the British Empire lasts.

Portions of the Proclamation referred to above:

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations, by the blessings of Almighty God, we shall faithfully and conscientiously fulfil.

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

In their prosperity will be our strength; in their contentment, our security; and in their gratitude, our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

*Indian Opinion, 9-7-1903*

## 86. *THE LABOUR QUESTION IN THE TRANSVAAL*

We have no desire to meddle with this peculiarly difficult problem, which is one for solution by those who are intimately connected with and affected by it; but seeing that, to a very large extent, it would affect the general Indian question and the position of the British Indians in the Transvaal, who have settled there of their own account as free men, and as the Labour Question has often been mixed up with the general Indian Question, we can no longer sit still and merely look on as totally disinterested spectators.

Every report we have read of the meetings of the White Leagues and other Associations has, in dealing with the Labour Question, drifted into a discussion of the existing anti-Asiatic laws, as if they had the remotest connection with the proposal to bring in Asiatics under indenture.

The Cape Parliament has spoken in no uncertain terms. It has unanimously resolved against the introduction of Asiatic labour, and to send its resolution by cable to Mr. Chamberlain. That shows earnestness. The great meeting of the Boers at Heidelberg has come practically to the same conclusion. The Manifesto signed by Mr. J. W. Quinn, as chairman of the committee recently formed in the Transvaal, including prominent merchants of Johannesburg, has also



emphatically proclaimed its opposition to any scheme to bring in Asiatic labour.

So far as the Indians are concerned, we think their opinion also would be on the side of the Cape Parliament, the Heidelberg meeting, and the Association headed by Mr. Quinn, though not perhaps for the same reasons as advanced by them. We have admitted in these columns that British dominance is a proposition which is beyond dispute. South Africa, and the Transvaal pre-eminently, has a climate which is well suited for white settlement and white immigration; the country has, moreover, inexhaustible resources, and England certainly requires an outlet for its paupers; so, looking at the whole question impartially, it is difficult not to sympathise with the opposition to an assisted immigration of Asiatics, whether it is the Indian, or the Chinaman, or even the Japanese. No matter what restrictions may be placed upon the liberty of the indentured labourers, as Mr. Quinn has stated in his Manifesto, if the people choose to exercise their rights as free men, no law could control their liberty beyond a certain limit. We, therefore, have no hesitation in agreeing with the view that in the long run assisted Asiatic immigration into the Transvaal would be disastrous to a white settlement. People will gradually accommodate themselves to relying upon Asiatic labour, and any white immigration of the special class required in the Transvaal on a large scale will be practically impossible. It would be equally unfair to the Natives of the soil. It is all very well to say that they would not work, and that, if the Asiatics were introduced, that would be a stimulus to work; but human nature is the same everywhere, and once Asiatic labour is resorted to, there would not be a sustained effort to induce the Natives to work under what would otherwise be, after all, gentle compulsion. There would be then less talk about taxing Natives and so forth. Natives themselves, used as they are to a very simple mode of life, will always be able to command enough wages to meet their wants; and the result will be the putting back of their progress for an indefinite length of time. We have used the words "gentle compulsion" in the best sense of the term; we mean compulsion of the same kind that a parent exercises over children.

What, however, about the Asiatics themselves? The whole of the argument on the European side has been advanced from one point of view, and if it was at all possible to repeat the days of slavery, we have a suspicion that much of the agitation against the importation of Asiatic labour would vanish, and that people would be perhaps ready

to import Asiatic labour if they could be assured absolutely that the labourers would ever be labourers, and that, at the end of their indenture, they would be transported back to their countries. But from an Indian standpoint, and, in fact, from an ethical standpoint, we have no hesitation. in considering such a compact unholy. If the Colony must have Asiatic labour, it must suffer the full consequence of its introduction, and be prepared to grant the labourers the ordinary human liberty. Such a condition is admittedly out of [the] question for the Transvaal. The result, therefore, of the introduction of Asiatic labour would be unfair alike to the Asiatics and demoralising to their masters. We have said before that it is the importation. of Indian labour into Natal which has complicated the Indian Question not only in this Colony, but throughout South Africa; and we still hold the opinion that the true solution of the question lies in stopping assisted Asiatic immigration, and in assisting throughout South Africa white immigration, leaving under reasonable restrictions free immigration of all classes to work itself out. The balance will then be redressed, and there would be hardly any opposition to the Indian trader, or to Indian enterprise in general.

Looking at it, therefore, from every point of view, there is no doubt that so far as the Labour Question is concerned, the European as well as the Indian opinion is in perfect agreement, and we sincerely hope that Asiatic immigration will never be embarked upon in the Transvaal.

*Indian Opinion, 9-7-1903*

### 87. *THE IMMIGRATION RESTRICTION BILL*

We printed in a recent issue the petition from Mr. Abdul Kadir and others, addressed on behalf of the Indian community to the Legislative Assembly. It lays great stress on the advisability of recognising, for the purpose of the educational test, the principal Indian languages which are not only highly cultivated, but have an extensive literature, and are spoken by millions of His Majesty's loyal subjects in India. As the petitioners remark, even after the great Indian languages are recognised, there will remain millions of illiterate Indians who would be totally debarred by the Bill. Seeing that the Government have not hesitated to bring in a replacing Bill after a very short trial of the present Immigration Restriction Act, there can be no

risk in making the small concession asked by the Indian community, for, if it is found that more than a fair number of Indians are able to avail themselves of the new test, such as to “alarm” the Colonists, the matter could be reconsidered, though we have no hesitation in saying that such a course would be absolutely unnecessary, unless it is the intention of the Colonists to prohibit free Indian immigration altogether.

There are other points raised in the petition which, too, are worthy of the attention of the Government. If the policy is to assimilate South African legislation on immigration, the privilege of domicile, as the petitioners request, ought certainly to be extended to all who are domiciled in South Africa, and not in Natal only. The Government might yield something, if only to foster the sentiment of unity under the same flag. If South Africa consisted of foreign States, it would be a different thing; but, as the inland States are now British Colonies, the distinction seems to be invidious. We consider that there ought to be perfect freedom of movement among the British Colonies in South Africa. Such sentiments have often been expressed by Colonial politicians, and it is a very opportune moment for bringing the Natal Bill into harmony with the Cape legislation.

The raising of the period of residence from two to three years under the Bill is undoubtedly a cause for complaint, and the petitioners have done well in protesting against it. We believe that even the arbitrary fixing of two years’ limit to entitle a person to claim former domicile was considered to be unjust, but the raising of it to three years would disqualify hundreds of Indians who have practically made a home in Natal, and have become dependent on it for a living.

We, therefore, hope that the Government will be pleased to consider the reasonable request of the petitioners, and make the concessions which we doubt not will be very much appreciated by the Indian community. We wish to recall in this connection the brilliant speech made by the Honourable Sir John Robinson, when he was Prime Minister of the Colony, at the time of the introduction of the Franchise Bill. He then said that the House, by disfranchising the Indians, took upon itself a grave responsibility, and that by reason of the disfranchisement it became the duty of every member to represent Indians, and to see that no injustice was done to them, and that the Indian sentiments were respected as far as possible. We will anxiously await the result of the deliberations over the Immigration Bill. Will the

House give effect to the words uttered by Sir John? Let us hope so.

*Indian Opinion*, 9-7-1903

### 88. *THE PLAGUE*

It is a matter for congratulation that Durban is declared free from plague. We had occasion in these columns to refer to the very strict plague embargo that was placed on Indians leaving the Colony for the Transvaal. We understand that the restriction still continues. It is really very difficult to account for it. We have all along considered that it was more a political move than a health precaution, and if the restriction has not been removed in spite of the Colony being declared absolutely free, it becomes purely and simply a piece of highhanded injustice, for which there can be absolutely no justification. We are aware that hundreds of refugees are only waiting to return to their respective callings in the Transvaal. It should be remembered that when the refugees were in receipt of public relief at the time of the war, the whole of the cost of supporting Indian refugees was taken over by the Indian community. Some of these refugees are still in Durban, and, though they are not now being supported by the Indian community in general, they are certainly being housed and fed by their friends. We appeal to the authorities in the Transvaal to see that the tension is relieved by removing the embargo, and giving all facilities to the refugees to return to the Transvaal.

*Indian Opinion*, 9-7-1903

### 89. *SPECIAL PLEADING*

Our contemporary, *The Natal Advertiser*, has indulged in a bit special pleading in justification of the now famous Mayor's Minute<sup>1</sup> on the proposed segregation of Asiatics. It bases the segregation on "salus populi suprema lex". We do not read "Europeani" before "populi". We, therefore, think that since the Indian is, after all, a human being, he is included in the term "populi". If so, what is the supreme law for the safety of the people in general? Surely, not to degrade a portion of them, and push them into ghettos or pens, as if they were so many sheep or cattle! Our contemporary proceeds: "Experience has proved that the unrestricted intermingling of the two races does not conduce to the highest

<sup>1</sup> *Vide* "Minute by the Mayor", June 4, 1903.

interests of the European population”, but it has failed to produce a single fact to prove the statement. The fact is that the Indian has made Natal the Garden Colony in South Africa. He has been officially described as “a sober, useful, and law-abiding citizen”. We wonder if such people do harm to the country in which they settle. Our contemporary has used the word “intermingling”. The fact is, there is no intermingling between the two races except in business. And that, we believe, will continue whether the Indians are compulsorily segregated or not, so long as our European friends choose to do business with them, or to avail themselves of their services. But apart from business intermingling, the Indians are at present, without compulsion, as a rule, living only in certain localities. Supreme the English are, and must remain, in the Colony. Nor do we want them to practise altruism in our favour. But we do request them not to use the supremacy in order to do us injustice, to degrade and insult us. “Fair field and no favour” is the just and reasonable demand of the Indian community. Our contemporary certainly performs a feat when it refuses to see anything in the speeches made at the Indian mass meeting to convince it that “any essential injustice will be wrought by carrying out the Mayor’s pro-posals”. Well, there is no convincing a man against his will. Otherwise, we might put it to our contemporary whether restraint on the personal liberty of a body of people who have committed no crime is not an injustice—as the term is understood under the British Constitution. Our contemporary deplors that the Indian population is equal to the European. We may remind it that out of the 50,000 Indians nearly one-half are serving their indentures, and are, therefore, not to be reckoned for comparison for the purposes of the argument. The crux, however, is there—cease to import Indian labour, and the problem is solved.

*Indian Opinion, 9-7-1903*

90. PETITION TO NATAL COUNCIL

DURBAN,  
July 11, 1903

TO  
THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE  
HONOURABLE THE LEGISLATIVE COUNCIL OF NATAL

THE PETITION OF THE UNDERSIGNED, REPRESENTING THE BRITISH  
INDIANS RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH:

That your Petitioners respectfully approach this Honourable House with reference to the Bill to place closer restrictions on Immigration, now before this Honourable House for consideration.

Your Petitioners venture to submit herewith a copy of the petition addressed, on behalf of the British Indians residing in Natal, by Abdool Caadir and one hundred and forty-six others, to the Honourable the Legislative Assembly of Natal, as follows:<sup>1</sup>

Your Petitioners hope that this Honourable House will be pleased to give favourable consideration to the suggestions contained therein.

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

(Signed by): D. M. MATALA,  
AND TWENTY-NINE OTHERS

Colonial Office Records: Memorials and Petitions, 1903; C. O. 181, Volume 53, Votes and Proceedings of the Natal Parliament.

<sup>1</sup> Quoted here was the text of the petition of June 23, *vide* "Immigration Bill", June 25, 1903.

91. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
25 & 26 COURT CHAMBERS,  
P.O. BOX 6522,  
JOHANNESBURG,  
*July 11, 1903*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

I have the honour to acknowledge your letter of the 4th instant<sup>1</sup> with reference to the Draft Ordinance published in the *Government Gazette* of the 19th June last.

My Association was waiting, before replying to the letter, for advice as to the Cape Law on the question and my Association is now advised that there is no such interpretation in the similar enactments of the Cape Colony, and my Association understands that the definition complained of in my letter of the 26th ultimo is not to be found in similar enactments in Natal.

My Association understands also that the Bill is to come up before the Council next week and in view of the fact that it has not passed through the final stage, my association respectfully ventures to trust that the relief requested will be granted.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

<sup>1</sup>*Vide "Notes", September 21, 1903*

## 92. ORANGE RIVER COLONY

Some time after Mahmud Gazni had conquered portions of India, a poor widow from his Indian dominions, who could not get justice at the hands of his lieutenants, went all the way to Gazni in order to lay her complaint before the King. The reply that Mahmud is said to have returned was that he was unable to do anything for her, as his dominions were so far away from his capital. "Sire," promptly returned the widow, "if you cannot take care of your subjects in India, you have no business to rule there". The story is old, and well known, and it has a moral which is of very great significance at the present moment to the British Indians in South Africa, who occupy much the same position as the poor widow of old, and can bring exactly the same complaint before the King-Emperor. The reply, we know, would not be of the same kind that Mahmud returned to the widow; all the same, it has so far been one of hopelessness. Now it seems to be a question whether the Empire at large will not have paid too dearly for owning the Transvaal and the Orange River Colony if these possessions are to be allowed to tread upon the principles of British policy which have been cherished for hundreds of years. In our opinion, if that policy is to give way to one of caste and colour distinctions and prejudices, the boundless treasures and torrents of blood that have been poured on the South African soil during the war will have been poured in vain. And yet, when we come to look at the situation, such seems to be the opinion at least from an Indian standpoint, and the Indian standpoint, whether for weal or woe, means practically the opinion of millions of the King-Emperor's subjects.

This reflection arises from a perusal of the *Government Gazette* of the Orange River Colony, dated 3rd July. On page 1469 thereof, we read what purports to be regulations for the Natives of Pietersburg, framed by the municipality of that place, and sanctioned by the Honourable the Acting Lieutenant-Governor and the Executive Council. The heading would perhaps show that they do not apply to other coloured persons, but on a perusal of the 21 articles of those regulations, it will be seen that they apply to all coloured persons. Just at present, the interest that the Indians would take in such regulations would be more theoretical than practical, seeing that there is no Indian population worth naming in that Colony; but we hope that at no



distant date the gates of the Colony will be open to a respectable Indian immigration, no matter on howsoever small a scale. Then, these regulations would stare them in the face, and act with the same deadly effect that the regulations of the East London Municipality, to which we have referred in these columns, have been acting against the Indians in East London.

These regulations confine all coloured people within certain Locations. The Municipality has to keep a "list of all coloured inhabitants, such lists to contain the names, means of livelihood, the number of stock they possess, and the names of their masters". They are to take out passes from the Town Clerk, for which a yearly payment of Is. must be made. All coloured persons coming from elsewhere have to register themselves within 48 hours of their arrival. They may not wander about in town after 9 p.m. It would be optional for the Municipality to allow a coloured person to own or not to own stock, and ownership without permission renders such coloured person liable to a penalty of 3s. for every head of large, and 6d. for every head of small stock. The arrival of a guest is to be reported to the Town Clerk immediately. They may not own dogs. No schools, public meetings, etc., are to be held without the permission of the Municipality in the Location.

The list is by no means complete, but this is a fair sample of the powers vested in the Town Councils with reference to the management and control of coloured persons. If we are mistaken in thinking that coloured persons include Indians and others, we shall be very glad to be corrected, though there seems to be absolutely no mistake as to the meaning of the term on the face of the regulations.

Well may Sir Mancherji Bhownagree and Sir Raymond West, who spoke at the meeting lately held under the auspices of the East India Association, express a feeling of despondency in the face of the regulations referred to in this article, and the suggestions that are being put forth from time to time in order to make the fetters of the British Indians heavier and heavier.

We commend these regulations to the attention of the Right Honourable Mr. Joseph Chamberlain, who came to South Africa as the peacemaker, and who assured every Indian deputation that met him that the British Indians were entitled to fair and honourable treatment. We appeal to him, as the author of the despatch to the Australian Commonwealth on the question of the employment of

Lascars; and we appeal also to Lord George Hamilton, who has, more than once, expressed himself in sympathy with the British Indian settlers in South Africa. We also appeal to Lord Milner, who, as the High Commissioner of South Africa, has, we presume, to look after the policy of the Empire at large and see that there is no break in its continuance so far as South Africa is concerned, to come to the rescue and, as he himself said to the Indian Deputation, settle the difficult question once for all on a reasonable and fair basis.

The regulations in question suggest another thought for the Indian community, namely, that in the British Empire any subject who is not ever on the look out as to his interests is likely to be pressed out amid all sorts of complicated claims. It is, therefore, more than ever necessary for British Indians to remain on the alert, and, at any rate, to send in a respectful protest to the powers that be, whenever an attempt is made to curtail their rights. It is for them to ask; whether it will be granted to them or not is a question about which they need not trouble. The duty will have been done in the asking.

*Indian Opinion, 16-7-1903*

### 93. THE LABOUR IMPORTATION ASSOCIATION

We reproduce elsewhere the manifesto of the Labour Importation Association signed by Mr. G. H. Goch, Mr. J. W. Leonard, K. C., and other leaders of thought in the Transvaal. It follows closely on the heels of Mr. Quinn's manifesto. If we are asked to choose between the two, we should have no hesitation in casting our vote in favour of Mr. Quinn's document. It is very sad, indeed, to contemplate gentlemen of Mr. Goch's broad sympathies and Mr. Leonard's culture and vast experience of human nature giving their signatures to a document which virtually favours a system of modified slavery, and has nothing to say in favour of poor indentured labourers.

The document in question is of interest to the Indians because we know that Lord Milner is now in communication with the Colonial and the India Offices, with a view to secure their permission to import Indian labour from India. It is evident that the conditions laid down by the Association on which non-African labour is to be imported would apply to the importation of Indian labour also. Now, if we understand the term "slavery" correctly, it is a state in which a man

sells his services for life beyond recall to a fellowman, and any attempt to shirk the same makes it a crime punishable by imprisonment. If this is a correct view of slavery, then what Mr. Goch and his co-signatories propose is nothing less than slavery for a term; for, according to them, the labourer is to sell his services for a term of five years, that he can only work as an unskilled labourer, that each employer is to be “bound to provide adequate guarantees to the satisfaction of the Government for his repatriation”, and that he would be confined to compounds, and that severe penalty should be imposed for any violation of the Indenture Law.

If this is not temporary slavery, we should very much like to know what is? The vital difference between the ordinary contract of service and the proposed indenture is that, whereas in the first case the servant can free himself from the liability to serve by paying damages, and that in no case does the shirking of it become a criminal offence, in the other case freedom from liability is ordinarily impossible, and any breach of the contract renders the servant criminally liable. The issue, therefore, is absolutely plain. Shall Indian or other labour be exploited for the purpose of developing the resources of the Transvaal without recognising the rights of those whose labour is to be exploited? We do not consider the payment of a wage, no matter how high, to be any satisfactory recompense to the labourer, in spite of himself, from selling his services at their market value, or from recouping himself for any loss he may have sustained by reason of his indenture after it is completed. Such a system was described by the late Sir William Wilson Hunter as “a system perilously near to slavery”. We quote below the opinion of the late Right Honourable Harry Escombe, when a similar proposal was made in Natal. He gave the following evidence before the Commission that was appointed in Natal some years ago:

A man is brought here, in theory with his own consent, in practice very often without his consent. He gives the best five years of his life, he forms new ties, breaks the old ones, perhaps establishes a home here, and he cannot, according to my view of right and wrong, be sent back. Better by far to stop the introduction of Indians altogether than to take what work you can out of them and order them away. The Colonists, or part of the Colonists, seem to want Indians, but also wish to avoid the consequences of Indian immigration. The Indian people do no harm as far as I know. In certain respects, they do a great deal of good. I have never heard a reason to justify the extradition of a man who has behaved well for five years. I do not think that the Indian, at the

expiration of his five years' service, should be placed under police supervision unless he is a criminal.

We only hope that the Colonists in the Transvaal will be helped, in spite of themselves, out of the unjust, unchristian, un-British attitude in which, from self-interest which blinds temporarily their sense of justice, they would place themselves.

*Indian Opinion*, 16-7-1903

#### 94. THE MAYORAL DEPUTATION TO SIR PIETER FAURE

It is a healthy sign that at the Cape, at any rate, Sir Pieter Faure has been able to keep clear of the prevalent prejudice and look at the facts as they are.

Sir Pieter told the deputation of the Mayors of different Municipalities at the Cape, that he did not see any occasion for introducing any fresh legislation in connection with the proposal to segregate Indians. He also dispelled the fear as to the growing Asiatic influx, for he made it quite clear that the Immigration Act has been working very well and that there is not any congestion in the Colony.

This is a matter for our Legislators also to consider well. As we have said before, in Natal, the powers given to the Town Councils are very wide and that if any change in the legislation is necessary, it is in connection with the Licensing Act. We have also pointed out in these columns that in view of the Immigration Act there is no likelihood of any large Asiatic immigration, and that being the case, it seems to us to be totally unnecessary that there should be any compulsory segregation whatsoever. If the Colonists will take the trouble to go into the facts, it will be easily found that the alleged danger to the health of the community from the residence of Asiatics in several townships merely exists in the imagination of people who refuse to face the facts as they are. We recall in this connection the evidence given before the Insanitary Area Commission at Johannesburg by Dr. Johnston, a gentleman who is an expert on sanitary matters and has a very wide experience of the South African climate. Dr. Johnston gave it emphatically as his opinion that he found nothing against the Indian inhabitants in Johannesburg so far as their sanitation was concerned, and that segregation was not a principle he could give his assent to from a sanitary standpoint.

We, therefore, hope that we have heard the last of the Bazaar

proposal throughout South Africa, for even so far as the Transvaal is concerned, we have Lord Milner's promise to the deputation that the existing legislation will be very soon replaced by laws more in harmony with British ideas.<sup>1</sup>

*Indian Opinion*, 16-7-1903

### 95. PROPOSED INDIAN BAZAAR AT THE CAPE

We are now enabled to give our readers a copy of the clause in the Private Bill of the Corporation of the City of Cape Town, which it seeks to promote in the Cape Parliament. It asks for powers to enable the Council to establish, maintain and control, either within or beyond the limits of the city, Indian or Asiatic Townships or Bazaars, and to compel the residence therein of Indians or Asiatics *who, by reason of their habits, manner of living, or overcrowding, may, in the opinion of the Medical Officer of Health for the City, be detrimental to public health*, and to charge rents for the use of Stands in such Townships and Bazaars.

The portion in italics is an amendment inserted by the advisers of the Council in order to meet the objections raised to it.

While the proposed amendment shews a willingness to respect the opinion of the Indian community, it hardly meets the wants, and it is too ingenious to deceive anybody, for one would have thought that, if there was anything objectionable in the manner of living or if there was any overcrowding, it would be a matter to be dealt with, not by sending people away from the Town and leaving them to continue such mode of living, but to remove it by careful watch and punishing breach of sanitary regulations whenever such a course may be necessary. Apart from the amendment, it is wonderful how each succeeding proposal for restricting the liberties of British Indians "goes one better" than the preceding one. The famous Bazaar Notice<sup>2</sup> in the Transvaal which set the ball rolling contemplates Townships *within* town limits. The Cape Town Council, however, has improved upon it and means to have powers to establish Townships either within or *beyond* the limits of the city. In view, however, of Sir Pieter Faure's reply to the Mayoral Deputation, we are hoping that we have heard the last of the Bazaar proposal so far as the Cape is concerned. We,

<sup>1</sup>Vide "The British Indian Association and Lord Milner", 11-06-1903 supra.

<sup>2</sup>Vide enclosure to "British Indians in South Africa", April 12, 1903.

however, deem it advisable to warn our countrymen at the Cape to be very careful and to see that no cause is given for complaint in the way of overcrowding or insanitation. Seeing that every act of the British Indian is being most closely watched, it is his first duty to avoid giving a handle for any opposition.

*Indian Opinion*, 16-7-1903

## 96. WELL DONE

We have to congratulate Mr. Moor, the Assistant Colonial Secretary of the Transvaal, on the noble stand he has taken up on behalf of his wards against the unreasonable attitude of the Health Board at Boksburg, as will appear from the report sent by its special correspondent to our contemporary, the *Star*. That there is cause for thankfulness in Mr. Moor having taken up a firm stand, is because our countrymen have been latterly so much used to the want of any help from the authorities; otherwise, Mr. Moor, after all, has done no more than what the old Republican Government would have done under the circumstances. We understand that the present Location in Boksburg is far enough from the Township, but it does not suit the Health Board of Boksburg that the Indians should feel any security as to their lodgings or the goodwill they may have established in the place where they have been located for years past. It must be remembered that the present site was chosen by the old Government in none too generous a spirit. It is merely the force of circumstances that has brought some trade to the Indians residing in the Location. Now the Health Board would remove them to One Tree Hill, about 1\_ miles, according to their own shewing, from the town, and where certainly there is not the slightest prospect of trade. It may be a fine situation from a sanitary standpoint, but unfortunately, the inmates of the Location are not in a position just yet to build health resorts where they can go to after the day's work. The attitude, however, of the Health Board need not excite the slightest surprise. The fault, if it is to be allocated anywhere at all, rests absolutely with the Government, which has allowed the people to think that it would be ready to tamper with the liberty of the British Indians, if there was a sufficient clamour for it. Do we not know that the Bazaar Notice has been justified by Lord Milner on the ground that there was a demand for the enforcement of the old legislation? It is a strange irony of fate that at the time of the

Bloemfontein Conference in 1899,<sup>1</sup> it was His Lordship who pressed for justice to British Indians, and now, it is the same gentleman yielding to the popular clamour in enforcing the very legislation against which he so nobly protested during the old regime. It is the Government, then, which has been pouring oil over the fire of prejudice, and if it now promises to burst out in greater vehemence and to spread beyond the limits contemplated by it, is there any cause for wonderment? We only hope that the Government, after having taken up a reasonable attitude with reference to the Baksburg Health Board, would not recede from it.

*Indian Opinion, 16-7-1903*

97. *LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL*

BRITISH INDIAN ASSOCIATION,  
25 & 26 COURT CHAMBERS,  
P.O. BOX 6522,  
JOHANNESBURG,  
*July 16, 1903*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

I have the honour to acknowledge your letter of the 15th instant in reply to my letter of the 11th instant regarding the Draft Ordinance published in the *Government Gazette* of the 19th June last.

With the greatest deference to His Excellency I venture to say that the only possible interpretation to be placed upon the definition of the term "Native" in the clause in question is the one that is natural to it and it includes "a person manifestly belonging to any of the Native or Coloured Races of Africa, Asia, America or St. Helena".

Unless, therefore, His Excellency means that the definition does not include British Indians in spite of the word "Asia" occurring therein, my Association ventures to submit that British Indians are

<sup>1</sup> Talks between Sir Alfred Milner, British High Commissioner in South Africa, and Paul Kruger, President of the Transvaal.

manifestly bracketed together with the Natives of South Africa, St. Helena and others.

If, therefore, the contention humbly submitted by my Association is correct, I respectfully trust that in view of the fact that the Bill has not passed the third reading, His Excellency will be pleased to so alter the phraseology as to make it less offensive to the British Indians.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

### *98. ON THE POSITION IN THE TRANSVAAL*

JOHANNESBURG,

*July 18, 1903*

The Legislative Council has passed an Ordinance for the regulation of Municipal elections. The Government in their draft Ordinance reserved the right to all persons, irrespective of race or colour, provided that they have certain property qualifications and can pass an education test confined to a knowledge of either the English or the Dutch language. At the second reading, all the non-official members with the exception of one opposed the Government; thereupon, the Government, in spite of their majority, yielded to the wishes of the Opposition.

The Ordinance now, therefore, restricts the Municipal franchise only to white British subjects.

As soon as the Government signified their intention of yielding to the Opposition, a petition respectfully protesting against it was sent to the Council, but to no effect.

Lord Milner has now given his consent to the Ordinance.

The attitude of the Government shows probably how the British Indians would fare if the non-official members unitedly opposed any attempt to treat them with justice and in accordance with the expectations that were raised at the time of the war.

It may be mentioned that the Indians enjoy the Municipal



franchise both at the Cape and Natal, self-governing Colonies though they are.

The Government have lately introduced a draft Ordinance in the Legislative Council for the suppression of immorality. To the principle of the Ordinance there cannot be the slightest objection, but an important principle is involved in it. There are certain things in the Ordinance in question which are treated as a serious crime if committed by “any Native”; and sub-clause 5 of Clause 19 of the Ordinance defines the expression “Native” as a “person manifestly belonging to any of the Native or coloured Races of Africa, Asia, America or St. Helena”.

Now, so far as the British Indians are concerned, they have not the slightest objection to the acts mentioned in the Clause in question being treated as crimes in their case also; the objection is to their being bracketed together with the Natives of Africa, America or St. Helena. The sting lies in the manner of doing it. H.E. the Lieutenant-Governor, who was approached in the matter, has returned the following reply:

His Excellency the Lieut.-Governor has given the matter his most careful consideration and has endeavoured to try and meet the wishes of the Association. I am, however, to point out that it is not now possible to alter the section complained of and that the wording is taken from clauses of similar enactments in other colonies. His Excellency hopes that you will accept the phrasing in the sense in which it is meant and that it is not intended to bracket British Indian subjects as suggested by you.

The reply is sympathetic, but it does not solve the difficulty. It is dated the 4th July, when the Ordinance had only been read a first time. It is, therefore, difficult to understand why the alteration in the phraseology could not be made during the Committee stage. Enquiry has since been made, and no such offensive definition occurs either in the Cape or Natal Acts dealing with the same subject; in fact, neither Act applies to British Indians. A short protest<sup>1</sup> has, therefore, also been sent to H.E. the Governor, Lord Milner. The result is not yet known.

The Colonial Secretary has announced this week that the Government intend to spend a large portion of the sum of £8,000 over laying out Locations for British Indians, for a population of about 10,000, of whom nearly 8,000 are absorbed by Pretoria and

<sup>1</sup> The text of this is not available.

Johannesburg. They intend to lay out 54 Locations.

This is a most serious matter and, if Mr. Chamberlain is still considering in what direction the laws are to be altered, it is not easy to know why such a rush is being made in laying out Locations even in places where there are hardly twenty or thirty Indians.

More serious news, however, just comes from Potchefstroom, to the effect that proceedings have already been taken for compelling Indian hawkers to remove to Locations. It was thought that no drastic measures would be taken until after the whole legislation was re-cast; no prosecutions in connection with Locations have ever been taken before, and it will be remembered that, when, in 1899, compulsory removal was imminent, the British Agent intervened and successfully prevented the late Republican Government from carrying out its threat.

India Office: Judicial and Public Records, 402.

### *99. BRIEF FOR COUNSEL'S OPINION*

[JOHANNESBURG,]

*July 21, 1903*

Some British Indians last year, at an auction sale, bought certain Stands in an estate called the Edendale Estate from Messrs. P. Amm & Sons. Neither the Auctioneer nor the Purchasers seem, at the time, to have known that Law 3 of 1885, as amended in 1886, was then in force and that, under it, British Indians could not own fixed property except in Streets, Wards or Locations set apart by the Government.

The Purchase price together with interest has been paid.

The Solicitors drew up the transfers and, at the time of doing so, they discovered that the transfers could not be registered in the names of the Purchasers.

The questions for Counsel to decide are:-

(1) Whether the Purchasers can compel the Sellers to put up again at auction the property in question and receive the benefit of any enhancement in price that might be offered at the sale.

(2) If not, whether the Purchasers could obtain any damages in connection with the breach committed by the Sellers, if their legal inability to give transfer constitutes a breach.

(3) If no damages can be recovered, whether the Sellers can be made to return the monies received by them together with interest thereon at the usual rate for the use they had of same.

(4) Generally, what would Counsel advise the Purchasers to do under the circumstances.

M. K. GANDHI

Sabarmati Sangrahalaya: S. N. 4068.

*100. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL*

BRITISH INDIAN ASSOCIATION,  
P.O. BOX 6522,  
RISSIK STREET,  
JOHANNESBURG,  
*July 22, 1903*

TO  
PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

With reference to my letter of the 25th ultimo regarding the issue of permits to non-refugee British Indians, my Association has received a letter signed by the Honourable the Assistant Colonial Secretary in which he says:

I am directed to inform you that it is regretted that the number of permits that are being issued at present cannot be increased.

On further reference to the letter of the 25th ultimo, it will be noticed that my Association has not requested an increase in the number of permits issued, but my Association has ventured to ask for relaxation of the permit regulations in favour of non-refugee British Indians whose presence may be required in the Colony in the interest of the British Indian residents.

I therefore beg to invite His Excellency's attention to the request of my Association and venture to hope that the request contained in my letter referred to before will receive His Excellency's sympathetic consideration.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

## 101. LEGISLATION IN ANTICIPATION

### BRITISH INDIANS IN EAST LONDON

In the year 1895, there was a very small Indian population in East London. The Municipality of that port, therefore, thought that it had a good opportunity of legislating against Indians. So it approached the Cape Legislature for the necessary powers, not for legislation against Indians only. The Asiatics—for that is the term used—find mention only in two or three places in an Act which covers over ten closely printed pages. The Act gives the usual powers for making bye-laws, and by a section which deals with regulation of traffic, sewerage, etc., the liberties of His Majesty's Indian subjects have been lightly given away. For, in sub-section 24 of Section 5 of the Act, we read that the Municipality shall have the power to frame bye-laws "for allotting and setting apart, and from time to time changing portions of the Municipality as locations for the residence of natives and Asiatics, and for abolishing such locations". Again, sub-section 25 of the same Section gives similar powers "for regulating the conditions upon which the natives and Asiatics may reside in such locations, and the fees, rents, and hut tax to be paid by them in respect of such residence, etc". The Act also gives powers to frame bye-laws "for fixing such parts of streets or open spaces, or pavements of the same on which natives or Asiatics may not walk or be". The Act does not apply to such Natives or Asiatics as are owners or occupiers of landed property in the borough of the rateable value of £75, and who take out certificates to that effect from the Town Clerk, and to exempt Natives.

It should be remembered that, in the other parts of the Cape Colony, the British Indians are far better off than anywhere else in British South Africa. The Act in question goes much further than the legislation of the Boer Government. How it received the Royal sanction is a mystery to us. But it shows how easily important interests could be given away if there is no watch kept over them. For, we make bold to say that, if the un-British measure had been promptly brought to the notice of the higher authorities, the injustice would never have been perpetrated. The Act, as our readers will have noticed, puts the Indian lower than the Native of south Mica, for there is no exemption

for the Indians, and thus ignores, as the President of the local Indian Association rightly says, “the past of the Indian nation, which, as Lord Miner said the other day, “has an ancient civilization” and is “better born”, as Mr. Chamberlain said to the Colonial Premiers in 1897. We are aware that the Municipality has been gracious enough not to exercise all its powers. But the thin edge has commenced. The Indian may not Walk on the foot-path. Two well-dressed Indians have been already fined for walking on the foot-path of East London. And evidently there is nothing to prevent the Municipality from passing further bye-laws regarding the other powers referred to herein.

Is this a result of Mr. Chamberlain’s mission? The Right Honourable Gentleman said, the Indians were “entitled to fair and honourable treatment”. He advised the Colonists to look beyond the parochial horizon and to realize their membership of the Empire. We ask the Colonists in East London if they can reconcile their welcome of Mr. Chamberlain and endorsement of his policy with the existence of the law that disfigures the statute-book, and wantonly insult a whole race whose only fault is that its members are thrifty, sober, and industrious.

*Indian Opinion, 23-7-1903*

## *102. THE LONDON MEETING I*

We have reproduced a report of the great meeting lately held under the auspices of the East India Association.

The proceedings of the meeting, which was attended by many prominent Anglo-Indians and the well-known leaders of Indian society, show that there is decidedly a silver lining to the cloud that overhangs the Indian community in South Africa.

To offer thanks to Sir, William Wedderburn, who has practically given his life for the cause of the British Indians, is to limit the greatness of the noble Boer. He has been now for years working for the cause of the Indians, whether in India or outside it, with untiring zeal, and has given not only his time, but also his purse, to their cause. Nothing, therefore, that we may say in the shape of words of gratitude, can affect in any way the debt which every Indian owes to Sir William.

Anyone, who has at all studied Indian history and English statesmen whom India has produced, cannot fail to be struck by the unanimity which pervaded the proceedings. Although Sir Lepel

Griffin and Sir William Wedderburn have often stood on opposite sides of other platforms, in this instance, they had no hesitation in standing side by side; in fact, each speaker vied with the other in showing his disapprobation in strong terms of the attitude of the Colonists towards British Indians.

It has often been said that people on the spot, being unable to take a correct focus, are often unfit to pass an unbiased judgment, especially when it is their own conduct which is the subject for decision. We, therefore, put it to the Colonists whether it does not strike them that there must be something radically wrong with their attitude when, outside South Africa, it meets with almost unanimous condemnation.

Sir Raymond West, a great jurist, who at one time adorned the High Court Bench at Bombay, and never given to exaggeration, gave vent to his feelings at the meeting in the following terms:

He expressed the strong sympathy he had with the objects of the meeting. They must look it boldly in the face, and determine whether our Indian fellow-subjects were to be regarded as members of this Empire or not.

He appealed to the members of the Indian community to imbibe and make themselves thoroughly absorbed in that great Imperial spirit and that bond of union with all subjects of His Majesty.

Dealing with the treatment of our fellow-subjects by the South African Colonists, he wondered what would have been said if, after receiving aid from Tasmania and South Australia, the Colonists had responded by passing a Bill that no Tasmanian was to walk on the side-path of the street, or they had passed an Act to the effect that no one from New South Wales was to be admitted in the Colony without paying a poll-tax, and, when so admitted, were not to be allowed municipal privileges or rights of citizenship. What would be the feeling throughout the Empire with regard to conduct of that kind? What could be nobler than the conduct of those poor men who rushed into the midst of the contending armies and carried off the wounded? That was conduct which ought to go home to the hearts of all members of the Empire, and more especially to those Colonists who had won so much by the devotion of Indian fellow-subjects. He thought if the appeal were to be properly made, the Colonists could not for very shame continue to maintain the attitude they at present held. It was a survival of a feeling which had been fostered and nurtured by trade jealousy and race prejudices, and it was their business as members of an Empire to get over those race prejudices and trade jealousies, and in a matter of this kind to regard all members of the Empire as on an equality.

He felt it his duty to express himself strongly, because the welfare of the Empire, built up with such care, add at the cost of so much money and blood, depended very much on the way this question must be treated.

Our readers would find an echo of such sentiments in the other speeches delivered on the occasion: Sir Lepel did not hesitate to bring in the treatment of the Jews in the Russian Empire as an analogy, though we have no desire here to put the two situations on the same level. Sir Mancherji did not mince matters at all, but spoke out strongly against the Colonial injustice. Used to the free atmosphere of the great Metropolis, and knowing the question intimately from a deep study of it, we do not wonder that he felt appalled by the magnitude of the legal disabilities of the British Indians in South Africa. Mr. Thorburn gave utterance to words which we hope will be pondered over by our countrymen in India. The suggestions made by him are valuable, and, if carried out, cannot but do good. We trust that the Colonists, busy as they are throughout South Africa, will find time to read the report of the meetings, and study it carefully.

*Indian Opinion, 23-7-1903*

### 103. EAST RAND VIGILANTS

Whatever may be said of the methods of this Association, there is no doubt that the members of it have fully justified their choice of the title they have assumed for their society; for, since its formation, the Association, has been undoubtedly very “vigilant”, if only with reference to the Indian question, of which it has made a speciality. It is now engaged in a duel with Mr. Moor in connection with the proposed removal of the Indian Location in Boksburg. The persistence with which the gentlemen of the Association return to the charge is simply admirable. It is a pity such energy, which is worthy of a better and nobler cause, is being devoted to depriving innocent men of their liberty and, possibly, their means of livelihood. We copy, in another column, from the *Transvaal Leader*, the admirable report of the proceedings of the meeting of the East Rand Vigilance Association, which lately took place at Boksburg. We fail to see how, as they complain, the Health Board has been snubbed by the Colonial Secretary in not acceding to its wish to remove the Indians to One Tree Hill ; for, it must be remembered, that the reference in the Bazaar

Notice to the consultation with the Health Boards is more a matter of courtesy than of obligation on the part of the Government, and for them to listen to every advice that Health Boards or Town Councils may choose to give on the selection of sites for Locations, would be clearly a departure from the strict letter of the Law 3 of 1885, on which the Notice in question is based. It does not give or contemplate any powers whatsoever to Local Boards. The Government and the Government alone are responsible for laying out Locations, and we question very much whether even the Government, reading the law strictly in favour of those to whom it is to be applied, have the power to remove Locations after they are once fixed. If the Association is very anxious about the health of the town, and if it is not actuated by trade jealousy or other prejudices, then all we can say is that they should follow the excellent lead given by the Health Board at Krugersdorp, and set about working in right earnest towards removing any sanitary defects or departure from strict principles of hygiene in the Location, rather than coop all the Indians in a place far away from town, to control which it must be very difficult. We are loath to believe that it is the wish of the members of the Association to leave the inmates of the Location severely alone after they have been removed far away. They cannot surely be labouring under the delusion that, by removing the Indians some miles from the town, and neglecting their sanitary condition, the town would be free from any danger to health, always assuming that the presence of Indians is really a danger to the health of the locality they may inhabit. We have the authority of Dr. Veale of Pretoria, and other medical gentlemen for saying that given ordinary control, class considered, Indians live better and in better habitations than others.<sup>1</sup> Looking at it, therefore, from every point of view, the position the gentlemen of Boksburg have taken up is utterly untenable. We notice in the same report that the Association has decided that if they must have any Asiatics at all, it must be the Chinese, and we sincerely congratulate the Association on its decision, and join it in the hope that indentured Indian labour will never be countenanced for the Transvaal. Knowing as we do the popular prejudice, we have absolutely no desire to see indentured Indians brought to the Transvaal in thousands. The problem is complicated enough without their presence, and, as we have said before, we trust that even if the Colony as a whole favours the introduction of Indian

<sup>1</sup> *Vide* "Petition to Lord Ripon", Before 5-5 1895



labour, the Government of India will step in and decline to favour the proposal.

*Indian Opinion, 23-7-1903*

#### *104. PRECAUTION OR PERSECUTION?*

Although the Colony is free from plague, the Transvaal Government continue the embargo on the Indian refugees who may wish to return to their several places there. This really seems to us to be incomprehensible. The restriction is so palpably uncalled for, that it is hard to believe that it is imposed merely as a precaution, and in the interests of public health. And why should the British Indians alone be singled out for prohibition? We understand that the British Indians in the Transvaal have approached the Government saying that rather than be debarred altogether from entering the Transvaal, the refugees and others who may wish to go to the country will be prepared to undergo quarantine at Volksrust. To us, the acceptance of quarantine when there is not the slightest occasion for it, seems to be a preposterous thing; but to think that even such a request has not been granted savours more of persecution than precaution. We are very much inclined to believe that the restriction is more in the nature of a concession to popular prejudice, and an excuse for shutting out British Indians, than for the sake of safeguarding the interests of the community in general. Mr. Chamberlain was pleased to say that the anti-Asiatic laws in the Transvaal were enforced more leniently than they ever were before. We make him a present of the undisputed fact that the Transvaal was absolutely open to the free immigration of British Indians during the old regime, and, if they had chosen to migrate to that Colony in hundreds of thousands, they could have done so without any difficulty whatsoever. Now, under their own Government, British Indians find the gates of the Colony practically closed in their faces. It is true that refugees are allowed to enter the Transvaal from Cape Town and Delagoa Bay in dribblets, but even they have to wait months before they can receive authority to proceed to their respective businesses. It is interesting to know that the British Indians in Natal, if they chose, could go to the Cape or Delagoa Bay, and then, when their turn came to receive permits, they would be accepted in spite of the plague restrictions in this Colony. It shows how absurd the regulations are. The reason has often been given that

there have been more cases of plague among Indians than among other races. The chairman of the recently held British Indian meeting in Durban conclusively disposed of the fallacy of the argument that was drawn from the figures. He showed that most of Indian cases were among the indentured labourers who are naturally very poor, and for whose health their employers are responsible. Under such circumstances, it is small wonder that there have been more cases among them. It has been found that the better class Indians have been just as free from the infection as the other classes have been. Moreover, it is a fact that the plague has not travelled beyond Maritzburg. Why should, then, there be any difficulty in the way of British Indians residing up country? And why, indeed, should there be any fear of the plague visiting the Transvaal, when evidently the bacillus does not find suitable soil in a dry climate and in high altitudes? We hope that the Transvaal Government will see its way to recede from the totally indefensible position which it has taken up on this matter.

*Indian Opinion, 23-7-1903*

#### *105. LORD MILNER ON THE COLOUR QUESTION AGAIN*

His Excellency was the recipient of an address last week from the Cape coloured people, and although His Lordship's remarks, which we reproduce elsewhere, were addressed to them, we think they have a bearing on the position as affecting British Indians also. There can be no doubt about Lord Milner's broad views and sympathy with the position of the coloured people of the Transvaal. But from His Lordship's remarks it is evident that he will not veto the Municipalities Election Ordinance which disfranchises British Indians and others. That part of his address which deals with the ordinary rights of British citizens is, however, most open to objection. These are his words:

In the meantime, in the absence of votes and of any immediate prospect of getting them, there is a great deal which the coloured people have reason to be thankful for under the British flag. They are freemen, they are protected in the exercise of their industry and in the enjoyment of their property. The law knows no difference in these respects between them and any other section of the community. Excepting this Municipal Franchise, I do not know what is withheld from them.

Now, if these remarks are meant to apply to the British Indians also, then, of course, they are misleading, because they do not enjoy

the same property rights and other civic rights granted to the rest of the community, and we do think that to call such ordinary rights of citizenship by the name of privileges to be highly valued as if they were special concessions, is, with due respect to His Lordship, a little too much. However, we are more concerned with the great sympathy he has shown. and the advice which he gave to his audience. It is one which British Indians also may take very much to heart. We quote His Lordship's concluding words:

I would say to them that there is a great future before them, and a future which lies very largely in their own hands. They are settlers in a country of great resources, in the prosperity of which they are entitled to share. It is to their interest and their duty to take every advantage of the privileges already offered them without fretting over, though without ceasing to aspire to, any privileges which may still be withheld. That, after all, is not a bad position for a man who has got any grit in him to develop. One thing is absolutely certain, and that is, that it is only by making the fullest use of the advantages they already possess, that they will overcome the prejudices and win the respect of the majority, as they already, in their efforts to raise themselves, possess the deepest sympathies of the best of their European fellow-citizens.

*Indian Opinion, 23-7-1903*

### *106. THE TRANSVAAL BAZAARS*

It is quite plain, from the reply reproduced in another column, given by the Colonial Secretary of the Transvaal to Sir George Farrar, when he questioned the item of £10,000 in the Transvaal Estimates put down for Asiatic Affairs, that the Government intends, in thorough earnestness, to relegate the British Indians to Locations. We entirely agree with Sir Percy Fitzpatrick and Sir George Farrar when they imply that the £10,000 voted is a waste of public money. It can do no good to those for whom the money is to be spent. But there seems to be no help for it unless the Imperial Government would do its duty. From the figures presented by the Honourable the Colonial Secretary, they are going to establish Locations at 54 different places for about 10,000 British Indians. Apart from the question of the harshness, the idea seems to us to be simply monstrous. We are reminded of an incident in India, where there is perhaps more "red tape" than anywhere else, when over an anna stamp reams of foolscap were simply wasted because an official who thought he had detected an

unwarranted use of the stamp, carried on a lengthy correspondence for months. The situation about the Transvaal Bazaars is very much like what was produced by the official in India. The Colonial Secretary is good enough to admit that in many places there are very few Indians, and yet, the public money is to be wasted in laying out Locations in 54 different places. This, again, in spite of the fact that Mr. Chamberlain has promised to consider the whole situation, and the Colonial Secretary himself has admitted that the present legislation is to give place to something quite new. If, therefore, the Bazaars are to be established, what is the meaning of Mr. Chamberlain's declaration, and the Colonial Secretary's admission? We trust that some member of the Legislative Council of the Transvaal, or of the Imperial Parliament, will have the point cleared for the benefit of all concerned.

*Indian Opinion, 23-7-1903*

*107. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL*

*July 23, 1903*

TO

PRIVATE SECRETARY

HIS EXCELLENCY LIEUTENANT-GOVERNOR

ASSOCIATION      RESPECTFULLY      REQUESTS      REPLY      REPRESENTATION  
DATED    11TH    INSTANT    PLAGUE    RESTRICTIONS<sup>1</sup>.

BIAS

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

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

108. LETTER TO P. S. TO LT.-GOVERNOR, TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
P.O. BOX 6522,  
JOHANNESBURG,  
*July 24, 1903*

TO  
PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
OF THE TRANSVAAL  
JOHANNESBURG  
SIR,

My Association ventures to bring to the notice of His Excellency a very serious grievance under which the British Indian community has been labouring since February last.

On the outbreak of plague in Natal, all Indian permits were cancelled and the entry of British Indians, although refugees from the Transvaal, was absolutely prohibited.

The prohibition lasts to the present day.

The matter was brought to the notice of His Excellency the Lieutenant-Governor and several representations have been made<sup>1</sup>, but His Excellency has, so far, declined to grant any relief.

My Association even went so far as to agree that any British Indians coming from Natal should undergo quarantine at Volksrust.

My Association feels that the community is being very unjustly treated in the matter. Europeans and Kaffirs are being allowed to enter the Colony from Natal, so far as my Association is aware, without any restrictions, although the plague has attacked all communities.

At present, Durban is practically free from plague, and in any case, there has been no plague at any time beyond Maritzburg.

There are in Natal hundreds of British Indian refugees awaiting permission to return, and these are dependent, in the meanwhile, for maintenance, on their friends. It is, therefore, a double hardship. Not

<sup>1</sup>*Vide* "Petition to Chamberlain", 31-12-1898

only are the men themselves suffering greatly pecuniarily owing to being prevented from returning and resuming their vocations, but they are also a charge on their friends in Natal.

My Association ventures to draw His Excellency's attention to the fact that British Indian refugees, even when the War was going on, never availed themselves of the Mansion House Relief Fund<sup>1</sup> that was sent to various local committees for distribution among refugees. Relaxation has lately been made by His Excellency the Lieutenant-Governor in favour of those British Indians who, after having entered the Colony after the War, had to come to Natal on business and have been prevented from returning owing to the outbreak of plague.

My Association, therefore, humbly approaches His Excellency for relief under such conditions as may be considered necessary as to quarantine.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 90/2132 Asiatics. 1902-1906

### *109. NOTES<sup>2</sup>*

[JOHANNESBURG,  
*July 25, 1903*]

#### ON THE POSITION OF BRITISH INDIANS IN THE TRANSVAAL

The enclosed newspaper cuttings<sup>3</sup> in connection with the resolution passed by the Legislative Council this week will show that the Government of the Transvaal seem to be determined upon enforcing fully Notice 356 of this year with reference to the removal of British Indians to the Bazaars. In accordance with the resolution, at 19 different places in the Transvaal, Locations have been already established. It is very much feared that the Government do not intend

<sup>1</sup> This fund of £5,50,000 was created to provide relief during the Indian famine of 1897.

<sup>2</sup> This was also published in *India*, 4-9-1903.

<sup>3</sup> These are not available.

to make any satisfactory change in the existing legislation, otherwise, they would not have gone to the expense of laying out Locations in different places in the Transvaal. Nothing is yet known in reply to the representation sent to Lord Milner, and therefore, the position of those Indian traders who were granted licenses to trade after the war is very uncertain. Mr. Chamberlain was pleased to say that the Law is being enforced as leniently as possible, but the facts all go to show the contrary. The least that would be expected of the Government is that they should give whatever little benefit the Indians may be able to receive from Law 3 of 1885. It gives them the right, at any rate, to hold fixed property in Locations and, yet, the Government propose to grant only 21 years' leases, and then, the leases are hedged in with so many restrictions that they do not possess any marketable value. At Potchefstroom, proceedings have already been commenced against Indians who are residing in town. The case has been postponed up to the 4th of August next, but it is difficult to understand why such a rush is being made to enforce the Locations Law. Even under the late Orange Free State Law, people were given one year's notice to comply with it. In the Transvaal, the Location Law as to residents has remained a dead letter since its promulgation, that is to say, for 12 years. The intention to enforce it was given out under our own Government in April last, and, before three months have hardly elapsed, proceedings have been commenced under it, in spite of the fact that, as soon as the Bazaar Notice was published, a declaration was also made that it was only temporary and that new legislation would be soon introduced. The attitude of the Government, as evidenced by the proceedings in Potchefstroom and the resolution taken by the Legislative Council, has naturally created alarm among British Indians and unsettled their minds. It was thought that the immediate effect of the Bazaar Notice would not go beyond restricting the issue of new trading licenses, against which alone is the whole of the agitation directed. The plea of insanitation and other charges are brought forward merely to strengthen the main policy of rooting out the traders. It is to be hoped that the uncertainty would be removed as soon as possible.

The Lieutenant-Governor has replied to the last communication with reference to the plague restrictions in Natal, saying that His Excellency is unable to remove the embargo on Indian arrivals, although they may consent to undergo quarantine at their own expense. This is becoming more and more serious as time goes by.

The refugees awaiting their return in Natal complain most bitterly, and they are being reduced practically to destitution. The times in South Africa at present are very bad, and it taxes the resources of the friends of refugees very considerably for them to support the latter, and the embargo seems to be utterly meaningless. Indians are allowed to enter Natal from the Transvaal and return. If, therefore, there was anything special in the Indians so that they would bring the plague far more quickly into the country than other races, those who are allowed to go to Natal and return are just as liable to bring it as those who are now staying there and awaiting permission to return.

Another matter also, which is becoming more serious, is the fact that non-refugee British Indians are not allowed to enter the Transvaal under any conditions, on the plea that they cannot be allowed until all the Indian refugees have entered the Colony. This rule does not apply to the Europeans at all. The prohibition tells upon the residents because they are unable to get Storemen, Salesmen and Domestic Servants from either the Cape, Delagoa Bay or Natal, which materially hampers their businesses, and it affects those who, knowing that there was no restrictive legislation in the Transvaal, left India under the belief that they would be entitled to enter the Transvaal. We had hoped that we would be able to secure relief from the Local Government, but as no response whatsoever has been made to the efforts, it has become necessary to trouble the friends in England about the plague restrictions and the prohibition against non-refugee Indians.

Cuttings containing Mr. Chamberlain's reply to the demand by Lord Milner for Indian labour are also attached hereto.<sup>1</sup>

The community has, with gratefulness, noticed the efforts of the Indian Government to ameliorate its condition, and it is hoped that the position will be kept up until relief is granted by the Government of this Colony.

India Office: Judicial and Public Records, 402.

<sup>1</sup> These are not given here. *Vide Indian Opinion*, 30-7-1903.



## 110. THE CINDERELLA OF THE EMPIRE

Mr. Brodrick has announced that India will be asked to bear a portion of the expenses of keeping a garrison in South Africa on the ground that the soldiers stationed in South Africa might, in the event of a Russian invasion, be required for the defence of the Indian frontier. So, on the off-chance of such an invasion, if the Indian Government is complaisant enough, India, poor as she is, will have to bear part of the cost of keeping a South African garrison.

We notice from the cable reports that most of the great dailies in London have protested against any such idea, and have called the suggestion "shameful"; but this is a matter of high politics in which we may not dabble. We only mention the fact as it has a very great bearing on the position of the British Indians in South Africa. What is to be the policy of the Colonists on this question in this sub-continent which one day is to be a great federated South Africa? So far as the burden of the Empire is concerned, at every step, India is called upon very naturally to give at least her own share, and that in no ungrudging spirit. Is India to take her full share of the burden only, and never receive or participate in the glory of the privileges of the Empire?

We read that, from the earliest struggles, she has been, shall we say, heroically performing her duty. We are told by Lord Macaulay that at the siege of Arcot, the Indian soldiers voluntarily denied themselves a portion of their own rations and gave up their rice to their English comrades, contenting themselves with merely the water in which the rice was boiled. This was not done for sentiment only, but the privations that the besieged had to suffer were so great, that the Indian soldiers considered it their duty to forgo their own portion. During the wars in Afghanistan, do we not read, in the graphic description left of them by the late Sir John Kaye, that thousands of Indians were embedded in the snow passes uncomplainingly? Who has been fighting Britain's battles in Somaliland, compared to which, the late Burghers who have returned from Somaliland assure us, the Boer war was a mere pastime? Such are the terrible difficulties of transport and supply of water in that place! During the late Chinese expedition, we are told again, that the Indian soldiers fought just as bravely as their other comrades, and commanded the admiration, by their

bearing, of all the composite troops. Coming nearer, we find further that it was Sir George White's 10,000 seasoned troops which arrived in the nick of time that materially saved the situation in South Africa. But we might be told, though not, we venture to think, with good grace, that the bulk of the men who came from India were, after all, English soldiers. If so, we quote the following portion from *The Standard*, copied by *India*:

Ladysmith, we should remember, was defended mainly by regiments which had been embarked in India. It was an Indian General, commanding native troops from India, who relieved the Legations at Peking; and it was from native regiments that our Chinese contingent of occupation was supplied. Since the beginning of the war in South Africa, more than 13,000 British officers and men had been sent to that country from India, and they were accompanied by over 9,000 natives, principally followers and attendants. To China there were forwarded from India 1,300 British officers and men, some 20,000 native troops and 17,500 native followers. Such is the scale on which India, at the shortest notice and without dislocating her establishments, can contribute towards the military capabilities of the Empire beyond her borders.

So we know that there were at least 9,000 British Indians also, who served during the late war, and it is unnecessary for us to recall the testimony given at the time of the perils and difficulties which these followers cheerfully went through, though they bore no arms.

We are unwilling to prolong the list of these services, nor do we intend to lay any undue stress upon them. Moreover, we are not blind to the fact that the English share of the burden is far greater, far severer, far ampler in quantity than any that India has borne, but we do say that, if comparison were to be set up between the privileges also enjoyed by both, we do think that India would not come out unfavourably in the competition. We may state, parenthetically, that we do not import into consideration the fact often flung in the faces of the Indian races, namely, that, after all is said and done, they are conquered, and therefore, not entitled to the same rights as real Britishers. We dismiss this from our consideration for two very sound reasons, the one given by Professor Seely in his *Expansion of Great Britain*, namely, that in the real sense of the term India is not a conquered country, but that it is British because the vast majority of its people have, perhaps for selfish reasons, accepted British rule the second reason is, that British statesmen have times without number disavowed any connection whatsoever with the idea of inequality

necessarily existing between the conquerors and the conquered, other things being equal, and they have done this more especially with regard to the British Indians.

We have, therefore, now cleared the ground for asking the Colonists a simple question: where does India come in so far as their Imperialism is concerned, if British Indians may not have simple rights of citizenship in British territory, as the Colonists here and perhaps elsewhere would have it? Is it an equable bargain that, while India is expected to bear the burden of the Empire, she may not get the benefits of that Empire? No doubt all of us, if we had our own way, would perhaps elbow out everybody else and keep everything to ourselves; but, so long as people in South Africa are content to remain members of the British Empire, does it behove them to take up an attitude practically of defiance, and say, "we will have everything we want, without giving any consideration whatever?" The glory that England derives from possessing British India is appropriated as a common heritage of all British people, and consequently, of those who have made their home here. Are they then satisfied to appropriate that glory, and constantly offend millions of British Indians who contribute to it?

These are, in our opinion, very serious reflections worthy of the attentive study on the part of the Colonists.

We are likely to be told that all these things look very well on paper, and in theory, but that in practical daily life, if carried out, they would bring nothing but disaster. To such, our reply in anticipation is, that we do not hold them to be at all theoretical or merely a paper policy to be looked at. It is these very principles which have made Great Britain what she is, and it is these very principles which guide her policy, maybe with temporary aberration, from day to day; and if Greater Britain is to continue its traditions, then, we think it is time that she pondered and waited before going down, what is to our mind, an awful incline.

We are addressing these thoughts to the Colonists in the hope that they will receive them in the spirit in which they are given.

*Indian Opinion, 30-7-1903*

### 111. THE LONDON MEETING: II

#### SIR W. WEDDERBURN'S ADDRESS

We have already dealt with the meeting of the East India Association addressed by Sir William Wedderburn on the position of the British Indians in the Transvaal.<sup>1</sup> Now we propose dealing more particularly with the view placed before his distinguished audience by Sir William.

The speaker divided his address into three parts.

The first part dealt with the position taken up by the Transvaal Government as defined in Notice 356 of this year, known as the Bazaar Notice, and Sir William had no hesitation in coming to the conclusion that the Bazaar Notice lowered the status of the British Indian far more than what it was before the war; and he rightly contended that, as not the "smallest misconduct" has been proved on the part of the Indians, and as "it is universally admitted that throughout the recent troubles, the Indians have shown themselves loyal and useful citizens, rendering the most valuable services to the sick and wounded during the war", Lord Milner ought, at least, "to have maintained the *status quo* pending the decision by the Imperial authorities upon what is clearly an Imperial question".

Now, on this phase of the question, with all due respect to Mr. Chamberlain's announcement that the anti-Asiatic laws are being enforced more leniently than ever before, as we have shown in a previous issue, we think conclusively, by quoting facts, that the position today is far worse than before the war: licences are sparingly given, the Indians are unable to hold landed property, no new licences are granted to trade outside Locations, and permit regulations press most severely upon the Indian community, and serve the purpose of a drastic immigration restriction law. These, and other points too numerous to mention here, we have touched on already in a special article.<sup>2</sup>

The second portion of the address lays down the principles upon which, in the opinion of the speaker, the decision should be based by the Imperial Government; and here again, we think very

<sup>1</sup>Vide "The London Meeting: I", 23-7-1903.

<sup>2</sup>Vide "The British Indian in South Africa: Transvaal", 11-6-1903.

rightly, Sir William brushes aside the argument of public feeling unless it were founded on reason and justice, and quotes chapter and verse to show that, from Mr. Chamberlain downward, every official connected with the question took up, prior to the war, the attitude of sympathy for the British Indians, and declined to be guided by public feeling based on trade jealousy and race prejudice. Sir William takes an Imperial view of the question, and says:

This question, affecting the rights of British citizens all over the world, is essentially an Imperial one, to be decided by the central authority, in accordance with the established principles of the Empire. Those principles have been well stated in a letter recently Addressed to the Colonial Office by the Manchester Chamber of Commerce, protesting against the legislative exclusion of British Indians from the South African 'Colonies: 'This exclusion,' it says, 'appears to the Chamber to be unjust to the natives of India, who are considered to be entitled to the same rights as other subjects of the King, of free movement and residence in any part of the Empire, entirely unrestricted by any legislation such as that complained of. It is regarded as impolitic also, and as prejudicial to the interests of the Colonies themselves. The Chamber entertains, not without reason, a high opinion of the qualifications of His Majesty's Indian-born subjects for their good citizenship, their intelligence, their industry, their peaceful disposition and their commercial aptitudes.'

The third, and the most important, as also the most practical, part of the address deals with the suggestion he has made, and therein, in view of the fact that there is conflict of opinion in South Africa, and conflicting opinions are involved, Sir William advocates a full and formal inquiry as to the necessity for any anti-Indian legislation, to be made by an Imperial authority under the direction of the Colonial Office. He adds two conditions, namely, that

as the measures proposed to be taken against the Indians are of a restrictive character, the burden of proof should lie entirely upon those who desire to impose disabilities upon the Indians, and that the Pretoria notification should be withdrawn so as to place the parties on a fair and equal footing.

Such inquiry has again been asked for by the British Indians in several memorials, and Sir William will have deserved very great thanks if his efforts in that direction are crowned with success. Nothing can be fairer than such a procedure to either party. We have always courted full publicity as to the demerits as well as the demerits of the Indians, and we would welcome such inquiry most heartily. It is a very effective method of satisfying public feeling. Those who are

born and bred under the British Constitution naturally love order and justice. At present, there exists a great deal of misunderstanding as well as un-informed opinion, and a large number of the Colonists consider that the presence of the British Indians is an unmixed evil to be guarded against at an risks; but, if the findings of any impartial commission go to show, as we have not the slightest doubt they would, that such opinion is not based on any sound data, and that, if anything, the presence of the Indians has contributed, be it ever so little, to the welfare of the community in general, we think the public would accept any such pronouncement, and much of the ill-feeling and prejudice will die a natural death.

It is to be hoped, therefore, that in the interests of all parties concerned, the very reasonable proposal made by Sir William Wedderburn, and which was accepted by the meeting addressed by him, will find favour with the Colonial and India Offices, and that the otherwise interminable question will be solved once and for all, by the appointment of an impartial commission.

*Indian Opinion, 30-7-1903*

## 112. ON TRIAL

Our countrymen in the Transvaal are at present undergoing trouble and worry which we think are enough to tax the patience of any body of men, but it will be exactly these troubles and worries which would show whether they are able to come out of them with credit to themselves, and whether they possess the virtues of patience and fortitude which have often been claimed by us for British Indians. The Transvaal Government, quite lightheartedly, propose to give away even those rights of the British Indians which they ought to have in terms of the laws passed by Mr. Kruger's Government. The Colonial Secretary, at the sitting of the Legislative Council on the 22nd instant, moved that a certain resolution passed by the Lieutenant-Governor in Executive Council be confirmed, and the Council, after a declaration from some of the members that the resolution was giving too much to the Indians, passed it with some amendment. Unless we have some positive proof to the contrary, we must reluctantly come to the conclusion that, either the present Law is not to be repealed at all, or that the replacing Law will be no better than the existing Law, and it is highly probable that it would be much worse. The resolution in question reaffirms the principle of Notice 356 of this year—

commonly known as the Bazaar Notice—and purports to give leases for periods not exceeding 21 years at a fixed rental to British Indians and others in Asiatic Locations which have been mapped out already in 19 townships, and in each case, we are told, the Resident Magistrate or the Assistant Magistrate and Health Board have been consulted and have agreed. Not one word is to be found as to whether those who are to be compelled to reside in these Locations have been at all consulted. We know what the Health Boards and Resident Magistrates are likely to have done, if the action of the Boards at Boksburg and Germiston is an index of that of the others. In Boksburg, an attempt is being made to remove the present Location, and there is a deadlock between the Board and the Colonial Secretary. In Germiston, the Magistrate waxes eloquent over the audacity of the Colonial Secretary in consulting others besides himself as to the suitability of sites for the Locations, as he is pleased to say, “behind his back”. The net result of the resolution is, that everything is cut and dried, and the British

Indians, when the Stands are ready, will be forced to remove to these places whether they will or not. And be it remembered that their trading rights also will be confined to the Locations. This is a decided improvement on the methods of the Boer Government. Then, at any rate, the Indians had an opportunity of protesting against the selection of sites. When a concession was proposed to be given to Mr. Tobianski in connection with the establishment of a new Location in Johannesburg, the Indian community was able to know the thing before it was done, and was able to make its voice heard effectively. Not a single Indian was removed, nor was concession ultimately granted. The position today is that, in 19 different places, Locations have been established without taking into confidence those who are to be located there. The situation is undoubtedly serious and most aggravating. Leases, contemplated by the resolution, are also a curtailment of the rights to which the Indians would be entitled under the existing Law, for there is nothing therein to show that, within the Locations, they have no right to own fixed property as the community have elsewhere in the Transvaal. In Johannesburg, for instance, full rights were given under the Law to the residents of the Indian Location, and every one of the 96 Stands in that Location is held under a 99 years’ lease, as almost all the Stands in Johannesburg are. And yet, strangely enough, we find Mr. Chamberlain informing his questioners in the House of Commons that the existing Law is being enforced more leniently than before! Comment is superfluous.

*Indian Opinion, 30-7-1903*

### *113. LORD MILNER ON HAWKERS, ETC.*

The correspondence, published elsewhere, in connection with the proposed introduction of indentured Indians for the working of the Transvaal Railways, is a most instructive reading. Today we propose to deal with only one passage in Lord Milner's despatch to Mr. Chamberlain. His Lordship has allowed himself to make the following remark: "At present, we are in the absurd position of being flooded by petty Indian traders and hawkers who are of no benefit to the community, and not allowed to have Indian labourers whom we greatly need." If these sentiments had proceeded from a partisan, there would not be much to complain of, although they would be still inconsistent with facts; but bearing the stamp of the high authority of Lord Milner, they are very difficult to understand, and, with due deference to His Lordship, we have no hesitation in saying that it is a very unkind cut. We very much fear that the burden of ever-pressing work left no time to His Lordship for studying the situation, and he has been simply carried away by the prevailing opinion about the Indian trader and hawker. Now let us see what verdict has been pronounced by the populace itself when it did not suffer from the high gold fever which has evidently attacked the community at present. We find then that in 1896 nearly 2,000 Europeans, including many late burghers, promoted a petition to Ex-President Kruger assuring him that in their opinion the Indian traders and hawkers were a real benefit to the community in general. Even at the present time, the hawkers are considered to be almost indispensable. It is they who supply the wants of families living in the suburbs where it would not pay storekeepers to open stores, bearing in mind the fact that the houses are very much scattered, except in the principal towns, and then only in business portions. The best proof of the pudding is in the eating; so, the best proof of the usefulness of the hawkers, and indeed the traders also, consists in the indisputable fact that they are dependent very largely on the European support, and we are surprised to find that such a patent fact has not struck His Lordship. But, even apart from this incontestable proof, if it is allowable to adduce evidence given in Natal on the subject, we commend to His Lordship's attention the voluminous testimony given in favour of the Indian traders before the Commission that sat in Natal to investigate the Indian question. After going into the mass of evidence placed before



that Commission, it has recorded its opinion as follows:

We are content to place on record our strong opinion, based on much observation, that the presence of these traders has been beneficial to the whole Colony, and that it would be unwise, if not unjust, to legislate to their prejudice.

The chief charge against these traders and hawkers has been that they have lowered the prices of the necessaries of life, and much hampered the petty European trader. Now, if Mill's doctrine of the greatest good of the greatest number still holds good, then according to that test, we make bold to say, with all respect to Lord Milner, that they are a veritable boon. We are not at all prepared to admit that the petty European trader has been really the loser by the presence of the Indian trader, but assuming such to be a fact for the sake of argument, has not the lowering of prices benefited the far larger number of buyers? Have they, the Indian traders, not been a boon to the poor European householders? The latter, as we have said before, by their invariable support, seem to appreciate the presence of the Indian trader. But His Lordship has not only pronounced judgment against the Indian trader, but he has also indirectly given his sanction to the statement so often made that "the Transvaal is being flooded by Indians." We should have thought that of all persons, Lord Milner would be the first man to know his own laws. The Peace Preservation Ordinance has effectually prevented the entry of any British Indians unless they are refugees, and in these columns we have shown how difficult it is even for *bona fide* refugees to enter the Transvaal. But now that Lord Milner has made the statement, it will, we are very much afraid, like the Bazaar Notice, be taken up throughout South Africa, and the Indian trader will come in for a good round of abuse, and we should be very much surprised if he escapes totally unhurt.

*Indian Opinion*, 30-7-1903

114. LETTER TO COLONIAL SECRETARY<sup>1</sup>

Box 57,  
Pretoria,  
August 1, 1903

TO  
THE HONOURABLE THE COLONIAL SECRETARY  
PRETORIA  
SIR,

I have the honour to acknowledge your letter of the 28th ultimo, and I note that you will be pleased to take over the Mosque property in your name in trust for the Mahomedan community on the conditions mentioned therein.

My Committee is grateful to you for the proposal, but it is regretfully obliged not to accept it for the reason that it is contrary to the Mahomedan religion to have any property for religious purposes held in the name of a non-Mahomedan.

My Committee ventures to draw your attention to the following:

(1) This matter of the transfer has been pending for several years.

(2) The British Agent, prior to the war, assured my Committee that if the war came, there would be no difficulty about the transfer after its termination.

(3) My Committee is advised that the Government have power to authorise the transfer of the property by setting aside that particular portion as one in which British Indians may hold fixed property.

(4) Even if, strictly speaking, under the existing law, the Government think they have not the power, they could, as pointed out before, graciously relax the Law in this respect, as it has been regarding licences.

(5) The matter is daily becoming serious owing to the old age of the gentleman in whose name the property is at present registered.

(6) The Government, in refusing the request of my Committee, are taking over a serious responsibility, in that the Mahomedan community may, in the event of the death, before transfer, of the registered owner, lose the property and thus suffer heavy loss.

(7) The British Indians are, in the humble opinion of my

<sup>1</sup> This was also published in *India*, 18-9-1903.

Committee, entitled to some consideration, if only in regard to their religion, and when there can be no question of the European prejudice being in their way.

(8) It grieves my Committee to find that even the religious scruples of the Indian community are disregarded by the Government.

(9) My Committee had hope, in view of His Excellency the Governor's assurance that new legislation would probably be introduced during the session just closed, that relief would be granted before long, but the non-passing of such legislation has filled my Committee with disappointment.

For the reasons above mentioned, and as the matter is very urgent, my Committee humbly ventures to trust the Government would be pleased to grant the necessary relief.

*I have the honour to be,  
Sir,  
your obedient servant,  
(Signed) HAJEE HABIB*

*Indian Opinion, 27-8-1903*

### *115. NOTES<sup>1</sup>*

JOHANNESBURG,  
*August 3, 1903*

#### ON THE POSITION OF BRITISH INDIANS IN THE TRANSVAAL

With reference to the prosecutions against British Indians in respect of the Location Law, the Government have been pleased to withdraw them.

Another difficulty has, however, cropped up in the township of Klerksdorp. The Magistrate there has served Notices on British Indian merchants, informing them that, unless they submit to him proofs before the 7th instant that they held licences to trade prior to the hostilities, they would be expected and compelled to remove their businesses to the Locations. This has, naturally, terrorised the merchants there. They do not know what their position is. The action seems to be very hasty; for Mr. Chamberlain, as well as Lord Milner, is considering in what direction the existing Law is to be changed. If so

<sup>1</sup> This appeared in *India*, 4-9-1903, as "From its Correspondent".

there could be no meaning in serving the Notices on the British Indians at Klerksdorp. All of them, certainly, did not trade before the war in that locality, although all of them are *bona fide* refugees and traded in some part or other of the Transvaal; nor did all of them hold licences to trade, prior to hostilities, in the township of Klerksdorp. It is necessary here to distinguish between trading and holding licences to trade. It will be remembered that many British Indians were allowed to trade outside Locations in the Transvaal prior to the war, owing to the protection afforded by the British Government, although they did not hold any licences. Very few people, therefore, would be able to show that they held licences to trade prior to the war. It was only in the year 1899 that the Transvaal Government had issued licences to some British Indians for trading outside Locations.

This, therefore, is the most serious matter demanding early consideration and settlement. The points have been definitely raised in the printed representation to Lord Milner. Mr. Chamberlain, when the complaint was brought before him by the British Indian Deputation at Pretoria, said emphatically that all existing licences issued to British Indians in the Transvaal, whether they were trading, before the war, or not in the localities in respect of which they were issued, were to be respected. It must also be remembered that when, soon after the conclusion of the war, British officers issued licences to British Indians, absolutely no stipulation was made that they were temporary, and on the strength of their licences, they have built substantial stores and imported largely from England through English agents. It would mean complete ruin to such merchants if their licences are to be at all interfered with. In the interests of vested rights, before all other things, the following is absolutely necessary if they are to be really respected:

First: All existing Indian licences should be renewed without restraint.

Second: That they are to be transferable from place to place.

Third. That they are to be transferable from man to man, as all ordinary licences are.

Uniformity of law and procedure is really very necessary in order to enable the British Indians to have even breathing time. At present, the situation is so uncertain and complicated that each Magistrate adopts his own course. The result is utter confusion.

The plague embargo on British Indian refugees in Natal still continues in spite of the efforts of the British Indian Association and

the offer that the *bona fide* refugees, intending to return to their homes in the Transvaal, should undergo quarantine at their own expense.

Non-refugees are still being prevented from entering the Transvaal whether from the Cape or Delagoa Bay, and only 70 permits are issued weekly to British Indian refugees.

In the telegraphic dispatch from Lord Milner to Mr. Chamberlain, there occurs the following passage:

At present, we are in the absurd position of being flooded by petty Indian traders and hawkers who are of no benefit whatever to the community, and not allowed to have Indian labourers whom we greatly need.

With the greatest deference to His Excellency, the expression "flooded by petty Indian traders and hawkers" is totally misleading in view of what has been said above. There can be no flooding when even the refugees have not all been permitted to return. The few who had come without permits, during the confusion that ensued after the Peace Preservation Ordinance was passed, have been hounded out of the Transvaal.

The statement that "the petty Indian traders and hawkers are of no benefit whatever to the community" is inconsistent with facts, as has been shown conclusively by the Natal Commission and in view of the fact that both the traders and hawkers are almost entirely dependent on European patronage. Thousands of hawkers supply vegetables cheaply from day to day to the families, scattered all over the country, at their doors, and petty Indian traders act as middlemen between the lordly European merchant and the poor white customer or the Zulu. Their profits, moreover, find their way largely into the pockets of the wholesale European houses and banks controlled by European capital and European landlords.

The cablegrams lately received show that Lord Milner's dispatch to Mr. Chamberlain in connection with the existing legislation has been published in England. His Excellency appears to have stated that "compulsory segregation is necessary on sanitary and moral grounds". The Indian community bitterly feels the charge made by His Excellency. It has been refuted over and over again by disinterested, unimpeachable evidence. "Moral grounds" is an expression which has been, probably, for the very first time, used by any British representative. When it was made a basis of a petition to the late Orange Free State Legislature, it was resented by the British autho-

rities. Not even the bitterest opponents of the British Indians have laid any such charge against them during the present controversy, and it is beyond our comprehension on what proof His Excellency has been pleased to bring such a charge.

As to “sanitary grounds”, only lately, when the Insanitary Area Commission sat at Johannesburg, in reply to a very highly coloured and imaginative report from the Health Medical Officer for Johannesburg, two medical gentlemen, one of them a well-known sanitary expert (Dr. Johnston), gave evidence controverting all the points dwelt upon by the Health Medical Officer for Johannesburg. And, in any case, it is not a matter so much for compulsory segregation, as for enforcing of sanitary regulations. It should also be remembered that what we object to is the sting of compulsion. The poorest-class Indians would, of their own accord, avail themselves of any accessible locality that might be made available for them by the Government. Such has been the experience during the past twelve years throughout South Africa, although no compulsion has been used.

India Office: Judicial and Public Records, 402.

### *116. CABLE TO BRITISH COMMITTEE<sup>1</sup>*

JOHANNESBURG,  
*August 4, 1903*

WHILE EUROPEANS GRANTED PERMITS ENTER TRANSVAAL HUNDREDS INDIAN REFUGEES NOT ALLOWED ENTER MORE THAN SEVENTY WEEKLY. NON-REFUGEE INDIANS EVEN THOUGH EDUCATED NOT ALLOWED AT ALL. MANY INDIANS AT COAST THEREFORE SUFFERING. THOUGH EUROPEANS KAFFIRS FREELY ALLOWED ENTER TRANSVAAL FROM NATAL INDIANS TOTALLY PROHIBITED. EXCUSE PLAGUE THOUGH CONFINED ONLY DURBAN NOW PRACTICALLY AT AN END. INDIANS OFFER UNDERGO QUARANTINE OWN EXPENSE. THOUGH MR. CHAMBERLAIN CONSIDERING EXISTING LAWS GOVERNMENT HAVE ALREADY LAID OUT NINETEEN LOCATIONS. MAGISTRATE KLERKSDORP HAS SENT NOTICE THOSE WHO BEFORE SEVENTH INSTANT CANNOT PROVE POSSESSION TRADE LICENSE

<sup>1</sup> This cable was published, in an edited form, in *India*, 7-8-1903, as from its “Johannesburg Correspondent” and in *The Times of India*, 26-8-1903, as from “A British Indian”.

BEFORE WAR MUST GO LOCATION. END YEAR STORE-KEEPERS  
WHO HELD LICENSES BEGINNING YEAR DO NOT GET  
RENEWALS IF THERE WAS BREAK DUE OFFICIALS REFUSAL.  
THIS CONTRARY BAZAAR NOTICE. ASSURANCE EXISTING LICENSES  
WOULD REMAIN UNTOUCHED IMPERATIVELY NECESSARY. INDIAN  
TRADE SUFFERING. SUSPENSE TERRIBLE. RESPECTFULLY PROTEST  
AGAINST LORD MILNER'S STATEMENT SEGREGATION NECESSARY SANITARY  
MORAL GROUNDS. MORALITY PLEA FIRST HEARD FROM  
BRITISH REPRESENTATIVE. SANITATION CHARGE REPUTED BY TWO  
DOCTORS ONE SANITARY EXPERT.

GANDHI

India Office: Judicial and Public Records, 402

### *117. MR. CHAMBERLAIN'S DESPATCH*

The despatch of Mr. Chamberlain addressed to Lord Milner on the question of indentured Indian labour for the Transvaal is of momentous interest to the Indian community. It may be divided into three heads:

First: Mr. Chamberlain refuses to even think of sanctioning the introduction of Asiatic labour into the Transvaal in any shape or form until he is clearly satisfied that it is the wish of the majority of the white population of the Transvaal.

Secondly: That even if it is made clear, it is a question whether indentured Indian labour with a view ultimately to repatriation of the labourers would be sanctioned so far as India was concerned.

Thirdly: That before he could say yes or no, the conditions laid down by the Indian Government would have to be satisfied, namely, that the existing legislation should be so modified as to remove the special tax of £3 for registration and abrogate the Location regulations, except for those for whom they may be necessary on sanitary grounds, to include freedom to trade outside Locations, freedom to hold property except for speculative purposes, and to remove all special restrictions against the better class of Asiatics.

Now with reference to the first point, every right-minded man

must agree that indentured labour from India cannot be thrust upon the Transvaal in the teeth of the opposition of the majority of its European inhabitants, and we can only hope that the majority will always remain opposed to the introduction of indentured labour from Asia, whether it is India or China. On this point, though not for the same reasons as would guide the Europeans, there is complete agreement between European opinion and the Indian. In the long run, indentured labour under the conditions mentioned can do absolutely no good to either party. To the Europeans it would be in the highest degree demoralising, and to the labourers entirely unprofitable.

As to the second point, we hope that the Indian Government would never listen to the novel proposal, as Mr. Chamberlain terms it, of repatriation. There is no precedent for such a step. So far, the Indian Government have turned a deaf ear to any such advance from other Colonies, and although we are aware that the influences that can be set in motion on behalf of the Transvaal are very weighty and great, we think that they cannot be allowed to outweigh the interests of the Indians, which it is the special duty of the Indian Government to safeguard, and if the condition of repatriation is insisted upon, it cannot by any stretch of imagination be said to be for the benefit of the Indians. Indeed, Lord Milner does not say it is, he only suggests it "in view of public feeling". And the British Indians in South Africa would be simply selling for a mess of pottage the rights of thousands of their humbler brethren in India if, in a weak moment, they ever accepted the principle of bargaining away the liberties of Indian labourers in exchange for their own.

It is, however, the third point which is of the greatest importance to the Indian community, especially in the Transvaal, and it is refreshing to find the Indian Government sticking out on behalf of the British Indians who have settled in the Transvaal. Of course, it is very difficult to know what is meant by "better class Asiatics" and "speculative acquisition". We very much fear that there would not be the same interpretation put upon these two terms by Lord Curzon and Lord Milner. It may be perfectly possible by a process of elimination to refuse to admit any Asiatic as "belonging to the better class", and there is no knowing that in the term "speculative acquisition" even an ordinary ownership may not be included. But we are dealing with these points before they have assumed a concrete form. It is yet too early to know how far the Transvaal Government would be prepared



to accept the proposals of the Indian Government. We would only, at this stage, beg the authorities in India to remember that anything that is now done should be plain, unequivocal, and definite. Loopholes of any kind, as we know to our cost, are very dangerous. We, therefore, think that the qualifications ought to be included in any legislation, instead of leaving them to the discretion of an officer. As Lord Milner has said, the chief thing is to define the status of British Indians with certainty, so that everyone would be able to know what it is.

We are deeply indebted to Lord George Hamilton for including in his proposals the legislation of the Orange River Colony also. It IS high time that the anti-Asiatic activity of the legislators of that Colony was arrested in its progress. As our columns would have shown, hardly a month passes without some disabilities in anticipation being imposed on British Indians in that part of the British dominions.

*Indian Opinion*, 6-8-1903

### 118. THE LONDON MEETING: III

#### SIR CHARLES DILKE AND THE EAST INDIA ASSOCIATION

We have already dealt with the proceedings of the East India Association addressed by Sir William Wedderburn on the position of the British Indians in South Africa; but, as we consider that the meeting was of very great importance, and that the speeches made thereat demand very careful attention of the Colonists, we propose to deal with the speech made by Sir Charles Dilke, who presided at the meeting.

The Honourable baronet has always taken a very sympathetic interest in Indian affairs, and ever since the commencement of the struggle of the British Indians in South Africa, he has followed up his sympathetic attitude and endeavoured to secure justice for us. We, therefore, owe him, as well as the other distinguished friends who have been helping us in our troubles, a deep debt of gratitude. We wish to remind the Colonists that Sir Charles' opinions ought to carry a great deal of weight with them in view of the fact that he has made a special study of colonial questions. The author of *The Problems of Greater Britain* knows intimately almost every phase of the Colonial question, and we hope that his opinions will receive the weight that attaches to his ripe experience of the King's dominions beyond the seas.

This is what Sir Charles Dilke said at the meeting in his

preliminary remarks:

The question which brought them together was that of Indians in the Transvaal in particular, but, of course, incidentally, the position of Indian subjects outside India in all parts of the British Empire was one that very naturally produced much feeling in India itself. He was present some time ago at a deputation to the Secretary of State which was introduced by the late Mr. Caine, and on that occasion by none of those who advocated the principle, which brought Sir W. Wedderburn there that afternoon, i.e., the principle of the right of British Indian subjects to live freely and carry on their avocations freely in all parts of the British Empire—was that cause pleaded more strongly than by the Secretary of State himself. It was impossible for any member to be otherwise than satisfied with the Right Hon. Gentleman's language.

The above quotation shows the sentiments of Sir Charles Dilke. The more one studies the question, the more convinced one becomes of the justice of the claims put forward on behalf of the British Indians in South Africa. One reads similar observations on the part of the Indian Government in the correspondence lately published in the Transvaal, and reproduced by us last week. We shall, however, deal with it later on.

That the meeting was held under the auspices of the East India Association is also a matter of considerable importance. The Association is one of the oldest established in the United Kingdom in connection with Indian affairs, and numbers among its members most of the retired Viceroys, Governors, and distinguished Anglo-Indians who have devoted years to the study of Indian problems. That such a body of men should throw the weight of their great influence in favour of the Indian subjects of His Majesty settled in South Africa cannot but be a matter of very great satisfaction to us. It shows unmistakably that not only are our demands just, but that if we have patience enough, we are bound to win in the end. We have very great faith in the education of public opinion, and it is because we feel strongly that, the more food the Colonists get for consideration of this particular problem, the quicker will be the solution, that we try to keep the proceedings of the East India Association as prominently as possible before them.

*Indian Opinion*, 6-8-1903

### *119. IMMIGRATION RESTRICTION BILL*

In spite of the efforts of the Honourable Mr. Jameson to secure a sympathetic hearing for the British Indian petition to the Legislative Council, the Immigration Restriction Bill has passed without an amendment. Mr. Dan Taylor's straightforward remark that the printing of the petition was a waste of public money has come true. It seems both the Houses had prejudged the issue and made up their minds about the Bill. We wonder what Sir John Robinson thinks of this latest instance of the local Parliament practically denying the right of the British Indians to be heard with any effect. At the time of introducing the disfranchising Bill, he declared that the rights of the disfranchised would be jealously guarded, as every member would consider himself in a measure a guardian of the rights of the disfranchised. Well may the Indians say: 'Save us from our guardians.' We hope we have shown conclusively that the prayer of the petitioners was very reasonable. It was something to have their assent to the principle of the measure, and what they suggested was nothing but an experiment. But our legislators thought otherwise. To them the pleasure of insulting their Indian fellow-subjects and their cultivated languages was of far greater value than the performance of a simple duty they owed to India and the Empire. They are satisfied that they can draw upon Indian labour which is so indispensable for the prosperity of the Colony. We are told that the members open their proceedings with a prayer, and that the Bible occupies a conspicuous place on the Speaker's or the President's table. We wonder if the followers of the Prophet of Nazareth ever saw a little verse from the lips of their Master: viz., 'Do unto others as you would be done by', or is it that the printers have made a mistake and omitted a little 'not' after 'do'? Let us see how Mr. Chamberlain the Imperialist treats the petition.

*Indian Opinion*, 6-8-1903

### *120. POTCHEFSTROOM INDIANS*

We have to congratulate the British Indians in Potchefstroom on having held a very successful meeting in connection with the recent prosecutions regarding Locations at that place. The reasonableness of their resolution is undeniable. It says that no action should be taken by the Transvaal Government until His Majesty's

Government has declared its views on the subject. No exception could possibly be taken to such a request. Mr. Chamberlain has more than once assured his questioners in the House of Commons that he is going to consider the whole question thoroughly and carefully and advise Lord Milner as to what he is to do. It is, therefore, quite clear that the solution does not rest entirely with the white Colonists of the Transvaal. If, therefore, the Imperial Government is to have a say in the matter, it certainly seems incomprehensible that the Government of the Transvaal should be in such a haste as to override all considerations of justice, and summarily send the Indians to Locations. We draw the attention of the authorities to the following from Mr. Abdool Rahman's<sup>1</sup> speech:

It grieved him to have to refer to the fact that the local police still visited their houses in the early morning and marched them to the Police Station like a herd of criminals simply for the purpose of exchanging their permits, and he thought that they should protest against this sort of thing to the high officials, and he felt sure they would get sympathy.

It is due to all parties concerned that the Government should institute a searching enquiry into the allegations made, for, if the statement is true, the proceedings seem to be insufferably high-handed.

*Indian Opinion*, 6-8-1903

### 121. RUSHING THINGS

Potchefstroom has set the ball rolling with reference to the enforcement of the Bazaar Notice, as will appear from the short report of the magisterial proceedings which we have copied elsewhere. It will be seen that proceedings have already been taken against about a dozen British Indians for residing outside the Location. This is what may fairly be called "rushing things". Mr. Chamberlain is supposed to be considering Lord Milner's despatch on this very question; the Government of the Transvaal are supposed to be considering new legislation to replace the existing Law. We wonder whether, before the result of their deliberations is made known, it is the intention to give full effect to the Bazaar Notice irrespective of consequences to those who are affected by it. Even the late Orange Free State, when it passed drastic anti-Asiatic legislation, had the decency to give a year's time to

<sup>1</sup> Secretary, Potchefstroom Indian Association.

those that were already settled under the late Republic. It must be remembered that most of these people who have been prosecuted are old residents of the Transvaal. They have never before been molested in their occupation. The Bazaar Notice was published in April last. Hardly have the people realised their situation. And while protests against it are still being considered, within three months of the publication, without even a written notice, summonses are sprung upon them. However, the Magistrate has been good enough to adjourn the case to the 4th of August in order to allow the accused to bring evidence. As, therefore, the matter is *sub judice* and as we understand an approach has been made to the Government for relief, we hold over further remarks.

*Indian Opinion*, 6-8-1903

## 122. PHENOMENAL ACTIVITY

The activity of the Orange River Colony Legislature towards restricting in anticipation the rights of British Indians is simply phenomenal. From the *Government Gazette* of that Colony dated the 24th of July, we quote below the sections from the Ordinance regulating the Municipal Corporation and Government of Bloemfontein, giving powers to the Town Council with reference to Locations.

118. The Council is empowered to establish locations on such part or parts of the Municipal lands as it may think fit, within which all coloured persons other than domestic servants residing in their employers' premises shall be compelled to reside, and may from time to time close such locations and establish other or others. The Council is further empowered to frame regulations for the proper control of all such locations.
119. The Council shall make compensation to the owners of any huts, dwelling houses or other buildings on such locations which shall be pulled down or removed by the Council for the value of the same, to be ascertained by the Municipal Valuers and approved by the Council.
120. The Council shall be and is hereby authorised, subject to the provisions of sections 124 and 125, to make, amend or repeal regulations for the control of natives residing within the Municipality, and for all or any of the following matters:
  - (a) The proper registration of natives employed by the day or month, or any longer period or seeking employment within

the Municipality

- (b) The registration of contracts between masters and servants who may wish to register such contracts.
- (c) To control vagrancy, or riotous or indecent behaviour.

Our readers will notice that in the sections, 'Natives' and 'Coloured Persons' are convertible terms and mean one and the same thing. That they may be removed like criminals or cattle from one place to another at the sweet will of the Corporation has not struck the British Legislators in the Colony as highly un-British. Comment is superfluous.

*Indian Opinion*, 6-8-1903

### 123. *STOOPING TO CONQUER*

The visit of Their Majesties the King and Queen to Ireland is one of vast significance not only to the Irish people but to the Empire at large, and it teaches the humblest of His Majesty's subjects a practical lesson in humility in a manner which the most thrilling sermons from the pulpit would fail to teach. The Dublin Corporation, shall we say, in its pettiness, thought fit to decline to present an address to the King and the Queen on their visit to Ireland, as if they were responsible for that country's distress. Now, in the face of such an attitude, what did Their Majesties do? They might have refused to visit Ireland, seeing that its capital city was not prepared to extend a formal welcome to them; or, having gone there, they might have shown in a significant manner their displeasure at the proceedings of the Corporation. But they were pleased to think otherwise; and they have actually by their warm words of sympathy and open-hearted manner disarmed all opposition, and by returning good for evil shamed the Corporation of Dublin into an attitude, so we are told, of repentance. We read further in the cablegrams that the King walked through the slums of Dublin, visited the homes of the poor, and spoke to them words of sympathy. Nor did Their Majesties stop at mere words or sentiments of sympathy; they have translated them into a donation of £ 1,000 Now we are very apt to think that sovereigns can afford to give away money without feeling the slightest pinch, but it is a well-known fact that, probably of all the first-class sovereigns in the world, the English King is the poorest, and when one adds to this the fact that there are a thousand and one calls on the

purses of sovereigns, the donation, to our mind, is by no means an insignificant portion of Their Majesties' acts during their tour in Ireland. Her late Majesty the Queen has left behind her a memory that cannot be easily forgotten; but if it were possible to eclipse such a memory, or even to equal it, it seems that our present King-Emperor and Queen-Empress bid fair to do so. The British Constitution has been well settled during the long Victorian era. There is, therefore, not the slightest fear of any tampering with it. It is then a matter of great satisfaction to all the King's subjects that he does not spare himself in actively looking after their welfare in his own domain. But, apart from what we have said above, the event has a special significance for India. Our readers will remember that when he was Prince of Wales, the King-Emperor visited India, and by his generous sympathy was able, during his short visit, to win the hearts of the Indian people. He has evidently further developed that trait in his character to a very great extent. Have we not, then, reason to hope that whenever an opportunity occurs, like his illustrious mother, he will not fail to put in a word on behalf of his millions of subjects in India, even though they are several thousand miles away from him?

*Indian Opinion*, 6-8-1903

#### 124. MIXED UP

It grieves us to find Lord Milner appealing to the gallery, and that in State documents. His Excellency's despatches to Mr. Chamberlain on the Indian question show unmistakably that Lord Milner, the statesman, has not left behind Mr. Milner, the editor of the *Pall Mall*. In his two despatches lately published in the papers, His Excellency has made the following three statements which, with due deference to him, we are constrained to say, are without foundation: (1) The Indian traders and hawkers are of no benefit to the Transvaal. (2) The Indians are overrunning the country. (3) Segregation is necessary on moral and sanitary grounds. With the first two, we have dealt already. In passing, we may advert to the statement made by the Colonial Secretary that there are only 10,000 Indians in the Transvaal, i.e., hardly half the number of Indians before the war, that only seventy Indian permits are issued weekly as against hundreds of European permits, and that many Indians who had innocently entered the Colony have been hounded out of it because they entered the

sanitary grounds! We seem to be reading the pre-war petitions of interested traders presented to the President of the late Orange Free State, which made all kinds of charges of immorality against British Indians. The British agents *then* protected us from them. It had remained for Lord Milner to revive them and give the stamp of his high authority. His Lordship does not appear to have deigned to give particulars. That the staid, sober, industrious, God-fearing Indian can do a moral injury to a community with which he may come in contact is a 'novel' idea. Even the late Transvaal Government never brought such a charge against him. We respectfully submit to His Excellency that, in justice to the King's inoffensive Indian subjects, he should either withdraw it, or substantiate it by producing facts. As to the hackneyed charge of insanitation, we refer His Excellency to the voluminous evidence produced by the British Indians in 1896 in refutation. That portion of it which is true is not serious, and in any case the fault is largely that of the authorities for the neglect of the community; and the serious portion of it is, in the opinion of unbiased Europeans, not true. Dr. Veale, for instance, says:

I have generally found them (the Indian ) cleanly in their persons, and free from the personal diseases due to dirt or careless habits. Their dwellings are generally clean, and sanitation is willingly attended to by them. Class considered, I should be of opinion that the lowest class Indian compares more favourably with the lowest class white, i.e., the lowest class Indian lives better, and in better habitation, and with more regard to sanitary measures, than the lowest class white.... Generally, in my opinion, it is impossible to object to the Indian on sanitary grounds, provided always the inspection by the sanitary authorities is made as strictly and regularly for the Indian as for the white.

*Indian Opinion*, 6-8-1903

### 125. ACCURACY NEEDED

The gentlemen at Boksburg continue to take an interest in the Asiatic question. It is a thousand pities that to their activity they do not care to add accurate knowledge. It is unjust to themselves, and unfair to the poor Asiatics. Their resolutions would not carry the same weight that they would if they were based on facts, and a judgment based on a misconception of facts is likely to do unintended harm to those to whom it applies. We notice that at one of their meetings, the



President, Mr. Alex. Osborn, is reported to have delivered himself as follows in support of the resolution that “if the recent Ordinance dealing with Asiatics be put into operation, the effect will assuredly be disastrous to the vital interests of the European traders of these Colonies. They, therefore, urge the Government to enforce in its stead the Law which was passed by the late Government of the Transvaal which, if stringently carried out, will meet the exigencies of the situation”: “The Boksburg Chamber was a credit to the Colony in its judicial judgments, and its manner of bringing the trading community’s grievances so well and prominently forward.” Now, with due deference to the “judicial judgments” of the Boksburg Chamber, we might be permitted to remind the members that what they are pleased to call “the recent Ordinance” is merely a Government Notice showing their determination to enforce the law of the late Government of the Transvaal. That the Notice is intended to carry out the law stringently, we have shown conclusively on more occasions than one. We, therefore, hope that the gentlemen who form the Association will read up the law of the late Republic and the Government Notice, compare the two and inform themselves as to how the law was being worked during the Boer regime, and then answer the question for themselves whether or not the old law is being stringently carried out.

*Indian Opinion, 6-8-1903*

## 126. EXPLANATION OF CABLE<sup>1</sup>

JOHANNESBURG,  
*August 10, 1903*

DETAILED EXPLANATION OF THE TELEGRAM DATED  
AUGUST 4 ANNEXED HERETO

I beg to enclose herewith copy of the cablegram sent last week; we are anxiously awaiting result.

The telegram divides itself into seven parts:

(1) Non-refugee Indians are not allowed to enter the Colony at all, thus causing grave inconvenience to local men.

<sup>1</sup> This statement was sent by Gandhiji to Dadabhai Naoroji who forwarded it to the Secretary of State for India. It was also sent to *India* which published it, with slight omissions, on 18-9-1903 as from its Johannesburg Correspondent

(2) Even refugee Indians are very sparingly allowed.

(3) There is a total embargo on Indian arrivals from Natal on the excuse that there is plague there. Europeans and Kaffirs are freely allowed. Indians in the Transvaal are now permitted to visit Natal and return. The embargo is, therefore, hardly a plague prevention.

(4) Mr. Chamberlain is considering Lord Milner's dispatch, also the existing anti-Indian law, and yet the Government have already laid out 19 Locations. Measures, under the existing law, of a temporary nature, may be taken pending replacing legislation, but measures of a permanent character, such as the fixing of Locations, are difficult to understand, if the law is really to be modified.

(5) Mr. Chamberlain promised that all existing Indian licences to trade outside Locations granted by British Officers would be respected. But, apart from such promise, the least that the Indians expect is a recognition of their vested interests under the British Constitution whether they were created before or after the war. Under the Bazaar Notice, the licences of those who did not hold such on the outbreak of war are in danger. The printed memorial to Lord Milner is still under consideration, but an early assurance regarding the licences is necessary to ease the mind of the community.

(6) Some licences were granted last year to Indians who did not hold them on the outbreak of war. These were not renewed this year by the Officers. According to the Bazaar Notice, such licences are renewable up to the end of the year at least. Yet on the plea that they have lapsed, the Receiver of Revenue at Johannesburg refuses to renew them, though the fact that they were not renewed at the beginning of the year is no fault of the licensees.

(7) Lord Milner is reported to have said that compulsory segregation; is necessary on moral and sanitary grounds. The charge is so serious that it was thought wise to refute it by cablegram. Nothing, more need be said at present about it. Restriction of trade to Locations cannot be justified even if the charge were true. The Editor of the *Indian Opinion* is dealing with the charge more fully and quoting from official documents a statement in refutation.<sup>1</sup> I may mention that the management of the paper is in responsible hands and that great pains are taken to give the most accurate information, and to observe strict moderation.

M. K. GANDHI

India Office: Judicial and Public Records, 402.

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

## *127. EVIDENCE AGAINST LORD MILNER'S CHARGE OF INSANITATION*

In view of the cablegram published in the newspapers in the Transvaal to the effect that Lord Milner has dwelt on the insanitary condition of the Indian Location at Johannesburg in his despatch on the proposed change in the existing legislation of the Transvaal, we give below extracts from the evidence given by Dr. F. P. Marais and Dr. Johnston.

It will be remembered that Dr. Marais is a medical gentleman having about ten years' practice in Johannesburg, having large practice among the Indians, and possesses the M.D. degree of Edinburgh.

Dr. Johnston is a sanitary expert, is a Fellow of the Royal College of Surgeons, Edinburgh, and holds a diploma of Public Health of Edinburgh and of Glasgow, and possesses very wide South African experience.

We have not copied the whole of Dr. Johnston's interesting evidence where he is made, in cross-examination, to compare his own statement with that of Dr. Porter, the Medical Officer for Johannesburg. Those that have the time to go through the voluminous evidence given before the Johannesburg Insanitary Area Improvement Scheme Commission are referred to the printed evidence published on the 22nd January this year.

Dr. Porter is a very estimable gentleman, but has next to no experience of life in South Africa. To him, anything that fails to come up to the standard observed in London, and is untidy or uncouth, is quite insanitary. There is only one word we know that would describe his evidence, namely, hysterical. We give one sample. This gentleman says of the Indians in the Johannesburg Location:—"They would never think of calling in a doctor and, ostrich-like, would consider it the right thing to conceal the existence of the disease."

Dr. Johnston, when asked what he had to say to this evidence, retorted, "You have Dr. Marais' statement to the contrary."

The reply is conclusive. Dr. Marais has had nine years' practice among the Indians; Dr. Porter, as admitted by himself, has had no experience among Indians. How did he then know that they "never thought of calling in a doctor," or that they "consider it the right thing to conceal the existence of the disease"?

However, the extracts we quote from the evidence of the two gentlemen above referred to speak for themselves.

*Dr. F. P. Marais' Evidence on General Condition (Indians)*

Q.: You have practised among them for a considerable period?

A.: Yes, for about eight or nine years.

Q.: You have a large practice there?

A.: Yes, I have a good practice amongst them.

POSITION

The position of the Indian Location is good, being on a slope, with a good fall. Besides, there is a deep slit at the lower border, which acts as a drain.

CONDITION OF SURROUNDINGS

North side—Perfectly clean.

South side—Good.

East side— The big open space was, till lately, used as a depositing site for nearly the whole of Johannesburg, and is in a filthy condition.

West side—Kelly's Home, clean.

Beyond that most disgraceful, due to all sorts of rubbish, manure, etc., being deposited there by the Town Council's sanitary carts, and others.

Thus, it will be seen that the Location is fairly well isolated, and the surroundings good, *except where they have been rendered insanitary by the Town Council, past and present.* For the rubbish, etc., on the square north of Fordsburg (and only a few yards from its northern boundary), the present Town Council is responsible.

INFECTIOUS DISEASES

Since compulsory notification, I have had only two cases of acute dysentery in the Coolie Location. Not a single one of typhoid. There were a few cases of malaria, but all contracted in Delagoa Bay. Not a single case of diphtheria, of which I had lately four in Vrededorp, four in Fordsburg, and one in Burghersdorp, at the back of Hoffman's old bar.

CONDITION OF HOUSES AND YARDS

Was asked to inspect Stands 75 and 77 (Bhayroo's) with houses thereon. Found 75 clean, with a well-built brick building, large lofty rooms well ventilated. Closets also of brick, and clean yard.

Stand 77.—Iron building, large rooms well ventilated, yard clean.

Stand 36.—Iron house, big rooms, lofty and well ventilated. Yard, etc., clean.

#### THE TOWN COUNCIL'S NEGLECT

Mr. Balfour: Now, just in amplification of that report, what were you to tell us as to the sanitary carts on the west side?—That it is only since the new Town Council was appointed that that square has been used for depositing the rubbish and manure which has not been wanted anywhere else.

Did you see some carts there recently?—I saw them every day, and some time ago, I went to the manager, the new sanitary manager, and complained to him about rubbish being deposited there. At that time, I was not sure whether the carts were sanitary carts or not.

Mr. Forster: When was that?—About a fortnight ago, and I lodged a complaint with the new sanitary manager. He told me he knew nothing about it, and he could do nothing for me, and I had to go.

The Chairman: This is hardly evidence.

Mr. Balfour: No. What I want is your own experience in the matter.—Well, after that I went to see whether these were Town Council carts or not.

Did you go personally?—Yes, I did; and found that they were sanitary carts. Yesterday morning I saw two sanitary carts depositing rubbish there.

#### HEALTH OF INDIANS

Now, speaking from your own experience of your patients in the Coolie Location, what have you to say as regards the question of typhoid among the Coolies?—Typhoid is considered to be eminently a filth disease, one of the diseases ascribed particularly to filth and dirt, and the fact that I have not had a single case of typhoid during these nine months speaks well for the Coolie Location.

Do you think Coolies are not subject to typhoid?—I should think they are as subject as other people.

Have you had any cases of enteric?—Not a single case.

#### SANITARY SERVICE—INDIFFERENT

Now, with regard to the sanitary service there. Is that good, bad, or indifferent, according to your experience?—I should think it pretty indifferent.

Have you ever had occasion to look at the buckets there?—Yes; in the beginning of September, I attended an old woman, one of the cases of consumption mentioned in my report, and I saw three buckets in a row, all overflowing, which ought to have been carted away by the authorities.

Have you ever noticed anything in the streets with regard to the sanitary service?—One day I was passing when one of the Coolies called me in and showed me the contents of two buckets being emptied into the road. He asked me to give him a

certificate to the effect that I had seen it, as he wanted to go to the Town Council and complain. I gave him a certificate that I saw the contents lying there, but I did not see them being emptied. I saw the contents, and there was no doubt that the contents had come out of the buckets.

#### A COMPARISON—POOR WHITES AND POOR INDIANS

With regard to the overcrowding there, do you think the Coolie Location is very much overcrowded?—I do not think it nearly as bad as some parts of Ferreira's Township and other parts of Johannesburg.

Have you occasion to go to the Coolie Location at night?—Yes, I have a good practice all over these parts among the Coolies, and I find that they (meaning Europeans) are very much overcrowded in Ferreira's Township, almost worse, I should say, than in the Coolie Location.

Now, among poor white areas, have you seen any overcrowding there?—Yes, there is great overcrowding near the Goods Station, at the west end of Kerk Street and Jeppe Street, amongst poorer classes of whites.

#### CROSS-EXAMINATION—IS THE LOCATION SANITARY?

The Coolie Location. Are you prepared to pledge your professional credit and state that that Location is a sanitary place?—I am prepared to state that it is as sanitary as many parts of Johannesburg.

Pardon me, we will come to that presently. We are dealing with the Coolie Location. Are you prepared to state that, in your opinion, that is a sanitary area?—I am prepared to state that the soil is as good as any soil in Johannesburg.

Never mind the soil; I am speaking of the whole area.—Some of the houses are insanitary, but the majority of them are not insanitary.

My question was whether the area, as a whole, was a sanitary area?—As a whole, I would say the area is sanitary.

You say that, on the whole, you consider this area sanitary?—Yes.

The Coolie Location?—Yes. I have been amongst these people for the last ten years, and now I know almost every house.

And from your intimate acquaintance as a medical practitioner in that neighbourhood, you say that the area as a whole is sanitary?—As a whole, it is sanitary.

You are aware that several medical gentlemen in practice in Johannesburg have given strong evidence to the contrary?—I know doctors differ.

And you are prepared to differ from them?—I am prepared.

DR. JOHNSTON'S EVIDENCE

*Dr. Johnston, the Specialist, on the Condition of the Buildings in the Indian Location*

Examined by Mr. Balfour.

You are a Fellow of the Royal College of Surgeons, Edinburgh?—Yes.

And you hold a diploma of Public Health of Edinburgh and of Glasgow?— Yes, a Diploma of Glasgow and of Edinburgh.

How long have you been practising in Johannesburg?—Since August, 1895.

And how long in the Transvaal?—That is the time I have been practising in the Transvaal.

Now, then, with regard to the building on the Coolie Location, I understand that on the former occasion you made a house-to-house visitation?—Yes.

And you saw a good many houses, a day or two ago?—I did see a certain number.

Now, speaking generally, what is your general opinion in regard to the buildings on these stands?—There are stands on which there is a certain amount of over-crowding, that is where buildings are huddled together. Dr. Porter calls them “congeries of narrow courtyards”. Well, there are one or two cases that might be described as such, but, taking the area as a whole, it is not overcrowded with buildings. On nearly every stand where there are buildings, they have got a regular square courtyard, and in most instances the buildings are ranged round the courtyard. I have not come across one instance where there was no courtyard, as, if there was no courtyard on one stand, then they had the courtyard on an adjoining stand. I do not know whether it is a feature of the buildings of the Indians or not, but it certainly prevails there.

Speaking generally, are these courtyards usually wide enough for health purposes?—Yes; and I think it a very wise provision on the part of those Indians that they made these particular courtyards.

Are they wide enough for purposes of ventilation?—They are exceedingly good for purposes of ventilation. In these courtyards, they seem to sit a good deal, instead of in their houses.

The result of building the rooms round the courtyard is that every room opens directly into the air?—Yes; into the courtyard.

Now, there were some buildings you found to be very bad?—There are some not in a good state of repair.

Will you mention the worst place?—The worst one I came across was on Stand No. 28, belonging to a man named Bajanath.

What was the nature of that?—On that stand, fronting the house, there is a

sod-built house, what is known as a lean-to house. I specially wanted to see that, because it struck me as being particularly bad. I accordingly told the man, with whom I went, that I wished very much to see that particular stand, and he took me over it. I found this low sod house, and in the courtyard a number of what I should describe as scratch-work tin shanties. The whole of the buildings on that stand one would condemn as being filthy, and although I should say there is plenty of air in these tin shanties, still they are not such as one would like to see in a place like Johannesburg. I saw in the centre of this yard a great many bricks, and I asked the meaning of it.

Mr. Forster: I do not think this is evidence.

The Witness: I was told the bricks were there for the purpose of erecting a new building. That was what the Indian told me.

Mr. Forster: I do not want to know what anyone told you.

Mr. Balfour: That was the worst house you saw, Doctor. Are there any others as bad?—No; I do not remember others so bad. That was the only sod building.

Now, supposing you were the autocrat of Johannesburg, what would you do with that?—I would pull it down and make them build it according to sanitary regulations.

Are there any other houses you would treat in the same way in the Location?—At the top end there may be one or two, but I cannot recall to memory the individual stands which I examined in June last. There may be one or two other stands, not sod buildings, but iron buildings, which might be improved.

And what would be the total number of buildings you would condemn absolutely if you were the autocrat of the place? — I have not estimated the total number of buildings I would condemn, but I do not think that there are very many which I would condemn purely for insanitary reasons. I have not my notes with me which I took in June last.

*Indian Opinion*, 13-8-1903

## 128. AN EYE-OPENER

### MR. MOOR'S REPORT

Elsewhere we print the report drawn up by Mr. Moor, the Assistant Colonial Secretary of the Transvaal. It is a document of abiding interest to the Indian community giving, as it does, a resume of the position of the British Indians as on and up to the 31st December, 1902. The position has considerably changed since then. All the same, the report is a very fair indication of the intentions of the Government. In one respect, at any rate, the Government have



considerably changed their attitude, to the detriment of the British Indians. We refer to the enforcement of the £3 registration. Mr. Moor says, in the report under review, that the £3 registration is not to be enforced. Now, however, it has been enforced with the utmost rigour. Several prosecutions, too, have taken place and, in some cases, fines have been imposed on those who failed to have their names registered. We wish to correct one statement made by Mr. Moor, namely, that the Resolution 1101 of the Executive Council of the late Government, notifying its intention to enforce the provisions of Law 3 of 1885, was being carried out before war until the cause for it was removed by the exodus of the British Indians. An attempt was undoubtedly made, but owing to the intervention of the then British Agent and the then Vice-Consul, no proceedings whatsoever were taken, and when the Boer Government was asked about the notification issued to the different Landrosts,<sup>1</sup> the British Agent was assured that the Law was not to be enforced. Not a single British Indian was ever compulsorily removed to Locations or prevented from trading outside Locations.

Mr. Moor's summary of the objections on the part of the Europeans to the presence of the Indians shews the same lack of knowledge on their part as has been dwelt upon by the British Indians. We, therefore, do not propose to deal with them for the present.

With due respect to Mr. Moor, we feel constrained to say that he has fallen into the popular error of confusing immigration of Indian labour with the free immigration of people who pay their own passage and wish to enter the Transvaal as independent men. He also, evidently mixes up the Indentured Immigration Act of Natal with the free immigration, and proceeds to suggest legislation under the belief that it would be similar to the legislation in other South African Colonies. On no other ground would it be possible to understand the proposal that, (first,) permits should be issued to those who may produce indentures from a responsible employer, (second,) that they should pay, by way of registration, £5 per head, (third,) that they should take out passes at 1/- each to control their movement. The first provision presupposes that every Asiatic has to enter the Transvaal only as an indentured labourer. The payment of £5 has, we suppose, been copied from the Natal Act, which imposes a penalty of £3 annually on those indentured Indians who may wish to settle in the Colony after the

<sup>1</sup> District Magistrates.

expiry of their indentures. The pass proposal, also, we presume, owes its origin to the Natal Laws. This shews that Mr. Moor has not been able to distinguish between Natal legislation regulating labour and the legislation regarding immigration.

Although we are quite willing to think that the confusion on Mr. Moor's part is an oversight, it does a great deal of injustice to the British Indians. Coming as it does so authoritatively, it is likely to produce a wrong impression on the minds of the people in the Transvaal and abroad. We hope, however, that it is unnecessary for us to deal with these proposals at any great length in view of the fact that the policy of the Government has since been considerably changed, and that new legislation is being considered.

But the report in question shews how imperative it is for our countrymen in the Transvaal to be ever on the look-out for danger from unexpected sources. The report, moreover, proves most clearly that much of the prejudice against British Indians is based on want of knowledge. Every Indian, therefore, should consider it his duty to make a decided effort towards dispelling the existing prejudice by spreading correct information with reference to the habits of the Indian community as well as its aspirations. The best way to do it is for each and every one of us to endeavour to live the life of a model Indian. What that means is known to everyone who knows anything at all about India, and ought to be known to every Indian child.

In the last portion of the report in question, Mr. Moor says: "Asiatics would, on the whole, welcome the restriction of Bazaars on plans in conformity with those traditions to which they have been accustomed in the East," and that "they perceive that the concentration and grouping of their trades in fixed quarters would extend the scope of their business and attract buyers in large numbers". This, to us, is a revelation, and unless we have positive proof, we must refuse to believe that any responsible Indian could ever have made the statement. It is simply suicidal, and contrary to the effort of the Indian community, which it has been making in the Transvaal for the last fifteen years, to have the Location legislation removed. How is it possible that any well-knowing Indian could so suddenly change his mind, and advocate and accept the principle of compulsory segregation, whether it be called Bazaars or Locations?

*Indian Opinion*, 13-8-1903

### 129. GREYTOWN LOCAL BOARD

The Greytown Local Board is much perplexed over the possibility of an Indian buying or leasing land that is to be thrown open. The Principal Under-Secretary says in reply to its representation that the matter has been placed before His Excellency the Governor, who in his turn has sent the papers to Mr. Chamberlain. Mr. Meek, a member of the Board, considers it "inconvenient to prolong the matter for another year, awaiting negotiations". The Board has said the word, and it must come to pass without delay. "In the beginning," we read, "[God said] Let there be light, and there was light." Now the Greytown Local Board is to give the fiat regarding British Indians, and who shall say nay ! Seriously, we do not understand why, whenever it is the Indian who is concerned, the proposal is always to adopt any but the legitimate course. In the first place, we do not think there is any danger of an Indian buying land in Greytown in residential quarters. Secondly, in what way is he going to be an objection, if he puts up a structure in keeping with the bye-laws and the surroundings? This he, as everybody else, may be compelled to, do. But a little regard for the feelings of the Indian, and the roughness would have gone without the Colonists running the risk of being in any way inconvenienced by the presence of the Indian.

*Indian Opinion*, 13-8-1903

### 130. A SUR-REJOINDER

The *East Rand Express* has paid us the compliment of quoting and replying to our remarks on the quarrel that is going on between Mr. Moor and the Boksburg Health Board on the latter's proposal to remove the present Indian Location to One Tree Hill. Our contemporary thinks that, in holding that the Government alone has the right to fix Locations, we have indulged in special pleading. We may be permitted to say that we have done nothing of the kind. We remind our contemporary of the fact that the Government Notice, it is not even a proclamation, is merely an indication of its intention to enforce the anti-Asiatic law of the Transvaal, and it lays down rules as to how and to what extent it is to be enforced. Our contemporary must know that the Government cannot alter or add to the law itself: that

could only be done by the Legislative Council. Now the law says, “the Government shall have the right to appoint special streets, wards, and locations as their residence.” There is, therefore, no power reserved under the law to the Health Boards or Town Councils. It is then quite clear that the notice in question merely pays a compliment to such Boards, in re-quiring the Colonial Secretary to fix Locations in consultation with Local Boards. It also presupposes a reasonable attitude on their part, and, to say the least of it, we venture to think that it is hardly correct for the Boksburg Health Board to convert what is a compliment during pleasure into a right, and to dictate to the Colonial Secretary. We have dealt with this matter at length, because we feel that the Board has taken up a position which is clearly not warranted by law. We could wish our contemporary had not written the concluding sentences of its rejoinder. They seem to convey a threat to the Indians living in the present Location. We should be sorry to think that the people of Boksburg would so far forget themselves and the Imperial tie as to take the law in their own hands. And if threats are to frighten the residents of the Location, they would deserve to go. There is no room for cowards in South Africa. We are reminded of the incident that happened in Aliwal North some years ago. Then, in spite of the feeling of the focal Europeans, the Magistrate refused to withhold from an Indian merchant the renewal of his licence which he had been in possession of for several years. The enraged gentlemen therefore—in hundreds—marched to the store of the offending Indian, and threatened divers penalties if he did not remove bag and baggage from the town. The Indian, in face of tremendous odds, stood his ground, and firmly refused to budge. The sequel was, protection was ultimately given to him, and he was left unmolested. We are living under British, not Russian, rule.

*Indian Opinion*, 13-8-1903

131. TELEGRAM TO P. S. TO LT.-GOVERNOR, TRANSVAAL

August 18, 1903

TO

PRIVATE SECRETARY

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR

PRETORIA

ASSOCIATION      VIEW      HIS      EXCELLENCY'S      TOUR      REQUESTS  
RELIEF      BEFORE      TOUR      REGARDING      PLAGUE      EMBARGO  
INDIAN      ARRIVALS      FROM      NATAL.

BIAS

*Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906*

132. THE USES OF ADVERSITY

There can be no question that the British Indians in South Africa are hemmed in on all sides by restrictions more or less severe according to the Colonies in which they are imposed, and that they are also very much misunderstood. By this time, those of our readers who have followed these columns at all, attentively, would have noticed that there is ample proof for the two statements we have just made. The purpose of this article is to draw some lessons from these adverse circumstances. We are told "Sweet are the uses of adversity," which should be "the instructor of the wise." Let us see, then, whether we have learnt any lessons from adversity.

There are, in India, sharp divisions between the different races inhabiting it; for instance, the Tamils, the 'Calcutta men', as the inhabitants of the upper provinces are called here, the Panjabis, the Gujaratis, etc. There are also the Mahomedans, the Hindus, the Parsis, and others, according to religions. Then, among the Hindus there are the Brahmans, the Kshatriyas, the Baniyas, and others. Now, to our mind, if we have brought from India these divisions and differences as very valuable cargo to be treasured up all this distance, then there is no doubt that it would clog us at every step, and hinder our progress. South Africa ought to be to the British Indians a great Puri<sup>1</sup> where all divisions are abolished and levelled up. We are not, and ought not to be, Tamils or Calcutta men, Mahomedans or

<sup>1</sup> A town in Orissa famous for the temple of Jagannath, 'Lord of the Universe', where caste distinctions are not observed.

Hindus, Brahmans or Baniyas, but simply and solely British Indians, and as such we must sink or swim together. That the interests of all the divisions are absolutely identical cannot be gainsaid. That being so, it is plain enough that our duty lies in doing away with any such prejudices. That is a preliminary step, and an indispensable one. We are quite aware that our people have made a very great advance in that direction, but in drawing general lessons from our difficulties, the statement would be incomplete without a warning.

It is also incumbent on every Indian not merely to be satisfied with having made sufficient to feed and clothe himself and his family; he must be prepared to put his hands deep into his pocket for the public weal, and here again we know that the community throughout South Africa has not altogether failed in its duty, but we have no hesitation in saying that it might have done much better.

Courage and patience are qualities which one needs very badly when one is placed in difficult circumstances. We had, during the late war, a precious opportunity of watching these two qualities at their best among Englishmen in South Africa. The history of the siege of Ladysmith and its relief will always be an example of invulnerable courage and inexhaustible patience. Many Indians who took part as stretcher-bearers will be able to recollect the scenes that they were witnesses to at the fights of Colenso and Spion Kop. In spite of fearful odds and bad reverses, there was no yielding. When at one time, even General Buller was inclined to think that relief was impossible, the world knows that there flashed across the wire a message from the hero of Candahar, that as long as General Buller had one man left with him, he was not to give in. The great result we all know. Ours is not a struggle so difficult, or so heroic to contend against, but it teaches a lesson in courage and patience which we ought to learn. If no sum of money, no quantity of blood and no amount of time were considered too great for the honour of the British Empire to relieve what were, after all, a handful of the besieged in Ladysmith, shall we not think similarly when we are engaged in a struggle for our liberties, and come to the conclusion that we must have courage and patience enough to tide over passing misfortunes? We should not forget that "Calamity is man's true touchstone," and that "none can cure their harms by bewailing them".

But we require something more also. We are apt as a nation, and the Missionaries have brought it up against us as a charge, to look at things material with philosophical indifference, and make little of

everyday comforts of life. Now, that is an attitude for which we have unbounded admiration; but it would be very much misplaced in South Africa. Such an attitude would be a credit to those who do not strive after material gain, but it becomes a misnomer in the case of those who strive their utmost in order to enrich themselves; and we do not know that there are many Indians in South Africa who have migrated with any other desire than that of bettering their material position. To such, then, it would be more philosophical to fall in with the natural order of things, and to be prepared to spend in proportion to their earnings. The charge, then, against the Indians that they live on nothing a year would be dispelled. At the same time, nothing can be further from our thoughts than to suggest that we, as a community, should give ourselves up to pleasure. What we do wish to emphasize is the fact that we ought, as far as may be, to “do in Rome as the Romans do”, still retaining the attitude of mental indifference. If we can have such comforts, well and good; and if we cannot, well and good, also.

But, above all else, what is most needed in a community which considers itself to be ill-treated at the hands of others is the virtue of love and charity. It is well known that, after all, men, being creatures of circumstances, would do things which are unjustifiable quite unconsciously, owing to the control exercised over them by the circumstances in which they are placed. Is it not, then, necessary for us to be charitable in our judgments? We, as a people, are devoted to religious speculations, and to doctrines of non-resistance and of returning good for evil. We believe firmly in the fact of even our thought colouring the actions of those of whom we may think. We see such instances often in daily life. A great crime committed by a man has been known to change his face in such a way as to stamp the crime on it. Similarly, a great good act done by a man has produced the opposite effect on his features, and he has been known, as the case may be, either to attract to, or to repulse from, himself people by his very act. We then hold it to be our paramount duty not to think evil of those who we may consider are dealing unjustly by us. There is hardly any virtue in the ability to do a good turn to those that have done similarly by us. That even the criminals do. But it would be some credit if a good turn could be done to an opponent. If this very simple thing be always borne in mind, we do think that success will come to us far more quickly than we are likely to imagine. We hope, as time goes by, to develop more fully each one of the points cursorily

touched upon in this article. At present, it is enough for us to ask our countrymen to ponder over what we have said, and to be always on the alert, otherwise, storm-tossed as we are, a surging wave may all of a sudden come upon us and engulf us, when any action we may wish to take will be *Too Late*.

*Indian Opinion*, 20-8-1903

### 133. *STANDING COUNSEL FOR SOUTH AFRICA*

Truly does Mr. Chamberlain hold a brief for the white Colonists in South Africa. Whether good or bad, the cause of South Africa he has made his own. He believes, and to a very great extent thinks rightly, that his business is to conserve the interests of the Colonies to the exclusion of every other, be it ever so great or just. And if the other ministers do not do justice to their clients, and if, as a consequence, they suffer, it is no fault of the Colonial Secretary. It is in that spirit that he has treated the very reasonable proposals of the East India Association suggesting an impartial inquiry into the question of anti-Indian legislation in the Transvaal. As counsel for his clients, he could not very well accept a proposal which might compromise their position. He would, therefore, enter into correspondence with Lord George Hamilton, counsel for the British Indians. Such a procedure leaves the position of the Colonists unfettered. The charges made by them against British Indians would remain unrefuted; and much less will have to be granted to the Indians labouring under such charges than would have been the case if the inquiry had been undertaken and the finding had exonerated them.

The generous effort of Sir William Wedderburn and the East India Association has met with little response; still, we do not lose courage or hope. Mr. Chamberlain is undoubtedly sympathetic; Lord George Hamilton has promised to do everything he can to secure justice; and we doubt not that the Colonists, for whom Mr. Chamberlain has been doing so much, will not fail to accept his advice to extend to the British Indian settlers “fair and honourable treatment”.

*Indian Opinion*, 20-8-1903



### 134. ACCIDENT?

The catastrophe at Paris<sup>1</sup> must have filled all the portions of the globe where the news reached with gloom. We can well imagine the feelings of the victims and the survivors. To us, these untoward happenings are not merely accidents but we look upon them as divine visitations from which we, if we chose, may learn rich lessons. To us, they show a grim tragedy behind all the tinsel splendour of the modern civilization. The ceaseless rush in which we are living does not leave any time for contemplating the full results of events such as have placed Paris in mourning for the time being. The dead will be soon forgotten, and in a very short time, Paris will again resume its usual gaiety as if nothing whatsoever had happened. Those, however, who will give the accident, if so it may be called, more than a passing thought, cannot fail to realize that behind all the splendour and behind all the glittering appearances there is something very real which is missed altogether. To us, the meaning is quite dear, namely, that all of us have to live the present life merely as a preparation for a future, far more certain and far more real. Nothing that the modern civilization can offer in the way of stability can ever make any more certain that which is inherently uncertain; that, when we come to think of it, the boast about the wonderful discoveries and the marvellous inventions of science, good as they undoubtedly are in themselves, is, after all, an empty boast. They offer nothing substantial to the struggling humanity, and the only consolation that one can derive from such visitations has to come from a firm faith not in the theory, but in the fact, of the existence of a future life and real Godhead. And that alone is worth having or worth cultivating which would enable us to realise our Maker and to feel that, after all, on this earth we are merely sojourners.

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<sup>1</sup> This was a disastrous fire in the underground Electric Railway on August 10, in which 84 persons were killed and many injured

### 135. THE BLEEDING CRY

Will His Excellency the Lieutenant-Governor of the Transvaal, who is now also the Governor of that Colony and High Commissioner for South Africa, amid all his multifarious duties find time to listen to the bleeding cry of the British Indian refugees in Natal who are suffering agony owing to being prevented from returning to their homes? The number of cases that are being brought to our notice from day to day is very serious, and if His Excellency would only relax the embargo, it would be nothing more than an act of humanity, pure and simple. We have said before that there is no consistency about the plague policy of the Transvaal Government. They allow hundreds of Europeans and thousands of Kaffirs to enter the Transvaal from Natal from week to week without any restrictions whatsoever. The poor Indian refugees, so anxious they are to return to the Transvaal, have offered to undergo quarantine at Volksrust at their own expense, and still the Transvaal Government have so far turned a deaf ear to their petition.<sup>1</sup> Latterly, they have been allowing Indians from the Transvaal to enter this Colony and return. Will they not carry with them the plague germs and spread the dread disease in the Colony of the Transvaal? The Government evidently seem to think they will not. In their opinion, there must be something very special about the British Indian refugees in Natal that renders them more susceptible to plague than any other class of people. Really, this is going altogether too far, and unheard of in a British Colony. If the embargo is political, it would be simple honest to make the confession, and tell the British Indian refugees in Natal that they need not hope ever to return to the Transvaal. Such a reply, if very unjust to the petitioners, would at any rate be honest and remove the extreme suspense under which the poor refugees are at present labouring. If they may not claim to return to their homes, they have a right to be made absolutely certain as to their position, one way or the other, and we sincerely trust that the Transvaal Government would see their way to make a definite and decisive reply so that they would know Where they are.

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

### 136. PERMITS AND NON-REFUGEES

Apropos of the plague embargo, we might once more mention the severe restrictions that are imposed about the granting of permits to British Indian refugees throughout South Africa and the total prohibition against non-refugee Indians. The granting of 70 permits only per week to *bona fide* refugees is altogether inadequate. As the Colonial Secretary informed the Legislative Assembly, there be a iv thousand applications still undisposed of from applicants in South Africa. This does not take into account hundreds of Indians who are still in India and have not been able to return to South Africa for some reason or other. We Ail to understand the reason for preventing the refugees from returning except in dribblets. That they have a right to enter the Colony is not disputed. If the only reason, therefore, that all are not allowed to return at once, be that of fear of congestion and too many Indians unable to support themselves entering the Colony, that would be undoubtedly a very fair objection, but there is a remedy, and a very safe one, against any such evil. Every refugee can be made to give reliable security that, on his entry into the Transvaal, he will not only be able to find suitable residence but that he has friends ready to support him in case of need. Then there need be no fear of overcrowding or starvation. The prohibition against non-refugees is also, in our opinion, very unjust. It means serious inconvenience to the Indian traders and others who may require assistants, salesmen or servants. And it is exceedingly unfair to the refugees themselves, who are deprived of earning in the Transvaal a certain livelihood which might be offered to them. We do not contend for one moment that all newcomers should be allowed to enter the Transvaal unrestricted, but we do think that those who have actual employment offered to them ought to be allowed to join such employment, without any hindrance. We, therefore, hope that the Transvaal Government will be pleased to give this matter also their sympathetic consideration.

*Indian Opinion*, 20-8-1903

### 137. INDIAN TRADE LICENCES IN THE TRANSVAAL

JOHANNESBURG,  
August 22, 1903

Lord Milner's dispatch, dated May 11 and addressed to the Secretary of State for the Colonies, has been received by this week's mail. The Indian community is grateful to His Excellency for the sympathy he has shown for them and regard for their feelings. There are, however, statements therein which require correction. It appears that they have been made on the persistent assertions of the members of the White League. His Excellency says in his despatch:

Had we had to deal merely with the Asiatic population as it existed before the war, it might have been possible to remain passive until a new law could have been framed to the satisfaction of His Majesty's Government. But, with so many newcomers constantly pouring in and applying for licences to trade, and with the European population protesting with ever-increasing vehemence against the indiscriminate granting of such licences and against the neglect of the Government to enforce the law which restricts Asiatics to locations specially set apart for their residence, it became impossible to persist in the policy of complete inaction.

It is submitted that the Asiatic population even at the present day is smaller than it was before the war. The registration law has been enforced, and the result has been to show that there are not more than 10,000 Indians at present in the Colony. The official report published by the Government shows that there were at least 15,000 British Indians in the Colony prior to the war. Both these statements are official. Moreover, stringent "permit" regulations prevent any but British Indian refugees from entering the Transvaal. It is, therefore, hardly correct to say that the enforcement of the law became necessary owing to "so many newcomers constantly pouring in and applying for licences to trade". Moreover, the Bazaar Notice deals not merely with applicants for new licences but with all, whether they held licences prior to the war or not, subject to reservations made therein. Had the Government declined to issue licences to non-refugees, there would be nothing to complain about, but as it is, the whole of the law is at present directed against *bona fide* refugees. His Excellency says:

The Government are anxious, however, to do so (enforce the law) in the manner most considerate to the Indians already settled in the country, and with

the greatest respect for vested interests, even where these have been allowed to spring up contrary to law.

As has already been said in a previous letter, as well as in the printed memorial<sup>1</sup> submitted to His Excellency, vested interests are not respected in the sense here understood. Hundreds of Indians who traded before the war contrary to law (that is, without licences) are under notice to remove to Locations at the end of the year, causing complete dislocation of Indian businesses. Moreover, all the partners of a single firm are not allowed licences, but only one of them who happens fortunately to be in the country and anticipate his other partners. Nor are they allowed to remove their trade from one place to another in different districts. Nor are the licences transferable from one person to another, a prohibition which completely deprives the trader of the value of his goodwill. Thus, it will be seen that every Indian trader must ultimately remove his business to the Location.

His Excellency says (in answer to the complaint that the anti-Asiatic laws are being more rigorously enforced under the British regime than under the Boer regime):

(1) It (Government) is providing in every town special quarters in which Asiatics may reside, and in the selection of these quarters, it is doing its best to choose sites not only healthy but affording reasonable opportunities for trade.

(2) It has declared its intention not to disturb Asiatics who had established themselves in business before the war, but to renew their licences. Under the old Government, all these men were under notice to quit.

(3) It proposes to exempt Asiatics of a superior class from all special legislation.

With reference to the first, it is hardly a relief that Locations will be established in every town, for it is against the establishment of these that the Indians very successfully protested under the old regime. With the exception, therefore, of a few towns, the late Transvaal Government did not dare lay out any Locations. Now the Government have already selected sites for nearly twenty townships. As to the choice of healthy sites affording reasonable opportunities for trade, in the absence of any information, it is difficult to say much, but what is already known is not very reassuring. In spite of the protests of the British Indians, the existing Location at Barberton is to be removed

<sup>1</sup> *Vide* "Petition to Transvaal Governor", June 8, 1903.

away, and though the distance is not very great, it is easy to understand what a great loss the traders of the Location must suffer by reason of the removal.

As to the second, under the Boer regime, and in spite of any non-declaration of intention not to disturb vested rights, the representations of British Agents protected them all up to the outbreak of hostilities. The notices to quit were then considered not to be worth the paper on which they were written (for all the Indian traders were under notice for several years, and yet they were never enforced). As soon as an attempt was made, a protest was sent to the Home Government and relief was instantaneous.

As to the third, if the exemption was of the nature contemplated by Lord Milner, namely, "from all special legislation", it would undoubtedly be of considerable advantage, but the Bazaar Notice is in conflict with any such view. It merely grants exemption as to residence. The humour of the situation lies in the fact that respectable British Indians, if they would live in towns after the end of the year, would have to get special exemption and prove to the authorities that "they are in the habit of using soap", and that "they do not sleep on the floor", and so on. But Indians of the servant class are, by law, entitled to reside in towns without any special permission being necessary there-under, for the section of the law reads: "The Government shall have the right to appoint special streets, wards and locations as their residence. This provision shall not apply to servants living with their masters." Hundreds of Indian servants, therefore, if not thousands, (for they are very much appreciated as domestic servants), may live in towns without having to make any application for exemption, but a handful of well-to-do, respectable British Indians may not reside in towns without having to undergo the indignity of an offensive examination. No such exemption was necessary under the old regime because compulsory segregation was never adopted.

The statement, therefore, made by the British Indians that the anti-Asiatic laws are being enforced with a rigour never before known, is literally true.

As to the charge of insanitation based on an extract from Dr. Porter's report, the enclosed article from *Indian Opinion* speaks for itself. If prejudiced statements were made against British Indians prior to the war, statements utterly unsupported by facts, the British Indians are still labouring under the same prejudice. The evidence of

Dr. Porter falls undoubtedly under the same category.

To pass to another matter, the British Indian Mahomedans at Pretoria bought a piece of property for the purpose of erecting a mosque in Pretoria some fifteen years ago. This property still remains in the name of the seller owing to the Boer law prohibiting the ownership of land by Asiatics outside Locations or streets set apart by Government. Several representations were made to the British Agents prior to the war, and on the eve of it, Sir Conyngham Green assured the British Indians that, if war broke out, there would be no difficulty about the transfer after its conclusion. In spite of several representations, the Government has refused at present to allow the land to be registered in the names of the trustees. A letter has been addressed to the Colonial Secretary by Mr. Hajee Habib on behalf of the Mahomedan congregation.<sup>1</sup> The seller is a very old man and, in the event of his unfortunately dying before the transfer is given, complications may arise meaning loss of property which is very valuable to the British Indian Mahomedans in Pretoria. The same difficulty has been experienced in Johannesburg with reference to the Johannesburg Mosque, but here the need is not so great, as the seller is not in the same position as the seller at Pretoria. It is, therefore, hoped that Mr. Chamberlain will be pleased to induce the Government to grant the transfer.

*India, 18-9-1903*

### *138. PETITION TO CHAMBERLAIN*

DURBAN,  
*August 24, 1903*

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

THE PETITION OF THE UNDERSIGNED REPRESENTING THE BRITISH  
INDIANS RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH THAT:

Your Petitioners humbly venture to approach His Majesty's Government with reference to the Immigration Restriction Bill passed

<sup>1</sup> "Letter to Colonial Secretary", August 1, 1903.

during the present session of the Legislative Assembly of the Colony of Natal.

Your Petitioners, while accepting the principle of the Bill, took the liberty of protesting against certain clauses thereof, and presented memorials<sup>1</sup> to both Houses, but, unfortunately for your Petitioners, none of the objections raised by them were entertained by either House.

It has, therefore, become incumbent upon your Petitioners to approach you, fully trusting that you will be pleased to secure for your Petitioners the relief requested in the memorials above referred to.

As all that could be said on behalf of your Petitioners is stated in the memorial presented to the Honourable the Legislative Assembly, your Petitioners venture to attach hereto a copy thereof, and request your kind consideration of same.

Your Petitioners would not trouble you with any further argument but would add that, in their humble opinion, the request contained in the memorial is exceedingly reasonable; and seeing that the present Bill is an experiment, your Petitioners think that a tentative adoption of your Petitioners' suggestions could not be of any disadvantage to the European Colonists.

Your Petitioners, therefore, humbly pray that you will be graciously pleased to advise His Majesty to withhold the Royal Assent or to grant such other relief as may be meet.

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

Enclosure in Despatch 370 of 18-12-03 from the Governor of Natal to Principal Secretary of State for the Colonies.

Colonial Office Records: C. a. 179, Volume 227, Despatch 370.

### *139. PREJUDICES DIE HARD*

We are indebted to the *Times of India* for the letter of the Special Correspondent at Johannesburg of the *Daily Telegraph*, dealing with the position of the British Indians in the Transvaal, which we reproduce elsewhere. Although the letter is rather an old one, it

<sup>1</sup>Vide "Immigration Bill", June 23, 1903 and "Petition to Natal Council", July 11, 1903.



gives us pleasure to bring it to the notice of our readers, as it shews how others regard the position of the British Indians. The letter shews, moreover, the truth of the saying that “prejudices die hard”. We know Mr. Ellerthorpe, the accomplished correspondent of the *Daily Telegraph*, and we are sure that he would not knowingly do an injustice to anybody—much less the British Indians. However, in giving his resume, he has *very* much been guided by the popular fallacy about British Indians.

The Special Correspondent says:

The Indians, on the other hand, in attacking the Government, very much overstated their case. Put shortly, they charged the British Government with perfidy. In 1885, they said, you protested against the action of the Transvaal Government, you asserted our right as British subjects to full privileges of immigration, residence and trade. Now you turn round and apply the same tyrannical laws yourselves. This would be an unanswerable argument, were it only accurate. But it is not accurate. In the course of the correspondence, both Lord Ripon and Sir Edward Stanhope, as Colonial Secretaries, assented to the modification of Article 14 of the Convention. The Transvaal Government desired to modify it on sanitary grounds, and to this the British Government assented. In the reference to the Chief Justice of the Free State, the British Government expressly conceded the point as to residence in locations, and only asked for the right of trading outside native bazaars, and Mr Chamberlain, to whom the Indians specially appealed, writing in 1885, says: ‘To make friendly representations to the South African Republic as to these traders, and possibly, to invite that Government to consider whether, when once its legal position has been made good, it would not be wise to review the situation from a new point of view and decide whether it would not be better, in the interests of its own burghers, to treat the Indians more generously, and to free itself from even the appearance of countenancing a trade jealousy which, I have some reasons to believe, does not emanate from the governing class in the Republic.’

Now, in these statements, there is more than one inaccuracy, and it is a great pity that in the modern rush people are unable to verify *as* fully as it is necessary their statements before they are reduced *to* writing and given to the world. With the best intentions not to do injustice, statements made in influential papers like the *Daily Telegraph*, if they are not borne out by facts, are calculated to do irreparable injury in many cases. So far as we are aware, never, in a single instance, have the British Indians (we mean, representative

British Indians) overstated their case. In fact, those who have at all studied the question have often admitted the extreme moderation on the part of the British Indians. They can have nothing to gain by exaggeration, and a great deal to lose. That the British Government in the Transvaal is now enforcing the laws of the old Republic, against which they protested vigorously up to the commencement of the war, is a fact which is beyond dispute, and while the quotation from Mr. Chamberlain's despatch is correctly given, it does not represent the full attitude of Her late Majesty's Government on the question. All that the despatch states is that the legal relations were closed by the award given by the Chief Justice of the late Orange Free State, but, later on, Mr. Chamberlain "reserves to himself the right to make friendly representations to the Boer Government, and to ask it to reconsider the decision from a fresh point of view". Nor is this all. In the Blue-book on South African Affairs are published various telegrams dated after Mr. Chamberlain's despatch, protesting against the enforcement of the law, and asking the Boer Government to deal with the Indians leniently. In the submission to the Chief Justice of the late Orange Free State made on behalf of Her late Majesty's Government, the interpretation of Law 3 of 1885 naturally states that: "The British Indians be allowed to reside in some quarters which, for sanitary reasons, may be assigned to them", and nothing has been said on the part of the British Indians in conflict with that statement. What, however, is the fact, and what has been repeatedly submitted on behalf of the British Indians is that, although the Law 3 of 1885, as amended in 1886, so far as the legal position was concerned, was accepted by the British Government, they continued to bring pressure to bear upon the late Boer Government, with the result that the Law ever remained a dead letter until after British occupation. The point, therefore, made by the British Indians is, not that the Law was not accepted by the British Government, but that, in spite of the acceptance, it was never enforced owing to the protests made by the British Agents from time to time. Whether, therefore, the Law remained on the statute-book or not, it did not matter much to the British Indians so long as the protecting arm of the British Agents gave them immunity from it. Such being the case, the statement that the British Government is now enforcing the very Law against which they protested so effectively is literally true. It should also be borne in mind that a careful reading of the whole of the correspondence between the two Governments on the subject would show conclusively

that the Law itself was assented to under a misapprehension. So much with reference to the alleged overstatement of their case by the British Indians.

The suggestions made by the Special Correspondent with reference to the treatment of the problem, unfortunately, also betray a hasty judgment. Contrary to all evidence, he condemns small shopkeepers and hawkers, and sees nothing wrong in the relegation of the Indian population to the Locations, and brings forward in justification of the proposal the oft-refuted charge of insanitation. He has also fallen into the error of thinking that the new regulations (namely, the Bazaar Notice<sup>1</sup>) apply only to future immigrants, forgetting that at present immigration of non-refugee Indians is altogether prohibited, and that with reference to licences, only those who held them before the war will have renewals granted to them.

However, the whole of the article is interesting reading, and the writer evidently is not unsympathetic; and if we have not brought out the fair remarks that he has made at the commencement of his letter, and laid stress on what we consider to be inaccurate statements, we have done so because the fair remarks will speak for themselves, and inaccuracies need always to be corrected, especially when they appear in journals which are read by tens of thousands of people, and whose presentation of questions is often accepted as gospel truth.

*Indian Opinion, 27-8-1903*

#### *140. LORD MILNER'S DESPATCH*

We are enabled to print in full, in this issue, Lord Milner's despatch to Mr. Chamberlain. The telegram in the *Rand Daily Mail*, on which we have remarked, has reference to Lord Milner's despatch. It is a document of very great interest and also, to some extent, of hope to the British Indians in South Africa. It shews at once what they have to fear and what they are to expect from the present Government in the Transvaal. That His Excellency is actuated by great sympathy and excellent motives is evidenced throughout the despatch, and where there is good ground for complaint, the cause is not Lord Milner himself, but those who have placed facts before him—perhaps, not even those latter because they, amid the overwork of office, have

<sup>1</sup>*Vide* enclosure to "British Indians in South Africa", April 12, 1903.

not been able to place before His Excellency correct facts. Our duty, therefore, is to draw His Excellency's attention to such facts. Lord Milner says:

They (the Government) are anxious, however, to do so (that is, enforce the legislation) in a manner most considerate to the Indians already settled in the country and with the greatest respect for vested interests, *even where these have been allowed to spring up contrary to law.*

We have already pointed out that this is not warranted by the Bazaar Notice, for those who were trading prior to hostilities without licences, and, therefore, contrary to law, are under notice to remove to Locations at the end of the year.

His Excellency says further:

In some cases, no doubt, laws which were either obsolete or wholly bad have been simply repealed where no inconvenience was likely to arise from such a course.

It would be interesting to know what laws these are which have been repealed. His Excellency goes on:

Had we had to deal merely with the Asiatic population as it existed before the war, it might have been possible to remain passive until a new law could have been framed to the satisfaction of His Majesty's Government, but with so many newcomers constantly pouring in and applying for licences to trade. . . it became impossible to persist in the policy of complete inaction.

Here, again, we venture to point out that no newcomers have yet been allowed to enter the Colony with the exception perhaps, in the early stages, of a handful who could be counted on one's fingers. The British Indians have so far merely asked for bare justice in favour of old traders, and have protested against the refusal to grant them licences. The "policy of complete inaction", therefore, could very well have been maintained until further legislation was passed, and the enforcement of the £3 tax, in the light of this statement of Lord Milner's, is evidently not justified, if not uncalled for.

"We have no wish to subject respectable British Indians or civilized Asiatics generally to any disabilities," says His Excellency.

We thank His Excellency for isolating British Indians from other Asiatics, and recognising their status as British subjects. As we have pointed out in dealing with the telegram in the *Rand Daily Mail*, all British Indians, respectable or otherwise, are at present labouring under the fullest disabilities common to the Asiatics, except that they

may be exempted as to residence, and that alone.

Lord Milner proceeds:

In the first place we shall see whether, when the sites of the proposed Asiatic quarters have been marked out, the opposition of the Asiatics to reside in them will be maintained.

If we know the feeling of our countrymen correctly, we do not think that the opposition will taper down so long as the sting of compulsion keeps it alive and smarting. We are not surprised at His Excellency having made use of Dr. Porter's fanciful description of the Indian Location in Johannesburg. We would, however, refer His Excellency to the reports of Dr. Marais, Dr. Johnston, and several others<sup>1</sup> who have made statements contrary to Dr. Porter's, and Medical Officer of Health though he is, we think that the opinions of the gentlemen we have referred to are entitled to greater weight because of their greater and more mature experience.

*Indian Opinion, 27-8-1903*

#### *141. MORE LIGHT ON THE INDIAN QUESTION*

The *Rand Daily Mail* correspondent has sent a long telegram with reference to a Parliamentary Paper issued by the Colonial Office on the position of the Indian question in the Transvaal. We have ventured to copy it in another part of this issue. We are aware that it is very difficult to comment upon State documents when we have before us only a very imperfect summary, but as it may be some time before the paper itself arrives in South Africa, and as the question dealt with by it is of very great importance, on the presumption that the telegram is a fair summary of the document in question, we propose to offer a few remarks thereon. According to it, in "three most important respects" a consideration is said to have been shown to Asiatics by the Bazaar Notice, which the late Government did not show, namely, "that the Locations are being selected in healthy localities and affording reasonable opportunities for trade", "that the Asiatics, who had established themselves in business before the war, are not to be disturbed"; and "that exemption will be granted to those of a superior class from all special legislation".

With reference to the first, we do not propose to deal at present,

<sup>1</sup> *Vide* "Evidence against Lord Milner's Charge of Insanitation", 13-8-1903.

as we do not know the sites for the various Locations.

With reference to the second and the third statements, they are utterly misleading. According to the Bazaar Notice and to the decisions given thereon, we know positively that licenses are being granted only to those who held them on the outbreak of hostilities, and not to those who had established business before war if they did not also possess licenses. This makes a very great difference. Hundreds of British Indians traded on the strength of tenders made for licenses which were never granted to them, and this with the full knowledge of the Boer Government. These will now, under the Bazaar Notice, be prevented from exercising trading rights. As to the exemption, the Bazaar Notice merely contemplates it regarding residence and residence alone. It does not free Asiatics of a superior class from all special legislation. It comes, therefore, to this: that, after all, the Bazaar Notice concedes to the Indians nothing they were not in possession of before the war, for they were never compelled to reside in Locations. Not a single Indian had any difficulty in trading, and, as there was no compulsion as to residence, there was naturally no question of exemption.

Lord Milner anticipates no difficulty with reference to the new legislation which is to be on lines similar to those followed by the Cape Colony and Natal. Here there is complete agreement between the Government and the Indians. Not that the Indians consider it desirable or necessary that such restrictive legislation should be passed, but they have been reluctantly compelled to accept the inevitable, and to work in co-operation with the Government so long as special and offensive restrictions are not imposed on them on the ground of racial distinction. We join His Excellency in the hope that the more difficult question of restriction to Bazaars will be satisfactorily settled, and we know of only one solution: Take off the hateful compulsion. Lay aside decent accessible sites. Invite Indians to co-operate with you, and you will find that a large number would, of their own accord, gravitate to these sites. Anyhow, it is an experiment worth trying. No legislation would be required for the purpose and the question will solve itself.

*Indian Opinion, 27-8-1903*

## 142. A CRUEL WRONG

We reproduce elsewhere the letter addressed by Mr. Hajee Habib, of Pretoria, to the Transvaal Government, with reference to the Pretoria Mosque. Our readers may remember that the property on which the elegant mosque at Pretoria is situated was bought by the Mahomedan congregation about fifteen years ago. It is a very valuable piece of property now. The British Indians, as soon as the property was purchased, approached the then Government for special authority to have it transferred in the names of the trustees of the mosque, but the Republican Government returned a disappointing reply. They thereupon approached the British Government, but without success. Before the outbreak of the war, the only hope Sir Conyngham Green could hold out was that, if war did break out, there would be no difficulty in the transfer being granted to the trustees under the British Government. And yet, strange to say, up to the present moment the Government has declined to authorise the transfer. It is true that the Colonial Secretary offers to receive it in his own name on behalf of the congregation; but the property being dedicated to religious use, according to the tenets of their religion, the latter cannot accept the offer. Such, we believe, is the position. The proposal made by Mr. Hajee Habib, that the portion on which the mosque is situated should be declared by the Government to be a ward or street in which Indians may hold land, is very reasonable, and would certainly meet the case, but we understand the Government has declined to grant the request. The position is undoubtedly serious, and the Mahomedan community, which has a right to have its religious feelings respected equally with the others, may one of these days find the property slipping out of its hands, and have to remain without a place of worship. It is a pretty outlook for people living under the British flag, which takes under its protecting fold all the religions. We may, therefore, well ask, what are the Indians coming to in the Transvaal? Is the British Constitution going to be revised at Pretoria? Or will justice ultimately triumph?

*Indian Opinion, 27-8-1903*

### 143. THE PRECIOUS EXEMPTION

We print elsewhere the form that is to be filled in before exemption is granted to Asiatics under Clause 4 of Government Notice No. 356 of this year, known as the Bazaar Notice. There are twenty questions to be answered, some of which are harmless, some humorous, and some are offensive in the highest degree. Before the precious exemption is granted, the applicant has to say: how many persons he employs? Whether they are Asiatics? What is the condition of the latrines? Do any persons sleep in his shop, if any? How many persons sleep in the dwelling rooms? Are the day rooms distinct from the night rooms? Do the inmates sleep on the floor? Do the inmates use soap? etc. We wonder whether ordinary cleanliness, separation of day rooms and night rooms, prohibition to sleep in shops, sanitary condition of latrines and such other matters are to be dispensed with when the Asiatics are forced into Locations? If the enquiry of the above nature is only necessary when an exemption is to be granted, it follows that the Government suppose either that the inmates of the Location will live in an ideal state, rendering supervision unnecessary, or that they will be allowed to wallow in dirt and filth if they choose to do so. One simple question suggests itself to us, namely, whether the Government have ever considered the Law 3 of 1885, and whether they know that Asiatics, if they are servants, are free to reside in towns without any exemption whatsoever, and without having to satisfy any officer as to whether they use any soap and whether there is any provision for washing and bathing or not? We quote the Section from the Law itself. It says: "Government shall have the right to appoint special streets, wards and locations as their residence. *This provision shall not apply to servants living with their masters.*" It, therefore, comes to this, that Asiatic servants need not undergo the indignity of having to answer the questions, but those whom Government consider to be respectable have to pass the examination and satisfy the Government officers before they can receive the certificate. And this is the exemption which His Excellency Lord Milner has laid so much stress upon in his despatch to Mr. Chamberlain. We know that Lord Milner has construed the exemption clause in a much wider sense not warranted by the Notice itself. Is it, then, any wonder if our countrymen in the Transvaal persist in saying that the Transvaal legislation regarding Asiatics has never before been enforced so rigorously as now? We



only hope that no self-respecting British Indian would so far forget himself as to fill in the form for the sake of the privilege of living within town limits.

*Indian Opinion, 27-8-1903*

#### 144. LORD SALISBURY<sup>1</sup>

By the death of Lord Salisbury, the British Empire has lost a statesman who was loved and respected in the Empire and feared outside it. The late Lord Salisbury's life is an object lesson to every member of the Empire—in uprightness, industry, and all that is worth cultivating in this life. His, moreover, is an example to be treasured up by the rich men in any land. To history, however, he will be bestremembered as one of the greatest Foreign Secretaries of the Victorian era. And it was his masterly grasp of the situation and full realisation of the greatness of the Empire which cut out for him a unique position among the continental nations. Lord Salisbury was no opportunist, and to him, politics were not a matter of gain. He, therefore, cared little for popular applause, and spoke out against wrong, whether it came from his own party or the Opposition. As Lord Cranborne, when he was Secretary of State for India, he did not hesitate to call a spade a spade, and this was the view he gave about the poverty of India:

The injury is exaggerated in the case of India where so much of the revenue is exported without a direct equivalent. As India must be bled, the lancet should be directed to the parts where the blood is congested, or, at least, sufficient, not to those already feeble for the want of it.

The statement has become historical, and has been quoted from many a platform. As to policy, he said:

To keep peace, and to push on the public works—that is in brief the policy that we have to follow. If we can increase the immense means she (India) possesses for the production of commodities—if we can draw forth the enormous elements of prosperity that lie in the richness of her soil and the teeming millions of her population—if we can impress upon the neighbouring Powers (whether they lie outside her borders or are included in her own dominions)—if we can impress upon them that her rulers have renounced for ever the policy of annexation and territorial aggrandisement, which formerly

<sup>1</sup> 1830-1903: twice Prime Minister of Britain.

spread distrust and caused disturbance all round; if we do these things, and if we can spread to all the populations there under our charge the blessings of English civilization and English government, if we can give them the culture which will enable them to appreciate those blessings and to take part in spreading them and in making them effectual—if these things can be done, then this present method of repose and of apparent stagnation will be put to the best use it possibly can be put to . . . We can only be assured that if we make the best use of our present opportunities—if we push to the utmost of our power the moral and material, improvement of that vast territory and of the teeming nations that people it, we shall have placed our Empire upon foundations that cannot be shaken.

Again, as showing the frankness of his disposition, the following extract from his speech, taken from the great work<sup>1</sup> of Mr. Dadabhai Naoroji, is very apt:

The general concurrence of opinion of those who know India best is that a number of well-governed small Native States are in the highest degree advantageous to the development of the political and moral condition of the people of India.... The British Government has never been guilty of the violence and illegality of Native Sovereigns. But it has faults of its own, which, though they are far more guiltless in intention, are more terrible in effect. Its tendency to routine, its listless, heavy heedlessness, sometimes the results of its elaborate organisation, a fear of responsibility, an extreme centralisation; all these results, traceable to causes for which no man is culpable, produce an amount of inefficiency which, when reinforced by natural causes and circumstances, created a terrible amount of misery.

The same frankness guided the noble man during the critical period of the late Boer War. When disaster followed disaster during the initial stage of the bloody conflict, he, of all the statesmen in Great Britain, was ready and willing to admit that the disasters were undoubtedly due to mistakes, drawing, at the same time, historical parallels and showing that in the initial stages of almost every great war the British had been engaged in, they had committed serious blunders.

On July 20, 1900, he even stated that:

It was very desirable that the treatment of India should be generous and liberal, because, as one reason, the mass of the people of that country were much more struggling and suffering than the mass of the people here.

<sup>1</sup>*Poverty and Un-British Rule in India*, 1901.

Lord Salisbury, again, it was who, at the risk of losing popularity, did not hesitate, on the very platform of the Propagation of the Gospel Society at the time of the Chinese expedition, to utter some disagreeable though wholesome truths. Before his distinguished audience, with reference to the missionary work in China, His Lordship, true Christian gentleman that he was, reminded the missionaries that, as they had fallen from the advice of Christ, and instead of meekly suffering hardships, and even death if necessary, in pursuit of their calling, asked for the assistance of temporal power in carrying on their work, it was their duty to temper their zeal with prudence, so as not to compromise or place in a false position countries they represented.

For the information of our readers, we give elsewhere an extract from His Lordship's address at the above-mentioned meeting, which shows the height and the depth and the breadth of his nobility and purity of motives.

Such was the great and good patriot the British Empire has lost, and whose loss it mourns.

*Indian Opinion, 3-9-1903*

#### *145. AN UNRIGHTEOUS COMPACT*

We print elsewhere Mr. Chamberlain's speech in the House of Commons dealing with the question of Indian labour. There occurs in that speech the following most ominous passage:

Now, in order that the development may proceed at the greatest possible rate, Lord Milner applied to me and said: 'We are thinking of employing coolies on the railway. Will you represent to the Indian Government our desire in that respect and use your influence to induce their assent?' It was assent to a proposal which the Indian Government had already accepted in the case of Natal—namely, that the coolies should come for a given period, and their indentures should expire in India, that the balance of their pay should be given to them in India, so that they would not be permanent residents in the South African sub-continent, but would return to their native country with their savings in their pockets. It was believed by the Indian Government to be the best way to secure labour for the sugar estates and other work without inducing a permanent population of Asiatics. That agreement had been made and assented to by both sides.

We can only hope that either Mr. Chamberlain has been

misreported, or that he was himself labouring under a misapprehension when he made the statement above quoted. We all know that a deputation on behalf of the Natal Government went to India, and that it has returned, but we have not been made aware of the result of their mission. No statement has been made by the Government here to the effect that the principle of compulsory repatriation, such as has been referred to by Mr. Chamberlain, has been accepted by the Indian Government; and yet; the statement we have quoted is as clear as it possibly could be, that after the completion of their indentures, the indentured men must return to India, and to ensure their return, a most effective method has been adopted—namely, that the balance of their pay is to be given to them in India. And it is under such terms that “the development” of the Transvaal is to proceed “at the greatest possible rate”, if only the Indian Government would grant to the Transvaal what it is said to have granted to Natal! All we can say, with due respect to Mr. Chamberlain, is that, if the statement is correct, the poor Indian labourer has been sold for the benefit of the Colony, and that a form of modified slavery is to be revived in South Africa in this twentieth century under the sanction of the British Government and in the name of a people who have spent any amount of blood and treasure for the sake of the emancipation of slaves. The partnership into which the employers of Indian labour and the employees are to enter in the Transvaal would be what is known as a leonine partnership, in which one party gets all the benefit and the other party bears all the burdens. The position that the gentlemen of the White Leagues in the Transvaal have taken. up does, indeed, in the light of these facts, command admiration. It is capable of being understood, and is certainly in harmony with justice to a greater extent than the proposal made by Lord Milner; for, a refusal on the part of the White Leaguers to admit into South Africa the Eastern races cannot by any means be placed on a par with the proposed exploitation of Indian labour without giving the Indians a right of settlement. In the one case, the refusal is unjust merely from an Imperial standpoint; and if South Africa were not British, no one can cavil at the position taken up by the Europeans in South Africa as to the exclusion of any but themselves from a participation in the advantages that are offered in this sub-continent to settlers. But the proposal as to importation of labour under the restrictions mentioned is unjust without regard to the Imperial standpoint. It is unjust, that is to say, under any circumstances; while the one is merely an outrage

on the Imperial instinct, the other is an outrage on the instinct of humanity, and in the words of the late Right Honourable Harry Escombe, we cannot “think that it ought to be compulsory on any man to go to any part of the world, save for a crime for which he is transported”, and we do not know that the Indian has committed any crime, unless the inheritance from his ancestors by him of the colour of his skin is a crime in British South Africa.

*Indian Opinion*, 3-9-1903

#### 146. TRANSVAAL LICENCES

There is one point in Lord Milner’s despatch published in the last number of the *Indian Opinion* which requires special attention. His Excellency says:

During the war, and since the declaration of peace, a large number of temporary licences were issued to newcomers. These licences have been renewed until December 31st 1903, but the holders have been warned that on that date they will be required to remove to streets or bazaars selected for this purpose.

Now it has been pointed out before, that none of the licences were issued as “temporary licences”, nor were they issued to “newcomers”. Neither during the war nor since the declaration of peace have any newcomers been able to either enter the Transvaal, or, at any rate, to secure licences to trade. It is capable of being proved without the slightest difficulty that those who were granted licences were all *bona fide* refugees and, before war, engaged in trade in some place or other in the Transvaal. The British officers, who granted them licences, attached absolutely no conditions either verbally or written, and they were all granted in the usual manner—that is, up to the end of last year. It was only when agitation against the British Indians was raised about the time of Mr. Chamberlain’s arrival that the Magistrates began to give notices that such licences would not be renewed, and the very fact that the Government has overridden all such notices and granted renewals up to the 31st of December next shews that the Indians in question were not in possession of temporary licences. Be that, however, as it may, the question is a most serious one for the parties immediately affected. In many cases, we understand, the licence-holders, believing in the perfect security of their rights under the British Government, have built at considerable expense substantial stores, imported very largely from home manufacturers, and formed good connections. To expect them to remove to Locations or Bazaars

at the end of the year would practically spell ruin for them; even if it were a question of removing an established business from one place to another in the same street, a mere novice in mercantile affairs would be able to say that the removal would involve a great deal of loss. Whether, therefore, the Bazaars become an established institution or not, and whether new applicants are granted licences or not, and irrespective of the fact of new legislation removing the existing one described by Lord Milner as un-British, the assurance to these poor merchants that their licences are perfectly safe is very desirable and absolutely necessary. Two things stand out most prominently in connection with the Bazaar Notice. One is about these so-called temporary licences, and the other about the distinction between British Indians who held licences prior to war and those who traded prior to war without any licences. The existing Indian licences are divisible into three parts, namely, (first) those Indians, who although *bona fide* refugees and traders before war, have been granted licences in respect of districts in which they did not trade before war which are now described as temporary licences; (second) those refugees who traded before war without licences, but with the knowledge of the old Government, in the same district in which they are now trading, and (third) those British Indians who held licences prior to war and are trading now. It is only with reference to the third class that the Bazaar Notice guarantees security in unequivocal terms. The other two classes are at present labouring under very great uncertainty. The result of deprivation of their licences in respect of their present positions will be the same, no matter to what class they may belong, because all are now in possession of licences. Moreover, while, so far as these are concerned, the matter is of very small importance to the Government, it is one of life and death to the traders themselves. These facts were brought to the notice of Mr. Chamberlain at Pretoria and he pooh-poohed the idea that under the British Government the licences referred to could ever be disturbed. We, therefore, on the ground of justice, or on the strength of promise made by the Secretary of State for the Colonies, think that these men who may be counted on one's fingers have a right to expect an assurance of perfect safety, and we have every hope that the Government will be pleased to give the necessary relief in the matter.

*Indian Opinion*, 3-9-1903

## 147. INDIAN LABOUR AND MAURITIUS

The island of Mauritius has always been cited in South Africa to the disadvantage of the Indian. The superficial critics have not hesitated to declare that the Indians have ruined it, forgetting that it owes its present position to Indian enterprise, and that, but for Indian labour, it would very probably have been a howling wilderness. They are unable to point to a time when, without the Indian, the island was in a better condition. The following is the uncourted testimony to the worth of the patient Indian toiler in that island:

South Africans may note, says the *Times of India*, the remarks of Lord Stanmore at the meeting of the Credit Foncier of Mauritius. Last year, Mauritius had the misfortune of passing through the very worst crisis ever remembered there. The cattle plague finally deprived most estates of the bulk, if not the whole, of their draught animals and that at a time when they were most wanted for the crop which was then being gathered in. But Lord Stanmore says this catastrophe strikingly showed how admirable a labour force Mauritius possesses in its Indian coolies. They cheerfully and readily undertook work ordinarily done only by oxen and mules, and without stipulating for advantages which, had they demanded them, it would have been impossible to refuse.

*Indian Opinion*, 3-9-1903

## 148. NATAL'S PRIDE

The Colony has honoured itself in honouring the memory of the late Right Honourable Harry Escombe. The unveiling of the statue of the deceased statesman in the Town Gardens on Saturday last, by his friend and co-worker, Sir John Robinson, does no more than justice to the memory of the great man. Although there were often occasions for the British Indians to complain of his attitude, it can never be said of him that he did anything in the justice of which he did not fully believe. For the man who could risk his position, his great popularity, for the sake of what he believed to be the truth (we refer to the attitude, up to the day of his death, on the Bar problem)<sup>1</sup>

<sup>1</sup> Attorney-General Escombe supported Gandhiji's enrolment as an advocate of the Natal Supreme Court in 1894, despite opposition by the Law Society on grounds of colour.

in the teeth of practically united opposition of the whole Colony, was not the man who would do anything against his firm convictions. In later years, on the Indian question, the Right Honourable Gentleman considerably modified his views, and, if we quote an instance which is not recorded in the newspapers, we do so in order to do justice to the fairness and the magnanimity of the great man. Three hours before he died, he expressed his regret that, when he passed his anti-Asiatic measures, he did not know the Indian community as he knew then, and hoped that time would remove any inconvenience that the Indians may have to suffer owing to the legislation. Among his kindnesses to the Indian community, the generous manner in which he gave his blessing and a treat to the Leaders of the Natal Indian Volunteer Ambulance Corps<sup>1</sup> will always occupy a first place, and for which the community cannot be too grateful. He addressed the Leaders in the following terms which were his last public utterance:

Mr. Escombe said he thanked them for paying him the marked personal compliment of asking him to address a few words of farewell before they left for the front. They would carry with them not only the good wishes of those present, but of all the people in Natal, and in the Queen's great Empire. This incident was not the least interesting of the many episodes of this remarkable war. The meeting showed the willingness and the resolve of the Indian subjects in Natal to do what they could to promote the unity and the solidarity of the Empire, and they, claiming rights in Natal, recognised in what they were now doing their obligations to the country. And they were going to occupy as honourable a position as those who were doing the fighting, because if there were none to look after the wounded, war would be much more horrible than it now was. War was sad enough, but there were things worse than war. It had to take place when a country was invaded, but war would be much more horrible were it not for all that was done to minimise those horrors, and it was a movement in which they could take an honourable part. War was uncertain, except where the British Empire was concerned—a war in which that Empire took part could have but one end. There might be incidents, but the conclusion could be but one, and the conclusion would bring about a better state of things in South Africa—under one flag! At a time not far, some of them had hoped to unify South Africa—without disturbing the autonomy of the States—in one federation under the flag of Britain, but when Natal was once invaded, these hopes had to yield to different conclusions altogether, and now things had happened which made it impossible for them to do otherwise than bring the whole of South Africa into the Empire. And it could not be forgotten that the

<sup>1</sup> *Vide* “Indian Ambulance Corps”, December 13, 1899.



Indians in Natal—who had been treated with more or less injustice—had sunk their grievances, and claimed to be part of the Empire and to share its responsibilities. They took with them the hearty good wishes of those who knew what was taking place that day, and the knowledge of what they were doing would help to bring closer together the different classes of Her Majesty's subjects throughout the whole Empire

*Indian Opinion*, 3-9-1903

#### 149. BOKSBURG LOCATION

As will appear from the proceedings of the Boksburg Health Board, the gentlemen there are still active with reference to the removal of the present Indian Location. Evidently, Captain Colley, the Chairman, who has only lately returned from Europe, is not in sympathy with the drastic proposals of the Board, but it is a question how far he will be able to do justice single-handed. The main chance, therefore, of retaining the present Location is still dependent upon the action of the Government. Justice is absolutely on the side of the inmates of the Location, and we can only hope that the Government, after having taken up a consistent attitude, will not abandon it owing to the pressure of the members of the Health Board. May we not, however, appeal to the sense of fair play of the members of the Board? We have suggested a British solution to them. They allege that nearness of the Location to the town is a source of danger to the health of the community. Assuming that the fear is justifiable, the remedy lies in their own hands, but it does not consist in removing the Location. As Dr. Johnston would say, 'the removal could merely aggravate the danger'. The remedy, therefore, consists in putting the Location in thorough sanitary condition, and preserving it in that condition, if it is not so at present. If the inhabitants of the Location are themselves the culprits, the law could be relentlessly enforced, and a few prosecutions would do a far greater amount of good than prejudiced agitation for removal of the site, and then leaving the residents of the Location without sufficient sanitary control.

*Indian Opinion*, 3-9-1903

150. LETTER TO DADABHAI NAOROJI

P. O. BOX 6528,  
JOHANNESBURG,  
September 7, 1903

TO  
THE HONOURABLE DADABHAI NAOROJI  
WASHINGTON HOUSE, 72 ANERLEY PARK  
LONDON S. E.

DEAR SIR,

In the *Indian Opinion* being posted to-day, you will notice an extract from Mr. Chamberlain's speech.<sup>2</sup>

You may recollect that a Commission went to India on behalf of the Natal Government last year with a view to induce Lord Curzon to agree to the compulsory repatriation of indentured Indians after the termination of their indentures. The Commission has returned, but no statement has been yet made by the Natal Government. Mr. Chamberlain's speech, however, would go to show that the Indian Government accepted the principle of compulsion in a most objectionable manner—that is to say—a portion of the wages of the indentured men is to be paid them on their return to India. This will be nothing less than temporary slavery, and we, in South Africa, feel it so strongly that such a stipulation should not be agreed to even in exchange for a grant of more rights to free Indian settlers in Natal. The fight regarding the licences and other matters affecting free Indians ought to be carried on independently of the question of indentured labour, except that, if the free Indians are not guaranteed fair treatment, indentured immigration may be withdrawn entirely. But to give away the liberties of indentured Indians who may be brought to Natal, for the sake of a better treatment of free Indians, would be highly immoral, and would never be acceptable to the latter. It is to be hoped, therefore, that a continued protest will be made against the principle of compulsory repatriation. From Mr. Chamberlain's statement, it would appear that the thing is already done. The Natal Government,

<sup>1</sup> This was also published in *India*, 2-10-1903, with some verbal changes, as "From a Correspondent".

<sup>2</sup> The speech on the Transvaal Labour question was made in the House of Commons; *vide Indian Opinion*, 3-9-1903.

however, is quite reticent and, therefore, there is just a hope that, after all, Mr. Chamberlain has made a mistake in making the announcement he has done.

The struggle about licences (Dealers') in Natal has been revived as a direct result of Lord Milner's Notice. Natal has naturally grown bolder, and, in view of the coming new year, the situation has become very acute.

In Newcastle, as you will notice from the *Opinion*, a licence in respect of ideally good premises has been refused to a British Indian. Four licences in Durban have been refused simply because it was a matter of change of premises, not that they were new licences. Mr. Nazar would probably be writing to you from Durban, but as I know the history of the Dealers' Licenses Act from the very commencement, I thought I might deal with it also.

In the Transvaal, the position is just as it is described in the long cablegram that was sent some time ago. It is high time that a definite pronouncement was made regarding the existing Indian licences here, and that the congestion regarding permits to *bona fide* refugees was removed.

*Your obedient servant,*

M. K. GANDHI

India Office: Judicial and Public Records, 2852.

### *151. THE DEALERS' LICENSES ACT REDIVIVUS: I*

It is a curious coincidence that the Durban Town Council is showing its former vigour in suppressing Indian licences at the same time as the Newcastle Town Council. It has, sitting as a Court of Appeal, confirmed the decision of the Licensing Officer who thought fit to refuse a renewal of four Indian licences in respect of new premises, as to which we might say, in passing, there was no complaint from a sanitary standpoint. Mr. Robinson, who acted as counsel for the four appellants, hinted that the Licensing Officer had received instructions previously from the Town Council to refuse renewals of Indian licences for new premises and, in spite of the denial of the Town Council, we venture to think that there was some truth in Mr. Robinson's statement. Diplomatic denials are not unknown in South Africa, and the Town Council's repudiation, to our mind, smacks more of diplomacy than anything else. However, it is not with that

phase, painful though it is to us, that we are concerned, but it is with the grim struggle that is being again forced on the Indian community in its terrible earnestness which touches most deeply the life of its mercantile portion.

Mr. Chamberlain, when he was at a distance of thousands of miles, and had not seen South Africa, was able to secure relief for the British Indians in the Colony. We refer to the circular that was sent round to the different municipalities by the Government at his suggestion, to the effect that although they had been given arbitrary powers, they were expected, on pain of being deprived thereof, to use them in a reasonable and gentle manner, and that, in no case, if they wished to retain those powers, were they to touch vested interest.

We had thought that the circular had done its work, although when it was issued, the Congress had done well to remind Mr. Chamberlain that the remedy provided by him was a stop-gap thing, and that it by no means insured protection to the British Indian merchants for all time. The fear has been more than realised, and we now witness a revival of the root-and-branch policy that had been adopted by the Town Councils throughout the Colony, when they found themselves in possession of the extraordinary authority given them by the Act in question; and, if we were to seek for the reason for the renewed activity of the Town Councils, it is to be found in Mr. Chamberlain, when he paid his memorable visit to South Africa, and also Lord Milner. Probably, the Colonists had never expected that they would find him so yielding as he was found to be as to matters of fundamental principles of the British Constitution. Since his return to England, also, he has been himself unwilling to protest against the Colonial policy in South Africa, even when it has been a clear departure from British traditions. Lord Milner has strengthened the impression thus gained by the Colonists as to their powers by his Bazaar Notice, and they have really come to the conclusion that, if the principle of Locations and restrictions of licences to British Indian subjects can be sanctioned and approved of in a Crown Colony, much more so in a self-governing Colony like Natal.

The result is the enforcement of the Dealers' Licenses Act in fullest vigour, and this is probably only the beginning of another struggle for existence on the part of the British Indian in Natal; and if we are justified in our forecast, then we may truly say that British Indians, who expected bread out of Mr. Chamberlain's visit to South Africa, have got stones instead.

*Indian Opinion*, 10-9-1903

## 152. FROM SLAVE TO COLLEGE PRESIDENT

Mrs. Besant has said somewhere that England owes her present position not to her warriors, but to her one great national act, namely, the emancipation of slaves. truth is very strikingly realised in the life-story of Booker Washington. Mr. Rolland has contributed a very interesting article to the latest number of *East and West* on Booker T. Washington, which is worth bringing to the attention of our readers.

Booker, as he was known when yet a slave, was born about the year 1858, the exact date being unknown to him. "His lot," says Mr. Rolland, "was the average one. He did not fall under the tyranny of one of those brutes so forcibly depicted in Mrs. Beecher Stowe's novel. . . . Yet even those masters who were kind to their slaves, treated them like inferior beings—a kind of useful cattle which had to be well fed if they were to work well, and which had no need of comforts they would be unable to appreciate." When freedom for the slaves was proclaimed, Mr. Booker's family left the plantations and went to town. He had a very great desire, illiterate though he was, to learn and educate himself. He, therefore, set about learning the rudiments of the English language, and attended a night-school. In his uphill work towards mental progress, he was helped by many white patrons of his, chief among whom was General Armstrong who had served in the Civil War. "He was," proceeds Mr. Rolland, "a sort of apostle who devoted his life to the coloured races, whose needs he thoroughly understood, and who founded in 1868 in Virginia the Hampton Normal and Agricultural Institute to train young men and women of the negro and (Red) Indian races to become teachers among their own people." Our hero longed to receive his education at the Institute; he, therefore, accepted service in a military officer's house, and after he had saved some money started for Hampton. The distance he had to cover was nearly five hundred miles. "The difficulties of the road were still further increased by his being a coloured man who could not be received at the same hotel as white people. More than once, he had to sleep out of doors, and to work all day in order to get enough to eat, but he never hesitated. At last, he reached Hampton. His appearance was so wretched and disreputable that the gates would have been closed against him if the matron of the establishment had not thought he might be useful as a servant. Thus, he got permission to stay. He was able to pay for his board and teaching by fulfilling the

duties of doorkeeper, room cleaner and man-of-all-work, Washington, manifold occupations did not prevent him from assiduous attention at the classes.” It was not likely that such marvellous industry would escape the sympathetic notice of General Armstrong, who bestowed special attention on him, with the result that Mr. Booker came out of the Institute as one of the most brilliant students. Having imbibed knowledge himself which enabled him to take a broader view of life and to fight poverty and all difficulties, he thought that he could not better devote his life than being instrumental in imparting a similar knowledge to his fellow-countrymen. With such a laudable aim, he opened a small school, first at Malden, then at Washington, until he was called back to Hampton to occupy the post of teacher to the Indians of the Institute. Being himself a negro, he had some difficulty with the American Indians, but by his gentleness and prudence he soon succeeded in disarming all opposition to himself. This humble beginning laid the foundation of what is now an ideal college at Tuskegee. He realised that “the one thing needed by negroes, for the time being, was to learn how to work to advantage in the trades and handicrafts; how to be better farmers; how to be more thrifty in their lives; how to resist the money-lenders’ inducements to mortgage their crops before they were made”. With this resolution, he set out for Tuskegee, and began his teaching in 1881 in a shanty. He had, however, like many pioneers, not only to found a school but to attract pupils to it. His idea about combining industrial education with a knowledge of letters merely, as might be well imagined, was not taken up enthusiastically. He, therefore, travelled from place to place, lecturing to the people on the advantage of his system. In his struggle for reform, he found Miss Olivia Davidson to be a worthy helper, whom he afterwards married. The result was that the support he received as to the number of the pupils soon outgrew the capacity of his humble school building. But Booker, who by this time had added Washington to his name, was equal to the occasion. He borrowed money and purchased a plantation of a hundred acres. Here was an opportunity for him of putting into practice his theory of industrial training. His students were, therefore, set to work, and a suitable structure was built. The clay was dug by them, and the bricks, too, were burnt by them. The Tuskegee College has now forty buildings and a beautiful library, a gift from Mr. Andrew Carnegie, on an estate of 2,000 acres, besides fifteen cottages belonging to it. It represents a value of £100,000, the annual cost is £ 16,000, the number of people

about 1,100; the cost of each student is £ 10 per year, board being paid partly in money, partly in labour—£ 40 suffices to complete a four years' course, while £ 200 provides a permanent scholarship. A great number of donations from great philanthropists and voluntary contributions from all kinds of people have every year added to the funds of the College, and a grant of 25,000 acres of land in Alabama was given by the Government of the United States in 1898. The students come from twenty different States and territories. There are eighty-six instructors in the college and twenty-six different industries taught, every student, man or woman, having to learn a trade in addition to his or her studies in the class-room. The men learn printing, carpentering, bricklaying (in which they have become so competent that they turn out a hundred thousand bricks of superior quality a month), and various agricultural processes. The women learn plain sewing, dressmaking, cooking, ironing, and all about dairy work and poultry, horticulture, which is now a special feature at Tuskegee, five thousand pear trees being grown on the farm. They have a market garden which they have planned and made themselves. They have constructed a cold farm house, doing the carpentry work themselves. They keep an account of the expenses incurred in raising and amounts realised from the sale of all vegetables. A nurse-training department has lately been established, and there is now a Kindergarten in the College. A savings bank has been founded on the grounds, and a school Post Office recognised by the State and responsible to the Government. A newspaper is also issued every month.

Such is the work done by Mr. Booker T. Washington, single-handed, in the face of enormous odds, without a glorious past to look back upon as an incentive which more ancient nations can boast of. His influence at present is so great and universal that he is liked by all, both black and white. We read some time ago in the newspapers that the President of the United States invited him to the White House—"an unprecedented event—a revolution in the States where, a short time ago, no white man would have touched the hand of a negro without thinking himself defiled by this contact". Harvard University has honoured him with the degree of Master of Arts. In travelling through Europe, he has drawn crowds of appreciative audiences. A life such as this teaches a lesson to all of us. If it is one full of honours, the honours have been well earned, after patient toil and suffering. Mr. Washington might have chosen another career in which

he might have shone perhaps better in the estimation of some, but he chose first of all to raise his people, to qualify them for the great task lying before them. With himself he has raised his own countrymen also immeasurably, and set to them, as indeed to all of us who care to study his life, an example worthy to be followed. One word to our own countrymen, and we have done. We have in our midst in India men who have devoted their lives to the service of their country, but we make bold to say that the life of our hero would perhaps rank higher than that of any British Indian, for the simple reason that we have a very great past and an ancient civilization. What, therefore, may be and is undoubtedly natural in us, is a very great merit in Booker Washington. Be that, however, as it may, a contemplation of lives like this cannot fail to do good.

*Indian Opinion*, 10-9-1903

### 153. INDENTURED LABOUR

In reply to the question put by the Honourable Mr. Jameson in the Legislative Council, the Prime Minister has informed him that the papers relating to the question of the compulsory repatriation of indentured Indians, being confidential, cannot be published, and that correspondence is still going on between the two Governments. This statement goes to show that the Indian Government have not yet consented to the compulsion clause. If so, Mr Chamberlain's remarks, which we printed in last week's issue, are premature, and based on insufficient information. At the same time, there no doubt that the Indian Government have at least lent a willing ear to the proposal of the Natal delegates. We can only hope that the public opinion in India, and also in England, would make it impossible to sanction the insertion in the indentures of a clause which is admittedly unjust and unfair. Better by far, said the late Mr. Saunders, to stop further immigration than to take what you can out of the poor men, and then to send them away.<sup>1</sup>

*Indian Opinion*, 10-9-1903

<sup>1</sup> Report of the Immigration Commission.



### 154. ORANGE RIVER COLONY

Mr. Francis Lazarus, described as “an Indian born in Durban, aged 27 years”, has applied to the Resident Magistrate at Bloemfontein for permission to reside in the sacred Colony of the Orange River, and to be engaged as a photographer’s assistant. The public of Bloemfontein are notified that they may file their objections to the application within 30 days of the notice. At the expiry thereof, the Magistrate will have to send the application to the State President, now the Lieutenant-Governor, who may either decide to grant the applicant the “privilege” of residence, or appoint a commission of inquiry—for such is the value set upon the privilege by the State—as to the question of granting the application. And then, if the decision is in favour of the applicant, he may be a proud resident of the Colony which is miscalled British. We may note that the nett result of the formalities is merely the right to reside in the Colony, without the right to own fixed property, to trade or to farm. The residence, of course, is to be confined to Locations, unless the applicant is a domestic servant, and as such, resides with his master. When the war broke out, we were among those who assured the sceptical Indians that the bonds of the British Indians in the two Republics would fall with the close of the war, and we were able to silence any misgivings by pointing to the fact that, as the Indian disabilities were one of the causes of the war, a successful end of the latter was bound to bring about the end of the former also. For the time being, however, the sceptics have triumphed, and anti-Asiatic legislation in both the Colonies is doing its deadly work among our countrymen. When will Mr. Chamberlain wake up?

*Indian Opinion*, 10-9-1903

### 155. PERSEVERING POTCHEFSTROOM

The Chamber of Commerce at Potchefstroom seems to be very jealous of the British Indian traders in that Township. Not being satisfied with the decision of the Magistrate with reference to the recent prosecution against some hawkers in connection with their residence, they have now decided to collect evidence so that they may find out whether or not there was a Location set apart by the old Government, and they have, therefore, resolved to apply for

permission to examine the old records. The Chamber of Commerce at Potchefstroom, if the report we publish elsewhere from the *Rand Daily Mail* is correct, would go “one better” than the gentlemen at Boksburg. The attitude of the Chamber betrays want of confidence in the decision of the Magistrate, and they, therefore, propose to sit in judgment upon that decision. They have also promoted a petition, signed, so we are told, by ninety-six traders, which requests the Chamber’s influence in preventing the further issue of licences to British Indians, and particularly to “one Patel, opening on the Burgher Right Erven”. We venture to remind the petitioners, as well as the Chamber, of the fact that the issue of all the British Indian licences is now regulated by the Bazaar Notice, and that it would be hardly constitutional for the Chamber to go outside that Notice in order to harass the poor traders. We use the word “harass” advisedly, because, as we have shown before, the Notice in question grants precious little to the British Indians. All the new license-holders are, in accordance with it, under notice to remove to Locations; nor are any of these licences transferable from person to person. Would the influential members of the Chamber of Commerce at Potchefstroom deprive the British Indian traders even of what little remains to them under the Notice?

*Indian Opinion*, 10-9-1903

### 156. JAPANESE QUARANTINE

The alert enterprise of Japan has long been the admiration of the world. In its quarantine regulations, it equals, if not surpasses, Western countries. A writer in the *Medical Record* says that the Japanese quarantine rules are strict, for the Chinese and Korean pestilence centres are only two or three days’ distance by steamer, and Japan has much commerce with the mainlands

On entering a Japanese harbour, a steamer is met by a boatload of quarantine doctors. Their launch is equipped with microscopes and apparatus for making bacteriological examinations. Each of the doctors is able to speak at least one foreign tongue, so that English, French, German, Russian and Chinese, indeed, people of all nations, can be examined in their own languages.

All the passengers and the members of the crew are lined up on deck, called by name and checked off on the list. While this is going

on, the physicians pass along the line, feel every man's pulse, make him put out his tongue, and if he shows signs of illness, they produce thermometers and take his temperature.

Nothing escapes the doctors. It is useless to try the old trick of sending a man round the deck-house to be counted twice, for every man not present must be accounted for and examined wherever he is on duty while the count on deck is going on.

Men who have symptoms of illness are set aside and examined. The doctors show proficiency in the latest methods of diagnosis.

So carefully are the quarantine regulations observed, that the crew is inspected even on a vessel going from one Japanese port to another

*Indian Opinion*, 10-9-1903

### *157. THE DEALERS' LICENCES ACT REDIVIVUS: II*

The decisions of the Town Councils of Newcastle and Durban are a warning to the British Indian traders in Natal of what is in store for them in January next when licences will have to be renewed. As the events of 1898 bid fair to be repeated in all their ugliness during the coming year, it might be as well to recall the incidents connected with the Indian licences during that year. It was the Newcastle Town Council which led the way then, and perhaps, quite by accident, it leads the way now. In 1898, as we have already said in a previous issue, all the Indian licences were, in the first instance, refused by the Licensing Officer at Newcastle. Counsel had to be engaged by the aggrieved storekeepers at a heavy fee, with the result that six out of nine licences were ordered to be renewed by the Town Council. The matter, it will be remembered, went to the Privy Council in order to test the question as to whether the Supreme Court of the Colony had appellate jurisdiction over the decisions of Town Councils under the Dealer's Licences Act. The then Chief Justice said that the Supreme Court had jurisdiction. The Privy Council, however, decided against the British Indian contention. The appeal cost the community over £600. The upshot, however, was that Mr. Chamberlain felt, as also did the legislators, that the deprivation of the right to appeal was a serious mistake, and the Government issued circulars to the Town Councils and Local Boards saying that unless they exercised their powers in a judicious and reasonable manner and respected vested rights, the law

might have to be re-considered. This had the desired effect for the time being, and up till now, except in the country places and isolated places, no difficulty was experienced as to renewals of licences. Some of the Town Councillors in Durban did not hesitate to express their disapproval of the Act, and the manner in which discretion was exercised by the Licensing Officers. Mr. Collins was one of them. Mr. Labistour, the present Attorney-General, when he was in the Town Councils, made some strong remarks, and said that the Town Councils were called upon to perform a "dirty work" in that they were expected tacitly to refuse licences merely on the ground of colour, and suggested that, if the Legislature wanted such work to be done, it ought to have had the honesty to legislate in that direction, and not leave the Town Councils to do it. Now, however, the effect of the circular in question seems to have been entirely destroyed. The position is very serious, and would require all the energy that the Indian community can put forth in order to avert a disaster. Mr. Chamberlain, when he was in Durban in December last, was pleased to say that the Indians already settled in the Colony were entitled to fair and honourable treatment. Sir Albert, in confirming Mr. Chamberlain's view, went so far as to admit that the Dealers' Licences Act was faulty, in that the right of appeal had been taken away.

We have said times without number that the Town Councils may fairly regulate the issue of dealers, licences in view of the popular prejudice, but it certainly ought not to be done capriciously, nor should the objection be based on the sole ground of colour. If the stores are not in keeping with the surroundings, the Town Council might say so and insist on suitable premises being built. If there is anything wrong with the applicant himself, he might be called upon to remedy the defect. But after all the reasonable requirements have been fulfilled, we consider it a very serious injustice that any man should be prevented from trading because he does not wear a white skin. And it would hardly be called fair and honourable treatment to deprive innocent traders of their living by a stroke of the pen. The remedy for the evil, in our opinion, lies solely in giving to the Supreme Court the jurisdiction which, we contend, has been unconstitutionally taken away from it. It is a matter for thankfulness that the highest Courts of Justice throughout the British dominions are always pure, and the meanest of British subjects can rely upon getting fair decisions without favour or prejudice. These courts are the sheet anchor of the liberties of the people, and until the legislature restores

to our Supreme Court the power of reviewing decisions of the Town Councils sitting in appeal over Licensing Officers on merits of each case, there will be no rest for the Indian traders, and the attitude of the legislature will always stand condemned in the estimation of lovers of justice and fair play.

*Indian Opinion*, 17-9-1903

### 158. COMPULSORY REPATRIATION

Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and, feel convinced that many who now advocate the plan, when they realise what it means, will reject it as energetically as I do. Stop Indian immigration and face the results, but do not try to do what I can show is a great wrong. What is it but taking the best of our servants (the good as well as the bad), and then refusing them the enjoyment of their reward? Forcing them back (if we could, but cannot) when their best days have been spent for our benefit. Where to? Why, back to face the prospect of starvation from which they sought to escape when they were young—Shy-lock-like, taking the pound of flesh, and Shylock-like, we may rely on it meeting Shylock's reward. Stop Indian immigration, if you will; if there are not enough unoccupied houses now, empty more by clearing out Arabs and Indians who live in them, and who add to the productive and consuming power of a less-than-half-peopled country. . The Colony can stop Indian immigration, and that, perhaps, far more easily and permanently than some 'popularity seekers' would desire; but force men off at the end of their term of service—this the Colony cannot do—and I urge on it not to discredit a fair name by trying.

These are the words of the late Mr. James R. Saunders, who uttered them with all the responsibility on his shoulders of Commissioner to investigate the question of Indian immigration, and what was true in the year 1887 is equally true today, for Mr. Saunders took up the highest platform, namely, that of right and wrong, and we question very much whether the idea of right and wrong has changed very much within the last sixteen years. With some people it may have, owing to selfishness or other reasons; but these were carefully examined by Mr. Saunders in 1887, and he could not come to any other conclusion than that compulsory repatriation could not be

resorted to by a British Colony. What are we, then, to think of the attempts that have been lately made and repeated by the Natal Government to bring about the forced return of indentured Indians to India after the expiry of their indentures? We hope against hope that there is some mistake made by Mr. Chamberlain when he made the statement that the Indian Government had accepted the proposal made by the Natal Government.

When, in 1894, the first Commission on behalf of Natal went to India to persuade the then Viceroy, Lord Elgin, to accept the principle of compulsory return, while declining to entertain the proposal in the form in which it was submitted, His Lordship said:

I should myself have preferred the continuance of the existing system, under which it is open to an emigrant at the termination of his period of indenture to settle in the Colony on his own account, and I have little sympathy with the views that would prevent any subject of the Crown from settling in any Colony under the British flag; but, in consideration of the feeling manifested in the Colony of Natal towards Indian settlers, I am prepared to accept the proposals, A to F, set forth by the delegates in the memorandum of 20th January, 1894, subject to the following provisions, viz.: (a) That a coolie, when first recruited, shall be required by the terms of his contract, to return to India within, or immediately on, the expiration of the period of his indenture, unless he may prefer to re-enter into a further indenture on the same conditions. (b) That such coolies as may refuse to return should not, in any case, be made subject to penalties under criminal law. (c) That all renewals shall be for a period of two years, and that a free passage should be secured to the immigrant at the end of the first term for which his engagement is made, as well as at the end of every subsequent renewal.

We note that, following up Lord Elgin's suggestions, a £3 tax was imposed on all who did not wish to return or to re-indenture, and that is the state of the law at present. It was expected at the time the law was passed that the Indian Government would not go any further than Lord Elgin thought fit to do. Lord Curzon is credited with unsurpassed strength of will and firmness of purpose, and also with a desire to protect the interests of those over whom he is appointed as guardian. He has shown all these qualities in connection with the proposed grant by India towards the payment of Mr. Brodrick's South African garrison. We have, therefore, every reason to hope that, although, in this instance, it is the interests of the dumb coolie, he will not be less eager to extend his protection.

Mr. Chamberlain's despatch to Lord Milner, in connection with the proposal to introduce 10,000 indentured Indians into the Transvaal, raises a suspicion that the Viceroy may think that if he could secure better treatment for free Indians in the Colony, he might yield to the wishes of the Natal Government regarding indentured labour. We, therefore, hasten to clear the point as emphatically as possible, and we think we do but voice the universal Indian sentiment when we say that there is not in the Colony a free Indian who would agree to buy better treatment at the expense of his indentured countrymen. After all, the free Indian is in a position to look after himself. He can wait for better treatment until the Colony has veered round, or the Imperial Government has asserted its position in matters of Imperial policy. But the indentured Indian, even as it is, is practically helpless. He comes from India in order to avoid starvation. He breaks asunder all the ties, and becomes domiciled in Natal in a manner that the free Indian never does. To a starving man there is practically no home. His home is where he can keep body and soul together. When, therefore, he comes to Natal and finds that he can, at any rate, have no difficulty as to feeding himself, he quickly makes of it a home. The associations he forms in Natal among his own class are to him the first real friends and acquaintances, and to expect him to break that home is nothing short of cruelty. We have, therefore, no hesitation in saying that an Indian with any humane feelings, and any sense of common tie and common blood, would simply decline to have his position bettered at the price which may be asked by the Natal Government.

*Indian Opinion, 17-9-1903*

### *159. PREJUDICE WITH A VENGEANCE*

We are constrained once more to revert to the vexing Plague Restrictions on British Indian refugees wishing to enter the Transvaal. Although there is absolutely no plague in the Colony, and there has been a long interval between the last case of plague and now, the Transvaal Government, in their eagerness (?) to save the Colony from the introduction of the disease, continue the prohibition against British Indian refugees. We have often remarked that there is about this cruel embargo not the slightest sense of justice, and the sooner the Transvaal Government see their way to allow the refugees (hundreds of whom are dependent on their friends) to return to their homes, the

better it would be for them as also for the refugees. Lord Milner was pleased to say to the British Indian deputation that the Government had no prejudice whatsoever against the Indians. We wonder what answer His Excellency would give in justification of the plague embargo.

*Indian Opinion*, 17-9-1903

### 160. INDIAN ART

*The Times of India* weekly edition to hand gives a very interesting description of the new palace which is being built at Mysore for the Maharajah. We reproduce portions of it for the edification of our South African readers, both European and Indian. The former will be able to realise what Indian art means, and also that India, as is often believed in South Africa, is not a place dotted merely with huts inhabited by savages. To the Indians who have never been in India, it would be a matter of national pride and satisfaction that the enlightened potentate of Mysore is bent on encouraging Indian art, and on reviving it in a most practical form. It will be seen from the description given by *The Times of India* that nearly twelve hundred workmen belonging to families trained to the craft for generations find that their work can be appreciated and prized, at any rate, in Mysore. We wish we could give our readers a reproduction of the fine supplement to *The Times of India*, giving some of the illustrations of the work being done in Mysore. A quotation on Indian art from the late Sir William Wilson Hunter's *Indian Empire* may not be out of place here:

The Hindu palace-architecture of Gwalior, the Indian-Muhammadan mosques and mausoleums of Agra and Delhi, with several of the older Hindu temples of Southern India, stand unrivalled for grace of outline and elaborate wealth of ornament. The Taj Mahal at Agra justifies Heber's exclamation, that its builders had designed like Titans, and finished like jewellers. The open-carved marble windows and screens at Ahmedabad furnish examples of the skilful ornamentation which beautifies every Indian building, from the cave monasteries of the Buddhist period downward. They also show with what plasticity the Hindu architects adapted their Indian ornamentation to the structural requirements of the Muhammadan mosque. English decorative art in our day has borrowed largely from Indian forms and patterns. The exquisite scrolls on the rock-temples at Karla and Ajanta, the delicate marble tracery and flat wood-carving of Western India, the harmonious blending of forms and



colours in the fabrics of Kashmir, have contributed to the restoration of taste in England. Indian art-work, when faithful to native designs, still obtains the highest honours at the international exhibitions of Europe.

*Indian Opinion*, 17-9-1903

### 161. NOTES<sup>1</sup>

JOHANNESBURG,  
*September 21, 1903*

#### THE POSITION UP TO 21ST SEPTEMBER 1903

In none of the cases referred to in the long cablegram sent on the 4th August<sup>2</sup> has relief been yet granted. Non-refugee British Indians required for trade purposes are not allowed to enter the Colony, nor have all the refugees been yet granted permits.

The licensing question still remains where it was, although the time for renewals is drawing near. For those who are in possession of licenses now but who did not trade on the outbreak of hostilities in their respective places, the situation is most critical, as, if they are forced to remove to Bazaars or Locations it would mean practically ruin to them.

The mosque property at Pretoria<sup>3</sup> still remains in jeopardy; the Government have not sanctioned transfer thereof in the names of the trustees.

The embargo on the arrivals from Natal has not yet been taken off, although the Natal Government has declared that the last case of plague was over now nearly a month ago.

The Orange River Colony still closes its doors against the Indians except as labourers, pure and simple, and then only after a great deal of trouble and worry.

These are things which call for *immediate* attention and redress.

*Indian Opinion* of 17th September, 1903 enclosed.

India Office: Judicial and Public Records, 402.

<sup>1</sup> This statement was sent to Dadabhai Naoroji who forwarded it to the Secretary of State for India; *India* published it in its issue of 16-10-1903.

<sup>2</sup> "Cable to British Committee", August 4, 1903

<sup>3</sup> *Vide* "Letter to Colonial Secretary", August 1, 1903.

## *162. THE DEALERS' LICENSES ACT REDIVIVUS: III*

### AN APPEAL TO THE LEGISLATORS

It is with great regret that your petitioners have to record that the fears expressed in the memorial<sup>1</sup>. have been more than realised, and that the judicial interpretation has been against the British Indians in the Colony in a case herein below referred to. Their Lordships of the Privy Council have decided that from the decision of the Town Councils or the Town Boards, there is no appeal to the Supreme Court of the Colony under the above Act. This decision has paralysed the Indian traders. Consternation has seized hold of them, and there prevails amongst them a feeling of insecurity and a nervous fear as to what may happen during the ensuing year. . . . How the next year will open for the Indian traders, your petitioners do not know. Every storekeeper is, therefore, in a state of feverish anxiety. The suspense is dreadful. The large houses, fearing that their customers, small storekeepers, might be refused their licences and, having the only hope they had of securing some check on the licensing authorities taken away from them by Their Lordships of the Privy Council, have become despondent and hesitate to clear their goods.

This was written by the British Indian traders in 1898 and addressed to Mr. Chamberlain in connection with the Dealers' Licenses Act. History has repeated itself this year, and the above prayer may well be addressed, in view of what has passed during the last three weeks, to the legislators of the Colony.

Let us clear the way by at once making an admission for the sake of agreement, conciliation and yielding to the wishes of the Colonists, namely, that some restriction should be placed on traders' licences. Mr. Ellis Browne, in his now famous Bazaar Notice, dealt with the question of insanitation, and undue competition on the part of those who did not live as lavishly as the European traders. We will, for the sake of argument, assume that there exists undue competition, and that there is a great deal of insanitation amongst the British Indians, and that these two evils ought to be remedied by some legislation. That agreement being arrived at between the Europeans and the Indians residing in the Colony, the question is: How should the end be achieved?

The Europeans responded in 1897 by passing the Dealers'

<sup>1</sup> "Petition to Chamberlain", December 31, 1898.

Licenses Act. Then followed an interval. It was recognised that the Act was too drastic, and its operation was tempered with a large amount of discretion, reason and justice. Now, however, there seems to be a reaction, and the Act is to be enforced, if the decisions lately given by the Newcastle Town Council and the Durban Town Council are a fair index, to the fullest extent without regard to right or wrong. As against this, the position taken up by the British Indians is, in our humble opinion, unanswerable. The Act is, in its present form, manifestly unjust. In taking away the jurisdiction of the ordinary Law Courts of the Colony, it strikes at the very foundation of the principles of the British Constitution. It gives extraordinary powers to men whose interests are in conflict with those of the applicants for licences who may appear before them, and it enables them to appoint an officer (the Licensing Officer) who holds practically the livelihood of poor men in the palms of his hands, one who cannot give an unbiased, disinterested, and fearless judgment. The British Indians then say: 'Take away all this from the Licensing Act. Define, as nearly as possible, the powers of the Town Councils and Local Boards. Deal with insanitation ruthlessly, and insist on suitable buildings—dwellingrooms separate from stores, proper book-keeping, etc. But after you have your requirements fulfilled, let the applicant feel certain that he will receive his licence, whether it is a new licence or whether it is merely a renewal. Let the Licensing Officer be not merely a creature of the Town Council, but an independent officer, who will be able to give his decision on the merits of each application, and, with certain well-defined reservations, let there be an appeal from the decisions, either of the Licensing Officer or of the Town Councils, to the Supreme Court.' There will then be no opposition from the Indians. Not that any opposition from the Indians is worthy of consideration by the legislators, still we state it as a fact for what it may be worth. Anyhow, there will be no injustice. The law will be capable of being understood by outsiders, and those who may be affected by it will know exactly what their position is.

This is what Sir Walter Wragg said in connection with the appointment of Licensing Officers:

It has been suggested to the Court that an officer so appointed must have a certain amount of bias in his mind because he was an officer permanently under the Town Council and must be in the Council's confidence. His Lordship was not going to decide the matter on that point, but he could quite see that the

Licensing Officer should be some person who was not in the Town Council's service and who was not in the confidence of the Council.

How the powers vested in the Town Councils have been abused in the past will be clear from the following remarks made by Mr. Justice Mason, who then adorned the Natal Bench. In the course of proceedings in appeal filed on behalf of the British Indians:

He 'considered the proceedings under appeal were a disgrace to the Town Council, and he did not hesitate to use this strong language. He considered, under the circumstances, that it was an abuse of words to say there had been an appeal to the Town Council.'

The present Attorney-General, when he was a member of the Town Council, gave vent to the following sentiments:

He 'had purposely refrained from attending the meeting owing to the anomalous policy pursued in appeals of that kind. He disagreed with the dirty work they (the Councillors) were called upon to do. If the burgesses wished all such licences stopped, there was a clean way of going about the matter, namely, getting the Legislative Assembly to enact a measure against the granting of licences to the Indian community; but sitting as a Court of Appeal, unless there were good grounds to the contrary, the licences should be granted.'

Dealing with the question of deprivation of the jurisdiction of the Supreme Court, and the decision of the Privy Council on the Act in question, *our* contemporary, *The Natal Advertiser*, expressed its opinion as follows:

We can only say that we deeply regret the decision (of the Privy Council) . . . . It is an Act which might have been expected from the Transvaal Raad. That body in the Aliens Expulsion Law has outstepped the jurisdiction of the High Court, and our readers will remember the outcry raised about it in the Colonies. But it is not one whit worse than this Act; indeed, if there is any difference, ours is worse, because it is likely to be much more frequently enforced. It is absurd to say that the Act would not have been effective if right of appeal to the Supreme Court had been allowed. Surely, that body could be trusted to exercise common sense.... Far better, indeed, that in one or two cases, the latter (the desire of the Municipalities) should have been overruled than that the principle should be laid down in a self-governing community under representative institutions, that, in any case affecting the rights of the citizens, recourse to the highest judicial body in the State should be deliberately debarred.

We hope we have thus shown from the mouths of the

responsible Colonists how far the objection recited above has been held just by them.

We, therefore, appeal to the legislators, and the Colonists in general, to set themselves right without any pressure from Downing Street in a matter of such vital importance, especially because what they want to do can be done in a far less offensive manner, unless the intention is really to root out every Indian trader from the Colony, whom, Sir James Hulett only last week, in giving his evidence before the Labour Commission of the Transvaal, has described as a benefit to the Colony. Mr. Ellis Browne, also, was pleased to say that the intention was not to offend the feelings of the Indians nor yet to root them out, but to do justice and to recognise vested rights. We hope that, in uttering these sentiments, he has voiced the general Colonial feeling. If so, our appeal is, in our humble opinion, fair, and it ought to receive the consideration it deserves.

*Indian Opinion, 24-9-1903*

### *163. THE LABOUR QUESTION IN THE TRANSVAAL*

The Labour Commission, which has been sitting at Johannesburg in order to inquire whether there is a sufficient supply of labour in Africa for the development of the Transvaal, is now drawing to a close. The Commissioners, who went out to the East to find out whether Chinese labour is available, are due to return some time this week. That the Commission will find that the labour supply available in Africa is inadequate for the demand, is a foregone conclusion. That importation of Asiatic labour, and most likely Chinese labour, would be then decided upon, may also be taken for granted.

The question, therefore, affects the British Indians residing in the Transvaal to some extent. The British Indians already know, to their cost, how the status of independent Indian settlers has been very much mixed up with the question of importation of indentured Indians. The Transvaal Government, as it were by prophetic vision, have prepared us for further confusion. In the Transvaal, the most specific term "British Indians" has given place to the more general term "Asiatics" It is "The Department of Asiatic Affairs", "Asiatic Supervisors", and "Asiatic Bazaars". The importation, therefore, of the Chinese will, if only indirectly, prejudice the Indian cause. Be that, however, as it may; for the present, we propose to examine the

question from the Chinese standpoint, and on broad general principles.

We have already said that, in thinking of the importation of the Chinese, the millionaires and their supporters in the Transvaal forget the native of the soil entirely, and forget also the interests of the future generation of white settlers. Bad enough, however, as the position is from these two standpoints, it is infinitely worse from that of the poor people, who would be imported into the country under most galling terms. The millionaires, in their eagerness to add to their millions, and others in their rush to become suddenly rich, do not even consider it necessary to give a passing thought to the fact that the Chinese, much abused as they are, have some claim as their fellow-human beings on their attention. And we make bold to say that the mere fact of their agreeing to conditions that may be imposed on their arrival would not, in any degree, lessen the awful responsibility of those who would make them. According to the British laws, there are some contracts which are void or voidable even though the contracting party may have given the necessary consent. For instance, those entered into by minors, or married women. If a ruffian were to present a loaded revolver at a man and say, "Your life or your signature", and if the latter gave the signature, the law steps in and says it is of no effect whatsoever. If any undue influence is used in obtaining the ratification of a contract, it is also void. A starving man giving away all his possessions and all his liberties would be allowed to recall them as soon as he wished to, and we have no hesitation in saying that, in spite of all the elaborate preparations that might be made to explain the nature of the indentures that might be offered to the Chinese, and in spite of their assent thereto in the presence of big officials, it would be morally, at any rate, if not legally, undue influence, for we cannot conceive the possibility of a free human being willingly agreeing to the terms such as those proposed at the various meetings that have recently been held in the Transvaal.

The labourers will be expected to enter into a contract of service for a term of years, at the end of which they would be forced back to the place where they came from. In the Transvaal, they are to be confined to Compounds, and they will not be allowed to use their brains, or their pens, or the brush, or the chisel. All they may use would be the shovel and the spade. We have hitherto been accustomed to think that the natural abilities of a man would be

allowed to have full play when coming in contact with a type of men other than himself, but the poor Chinese will not be able to do anything of the kind, and it is no earthly use whatever for him to find out after his arrival that he would be able to earn, for instance, in cabinet-making, as much in one hour as he would as a mining labourer in eight hours. He must allow his intelligence to be dwarfed, and be content to remain an unskilled labourer, pure and simple. This we consider to be totally indefensible and unjust. The pity of it all is that, after creating such an artificial situation, the Colonists would grumble if the "Heathen Chinese", as he is called, turns out to be a moral leper, resorts to all kinds of make-shifts in order to throw off his yoke, and by hook or by crook endeavours to make use of his abilities which he may have inherited from his ancestors. The mining industry is undoubtedly the mainstay of the Transvaal, but the Colonists may be buying its development too dearly. Nor is it at all contended that it will come to a standstill without the supply of labour from outside sources. Sir George Farrar, at the great meeting held some months ago at Boksburg, (which, in spite of his eloquence and persuasive powers, by an overwhelming majority very rightly rejected his proposal to introduce forced Asiatic labour) compared the mines to "treasure chests". The gold locked up in those chests is not going to rust away for want of labour. Why not, then, keep some of these chests locked up for the use of the future generations? Why should they be forced open for the benefit of the few at the sacrifice of everything else?

Ours, we know, is a very insignificant voice in the wilderness. All the resources of the White Leagues seem to be proving absolutely ineffectual against those of the magnates who are determined upon bringing 200,000 Chinese. So far, however, these gentlemen have taken up, if we may venture to say so, a low standpoint of selfishness. May we not appeal to them to add to their mode of propaganda, and strengthen their position by defending the defenceless and the voiceless also? Let us make it perfectly clear that, in making our appeal to them, we do not wish to be understood as advocating the free immigration of Asiatics. We have said before, and repeat here, that restrictions on immigration will be perfectly justified within reasonable bounds. We believe as much in the purity of race as we think they do, only we believe that they would best serve the interest, which is as dear to us as it is to them, by advocating the purity of all the races and not one alone. We believe also that the white race in

South Africa should be the predominating race, and the gentlemen of the White Leagues will be simply furthering their object by standing on the rock of morality, and saying: "Even if we believe that all those restrictions which are so much talked of can be enforced, and that the Chinese who may be brought here would without difficulty be sent back, we reject them as inhuman and as unworthy of a race that leads other races in civilisation." We would remind them of Lord Macaulay's remark in one of his essays, wherein he says: "We are free, we are civilised to little purpose if we grudge to any portion of the human race an equal measure of freedom and civilisation."

*Indian Opinion, 24-9-1903*

#### *164. MR. STUART THE MAGISTRATE*

On reading Mr. Stuart's minute on an Indian murder case, referred to elsewhere,<sup>1</sup> it gave us pain to remark upon his making political capital out of it. It now gives us pleasure to congratulate our worthy Magistrate on putting his foot firmly down on the serpent of immorality, as he did in the case of a wretched Indian the other day. That is the kind of proceeding which would appeal forcibly to the delinquents against the morality law. We hope that the Indians would endorse the action of the Magistrate by visiting the man with such ostracism as the Indians alone know how to do. Such men as the culprit are a curse to society, and do infinite harm to a community which has the misfortune to own them. The biter has been well bit this time, and we are glad that Mr. Stuart has imposed the maximum penalty of the law.

*Indian Opinion, 24-9-1903*

#### *165. MR. STUART IN A NEW ROLE*

The correspondence between the Colonial Secretary and the Governor of Natal, published by the *Mercury*, has been in our hands for some time; but we have been loath to publish it, as we thought it would do no good. For, it is not isolated cases of hardship which constitute the grievance of the Indian, but the studied manner in which he is being degraded and deprived of the means of living. We have always held that the Indian gets as good justice as any other in the

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



Courts of Justice, especially the higher. But as the correspondence has been published, some remarks are inevitable. And it is very distressing to find Mr. Stuart occupying the role of a special pleader and sensationalist, instead of the cool, unbiased magistrate that he generally is. He has, in our opinion, unnecessarily given a political aspect to a simple case of murder, which was referred to him for inquiry. Note Mr. Stuart laying stress on the Indian advocate defending the case of the accused, the Indian community not co-operating in giving information—as if only it could give same, and as if it knew the culprit. Henceforth, according to Mr. Stuart, if there is an Indian murder, and if the murderer is not traced, the 70,000 Indians in the Colony are to be blamed it is their province, and not of the police, to find out the murder[er]! May we correct Mr. Stuart and inform him that “Mr.” Bhownaggee is a knight, and therefore Sir Mancherjee? The informant of the worthy knight may be a local newspaper, in which case it would be easy for our amiable A. A. M.<sup>1</sup> to find out the correspondent, and take his deposition.

*Indian Opinion*, 24-9-1903

#### 166. LOCATION LAW OF THE TRANSVAAL

The current issue of the *Government Gazette* of the Transvaal gives a list of the Indian Locations surveyed and appointed by the Government. The outlook is bleak for our countrymen in that Colony. The ex-Colonial Secretary has said more than once that the whole question was engaging his attention. Lord Milner says the Bazaar Notice is only tentative. Either, therefore, the Government of the Transvaal propose to ignore Lord Milner, or are unjustifiably wasting public money over a matter which has yet to be finally decided. Lord Milner has very adroitly remarked that one of the three things in which the present Government are granting relief not granted before is in laying out Bazaars. In naked terms, whereas the Boer Government did not remove the Indians to Bazaars, Lord Milner proposes to do so. The Government have “gone one better”, and have already mapped out Locations. And yet Lord Milner takes the Indians to task for saying that they are being worse treated now than before, during the old regime. Oh! for a little consistency!

*Indian Opinion*, 24-9-1903

<sup>1</sup> Acting Assistant Magistrate.

### 167. A THREE-BARRELLED RESIGNATION

Mr. Chamberlain, Lord George Hamilton, and Mr. Ritchie<sup>1</sup> have resigned. This is a veritable thunderbolt. At a time like this, we cannot but think that the withdrawal of the strongest and most masterful minister from the Cabinet is a serious misfortune. No man in the Empire at present knows so well as Mr. Chamberlain the intricate questions that still await solution in South Africa. The work of destruction is finished, but that of reconstruction, which is, after all, far more difficult and far more important, can hardly be said to have commenced. It is, therefore, a matter of no little difficulty that Mr. Chamberlain has thought fit to give up his position, and the Premier will find it almost impossible to replace him at the Colonial Office. To the British Indians, the uncertainty of their position becomes still more uncertain. Mr. Chamberlain has studied, though not as fully as we would have liked, the British Indian question in South Africa. We have become more or less familiar with his views. His despatch to the Federal Ministers in Australia on the employment of Lascars as seamen has placed the question on the Imperial platform, but now we are face to face with, perhaps, a revision by the Colonial Office of the situation. Lord George's resignation, also, and the fact that Mr. Brodrick (who has made himself so thoroughly unpopular in India by his proposal to tax her for the sake of keeping up a large garrison in South Africa) is to succeed him, are ominous signs. Let us, however, hope that Mr. Brodrick, on taking up his new portfolio, will think more of India than he has been hitherto known to do.

*Indian Opinion*, 24-9-1903.

### 168. SIR J. L. HULETT AND INDIAN TRADERS

Sir James Hulett has given some very interesting evidence before the Labour Commission, now sitting at Johannesburg, to enquire into the question of the African supply of labour for the Mines. We copy elsewhere from the Johannesburg *Star* of the 15th instant Sir James' evidence before the Commission. We venture to offer our congratulations to the Honourable Gentleman on having spoken out boldly in favour of the much abused Indian trader. It is, however, a sign of the

<sup>1</sup> Chancellor of the Exchequer.

times that, in spite of holding views flattering to the Indians, he can reconcile himself to the idea of putting legal disabilities on their enterprise and compulsorily repatriating indentured Indians who, in his opinion, have evidently saved the Colony from ruin, and who are to this day indispensable for its prosperity. Speaking of the traders, Sir James said, in reply to Mr. Quinn:

The Arabs were limited, and were traders almost entirely. The ordinary small trader could not compete with the Arab. The retail Kaffir trade of the Colony was practically in the hands of the Arabs. In the country districts, witness had no objection to this, because he thought the ordinary young white man or woman could do something better than looking after country Kaffir stores. The Arab's wants, were less than the ordinary white man's wants. They sold at a smaller profit and, to a certain extent, they dealt fairer with the natives than the European traders, who, at the country stores, desired to make such large profits.

In answer to Mr. Evans, he said that

he did not think that the importation of Indians had been harmful to Natal. Without it, there would have been no cultivation, and hardly any population in the coast ports. The whole cultivation depended on a plentiful supply of labour.

*Indian Opinion, 24-9-1903*

### *169. THE MILLIONAIRE AND THE INDIAN GOVERNMENT*

Sir George Farrar's wrath has descended upon the Indian Government and the Colonial Secretary for daring to insist upon less than half of the rights of the British Indians, as such, in the Colony of the Transvaal before they would think of lending Indian labour to the Colony for the development of its resources; and, with the weight of millions that Sir George can bring to bear on any problem he may handle, we do not know what effect it would have upon the objects of his indignation. Intimately connected with, and being dependent for his millions upon, the mining industry, Sir George's position is quite capable of being understood. With a money-making man, the end very often justifies the means. Following up that doctrine, it matters little to Sir George, and the other mining magnates, how the source of their wealth is to be fed, and to them, from such a point of view, if anyone offers any opposition, just or otherwise, he is a man to be silenced somehow or other. Sir George must have been in some such

mood when he uttered the following words before the monthly meeting of the Chamber of Mines held in Johannesburg on the 17th instant:

It was with a view to relieving this tension that it was suggested by your Chamber that the Government should import indentured coolies from India for the purpose of new Railway construction. After some time, the reply of the Secretary of State for the Colonies was laid on the table of the Legislative Council. I feel it my duty to refer in strong terms to the attitude taken up by the Indian Government, endorsed by the Secretary of State for the Colonies. Whilst feeling strongly our position as a fellow-unit with India in the British Empire, yet we are forced to consider the welfare of the white population in this Colony. We have already offered a labour market to the people of overpopulated India, who could but benefit by the wages taken home by these labourers at the end of their contracts, but we consider that it is the right of the people of this country to decide whether they will allow this country to be overrun by Indian traders, free to compete and settle in a country which we hope some day will be wholly a white man's country. We give to our fellow-subjects in India the right to trade in bazaars, and in this way we consider that the Government have made a generous concession, and in return we certainly do not expect, when we have pledged ourselves to a contribution of 30 millions towards the cost of the South African war, the interest of which we are only able to pay out of the results of our industrial prosperity, that the Indian Government should be so short-sighted as to refuse to help us to meet our obligations incurred in the interests of the Empire of which India is a portion.

*Indian Opinion, 24-9-1903*

170. LETTER TO P. S. TO LT.-GOVERNOR TRANSVAAL

BRITISH INDIAN ASSOCIATION,  
P. O. BOX 6522,  
JOHANNESBURG,  
*September 25, 1903*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

As the end of this year is drawing near and the position of the British Indians is undefined, and as the existing licences held by old *bona-fide* residents of the Transvaal are in danger in view of Notice 356 of this year, and as the working of that Notice has already caused serious inconvenience to the community represented by my Association, I have been desired by my committee to approach His Excellency with a view to inquire whether he Will be pleased to receive a small deputation and grant a hearing on the general question in so far as immediate relief is required.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANI

CHAIRMAN, BRITISH INDIAN ASSOCIATION

Pretoria Archives: LG. 92/2132 Asiatics. 1902-1906

171. THE DEALERS' LICENSES ACT REDIVIVUS: IV

PROMISE AND PERFORMANCE

Mr. Cressler has let the cat out of the bag and shown the real reason why the mining magnates wish to insist upon Asiatic labour. We now know it is not a question of the impossibility of getting white labour at a paying rate, but it is that of the white labourer becoming, in course of time, master of the situation and dictating terms to his employers as to wages, period of working and numerous other things, and becoming a strong political factor in the Transvaal. It is, therefore, the old story of the strong and the powerful wishing to retain all the

power to themselves, and shutting out competitors. The fear that actuates the mining magnates is the fear which actuated our legislators in Natal when responsible government was granted. And when the first step they took was to silence the British Indian by depriving him of the right to vote, Sir John Robinson, meaning every word of what he said in reply to the British Indian petition,<sup>1</sup> insisted that their position would be far better without the votes as the House would be taking over a serious responsibility on its shoulders, and would have to see that their liberties were not, in any other respect, curtailed. Unfortunately, that was a promise which had not the force of law. Although, therefore, such a speaker as the then Prime Minister expressed the above authoritative and representative opinion, and, therefore, morally binding on our legislators, the performance has been quite contrary to the promise which Sir John so generously made. The Immigration Act and the Dealers' Licenses Act followed closely on the heels of the disfranchising Act. It is, however, the latter on which we wish to lay the utmost stress, as it is a law which affects the well-being of those who have already settled in the Colony, and to whom it is an everpresent danger. We have already dealt with the different ways in which that Act has injured British Indian interests. We reproduce elsewhere the petition<sup>2</sup> to which we referred last week. It deals exhaustively with the working of the Act, and is very reasonable in view of the activity shown by the Durban and Newcastle Town Councils. What we fail to understand is the tenacity with which the Town Councils cling to the most objectionable portion of the Act, namely, the deprivation of the jurisdiction of the Supreme Court over their decisions in regard to the granting of dealers' licences; for, as we have already shown, the object they had in view can be easily and equally well served without recourse to what has been proved to be an unconstitutional procedure. We cannot do better than quote from the *Times of Natal*, as it admirably expresses the Indian opinion:

By all means make them (Indian traders) adhere to the strictest sanitary regulations, keep their books in English, and otherwise do as English traders do, but when they have met these demands, give them justice. No honest thinking man can say that the new Bill (referring to the Dealers' Licenses Act) gives these people justice, or the community justice, because it puts into the hands of interested parties the power to push out competition which is

<sup>1</sup> *Vide* "Guide to London", 1893-94

<sup>2</sup> "Petition to Chamberlain", December 31, 1898.

beneficial to the multitude, and enables these interested parties to fill their own pockets.

This was written in 1898, and what was true then is doubly true today after the experience the British Indians have had of the working of the Dealers' Licences Act now for the last seven years. Unless prejudice has entirely blinded the sense of justice of the Colonists, it is simple enough to recognise that the utmost uncertainty which hedges round every Indian licence owing to this Act should be removed, and that after the requirements, no matter how severe they may be, are fulfilled, the applicant ought to be allowed to feel certain as to his position. And until this elementary measure of fairness is meted out to the British Indians, there can be no rest, and it is the clear duty of our countrymen to persistently agitate, so that the desired amendment may be made in the Act.

*Indian Opinion, 1-10-1903*

### *172. THE JOHANNESBURG INDIAN LOCATION*

About two years ago, it was that Major O'Meara, the then dictator of Johannesburg, with his fine Irish humour, perpetrated on the Johannesburg public a practical joke by drawing up a most sensational report on the alleged insanitary condition of the Indian Location in Johannesburg. He warned the public, in the plainest terms possible, of the grave and immediate danger to health owing to the existence of the Indian Location. The cry was later taken up by Mr. Lionel Curtis and Dr. Porter, two enthusiasts fresh from London. Thinking that they should render the Johannesburg community some signal service and earn their wages as also the gratitude of a certain class of people, they improved upon the worthy Major and condemned some other sites also near the Indian Location, the cry still being that the whole of what was dubbed "Insanitary Area" constituted an ever-present and immediate danger to the lives of the inhabitants of Johannesburg. The Town Councillors, consisting of business men, naturally scented a cheap bargain for the Municipality, and drew up a thundering report for submission to Lord Milner, asking His Lordship to give the Town Council extraordinary powers for the expropriation of what they described as an insanitary area. Lord Milner hesitated a little and effected a compromise by appointing a Commission to inquire into, and to report upon, the

proposition made by the Town Council. The farce was gone through. The Commissioners decided in favour of the Town Council, condemning the area, and advised Lord Milner to give the Town Council the power of expropriation. Thus, Major O'Meara's leisurely report has resulted in the deprivation of the just rights of thousands of inhabitants within the area. If there is any doubt about our statement, we refer the sceptic to the burning words of the late Sir William Marriott, who condemned the policy of the Town Council in no measured terms. Many eminent medical men, also, gave evidence to the effect that the area, which it pleased the Town Council to describe as insanitary, was not more so than many another part of Johannesburg, and that the defects pointed out as existing in that area were common more or less to the whole of Johannesburg. All that, however, was of no avail. The Town Council was determined upon having all that portion of Johannesburg, and Mr. Curtis and Dr. Porter proved valuable agents in accomplishing the object. Nero's fun, however, has only just commenced. The Town Council has entered upon the whole of that area, and holds the inhabitants at its mercy. We read in the Johannesburg newspapers how the claims for compensation are being starved out. We also understand that, danger or no danger, the Town Council proposes at present not to disturb the occupation of tenants and that it would graciously allow the tenants to occupy its premises at the same rental they used to pay to their respective landlords before the 26th of September. If, therefore, there were rack-renters, the Town Council would now have the honour of taking up that role. If there was overcrowding before, and we have it on the authority of Dr. Porter that overcrowding in some parts of the insanitary area was beyond description, then such overcrowding also is to remain, with this difference that whereas, prior to the 26th September, the poor individual landlords were subject to the Town Council regulations as to overcrowding, etc., the Council itself is practically free from any such restrictions. And now that the Council is in possession, the danger to the health of the community has, of course, vanished altogether. Such, also, is the difference between strength and weakness, power and subjection. Two years have elapsed and no epidemic has visited Johannesburg, nor have the inoffensive inhabitants of the so-called insanitary area proved a source of danger in any way whatsoever. That fact is an irrefutable demonstration of the hollowness of the hysterical arguments advanced by Dr. Porter. But the pinch of all this will be most felt by the weakest among the weak,



namely, the British Indians in Johannesburg. It is they whose position is the worst possible. Others will be able to invest what they may receive in respect of their claims in landed property elsewhere in the Transvaal. They will be able to reside where they please. But the Indians are now without either of these rights. The only place in the Transvaal where the Indians held ninety-nine years' leases in their own names was Johannesburg and it was in connection with the ninety-six stands in the Location in question. But now they do not know whether they will be allowed to hold land elsewhere in Johannesburg under an equivalent title. And although provision is made in the Insanitary Area Expropriation Ordinance for the residence of the people dispossessed on a site very near to the expropriated area, there is entire uncertainty as to where they are to be located. It should also be remembered that most of the Indian population is concentrated in Johannesburg. Our countrymen there have our sympathy, and if the powers that be do not help them, we have an abiding faith in the mercy of the all-wise Providence, who will not forsake them.

*Indian Opinion, 1-10-1903*

### *173. POLITICAL MORALITY*

We dealt last week with Mr. Stuart's report on the enquiry made by Mr. Chamberlain regarding certain cases in Natal. We propose now to deal with the cases of two licences in the Transvaal about which Lord Milner sent a report to Mr. Chamberlain. In dealing with the report, however, we are aware that, if it is at variance with the facts of the case, His Excellency could hardly be held responsible, seeing that he would have to depend upon the statements placed before him by those in charge of the matter in question.

We print below the official version and the true facts as we know them.

#### OFFICIAL VERSION

(1) The Indian in question (Hoosen Amod) was trading in Wakkerstroom in 1899 in premises occupied under lease not in his own name, which lease expired on the 15th July, 1899.

#### FACTS

(1) The report omits to state that the lease was in the partner's name, and that although it expired on the 15th July, 1899, it was renewed, both of which facts were

within the knowledge of the Magistrate.

OFFICIAL VERSION

(2) By the First Volksraad resolution, article No.1072 of the 5th August, 1892, he was prohibited from trading after that date except in the Coolie Location, and on the 15th July, 1899, the Landrost of the district closed the store.

FACTS

(2) The report omits to mention that the resolution was never acted upon in a single instance, that the licence-holder denied that the Landrost ever closed the store, and produced evidence of responsible European residents of Wakkerstroom, one of whom was a bank manager, and the other an officer in the employ of the late Government, showing that the store remained open, at least, up to the end of August, and that he (Hoosen Amod) voluntarily locked it when the exodus from the Transvaal commenced owing to the impending war.

OFFICIAL VERSION

(3) In June, 1902, Hoosen Amod applied to the Resident Magistrate of Wakkerstroom, stating that his lease had not expired. The Resident Magistrate, without making enquiries, granted a licence to trade until the 31st of December, 1902. In November, the Magistrate discovered that the lease had really expired, and that the licence granted had, consequently, been obtained under false pretences.

FACTS

(3) It has been already stated above that the lease had not expired because it was renewed. Therefore, if the charge of false pretences had been brought by an ordinary man, it would have been considered a libel. At the time the Magistrate granted the licence, he had seen the lease in question.

OFFICIAL VERSION

(4) The case of Hoosen Amod did not come within the scope of the principle by which this office had been guided in dealing with the applications of Asiatics for licences to trade, which was to the effect that those who had held licences to trade before the war, and whose trade was stopped by the war either by its outbreak or in anticipation of it, were entitled to a renewal of their licences. Hoosen Amod was not trading at the outbreak of war, and his trade was not stopped by any reason connected with the war.

FACTS

(4) The practice, at the time the question of this licence was engaging the attention of the Government, was that all who traded before the war, whether they closed their business on the outbreak or in anticipation of war, were able to get their licences. Indians who traded in the Transvaal in 1898, or even earlier, were then being granted licences. Instances by the dozen could be produced to prove this. The

applicant urged the contention and brought the fact to the notice of the Government, without avail. Further, if anybody could be said to have closed his store in anticipation of the war, it was Hoosen Amod.

#### OFFICIAL VERSION

(5) Nevertheless, it having been ascertained that the trader has laid in a large stock of goods, and in spite of the fact that this had been done, on the face of a licence acquired by him under false pretences, it was decided to extend every leniency that was possible in the case, and to renew Hoosen Amod's licence, instructions to which effect were issued to the Resident Magistrate at Wakkerstroom in April last.

#### FACTS

(5) The report omits to mention that the Government took four months to find out that Hoosen Amod had a large stock of goods, and that he was practically starved out, his store having been forcibly and illegally closed, there being no statutory Authority for forcible closing of stores, the only remedy open to the Government against persons trading without licence being to prosecute them for a breach of the law, and to fine them.

A few remarks, however, may well be added to complete the story of downright oppression. (The term is not strong enough, in our opinion, to characterise the proceedings to which Mr. Hoosen Amod was deliberately subjected.) He was a resident of the Transvaal for over ten years, and was one of the select few who were favoured by the old Government with licences to trade in their own names. Our readers may be aware that most of the British Indians traded under the Republic either without any licences whatsoever, under the protection guaranteed to them by the British Agents, or under licences taken out by their white friends. The report, naturally, does not mention the fact that even white inhabitants of Wakkerstroom were so disgusted at the treatment that was meted out to Mr. Hoosen Amod that they signed a certificate expressing their opinion that he was fully entitled to a licence. We look in vain, in the report, for a statement to the effect that Mr. Hoosen Amod's was the only Indian store in Wakkerstroom, and that he was largely supported by the European houses there.

We now deal with the other licence, namely, that of Mr. Suliman Ismail in Rustenburg.

#### OFFICIAL VERSION

(1) Suliman Ismail held no licence to trade in Rustenburg at the time of the outbreak of war, but during the British military occupation, he established this branch of his house.

#### FACTS

(1) The report does not give the material fact that the military authorities granted him the licence, enabling him to establish a business in Rustenburg.

#### OFFICIAL VERSION

(2) In October, 1902, the Resident Magistrate of Rustenburg served on the representative of Suliman Ismail a notice to the effect that he was not entitled to trade in town.

#### FACTS

(2) The report might have added that the Resident Magistrate, being the successor in office of his predecessor who granted the licence, could not question the latter's decision and recall the licence granted to the applicant under the full knowledge that he did not possess licence to trade in that district previous to the war.

The report, moreover, omits other material facts that were brought out before this licence was granted, namely, that in many other districts, licences under similar circumstances were granted to British Indians although they never traded in the respective districts, and that these licences were not disturbed. It was merely, in the case in question, an eccentricity on the part of the Magistrate.

The report might also have added that it was by an accident that justice was done to Mr. Suliman Ismail, for the reason for refusing a renewal of his licence, given officially, was that he should remove to the Location. Fortunately, he was able to point out that there was no Location whatsoever in Rustenburg at the time. The Government, being thus cornered, had no option but to grant a renewal. His Excellency the Lieutenant-Governor realised the injustice done to the man, so much that the fine, imposed on him by the Magistrate for trading after the expiry of his licence without obtaining a renewal, was graciously refunded to him.

We had no desire to dwell on these two distressing cases, but the report having been published in the *Mercury*, we could not, consistently with what we consider to be our duty, remain silent and allow it to pass unchallenged. The only relieving feature in the whole of this miserable business and official *zulum* is, the painstaking manner in which His Excellency the Lieutenant-Governor, Sir Arthur Lawley, personally investigated the two cases, and in spite of the deliberation with which the officers at the respective places attempted to prevent justice being done, meted it out to the aggrieved parties, although tardily enough.

These two cases are an index of the official feeling in the Transvaal, and they shew most clearly how difficult it is, under a separate Asiatic administration for British Indians to get the barest possible justice. The injustice becomes enhanced when we remember that the fear of such things happening was mentioned by the deputation at Pretoria to Mr. Chamberlain,<sup>1</sup> who assured them that licences granted after British occupation could never be withdrawn. To him, coming from the English atmosphere, the word of a British officer was “as good as a banknote”, much more so his signature given by him in his official capacity.

Before closing this painful chapter, we wish to add that all the statements we have made in this article are based on documentary evidence which is in our possession, and if we appear to have used strong language, we have done so because we feel strongly.

*Indian Opinion*, 1-10-1903.

#### 174. THE VALUE OF A VOTE

Dr. Jameson, the leader of the Progressive Party at the Cape, has returned the following characteristic reply to a coloured voter who tackled the gentleman on the policy of the Progressive Party on the colour question:

- (1) Education, compulsory where possible, and free where necessary. This applies absolutely to everybody, white or coloured, and of whatever race.
- (2) Equal rights to all civilised men absolutely again, to both white and coloured. It is only the aboriginal natives whom we consider uncivilised. Reading and writing is not the test.
- (3) The Malays in this country are British subjects, and as such there is no prejudice against them, and they shall have equal rights with the whites.

The coloured community at the Cape commands enough votes to turn the scales in hotly contested elections where each candidate is trying his best to keep his opponent out. Mr. Merriman has been severely chastising General Botha for having spoken out his mind on the Native labour question, because his party wants the Native vote. He, therefore, waxes eloquent on the unrighteousness of compelling the Native to work and depriving him of his laws, and even compares the position of General Botha's countrymen to that of the Natives,

<sup>1</sup>*Vide* “Address to Chamberlain”, January 7, 1903.

conveniently forgetting for the while that the Republics gave precious little to the Natives and care less for their sentiments or rights. We, therefore, hope that the coloured gentlemen at the Cape will, by wisely using their power, continue to enjoy the privilege of the franchise which, under the British Constitution, is such a powerful instrument for securing justice. Here in Natal, the late Mr. Escombe thought fit to deprive us of it, and we know to our cost what harm has been wrought to us. A community without the vote under popular government is an anomaly and without a valuable faculty.

*Indian Opinion*, 1-10-1903

### 175. A CAUSE FOR THANKFULNESS

It is seldom that we get an opportunity for congratulating the Transvaal Government. We have a very good reason, however, to do so this week, for we read in the *Government Gazette* that the work of granting Indian permits has been re-transferred to the Chief Secretary for Permits. This ought to have been done long ago. The Indians have been protesting against the separate Asiatic administration ever since its establishment; and we sincerely trust that the reform in the matter of issuing permits is the beginning of the end of the Asiatic Department, which is absolutely unnecessary and a waste of good money. The Government, we read, are carrying on retrenchment on a large scale. The Legislative Council has voted a large sum for the Asiatic Department. Sir Percy Fitzpatrick raised a mild protest at the time. Why not do away with it now? It would save a few thousand pounds to the Colony, and remove at the same time a cause of legitimate complaint. Neither in Natal nor in the Cape Colony, where there is a far larger Indian population, is there any distinction in dealing with free Indians and others. In the meanwhile, we are thankful for the small mercy, and trust that Captain Hamilton Fowle will deal with the Indian permits as justly; as he has dealt with the others. We do not want to flood the Transvaal with Indians, but we do want prompt attention, and we do want the refugees to receive their permits both without vexatious delays and useless expense.

*Indian Opinion*, 1-10-1903

## 176. AN OPPORTUNITY FOR THE INDIANS

We congratulated Mr. Stuart last week on the stand he took up against the social evil<sup>1</sup>. But our congratulations are not unmixed with pain. For he seems to have been unable to resist the temptation of overdoing it. We notice a slight tendency on his part to bring in the whole Indian community. And we venture to think that his remarks about Mr. Khan were hardly justified. So great an authority as Lord Brougham used to say that an advocate who, although he knew the guilt of his client, declined to take up his case, was unworthy of his profession; and on the principle that every man in the eye of the law is innocent until he is found guilty by a duly constituted court, the doctrine is sound enough. The case of a well-known member of the Cape Legislative Assembly is still fresh. The M.L.A. was found guilty of the crime for which the Indian was tried. Will Mr. Stuart say that the learned counsel who defended him was not justified in taking up the brief? We all have our private opinion about that case. But shall we say that the leading barrister who argued the appeal for the M.L.A. or the Chief Justice, who upheld the appeal because there was an element of doubt as to the legal guilt, was to blame—the one for championing the apparently guilty man and the other for discharging him? What, again, is the duty of an advocate who finds out in the middle of a case that his client is really guilty? Is he to throw up the brief? If we dare do anything of the kind, we fancy that his conduct would be regarded as highly unprofessional. The matter bristles with difficulty. And we think that it is one for every advocate to determine for himself, and not for the Magistrate to read a homily to the defending counsel whenever he thinks that the case is bad. So much for the “tiff” between Mr. Stuart and Mr. Khan; while it takes away from the good work done by Mr. Stuart, the residue is sufficient to entitle him to praise. The Indian community has got a unique opportunity of showing the best that is in it. By an effort in the right direction, it can clear the Augean stables, by running the powerful stream of public opinion through them. It can put the finishing touch to the work done by the police and the Magistrate, without whose assistance the moral pressure exerted by it would not have produced any impression on the rhinoceros hide of the hardened delinquents. But if it strikes now

<sup>1</sup> *Vide* “Mr. Stuart the Magistrate”, 24-9-1903.

while the iron is hot, the blow will be fully effective. We do not want to see a single Indian among us living on the disgusting and demoralising traffic. We are glad that the Indian community thoroughly approves of the action of the police and the Magistrate, and is determined to visit the parties concerned with such social penalties as may be considered advisable.

*Indian Opinion*, 1-10-1903

### 177. THE IMMIGRATION RESTRICTION ACT, NATAL

The erstwhile Immigration Bill<sup>1</sup>, having received the Royal assent, has been gazetted as an Act, and is now of full force and effecting the Colony. It was never doubted that it would receive sanction from Downing Street. The Colonies have become very powerful, and are becoming more and more so day by day. The Indian subjects of the King-Emperor, therefore, have to patiently and quietly submit to the restrictions that the Colonists may choose to impose upon them, hoping with Lord Milner<sup>2</sup> that “times and discussion” would enable the Colonists to see the error of their ways and recognise the obligations that they should discharge as component parts of the mighty Empire. It may be well to set forth the material difference between the old Act and the new.

OLD

(1) The language test consisted in the ability of the applicant to write out, in the characters of some European language, an application in accordance with the simple form that was attached to the Act.

NEW

(1) The applicant has to write out any application that may be dictated by the Immigration Officer.

OLD

(2) The minor children of eligible immigrants were entitled to enter the Colony, whether they could satisfy the language test or not, the age of majority being 21 years.

<sup>1</sup> *Vide* “The Immigration Restriction Bill”, 9-7-1903, “Immigration Restriction Bill” 6-8-1903 & “Potchefstroom Indians”, 6-8-1903

<sup>2</sup> Sir Alfred Milner, High Commissioner and Governor of Cape Colony (1897-1901) and of the Transvaal and Orange River Colony (1901-5).



NEW

- (2) The age of majority has now been arbitrarily fixed at sixteen years.

OLD

- (3) Any person who could prove two years' residence in the Colony was entitled to a domicile certificate, and, therefore, was not a prohibited immigrant.

NEW

- (3) The period has now been increased to three years.

OLD

- (4) Temporary passes were granted to applicants making applications through friends or agents.

NEW

- (4) Personal application is now to be insisted upon.

OLD

- (5) The law was silent as to whether an indentured Indian, by having served the Colony for five years, could be considered to have been domiciled.

NEW

- (5) It now lays down that such five years' residence would not constitute domicile within the meaning of the Act.

Thus, in five essential particulars, the restrictions have been made harsher by the law of the Colony in spite of reasonable objections raised by the British Indians against the Bill, and there is no guarantee that we have seen the last of them.

*Indian Opinion*, 8-10-1903

### 178. MR. WYBERG AND ASIATIC LABOUR

Mr. Wyberg, the Commissioner of Mines for the Transvaal, in giving his evidence before the Labour Commission, has placed it on a platform higher than that hitherto adopted by any of the witnesses, and a member though he is of the Legislative Council, he has not hesitated to utter some home truths. We give below the most telling points made by him in reply to Mr. Quinn, the indefatigable opponent of the introduction of Asiatic Labour.

Mr. Wyberg said:

He knew nothing personally of the experiments which had been made in the use of white unskilled labour on the mines, but he had followed the

controversy with great interest. His opinion with regard to the use of white labour was expressed in the adage, 'Where there's a will, there's a way'. If there was a great desire to extend the employment of white labour, he could not help thinking it would be done. He looked upon it primarily as a political question of great importance. It all depended upon the policy to be pursued.

The question as to whether white labour would be employed, or Coloured, obtained locally or elsewhere, depended entirely upon the wishes of the mine-owners. If they said to their engineers, 'We wish you to make a great effort to have white labour, and the man who can show us how best to use it will be freely rewarded,' then he thought very great efforts would be made to use white labour, and also that it might be successful. On the other hand, if the mine-owners said, 'We would rather not have white labour,' then, I don't think the engineer [would] he should not, as an engineer have an adequate incentive to put himself out to try and make it a success.

In reply to Mr. Whiteside, Mr. Wyberg proceeded:

He took a keen interest in public affairs in pre-war days and was at one time President of the South African League, whose policy was to get all the Englishmen into Transvaal that they possibly could. That was his policy and the policy of every Englishman, he supposed. There could be no two opinions as to the encouragement of Englishmen settling in this country being of the very greatest importance, and it should be the object of every loyal man in the country. He would go further and say that, apart from all questions of loyalty or disloyalty, from the point of view of making this a valuable portion of the British Empire, such as Canada and Australia, which were white man's countries, and not allowing it to sink into the position of Jamaica or British Guiana, or other sub-tropical countries, where the white man was the task-master and the bulk of the population little better than slaves, from that point of view—it was of the highest importance that they should make the bulk of the population here white men, and white men who would do the work of the country. It was a most demoralising thing to take up the attitude that, if they could not get enough Coloured labour in South Africa, they must supplement it from some other source.

Mr. Wyberg in these telling sentences has made it clear that, in his opinion, the position of indentured labourers from Asia would be little better than that of slaves, and that it is one of the grounds on which he bases his objections to the introduction of assisted Asiatic labour. There is nothing in an attitude of this kind against which any reasonable man can take exception, and we can but hope that his evidence will be considered weighty enough to turn the scales against

those gentlemen who are so eager, irrespective of considerations of right and wrong, to exploit the Asiatic labour in order to benefit themselves. Mr. Wyberg is evidently a man with principles, and strong enough to resist interested pressure at the risk of losing money, for Mr. Quinn elicited from him the fact that he had to leave the Consolidated Gold Fields because, Mr. Wyberg said, "they wished me to alter or suppress my political opinions". It is interesting also to note that, in Mr. Wyberg's opinion, he does not consider that there is any real paucity of Native labour. When told by Mr. Quinn that his statement did not agree with a good deal of the evidence that preceded his, Mr. Wyberg said:

I have had exceptional facilities for finding out what is going on, and I think there is no likelihood of a great immediate demand for labour in the outside districts.

*Indian Opinion*, 8-10-1903

### 179.. *MOCKERY OF GOD IN THE ORANGE RIVER COLONY*

His Excellency the Lieutenant-Governor, Sir Hamilton John Goold-Adams, signed a proclamation appointing last Sunday a day of humiliation and prayer or of thanksgiving, as the case may be, "in order that." the proclamation proceeds. "we may humble ourselves before Almighty God and beseech Him that the country may be freed from the scourge of the drought and blessed with plenteous and refreshing rain". "In case," the proclamation adds, "it may please Almighty God to send the blessing of rain before the above-mentioned date, I hereby, proclaim that the day shall be observed as a Day of Thanksgiving". As fate would have it, this proclamation is immediately followed by one making it compulsory for Coloured people to be vaccinated on pain of being fined five pounds, or in default, being imprisoned with hard labour for 14 days. The juxtaposition of the two is no doubt purely an accident. The safeguard against smallpox, we believe to be necessary; and, by itself, there can be no serious complaint against the Coloured people being specially subjected to compulsory vaccination. But coming as it does from the Orange River Colony, the second proclamation is typical of the most hostile policy against Coloured people, which has been handed down to it by the old Government.

What, then does the first proclamation mean? In days of yore, when men humbled themselves, they sacrificed something. They insti-

tuted a searching self-examination, repented of their sins and turned over, as it were, a new leaf. Did it ever occur to Mr. H. F. Wilson, the Colonial Secretary, who drew up the proclamation, or the Lieutenant-Governor who signed it, that there was no repentance intended, that, in the opinion of the Government whom they represent, there could be no turning away from its policy, whether sinful or otherwise? We venture to think that the Colony's blind and unreasonable prejudice against colour and its deliberate closing of the Colony's gates against the people of British India, of whose assistance it gladly availed in its hour of need, is a national sin before God, and that so long as that policy is continued, so long will it be impossible for it to practise real humiliation that would be acceptable in the sight of God Almighty, Who will judge, not according to a man's colour, but according to his merits. We have the authority of the Asiatic Prophet, Jesus Christ—a Coloured man by the way—for saying that a mere lip prayer does not ensure entrance into heaven: "Not every man that sayeth unto me, Lord, Lord, shall enter the Kingdom of Heaven, but he that doth the will of my Father". The prayer unaccompanied by deed is a vain repetition. "The Earth is the Lord's", says the Bible. The Colonists have revised the text and say, "The Earth is ours". The appointment, therefore, of a day of humiliation is a mere hollow pretension, so long as God's commands are trampled under foot. And yet, we are free to confess that the proclamation is not a deliberate mockery of the Godhead. It is the yearning of the heart after our Maker in the hour of need and trial. But it is also a fine illustration of the weakness of our natures. We measure God by our measure, forgetting that our ways are not His ways. Were it otherwise, we would very soon be without many things in spite of what we may, in our vanity, mis-term humiliation and prayer. The All-wise God makes His sun shine alike on the good and the wicked.

May we not, however, ask His Excellency and his Government to pause and think? The proclamation is a sign of a godly heart. Is it consistent with godliness to condemn a whole race of men, related to one by ties of allegiance to a common sovereign, because they happen to wear a skin different from one's own? Have the British Indians committed any wrong to merit the degradation that they are subjected to in the Colony? But if the crusade against men of colour must be persisted in, why offend God and humanity by appointment of days of humiliation falsely so called?

*Indian Opinion*, 8-10-1903

## 180. THE ASIATIC DEPARTMENT

We print elsewhere what our contemporary the *Rand Daily Mail* properly calls an illuminating letter from a correspondent of the *Barberton Goldfields News*. The letter deals in the clearest language possible with the enormous expenditure that the present Transvaal Government have incurred in the administration of the affairs of the Colony. Unless the correspondent's figures are unreliable, it is quite plain that the late Boer Government cannot hold a candle to our own Government in the Transvaal. May we add to the long catalogue given by the writer in the *Goldfields News* the Asiatic Department, which is costing the sum of £ 10,000 yearly, without being of any use whatsoever to the Asiatics? There was nothing corresponding to this expenditure in the old Government, because, however hostile it was to Indian interests, it did not have a separate Asiatic Department. Sir Percy Fitzpatrick,<sup>1</sup> our readers will remember, protested against this wasteful expenditure of £ 1 per head, because there is hardly a population of 10,000 Indian in the Transvaal. When it is remembered that this money is being spent over the control of people, the most harmless in the world, and who give very little if any trouble to the police, it becomes a marvel how the Transvaal Government can justify it. Retrenchment is in the air. The whole of the Civil Service of the Colony is to be overhauled. We think that the first department to go overboard should be the Asiatic Department.

*Indian Opinion*, 8-10-1903

## 181. JOHANNESBURG INDIAN LOCATION

The Health Committee of the Town Council of Johannesburg has presented a report to the Town Council which we reproduce from *The Star* in another column. It is painful reading, and if the recommendations of the Committee are adopted by the Town Council, and if the Government in its turn accepts the suggestion that might be made by the Town Council, the fate of the largest number of Indians in the Transvaal is sealed. It should be borne in mind that Johannesburg accommodates more than one half of the Indian population. The present Kaffir Location, which we have seen and which is, at least,

<sup>1</sup> Member, Transvaal Legislative Council

a mile from the location now expropriated by the Town Council, is the site chosen by the Health Committee for the accommodation, not only of the people dispossessed, but also of the Indian population at present residing in the town of Johannesburg, which, the Health Committee expects, will be forced to the Location. To speak plainly, what the Health Committee proposes is to take the bread out of the mouths of the British Indian store-keepers. It is utterly impossible for Indians to carry on any trade whatsoever, except among themselves, there. Any yet we have Lord Milner assuring us that the Bazaars will be so selected that the Indians may have a fair amount of the trade of the town, both white and Kaffir. It is not clear whether the Health Committee's suggestions as to limiting the size of the Stands to 30X20 instead of 50X50 is applicable to the Stands in the Indian Location also. Let us see what the Government has to say with reference to the egregious proposal. Things are done post-haste in the Transvaal. The millionaires want to extract their gold within a few years. The Town Council has deprived thousands of innocent people of their holdings within an incredibly short time. We can, therefore, quite understand what the Health Committee means when it says:

It is desirable that this scheme should be put in hand with the least possible delay, in order that accommodation may be provided for the Asiatics who will have to be removed from the old Coolie Location in Burghersdrop and other parts of the Insanitary Area.

*Indian Opinion*, 8-10-1903

### *182. PERMITS FOR THE TRANSVAAL*

We draw the attention of our Indian readers to the advertisements regarding Permit Regulations, which appeared in our last issue. We have to congratulate Captain Hamilton Fowle, the Chief Secretary for Permits, on having drawn up regulations which are so simple and yet effective. Our readers will note that they will not now have any longer to go through half a dozen channels before receiving their permits. The idea of doing away with the necessity of applicants having to go to the Permit Offices at the different towns is, in our opinion, very sound and original. All that a refugee has now to do is to obtain a form of application for permit, fill it in, sign it before a J. P., and forward it to the Chief Secretary for Permits. The applicant then would receive by return of post, an acknowledgment, and as soon as his turn comes, would receive his authority to enter the Transvaal.

He has then to report himself at Johannesburg and take out the permanent document entitling him to reside in the Colony. It would at first appear somewhat hard that people wishing to go to other parts of the Transvaal must necessarily pass through Johannesburg: but, seeing that the choice was between having different offices for issuing of permits and for all to proceed to Johannesburg, we consider that the latter course was the lesser evil of the two, when it is borne in mind that a very large percentage gravitate to Johannesburg. The applicants should bear in mind that, after the receipt of authority to proceed to the Transvaal, they would have only a certain time within which to proceed. It would, therefore, be well for them to be very careful about not exceeding the time limit. In these permit regulations, we see an altogether new era before the poor refugees who have hitherto been simply robbed of honest money in endeavouring to get what they ought to have got without the slightest trouble or expense. Captain Fowle reminds the applicants that "there is no charge whatsoever either for application forms or permits", and adds, "Should an applicant have any complaint against any member of the permit staff at any time, he is requested to communicate direct with the Chief Secretary for Permits". Refugees should note that their applications have to be sent directly to the Chief Secretary for Permits, and not through an agent. It will be their own fault if they spend any money over agents or solicitors.

*Indian Opinion*, 8-10-1903

### *183. POTCHEFSTROOM CHAMBER OF COMMERCE*

Mr. Hartley, President of the Chamber of Commerce at Potchefstroom, makes the following remarks in his statement to the Chamber:

The Coolie Question has engaged the serious attention of the Chamber but, in spite of their efforts to restrict the issuing of fresh licences and confine newcomers to the duly appointed Bazaars, we find new stores opened in various parts of the town, and can get no satisfactory reply from the local authorities as to why the Ordinance dealing with this question is not carried into effect. We have been in communication with other Chambers to take united action in this matter, and I would strongly urge upon the members, the necessity of leaving no stone unturned to restrict the importation of Coolies, as they will undoubtedly prove a source of serious danger to the European trader.

Evidently, the gentlemen at Potchefstroom have taken a leaf out of the book of the East Rand Vigilants.<sup>1</sup> They are very anxious to remove every Indian store-keeper in the township of Potchefstroom to a Location where he cannot do any business whatsoever. At the meeting of the Chamber, Mr. Hartley was able to announce that,

in regard to the Coolie Question, he was able to state that the matter was in the hands of the higher authorities, and from what he had been told, he believed it would be well to allow it to stand in abeyance for three months, during which time he thought the Government would have done something to meet the wishes of the white traders.

We can quite understand who the high authorities are that have assured Mr. Hartley that, at the end of three months, the Indians will be wiped out of the township of Potchefstroom, and it is a very pretty outlook for the poor store-keepers if the Locations are to be what we hear about them. It is worthy of note that it is the European traders at Potchefstroom, as Mr. Hartley puts it, who are opposed to their Indian fellow-traders. If, therefore, the Government is to listen to their complaint, it would be a question of interested agitation succeeding in having all to itself. We are anxiously waiting to know what His Excellency the High Commissioner has to say to the British Indian petition which was presented to him now some months ago, anticipating all the troubles which threatened to overwhelm the British Indians in the Transvaal next year.

*Indian Opinion*, 8-10-1903

#### 184. MR. SKINNER'S REPORT ON CHINESE LABOUR<sup>2</sup>

Mr. H. Ross Skinner, who was deputed by the Chamber of Mines to visit the different parts of the world which have any intercourse with China, has presented his report to the Chamber of Mines, and it has been published in the Johannesburg newspapers. One looks in vain for a single passage in the report dealing with the interests of the labourers. It is an able document, and bristles with facts and figures. All the same, the want of humanity about it makes it an exceedingly disappointing report: not that we had ever expected anything from the deputy except a merely cold businesslike view of the labour

<sup>1</sup> *Vide* "East Rand Vigilants", 23-7-1903

<sup>2</sup> There was a proposal by the mine-owners of the Transvaal to import 200,000 Chinese labourers. *ibid.* "In the Nature of a Test Case" 27-5-1905



problem touching the mining industry. How to secure the labour for that industry under terms the most favourable to it, and the least favourable to the labourers themselves, is the question Mr. Skinner has set himself to answer throughout the five-and-a-half columns which it occupies in the Johannesburg *Star*.

These are the restrictions which Mr. Skinner would impose on the labourers:

- (1) Indenture for a term of years.
- (2) The restriction to certain classes of labour and places of abode.
- (3) Prohibition of trade and inability to lease and own property for such period.
- (4) Compulsory return on termination of indenture, unless indenture renewed.
- (5) The necessity of complying with English laws and health regulations; both foreign to Chinese traditions.

Thus, with the exception of the first and the fifth, all the restrictions are to be imposed so as to prevent the Chinaman from making use of his brains or his limbs more profitably than his masters will allow him to. Mr. Skinner adds to these restrictions the Compound System, and would, therefore, make the labourer a prisoner, pure and simple. The next step now as the *Leader* gravely puts it, is for the Legislature to sanction the introduction under the disabilities mentioned above, and the labour problem of the Transvaal is solved. We would, however, in spite of Mr. Skinner's conclusion, venture to hope that, although the legislation may be sanctioned, as to which we have serious doubts the people affected will turn a deaf ear to the persuasion of the labour agents and simply decline to accept the inhuman terms. Then the question of the mining industry will be solved gradually, and with benefit both to the white settlers and the native of the soil, without having the disturbing elements in the shape of Chinese or any other assisted Asiatic immigration. Indeed, Mr. Skinner himself fears the possibility of guilds or combinations working against the interests of his masters. We give that portion of the report in his own words:

A very potent force amongst the Chinese is a system of co-operation somewhat akin to freemasonry. They understand well the power and advantage to be derived from combination. In San Francisco, there are six Chinese Companies or Guilds, and to one or other of these the great majority of Chinese

immigrants used to contribute and become members. The system is far-reaching, but in the general application exercises a wholesome influence. These guilds transact business for their members, they supervise labour contracts, receive and deposit money, or remit same to China, and generally look after and take a lively interest in the welfare of the Chinese community. Another function of theirs is to make all the necessary arrangements, when so desired, to have the bones of deceased members sent to their relatives in China. Such societies, comprehensive as they are, if established on the Rand, would have a very powerful bearing on the Chinese immigrants. In many ways, as in those mentioned above, they might be useful and beneficial, but their power might also become a danger, especially if they could suppose that the mines were entirely dependent on the Chinese for their unskilled labour. To avoid such an emergency, it is plainly desirable that all the present effort to increase the supply of Kaffir labour should be vigorously continued with a view to balancing, as far as possible, the supply of Kaffir, Chinese and other unskilled labourers on the mines. This principle might also be adopted in the cases of Chinese from different districts. For instance, experience points to the fact that it is unlikely that northern men would co-operate with the southern Chinese.

Thus, Mr. Skinner would evidently follow the policy of “divide and rule”. We, however, think that, in basing his hope on legislative enactments to break down combinations, he is counting without his host. However much the northern Chinese and the southern Chinese may quarrel among themselves in their own land, he will find that a common grievance would make them good companions, and that it would not prevent them from combining together in order to resist the practical working of Compounds and the deprivation of their personal liberties. Mr. Skinner’s suggestion as to the details of the scheme is very interesting, though, in our opinion, utterly impracticable. As soon as he imports Chinese doctors and Chinese headmen, he will find that they will want their personal liberty, and they will want to use their brains in an unrestricted manner. It would be a most interesting experiment to watch one set of intelligent people trying to dwarf the intelligence of another set of people equally intelligent. We give the details as under, and leave the reader to judge for himself whether any legislation that can be devised by Sir Richard Solomon would be sufficient to carry out the paper policy so light-heartedly drawn up by Mr. Skinner.

The composition of the complement of Chinese labourers for one mine would broadly be:

(1) One headman who would act as interpreter to, and work along with, the Compound manager.

(2) Four under-headmen, two for underground and two for surface work, capable of talking or sufficiently intelligent to acquire soon, a little English.

(3) Overman or boss coolies: one for every thirty men, to act in the same capacity as the boss boys in gangs of Kaffirs.

(4) One cook for every 50 men, with a young coolie as assistant.

(5) One Chinese doctor. He can act as headman in charge of the hospital under the local mine doctor. Many of the Chinese, especially at the outset, would insist on the option of being treated by a countryman of their own. To meet this, a supply of Chinese medicines will require to be kept.

Individual mines will have to be manned by white skilled and Kaffir unskilled, or by white skilled and Chinese unskilled. No mixing of Kaffir and Chinese on any one mine should be permitted. Indeed, it would be advisable to prevent mixing in districts, if it could be arranged. Along with the first few thousands of coolies, who would probably precede the main flow, men accustomed to Chinese ought to be brought to see that the coolies are pro-perly handled, and also to assist those mines likely to employ Chinese labour in the study of it, so that they will not have a new condition of things sud-denly sprung upon them without some preparation.

*Indian Opinion*, 15-10-1903

### *185. THAT INSANITARY AREA IN JOHANNESBURG*

The speakers at the mass meeting held on the 7th instant at Johannesburg, Main Road, did not mince matters in giving expression to their views on the position taken up by the Johannesburg Town Council regarding the payment of expropriation claims, and the charging of rents against the quondam owners of the Stands within that Area. Some very strong language was used. The action of the Town Council was considered to be an outrage. Mr. Mark Gibbons, the Chairman, considered "the action of the Town Council was really disgraceful, and it imposed a burden which they ought not to bear". Another speaker described expropriation to be "confiscation", and motives were freely attributed to the Town Councillors. We do not consider that these epithets are justified. Unless we have positive proof to the contrary, we would decline to believe that Mr. Quinn and his coadjutors are actuated by any but the purest motives; but when we have said so much, we have said all that can possibly be said in favour

of the Insanitary Area Committee. That its action is very niggardly we have not the slightest doubt, and as it has to deal with a very large number of Indian claims, it might be as well to examine the two charges laid at its door by the speakers, who would have done far greater good to themselves if they had confined themselves to a bald statement of facts, which are staggering enough. And the best proof to be adduced against the Town Council is in its own admission, namely, that out of 1,200 claims, only 164 claimants have thought fit to accept the ridiculous offers made by it. It might be said that claimants knew their business far better than outsiders, and that their having accepted a settlement shows that the offer must have been very fair. Those, however, who will argue thus, forget the main fact that the Council and the claimants are not equally matched. People who are deprived of their land, which is perhaps their only support in life, and are hard pressed by creditors, would have to, whether they would or not, come to terms with their adversary, who may control an inexhaustible purse, as the Town Council undoubtedly does, so far as the poor residents of the Insanitary Area are concerned. We, therefore, think that even the settlement of the few claims cannot be put forward to the credit of the Town Council. But it stands self-condemned when we consider that the largest number of claims is still undisposed of. Coming to the nature of the claims, we have been supplied with information which goes to show that the work of valuation has been taken up without any methods. There are Stands, on which very decent buildings have been erected, which have been valued at the same price as those on which there are rickety structures only. It should be borne in mind that the Stands in question are, apart from the structures, of the same value, being in the same locality and almost adjacent. And these are not merely isolated instances. In many more cases, Stands, which, when last changing hands, brought a fair value, have been undervalued by the Council Valuers. It is all very well to say that the owners have put in exorbitant claims. They may or may not have done so, but we do think that, in adopting the cheese-paring policy, the Council is doing but an ill-service to the general body of ratepayers. In doing so, the Councillors have perhaps formed an exaggerated opinion of their duty, and in trying to save money to the ratepayers in general, they are inflicting an injustice on those ratepayers who are most in need of fairness, if not generous treatment. The law has deprived them, the owners, of the benefit of the rise that will take place in the value of rent within the Insanitary Area after the improvements have been

made thereon. No complaint can be made against the proposition that the whole of such increment would belong to the ratepayers. But that being so, it was only to be expected of the Town Council that it would treat the owners of the Insanitary Area in a fair and handsome manner. As to the proposal of the Town Council to charge rents from the owners, it is very difficult to withhold one's sympathy from those who are opposing it. The speakers at the mass meeting uttered nothing but the truth when they said that many of them were dependent on the income from their properties. The Town Council may be legally justified in insisting on its pound of flesh, but in a matter of this kind the legal justification becomes nothing short of cruelty if it is not tempered with humane considerations. The question of finding residential sites for those who have been dispossessed is more or less indefinitely postponed. If, therefore, until full arrangements for their housing are made, the owners are not allowed to make use of their properties temporarily and receive the income therefrom, what are they to do, especially in these times of stress and trouble? Rains are very much belated, and we do not know when the heavens will smile on South Africa. The industries are stagnant, the money market is dull, and we read in the newspapers that there are thousands of men in Johannesburg absolutely without work. To deprive innocent men, under such circumstances, of their only means of living is an action for which there cannot be the slightest justification. The Council is still nominated and can perhaps afford to disregard popular feeling but we believe that, owing to its irresponsible position, it is doubly its duty to deal with the inhabitants of the Insanitary Area with justice and fairness, and if it cannot, or will not, do so, then it can easily suspend action until the elective Council is established in Johannesburg, which will be within a very short time.

*Indian Opinion*, 15-10-1903

### 186. JOHANNESBURG LOCATION

We have no hesitation in supporting the petition said to be in circulation, as will appear from the extract we print today from *The Transvaal Leader* of the 7th instant, on the part of the "Residents and Ratepayers of Johannesburg", addressed to the Town Council, asking for the removal of the present Indian Location to a more suitable position. The petition has reference to the proposal of the Health Committee of the Johannesburg Town Council, namely, that the

present Indian Location, of which the residents have been dispossessed under the Insanitary Area Expropriation Ordinance, should be removed to the Kaffir Location, and that the Kaffir Location should be placed further up. We confess that the reasons that induce the ratepayers to make their protest against the suggestion are not the same that guide us. The petitioners evidently consider that the Indians ought to be removed further away from even the present Kaffir Location. In our opinion, the Kaffir Location itself is too far away from the Expropriated Area to be of any use to the British Indians, [more so] in view of the fact that the law provides that the residents within the Insanitary Area should not be removed from their occupation until a site near the Insanitary Area has been pointed out to them for their residence. Now we are aware that the Kaffir Location is over a mile from the Location expropriated by the town Council, and we hardly think that removing the men fully one mile away from their present place will be considered to be in accordance with the requirements of the Expropriation Law. Either, therefore, the men have to be allowed to remain within the Expropriated area, or another less objectionable site pointed out to them. The example of Cape Town is cited in connection with the proposal of the petitioners and justification sought for the removal of the British Indians to a place far away from Johannesburg on the strength of the Kaffirs in Cape Town being brought all the way from Maitland. There is, however, absolutely no analogy between the two. If the Indians residing in the Location were all of them workmen pure and simple, there might be something to be said in favour of the Cape Town system being reproduced in Johannesburg, but seeing that most of them are independent men engaged in trade and some of them depending for their living on the trade in the Location itself, it will be seen at once that the site has to be so near the town as to afford, at any rate, reasonable facilities for attracting the town custom alike from the white people as the Natives.

*Indian opinion, 15-10-1903*

### *187. MR. BALFOUR'S CABINET*

The die is cast, and Mr. St. John Brodrick has been inflicted upon India. The universal judgment about Mr. Brodrick's career has been that he has succeeded in utterly mismanaging the War Office, and that he has shown himself incapable of holding a ministerial position. Mr. Balfour found, however, that he could not very well give

him the go-by, and has, therefore, given him a position against which there cannot be an effective outcry. He is not likely to forfeit a single vote by Mr. Brodrick being installed at the India Office. India may unanimously cry out against the appointment, but then India has no votes and no say whatsoever in the election of members of the House of Commons. It did not matter a bit that Mr. Brodrick brought out, in order to save himself, the preposterous proposal to saddle India with an annual cost of nearly £ 500,000 towards the upkeep of the South African garrison. It did not matter at all that the scheme was so universally condemned that it had to be abandoned. The injustice and the heartlessness of the appointment have appealed even to the people in South Africa. We could not have written more strongly against it than the leader-writer in *The Transvaal Leader*. This is what he has to say on the appointment:

That Mr. Brodrick should have left Pall Mall is unquestionably a gain, but we doubt whether people in India will be pleased to see him at the head of their affairs. It is difficult to resist the unanimous verdict that he is a thoroughly incompetent man, and, that being the case, he should be quietly dismissed into unofficial life. Of course, it is impossible to ascertain all the facts of the case. In Lord Curzon, he has the strongest, most competent Viceroy since the time of Lord Dalhousie, and he may have received secret instructions to defer to Lord Curzon in all things, and to be a figure-head simply. It can only be hoped that this is the case, for really the experiments he has initiated, so far, have been such disastrous failures that no one wants any tinkering with the delicate affairs of the East from his hand.

*Indian Opinion*, 15-10-1903

### 188. INDIA'S SERVICE TO THE EMPIRE

One of the recent numbers of *India* to hand gives some startling figures regarding the contribution made by India to the Empire, and these services are very widely distributed and have been rendered ever since 1860. We read then that in 1860 and 1861 India sent two regiments and one regiment respectively to New Zealand. In 1867, for the Abyssinian Expedition, India lent sixteen infantry regiments, five cavalry regiments, seven companies of engineers, five batteries of artillery, commander and staff. In 1875, the whole of the Perak Expedition was fitted out by India. The Afghan War of 1878 and 1879 claimed from 60,000 to 70,000 men. In 1882, the Egyptian Expedition drew on India for five infantry regiments, three cavalry regi-

ments, two companies of engineers, and two batteries of artillery. The expeditions for the Soudan and Suakin in 1885 and 1896 respectively were formed entirely in India. In all but one instance, India paid all the ordinary expenses. During the Afghan War, India paid £18,000,000 as against £5,000,000 paid by Great Britain, and for the Egyptian Expedition, India not only paid the ordinary expenses, but £800,000 besides for extraordinary expenses. We may add to this India's contribution to the Afghan War before 1860 when thousands were buried in snow, and when General Sai was enabled to make his name famous through his Indian brigades. We might also add to this wonderful record the recent Chinese Expedition, the most timely aid rendered to South Africa by Sir George White and his 10,000 from India, and the war at present going on in Somaliland. We have, in a previous issue, described India as "the Cinderella of the Empire",<sup>1</sup> and we ask our readers whether our description is at all far-fetched. We venture to think that, in the history of the Empire, especially in the history of the Colonial expansion, there is nothing to compare with the record we have been able to produce. The colonies have never given, or been called upon to give, to the same extent as India, and while it is undo-ubtedly a matter of satisfaction and pride to every member of the Empire that the colonial response during the late war was very liberal, we think that it dwindles into insignificance before that which India has undergone and given, for the fact should not be lost sight of that, after all, the Colonists have been paid for every bit of service they have rendered, and, if we be permitted to mention an incident, we may state that the Australian ministers even went so far as to charge comm-ission and interest for moneys disbursed by them on account of Great Britain, as if the relation between the Mother Country and Australia was merely that of Agent and Principal.

*Indian Opinion*, 15-10-1903

### 189. BETTER LATE THAN NEVER

We notice in a recent issue of the *Transvaal Government Gazette* that the Asiatic Office at Germiston has been abolished. The Government deserve the congratulations of the community on having taken the right step, though late in the day. It proves what the British Indians in the Transvaal have been saying since the establishment of the Asiatic Department, namely, that it is a waste of money. We hope that

<sup>1</sup>*Vide* "The Cinderella of the Empire" 30-7-1903



the Government will go a little further, and do away with the Department altogether. It does nobody any good, and causes a great deal of inconvenience and injury to the feelings of the British Indians. It would be interesting to know, now that the Permit Department has been taken away from its control, what work it has to do. It exercises no financial control. The licensing officers issue licences. Registration of Asiatics is being effected by the Chief Secretary for Permits. It is inconceivable, therefore, where the utility of the Department comes in.

*Indian Opinion*, 15-10-1903

*190. LETTER TO LT.-GOVERNOR'S SECRETARY*

BRITISH INDIAN ASSOCIATION

25 & 26 RISSIK STREET,  
JOHANNESBURG,  
*October 19, 1903*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
PRETORIA  
SIR,

With reference to your letter of the 1st instant, I beg now to remind you thereof, and to request on behalf of the Association the appointment of a day for the British Indian Deputation<sup>1</sup> to wait on His Excellency.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDOOL GANIE<sup>2</sup>

CHAIRMAN

BRITISH INDIAN ASSOCIATION.

Pretoria Archives: L.G. 2132, Asiatics 1902-1906.

<sup>1</sup> On September 25, the request was first made for permission to lead a deputation to discuss trading licences.

<sup>2</sup> A variant spelling of 'Abdul Gani'.

### 191. TRANSVAAL PERMITS

The Return of Permits issued by the Chief Secretary during the past months, published in the Johannesburg papers, is a document of very great importance and interest to the British Indians. The total number of permits granted during that period is 32,351, of which 7,827 only were granted to old residents, and 24,524 to new-comers. These figures are for the Transvaal only. There were 11,865 permits granted between January and March, 11,844 between April and June, and 8,642 between July and September. The figures do not take into account any of the ex-burghers who surrendered during the war, or ex-burghers who were allowed to return. They, therefore, apply solely to the non-Boer Europeans, for it should be remembered that they do not include Asiatic permits. These are a complete answer to the charge often brought against the immigration of British Indians into the Transvaal, namely, that it would, if it was allowed to be unrestricted, flood the Colony. According to official returns, there are at present scarcely 10,000 Indians in the colony of the Transvaal as against, according to one Johannesburg newspaper, nearly 500,000 Europeans, including burghers. It does not, therefore, seem as if there was any imminent danger of the British Indians overrunning the Transvaal. But the figures also tell another painful tale, namely, that, while three times the number of European refugees have been allowed permits to enter the Transvaal, very few, if any, permits have hitherto been granted to the non-refugee British Indians, no matter what their claims may be to special consideration. We are aware of scores of instances of men, who were promised employment to the Transvaal being unable to accept same owing to permits having been refused to them on account of their not being refugees. Only seventy permits per week are issued to Asiatics, including, we presume, Chinese, and the reply to applications from non-refugee British Indians has been that, unless the whole list of applications from refugee British Indians is exhausted, no such applications could be considered. The Permit Department has now been entirely transferred over to the Chief Secretary for Permits, and may we hope that he will, in dealing with Indian applications, show the same generous spirit to British Indian applications as the has evidently shown to Europeans, whether British subjects or not. We do not suggest for one moment that he should allow thousands of non-refugee British Indians to enter the Colony; in the first place, there are not thousands waiting to enter the Transvaal, and in the second place, even if there were thousands of Indians wishing to immigrate to the Transvaal, we quite understand that the applications could not be

considered. But when men are required for the assistance of those who have already settled in the Colony, or when men are well educated, or have independent means and probably connections in the Transvaal, they ought to be treated in a liberal manner. Lord Milner has assured Mr. Chamberlain,<sup>1</sup> that the Transvaal Government is not enforcing the old Law as strictly as before. We have entered our respectful protest against the statement, because it is not borne out by facts. And the question of Indian immigration is very much in point in this connection, for, whereas during the old regime the Indian immigration to the Transvaal was quite unrestricted, now even the refugees are not being allowed to return except in dribblets, and the gates of the Transvaal are entirely closed against non-refugee Indians. The Transvaal Government, therefore, not only goes beyond the old anti-Asiatic Law, but it goes much further than either the Natal or the Cape Law. Indians domiciled either in the Cape or Natal are free to leave their respective Colonies and re-enter them at any time they like, and those who have a knowledge of one of the European languages are allowed to enter and settle in either of the Colonies, whether they have been previously domiciled or not. Lord Milner has suggested the Natal Act as a model to replace the Law 3 of 1885 of the Transvaal. May we then suggest that, at any rate for the time being, the applicants who would not be considered prohibited immigrants either under the Natal Act or the Cape Act should be allowed to enter the Transvaal without hindrance, and that the refugees should be granted permits as fast as they apply? Both the Natal Act and the Cape Act contain also a provision for special permission for those who are neither domiciled nor educated in any of the European languages, but are nevertheless eligible as immigrants. Such people as, for instance, domestic servants required by the settlers in the Transvaal, or store men should also have free access. These we venture to consider to be very reasonable demands. They would go far to propitiate Indian sentiment, and, as under the suggestion we have made, there can be no question whatsoever of unrestricted influx, nor of a very large number of non-refugee applicants, we hope that the Government will see [it] fit to give a sympathetic consideration thereto.

*Indian Opinion, 22-10-1903*

<sup>1</sup> Joseph Chamberlain (1836-1914), Secretary of State for the Colonies, 1895-1903.

## 192. BRITISH AND INDIAN EMPIRE LEAGUE OF AUSTRALIA

We have received the manifesto of this important Association formed in Australia. It is a healthy sign that the British Indians, who have settled in different parts of the world, are banding themselves in order to resist any attempt to curtail their rights as subjects of the King-Emperor. A perusal of the list of office-bearers of the Association would show that our countrymen in Australia have been able to secure the active co-operation of some influential Europeans also. We read the names of Messrs. Tepoo Hall, G. Thorburn, Pascall, Quinn and others. And if the list of members of the Committee be any indication of the general members, the Association evidently represents all classes of Indians.

We understand that Mr. Charles Francis Seivwright is one of the founders of the Association. The gentleman, according to the *Indian Daily News*, is a native of Melbourne, and the second son of Mr. Marcus Seivwright, a barrister in practice in Melbourne. Mr. Seivwright has been deputed by the Association to represent it at the forthcoming session of the National Congress, as well as the Mahomedan Education Conference. He is the bearer to them of petitions urging them to look after the interests of their brethren beyond the seas. This is a right step, and we shall follow Mr. Seivwright's efforts with a great deal of interest. For, although the Indian question in South Africa has its own local bearings and, therefore, may not be much affected by Mr. Seivwright's mission, in so far as it is an Imperial question, what the authorities in Downing Street may do in Australia will very largely apply to South Africa.

The objects of the Association are such as to command general approval. Its aim is "to assist the Commonwealth Government to carry out its laws as they relate to undesirable immigrants, such as those of ignorant, pauper, and immoral classes". Having done so, it aims also "at removing certain hurtful restrictions which now operate detrimentally against natives of British India, who belong to the more enlightened commercial classes". The league also seeks "to improve the social status of Indian citizens of Australia, and in doing this, will serve the dual purpose of benefiting the Indians themselves as well as those with whom they are thrown in contact in their daily life". The manifesto proceeds:

We shall work together and without regard to personal aggrandisement of any individual member, bearing in mind that the interests of the whole of the members must take precedence over all other considerations. We shall have to be whole-hearted and unselfish, and work for no class or clique in making our appointments to the various high places of the League, and our aim as an organisation must be 'justice throughout the Commonwealth for all British subjects'.

The objects are laudable, and such as no one can take exception to. The spirit with which the members are to work is admirable. And if they continue to work along the lines laid down in their manifesto, success must be certain. We welcome the formation of the League, and wish it a long and useful career.

*Indian Opinion*, 22-10-1903

### 193. A VIRTUE OF NECESSITY

It would appear from the Johannesburg papers that, after all, the Chinese may not be imported for the mines. Mr. Skinner's figures<sup>1</sup> would seem to show that Chinese labour would be unprofitable for the deep levels. The report shows also that they are not likely to come for the asking, but that they will require a great deal of coaxing before they could be induced, in sufficient numbers, to accept the terms proposed. If the report is correct, the people in South Africa will have every reason to congratulate themselves on the deliverance. It will not surprise us if the millionaires suddenly find out that the slump is due to other causes not connected with the labour question, and that mines can go on without the Chinese labour. But this would be a virtue of necessity. They would have endeared themselves to the working classes, if they had taken up the dignified position of saying, "We would not, even though the mines may have to be shut down, do an injustice to them by importing indentured Asiatic labour, and would not traffic in what is virtually slavery".

*Indian Opinion*, 22-10-1903

<sup>1</sup>*Vide* "Mr. Skinner's Report on Chinese Labour", 15-10-1903.

### 194. IN TRUE COLOURS

The following is taken from a report in *The Natal Mercury* of the meeting of the Dundee Town Council recently held in Dundee:

Councillor Willson protested against the action of the Licensing Officer in granting a licence to an Indian store-keeper who had erected a building for trading purposes. He considered this most unfair, as similar licences had been refused to proposed Indian tenants of substantial stores built by Europeans, and with which the former building could only be classed as a hovel.

Councillor Jones spoke very strongly on the subject, and stamped the action as disgraceful, in view of the express wish of the Council that no further Indian licences be granted.

Councillor Jones has come out boldly, and called the action of the Licensing Officer, in using his judgment, as “disgraceful”. Councillor Willson thought it was “unfair”. Truly good judges of the appellate court! For it should be remembered that the Dundee Council is the appellate court to hear appeals against the decisions of the Licensing Officer. The Licensing Officer in Dundee, therefore, is henceforth not to give his own decisions on applications for licences, but he is merely to become the mouthpiece of the Council, and carry out its behests. And yet, in a British Colony, we are told that the Dealers’ Licenses Act reserves to the applicants the right of appeal! We take the liberty to say that rather than the action of the Licensing Officer being “disgraceful”, it is the remarks made by the above-named councillors (both store-keepers in Dundee) which are disgraceful.

*Indian Opinion*, 22-10-1903

### 195. ASIATIC BAZAARS

We have much pleasure in reproducing a portion of the remarks made by our contemporary, the *Western Transvaal Advertiser & Zee-rust Express*, apropos of the Asiatic Bazaar Question.

Dealing with the agenda of the Chamber of Commerce, our contemporary, in a leading article, proceeds:

The third question, that of Asiatic Bazaars, is a subject that needs a deal of discussion. We have yet to learn the reason of the Chamber of Commerce for moving so vigorously in this matter. We are simply informed that the subject will be discussed at the meeting. We presume that the form of

discussion will be that Government will be asked to take immediate steps to have the Ordinance enforced. We are perfectly in the dark as to why the Chamber is in such feverish haste to do something to have the Asiatic traders shifted out of the town, and think that a discussion on the present dusty state of the streets would be more in place.

It is refreshing to find our contemporary taking such a sensible view of the question, and we join the *Advertiser* in the remark that the Chamber is in feverish haste in trying to summarily remove the Asiatic traders settled in Zeerust. We understand that at Zeerust there is already a Location established under the old regime, and that now the government has re-surveyed it and wishes to rename it a Bazaar, and then force all the Indian traders who did not hold licences prior to war to the Location. We consider that such action on the part of the Government would hardly be in accordance with its own notice,<sup>1</sup> for it has said deliberately that Bazaars shall be so far within the towns as to enable the British Indians to have a portion of the white trade also. Now, if the old location at Zeerust, which is on the outskirts of the town and therefore not within it, is a sample of how the Bazaars are to be established in other towns, then we think that it would be a most serious matter. In any case, it would be serious enough for established traders to have to remove their businesses, and we still hope that no such procedure will be adopted as to touch vested interests. But it would be utterly impossible even for new applicants for licences to do any business in places situated in out-of-the-way localities and, as the end of the year is drawing near, the matter is becoming more and more pressing every day.

*Indian Opinion*, 22-10-1903

### 196. INDENTURED LABOUR FROM INDIA

We dealt last week with a portion of the interesting report of the Acting Protector of Immigrants for the year 1902. During that year, sixteen vessels eleven from Madras and five from Calcutta landed 4,373 Indians, 2,940 being men, and 1,069 being women. There were, during that time, 18,000 applications, and 1,902 applications undealt with for the year 1901. At the end of the year 1902, therefore, according to the report, there was an unsupplied balance of 17,500 men.

Unless, therefore, the report proceeds, recruiting in India can be expedited,

<sup>1</sup>*Vide* "British Indians in South Africa" 12-4-1903

and the despatch of Indians increased, it is hardly possible that the Indians required can be supplied much under two-and-a-half years at the earliest. The greatly increased demand arises from the utterly unreliable character of the Native labour of the Colony, especially for agricultural purposes.

The other reasons given for the extraordinary demand are that the Natives have been used to higher wages during the war; that, as rikshapullers, they can make as much as £ 1 per day, and that the increase in the white population of 9,000 must have absorbed a very large number of Natives. In consequence of this great scarcity of labour, Natives and free Indians are continuing to receive very high wages for the seventh year as high as 60s per month.

Thus the report shows most clearly how indispensable the Indian is for the prosperity of the Colony. He is needed everywhere, and yet we see writers in the newspapers complaining of the influx of Indians in the Colony. Our contemporary, *The Natal Advertiser*, even goes so far as to confuse the Immigration Restriction Act with the Indentured Immigration Law of the Colony, stating that the former has utterly failed to be of any use whatsoever in restricting immigration. We may remind our contemporary that indentured labour is taken out of the scope of the Immigration Act, and that, therefore, there is no connection between indentured labour and restrictions on free immigration. During the year under review, 329 men and 105 women returned to India, and, under the Act amending the Indentured Immigration Law of 1891, 643 men and 296 women re-indentured themselves after the expiry of the five years; 1,655 men and 451 women paid the £ 3 poll tax, giving to the Colony an annual revenue of £ 6,318. The fact that so many men and women have paid the annual tax further shows the extraordinary demand that there is for even free Indian labour.

The demand for special servants, such as cooks, waiters, dhobies, etc., continues to be as great as ever. Many free Indians have gone to the Transvaal at high wages, and an ordinary cook will not now proceed to the inland colonies under £ 6 per month, and a man with special qualifications can command even £ 16 per month. These high rates of wages have made it next to impossible for ordinary people in private life to employ free Indian servants of this class, and it is only by employing indentured Indians that they can afford to hire such servants at all.

The last sentence proves also that it is only by a form of slavery that the people in need of servants can obtain them at less than half



the market price, and yet these very people who give their services at such ridiculously low rates for a term of five years or longer have to pay the penalty of £ 3 per year for the sake of their freedom.

The Indian Marriage Law of the Colony continues to remain in a most unsatisfactory state.

1,053 marriages of Indian immigrants were registered as against 403 in the pervious year. Of these, 527 were registered before the allotment of Indians after arrival, the remainder being marriages contracted in Natal. . . . The question has been again raised as to the validity of religious marriages when one of the contracting parties refuses to register the marriage under Section 71, Law 25 of 1891. Many abuses are no doubt practised by unscrupulous persons who give their children in marriage at a tender age, and then when the child becomes of age, place impediments in the way, and even, for a consideration, induce her to take up with some other man; and as the religious ceremony is not necessary under the section, it has no value so far as registration is concerned.

The difficulty will continue until the Law is brought into harmony with the laws of the Colony, and recognition given to marriages solemnised according to the religion of the parties. Indians have an inveterate prejudice against registering their marriages. With them, marriage is not merely a question of civil contract, but it is a religious ceremony endowed with peculiar sanctity. With many sects, the tie once bound is inviolable, and divorce is not recognised at all. Registration, to such people, is practically a farce, and, as the Protector has shown:

With the better class of Indians, naturally, scarcely any troubles arise, troubles which are almost wholly confined to the class of people who look upon their daughters as so much value in coin. Several women who have presented themselves for registration were unable to declare, on oath, that their husbands were dead, consequently, they could not be registered as married.

There are two ways of mitigating the evil; the one is to take an accurate record of married and unmarried men and women before they leave India, and the second is to recognise all marriages contracted in accordance with the religions of the parties, so long as they are not repugnant to the general law of the Colony as to polygamy and marriageable age. Indian marriage officers of undoubted integrity might be appointed to compile a record of all marriages, and recognised Indians priests might be given the authority to frame such rec-

ords. And although under some such regulations, the difficulty will not altogether disappear, we doubt not that it will very greatly be minimised.

1,412 Indians who returned to India are said to have taken with them, in cash £ 16,522, and in jewellery £ 4,809, giving a little over £ 15 per head, representing the savings during five years' stay in Natal that is to say, a saving of £ 3 per year. If these figures are at all an indication of the savings of the general body of immigrants, they show that the proposal to terminate the indentures in India would leave such people without tangible resources; for £ 15 after five year hard toil will not carry the people, even in a poverty-stricken place like India, very far, and would hardly serve as sufficient capital on which to engage in any occupation, trade, or pursuit there.

It is worthy of note that the Madras Indians have once more proved their thrifty habits by taking £ 12,600 with them as against £ 8,700 by their Calcutta brethren. The total population of Indian immigrants on the 31st of December was 87,000, of whom 15,000 were born in the Colony. We notice, also, that the Indians continue to be employed for the gold mines, though the experiment does not seem to have become entirely a success, the chief reason being that they have been employed during the cold weather, which naturally puts them at a disadvantage. The wages offered to those who would work underground are 50 per cent. higher, being 15s. per month instead of 10s.

Remittances made by the Indians through the Protector's department amounted to £ 2, 676 12s. from 233 Indians, and the amount remitted through the Post Office was £ 105,889. The amount standing to the credit of Indian immigrants in the Natal Savings Bank on the 31st of December was £ 46,309, and the number of depositors 1,787 as against £ 34,108 by, 1,310 depositors in the previous year.

The Protector says: "It is pleasing to report that the Indians are, on the whole, very law-abiding". The pity of it is that the law-abiding instinct is very much wasted in a place like South Africa.

*Indian Opinion, 29-10-1903*

## 197. INDIANS IN LADYSMITH

Our contemporary, *The Natal Witness*, gives a fair report of an interesting meeting of the Chamber of Commerce at Ladysmith. Mr. D. Sparks, the Mayor, expressed the following sentiments regarding Indian licences:

He pointed out that the Arabs paid their best men £4 per month, whereas the white store-keeper had to pay £ 20 or more. The Indians had licences to trade, but they ignored the usage of the European store-keepers, and kept their premises open at all hours. He wished those present to say whether they wished their employees to work from five in the morning until nine at night. The question was coming home to them, and the sooner they moved in the matter, the better it would be for Ladysmith, for the district, and for their children after them. If they went on in the slipshod way they were doing, that historic town of Ladysmith would become an Asiatic town.

It would be difficult to compress in half a dozen sentences and equal number of mis-statements as the worthy Mayor of Ladysmith has evidently managed to do in the remarks noted above. We challenge Mr. Sparks to prove his first statement, namely, that the Indian merchants pay their best men £ 4 per month. We claim to have some little knowledge of the wages paid to clerks and storemen in Indian businesses, and we have much pleasure in presenting Mr. Sparks with the information that the best men are paid even as much a £ 25 per month, or an equivalent, that is to say, they draw a salary of about £ 12 to £ 15 besides being provided with food and lodgings. We may add also that the best men receive, at the end of their term of employment, handsome rewards. We could mention half a dozen instances, and if Mr. Sparks would be good enough to bring out the names of the best men employed by Indian merchants receiving £ 4 a month, we would be pleased to give the names of those who have been in receipt of the wages mentioned by us. It is perfectly true that some Indian clerks and employees receive £4 a month, and when they do so, as a rule, they deserve probably no more. Men totally new to the work, who have to be trained, and who are very much at a disadvantage so far as knowledge of the English language is concerned, can not expect very handsome wages. And even when £ 4 per month are paid, it should not be forgotten that, as a rule, board and lodging are added. It is not our contention that the Indians do not accept a lower salary: as a

matter of fact, they very often do, but we do protest against extravagant statements which are calculated to unnecessarily add to the prejudice that is already existent. Their simple mode of life and frugal habits enable the Indians to be satisfied with a lower salary, and we do not know that in a place where competition is keen and open to all, there should be any grumbling as to the salaries. While we are prepared to admit that Indian shops are kept open longer than many, though by no means all, European shops, it is far from true to say that they are opened at five in the morning and closed at nine o'clock at night. As to the historic town of Ladysmith becoming an Asiatic town, may we remind His Worship that, if Sir George White's testimony is correct, it was saved from passing into the Boers' hands, even temporarily, to some extent be it ever so small, owing to the work of a single Indian, namely, Parbhu Singh?<sup>1</sup> It was he who, at the peril of his life, sat perched upon a tree and gave the warning by ringing a gong, each time that the Boer gun from the Umbulwana Hill was fired. The work done by Parbhu Singh was considered sufficiently important to merit special mention by Sir George, and a special recognition on the part of Lady Curzon who sent a *choga*<sup>2</sup> to be presented publicly in Durban. The taunt, therefore, from Mr. Sparks comes with ill grace. While, therefore, we consider that the remarks made by the Mayor, and the other gentlemen of the Chamber of Commerce at Ladysmith, were hardly justified, we wish to sound a note of warning to the British Indian merchants and store-keepers in Ladysmith. We cannot but sympathise with the objection raised by Mr. Sparks, in the first instance, and urged so well and so moderately by Mr. G.W. Lines, the Licensing Officer, as to the unfairness of the Indian stores being kept open for longer hours than the general European stores. Mr. Omar, one of the merchants, pertinently remarked that the Indian trade was not the same as the European, and that the former's customers required the keeping open of the shops for a longer time, but we have no doubt that a middle way must be possible, and the demand of the European store-keepers ought to be treated in a reasonable manner. In these, and matters affecting the well-being of the community as a whole, we ought to be able without any pressure to respond to all sensible suggestions and advice. It is quite possible that the law may step

<sup>1</sup> Gandhiji describes the incident in his *Satyagraha in South Africa*, Chapter IX pp. 78-9.

<sup>2</sup> A robe

in and regulate hours of business, but it would be far more graceful and far more profitable if the Indian merchants took the initiative and brought about the necessary reform. We would then be able to show that, whenever a just cause for complaint is brought to our notice, we are ever ready to rectify the error and co-operate with the Europeans. We, therefore, trust that the promise that the Indians who met Mr. Lines have made, as to considering his moderate proposal would bear good fruit.

*Indian Opinion, 29-10-1903*

### 198.. WHAT CONSTITUTES RESPECT TO THE COURT

Sir Henry Bale, the learned Chief Justice of Natal, is reviving the question of what is proper respect on the part of British Indians, when they enter the Law Courts. One "Manorath", a British Indian, who was a witness in a case pending before His Lordship, appeared without his head-dress. His lordship required of the Interpreter (Mr. Matthews) as to what the custom was in India regarding witnesses and, on the Interpreter saying that it was an insult to the Judge if the witness wore boots, His Lordship intimated that he should write to the Chief Justice of Calcutta to ascertain the exact practice. His Lordship added that he noticed Indians in court wearing both head-dress and boots, humorously adding also that, if they removed their boots, they were likely to disappear. We respectfully venture to think that Sir Henry has made "much ado about nothing". The practice, so far as Natal is concerned, has been settled more than once. Sir Walter Wragg<sup>1</sup> met an Indian deputation years ago, and decided that *salaam* should be accepted as an equivalent to the removal of the head-dress. When the delegates on behalf of the Natal Government went to India in 1894, they also brought out full particulars as to the Indian custom, and dwelt upon it in their report submitted to the Government. They made it clear that the custom in India is not to remove the head-dress or the boots when the parties are dressed either wholly or partly in the Indian costume; that is to say, if the head-dress is Oriental, then it is not to be taken off, but the shoes or boots have to be taken off in accordance with the Oriental practice if they are of Indian make. Sir Walter, who knew this, ordered that the boots or shoes need not be taken off because of the impracticability in Natal, and because, as rule, it was only the European boots or shoes that were used by the Indians in

<sup>1</sup> Puisne Judge, later Acting Chief Justice, Natal.

South Africa. We may also remind His Lordship that, when he was in practice and ornamented the Natal Bar, he was Senior Counsel in the case of Cassim Abdulla & Bennett, wherein Mr. Cassim Abdulla sued Mr. Bennett, the Magistrate, for damages on account of the Magistrate having ordered forcible removal of the head-dress of a witness in a case before him. He was then able to secure a dictum from the judges that the British Indians were not to be forced either to remove their head-dress or their boots, but that they were to *salaam* on entering the court. This practice has been followed ever since, and it would be a pity to re-open the question.

*Indian Opinion, 29-10-1903*

### 199. THE BAZAARS IN THE TRANSVAAL

The notices to the British Indian store-keepers and merchants in the Transvaal about removal to the Location (miscalled Bazaars) expire on the 31st December next. There seems to be somewhere in the Asiatic Department of the Government an evil genius working through it. We have seen notices issued by the Magistrates in different townships offering Stands to applicants, and the offers are hedged in by so many restrictions, that we cannot help saying that there appears to be a deliberate attempt to deprive the Indian of even what little he had under the existing law. Why there should be on the part of, or, at any rate, in the name of, the Government of the Colony, such petty jealousy of the Indian ever arising in business, we cannot understand. The following is what one of the notices states:

If you require particular Stands, you should state in your application your reason for requiring them, and any claims you may have to the lease of these Stands. You must bear in mind that I cannot give Stands to any person who is not actually residing or trading within the town and does not require Stands for the purpose of his residence or trade, nor more than he actually requires for his residence or trade.

We cannot recall any such dog-in-the-manger policy even by the late Republican Government. We are hoping that, no matter how tempting the offers may be for Stands in the so-called Bazaars, the Indians in the Transvaal will refuse to have anything to do with them until the Legislation promised by Lord Milner has been settled. But, in any case, why should an applicant give his reason for requiring Stands? Under the law, it is open to Indians to hold land without restriction in places set apart for the purpose. Why should not, then, any

applicant receive a Stand if he wants one in those Bazaars? Why, again, should an applicant be restricted to a Stand or Stands only in so far as the same may be required for his residence or trade? Are we to understand that the lessors of such Stands will not be allowed to sub-let their Stands and must always remain thereon themselves on pain of being deprived of their leases? Why again, should the giving of leases of Stands be confined to those only who are now residing or trading within the towns? Every Indian Location established during the old regime had owners or lessors who were not residing on their Stands, but who were allowed to deal with them freely, to sub-let them, as also to hold any number of Stands. Why should they, under the British Government, be deprived of such freedom of action? The assurance given by Lord Milner that the Government has no prejudice against the British Indians, and that it wants to deal with them justly, fairly, and even liberally is utterly at variance with the practice as we see it illustrated in the notices that have been sprung upon the community regarding the precious Bazaars. If the Government intends to drive the Indian out by harassing regulations, it would be mercy to send them out bag and baggage at once. They will then know their position, and there would be no hypocritical justification for any action that the Government may take. Like the late Government of the Orange River Colony, it could take a firm stand and absolutely declare: "Though you are British subjects, we will have none of you because you wear the brown skin". The course would be drastic, perhaps un-British, but it would be an honest course. And if the Government really means well by the Indians, and if the assurance above referred to is to be carried out, then the sooner there is a change in the policy hitherto pursued, the better it will be for all concerned.

*Indian Opinion, 29-10-1903*

## 200. BRITISH INDIANS IN THE TRANSVAAL

We offer no apology for reverting to the question of the so-called Indian Bazaars in the Transvaal. The position of the British Indians there is very critical, and we consider it our duty to concentrate much of our attention on it, seeing that it is, at present, the weakest part of the question. We reproduce in another column a notice signed by the Magistrate at Standerton addressed to the Asiatic community, which shews clearly the spirit which seems to guide the policy of the Asiatic Department in dealing with the British Indians. Acc-

ording to the notice, applications were invited for lease of Stands in the Bazaar, the list closing on the 30th ultimo. Applicants are to “state in their applications their reasons for requiring particular Stands and the claims they may have, if any, to the lease of these Stands”. then “on the date mentioned, the Magistrate will consider the applications and apportion the Stands between the applicants subject to the provisions that

- (a) no person is to be given any Stand who has not actually resided or traded in the town and does not require Stands for the purposes of his residence or trade;
- (b) no person is to be given more Stands than he actually requires for his residence or trade;
- (c) if there is more than one applicant for any particular Stand, the appointment shall, in the absence of the possession by any claimant of a good claim to preferential treatment, be decided by law or in some other way as the Magistrate may decide.

Now, as we have pointed out more often than once in these columns, the Law 3 of 1885 gives unrestricted right to Indians to hold landed property in wards, streets, or Locations that may be set apart for them, but this right is to be hedged in by most vexing conditions with reference to Locations far away from towns where it would be utterly impossible to trade and very dangerous to live. In order to understand the extreme harshness of the terms imposed, one has to bear in mind the fact that the Stands are mere vacant pieces of ground; the lessees have not only to pay survey fees and rental, but they have to erect their own buildings, and then they can get the Stands only for their residence or trade, and enough only for such purposes and no more. How does the Government expect every Indians to take out a lease and build on the Stand and live there, presumably without being able to sub-let? The thing is very difficult to understand. In order to be able to comply with the ridiculous conditions laid down in the notice, every Indian will have to be a man of considerable means, which, unfortunately, he is not. And then, if he fails to erect handsome structures, or erects only tin shanties, the blame will be placed on his shoulders, and he will be held up to scorn and contempt because he lives in mere shanties, although the situation will have been not at all of his creation, but of the Government’s. Notices, more or less similarly worded, have been sent to British Indians in many places in the Transvaal. We very much question whether His Excellency the Gover-



nor has any part whatsoever in imposing the conditions therein related. Indeed, the fact is quite plain, seeing that each notice is worded differently from the rest. It would, therefore, appear that the Magistrates have been acting on their own initiative, probably on very general instructions from headquarters. If so, it illustrates once more the position taken up by us — namely, that there is no connected, settled policy regarding the Indians, and that they are more or less at the mercy of the Magistrates or other officers who deal with them leniently or severely in proportion to their prejudices for or against Indians. Such a state of things cannot last long, and it is to be hoped that Sir Arthur Lawley, who has a large heart, will spare some time from his multifarious duties and take a personal interest in the matter. The Indians, who have been obliged to remain in a state of uncertainty and suspense for the last two years, have a right to expect a clear definition of their status. In the meanwhile, as we have said already in our last issue, we trust that the British Indians in the Transvaal would patiently await developments and decline to have anything to do with the Bazaars.

*Indian Opinion*, 5-11-1903

### *201. EAST LONDON AND ITS INDIAN RESIDENTS*

We reproduce in another column a temperate leading article from the *East London Despatch* on the question of the right of British Indians to hold landed property within that borough. Our contemporary has based it on the incident of an Indian having lately bought a piece of land in a principal street there for which he has paid a handsome price. We entirely agree with our contemporary that the Town council should strictly enforce the building regulations so as to prevent the erection of shanties, and we assure it that if the Town Council will only do its duty in that direction, the ever-docile and law-abiding Indians would never think of building structures in breach of regulations. And in proof of our statement, we cite the splendid buildings that have been erected by Indian merchants in Grey Street and elsewhere in Durban. The chief thing is to treat the Indian as a fellow-being and fellow-subject. And we doubt not that there is an effective remedy against undue or unfair competition, and the defects that are usually and often unfairly ascribed to Indians.

*Indian Opinion*, 5-11-1903

## 202. THE PLAGUE AND THE RED TAPE

Complaints have been received by us from several correspondents to the effect that, although the plague restrictions of Indian departures from Natal to the Transvaal have been removed, authorised British Indians are required to take out medical certificates costing them 10s. 6d. each, and are still subjected to medical inspection at Volksrust. The medical officer gives them letters addressed to the Magistrate, saying that they are to be under medical surveillance for ten days. This appears to us to be red tape with a vengeance. If the harassment is to continue in spite of the removal of the regulations, we do not know the meaning of the cancellation of the Plague Notice of the Transvaal Government. The taking out of the medical certificate and payment of half a guinea therefor are a totally unnecessary tax on the poor refugees, and the sooner the Government in the Transvaal issue the necessary instructions to their officials, the better it will be for the Indian refugees. As it is, these poor people have been put to no end of trouble and inconvenience for the last nine months in the name of sanitary and health precautions, when thousands of other people from Natal have been freely allowed to enter the Transvaal without the slightest medical inspection or supervision.

*Indian Opinion*, 5-11-1903

## 203. "THE EAST RAND EXPRESS" AND ITS FACTS

Under the heading "Underhand Movements", our contemporary, *The East Rand Express*, contributes a sub-leader to a recent number of that admirable weekly on the question of Indian licences said to have been granted in the district of Spelonken. Our contemporary says:

It would be interesting to know what is really going on in the Spelonken. From what can be gathered, the authorities have granted licences to a number of Indian traders to do business there, despite the fact that before the war no Indians were allowed licences. What has become of Government Notice 356 of 1903, if its provisions can be so flagrantly broken? That notice distinctly states in clause 2: 'No new licences to trade shall be granted to any Asaitic except to carry on his business in Bazaars set apart for the purpose'. Now the Spelonken has no Bazaars, being a wide tract of country inhabited mainly by

Natives. It would seem that Government is deliberately violating its own proclamation, and setting open the gate for unlimited Asiatic competition. If the Government intends to introduce the Natal laws as to Asiatics, let it do so publicly, and we shall know how to act, but let us have an end of such underhand business as has been outlined above.

Now our information is contrary to that given above. We know that two Indians narrowly escaped deprivation of their old licences. We happen to know that it is from Pietersburg, within which district the Spelonken is situated, that most of the troubles of the Indian traders have radiated. And we believe that the information supplied to our contemporary is a feeler thrown out [so as] to heap further sorrows on the devoted heads of the Indians. Now, there is an honest difference of opinion as to the Indian question between our contemporary and us; but we believe that our contemporary does not wish to misrepresent facts in dealing with it, and we, therefore, ask it to inquire and ascertain whether what we have said above is not an accurate statement of facts.

*Indian Opinion*, 5-11-1903

#### 204.. TRAVELLING IN THE TRANSVAAL

Our contemporary, the *Transvaal Leader*, has given prominence to an anonymous writer regarding the Native railway travellers, and waxes very wrathful over the audacity of the railway administration in having accommodated Native travellers in a first-class carriage on a local train. The facts appear to be, according to the correspondent in question, that these four Native travellers were found by him in a first-class railway compartment in a train from George Goch, all the other compartments being occupied by European passengers. The correspondent held a first-class ticket, and wanted to travel by that train. Not finding room in any of the other compartments, he seems to have passed by the one occupied by the Native passengers. This was altogether too much for him; he could not understand why they should be allowed to travel first-class at all. That they had paid their fares was no question for him to consider. He approached the guard, and the guard seems to have said that, seeing that the Native passengers had paid first-class fares, they were as much entitled as the correspondent himself to travel by that train in a first-class carriage. But the guard's reply is the reason why he has rushed to the Press. In his letter, he has mixed up the Natives with the Indians, and so has our contemporary-

by no means an unusual thing in this sub-continent. It just shows the danger that faces our contrymen in South Africa generally, and particularly in the Transvaal. There is often a tendency to use the terms "Natives, Coolies and Indians" as if they were all one and the same. The *Leader* calls upon the railway authorities promptly to prohibit first-class travelling by Natives and coolies, as it is pleased to call British Indians forgetting that the railway regulations at present do not prohibit first-class travelling by either the Indians or the Natives; [that] only with reference to the latter it is provided that they have to make their applicaions at least half an hour before the advertised time of departure of trains, and that their application would be specially considered if they are in companies of four or more. We may remind our contemporary that, even during the old regime, first-class travelling by Indians was not prohibited, and we may further remind it of the fact (though in newspaper history, we are told, precedents count for nothing) that the *Transvaal Leader* before the war was the champion of the rights of Colourd people who had not a more sympathetic friend than Mr. Pakeman, who adorned the editorial chair.

*Indian Opinion* 5-11-1903

### 205. INDIAN STORE-KEEPERS IN LADYSMITH

We have much pleasure in making room for notes from the *Natal Witness* and *The Times of Natal* regarding the action of Mr. Lines towards the Indian store-keepers in Ladysmith, and his threat that their licences will not be renewed unless they consent to close their stores at the same time as the Europeans. After denouncing, in its usual fashion, the British Indians, *The Times of Natal* proceeds:

But for all that, it is a question how far Mr. Lines, the Town Clerk of Ladysmith, was justified in his action in calling the Arab traders together and practically ordering them to close their places of business at the same hours as their European fellows, and to observe the same holidays, under threat of having their licences withdrawn. This strikes one as being a very arbitrary exercise of the powers of a licensing officer. Once a man has obtained a licence and observes the laws of the country generally, and by-laws of his municipality particularly, it should be beyond the powers of any local official to so utterly ruin him, as proposed by Mr. Lines, for, if this latest instance of officialdom be carried to a just conclusion, then the autocrat of Ldysmith and others similarly placed throughout the Colony, can order any European to

close his store at any hour he may please. It is a ticklish subject if you like, but the old nostrum that 'an Englishman's house is his castle' will have to be knocked on the head before it can be solved by Ladysmith.

These remarks are undoubtedly just, and from a purely legal and British point of view, the proposals made by Mr. Lines are arbitrary and high-handed. All the same, we adhere to the opinion we have already expressed, namely, that it would be very graceful on the part of the British Indians in Ladysmith, notwithstanding the arbitrary procedure adopted by Mr. Lines, to fall in with Mr. Lines suggestion, provided, of course, that it is at all workable. If they could do so, they would have in their hands an exceedingly good weapon of defence, and it would disarm much of the opposition in Ladysmith. So long as the Dealers' Licenses Act remains on the Statute-book of the Colony in its present form, so long will it be necessary for the Indian community to be on its guard, and to be yielding whenever yielding is feasible, even at the risk of some pecuniary loss, because, as has been repeatedly pointed out, they are (we mean the traders) totally at the mercy of the licensing officers and Town Councils or Local Boards; and while it may be possible in isolated instances to secure relief from the Home authorities, it should be recognised that it is a very slow machinery to move. The safest thing, therefore, is to recognise the position as it is, to make all the efforts in order to have the law removed, and in the meanwhile to act in such a manner as to show by our action how utterly underserved are the disabilities that are imposed on us.

*Indian Opinion, 5-11-1903*

206. LETTER TO LIEUTENANT-GOVERNOR'S SECRETARY

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,  
RISSIK STREET,  
P.O. BOX 6522  
JOHANNESBURG,  
*November 7, 1903*

TO  
THE PRIVATE SECRETARY  
TO HIS EXCELLENCY THE LIEUTENANT- GOVERNOR  
PRETORIA  
SIR,

I have the honour to acknowledge you letter of the 4th instant, No. 2131.<sup>1</sup>

As I have already said, I have no wish to lay stress on the question of His Excellency's replies regarding Notice No. 356 of this year to the representation of the British Indian Association.<sup>2</sup> But I do venture to hope that, in the light of the facts placed before His Excellency, the request respectfully made by the Association would be favourably considered. And in this connection, I may be permitted to draw His Excellency's attention to Lord Milner's dispatch<sup>3</sup> to Mr. Chamberlain, which appears to lay down the Liberal policy about the position of the British Indians.

*I have the honour to remain,*

*Sir,*

*Your humble servant*

M. K. GANDHI

Pretoria Archives: L. G. 2132, Asiatics 1902-1906.

<sup>1</sup> This was in reply to Gandhiji's letter of November 2 which is not available.

<sup>2</sup> The Lt-Governor had written that there was no room for any differences in the interpretation of his replies, adding: "In every case the words used are clear and explicit and distinctly limit the number competent to claim exemption under the notice, who 'held licences' to trade beofre the war".

<sup>3</sup> *Vide* "Lord Milner's Despatch", 27-8-1903

## 207.. NOTES<sup>1</sup>

JOHANNESBURG.  
November 9, 1903

### NOTES ON THE INDIAN QUESTION IN THE TRANSVAAL, ENDING NOVEMBER 9, 1903

The question of paramount importance is, at present, the working of Notice 356 of this year, known as the Bazaar Notice.

In view of the approaching end of the year, a British Indian deputation waited on His Excellency the Lieutenant-Governor<sup>2</sup> with a view to induce him to respect the licences of all British Indians who are at present trading in the Colony under licences duly issued to them.

It will be remembered that, according to the Notice, strictly speaking, only those who held licences at the commencement of hostilities are entitled to trade outside Locations after the end of this year.

Two classes of licences remain, therefore, to be considered. First, those who traded before the war, but not with licences. Second, those who had licences granted to them, after British occupation, by British officers on the strength of their being refugees.

From the correspondence with His Excellency on the Bazaar Notice, it was hoped that there would be no difficulty regarding licences belonging to the first class, because a very large majority of British Indians traded in the Transvaal before the war without any licences whatsoever (because none were granted) on the strength of tenders of licence money or in the names of their white friends, with the knowledge of the then Government.

But, His Excellency, unfortunately for the British Indians, took a different view and said that he never meant to convey to the Association that any but those who actually held licences to trade outside Locations before the war should be allowed to continue to do so after the 30th December next.

However, His Excellency, on learning that, as a matter of fact, there were hundreds of British Indians who traded before the war

<sup>1</sup> Gandhiji as usual forwarded this statement to Dadabhai Naoroji who sent a copy to the Secretary of State for India. *India* published it as a despatch in its issue of 4-12-1903.

<sup>2</sup> On October 30.

without licences, owing to the protection granted to them by the British Government, said that he would consider the question at a meeting of the Executive Council.

There is, therefore, reason for hoping that the licences belonging to the first class will get relief.

We are, however, used, nowadays, to so many disappointments that it may not be amiss to state the position clearly and to contemplate the consequences of sending such men to Bazaars or Locations.

Although it is difficult to give authentic figures, it may be safely assumed that more than 50 per cent of the licence-holders would fall under the first class.

They have been, many of them, in business for the last ten or more years; they hold long leases of premises equipped by them, and are large importers, doing white as well as Kaffir trade. Are they to remove to Locations at the end of the year? Although it was for these very men that Mr. Chamberlain fought strenuously and successfully during the Republican regime!

They were allowed to trade outside Locations without licences, because the British Government proved too strong for Mr. Kruger;<sup>1</sup> and why should the favoured few Indians who were able to obtain licences from the Boer Government receive exceptional treatment? Indeed, their case is in no way stronger than that of the unfortunate men of the first class who are now under notice to remove to Locations.

The reason why some of them were able to get licences before the war is as follows:

After voluminous correspondence with the British Government, and after the Boer Government had realised that it could not relegate British Indians to Locations, it was decided in 1899 to grant licences to British Indians who had been trading before that year outside Locations. Those who were able, therefore, got out their licences, but others who had left the Transvaal for a time in 1898 were unable to do so; nor were all granted their licences at once.

The Boer Government machinery was very slow; the Licensing Officers hardly ever acted promptly, or in accordance with instructions. The result was [that,] in outlying districts, in spite of applications, many Indians were unable to get their licences, but at the same

<sup>1</sup> S. J. Paul Kruger (1825-1904), President of the Transvaal, 1883-1900. *Vide* "Late President Kruger", 23-7-1904.



time they were not disturbed in their businesses.

Are they now, then to be deprived of the right of trading in towns outside Locations for no fault of their own?

There still remain to be considered the licences belonging to the second class.

Now, these men received their licences upon British occupation without any conditions whatsoever. The question of enforcing the law 3 of 1885, as stated in Lord Milner's despatch, was only evolved this year. Last year nobody ever thought of enforcing the anti-Asiatic, un-British laws of the late Government. Those men were refugees. Many of them engaged before the war in trade in some district or another, and the British officers who were not trained in the local prejudices could not naturally understand why they should refuse to grant trading licences to British subjects when they were being granted to foreigners.

It was reserved for the Asiatic Office to unearth the anti-Asiatic laws, and make suggestions for enforcing them. Its hands were strengthened by the interested agitation set up against British Indians, and the result was that we have the Bazaar Notice.

When the British Indian deputation waited on Mr. Chamberlain in January last,<sup>1</sup> he could not understand how licences once granted could ever be taken away.

Moreover, men of the second class are very few; they, too, have large stocks on hand, in some cases having leases, and it would mean entire ruin to them to be compelled to remove to Bazaars.

The British Indian Association has been trying to get authentic reports from professional men in the various districts in which the Government have seen fit to select sites for Bazaars, and, according to reports received, not in any case are the sites selected such as to attract any trade whether white or Kaffir, although both Lord Milner and Sir Arthur Lawley assure us that they will be selected within towns and in such places as to give the British Indians reasonable facilities for getting both white and Kaffir trade.

In every one of the cases, the Bazaars have been fixed in out-of-the-way places and, though legally within the town boundary, certainly away from the inhabited portion thereof. In one case, an attempt was made to remove the existing Location to a site much further

<sup>1</sup> *Vide* "Address to Chamberlain", 7-1-1903

away. It may be here mentioned that His Excellency the Lieutenant-Governor told the deputation that, in his opinion, the Bazaar sites were well selected and gave to those who might have to go there a fair opportunity of trade.

With the greatest deference, it may be pointed out that the reports of men quite unbiased, having large local experience, and the opinion of the men who have passed a lifetime in trade is, after all, more reliable than that of His Excellency.

The following is a typical report on a Bazaar site.

Mr. J. A. Nesir, J. P., Solicitor, says of the Klerksdorp Bazaar:

In my opinion, the site proposed is not suitable for trade purposes, as it is not likely that inhabitants from the town will proceed all that distance to make purchases. . . . There was no Indian Bazaar under the old Government.

Dr. Jupp, M.B.B.Sc., says:

In my opinion, the site as at present marked is to be condemned from a sanitary point of view.

Since this report was drawn up, even the District Surgeon of the place has condemned it.

India Office: Judicial and Public Records, 402

### 208. *THE ORANGE RIVER COLONY AND COLOUR LEGISLATION*

A recent number of the *Government Gazette* shows quite plainly that the Government of the Orange River Colony is not to be deterred by any considerations whatsoever from following up the legislation restrictive of the liberties of Coloured people. In the *Gazette* dated 23rd October is published a draft Ordinance to amend the Law relating to Municipalities, and we read the following provision regarding the qualification of voters for the municipal elections: Any one

who is a Coloured person in terms of Article 8 of Law 8 of 1893, and who is not the offspring of a lawful marriage of a white father with a Coloured mother, or a coloured father with a white mother, or who, being such an offspring, has not obtained the right to the ownership or occupation of immovable property in this colony under provision of Chapter 34 of the Law, is disqualified from being a voter.

Now by Article 8 of Law 8 of 1893,

the expression 'Coloured person' appearing in this Law shall be interpreted and taken, unless the context clearly forbids it, to apply to and include a man,

or men, as well as woman, or women, above the age or estimated age of sixteen years, of any Native tribe in South Africa, and also all Coloured persons, and all who, in accordance with law or custom, are called Coloured persons, or are treated as such, of whatever race or nationality they may be.

The definition, therefore, is as wide as could be imagined, and includes British Indians also. Taken by itself, the provision is hardly of much consequence, for we are aware that the Transvaal Government has only lately disfranchised all Coloured people from participation at municipal election, and such a disqualification is by no means the most important disability of the British Indians, but taken as an indication of the deliberately hostile policy of the Government against the British Indians, it is a matter of no small importance. There is, for the Government of that Colony, absolutely no turning back from the inheritance of the past. When there is any change at all in the past legislation, it is for the worse. Mr. Chamberlain, in his despatch to Lord Milner in reply to his demand for Asiatic indentured labour, dwelt upon the anti-Indian legislation in both Colonies, and expressed the hope that they would grant relief in the direction pointed out by him. The clause we have referred to above and the clause we are about to refer to are the answers returned to the despatch by the Government of the Orange River Colony. It is inconceivable how the Government of that Colony, which is, after all, subordinate to, and under the direct control of, the Colonial Office, can defy the head of that office and continue not only to refuse to undo the past but to tighten the cord that binds the British Indians. Later, in the same draft Ordinance, we notice certain clauses referring to Locations. The marginal note merely mentions "Native Locations", but the clause itself clearly applies to "all Coloured persons". It reads:

The council is empowered to establish Locations in such part or parts of the Municipal land as they may think fit, within which all coloured persons, other than domestic servants residing on their employees' premises, shall be compelled to reside, and they may from time to time close such Locations and establish other or others. The council is further empowered to frame regulations for the proper control of all such persons. . . No Coloured persons, male or female, above the estimated age of sixteen years, or under the estimated age of sixty years, shall reside for more than forty-eight hours within any such Locations, unless

(a) he is actually in the employment of a white employer residing within the Municipality, or within a radius of five miles from the limit of the Municipal

area and is in possession of a permit from the Town Council to that effect, Or unless

(b) he has obtained a certificate of permission to work on his own account in terms of Article 3 of Law 8 of 1893, and is actually engaged in such work, Or unless

(c) he is a person who has obtained a letter of exemption under the provisions of the Coloured Persons Relief Ordinance, 1903, Or unless

(d) she is the lawful wife of a person residing within such Location under the aforesaid provisions.

Boiled down, these sub-clauses mean that, even to be able to live within the confines of a Location, which like a stable, or a pound may be removed at the sweet will of the Council, a Coloured persons must have obtained previous permission and must be a menial servant, that is to say, he cannot reside in any part of the colony except as a labourer pure and simple. Lest our readers might imagine that there are very great privileges reserved, by the laws referred to, to the wearers of a coloured skin, we may mention that Article 3 of Law 8 of 1893 contemplates special permission to be given by the Local Board on payment of a fee of 5s. per month to a Coloured man to sell his services to anybody he likes, provided that he obtains the necessary certificate for so doing. The Coloured Persons Relief Ordinance defines the qualifications, which are high enough, entitling a Coloured person to obtain exemption from liability to carry a personal pass renewable from time to time and bearing a certain fee. The precious exemption is granted after very irksome formalities having been gone through, and really consists in the carrying of the exemption certificate in exchange for the ordinary pass. Beyond this, the Ordinance gives no relief, and leaves such exempted persons under all the other disabilities, namely, those as to trading, farming, holding immovable property, residence outside Locations, etc. Such, then, is the attitude of the Government of the Orange River Colony towards Coloured persons, and unless the Colonial Office chooses to exercise its prerogative for the protection of non-white subjects of the Empire, it will go hard with the hundreds of British Indians who are waiting to emigrate to the Orange River Colony and settle there for purpose of earning a livelihood. We trust that the friends of British Indians in England will see these remarks of ours, study them, and come to the rescue and insist on the Colonial Office doing its duty towards the loyal Indian subjects of the King-Emperor. During his fiscal

campaign, Mr. Chamberlain has not been slow to lay stress upon the fact that India contains an inexhaustible reserve of fighting material upon which the Empire could draw without the slightest hesitation in case of need. Yes, India is ever ready to do her part for the service of the Empire at large. Will the Right Honourable Gentleman also use his influence in inducing the Colonies to do theirs?

### 209. *THE LATE SIR JOHN ROBINSON*

Death has removed from our midst one of the Makers of Natal in the person of the late Sir John Robinson. The first Prime Minister under responsible Government, Sir John has left behind him a record of useful service to the Colony which it will not be easy for anyone to equal, much less to surpass. It was a most fortunate thing, as the recent events have shown, that when self-government was granted to the Colony, in securing which Sir John was chiefly instrumental, it was governed by him and his equally able colleague, the late Right Honourable Mr. Harry Escombe. Had it not been for the great start that they gave, it is not difficult to see what would have been the position of Natal under responsible government. From Editor to Prime Minister is a long leap, and that fact alone shows the sterling worth of the man who is now no longer among us. By his ability, zeal, and honesty of purpose, he succeeded in making *The Natal Mercury* the power that it is in Natal. He brought all those qualities to bear on the government of the Colony only in a higher degree, and his merit was recognised by the Sovereign also in that he received the Order of K.C.M.G. By the British Indians, the honourable gentleman will be best remembered as the author of the Disfranchising Bill<sup>1</sup>. The British Indians had then reason to differ with him in the views he held, but no man can say that he was actuated by any but what to him were lofty motives in embarking upon the measure. The Bill, as subsequently modified, remains part of the Statute-book of the Colony. We can only wish that the words he uttered at the time of introducing the measure were also a part of the legislation, for he distinctly said that, in disfranchising British Indians, every member of the Legislative Assembly took upon himself a very serious responsibility and became a trustee for them. Had that spirit guided our legislators in framing the legislation that has followed, there would have been very little to com-

<sup>1</sup>Vide "Memorial to Natal Legislative Assembly" 27-4-1896

plain of. That Sir John had a warm corner in his heart for the British Indians is proved from the fact that, at no small sacrifice to his health,

for he had hardly recovered from his serious illness he was pleased to accept the invitation of the Natal Indian Congress to preside at a meeting in the Congress Hall to celebrate the relief of Ladysmith.<sup>1</sup> As was usual with him, he entered into the programme whole-heartedly and paid a generous tribute to the Natal Indian Volunteer Ambulance Corps.<sup>2</sup> We reproduce in another column the full text of his eloquent speech on that occasion. We tender to Lady Robinson and the family our most sincere sympathy in their bereavement, which is a bereavement for the whole Colony.

*Indian Opinion*, 12-,11-1903

## 210. THE PROPOSED SITE FOR THE ASIATIC BAZAAR IN KLERKSDORP

We understand that the British Indians in the several towns, for which the Transvaal Government has selected sites for Asiatic Bazaars, have had reports drawn up as to the suitability or otherwise of these places. Klerksdorp Indians have done likewise, and the medical gentleman who has reported for them appears to have condemned the site from a sanitary standpoint. Confirmation of that report appears from very strange quarters, According to the Klerksdorp Mining Record of the 3rd instant, the District Surgeon for the place has also reported unfavourably about it, and it would be quite laughable, if it were not painful, how the Health Board for that district has professed helplessness in the matter as the site has been selected by the Government. They would, therefore, if they could, wash their hands clean of any complicity whatsoever in the selection. Unfortunately for the Health Board, however, according to the Government Notice regarding Bazaars, the Government could not possibly have fixed upon the particular spot without consultation with the Health Board, and while there may be some excuse for the Government, having their seat in Pretoria, not knowing about the unfitness of the site from a medical standpoint, there can be none for the Health Board, as the members are local men and they must have recommended the site with their eyes wide open. We cannot do better than quote the full report as it appears in the

<sup>1</sup>Vide "Congratulations to British Generals", 14-3-1900

<sup>2</sup>Vide "Notes" 3-9-1900

### *Klerksdorp Mining Record.*

Letter was read from the District Surgeon in which he stated that he condemned the site of the Asiatic Bazaar, as in the rainy season it would be submerged. It was pointed out that there were 200 Stands in the Bazaar, of which at least three-fourths would not be required for years, and that though a few of the outside Stands were on low ground, the majority were in a splendid position. The matter was also out of the Board's jurisdiction as the site had been approved of by Government, surveyed and was declared as the Bazaar.

It is Boards like this which have recommended sites in other places also, and yet Lord Milner has given his assurance to the Colonial Office that the Bazaars will be well selected as well from a health, as from a business, standpoint.

*Indian Opinion*, 12-11-1903

### *211. THE WHITE LEAGUE AND BRITISH INDIANS*

A meeting was held on the 5th instant, under the auspices of the White League at Fordsburg, in Johannesburg, where a number of questions were discussed. The proceedings, according to the newspaper reports, appear to have been: "extremely lively" and "at times noisy". Mr. A. Macfarlane presided, and there seems to have been an attendance of about eighty persons. The chairman, in his opening speech, dwelt at some length on the question of Asiatic immigration.

The League, he said, was formed about a year ago, because of the feeling that Johannesburg was being flooded by large numbers of an undersirable class of aliens who were filling up the small shops and trading areas, forestalling in many cases people of our own nationality who had been detained at the coast and had in many ways borne the full brunt of the war. . . He referred to the ease with which Asiatics got permits to return after the war, the difficulty which the British people experienced in getting permits. By the Transvaal Law, Chinamen and Indians were precluded from holding licences, but this law had been suspended by the present Government for Chinamen and Indians who were engaged in business illegally previous to the war. . . The question might be asked whether, in view of the Indian Government having refused permission to allow labourers to be recruited there for the relief of the railway labour demands, we should not ask for repatriation of the whole of these people now here, who, as traders, simply acted as a Drag on the real advancement of this country.

This is what Mr. Macfarlane has to say on the British Indians.

The facts are, according to official records, that whereas nearly 28,000 permits have been issued to Europeans between January and October, less than a 10,000 permits have been issued from the declaration of peace up to now to the British Indians. Moreover, from the figures already published by us, it would appear that the whole of the 28,000 Europeans were non-refugees. With the exception of perhaps a few dozen British Indians, all who have received permits have been refugees. As to the alleged unscrupulous methods of the Asiatics in obtaining permits, we refer the worthy chairman to the prosecutions instituted lately by Captain Hamilton Fowle against several Europeans for being in the Transvaal without permits, or for having trafficked in the permit trade. The Greek Assistant Vice-Consul, who only lately was heavily fined for such traffic, we presume, was instrumental in obtaining permits for Europeans only. The suggestion that the Indians, who have been domiciled in the Transvaal for several years, who have vested interests in it and have entered the Colony as free men, should be repatriated, because the Indian Government declines to sell Indian labour to the Transvaal on terms bordering on slavery, is quite in keeping with the whole tenor of the speech. And it is the opposition of these gentlemen that counts with the present Government that has inspired the Bazaar Notice, and that fairly promises, by the end of the year, to make beggars of hundreds of British Indian store-keepers. We reproduce in another column the full report of the meeting taken from the *Daily Mail* to show the kind of opposition that is set against +British Indians.

*Indian Opinion*, 12-11-1903

## 212. INDIANS AND "THE EAST RAND EXPRESS"

Our contemporary is still busy over the Indian question. In one of the latest issues, over half a column is devoted to the purchase by an Indian of a piece of land in the East Rand district. The facts as set forth are fairly accurate; we are in full possession thereof. We may, however, remind our contemporary of one very material fact, namely, that the land in question was bought in a perfectly *bona-fide* manner. When the Transvaal was occupied by the British, the people including officers, the general public, and the Indians themselves came to the conclusion that the old discriminating laws had lapsed. The despatches of Lord Milner and the speeches of Her late Majesty's ministers were still fresh in their memory, and bearing them in mind, they came



to the natural conclusion that the evil, to remove which the late war was fought, must certainly have disappeared. In no other part of the British Dominions do such discriminating laws against British subjects exist. The Indian, therefore, bought the property, and the white man sold it, under the full belief that the transfer would be registered. Indeed, it was even submitted to the Registrar for registration. The only thing, therefore, that could be done when it was found that the hopes of the Indians were not to be fulfilled, and that the lot could not be transferred to an Indian name, was to have it in the name of a white man. The poor man applied to a white friend to help him by taking up the property in his own name, so that when it could be sold, he would sell it and save himself from loss. The friend, be it said to his credit, consented to do so. There the matter ends. To us it is painful, but if our contemporary can derive any satisfaction from such a state of things, we wish it all joy of it. We can only say that it is extremely un-British, but we are not surprised at the attitude taken up over this paltry case, for, in the same article, we read later of that the programme of the East Rand people is to be: (1) No Asiatic trading save in Bazaars outside the towns as provided by the law; (2) the support of the existing law prohibiting Asiatic ownership of land and fixed property; (3) the placing of all Asiatics on the same basis as Kaffirs. We have always admired the frankness of our contemporary, and in this instance we find the same trait; there is no hesitation to call a spade a spade. The Government is to be asked to set apart Bazaars outside the towns. Really speaking, this request is unnecessary, because the Government has already done so in almost every case in which sites have been selected. We hardly think that the most rabid East Randite could have made better selections from his own standpoint. They are so situated that trade is practically impossible, and living dangerous. The second request also is hardly necessary, because the Government has not shown the slightest willingness to depart from the existing law, and its activity has been all towards making the restrictions as severe as possible. The third is undoubtedly the frankest of all, and would certainly solve the question once for all, if only the question of the status of British subjects can be indefinitely shelved. The placing of all Asiatics on the same basis as Kaffirs is a very simple solution, but the inconvenient fact is that no matter how willing and ready the Government of the Transvaal may be to trample under foot all the past declarations, we fancy that even they would hesitate to adopt the course suggested by our contemporary. It would mean the

abrogation of Law 3 of 1885 in favour of legislation which they never allowed the old Government to pass. The attempt was often made by Ex-President Kruger to secure the consent of Her late Majesty's Government to the amendment of the 14th article of the London Convention so as to include all Asiatics in the term "Natives of South Africa". Lord Derby, however, was quite firm and would not think of any such proposal. The plan, therefore, suggested by our contemporary, simple though it is, is not free from some difficulty so long as there is the slightest vestige of fair dealing with the Indians as yet left in the Transvaal.

*Indian Opinion, 12-11-1903*

### 213. LETTER TO LIEUTENANT-GOVERNOR'S SECRETARY

BRITISH INDIAN ASSOCIATION

25 & 26, COURT CHAMBERS,

P.O. BOX 6522,

JOHANNESBURG,

*November 14, 1903*

TO

THE PRIVATE SECRETARY

TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR

PRETORIA

SIR,

The question of the removal for present holders of trading licences is to them so important and serious that I venture again to trespass upon His Excellency's attention.

It was submitted to His Excellency by the deputation that Lord Milner's despatch dated 11th May and addressed to Mr. Chamberlain strengthened the view held by the British Indians that existing licences would not be affected by the Notice 356 of this year. In support, I beg to quote as follows from the despatch.

They (the Government) are anxious, however, to do so in the manner most considerate to the Indians already settled in the country, and with the greatest respect for vested interests, even where these have been allowed to spring up contrary to law. . . . Had we had to deal merely with the Asiatic population as it existed before war, it might have been possible to remain passive until a new law could have been framed to the satisfaction of His Majesty's Government, But with so many new-comers constantly pouring in and

applying for licences to trade, it became impossible to persist in the policy of complete inaction. . . . As I have already stated, the government is prepared to recognise the vested interests of Asiatics resident here before the war. On the other hand, it feels that it would not be justified in allowing new vested interests to spring up contrary to the law. During the war and since the declaration of peace, a large number of temporary trading licences were issued to new-comers. These licences have been renewed until December 31st, 1903, but the holders have been warned that, on that date, they will be required to remove to streets or Bazaars selected for this purpose.

From the above, it is clear that Lord Milner has been under the impression that trading licences have been granted to new-comers and therefore they alone should be removed to streets or Bazaars. But as the deputation has submitted, there are very few new-comers, if any, that have been granted licences to trade outside Bazaars.

Again Lord Milner states:

We have no wish to subject respectable British Indians or civilised Asiatics generally to any disabilities. . . . It (the Government) is in there most important respects showing a consideration for these Asiatics which the late Government did not show.

One of these respects is exemption of Asiatics of a superior class from all special legislation. So far, it is meant to be granted in respect of residnets only. I venture to submit that, pending new legis-lation, those who conform to the sanitary and other regulations should, according to the above, be left undisturbed in their trade.

*I have the honour to remain,*

*Sir,*

*Your most obedient servant,*

M. K. GANDHI

Pretoria Archives: L.G. 2132, Asiatics 1902-1906.

## 214. NOTES <sup>1</sup>

[JOHANNESBURG,  
*November 16, 1903*]

### WEEKLY STATEMENT ENDING NOVEMBER 16, 1903

The situation remains still the same. The summary given last week<sup>2</sup> may be very greatly elaborated on the strength of Lord Milner's dispatch dated 2nd May, 1903 and addressed to Mr. Chamberlain,

It was shewn last week how very little regard has been paid to the Indians, although Lord Milner states that the Government are anxious to enforce the Law in a way most considerate to the Indians already settled in the Colony.

In view of the great interests which are at stake, it is necessary to pick out other passages from Lord Milner's dispatch to shew how truly at variance it is with the practice that is being followed at present. Lord Milner says:

Had we had to deal with merely the Asiatic population as it existed before the war, it might have been possible to remain passive until a new law had been formed to the satisfaction of His Majesty's Government; but with so many new-comers constantly pouring in, etc. it became impossible to persist in the policy of complete inaction.

His Lordship continues:

As I have already stated, the Government is prepared to recognise the vested interests of Asiatics resident here before the war. On the other hand, it feels that it would not be justified in allowing new vested interests to spring up contrary to the law. During the war and since the declaration of peace, a large number of temporary trading licences were issued to new-comers. These licences have been renewed until December 31st, 1903, but holders have been warned that on that date they will be required to remove to streets or Bazaars selected for this purpose.

Now, according to the above, there should be no difficulty in the way of those who were trading before the war either with or without licences, also, with those who were settled in the country before war, whether they traded in the country before war or not. The Bazaar

<sup>1</sup> This statement was sent by Gandhiji to Dadabhai Naoroji, who forwarded a copy to the Secretary of State for India. It was published in *India* of 11-12-1903.

<sup>2</sup> *Vide* "Notes", November 9, 1903.

Notice should, according to the dispatch, affect only those newcomers who are said to have poured in. As a matter of fact, as has been pointed out in previous statements, there are very few newcomers, because only refugees have been allowed to enter the country. It would not, therefore, do to rely upon the dispatch in question and sit still. Time is quickly passing by, and it is very necessary that, in accordance with the dispatch, there should be a guarantee given to the poor British Indians that their licences would be respected.

Further on, Lord Milner states:

We have no wish to subject respectable British Indians, or civilised Asiatics generally, to any disabilities,

and therefore, His Excellency proceeds:

It is, in three most important respects, shewing a consideration for the Asiatics which the late Government did not shew.

One of those respects is exemption of Asiatics of a superior class from all special legislation; this consideration has not yet been shewn, except with regard to residence, which is the least important thing; the most important part being to leave undisturbed the trade of the men who conform to the laws of the country. Much stress is undoubtedly laid on the right of residence outside Locations, but comparatively speaking, the right of residence is a matter of sentiment, the right of trade one of bread and butter.

As to the selection of the Bazaar sites, there is only one opinion among the Indians, namely, that they could not have been worse chosen by their inveterate opponents; for trade they are perfectly useless; in most cases they are vacant pieces of ground away from the business centres. Disinterested professional men have testified to their being valueless for trade.

With reference to the Rustenberg Bazaar, even a member of the Health Board has not hesitated to say that trade cannot be carried on there, and yet this is what Lord Milner has said to Mr. Chamberlain:

As you are aware, the sites selected by the Government of that late South African Republic for the purpose of Asiatic Bazaars were in many cases most unsuitable for such a purpose, being remote from the business centres of the town. In many towns, no site at all was selected. It is the intention of the Government to lose no time in selecting suitable sites for Asiatic Bazaars accessible to all classes of the community, and I am confident that, once the Bazaars are established and arranged in conformity with the customs and requirements of the occupants, the latter will be enabled to carry on their busi-

ness with as great, if not greater, advantage than under existing conditions.

The quotation shews not that Lord Milner's intentions are not good, but that they are not being carried out by those in whom is vested the administration of the Law 3 of 1885. Indeed, they are enforcing it in a manner most hostile to the Indians, because the law does not tie the Government down to selection of Bazaars in out-of-the-way corners only, but it gives them the power to point out streets, wards, and Locations for residence of the Asiatics. Lord Milner himself contemplated the setting apart of streets, when he said in the same dispatch that "they will be required to remove to streets or Bazaars selected for this purpose".

It will, therefore, be seen that Lord Milner's statement is as definite as it possibly can be; the least that is, therefore, expected of the Government is that they should give full effect to Lord Milner's declaration, and save the British Indian traders from ruin by continuing the renewal of their licences. New applicants may be treated, if they so choose, in a different manner.

As shewing the apathy or hostility of the administration towards the Indian interests, the action of the Health Board at Barberton may be cited as an instance in point. There, as stated last week, the attempt was made to shift the present Location to a place further away from town. The Government have since written saying that the equipment of the present Location will not be disturbed, as the Health Board is not able to pay them compensation for removal, or to bear the cost thereof; but what has been given with one hand has been taken away with the other, because a Notice has just been issued signed by the Resident Magistrate, imposing on the tenancy of the present occupants new and extraordinary conditions, unheard of even between private parties; that is to say, if they do not want to remove to the new Locations, they will not be permitted to sub-let their premises, or even to have any visitors "on pain of eviction", [and] "in default of the payment of the rent due, on the prescribed date, the tenancy will be terminated". The licences are never transferable in respect of place, or renewable, except for the present holders. Thus, the Board, if their decision is upheld, would have the satisfaction of removing the Indians from the present Location without having to pay a single penny. All this is clearly contrary to Law 3 of 1885, for, at any rate, within the Location, the British Indians may have the same rights as any ordinary Individual. The matter has been placed before the Government.

India Office: Judicial and Public Records, 402

## 215. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
November 18, 1903

CHI. CHHAGANLAL,

I have your letter. I have written in detail about myself to Revashankarbhai<sup>1</sup>. You will know everything from it. I cannot make any sort of promise to your aunt<sup>2</sup>. I think I shall take another four years. I do not like the idea of her staying there for the sake of the jewellery or any such temptation. If she wishes to stay there, she should live contented and without being a burden to others. But if she cannot do that she has my permission to come over. Read this to her.

Pass on the letters I am writing to Chi. Harilal and Gokaldas<sup>3</sup>. Send the books I have asked for and also the unframed as well as the other photographs. Of the framed photographs, keep those you think worth while. I am sorry that you have not yet regained your health. Let me repeat that you must not strain yourself because you feel ashamed. There is no warrant for making distinctions. And where there is no sense of distinction, there is no question of embarrassment. If your aunt or anyone else feels hurt by anything, do not think about it when it comes to looking after your health or performing other duties. Then alone shall I feel happy. Bring your aunt here if she wants to come, even if she does not wish to stay here long. I think it will be good. But if you think that you will not feel comfortable on a steamer, I shall not insist that you come braving hardships.

In such a case you can make alternative arrangements. I see no harm in [your aunt] coming alone by the s.s. *Nadia*. Send the books and the photographs early. Give to Mulibehn<sup>4</sup> the amount she has not received from Bhai<sup>5</sup>. From now on make the remittance to her every month. It would be good if the accounts of Shivrallbhai and Narbheram were settled soon.

*Blessings from*  
MOHANDAS

From the Gujarati original: C.W. 11294 Courtesy: Chhaganlal Gandhi

<sup>1</sup> Revashankar Jagjivan Jhaveri

<sup>2</sup> Kasturba Gandhi

<sup>3</sup> A nephew of Gandhiji

<sup>4</sup> Gandhiji's sister

<sup>5</sup> Lakshmidas Gandhi

## 216. THE TRANSVAAL BAZAARS

The friends of British Indians, in London, will do well to compare Lord Milner's dispatch to Mr. Chamberlain dated the 11th May with the attitude of the authorities in the Transvaal regarding the trading licences of British Indians. Lord Milner in his dispatch states regarding the store-keepers that

they (the Government) are anxious, however, to do so (that is, to enforce the existing law), in the manner most considerate to the Indians already settled in the country, and with the greatest respect for vested interests, even where these have been allowed to spring up contrary to law.

Now, according to this statement, it would lead one to suppose that all those Indians, who are at present trading in the Colony under licences issued to them, will not be disturbed and will not be compelled to remove to Locations. The fact, however, is that, with the exception of the very few who were able to obtain licences to trade before the war, all the others, even though they were engaged in trade before the war but without licences, will have to remove to Locations as if such people did not have any vested interest. People in England, therefore, not knowing the correct situation in the Transvaal, are likely to be lulled into a sense of security under the mistaken belief that the traders holding their licences will not be touched at the end of the year. We, therefore, warn them against holding any such belief, and have very good reasons for assuring them that, unless Herculean efforts are made to protect these innocent men, in spite of the above quotation from Lord Milner's dispatch, hundreds of Indian traders are likely to be ruined at the end of the year. The more we consider Lord Milner's dispatch, the more we feel that it is misleading. His Lordship says:

As I have already stated, the Government is prepared to recognise the vested interests of Asiatics resident here before the war. On the other hand, it feels that it would not be justified in allowing new vested interests to spring up contrary to law. During the war and since the declaration of peace, a large number of temporary trading licences were issued to new-comers. These licences have been renewed until December 31st 1903, but the holders have been warned that on that date they will be required to remove to Streets or Bazaars selected for this purpose.

Here there is not a word to show that either those Indians who traded before the war without licences, or those Indian refugees who,



although they did not trade in the respective districts before the war, had their licences granted since, would be disturbed. The only question, according to Lord Milner, is that of new-comers. If then the Bazaar Notice were to apply merely to new-comers in possession of temporary trading licences, perhaps not much could be said, but every one of the present licence-holders, almost without exception, could be proved to be a refugee "resident here before the war". And yet these men will be required to remove to "streets or Bazaars selected for this purpose". And mark again the word "streets", and read what follows:

As you are aware, His Lordship proceeds, the sites selected by the Government of the late African Republic for the purposed of Asiatic Bazaars, were in any cases most unsuitable for such a purpose, being remote from the business centres of the town. In many towns no site at all was selected. It is the intention of the Government to lose no time in choosing suitable sites for Asiatic Bazaars accessible to all classes of the community, and I am confident that, once the Bazaars are established and arranged in conformity with the customs and requirements of the occupants, the latter will be enabled to carry on their business with as great, if not greater, advantage than under existing conditions.

A reading of the above would naturally lead one to suppose that Bazaars would be very fine places, and very unlike those selected by the late Republican Government, and that, after all, it may mean merely a change of streets; but we again hasten to assure those who have no means of knowing the conditions in the Transvaal that the Bazaars have not been selected in the spirit above mentioned, that in no case have streets been set apart for Indian trade or residence. They are, in almost all the cases, as far away from business centres of the towns as they could possibly be. We reproduce the reports handed to us for publication and prepared, at the instance of the British Indian Association in the Transvaal, by professional gentlemen of standing in the colony, and they would show that the unanimous opinion is that the sites selected are unfit for trade. Lord Milner acknowledges that the Bazaars selected by the late Government were most unsuitable for trade. We say then with the utmost confidence that the sites selected by the present Government, in most cases, are doubly so. An attempt has been made to remove the existing sites selected by the old Government further away, and with the exception of one or two cases where there were old sites, they have been retained. In almost all cases, at present they are veritable deserts, without sanitary conveniences, without any water laid on, without any buildings. It may be unbelievable

5,000 miles away from the Transvaal, but it is literally true that the people who are to inhabit these Bazaars have really to establish practically new townships. They are to get leases of Stands, build on them themselves at their own expense, and attract, if they can, a new trade. We lay some stress on the phrase "at their own expense", because it is only those who want to use the Stands for their trade and residence who are to compete for them. It will, therefore, be easily understood that petty traders cannot command from £ 300 to £ 400 in order to build a decent structure. The Bazaars have just been selected, and they are to be expected to commence building, finish before the 1st of January, and transport themselves to their new abode on that date. "The Bazaars," His Lordship says, "would be accessible to all classes of the community". If by that is meant that they will not be fenced in with barbed wire, with a yellow flag flying over them, the expression is true; but if it is meant to convey an idea that all classes of the community will go there to make their purchases, we again say that they will do nothing of the kind. They will decline to walk one mile from business centres and go out of their way to make purchases in Indian Bazaars, And yet His Lordship expects that "the latter (that is, the Indians) will be enabled to carry on their business with as great, if not greater, advantage than under existing conditions". The heartlessness of the situation is beyond description. It is only the hope that, before the year is out, some relief will be granted and that the present licence-holders will not be disturbed which buoys them up. We have not yet done with the dispatch. We have noticed, both in the papers received from England and from India, that the impression created by the dispatch is that respectable British Indians or civilised Asiatics will not be affected by the Bazaar Notice, for, says Lord Milner,

we have no wish to subject respectable British Indians, or civilised Asiatics generally, to any disabilities. . . . While the present Government is, for the time being, maintaining the law on the subject passed by the late Government, it is in three most important respects showing a consideration for the Asiatics which the late Government did not show.

The present tense used by His Lordship is worthy of notice. One of the three important respects is exemption of Asiatics of a superior class from all special legislation. We once more assure our readers in England and in India that the principle of exemption is not yet recognised, is not part of the law except as to residence, and that if it is to come at all, it will come at some future unknown date. In the meanwhile, respectable British Indians and others sail in the same boat,

and will be unceremoniously compelled to remove to Locations and trade there and there alone. Such is the wide difference between the picture drawn by Lord Milner of the position of the Asiatics and the picture that we have drawn from existing conditions. The one is likely to blind the people to the real state of things; the other is true to life without, we say with deliberation, the slightest exaggeration. We have endeavoured to keep strictly to facts and reports. We can only hope that the position being so accute and un-British, even at the eleventh hour, there will be a turning away from it, and the New Year will dawn upon the British Indian traders not so gloomily as it at present promises to do.

*Indian Opinion*, 19-11-1903

### 217. *THE GRAND OLD MAN OF INDIA*

The mail papers to hand from India contain very long notices of the birthday anniversary of Mr. Dadabhai Naoroji, who is undoubtedly to India what Mr. Gladstone was to Great Britain. He has entered upon his 79th year, and the whole of India has celebrated the anniversary in a manner befitting the occasion. Millions of voices have gone up to Heaven praying for the blessings of the Almighty to be showered upon the grand old man and for many years of life on this earth. We join the millions in their prayer. Mr. Dadabhai is loved from the Hindukush to Cape Comorin and from Karachi to Calcutta as no other living man in India is loved. He has given a lifetime to the service of the country of his birth, and though a Parsi, Hindus, Mahomedans, Christians and all revere him just as strongly as the followers of Zoroaster. He has sacrificed for the cause of India ease and luxury, and has imposed upon himself a long exile. He has devoted his wealth also to the cause. His is the purest type of patriotism and comes from a sense of duty to the motherland. Nor is this all. Mr. Dadabhai's private character has been also a perfect pattern to be copied by the rising generation in every respect, and if we are not much mistaken, there is behind all his political work a strong religious pious fervour which nothing can quench. The land which is capable of producing a Dadabhai has every reason to hope for the best in the long run. Soon after he was elected member of the House of Commons, an honour conferred by a British constituency for the first time on an Indian, he paid a visit to India, and those who were privileged to witness his triumphal progress from Bombay to Lahore have

testified that the enthusiasm with which he was received was only equalled, if at all, by that which accompanied the progress of the ever to be remembered Lord Ripon when he retired from his Viceroyalty. The nation certainly honoured itself by honouring such a man. To us in South Africa, a life of so much devotion and so much self-sacrifice in the midst of enormous difficulties (and Mr. Dadabhai had, as many of our readers will remember, much to suffer) should be a very rich lesson in loving our country and our people, and also in patience. In the political struggle, victories are not won in a day. Disappointments are often the lot of people who are engaged in them. We have in South Africa a very fair share thereof, and if we would but remember that Mr. Dadabhai has been struggling for the last forty years or more, we would find in the thought a great deal to console us that, after all, our struggle has only just commenced, and that we have not been without silver linings to the clouds which have hung over us. Amid all his labours, Mr. Dadabhai has always found time to attend to the question in South Africa, and has been one of the most zealous patrons of our cause. May he continue to enjoy health and vigour of mind for a long time to come, and may he yet be privileged to serve his country is our sincere prayer to the Almighty.

*Indian Opinion*, 19-11-1903.

### 218. LORD HARRIS AND BRITISH INDIANS

According to a cablegram received by our contemporary, the *Transvaal Leader*, Lord Harris, ex-Governor of Bombay, in his capacity as Chairman of the Consolidated Gold Fields of South Africa, in the course of his remarks on the labour question in the Transvaal, is said to have expressed dissatisfaction at the attitude of the Indian Government in that they have declined to assist the Transvaal by supplying labour from India unless it was prepared to redress the grievances of the resident Indian population. Lord Harris is a most estimable gentleman, but his remarks, if he is correctly reported, are an illustration of how self-interest could blind a man. His Lordship is no longer Governor of Bombay, and therefore, does not feel called upon to look at the problem from an Indian standpoint at all. He is a financier, chairman of a very big gold company, responsible to the share-holders for their dividends, and finding his company in a difficult strait for want of labour, resents the attitude of the Indian Government when it endeavours to protect those that are under its charge. He

can take only a one-sided view of the question. To him, the disabilities of the Indians in the Transvaal and the one-sidedness of the terms of indenture proposed for the labourers are nothing compared with the prospect of no dividends for his company. The incident also shews how careful the friends and patrons of British Indians in England have to be in watching the interests of the latter. But we would venture to ask His Lordship to look back upon his past career as the Governor of Bombay, and appeal to his sportsmanlike instincts on behalf of our countrymen for whom, as he was pleased to say to the representatives who met him at Durban when he passed through the Colony, he would always have a warm corner in his heart.

*Indian Opinion*, 19-11-1903

## 219. *THE NATIONAL CONGRESS AND INDIANS IN SOUTH AFRICA*

By the time this issue of *Indian Opinion* reaches India, preparations for the meeting of this national assembly will have very far advanced. Mr. Lal Mohan Ghose<sup>1</sup> is the President-elect and we have no doubt that his long and able services to the country as well as his unrivalled oratory will attract vast crowds of people. Mr. Lal Mohan Ghose is an old hand at politics; he knows well how to rouse the sympathy of his fellow-countrymen as well as the Government. He has thrilled many an audience in England, and we have no doubt whatsoever that the cause of the British Indians in South Africa will come in for very able treatment at his hands. We are quite aware of the limitations that necessarily circumscribe the work of the great assembly. It is, at present, only a self-organised advisory council to the Government, but as years go on and it continues, as it has hitherto, to grow in volume, in strength, in wisdom, and moderation, it cannot but command respect and attention from the Government for the views the assembly may place before it. The Indian question in South Africa is one of the few question which are totally above party politics and about which there is no difference of opinion between the powerful Anglo-Indian element and the Congress. Both, therefore, can work hand in hand and make a unanimous appeal to the Government from the same platform. What is more, the Government does not need

<sup>1</sup> Lal Mohan Ghose (1849-1909), lawyer, writer and advocate of self-rule for India.

coaxing on this particular question because Lord Curzon has more than once said that he viewed the attitude of the Colonies on this question with very strong disfavour. All, therefore, that is needed is a continued movement in India such as to strengthen His Excellency's hands in his endeavour to secure justice for British Indians in South Africa. And we hope that the Congress under the presidency of the great patriot will not forget us in South Africa, few though we are compared with the millions in India. Underlying this question of our disabilities is a very great Imperial principle the possibilities of which it is very difficult to fathom. Many distinguished Anglo-Indians have reproached the Indians with want of enterprise and narrow-mindedness because they would not emigrate in sufficiently large numbers in search of adventures. Now it is quite clear that they cannot carry with them their full status as British subjects outside India, there is an impossible barrier against free emigration. As Western education spreads through the land, there will have to be an outlet for the energy of enterprising Indian immigrants. What is to be done with these is by no means a small or an unimportant matter.

*Indian Opinion*, 19-11-1903

## 220. THE HISTORY OF A PERSECUTION

For several years and long before the war, the British Indians have been in occupation of a Location established for them by the late Government at Barberton. Emboldened by the Bazaar Notice, the Health Board of that place decided to remove the inhabitants of the Location to a place further away from the town on various excuses. The Health Board had necessarily to obtain the sanction of the Government, which was at once given on condition that the buildings on the present Location should be removed to the new one at the expense of the Health Board, or that due compensation in respect of the buildings only should be paid to the owners. Notices were therefore given to the occupants, who, grasping the situation, set about working in right earnest and approached the Government, protesting against the contemplated removal. They sent several petitions, and an enquiry was made. The grounds taken up by the petitioners were: 1st that they had been established for a long time in the Location where they were at present and had formed good-wills in connection with their trade; 2nd. that to such people it would mean a very serious loss to have to remove to the new Location; 3rd. that it was not such as would enable

them to do any trade at all; that it was much further away from town than the present location, and that it was not a healthy site. They had a special report prepared in connection with the matter and Mr. Bertier, a well-known surveyor of the town, reported that the new site was one mile 930 yards from the Market Square by the shortest route, that the soil

of the new site is of the same granitic nature as that of the adjacent Hospital kopje, a portion of the site being actually on the slope of the kopje. In view of this, the ravages caused by white ants to the hospital buildings on the said kopje are worthy of serious consideration.

Mr. Bertier also goes exhaustively into the question whether the removal of the present Location is at all called for, and shews clearly that it is not, and says as follows:

While the present position of the Indian Location, close to the Main Road from Barberton to the Kaap Valley, allows trade to a certain extent at the Location, and while its distance from the town proper does not preclude business transactions in town, the new site would only in one corner abut on the Main Road, and the increase of distance from the town would entail increased difficulties in the transaction of business, the more so as public passenger transport is unprovided for in the township and suburbs. Whatever road east of the Hospital kopje is made to penetrate in the proposed Location will pass within one hundred yards of the Health Board site, where mules are stabled, night soil and rubbish waggons out-spanned, and buckets tarred and stacked.

The Government, however, has returned a reply saying that it does not consider the site to be unhealthy. It ignores the fact that the removal is totally unnecessary, but says that, as the Local Board is not prepared to pay compensation or bear the cost of removal, the present occupants will be left undisturbed. Were it not for the most exasperating conditions now imposed on them, the above might have been considered a fair compromise as things go with the British Indians in the Transvaal, but the terms under which the occupants are to be allowed to remain undisturbed are such as to render the compromise utterly useless. What has been given with one hand has been taken away with the other, for we read in a notice sent to these poor people as follows:

Only existing licensees, their wives and children will have the option of remaining in the present Location. That in default of payment of the rent due on the prescribed date, the tenancy will be determined. That no licensee shall

sub-let or permit others to occupy his Stand on pain of eviction. That no new licences will be issued in respect of the present Location, nor any right to transfer licences granted.

Now these terms appear to us to be most exasperating. We have the misfortune of being tenants, but we must confess that our landlord has not imposed any such conditions whatsoever, nor are we aware of any lease containing such novel conditions. It would have been far more decent of the Board if they had said: 'We do not want to pay you any compensation and you shall have to remove to the new Location,' but to drive the people away from their position by underhand indirect policy hardly reflects any credit on its authors. In Barberton, the Health Board evidently wishes to override the Law of the Colony, such as it is, affecting British Indians. Either the site at present occupied by the British Indians is a Location in terms of Law 3 of 1885, or it is not. If it is, then unless we have misread the law, any Indian has not only the right to live there but to have sub-tenants and certainly to have guests, also to trade in any part of the Location he likes on payment of the licence fee. But as will have been seen according to the new conditions, the Board would prevent the residents from having any guests "on pain of eviction". We understand that the matter has been placed before the Government. We shall await its decision with anxiety. We wonder what His Excellency Lord Milner would have to say in defence of what the Health Board of Barberton proposes to do.

*Indian Opinion*, 19-11-1903



221. LETTER TO DADABHAI NAOROJI

BRITISH INDIAN ASSOCIATION

25 & 26, COURT CHAMBERS  
RISSIK STREET,  
JOHANNESBURG,  
*November 23, 1903*

TO  
THE HONOURABLE DADABHAI NAOROJI  
WASHINGTON HOUSE  
72, ANERLEY PARK  
LONDON, S. E. ENGLAND

DEAR SIR,

I wrote last week<sup>1</sup> regarding the position of the Indian traders in the Transvaal and therein suggested that, if possible, a personal interview should be sought with Mr. Brodrick or Mr. Lyttelton. The more I think of the matter, the more convinced I feel that some such course is absolutely necessary, and at such an interview, the discussion might be confined merely to the most pressing question, namely, the rights of the present holders of licenses. In the current issue of *Indian Opinion*, you will find reports by responsible men on the proposed sites for Bazaars. In most of the cases, Government has returned the reply that the reports are inaccurate and that the sites are the only available ones in the respective townships. With all deference, I have no hesitation in saying that the sites are utterly useless for trade, and, really speaking, the Government does not contest the point but takes shelter under the plea that no other sites are available; in any case, for those who are at present trading outside Locations to remove there is utterly out of the question. I have already dealt with Lord Milner's dispatch which would go to show that he, at any rate, never contemplated the removal of these men who are all refugees. Mr. Chamberlain's word to the deputation in January last is also to the same effect, general of the British Indians, if sufficient pressure were exercised by the Colonial Office and the India Office, there is every prospect of the poor men getting justice.

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

From a photostat of the office copy: G.N. 2258.

<sup>1</sup> *Vide* "Notes", November 16, 1903

222. LETTER TO LIEUTENANT-GOVERNOR'S SECRETARY

BRITISH INDIAN ASSOCIATION

P.O.BOX.6522,  
JOHANNESBURG,  
*November 25, 1903*

TO

THE PRIVATE SECRETARY

TO HIS EXCELLENCY THE LIEUTENANT - GOVERNOR

PRETORIA

SIR,

I have the honour to acknowledge your letter of the 24th instant, numbered 97/2, in reply to my letter of the 14th instant regarding trading licenses held by British Indians.

Since the date that the British Indian deputation waited on His Excellency at Johannesburg, no communication has been received from the Colonial Secretary on the question.

His Excellency was pleased to say to the deputation that the matter would be considered at a meeting of the Executive Council at an early date and that a reply would then be sent to the Association.

May I know whether the Association will receive such reply?

*I have the honour to be,*

*Sir,*

*Your obedient servant*

ABDOOL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

Pretoria Archives: L.G. 97/2, Asiatics 1902-1906.

## 223. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,  
November 25, 1903

CHI. CHHAGANLAL (BOMBAY)<sup>1</sup>,

I have received your two letters through Maganlal<sup>2</sup>. I have also received a letter about the late Dharamshi Pragji from his brother. Necessary efforts are being made but no balance [of money] is found here. The chances of finding it are very rare, and the laws here (of the Transvaal) are very difficult in such cases. So, even if there is any balance left here, it will take time for the heirs of the deceased to get it.

While settling the account with Shivilalbai,<sup>3</sup> please keep it in mind that we have deposited with him Rustomji's (Durban) money. Find out how much it is and add it to the loan Shivilalbai has taken. Write to me what the amount is. Whatever interest Shivilalbai pays us, we have to give the same amount (to Rustomji Seth).

The burden of work I had is eased now as there are a number of men in the office. The office expense however has increased disproportionately.

It is good that you are continuing your shorthand lessons.

*Blessings from*  
BAPU

From a copy of the Gujarati: S.N. 32900

## 224. ENGLAND AND RUSSIA

### A COMPARISON

*East and West* for October reproduces Mr. Skrine's interesting lecture delivered at the Imperial Institute on the 7th of July, 1903, on the government of Asiatics by England and Russia. The subject has more than an academic interest for us in South Africa. It is yet too

<sup>1</sup> Chhaganlal Gandhi, a cousin of Gandhiji and a founder-member of the Phoenix Settlement; Editor of Gujarati *Indian Opinion* after 1908; was sent to England in 1911 to study for the Bar as part of Gandhiji's scheme to train members of *Indian Opinion* staff for increased responsibilities.

<sup>2</sup> Addressee's younger brother, son of Gandhiji's cousin Khushalchand Gandhi

<sup>3</sup> He had a jewellery shop in Rajkot.

early in the history of nations to pronounce final judgment on the success or otherwise of either rule in illimitable Asia and its thousand and one races differing as poles asunder in many respects, and yet having something perhaps indefinable in common. According to the lecturer,

the Tsar of all the Russians has several millions of Buddhist and Pagan subjects, and 207,000,000 Hindus acknowledge the sway of the Emperor of India; but Islam alone presents identical problems to their servants in the East. . . . British India includes no fewer than 53,804,000 followers of the Prophet. According to the census of 1897, those who owe allegiance to the Great White Tsar numbered 18,707,000. . . . By way of contrast I may state that the Commander of the Faithful at Constantinople has less than 18,500,000 subjects who acknowledge his creed.

It is thus apparent that Mr. Skrine has set well-defined limits to his comparison, and while it therefore does not admit of any bold generalisations, it is a paper well worth reading. The Government of India has been somewhere called “benevolent despotism”, and probably, although the expression involves a contradiction in terms, it very nearly explains the condition of British rule in India. So long as there is no interference with the paramountcy of English rule, the institutions which the people of India have inherited from ancient times are respected and left intact. They have, in domestic affairs, self-government of a more or less crude nature. The historic Proclamation of 1857<sup>1</sup> and the later declarations of the succeeding Viceroys show that the intention is to do away with all distinctions of caste, colour and creed, and to ensure equal rights for all the subjects of the Empire. If, therefore, in India itself, these declarations are not carried out to their fullest extent, it is not because the authorities did not intend to fulfil them, but because in practice they are limited either by undue fear as to the supremacy of British rule or by vague suspicion about the governed. In spite, however, of temporary aberrations, there are grounds for hoping that such suspicion or fear will gradually give way to confidence as opportunities occur to test the inborn loyal spirit of the people. The recent war in South Africa, as well as the expedition to China, has created a striking impression on the minds of the rulers of India, and indirectly has done a lot of good from the Indian standpoint. The chief point, however, on which Mr. Skrine has laid stress is religious rather than political, and he contends that there is not that

<sup>1</sup> Evidently a slip for 1858.

toleration of religions noticed among the rulers which is so very essential when millions of human beings have to be dealt with. He says:

The intense friction generated by the secular contest between christian and Moslem has rendered us a little unjust towards the rival creed. That its tenets are not incompatible with intellectual and material progress is evinced by the glories of the Moorish regime in Spain. Islam, in fact, has many features which compel our respect. Its ideals of the Unity of God, and the brotherhood of all his creatures, could have been evolved only among a poetic and reflective people. They are a powerful antidote to the soul-debasing materialism and the reckless pursuit of wealth which threaten to destroy the form of civilisation known in Western Europe and America.

To this high testimony, we may add the unexampled success that the writings of Omar Khayam have met with in the West. As we are writing, millions of followers of the Prophet will be carrying out a self-imposed fast for full one month in the face of difficulties and trial, and a body of men who are capable of undergoing such hardships not for the sake of any material or tangible gain, but for the sake of very intangible and purely spiritual benefit, must have something in their faith which enables them to do so to command admiration. After recounting the advantages of British rule, Mr. Skrine proceeds:

Candour compels me to paint in the shades which lessen the glamour of that marvellous growth the British Empire in the East. Our rule, taken as a whole, is perhaps the best and the most honest in the world; but it is cold and colourless, and still reeks of the counting-house. It appeals to the instinct of admiration which is the saving clause in the Indian's character, but it does not touch his heart. The fault lies partly with ourselves. We are, as a race, deficient in imagination, and therefore unable to put ourselves mentally in other people's places, or ask ourselves how we should regard an attitude on their part such as we habitually adopt. If Englishmen had a larger share of the divine gift of sympathy, there would have been no South African war to cripple our resources and distract attention from more important concerns.

The last two sentences, as our readers will at once grasp, are very applicable in South Africa. If only the Colonists could place themselves in the position of the legally disabled British Indians, they would at once find out how undeserved the disabilities are. The following is the picture drawn by Mr. Skrine of Russian rule:

At a date which synchronises with the end of our Wars of the Roses, the oligarchies of old Muscovy were consolidated under the Grand Duke of Moscow. The Tsardom was an accomplished fact, and the Greek church

brought forces into play which outmatched the declining fanaticism of Islam. Thus Russia threw off the Tartar yoke and started on a career of conquest and assimilation. Though Napoleon's oft-quoted apothegm, 'Scratch the Russian and you will find the Tartar', is the exact converse of the fact, the Russian people show still an unmistakable Mongolian strain. The instinctive sense of relationship has smoothed their path in Asia. They are free from racial pride, and meet their Oriental fellow-subjects on equal terms. At Samarkand I dined with the Mohammadan District Officer, and met his wife and children in social intercourse. Englishmen, on the other hand, are apt to regard Oriental races as inferior to themselves, and this attitude must alienate forces which, if they were consolidated, would work a political revolution in India.

We might go on quoting from the paper, but our purpose is merely to whet the appetite of the reader and send him to the original. We would, however, close with the concluding remarks of the lecturer where he has attempted to draw a parallel. He says:

It is as difficult as it is invidious to compare the British and Russian methods of governing Orientals. The Tsar's officers have to contend with vast distances and an unhealthy climate, for irrigation without sub-soil drainage brings malaria in its train. But the administrator's greatest difficulties arise from a dense population, and the consequent acuteness of the struggle for life. Thus an enormous predatory class has been evolved in British India which has no parallel in Central Asia. Turkestan in 1897 had but 3,342,000 inhabitants in an area nearly twice as large as France; Transcaspia only 833,000 spread over a country more than thrice as great as the United Kingdom. Moreover, the standard of comfort among them is high. Famine is unknown, and the isolation of these territories almost guards them against cholera and plague. Speaking as an Indian official who has studied Russian methods on the spot, I believe that each Power sincerely desires to raise its Eastern subjects to a higher social and political level.

*Indian Opinion*, 26-11-1903

## 225. "THE EAST RAND EXPRESS" AND OURSELVES

Our contemporary continues to do us the honour of noticing our remarks on the status of British Indians in the Transvaal, and as we consider that many of the difficulties of the Indians are due to a misunderstanding and that moderate interchange of views is likely to remove such misunderstanding, we revert to the question in reply to our contemporary's remarks made in the issue of the *Express*, dated

the 14th instant. We admit the statement made by our contemporary that the number of Indian licences in the town of Pietersburg is a little greater now than before the war, but so far as the Spelonken district is concerned, we say most emphatically that there has been very little increase there. The Indian store-keepers who are now doing business in the Spelonken district have been in business in their respective places for the last ten years or more, and we may inform our contemporary that they have been able to secure renewals of their licences after a very great struggle. But these are individual cases, and merely symptoms of the general disease. The crux lies in the following remarks made by the *Express*:

It is just as well to be frank and admit that the Transvaal does not want any free Asiatics in the country if it can be avoided. The reason is not that we regard the educated Indian as an inferior, as seems to be the impression in some quarters, but that it is impossible for white men to compete with him on lawful terms. As a merchant he is fast monopolising the trade of Natal, joining to a keen business instinct a frugality which enables him to undersell all competitors. He would do the same here if permitted any footing, and it is because we recognise this that East Randites are opposed to any Asiatic being granted a social or business status. The only Asiatic we want in this country is the unskilled indentured labourer, and, hard as it may seem, preservation, the first law of nature, demands that all others be prohibited residents. Those with existing rights will have them respected as far as possible, but here concessions must stop.

In this statement, we have the real reason for the prejudice against the Indians, and we would endeavour in as few words as possible to show that there is a great deal to be said against it. The instance quoted of Natal, if examined a little deeper, would show that it proves quite the contrary. No doubt there is a large number of Indian traders in Natal, but the cream of the trade is still, and must always continue to be, in the hands of the Europeans. While the Indian merchants have been able to earn a decent livelihood, not one of them has been able to rise to the status of Harvey, Greenacre & Co., or S. Butcher & Sons, or any of the other big houses, although some of the Indian merchants started at the same time as these firms did. In fact, we know a case in which an Indian merchant, who brought capital with him, took into partnership a struggling European. They became very fast friends, and the relations between the parties are up to the present day very satisfactory. All the same, the European who started without any capital has now left his quondam partner very far behind in the

race, and has now a first-class position in the Colony. The explanation for this phenomenon is quite obvious. If the Indian is more frugal in his habits than the European, he lacks the latter's organising ability, his knowledge of the English language, and the commercial worth of his European connection; these possessions of the latter, in our opinion, more than make up for the frugality of the Indian, and have stood [the European] in so good a stead that even in India the great European firms have been able to hold their own against Indian houses. The most lucrative trade even in India is still largely in the hands of the Europeans, although there the Indian has the freest scope for his ability and enterprise. What, therefore, the Indian has done is to serve as the middleman whether in South Africa or elsewhere, and we are free to confess that he may have in isolated cases successfully competed with the small European store-keeper, the result, in the words of Sir James Hullett, even then being in favour of the latter, seeing that he has better scope in the other departments for his enterprise. Those who may have, in the absence of the Indian, been petty Kaffir traders in Natal, are now either wholesale merchants employing a very large staff under them, or are themselves working in connection with such whole-sale houses, are owners of freehold property, and are living in comparative ease and luxury on the Berea. We, therefore, think that too much is made of simplicity and frugality of the Indian. But is there nothing to be said in this connection from an Imperial standpoint? For better or for worse, the Indian is a partner, no matter how humble, in the Imperial partnership, and is it right to grudge him a fair share to which he may be entitled by his ability or industry? Our contemporary would have him only as the unskilled indentured labourer and no more. Preservation may be the first law of nature, but we hardly think that it admits of one crushing out of existence the very man through whom one may have risen. From a purely selfish standpoint, it may be excusable to shut out of a country a race of people altogether, but it is hard to reconcile with any law of nature the attitude that demands of one man being used merely for another's ends, and then being kicked out as soon as he is no longer required. The struggle for the present, however, on the part of the British Indians in the Transvaal is to have the rights of those who are already settled in the country fully respected. Our contemporary admits the position, but adds the safe and vague clause "as far as possible", and it would very much depend upon how the question is viewed, whether "as far as possible" goes far enough to satisfy the reasonable require-



ments of the Indian community. As publicists, we think that it is the duty as well of our contemporary as [of] ourselves so to educate public opinion as to find out the best way out of the difficulty.

*Indian Opinion*, 26-11-1903

## 226. MR. CRESWELL'S BOMB-SHELL

Mr. Creswell, the erstwhile Manager of the Village Main Reef Gold Mining Co., Limited, has sent to the Johannesburg Press for publication a long letter addressed by him to Mr. Bilbrough, the Secretary of the Company, tendering his resignation, which has been accepted by the Company. The letter but corroborates the impression created by him when he gave his startling evidence before the Native Labour Commission that sat in Johannesburg. He shewed then most conclusively that the attempt on the part of the big mining corporations to import indentured Asiatic labour for the working of the mines was more of a political move than an economical necessity. It will be remembered that at that time he produced, in support of his contention, a letter written to him by Mr. Tarbutt wherein it appeared that most of the big mining companies viewed with disfavour the experiment that was then being carried on in employing white labour. It is because that letter was produced that Mr. Creswell was called upon to give an explanation. "Your directors," says Mr. Bilbrough, "consider also that the publication of Mr. Tarbutt's private letter of the 23rd July, 1902 was inexcusable". Mr. Creswell was not likely to remain silent under the sting. The result is the long letter he has written to the Company. It is impossible not to sympathise with Mr. Creswell. Against all odds he has tried successfully to employ white labour on his mines. His whole heart was in it but he was practically single-handed. He could not keep pace with the rush for large dividends and large outputs. We can only say, as we have said often in these columns, that the attitude taken up by Mr. Creswell is the one that will benefit posterity, and time alone will show that, if ever indentured labour from Asia is imported for the so-called development of the mining industry, it will have been a false step which the future generation would rue and for which it would unhesitatingly condemn the authors of the scheme. The resignation of Mr. Creswell is a small and personal matter. He may or may not suffer from a pecuniary standpoint, but his withdrawal makes the cause of the reformers all the more difficult and on that account is a very serious loss to those who, while they are

anxious for the welfare of the present generation, are equally anxious for the interests of the future generations.

*Indian Opinion, 26-11-1903*

### 227. THE ASIATIC BAZAAR AT KLERKSDORP

We have much pleasure in reproducing the very temperate remarks made by our contemporary, the *Klerksdorp Mining Record*, on the Asiatic Location at that place in reply to what we had to say recently on the subject. We are grateful for the assurance that the Board does not wish to deal unfairly or unjustly with the British Indians residing in Klerksdorp. We, however, take leave to say that some admissions made by our contemporary go to show how difficult the position of the British Indians in Klerksdorp must be, and how justifiable their opinion is regarding the proposed site. It is clearly admitted that the District Surgeon's report condemned, at any rate, a part of the proposed site. It is hardly any answer to the objection that the whole of the site would not be required at once. If it is not necessary, we fail to see why it was included in the map at all. There would have been nothing to prevent the Resident Magistrate from allotting some of the lowlying Stands to applicants, and seeing that very great powers have been reserved by the Government as to the disposal of the Stands, it might have insisted on, in the first instance, dealing with the lowlying parts only. We still venture to think that it is hardly the correct attitude for the Board to take up and say that the matter was out of its hands after the site was fixed. Seeing that it was party to the selection in the first instance, we cannot help thinking that it would have been a very graceful act on the part of the Board if, on receipt of the District Surgeon's report, it had protested against the inclusion of the lowlying portion in the Bazaar site. Our contemporary adds that the site in question is

the only suitable site available in the town itself; there are only thirty unappropriated Stands, and in any case they could not be utilised as an Asiatic location. A small number of Stands could be pegged on the north and west of the town close to the existing township, but holders of contiguous Stands would naturally object to such a proceeding.

Now here, there is an admission of helplessness, and an admission that the selected site is far away from the town. Leaving aside for the time being the principle involved in setting apart fixed

quarters for British Indians, we think that if the Board cannot find a site where the British Indians could trade with equal facility as in the town itself, it should leave them absolutely undisturbed. Once the principle of segregation is admitted, people will no doubt be found objecting to the British Indians being housed in their neighbourhood. Are the Boards in towns, therefore, to plead helplessness and remove the British Indians so far away as to make it impossible for them to trade? The instinct of an Englishman is not to touch vested interests, and to deal fairly even with his opponent. Well, the British Indian is hardly an opponent; he is a fellow British subject, and we do think that it is neither fair nor just that he should be removed from his place where he may have built up a good trade, and sent away to what may be practically a desert without regard to his well-being. Therein lies the crux of the whole question.

*Indian Opinion*, 26-11-1903

## 228. APPEAL TO THE INDIAN NATIONAL CONGRESS

From the letters received by us, we understand that the Indian National Congress, due to meet at Madras in December next, will discuss the condition of Indians in British Colonies. We should take heart at these tidings and watch how things shape there. With a view to drawing the attention of the Government and the people to this question, the Congress set up a clamour, over the last five or six years, against the disabilities to which Indians in the Colonies were subject. It has also passed resolutions demanding the redress of their grievances.<sup>1</sup> Indian settlers in the Colonies are, therefore, grateful to that organization and hope that it will persevere in its fight on their behalf, to a successful conclusion.

This is a very important year for Indians living in the Colonies. Australia's behaviour towards the Lascars has further opened the eyes of the people of India. In this country [South Africa], too, open oppression has begun to increase. When the Immigration Restriction Bill was passed in the Cape Colony, the Bengal Chamber of Commerce took the right step in drawing the Government of India's attention to it. The people of India are well informed of developments here through reports of the large meetings held by Indians in Cape Town, Johannesburg and Durban. But the Government appears to be somewhat vacillating in its attitude, and for this Lord Milner is respon-

<sup>1</sup>*Vide* "Speech at Calcutta Congress", 27-12-1901

sible. His dispatch to Mr. Chamberlain has affected us adversely. Lord Milner's goodwill towards us seems to have led the Government of India to believe that the laws are administered leniently and that men of position experience no difficulty at all. We have been pointing out repeatedly how mistaken their impression is.

Between 1897, when the legislation was first enacted, and 1902, the hardships caused by it have been analysed threadbare. But we now invite the especial attention of the Indian people to the situation, as it has become extremely grave with the passing of the new Immigration Restriction Law in the Cape Colony; the issue of the Bazaar Notice in the Transvaal, the reckless action of the Orange River Colony authorities in placing oppressive laws on the Statute-book, the demand of the Municipalities in Natal for the introduction of legislation similar to that of the Transvaal, and the passing of the fresh law concerning indentured labour by the Government. If the Indian Government does not wake up forthwith and take strong steps, we are afraid that, with the advent of the new year, there will be great alarm among the Indians here. We fear that many of those who would be considered successful traders in December, 1903 would become insolvents and beggars by January, 1904. We fear that at least some traders will be unable in that month to obtain the annual licences to trade in the Transvaal as also in Natal. And if that happens, there will be widespread distress. Our compatriots in India will realise from this that the present moment is critical and that it is very necessary to deal with the situation boldly. The cry raised here takes time to reach either England or India, and when it does so, it is not [heard] in its full strength. Taking this point into consideration, if the Indian National Congress, in accordance with its moral obligation, raises a strong protest and moves the Indian Government, we are hopeful that some measure of relief may be forthcoming. If the Congress passes a resolution, if a number of leaders from each province wait in deputation upon the Governor, and if a deputation personally meets Lord Curzon and apprises him of the intensity of popular feeling and, at the same time, requests him to send immediate directions by cable to stop oppression, we are sure that the mounting persecution will be checked and Indians will get justice even if belatedly.

[From Gujarati]

*Indian Opinion*, 26-11-1903

229. LETTER TO DADABHAI NAOROJI

BRITISH INDIAN ASSOCIATION

25 & 26, COURT CHAMBERS,  
RISSIK STREET,  
JOHANNESBURG,  
*November 30, 1903*

TO  
THE HONOURABLE DADABHAI NAOROJI  
WASHINGTON HOUSE  
72, ANERLEY PARK  
LONDON, S. E., ENGLAND

DEAR SIR,

Last week a letter was received from the Government saying that it would ask the Legislative Council to amend the Bazaar Notice to the effect that all those who were trading of the outbreak of war, whether with or without licences, will have their right to trade outside Bazaars or Locations respectively. This will be some relief but very meagre. Nothing short of an assurance with regard to all the existing licenses will meet the ends of barest justice. Moreover, the expression "trade on the outbreak of hostilities" will give rise to many complications; for instance, what will happen to those who were engaged in trade in the beginning of 1899 or earlier but were not actually in the Transvaal and trading on the 11th of October? Although, it seems to me, that both should have the same consideration. In fact, a man who may have commenced to trade just two months prior to the outbreak of war has far less right than those who were engaged in trade for years in the Transvaal but were not trading on the outbreak of war. As I have already said, it is utterly impossible for any of the present holders of licenses to carry on their trade in the so-called Bazaars. I therefore, venture to trust that you will be able to secure and interview with Mr. Brodrick or Mr. Lyttelton and put the cablegram in motion.

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

From a photostat of the office copy: G.N. 2259.

230. LETTER TO THE CONGRESS

[JOHANNESBURG]  
December 1, 1903

TO,  
THE HON. SECRETARIES  
INDIAN NATIONAL CONGRESS  
MADRAS  
DEAR SIRs,

I send per book-post (registered) a few copies of the statement presented by the Indian community to Mr. Chamberlain when he visited Durban last year<sup>1</sup>, and the memorial submitted to the local Assembly,<sup>2</sup> protesting against the passing of the Immigration Bill.

The statement will give you a fair idea of the legal disabilities in Natal, till the end of 1902. Since then, Natal has been trying to follow the example set by the Transvaal. I may refer you to the proceedings of the large meeting held here they are published in *Indian Opinion*.<sup>3</sup>

The Immigration Bill passed through both Houses, in spite of our protests, and has received the Royal assent.

*Indian Opinion* gives you the latest news in English and some suggestions in Gujarati. I understand the Proprietor has sent you a few copies of all the issues of the paper.

Unless the Indian Government takes a firm stand, and that, too, immediately, I am afraid the New Year will ruin many an Indian in South Africa.

I hope your committee will realise the seriousness of the position and exert [itself] in right earnest to secure early relief.

*I remain  
Yours faithfully,*

From a photostat of the office copy: S. N. 4106.

<sup>1</sup> *Vide* "Petition to Chamberlain", 27-12-1902

<sup>2</sup> *Vide*, "The Plague", 23-1-1905

<sup>3</sup> Dated 4-6-1903.

### 231. THE LORD BISHOP OF BOMBAY AND INDIA

For the edification of our Colonial readers, we reproduce a portion of the speech delivered by Dr. Macarthur at Mr. Tata's Mansions, Bombay, on the eve of his departure for England after having held the position of Bishop of Bombay for over five years. During his short stay in India, broken by absence owing to ill-health and other causes, he was able to endear himself to all the classes, and although the head of the English Church, he had no difficulty (not by any means an easy task) in drawing to himself Hindoos, Mahomedans, Parsees, and all the other races not professing his religion. The keynote of his somewhat extraordinary success, as Mr. Justice Chandavarkar<sup>1</sup> said at the reception, was to be found in the spirit of humility which guided all his acts.

The reason, the learned judge proceeded, seemed to him that in the first place Bishop Macarthur had in him a good deal of the truly religious quality of humility. He called it a religious quality but he was recently reading somewhere that humility was also the key-note of the scientific spirit of the time. Here then was a quality which both science and religion were agreed upon to call a virtue, and that virtue Bishop Macarthur possessed in abundant measure.

The Bishop, in reply, uttered the following pregnant words:

It seemed to him that the position of an Indian Bishop, which had been referred to so ably and so eloquently by Mr. Mehta, might be a very narrow and insignificant one, or it might be a very great and splendid position in very many ways. It depended altogether on the conception which one formed of it, and the attitude which one adopted in regard to it. He came to India with considerable hazard and anxiety, and was genuinely distrustful of his own ability to fill that great position. He could not form any kind of forecast as to what the attitude of the Indians would be towards anyone coming in the position of a Bishop. . . . But the attitude adopted by the Indians swept away all his anxiety, and he began to feel that he had a distinct opportunity of doing good work among them. . . . He felt the greatest possible interest in the study of mind of the Indian people. There were certain features in the Indian mind and consciousness for which he had the greatest admiration. They had a very keen, subtle and refined intellect characterising the best type in India.

<sup>1</sup> Sir N.G. Chandavarkar, social reformer and judge of the Bombay High Court, presided over the Congress session at Lahore in 1900.

They had a most wonderful power of self-discipline and self-reliance, and they had in them a very deep and true religious instinct. With these qualities he thought that India had a very great contribution to make to the future of humanity. He was one of those who believed that there were good essential elements common to all religions, and all the greater religions of the world had capabilities of producing beautiful fruits, and he had seen beautiful fruits produced by all religions which he had observed in India. These religions had capabilities indicative of the aspirations of the soul and of guiding the soul in the higher walks of spiritual life, and the experience of all these religions seemed to him to have the capabilities, and therefore, whatever one might think of their deficiencies, still one could not help thinking that they possessed these powers, and one, in these circumstances, was never disposed to criticise them in any kind of narrow unsympathetic way. He did not think he ever was a proselytiser. He had not asked on a single occasion any educated man or woman to embrace his religion. He repudiated the idea that Englishmen were in India to advance their own interests through that country. He repudiated again the idea of a selfish purpose. If they were not there to do good to India, to carry forward the social life, and to help her to make a contribution which she could make to the world, then he did not think they should be in India at all. If they felt that they were not doing good to the country, then they had no right to continue in their present position. They were not there to obtain money and to acquire position, but they merely stood in the position of trustees, and their function and their vocation was to give a great opportunity in coming years to the Indian people to rise to the higher level of material, moral and spiritual prosperity, and by so doing to make a contribution to humanity which, he believed, [he?] could influence them to make.

We have given the above extract at some length, because we consider the words of the Bishop to be very weighty by reason alike of his great position as of their intrinsic value. The whole of his speech and the proceedings are worth studying, especially in a place like South Africa, where material ambition and self-interest occupy a predominant place in men's minds. If all of us had a tithe of Dr. Macarthur's breadth of view, charity, and humility, life would be far more bearable than it is. To our European friends the above words, coming as they do from a religious teacher belonging to their own persuasion, ought to be very welcome and ought to carry conviction to their minds as to the correct attitude to adopt towards British Indians. While they can easily look after and conserve their own interests, an inculcation of the catholic spirit of Bishop Macarthur would go a long way to smooth the differences between the two communities



which nature has brought under one flag. Men cannot be really good or really civilised unless they can embrace in their goodness or their civilisation all that lives. And whether we look at the question from a religious, scientific, or political standpoint, there can be no doubt that the Bishop has spoken words of wisdom which ought to be treasured by all of us. And if one man alone, as we read in the papers, has been able to do within a brief space of five years a great deal to bring the two communities nearer than they were before, what must be the possibilities of a similar attitude of mind permeating the masses living under the same flag? The world, as Emerson has said, is governed very largely by the law of compromise, and there is no doubt that, in order to bring about a desirable state of things, each party has to give a little of it as also to receive something. And we only hope that the Bishop's speech will reach many readers and that it will influence them for good.

*Indian Opinion*, 3-12-1903

### 232. COLONIAL SECRETARY, TRANSVAAL

Mr. Patrick Duncan, the new Colonial Secretary in the Transvaal has been gazetted Colonial Secretary in place of Mr. W. E. Davidson, who has resigned. The appointment is not devoid of interest to our countrymen in the Transvaal. We do not know whether to congratulate them on the change or not, for we have no knowledge of Mr. Duncan's attitude on the Asiatic question. At present the Asiatic Department is immediately under the control of the Colonial Secretary, who has delegated his duties to his assistant, Mr. W. H. Moor. We would, therefore, venture to remind the honourable gentleman that he has a very sacred trust in his hands, in that he is the guardian of the interests of a minority which has to struggle against the prejudices of a powerful majority. The present will be the turning point in the position of British Indians in the Transvaal. Many questions arising out of the anti-Asiatic laws and the Bazaar Notice will await his decision, and it will require all the energy and firmness of purpose that he can bring to bear on the intricate problems that will be placed before him for solution. If he can add to these a little bit of sympathy, we have no doubt that he will earn the gratitude of our countrymen in the Transvaal.

*Indian Opinion*, 3-12-1903

### 233. *THE CHAMBER OF COMMERCE AND COMPENSATION FOR WAR LOSSES*

The Johannesburg papers contain the interesting information that the Government still declines to reconsider its decision regarding its refusal to award compensation to large firms or companies, whether they are British subjects or otherwise. Mr. George Mitchell, the President of the Chamber of Commerce, considers the action of Sir Arthur Lawley to be tantamount to a breach of faith. He says that Mr. Chamberlain definitely promised that all those who had suffered damage during the war were to be compensated. He, therefore, thinks that the Government has no right to discriminate between large and small firms, and we cannot but sympathise with the view. After all, the distinction between large and small firms would be more or less arbitrary and totally unscientific, and those who have the slightest knowledge of trade would easily realise that firms which may appear to be large may really need all the assistance that might be given to them owing to their large undertakings, and in not a few cases the effect would be felt far more severely by such firms than by those who, having little, have little to lose. Moreover, the smaller firms, as we know from personal knowledge, have been able to withstand successfully the demands of their creditors in the absence of compensation. Not so firms with reputations to keep. It has, therefore, to them been a double hardship. They have been obliged to pay, in many cases with interest, their own creditors, and have now to face the decision of the Government which would deprive them of the compensation to which they are justly entitled. Mr. Mitchell has threatened to approach the Home Government and also the British Parliament, and though we consider that, unless the Government here is prone to listen to the Chamber's complaint, there is very little to be gained from an approach to the Home Government in such a matter, we sincerely hope that the efforts of the Chamber of Commerce would be crowned with success, and that it would be able to convince the Home Government of the reasonableness of the complaint.

*Indian Opinion*, 3-12-1903

### 234. *THE LABOUR COMMISSION REPORT*

The report is now out. For the present, we propose to deal with the Minority Report signed by Messrs. Quinn and Whiteside. We are aware that these gentlemen are fighting a most up hill battle. All the same, we cannot help thinking that their conclusions are just, not because of any figures that they have produced or because they have been able to adduce, in support of their opinion, a long array of witnesses. In our opinion, no such thing is necessary, because their statements are almost axiomatic truths. Those who are not blinded by self-interest or prejudices will have no difficulty in agreeing with the following opinion of the two commissioners:

We are of opinion that a figure representing the nett requirements of Native labour is not to be arrived at by accepting, without scrutiny, the statements of interested parties, and especially of persons who have no permanent interest in the country, but desire immediate expansion regardless of future consequences or the permanent prosperity of this Colony.

Those who have at all followed the evidence will see without any difficulty the force of these remarks. The definition, too, given by them of requirements is, in our opinion, ideal, and one does not need fourteen thousand odd questions to know whether there is in the country enough labour for such "requirements". The commissioners proceed:

By requirements we, consequently, understand the number of Natives required to place the industries of the Ttransvaal in an equally prosperous condition, both as to product and cost, to that existing before the war, plus the number required for expansion of those industries, at the maximum rate compatible with the sound and permanent prosperity of the inhabitants of this Colony, both white and Coloured.

Here, then, is the key to the whole situation. If the country is to be boomed and exploited for the benefit of the capitalists and only for the present generation, there is no doubt that the Majority Report is perfectly sound, but if it is to be gradually developed, there cannot be the slightest doubt that it must rest content with what labour may be available in the Colony. There is all the difference in the world between a manufactured, unnatural growth and a studied, gradual process of evolution. The one would be a hot-house production, good and tempting to look at but rank poison in the end. The other, though not equally tempting, would produce lasting benefit and, though we doubt

whether any effort that can be put forth will be successful in warding off the invasion of indentured labour. We cannot but think that Messrs. Quinn and Whiteside have done their duty fearlessly for which they deserve the heartiest congratulations.

*Indian Opinion*, 3-12-1903

### 235. *THE PROTECTOR OF ASIATICS IN THE TRANSVAAL*

A correspondent at Pretoria has sent us a printed form signed by Mr. W. H. Moor, Assistant Colonial Secretary, dated the 5th November, notifying all Asiatics residing in Pretoria that

applications for the lease of Stands in the Pretoria Asiatic Bazaar for 21 years, or less if so desired, from the 1st day of January, 1904, will be received up to noon of the 30th November, 1903, by Mr. Chamney the Protector of Asiatics who will consider the applications and apportion the Stands.

Then follow the conditions under which they would be considered and granted. We have dwelt in previous issues on the iniquity of the proposal of compulsory segregation as well as the choice of sites for Bazaars elsewhere. The same remarks would apply to the site at Pretoria. The Location is situated in a corner and a sluit divides it from the town. Most of the Indian trade is concentrated furthest away from the Location, in Prinsloo Street. For people in Prinsloo Street to remove to the Location is to court disaster. However, we do not wish to deal with that phase of the question at present, but to notice the position that Mr. Chamney occupies. We understand that he has a very wide Indian experience and is a gentleman of broad views and having a large measure of sympathy for those over whom he is appointed Protector. We confess that we are not enamoured of the title; it savours too much of indentured labour, and, so far as South Africa is concerned, such a title is identified with the relations between indentured Indians and the officer appointed to watch over their interests as in Natal, but we do not wish to quarrel with the name either. The pertinent question is: Is Mr. Chamney performing the work to the satisfaction of the Indian community? Now if our correspondent is correct, Mr. Chamney, in spite of all his willingness to do justice to the Indians, is not able to do so because he has no independent powers at all. The sole management and control of the Asiatic Department is still in the hands of the Colonial Secretary and Mr. Chamney has merely to act under him. If this is so, we cannot help saying that it is a most extraordinary state of affairs. Even the Protector of Immigrants in

Natal has far wider powers and the title carries weight and influence. He is responsible to the Governor, but evidently in Pretoria things are managed in a different way. A gentleman of position is appointed as Protector and yet has not power to initiate anything. If we are incorrectly informed, then, there is a splendid opportunity for Mr. Chamney, without in any way whatsoever departing from the law laid down for him by the Government, for doing justice as between man and man. A man in the street would at a glance know that it would be a crying scandal to drive away hundreds of British Indians,—at present holding licences to trade outside Bazaars,—to these places at the end of the year. The matter requires patient investigation and we doubt not that, without there being any conflict with the Euro-pean opinion, it can be settled. If Mr. Chamney has the powers, will he rise to the occasion? If he has not the powers, will the Government be pleased to cease to dangle before the Indians a name and title without meaning anything?

*Indian Opinion*, 3-12-1903

### 236. AN APPEAL<sup>1</sup>

COURT CHAMBERS  
JOHANNESBURG,  
*December 7, 1903*

TO  
THE EDITOR  
THE *Leader*  
SIR,

I trust you will allow me to trespass on your courtesy on behalf of the few British Indian traders whose lot hangs on the decision of the Government on the Notice 356 of this year.

The Notice in question contemplates the removal to Bazaars at the end of the year of all Indians, whether for trade or residence. It, however, makes an exception as to trade in favour of those who held licences to trade outside Location or Bazaars on the outbreak of hostilities. The exemption to be granted to certain Asiatics as to residence may be passed by, being unnecessary for the present purpose. It is a notorious fact that many Indians traded outside Locations, prior to the war, without any licences. This they were able to do owing

<sup>1</sup> Republished from the *Transvaal Leader*.

to the protection granted to them by the British Agents, acting under instructions from Downing Street. The Government, therefore, recognises the necessity of extending the exception above named to such traders, although they had no licences, if they could prove that they were engaged in trade outside Locations at the outbreak of hostilities.

There would still remain those who, although they were not trading before the war, being refugees, were last year granted licences to trade outside Locations by British officers without any conditions or reservations. Most of these men are in Johannesburg. In my humble opinion, their interests are as much vested as those of their more fortunate brethren who happened to have business before the war. They have established a fairly good trade. I need hardly point out that it is impossible for them to remove to Locations, away from business centres and totally uninhabited, and attract any trade. To force them to Locations is, therefore, to take the bread away from their mouths. And this result is to be brought about in the name of the people of the Transvaal. I refuse to believe that the majority of the people are capable of any such (if I may be pardoned for using the right term for the threatened act) inhumanity. I have good reason to state that a large number of merchants in Johannesburg, when they urged the Government to enforce the anti-Asiatic laws of the late Republic, did not intend that *bona-fide* refugees in lawful possession of licences should be affected. They wanted to prevent, as they have succeeded in preventing, new interests from cropping up by the granting of licences to new applicants. It would be strange indeed if members of a nation, which, in its respect for vested rights, recognises what might not unreasonably be termed the immoral interests of slave-owners and publicans, were to disregard those of innocent traders.

My appeal is, moreover, based on the plighted word of the highest authorities in the State. The threat to deprive the Indians in question of the right to renewal of their licences was first given about this time last year. The matter was brought to Mr. Chamberlain's notice, and he, who made the famous declaration that a British officer's note was as good as a bank note, would not believe that any such threat could be carried out. To him, it was merely a mistake on the part of a local officer who had issued it. The result was that the licences were renewed, though not without a painful struggle, and then only, first, up to June last, and then up to the 31st instant. As, therefore, the relief granted was for the first time stated to be of a temporary nature by the local authorities, Lord Milner was approached. He

has laid down his views in the despatch to Mr. Chamberlain wherein His Excellency says (if my reading is correct) that, of the present Indian licence-holders, only those who were not resident in the Transvaal before the war would be expected to go to Locations at the end of the year. I have already stated that the Indians in question are *bona-fide* refugees.

The expression, "at the outbreak of hostilities", would give rise to interminable difficulties and invidious distinctions. Look at the question, therefore how you will, the simple solution is to respect all the existing Indian licences on condition, if necessary, that the holders thereof were residents of the Transvaal before the war.

I can but briefly touch the charge of unfair competition levelled against my countrymen. The best proof of a pudding is in the eating. Is it not a fact that, in spite of the competition, the European merchants overwhelmingly preponderate? The Indian, it is true, is frugal and simple in his mode of life, but he is also simple in his business and frugal in organising ability. It will be time enough to fear his competition when he has attained the faculty of organisation. Numbers, it may be said, will tell if the flow was unchecked; but then, my appeal is only on behalf of those who are at present engaged in business. The British Indians have also suggested that the control of licences might be placed, under proper safeguard against abuse, in the hands of the Town Councils or District Boards. They would gladly carry out any reasonable sanitary and building requirements that may be considered necessary, whether in the interests of health or general appearance of the towns.

My countrymen, I venture to submit, have a claim on the sympathetic attention of Britishers settled in the Transvaal. Their aid was needed before the war, and was cheerfully rendered. The members of the then Uitlander Committee, who have now the ear of the Government, said that, as soon as the British flag waved in Pretoria, the disabilities of the Indians would be swept away by its breeze, for were they not British subjects? I do not raise the general question of disabilities; out of the much that was vouchsafed, I ask for a very small portion. Will it be denied?

In conclusion, may I take the liberty of mentioning that the Indians were not during the war behindhand in doing their humble share. Their work finds honourable mention in despatches. *Punch* then sang "We were sons of the Empire after all". I am aware of

nothing since done by my countrymen to disentitle them to the flattering description, and all it conveys.

*Indian Opinion*, 24-12-1903

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

### 237. PETITION TO THE TRANSVAAL COUNCIL<sup>1</sup>

JOHANNESBURG,  
*December 8, 1903*

TO

THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE  
COUNCIL OF THE TRANSVAAL

THE PETITION OF ABDUL GANI, CHAIRMAN OF THE COMMITTEE  
OF THE BRITISH INDIAN ASSOCIATION IN THE TRANSVAAL

HUMBLY SHEWETH:

That your Petitioner approaches this Honourable House in connection with the notice given by the Colonial Secretary of a motion to be proposed by him on the 9th instant regarding Asiatic Bazaars.

Your Petitioner respectfully submits that the relief to be granted under the proposal would be totally inadequate for the requirements of justice.

The British Indian traders carrying on business outside Bazaars or Locations may be divided into three classes:

Firstly, those that held licenses to trade outside Bazaars on the outbreak of hostilities;

Secondly, those who thus traded without licenses;

Thirdly, those who, although they did not carry on any trade on the outbreak of hostilities, being *bona-fide* residents of the Transvaal before that time, were last year granted licenses to trade outside Bazaars by British officers without any conditions or restrictions.

Those belonging to the second class make by far the largest number.

Those belonging to the third class are very few and are mostly concentrated in Johannesburg.

It would be a serious matter for the last-named class to remove to Bazaars where it is entirely impossible to carry on any trade whatsoever, much less to take with them the white and Kaffir retail

<sup>1</sup> This was published in *Indian Opinion*, 17-12-1903.



trade built up by them in the respective places for which they are in lawful possession of licenses.

Apart, however, from the unsuitability of the Bazaar sites, your Petitioner humbly draws the attention of this Honourable House to the following facts.

It was about this time, last year, that, in Pietersburg, all British Indians belonging to the third division above named received notices that their licenses would not be renewed after their expiry. The matter was, therefore, brought to the notice of the then Right Honourable the Secretary of State for the Colonies during his visit to the Transvaal, and he was pleased to say that the threat could not be carried out, and these licenses have so far been renewed.

His Excellence Viscount Milner has also emphasised the point in his despatch addressed to the Right Honourable Mr. Chamberlain, dated the 11th May, 1903.

His Excellency says:

They (the Government) are anxious, however, to do so (enforce the Republican Legislation) in the manner most considerate to the Indians already settled in the country and with the greatest respect for vested interests, even where these have been allowed to spring up contrary to law. . . . Had we had to deal merely with the Asiatic population as it existed before the war, it might have been possible to remain passive until a new law could have been framed to the satisfaction of His Majesty's Government, but with so many newcomers constantly pouring in and applying for licenses to trade... It became impossible to persist in the policy of complete inaction.

His Excellency again says in the same despatch:

As I have already stated, the Government is prepared to recognise the vested interests of Asiatics resident here before the war. On the other hand, it feels that it would not be justified in allowing vested interests to spring up contrary to the law. During the war, and since the declaration of peace, a large number of temporary trading licenses have been renewed until December 31st, 1903, but the holders have been warned that on that date they will be required to remove to streets or Bazaars selected for this purpose.

The despatch, therefore, in the humble opinion of your Petitioners, clearly contemplates the exemption, from the operation of the Bazaar Notice, of all the existing British Indian licensees who may have been resident in the Transvaal before the war.

Your Petitioner's association has always respectfully protested

against the enforcement of Law 3 of 1885, seeing that it was a matter of contention between Her late Majesty's Government and the late Republican Government, that it was one of the causes of the late war, and that it is repugnant to the British Constitution.

Without, however, for the present raising the general issue, your Petitioner ventures to hope that interference with the present Indian license-holders will not be countenanced by this Honourable House.

According to the information in possession of your Petitioner's Association, those who never traded before war would not exceed probably one hundred. The renewal of their licenses outside Bazaars would hardly affect the principle underlying the Bazaar Notice, while it is a matter of life and death to the men themselves.

Moreover, the expression, "at, or immediately before, the commencement of hostilities," is likely to give rise to much difficulty in its application and to invidious distinctions.

It would, in the humble opinion of your Petitioner's Association, be manifestly unjust to renew the licenses of those who were trading in the middle of 1899 if the same concession were withheld from those who were trading at the end of 1898 but not in 1899. Again, in 1899, there may have been two partners in the same business. It would not be an easy matter, in the event of both applying for a license, to give preference to the one over the other.

These are only illustrations of the many difficulties that the Notice in question will create in administering the law in accordance therewith.

The British Indians are loyal subjects of the Crown and admitted to be sober, industrious and law-abiding citizens.

Your Petitioner's Association, therefore, humbly prays that this honourable House would give a favourable consideration to the subject matter hereof and so amend the Notice in question as to except from its operation the existing Indian licensees on production of proof that they have been resident in the Transvaal before war, and to make it consistent not only with justice and fair play but also with the declarations, above referred to, of the right Honourable Mr. Chamberlain and His Excellency Viscount Milner.

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

Dated at Johannesburg, this 8th day of December, Nineteen Hundred and Three.

ABDOOL GANI  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

From a photostat of the original in Pretoria Archives, Petition L.C. 4/03.

### 238. *LORD HARRIS AND INDIAN LABOUR*

The Johannesburg *Star* has reproduced the speech delivered by Lord Harris on November 12th in Cannon Street Hotel, London, before the ordinary general meeting of the shareholders of the Consolidated Gold Fields of South Africa. The speech enables us the better to understand His Lordship's views on the Asiatic labour question. We must confess that we are sadly disappointed, and with due deference to His Lordship, we think that his judgment has been warped by his anxiety on behalf of the financial interests represented by him. Lord Harris has discovered that it would be really for the benefit of the Indians that they should be imported under terms which would prevent them from using their brains, if they have any, and compelling them to return to India after the termination of their contract, irrespective of the question whether they can earn a better living in that country or not. His Lordship says:

It seems to me to be somewhat short-sighted to make permission for the recruiting of coolies for the mines dependent on better treatment for the trading class. . . .

Coolies are not a highly educated class; they are merely manual labourers and the treatment they would receive would certainly not be worse, probably better, than the treatment they would receive on mines in India, and certainly infinitely more considerate than the treatment they would receive from the higher castes in India itself. . . .

It seems to me that the whole Indian community would benefit if such an out and in flow from India to South Africa and back again were encouraged.

We would take the liberty of answering those remarks by putting a few pertinent questions.

Does His Lordship know that it is possible in India for the lowest class to rise to the highest level by patience and perseverance? Does he know that many an Indian has risen to a very respectable

position from the very coolie class? Is it not a fact that the knowledge that, on their regaining freedom, they are likely to compete in trade and other businesses with the Europeans is the cause for insisting on compulsory repatriation? Would it not be a sad reflection on the Government if it were true that the Indian miners would receive better treatment in the Transvaal than they would in India? (Personally, we do not think that the question of physical treatment enters into consideration at all, for we firmly believe that the treatment of labourers, as such, will be fair enough in the Transvaal.) Does His Lordship seriously contend that, if the higher castes in India do not give considerate treatment to the lower castes, it would be any reason for keeping up such a distinction, even in a modified form, under a Liberal Government? And is not His Lordship aware that, no matter what may be the shortcomings of the higher castes in India, they do not for their own selfish ends resort to a modified form of slavery? Will it be an economic benefit either to the labourers who may be imported, or to the Indian community in general, if, after a term of years, the labourers who have made the Transvaal more their home than India are sent back to face starvation? Will it be right in any sense of the term to forcibly dwarf the growth of a body of men for fear that they might set up a competition against another body of men? Is it not a more straightforward course to avoid such a contingency by not resorting to indentured labour at all, and by letting the country gradually but steadily evolve progress?

*Indian Opinion*, 10-12-1903

### 239. INDIAN LICENCES IN LADYSMITH

Mr. Lines, the Town Clerk of Ladysmith, in his capacity as Licensing Officer for the town, has sent notices to the Indian traders in that place informing them of the sections of the Dealers' Licenses Act governing the issue of trade licences and sending them application forms to be filled in, wherein occurs the following significant paragraph:

I undertake not to keep my premises open for business after the hour of 5 P.M., except on Staurdays. I further undertake to close my place of business on all public holidays.

It was only a few weeks ago that we reproduced the report of the interview between Mr. Lines and the British Indians in Ladysmith at

which Mr. Lines threatened that he would not renew British Indian licences for next year unless the applicants agreed to close their stores at five o'clock. He has now taken a further step and evidently the threat is to be carried out. We have already expressed our opinion that, if it is at all possible, it would be well for the Indian store-keepers in Ladysmith to meet Mr. Lines' proposal. It would, we doubt not, do much good in the end. The question, of course, is whether, by closing their stores at five o'clock in the evening, the Indian traders will be in a position to do their business. It may be that most of their business is done only after five o'clock, in which case it will be utterly impossible for them to comply with the demand, but if that is so, and if it could be conclusively proved, we think that Mr. Lines would be reasonable enough to waive the undertaking. It is a matter entirely of compromise, and we trust that the Indians in Ladysmith will be self-possessed enough to see that it would be to their advantage to follow the course suggested by us. Of course, in no case could the undertaking be given if the rule as to closing of shops is not to apply to all the traders. In this connection, we invite their attention to the following clause also in Mr. Lines' notice:

No licence shall be issued in respect of premises which are unfit for the intended trade or unprovided with proper and sufficient sanitary arrangements or not affording sufficient and suitable accommodation for salesmen, clerks and servants apart from the stores or rooms in which goods and wares may be kept in cases where premises are used for both purposes.

This, of course, is an arrangement which there should be no hesitation or difficulty in fulfilling; in fact, we are aware that most of the Indian stores in Ladysmith are free from any objection of that description, but it is as well to emphasise the point that the clause in question should be given effect to both in spirit and to the letter.

*Indian Opinion*, 10-12-1903

#### 240. *THE GOVERNMENT AND BARBERTON INDIANS*

There appears in the Transvaal *Government Gazette* dated the 4th December a Notice over the signature of Mr. W. H. Moor, appointing the present Indian Location in Barberton as a site for the Bazaar. It contains the following extraordinary paragraph.

Stands in this Bazaar will be rented on a monthly tenancy, with no power to sub-let, to those Asiatics *only*, ( the italics appear in the Notice itself.)

who are at present residing or trading in it. Leases will not be given.

Thus, the most objectionable feature to which we drew attention some time ago of the Notice issued by the Resident Magistrate at Barberton has been kept up by the Government and, in trying to secure substantial justice by protesting against the threatened closing up of the Location, the Indians find themselves face to face with the prospect of being compelled, owing to the restrictions on sub-letting, to remove without compensation to the new Bazaar against which, as our readers will be aware, serious objections have been raised, or of leaving Barberton altogether. And yet Lord Milner says that the Indians are being treated better now than they were during the Boer regime!

*Indian Opinion*, 10-12-1903

#### 241. THE "MORNING POST" AND ASIATIC LABOUR

The Johannesburg papers to hand report an appeal made to the Indian Government by the *Morning Post* for a supply of indentured Indian labour. The correspondent of the *Daily Mail* says that the paper has not lost all hope of the mines being worked by British Indians rather than by alien Chinese. It points out that it is entirely in the interests of the British Empire that Mr. Brodrick, the Indian Secretary, should urge Lord Curzon, Viceroy of India, to come to some arrangement with the Transvaal which should ensure good treatment but not political rights to coolies in the Transvaal. We do not know what the *Post* understands by "political rights", but we very much fear that there is a new definition for the term intended to be of use in South Africa so as to include the ordinary rights of a British subject, namely, those of freedom of locomotion, trade and residence. Franchise the Indians do not aspire to, but they do insist on complete liberty to trade, and reside where they like so far as such liberty is not in conflict with sanitary arrangements and customs which may be applicable to all, irrespective of colour distinctions: and if the *Post* considers these rights as defined by us as a part of good treatment, we should have nothing to say against its appeal. If, however, compulsory repatriation and the other restrictions urged by the people of the Transvaal are to be inflicted on the indentured people, then we repeat, as we have said often, that the rights of Indian traders will have been bought too dearly, and seeing that such an influential organ as the *Morning Post* continues to urge the necessity of Indian labour for

the Transvaal, the friends of Indians cannot be too careful in watching the trend of events in England as well as in South Africa.

*Indian Opinion*, 10-12-1903

#### 242. AMENDMENT TO BAZAAR NOTICE<sup>1</sup>

JOHANNESBURG,  
*December 11, 1903*

The Government propose to bring before the Legislative Council an amendment to the "Bazaar Notice" which would have the effect of exempting some British Indians in the Transvaal from the liability to carry on their trade only in Bazaars or Locations specially set apart for the purpose.

The amendment, however, does not include all the holders of existing licences, and the effect of the amended law will still be to require the compulsory removal of about one hundred British Indian traders to Locations. This will mean the utter ruin of the traders concerned.

Accordingly, a mass meeting of British Indians has been held, and [it] has passed a resolution requesting that protection may be given to all existing licences, pending the promised alteration of the anti-Indian laws in the Transvaal.

The Legislative Council is to consider the proposed amendment on Monday next, December 14.

*India*, 18-12-18903

#### 243. CABLE TO BRITISH COMMITTEE

JOHANNESBURG,  
*December 12, 1903*

TO

INCAS

GOVERNMENT PROPOSE BRING AMENDMENT BAZAAR NOTICE  
BEFORE LEGISLATIVE COUNCIL EXEMPTING SOME INDIANS FROM LIA-  
BILITY TRADE WITHIN BAZAARS WITHOUT INCLUDING ALL EXISTING  
LICENSES. THIS WOULD MEAN COMPULSORY REMOVAL ABOUT HUND-  
RED TRADERS LOCATION CAUSING UTTER RUIN. BRITISH INDIAN  
MASS MEETING THEREFORE PASSED RESOLUTION REQUESTING PROTECTION

<sup>1</sup> This appeared as "from a correspondent".

ALL EXISTING LICENSES PENDING PROMISED ALTERATION ANTI-INDIAN  
LAWS. COUNCIL CONSIDERS AMENDMENT MONDAY. PLEASE HELP.  
GANDHI

India Office: Judicial and Public Records, 57/1904.

#### 244. GENERAL LETTER<sup>1</sup>

[Prior to *December, 17, 1903*]

SIR,

With reference to the motion standing in the name of the Honourable the Colonial Secretary regarding the amendment of the Bazaar Notice 356 of this year, a petition has already been sent for submission to the Legislative Council<sup>2</sup> for consideration to which my Association invites your sympathetic attention.

There are, however, things which could not well be mentioned in the petition.

My association, therefore, ventures to take the liberty of addressing this communication to you.

The matter discussed in the petition is of vital importance to the Indian community, and of comparatively no consequence from the European traders' standpoint.

If the relief sought is not granted, the position of British Indian traders on the 1st January next will be very precarious.

In order to enable you to grasp the situation thoroughly, I venture to say, with due deference to the Government, that the sites selected for Bazaars are worthless for purposes of trade. They are, in almost every case, far away from towns [and] without the ordinary conveniences. In fact, it would mean for the Indians an establishment of absolutely new townships or villages.

It is unnecessary to dilate upon this as you are acquainted with the country and know the situation of at least some of the Bazaar sites. For this reason alone, if for no other, it is submitted that the disturbance of the present holders of licences will be disastrous to them.

My Association is aware that some honourable members of the Council hold the view that there is at present a larger Indian popu-

<sup>1</sup> This was addressed to the members of the Transvaal Legislative Council by British Indians.

<sup>2</sup> "Petition to the Transvaal Council", December 8, 1903



lation in the Colony than there was before war, and that many Indians who have not formerly resided in the Colony have entered it. I beg to assure you that such is not the case; there is no doubt that a few newcomers have entered the country but many of these have been sent across the border under the recent permit prosecutions, and, in hardly any case, are new-comers in possession of licenses.

The appeal of my Association therefore, is not on behalf of new comers, but on behalf of *bona-fide* refugees. The only reason why an attempt is now being made to remove them to Bazaars is because they have not traded in the Transvaal before war or, rather, they have not traded before war in the respective places for which they hold licenses at present. This is a distinction the justice of which it is difficult to understand. It is the so-called competition on the part of the Indian traders in the smaller townships that is feared, but my Association ventures to say that, in such townships, there are very few Indian traders. They are mostly in Johannesburg, where, after all, the prejudice is not so strong, and where competition cannot be felt because European traders are in an overwhelming majority. Is it, then, right that the few Indian traders are to be deprived of the means of livelihood? For it cannot be too often repeated that it is impossible to remove the Indian trade now going on outside Bazaars to the Bazaars with any prospect of success. My Association would give a few illustrations.

In Rustenburg, for instance, there is one and only one Indian trader who is trading in the town, although he did not trade there before war. It may be parenthetically remarked that he has been trading for years in Johannesburg. Is this one man to remove to a Bazaar, which is practically a wilderness where there is no traffic, and which is probably a dangerous place for one man to live in? And will the removal of one man make any appreciable difference in the business now being done by the other traders in the town?

The case in Schweizer Reneke is, if possible, even more serious. There are two Indian traders there who did not trade before war in that locality, although at least one of them traded before war in the Transvaal. The place itself consists of very few houses and is very sparsely inhabited. Could these two men be expected to do any business in the Location which is situated far away, and is at present totally uninhabited?

Such instances could be multiplied. They shew the extreme

disproportion between the means to be adopted and the result to be attained. The removal of these traders scattered throughout the contry to Bazaars would be, in the opinion of my Association, a very violent remedy without its curing the disease alleged to exist. My Association can quite understand the wish that no further licenses to new Indian arrivals should be granted for trade outside Bazaars, but it is very difficult to reconcile one-self to an attitude which disregards what are undoubtedly vested interests, for the licenses that were granted last year were received by the Indians openly in a *bona-fide* manner, and were given by the British officers with the knowledge that they were giving them to Indians, although they were not engaged in trade within their districts prior to war, on the grounds that they were refugees. There were no conditions attached at the time of issuing those licenses.

My Association, therefore, respectfully asks whether it is worth while disturbing a handful of Indian traders who have already established themselves in business, have got in a large stock, and in some cases, secured long leases of the premises in their occupation. My Association ventures to believe that you represent not merely the European interests but the interests of all who are settled in the Colony, more especially those who are British subjects, and therefore hopes that you will find time to study the question put before you and come to a just decision.

Hoping to be excused for troubling you,

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion, 17-12-1903*

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

We read in the Johannesburg newspapers that the proceedings of the Legislative Council of the Transvaal were opened with prayers. At the conclusion of his remarks, His Excellency the President of the Council commended the members “to the guidance of Almighty God” and he “fervently prayed that all their consultations might tend

to the advancement of His glory and the prosperity of the State”, and trusted that “God’s blessing might rest upon their labours”. All this is very religious and, so far, very satisfactory. There is nothing to be feared from those who walk in the fear of God and invoke His guidance in all their doings. Unfortunately, expressions such as the above have become very much stereotyped. We pray because it is the fashion and not because there is any special stress laid upon the fact or that there is necessarily that attitude which is indispensable before there can be any guidance from on high. And we are very much afraid that when His Excellency read the prayers or concluded his speech, he never asked himself the question whether there was not something in what was to be placed before the Legislative Council which could not possibly be to the glory of God. Let us see the facts, as they are. The Colonial Secretary, Mr. P. Duncan, gave notice of the following motion:

That Government Notice No. 356 dated 8th April 1903, regarding the provision of bazaars in which trade may be carried on by Asiatics be amended by the addition of the following words after the word “hostilities” In Clause 3: ‘Licenses may be granted under similar conditions in the case of Asiatic traders who were *bona-fide* carrying on trade at or immediately before the commencement of hostilities, and in places not specially set apart by the Government, even though such traders may not have held the licenses required by law for such trading. All traders claiming to have licences under this clause must produce evidence to the satisfaction of the Receiver of Revenue that the above conditions are fulfilled in their case.

Our readers will have sufficient [?] in this issue of the paper to shew them what the British Indians think about the motion. We have often said in these columns that the Bazaar Notice is uncalled for and in contravention of the promises made from time by Her late Majesty’s ministers, as well as Mr. Chamberlain, But it is not our intention to raise that question at present; we would merely examine the position take up by the British Indian petitioners.

Before we do that, we take this opportunity of congratulating our countrymen in the Transvaal on the most praiseworthy activity shown by them, and the methodical manner in which they have placed their representations before the authorities. Between Tuesday and Friday of the same week, to send a petition to the Legislative Council, address a long circular letter to the members, and to convene a successful meeting which, it would appear, was attended by over five

hundred people, is a very creditable performance worthy of imitation by us in Natal.

To return, the position is briefly this.

The Bazaar Notice does not interfere with the licenses of those British Indians who can shew that they held licenses to trade outside Bazaars on the outbreak of hostilities. The Government now proposes to extend the protection to those also who were trading without any licenses on the outbreak of hostilities. There remain, then Indians who, although they did not trade before war, have been able, on the strength of their being refugees, to secure licenses from British officers. The British Indians have, therefore, approached the Legislative Council and say that the last named class of traders also should be given the same protection. They argue somewhat this way.

Those from whom you want to withhold the protection form a very small number not worthy of consideration so far as the European sentiment is concerned. There are nearly six hundred license[e]s from which [number] you might be able, by excluding the new traders in the above sense, to drive, say, one hundred men to Locations. This would make hardly any difference in the competition. You have often promised to protect all those license[e]s; Mr. Chamberlain has done so; Lord Milner has done so. Before war, the British Agents secured the trade of British Indians by making effective representations to the Republican Government. Therefore, although you have got the lion's strength, you should not use it in order to crush these few men out of existence. We have committed no crime. You charge us with faults which, if properly examined, are not faults at all, and even trade jealousy may not be allowed to go so far as to endanger vested rights.

Argument such as this seems to us to be unanswerable, and if the facts are as the speakers at the great meeting held in the West End Hall in Johannesburg stated them, is the attitude taken up by the Government consistent with the commending by His Excellency of the Members of the Legislative Council to the guidance of God? Is it consistent with the fervent prayer that the consultations of the Council should tend to the advancement of the glory of God? We frankly confess that we fail to see herein the hand of God, and we certainly do not see that the ruin of hundreds of inoffensive traders can advance His glory, or even tend to the prosperity of the State.

We notice that our friends the East Rand Vigilants are up in

arms against the Government in daring to introduce the amendment above referred to. They are wrathful that the very Government, which was instrumental in enabling British Indians to trade without licenses before war and in defiance of the laws of the late Republic, is now doing a tardy act of justice by clothing these licenses with the same protection. They have, therefore, promoted a petition to the Legislative Council. The Government has then, on the one hand, to face the opposition of the East Rand Vigilants to any justice being done to the Indians, and, on the other hand, to consider the very reasonable demands of the British Indians for the smallest measure of justice. The argument advanced by the Boksburg gentlemen is very full of humour if it is also full of pain. They consider that it would be, on the part of the Government, a breach of faith with the white inhabitants of the Transvaal if it were to amend the Bazaar Notice in any direction whatsoever. Will the gentlemen, however, consider for a moment the ridiculous position in which they place themselves by advancing an argument of that nature, for it was impossible for the Government to make any promise whatsoever to the white inhabitants without, in the first instance, committing a very serious breach of faith with the Indians themselves? How could our friends expect the Government to make any definite promises to relegate Indians to Locations when the Imperial Government went to war on that very question? The Bazaar Notice is certainly there, but in the light of the facts we have stated, it cannot be interpreted as any promise to the white inhabitants, though we are free to admit that it is a sign of weakness that the Government has ever issued the Notice, but having issued it, it seems to us to be far-fetched to argue that they have not now the right to amend it in any manner they choose. In our humble opinion, the strong Transvaal Government has a clear course before it, namely, not only to carry out the promises made to the British Indians, but apart from any such promises, to protect them (the weaker party) from the opposition and prejudice of the stronger party, namely, the Europeans. Self-interest may blind the sense of fairness of the latter. It is then for the Government not to be led away by their opposition, however, strong it may be, but to hold the scales even between conflicting interests, and to do justice.

*Indian Opinion*, 17-12-1903

## 246. A MASS MEETING OF INDIANS IN JOHANNESBURG

A mass meeting of our brethren was held in Johannesburg on Friday morning. Representatives from almost every village attended at a notice of only 24 hours, for which they deserve credit. Sheth Abdul Gani, Manager of the well-known business house of Messrs. Mahomed Cassam Camroodeen, took the chair, He made an impressive speech and proved that the modifications sought to be effected in the law by the Government were not adequate. There are at present three categories of traders in the Transvaal: (1) those who are carrying on trade under licences obtained prior to the war; (2) those who have been trading without a licence; and (3) those who obtained licences after the commencement of British rule. The licences of those who were trading before the war are being renewed. And now the Government intends to enact a law to the effect that those belonging to the second category, that is to say, those trading without a licence before the war, would be issued licences. The meeting was held in order to secure justice for the third category, so that those who did not trade before the war but who were granted licences by the British officials might also obtain them. Mr. Chamberlain had himself said that they, too, should get the licences.

[From Gujarati]

*Indian Opinion*, 17-12-1903

## 247. A GENERAL LETTER<sup>1</sup>

BRITISH INDIAN ASSOCIATION

21-24, COURT CHAMBERS,

RISSIK STREET,

JOHANNESBURG,

*December 17, 1903*

SIR,

In view of the approaching meeting of the Associated Chambers of Commerce at Pretoria, in connection with the proposed amendment of the Asiatic Bazaar Notice No. 356 of this year, I have the honour, on behalf of the British Indian Association, to submit a short

<sup>1</sup> The letter, which was addressed to members of the Associated Chambers of Commerce at Pretoria, was published in *Indian Opinion*, 24-12-1903. It was also sent to Dadabhai Naoroji, who forwarded a copy to the Secretary of State for India.

statement for your consideration.

A British Indian deputation waited on the Right Honourable Mr. Chamberlain during his visit to the Transvaal, when the members of the deputation were advised by him, as far as possible, to agree with the European inhabitants of the Colony. I venture to assure you that such has ever been the desire of the members of the community represented by my Association.

I take it that the general objection to the Indian is in regard to his mode of living. I beg to state, then, that so far he has not been allowed the opportunity to show what he can do in that direction. His position has never been clearly defined; he has been obliged to remain in a state of uncertainty. In any case, I venture to assure you that the Indians would be readily amenable to any regulations that might be framed with a reference to sanitation, or the separation of dwellings from business places. My Association has, in fact, already submitted to the Government that the giving to the Municipality of the control over dealer's licenses to new applicants with the right of appeal to the courts of law by way of safeguard against abuse of power, would be quite acceptable to the Indian community.

My Association is also aware that there is prevalent in the minds of many in the Colony the fear that the Indians, if allowed to immigrate unrestricted, might by their very numbers swamp the white population. Although my Association considers any such fear to be groundless, yet, as an earnest of its desire to co-operate with the Europeans, my Association has accepted the principle of legislation to restrict immigration on the lines of the Cape Act, with certain modifications.

However, for the purposes of considering the proposed amendment, it is hardly necessary to examine the general question. The Colonial Secretary's proposal but carries out the spirit of the Bazaar Notice, though, in the humble opinion of my Association, it still falls short of elementary justice unless it is supplemented as urged by my Association. It proposes to protect the vested interests of British Indians who, during the Boer regime, were able to trade without licenses outside Locations or Bazaars by reason of the intervention of the British Agents. My Association would be painfully surprised if you were to oppose a continuation of the same protection when the British Government is in a better position to give it.<sup>1</sup>

<sup>1</sup>*Vide* item 68 above.

And, if you would approve of the Colonial Secretary's proposal, to clothe all existing licenses with protection, [you] would be simply complementing it.

There are, probably, not more than 600 Asiatic licenses outside Bazaars in the Colony, of which 500 will be left undisturbed under the notice and proposed amendment. There will, therefore, be only 100 licenses not covered by the Notice. And it is contended that the rights of these latter are entitled to as much consideration as of the others, since they are all former residents of the Transvaal, and had their licenses granted last year by the British officers without restrictions. If, therefore, you would waive your objection to the 500 licenses, it would be but the barest justice to put the balance of licenses under the same category.

Probably, before the war, you were a member of the Uitlander Committee; if so, I may state that, just on the eve of war, the Committee was glad to secure the co-operation of the Indian community in order to further its views. One of the arguments advanced by it in favour of the Indian community making common cause was that, after British occupation, we would not suffer the disabilities imposed by Law 3 of 1885. My Association, therefore, it is submitted, has a right to expect fulfilment of that assurance.

Indians are British subjects. India has been described by British statesmen as the brightest jewel in the British Crown. She is ever ready to fight the Empire's battles. It was the Indian army that probably saved the situation in Natal. The local Indians too, were not behind-hand in doing their humble share. It is for the members of that community that my Association requests your sympathy, and that, too, in a matter which, while it is of very great importance to the Indians, is of comparative insignificance to you. My Association, therefore, ventures to trust that the meeting of the Associated Chambers would decide to recommend protection of all existing Indian licenses.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

ABDUL GANI

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

India Office: Judicial and Public Records, 57/1904.



## 248. THE TRANSVAAL CHAMBERS AND BRITISH INDIANS

We reproduce elsewhere copy of a circular letter<sup>1</sup> addressed by the British Indian Association to the members of the Chambers of Commerce of the Transvaal. The conference met at Pretoria on the 18th instant, and *The Rand Daily Mail* publishes a report of the proceedings from which it would appear that the circular letter produced no effect whatsoever on the delegates. It may be because the circular was sent rather late owing to the decision, at the eleventh hour, of the Colonial Secretary to postpone the consideration of the proposed amendment. The circular letter makes it quite plain that, if it is right to respect the vested interests of those who traded before the war without licenses, it is more so to respect such interests created after the war. The reference in the letter to the co-operation given by the Indian community to the Uitlander Committee of the pre-war period ought to have gone home. We can speak from personal knowledge that the leaders of the Committee were most anxious that the Indians should join them in making representations to the Home Government. The question of the disabilities of Indians was specially discussed and all were agreed that, if the war came, the disabilities must go. It, therefore, ill becomes the members of the conference now to turn round and propose drastic measures which were not even dreamt of during their worst days before the war. The arguments advanced at the conference in support of the different contentions put forward by the members, we take leave to say, were of the weakest type, and in some cases, based upon distorted facts. We do not wish to convey that the distortion was deliberate. Probably, it was due to the inability of the speakers to look at facts without bias; but we do say that, in some instances, there was no foundation for the statements made by the speakers. That men occupying responsible positions, and who in private life would be ashamed to make statements without first verifying them, should in their public capacity father such statements without applying the necessary test is a sign of the times. The chairman of the conference is reported to have said:

    Wealthy Indians in Barberton had approached leading merchants of the town asking them to lend their names for the purposes of securing premises and licenses. The Indian boasted that, if he succeeded, every other Kaffir store-

<sup>1</sup> Item 69 above.

keeper would have to close within twelve months.

Now, we have no hesitation in saying that there is not a vestige of truth in this statement. Barberton has no wealthy Indians. there are very few Indian traders, and these are in the Location only; there are no Indian traders established within the town; the few who are doing any business in the Location are too poor even to dream of the ambition ascribed by the chairman to them. Most of the inhabitants of the Location are hawkers, and we challenge the chairman to give the name of the Indian who is alleged to have boasted that he would drive away every Kaffir store-keeper within twelve months. The chairman also uttered the following grandiloquent sentiments:

It would not be their intention to approach the Government. . . . in an antagonistic spirit, but their attitude should be absolutely friendly and patriotic. It was a case of saying: 'Gentlemen, mind what you do; you had better be careful because it is a very serious matter. It is a matter on which the feelings of the people of this country are deeper than you believe. It is the one question that will unite the people against the Government, and it is an exceedingly grave matter if Government takes up the attitude of partisanship of the coloured races as against the white population.'

It is rather humorous that the gentlemen, who are interested being themselves engaged in trade, and who would, if they could, form a ring excluding from it all competitors, should speak in such strain in the name of the community as if their interests and those of the vast amount of buyers were identical. The chairman, in saying that the feelings of the people of the country were deeper than might be believed, forgot that the Indians were dependent upon white custom to a very great extent, and if the feeling is so deep, how is it that the support is still held out to them? Why is it necessary to ask the legislature to harass the Indians into leaving the Colony when the remedy of ostracism is in their own hands? It would be news to many readers that the Government has taken up an attitude of partisanship of the Coloured races. Well may Lord Milner say that he is between two fires: the Indians say the Government is treating them worse than they were treated before the war, and the members of the conference say that they (the Indians) have been taken under Government patronage.

The traders are a mere handful, and yet the position created by their presence has been magnified out of all proportion. The serious evil which threatens to overtake the Colony in the shape of indentured Coloured labour was airily passed by because, forsooth, Sir George

Farrar had assured the chairman that every precaution would be taken against the permanent settlement of such indentured men. If the people are to be united against the Government in any matter, it is undoubtedly this one of indentured labour.

Of the petition and the resolutions passed at the conference, we would say very little. Both are in keeping with the speeches delivered by the various delegates. The petition dwells upon "the commingling of the Coloured and white races". May we inform the members of the conference that, so far as the British Indians are concerned, such a thing is practically unknown? If there is one thing which the Indian cherishes more than any other, it is the purity of type. Why bring such a question into the controversy at all? We would very much like to learn a bit of the past history and experience gained by the petitioners.

One of the resolutions passed "views with intense alarm and disfavour any legislation which might stultify such principle". This is really very funny. The members are alarmed at what is not even in existence. Lord Ellenborough said that, during the Afghan War, there were people who thought they heard the sound of guns if a beetle chirped. The members of the conference evidently seem to be in some such position, for no legislation has yet been given to the public, and, for aught we know, when the much-promised legislation does come, it would be worse from the Indian standpoint than the present laws. We give the members the credit of supposing that they have not mistaken the proposed amendment of the Colonial Secretary for legislation, especially after his lucid explanation of the real bearing of the Bazaar Notice on the general question.

We would urge the members of the different Chambers of Commerce in the Transvaal to consider dispassionately the opening paragraphs of the circular letter of the British Indian Association. The two statements made therein ought to be considered quite effective from the European standpoint. The Town Councils or Town Boards consist mostly of traders. The Indians say: 'Our position is so reasonable that we do not hesitate to place ourselves at your mercy and abide by your decision as to our licenses, provided that you do not take away the right of appeal to the Supreme Court against your decision. So far as new settlers are concerned, we are quite willing that there should be reasonable restrictions along the lines laid down by Mr. Chamberlain in his address to the Colonial Premiers. If you adopt this policy, you will keep up more or less the British traditions.'

Such a position, in our humble opinion, is unexceptionable, and we invite the Chambers to spare a few moments and, after full consideration, ask themselves whether it does not constitute a very reasonable compromise.

*Indian Opinion, 24-12-1903*

#### 249. MR. DUNCAN ON HIS AMENDMENT

The Colonial Secretary<sup>1</sup> is to be congratulated on his able, sympathetic, and historical survey of the anti-Asiatic legislation in the Transvaal. He had naturally no difficulty in making out a very strong case in favour of his amendment. He shewed conclusively that it was owing to the protection afforded by the British Government during Mr. Kruger's regime that Indians were able to trade in the Transvaal in defiance of the law and that, therefore, it was impossible, even if it were desirable, for the British Government to retrace its steps and drive the Indians away to the Locations. It was not a question, as he said, of sentiment or policy, but one of simple justice. He exhorted the members, and through them the public generally, to consider the matter dispassionately and not to run away with the idea that the present Government could play ducks and drakes with the Indians. The pity of it all is that Government did not see all this beforehand, nor is it easy to understand why, in an administrative matter, it should make all this fuss and go to the Council for amendment of the Bazaar Notice. Mr. Duncan has himself admitted that the Bazaar Notice has no legal value, because it could not be considered a piece of legislation. We give his own words:

In the first place, they must remember that this was not a law but merely a notice, expressing a policy which the Government desired to pursue in interpreting the law of the country.

It was then clearly unnecessary to bring forward the matter before the Legislative Council at all. It is difficult for the lay mind to understand the distinction between acts of the Legislative Council which would have the force of law and other acts which would not have the same effect, but which are merely an expression of opinion on the part of the Council: to the lay mind, all such notices are law of the country. The people also forget that the notice has actually taken away the rights that the Indians enjoyed before it was introduced, and

<sup>1</sup> Mr. Patrick Duncan.

that the proposed amendment is a restoration of some of the rights thus taken away. They construe the amendment to be a concession and then protest against it. No amount of logic and reason could take away the feeling so created. We think, therefore, that it was clearly a mistake on the part of the Government to have, in the first instance, brought up the Bazaar Notice before the Legislative Council. It has voluntarily tied its hands down and given rise to an undesirable agitation unless the Government intended that such agitation should take place in order to strengthen its hands in pursuing an anti-Asiatic policy. The speech of the Colonial Secretary, however, precludes us from forming any such opinion.

Moreover, after the very convincing argument advanced by the Colonial Secretary in favour of his proposal, we fail to see why he has not included in the exemption Indians who were granted licenses to trade last year without any conditions, although they were not trading before the war. He has based his powerful plea on the strength of the past acts of the British Government. The same argument would apply, only more forcibly, to the case of the traders we have just referred to, and on whose behalf the British Indian Association at Johannesburg has been making very laudable efforts. In the case of the traders who received licenses last year, it is the act of the present Government which is now being over-ridden if these men are to go to Locations. Mr. Chamberlain has assured us that the note of a British officer is as good as a bank-note. Well, the licenses granted to these traders are notes signed by British officers. We have seen many, and we do not notice any conditions whatsoever endorsed thereon. Why should they, then be treated differently from any other licenses? These are considerations which ought to have weighed with the Government. We have said before that Government is afraid to do justice and seeing that the proposed amendment has raised a hue and cry at Boksburg and Barberton, the Government probably thinks that it had better not risk its popularity for the sake of doing an act of simple justice and equity to the British Indians. Such are not the traditions of Governments owning the British flag, and we would still hope that the poor traders who are under notice to remove to Locations will have their licenses to trade outside the Locations renewed.

*Indian Opinion, 24-12-1903*

## 250. *BRITISH INDIANS IN THE TRANSVAAL*

Events happening in the Transvaal are so stirring that they must continue to occupy our attention for some time to come to the exclusion of many other matters to which we should like to devote some of our space. The debate in the Legislative Council that took place on the 22nd instant was most interesting and instructive. We have often had occasion to complain of the attitude of the Transvaal Government regarding the position of Indians. We therefore, hasten to offer our thanks for the bold stand it has taken up on the motion of the Colonial Secretary. It would have been surprising if it had done otherwise. All the same, the position of the British Indians has, of late, become so very uncertain that we were not sure that the Government would not again vacillate and yield to the extreme demand of interested traders and withdraw the motion. That it has ultimately consented to accept the amendment proposed by Sir George Farrar does not, in our opinion, detract in any way from the attitude it has taken up in this matter. Both the Colonial Secretary and the Attorney-General made it perfectly plain that, in accepting Sir George Farrar's proposal, they did not wish to abandon the intention of respecting the licenses of all those Indians who traded before the war in the Transvaal, whether with or without licenses. Sir Richard Solomon made a very eloquent defence of the position and did not mince matters. The learned gentleman said:

If they did not amend the resolution, honourable members would be doing and injustice to a large class of persons. Honourable members seemed to be surprised at the attitude taken up by the Imperial Government, but when they remembered the responsibilities which His Majesty's Government had in regard to the Indian Empire; when they remembered the millions of people who inhabited that Empire and their loyalty to the throne, they quite understood the necessity of holding the scales evenly between man and man. That was how Great Britain relied on the loyalty of the millions of people who comprised the Empire because the people had confidence in the administration of justice in the Empire.

Of the non-official members, Mr. Hosken took up a very sympathetic position and pointed out to the House that, after all, the agitation against the Indians was confined to the traders; that the Johannesburg Chamber of Commerce did not identify itself with it, and that

the presence of the Indian trader was by no means a disadvantage. "The attitude," proceeded Mr. Hosken, "taken up there (by the Johannesburg Chamber of Commerce) was that the very fact that people traded with the Indians was a proof of demand for them, and if there were a pronounced objection to them, they would be boycotted and their trading would be rendered impossible".

The opposition was led by Mr. Loveday and Mr. Bourke. Mr. Loveday we can quite understand. He had not a word to say during the old regime in favour of the Indians. To him the Indian is an unmitigated curse, but we confess we were very disappointed to read Mr. Bourke's remarks. We have always understood him to be a very generous-minded citizen of the Transvaal and one capable of taking an unbiassed view of any case that may come up before him for decision. In his anxiety, however, to further the interests of the white trader, he has, in our humble opinion, been carried away by prejudice, for it is difficult to account otherwise for his weak argument. He could not see why traders who were granted full protection by the British Government before the war and encouraged by its representatives to defy the Transvaal law and carry on their trade should now also continue to receive the same protection from the same Government, although it is in a better position to do so. He ingenuously admitted that the opposition against the Indians proceeded not from the Boers but from British traders, and he now seeks protection of the British traders from Indian competitors even though the British Government should be called upon to compromise itself by taking away the vested rights of British Indians. Mr. Bourke, as a merchant of very long standing and as a businessman, should have known better than repeat the platitude that the Indian trader, if unchecked, would drive the European trader away, forgetting that when he was unchecked before, he did not succeed in doing so and that in Pretoria the Indian trade compared to the European trade is, after all, very small.

We may add that, even if the fear were justified, it has no bearing on the present question, because the Legislative Council had under discussion the matter only of old licenses. Sir George Farrar suggested a middle way between the Colonial Secretary's amendment and Mr. Bourke's amendment. The result is that Commission is to be appointed to investigate the cases of "those Asiatics trading here before the war without licenses, provisional licenses being issued meanwhile to the Asiatic store-keepers, and the Government would intro-

duce legislation embodying the principles of the Cape Immigration Act”.

We welcome the appointment of the Commission, for we have always felt that there is very great misunderstanding as to the number of existing Indian licenses and that the members of the White League and other bodies have exaggerated the effect of Indian trade. The Commission, therefore, will afford the opportunity of clearing up the mist, and everyone will know definitely the position of Indian trade in the Colony. The Indians have always asked for daylight to be shed upon their doing, and we look forward with every confidence to the result of the Commission. And if our expectations are realised, the sober-minded Colonists in the Transvaal could have no excuse for continuing the anti-Indian agitation which can do no good to either party, and which unnecessarily embitters the feeling between two communities who ought to be able to live side by side in peace.

*Indian Opinion*, 31-12-1903

## 251. COLOURED RAILWAY TRAVELLERS IN THE TRANSVAAL

The same day that Mr. Duncan's amendment of the Bazaar Notice came up before the Legislative Council, Mr. H. Solomon moved his resolution about Coloured railway travellers; and although his remarks were mostly devoted to Native passengers, they are instructive, shewing how easy it is, by using the term "Native" and "Coloured Person" synonymously, to drag down the British Indians. The honourable member's resolution, too, was so vague and contradictory that Sir Richard had no difficulty in pulling Mr. Solomon up. The latter had to eat his own words and to say in reply to Sir Richard's remark that, if the honourable member did not want Coloured people to travel first class, he should not inflict them on the second-class passengers either, that he never meant to say anything of the kind and that he contemplated separate accommodation of the same class for Coloured people.

We venture to agree with Sir Richard that the resolution was ill timed and calculated to give rise to unnecessary bitterness and ill-feeling. If the white travellers on the railways would not have either Natives or Asiatics as fellow-passengers, we think that it is prudent to avoid friction, and place separate compartments at the disposal of Coloured people, so that there should then be no grumbling if any



white person not finding room in other compartments and knowing that there are Coloured people in some other compartments, chose to take advantage of accommodation offered there, he should have no cause for complaint.

The matter is clearly one of railway management rather than of legislative enactment. With all deference to Mr. Solomon, we consider that he hardly consulted the dignity of the House in bringing forward before it the resolution that he did. It savours more of pandering to the popular prejudice than of an earnest desire to remedy a defect or to bring prominently to the notice of the Government a matter of public importance. If therefore, he found in Dr. Turner an opponent going beyond the scope of the resolution, it was he himself who was to blame. The debate has, however, done indirect good in that it has shown that the Coloured community has in Sir Richard Solomon a friend and sympathiser who is ready to see that justice is done between man and man and who would not allow himself to be carried away by popular sentiment, no matter how strong it may be, when it is in conflict with the elements of justice.

*Indian Opinion*, 31-12-1903

## 252. A NOTE ON ETERNAL BLISS

[1903 ? 1904]<sup>1</sup>

The Missionaries have hastily interpreted the great Hindu belief in ETERNAL BLISS to a belief in NOTHINGNESS. They say “according to the Hindu belief, the greatest thing is to vanish into nothing annihilation”. This presentment has created a wide gulf between the Christian and the Hindu faiths, to the detriment of both.

The whole confusion arises from a want of agreement as to the meaning of the Sanskrit term<sup>2</sup> which is translated as “nothingness”. The word means what it popularly conveys only on the assumption that what we now are is everything, in which case the Hindu philosopher truly says, ‘Nothing is to me everything, for what you call everything is demonstrably evanescent.’ (Will not the body and the

<sup>1</sup> The original note was found in the collection of Mr. James Stuart, Resident Magistrate of Durban, along with Gandhiji’s “Letter to J. Stuart” of January 19, 1905. Now in the possession of Miss Kellie Campbell, it is undated and bears the following note by Mr Stuart. “This is by M.K. Gandhi—given me about 1903-04 in Durban”. During this period Gandhiji had much discussion with Theosophists on Hinduism. cf. *Autobiography*, Part IV, Chapter IV.

<sup>2</sup> Presumably *kaivalya* (कैवल्य)

senses perish and so everything else we see or feel?) Nothingness, thus understood, conveys the same idea as the final salvation, as being one with the Divine. This Divine is the great "Unknowable" of Spencer, but it is only relative unknowable; that is to say, not capable of being known by means of the ordinary instruments of knowledge described by Spencer. If, however, you admit the existence of a higher instrument than the mere common intellect, which as a matter of fact both the Hindus and the Christians do, "It" may not be unknowable.

The Hindus say "It" is knowable, the Christians say likewise. "Those that have known Me have known the Father." But again, what is the meaning of the last quotation? Probably there is no difference in the two presentments, save in the mere wording. 'We shall know each other better when the mists have rolled away.' In the meanwhile, may it not help us to reach that state earlier, if we try to find out the points of contact rather than those of difference?

Courtesy: Miss Kellie Campbell, Durban.

### 253. *LAST YEAR'S STOCK-TAKING*

#### THE TRANSVAAL

Last year at this time the British Indians in the Transvaal were full of hope because Mr. Chamberlain had been assuring them that at any rate those who were settled in the country, and those who might be allowed under a general Immigration Law to enter the Colony were entitled to fair and honourable treatment<sup>1</sup>. The position was at the time very uncertain. Notices were issued to the traders that their licenses would not be renewed. Law 3 of 1885 was still upon the Statute-book of the Colony. In some parts of the Transvaal even foot-path regulations were being enforced. The fate of the inhabitants of the Johannesburg Indian location was trembling in the balance. Dr. Porter's fanciful report about the sanitary condition of the Location hung over them like the sword of Damocles. The White Leagues throughout the Colony were holding meetings, calling on the Government to impose further restrictions on the British Indians who were already settled in the Colony. The working of the Asiatic Offices was causing a great deal of mischief. Corruption was rampant in the Johannesburg Office and refugees were unable to enter the Colony unless they paid through the nose for getting permits which on many an occasion were

<sup>1</sup>Vide "Indian Position in New Colonies", 16-3-1903

worthless documents. Mr. Chamberlain's emphatic statement to the deputation, which waited on him at Pretoria was the only ray of light piercing this thick cloud of difficulties, although unfortunately it has not been found to be strong enough to dispel it. Later in the year, that is in the month of April last, the Government, in reply to the Indians' request for a clear definition of their status and an assurance regarding the existing licenses, sprang upon the community Notice 356, known as the Bazaar Notice, and appointed Captain Hamilton Fowle the Registrar of Asiatics for the collection of the £ 3 registration tax in terms of Law 3 of 1885, which had remained dormant for many years past. The British Indian Association of Johannesburg approached Lord Milner,<sup>1</sup> but beyond lip sympathy, it was unable to get anything more from His Lordship. He strongly advised the community not to resist payment of the £ 3 tax, and promised to go carefully into the question of licenses and other matters that were brought to his notice. His Excellency also made the important statement that the Bazaar Notice was only a temporary measure, and that, in the near future, probably during the then session of the Legislative Council, a Bill would be introduced replacing Law 3 of 1885.

Today the situation is not very much better, although in some respects there is decidedly progress to be reported. The Bazaar Notice is still in force, and it has taxed all the resources of the British Indian Association to prevent it from causing utter ruin. In practical working, it has been found to be full of ambiguity. Licensing Officers have not always been able to give definite rulings on its interpretation, with the result that in order to protect vested interests, Herculean efforts had to be made by the community. And yet today no one can say whether all the existing licenses are to be respected or not. The Transvaal Colonial Secretary's attempt to amend the Notice, so as to protect the interests of those Indians who traded without licenses before the war owing to the British intervention, has ended in a compromise. The Government has accepted Sir George Farrar's amendment for appointment of a commission to investigate the claims of such British Indians and requesting the Government to bring in legislation along the lines of the Cape Immigration Act. It is impossible to say at this stage what the effect of this amendment will be. We have accepted it as an earnest of good intentions, and as such we have put upon it the only construction that is possible and that is consistent with the declarations

<sup>1</sup>Vide "Notes" 16-5-1903

even of the present Government, namely, that all those who were trading before the war will have licenses granted to them to trade outside Bazaars, and that passing of an Act similar to the Cape Act would mean a total repeal of the existing anti-Asiatic laws, and not an addition to the burden the Indians are already labouring under. One thing should be quite clear, namely, that under the British Government the position ought not to be made more intolerable than it was during the old regime, if only because one of the ostensible reasons given for the war was the disabilities of the British Indians in the Transvaal. There have been two decisive reforms during the year. The Permit Department has been re-transferred to the Chief Secretary for Permits and, from the reports we have received, we feel thankful to say that the corruption has entirely disappeared and *bona-fide* refugees are able to get their permits without unreasonable delay. The Asiatic Offices still remain for what reason we know not, but, in Mr. Chamney, the "Protector of Asiatics" the Indian community has, we understand, a friend and sympathiser.

The Johannesburg Location is lost to the Indians. It would not be a very serious calamity, if it were not for the fact that it was in Johannesburg alone that the Indians had been given the right to hold ninety-nine years' leases within that small area, and that the inhabitants are not only now uncertain as to whether they will have the same facilities given to them, but they are also uncertain as to where the new site will be appointed. In any case, it will never be so advantageous as the present one.

Such in brief is the state of affairs in the Transvaal. The threatened introduction of Asiatic indentured labour makes confusion worse confounded, and the presence of so many indentured men will be used as an excuse for tightening the cord that binds the Indians. Lord Milner, however, is the one strong man in South Africa. When, rightly or wrongly, he was convinced that war was necessary, he went through it against all the opposition. We will therefore continue to hope that His Excellency will be able to fulfil the promises he has already made and clearly lay down the principles of Government policy regarding British Indians. The prejudice against the Indians on the part of the interested traders is undoubtedly strong, but that, in our opinion, is all the greater reason why His Excellency should remain firm and protect the weak against the opposition of the strong.

## ORANGE RIVER COLONY

Turning to the Colony, there is nothing but despondency. The present Government has jealously guarded the anti-Indian legislation of the late Republic and prevented any encroachment upon it. As these columns have shown, it has even gone further and passed legislation in anticipation. It has given extraordinary powers to Municipalities for the control of all Coloured people. Mr. Chamberlain promised to look into the matter carefully and grant redress at an early date. Nothing, however, has come out of it, and in spite of nearly two years of British rule, the Orange River Colony remains closed against British Indians, no matter what position they may occupy. Not even those who were trading in that Colony some years ago are allowed to return: indeed, we hear that only last month some Indians, who having undergone all the preliminaries were living in the Colony as servants, were arrested and fined because they appeared to be doing some other service than that for which they were first engaged. Mr. Lyttelton<sup>1</sup> is credited with possessing the spirit of broad Imperialism. He is in a position where he has the power to put his Imperialism to the test. Will he rise to the occasion and open the Colony to British Indians? Not, of course, without restriction, for we have yielded the point that legislation of a general character regulating immigration might be passed in view of the colour prejudice existing in South Africa, but we do contend that anyone who passes the test imposed by an Immigration Act ought to be free to enter any British Colony irrespective of class, creed, or colour and engage in any enterprise he chooses.

## NATAL

Coming nearer home, there is not much to say. The same words of encouragement which Mr. Chamberlain uttered, when meeting the British Indian deputation at Pretoria, were the words spoken by him when he met similar deputations in Durban and Pietermaritzburg. The Immigration Restriction Act has become more stringent. The educational clause has been amended so as to make it very difficult for anyone to pass the test if the immigration officer is so inclined. That, however, is not a matter of very great moment. It is the Dealers' Licenses Act which causes the most serious trouble. The activity shown by the Durban Town Council and several Local Boards in Natal gives good grounds for the fear that it may be enforced with harsh-

<sup>1</sup> Lyttelton succeeded Chamberlain as the Secretary of State for the Colonies in 1903.

ness. So long as the Supreme Court remains deprived of its jurisdiction over the decisions of the Town Councils sitting in appeal over those of their Licensing Officers, so long will the Act remain a potent cause of trouble. The Licensing Officer at Ladysmith has given notices to the Indians that unless they are prepared to observe the usual closing hours they will not have their licences renewed. We have more than once expressed the hope that the British Indian merchants in Ladysmith will be able to arrive at an understanding with the officer in this matter, for we hold that it is one of extreme delicacy, and one in which, if they commit any error of judgment, it will be very difficult to get redress.

Mr. Ellis Browns's proposal regarding Locations or Bazaars in Durban, though it appears to be as dead as Queen Anne, has left a bad taste in the mouth, and one never knows when an attempt may be made to revive it. It followed close upon the publication of the Transvaal Bazaar Notice, and as we then shewed, the proposal was made by the worthy Mayor in indecent haste. Hardly had the ink become dry on the Minute Paper<sup>1</sup> when the news was received from the Transvaal that the Bazaar Notice was merely a temporary regulation, and that it was not intended to become part of the permanent laws of the Colony.

The question of Indian education is a serious matter in Natal, seeing that there are so many thousands of Indians living with their families and having children to bring up. No matter how willing the Government may be to give a fairly good education to the Indian, the closing of the public schools of the Colony against Indian candidates has placed the Indian community at a very great disadvantage. The last three Indian girls who were receiving education in the Government school in Durban have passed out with credit to themselves, and now there is no chance of such education being received by their less fortunate sisters. All these three girls belong to typical Indian families, are very well brought up and, we understand, were very well liked by their school mistresses. They were always in the front rank, and bore a very high character for industry, honesty and gentleness. It is a sad reflection that other Indian girls who, if given the same facilities, would be able to repeat the performance, should have the opportunity taken away from them merely because of the colour of their skin.

Comparative freedom from unrest has enabled the Indian

<sup>1</sup>Vide "Words and Deeds", 4-6-1903

community in Natal to undertake educational reform. The Habibi Madressa<sup>1</sup> is an instance in point. It is a flourishing institution, and ably managed under the supervision of the Sufi Saheb. We can only wish that we had more institutions of the kind dotting the Colony. The Rev. Mr Smith, has just founded a training college for Indian teachers. Properly managed and well encouraged, it ought to be a centre of very great moral and educational influence in the Colony.

There are many other reforms that may well be undertaken by the Indian community: let us hope that last year's depression will give place to prosperity this year, and that some of our generous-minded Indian merchants will be able to carry out some of them.

#### CAPE COLONY

In the oldest Colony, there is not much to report upon. The Immigration Act came into force in January last. We understand that it is not being enforced with any special harshness. Some difficulties are inevitable in the working of an Act of that nature, but, on the whole, the authorities appear to be anxious to soften its harshness.

In East London, the Location Law and the Foot-path Law that were passed in anticipation at one time bade fair to create much irritation. We understand, however, that well-dressed British Indians are not molested while walking on the foot-path, even though they may not have taken out the exemption certificate. Satisfactory as this appears to be at present, such a bye-law is, in our opinion, a blot on the Municipality, and the sooner it is repealed, the better it will be for its credit. It is an anomaly that, in the Cape Colony, where anti-Indian legislation is the least irksome, such a law should ever have received the assent of His Majesty's Government. It, however, ought to serve as lesson to the British Indians, namely, that, under the British Government no community can thrive unless it is vigilant in looking after its own interests.

#### OURSELVES

In closing this brief review of the status of the British Indians in South Africa, we may be pardoned for making some reference to ourselves. *Indian Opinion* has been in existence hardly seven months but we venture to think that within that short period it has carved out for itself a position. Whatever influence it may have gained it has been our endeavour to use for the benefit of the community and the Em-

<sup>1</sup> Arabic word meaning school or college.

pire, to which it is our pride to belong. The programme that we have mapped out is an ambitious one. It has not been possible to carry it out in its entirety, nor did the authors of it ever expect that it would be realised all at once; it is rather the goal that we would reach with the least possible delay. One thing we have endeavoured to observe most scrupulously, namely, never to depart from the strictest facts and, in dealing with the difficult questions that have arisen during the year, we hope that we have used the utmost moderation possible under the circumstances. Our duty is very simple and plain. We want to serve the community, and in our own humble way to serve the Empire. We believe in the righteousness of the cause, which it is in our privilege to espouse. We have an abiding faith in the mercy of the Almighty God, and we have firm faith in the British Constitution. That being so, we should fail in our duty if we wrote anything with a view to hurt. Facts we would always place before our readers whether they be palatable or not, and it is by placing them constantly before the public in their nakedness that the misunderstanding now existing between the two communities in South Africa can be removed. And if we can assist in hastening the removal to any extent whatsoever, we shall have been amply rewarded.

*Indian Opinion*, 7-1-1904

#### 254. LABOUR PROBLEM IN THE TRANSVAAL

Sir George Farrar's motion,<sup>1</sup>

that the attention of the Government be called to the report of the Transvaal Labour Commission,<sup>2</sup> and that the Government be requested to introduce a draft Ordinance providing for the importation of indentured, unskilled coloured labourers for the purpose of supplementing the supply of labour on the mines within the Witwatersrand area, under such restrictions as will ensure their employment as unskilled workmen only, and their return to their native country on the completion of their contracts; and that, in order to secure full consideration of the important issues involved, such draft Ordinance be published in English and Dutch for a reasonable time before being introduced into this Council,

has, after a very long debate, been carried by an overwhelming majority, twenty-two having voted in favour of and four namely, Messrs, Bourke, Loveday, Raitt, and Hull against it.

<sup>1</sup> In the Transvaal Legislative Council

<sup>2</sup> *Vide* "The Labour Commission Report", 3-12-1903, *supra*.



Sir George Farrar spoke for over three hours, Mr. Hill for four hours, but the speech of the occasion was probably Sir Richard Solomon's. The occasion was unique, and will be considered a landmark in the history of the Transvaal under the British regime, if not in the history of the whole of South Africa. The speakers in support of the motion undoubtedly made out a strong case. All the same, in our opinion, the hands of the clock have been put back many years, and we do consider that Sir George Farrar and his supporters have not been able to look ahead. We can quite understand the attitude of men struggling for fat dividends in being unable to take an impartial view of the question involving a sacrifice of such dividends. Other men similarly placed would have taken probably the same view that the pro-Asiatics have done. The argument that the restrictions the Government would impose for the regulation of Chinese labour would be so stringent as to answer all the objections that have been raised by the anti-Asiatics is certainly flimsy. The gentlemen who argue thus take no note of the fact that the Chinaman is a human being, and that, no matter how stringent the regulations are made, he cannot but leave an impress on the whole community in South Africa. Of course, we do not hold with the anti-Asiatics that he is more immoral than other people, or that he is a despicable being. Our objection to the presence of such a large number of indentured Chinese or, for that matter, Indians is that it cannot but tell on the future of South Africa, and that for the worse from a white man's standpoint. If there is any forced immigration to South Africa, it should be undoubtedly that of the inhabitants of the British Isles, and of no other. It is futile to expect that, in time to come, things would so shape themselves that the white men will not mind doing manual work. The chances are that, after the Europeans in South Africa or the Transvaal are once used to consider manual work to be below their dignity and are accustomed to having Coloured people for such work, they will decline at a later stage to do otherwise and take up such work themselves. Sir Percy<sup>1</sup> wanted his hearers to contemplate the result of declining to have any indentured Coloured labour in the Transvaal, and pictured what he thought was a very gloomy outlook, namely that most of the enterprise that have been undertaken by the different Municipalities would have to be given up. We must frankly confess that, if the people in the Transvaal would but take care of the future, hard as it may seem at first, we see

<sup>1</sup> Sir Percy Fitzpatrick, member of the Transvaal Legislative Council.

nothing extraordinary in such enterprises being given the go-by. It is quite true that many exaggerated ideas formed at the time of the British occupation might have to be rearranged. But it will all have been for the best. We regret that, throughout the long and weary debate, there was not a single speaker to raise his voice against the latter clause of Sir George's motion as to restrictions. It is a disappointing fact that no one in that brilliant assembly thought it worth while to consider it from the Chinese standpoint. Everyone agreed that the Chinaman was industrious, intelligent and capable, and yet no one considered it incongruous that he should be treated merely as a slave, that he should be forcibly deprived of the use of his intelligence and capability except in so far as they may be necessary for the development of the mines. Sir Richard<sup>1</sup> thought that, if a Kaffir was made to work by Government intervention or by taxation, it would be compulsory labour, and it could not be tolerated by a British Government, Is it not very much the same to take what you can out of a man, to restrict his movements, and pack him away as soon as he has served his indenture? However, it is no use advancing any arguments at this stage. The die is cast. We shall soon have the draft Ordinance, and probably within a few months thousands of indentured men. Time will shew the effect of the important step that the Transvaal is about to take.

*Indian Opinion, 7-1-1904*

### 255. INDENTURED LABOUR DRAFT ORDINANCE IN THE TRANSVAAL

We reproduce in another column the full text of the Ordinance to regulate the introduction of non-European unskilled labour into the Transvaal. The Government has quickly responded to Sir George Farrar's motion. The Ordinance is cleverly drawn up, but it is impossible to congratulate the Government on the performance. That a Christian British Government can put forward the proposals embodied in the draft Ordinance in this enlightened century is a sad commentary on the state of modern civilization. The draft Ordinance is drastic enough in all conscience, and will turn thousands of Chinamen, or any other Asiatic races that might be introduced thereunder into so many beasts of burden. Their movements will be restricted within a mile radius of their working places, which they may not leave without a

<sup>1</sup> Sir Richard Solomon.

duly signed pass, and then for no longer a time than forty-eight hours. They are not to use their skill, if they have any, and at the end of three or five years, as the case may be, they are to be sent away from the Transvaal. The way the compulsory repatriation is to be brought about is very simple and very effective, but is equally inhuman. The provision which is to regulate compulsory repatriation lays down that, if any of the indentured labourers refuse to go back, they are to undergo practically perpetual imprisonment, which can only be ended on their consenting to be transported from the country. So the days of refined slavery are to be revived in the Transvaal under pressure of circumstances. The mines must be worked at any cost even at the sacrifice of the most dearly treasured principles of British policy. There are people in England who busy themselves with the concerns of other nations, read lectures to the South Americans and others who, in their opinion, fall from Christ's teaching. We wonder what they will have to say with respect to the draft Ordinance which is to be promulgated in the Transvaal in the name of the King of Great Britain and Ireland and Emperor of India.

To the Indians, the draft Ordinance is of more than academic interest, for, if only the Indian Government would listen to the overtures of the Transvaal, the Government of the Colony would gladly give the people of India the benefit of the precious Ordinance.

Clause 29 enacts that

nothing in this Ordinance contained shall apply to the introduction into this Colony by the Lieutenant-Governor of British Indians to be employed on the construction of railways sanctioned by the Governor or on other public works; provided always that such introduction shall be subject to such regulations as the Legislative Council may approve of, and provided further that the provisions of this Ordinance in respect of the return of labourers to the country of origin shall *mutatis mutandis* apply to such British Indians.

We hope that the leaders of opinion in India and the friends of Indians in England will bear this in mind. It shews that the Transvaal Government does not consider that the Government of India will quietly swallow the provisions of the draft Ordinance, but it unfortunately shews that they do expect the Indian Government to sanction an early introduction of indentured Indian labour under condition of compulsory repatriation. We have more than once expressed our opinion that we would not exchange the freedom of the free Indians for the virtual slavery of indentured Indians, and it should be borne in

mind that the Transvaal Government by its action has not yet shown any desire to do the most 'ele-mentary justice" (Mr. Duncan's phrase) to the Indians. Like the drowning man, the people of the Transvaal are ready to catch at any straw that would save the Colony from bankruptcy, and they are ready to descend to any level if only the material development of the mines, and therefore the material prosperity of the Colony, could be secured. We can only hope that the Chinaman or the Chinese Government would, by declining to have anything to do with the draft Ordinance, and the Indian Government, by adhering to the original position taken up by it, refuse to help the people of the Transvaal in spite of them-selves, and save the community from (we say with all deference) what is crime against humanity.

*Indian Opinion*, 14-1-1904

### 256. A NEW YEAR'S GIFT

When the Colonial Secretary of the Transvaal made his very sympathetic speech at the time of introducing his proposed amendment to the Bazaar Notice, we saw in it a hopeful sign for the future of the Indian traders and concluded that the acceptance of Sir George Farrar's proposal was a very good solution. It will be remembered that Sir George's proposal was to appoint a Commission to enquire into the vested interests of Indian traders, and that the licences of all who were *bona-fide* traders before the war were to be provisionally renewed. What has happened however, is that the Government has instructed the Receivers of Revenue in the different parts of the Transvaal to issue provisional licences only to those who can satisfy them that they were trading before the war, with or without licences. The Colonial Secretary's original amendment was that those who could so satisfy the Receivers of Revenue were to have unconditional licences issued to them, and, although the Colonial Secretary in his speech valiantly defended his position and accepted Sir George's proposal because it carried out the spirit of his amendment, the instructions we have referred to are a clear departure from the policy. Proof has still to be submitted to the Receivers of Revenue as if the original amendment had been carried with this difference that, whereas under the amendment unconditional licences would have been granted, under the instructions only provisional licences are to be ganted. Thus, there is a wide diffrence between promise and performance. Hopes were raised by the Colonial Secretary only to be

dashed to pieces when it came to a matter of translating his words into deeds. The Indians have already once tendered proof of former trade

for the practice was that no one was to be granted a licence to trade without recommendations from Supervisors of Asiatics. The Indians cried aloud against the requirements but to no avail. All sorts of affidavits had to be taken to the Supervisors who went thoroughly into the claims of applicants for licences, and they recommended the granting of licences only to those who, in their opinion, had traded before the war or were otherwise fit to receive them. Now all these recommendations made by officers appointed by the Government are to be treated as worthless. Further proof is to be submitted to the Receivers of Revenue and then as if the torture was not complete, every Indian licence-holder will have to be dragged before a Commission, will have again to go through the ordeal of proof, and then Heaven only knows whether his licence will be rehabilitated.<sup>1</sup> The result of the decision of the Government is that the Indian community will have to spend hundreds of pounds on affidavits and other documents before provisional licences are issued. Those who cannot prove that they traded before the war will have to close down their shops: it does not matter that they received unconditional licences last year or the year before on the recommendation of Asiatic Officers.

Such is the pass at which they have arrived in the Transvaal. The reason for this miserable state of affairs is not far to seek. Mr. Bourke has made it clear that the European traders would have none of the Indian competition, and Mr. Bourke represents a moneyed class, and he is also the author of the proposal for withdrawing the war contribution of £ 30,000,000, which was given out to the world with such a flourish of trumpets during Mr. Chamberlain's visit. The government, carried away like ordinary people by the boom that set in on the declaration of peace, have incurred heavy liabilities and undertaken work which they cannot carry on without funds. They, therefore, want to conciliate all who are likely to have a voice in these matters, even if such conciliation involves a flagrant breach of promises and consequent ruin to inoffensive citizens, and cancellation of documents given by their own officials. They are too weak and too much afraid to do justice.

What, then, is to be the attitude of the British Indians amid such

<sup>1</sup> 'Revalidated' is evidently meant.

a crisis? To our mind, it is quite clear what it should be. The Indians must keep themselves absolutely cool and remain patient, still relying upon justice being ultimately done. They must make respectful representations to the Government, but they should also firmly decline to give proof to the Receivers of Revenue, offering to do so before the Commission that is to be appointed. It may be that prosecutions will take place for carrying on trade without licences, and if summons are issued and penalties imposed for carrying on trade without a licence, The persons prosecuted should rise to the occasion, decline to pay any fines and go to gaol. There is no disgrace in going to gaol for such a cause: the disgrace is generally attached to the offence which renders one liable to imprisonment, and not to the imprisonment itself. In this instance, the so-called offence would be no offence at all, and it would be a most dignified course to adopt. We are aware that the Indian community in the Transvaal has hitherto deliberately refrained from standing on its legal position, hoping that in the end the Government would do it justice; but, if the Government would abdicate its function and decline to protect the Indian community, it must invoke the aid of the Supreme Court, and test the question whether residence includes trade. The Law 3 of 1885 requires Indians to reside in Locations; it says nothing as to trade. The Boer High Court, by a majority, decided that for Indians residence included trade. We hardly think that such a decision would be binding on the Supreme Court. Anyhow, the point is important and worth considering, and though we still hope that recourse to law-suit will be unnecessary, if the Government insists on withholding protection to all the existing licence-holders, we see no way out of an appeal to the highest tribunal of justice in the Colony.

*Indian Opinion, 14-1-1904*

### 257. THE FOOT-PATH BYE-LAW

On the 7th instant, Mr. Loveday moved at a meeting of the Town Council of Pretoria that,

in view of the instructions issued to the police not to interfere with coloured persons using the foot- or side-walks, the Council take immediate steps to remedy this abuse of the rights, customs, and privileges of the citizens of Pretoria.

In his speech introducing his motion, he has made some extraordinary statements and, although his remarks are mostly applicable to the Kaffirs, it is evident that in the sweeping assertions he

includes all Coloured persons. To him, evidently, the Kaffir is an abomination and, no matter how much advanced he may be in education, he is not fit even to walk on the foot-paths. However, we hold no brief for the Kaffir: at present we are concerned with the very strange arguments Mr. Loveday has advanced in defence of his proposal. He thinks that, if the Kaffir and, for that matter, any Coloured person is allowed to walk on the foot-paths, he will get the municipal franchise, the political franchise, and sit side by side with him in the Legislative Council. May we remind the honourable gentleman that it was only the other day that the same Government, which is said to have instructed the police not to interfere with well-dressed Natives, walking on the foot-paths, agreed to deprive all Coloured persons of the municipal franchise? In his endeavour to prove his points. Mr. Love-day informed his hearers that the Indians were not allowed to travel in the same railway carriage as Europeans on the railways in India. We should very much like to know from where he got his information. If he were a mere novice in municipal life who made such a statement, it might be held excusable, but for a gentleman of Mr. Loveday's standing to make assertions without first verifying them, assertions more-over which might create a great deal of mischief, it is nothing short of a scandal. It is known to anybody who has lived in India for any length of time that there are no such regulations, as alleged by Mr. Love-day, and that it is a most frequent occurrence to see Europeans and Indians travelling in the same compartments, whether first-class or second-class, on the great railways in India. However strong Mr. Love-day's views may be on the Native question, we have always thought that he held them honestly and that he would not lend his name to any statements without first making himself certain as to his facts; but, just as he has in this instance been the means of conveying a false impression about Indian railway travelling to his brother-Councillors, so also has he done an injustice to the Government by basing his motion on a passing conversation with a policeman in the street. It was due to the Council as also to the Government that he should have entered into correspondence with the Police Commissioner and verified the information imparted to him before bringing the motion he did at the Council meeting.

*Indian Opinion*, 14-1-1904

## 258. A REQUEST TO MR. BOURKE

The honourable member for Pretoria, in the Legislative Council of the Transvaal, has put down on the notice paper a question he will ask Sir Richard Solomon on the opening of the Legislative Council, as to the regulations in force in India for the accommodation of European and Indian passengers on the railways. We may take leave to inform the honourable member in advance that no distinction is made between passengers, whether European or Indian, and that Indians have just the same right as Europeans travelling any class. There are, however, on some of the railways, owing to the enormous third-class Indian traffic, third-class compartments reserved only for Europeans and Eurasians. If we may venture to make a suggestion to the honourable member, he might add to this question and ask generally as to the status of Indians in India itself. He will then be informed that, in the eye of the law, there are no distinctions of class, colour, or creed, that in the Imperial Legislative Council Indian members sit side by side with the European, that there are Indian Judges in all the High Courts of India, that on the municipal corporations the majority of Councillors are Indians, that the President of the Municipal Corporation of Bombay for last year was an Indian, that an Indian is at present Acting Chief Justice of the High Court of Judicature at Madras, and that there is complete freedom of trade and residence for all.

*Indian Opinion*, 14-1-1904



## 259. MR. GLADSTONE'S BIOGRAPHY

A biography in three volumes of Mr Gladstone, one of the greatest men of this age, written by Mr. Morley,<sup>1</sup> his principal follower, has come out recently. Since biographical writing is rare in India, people there have not unfortunately been able to appreciate its value. People in the West are more advanced in this matter. Many kinds of lessons are to be found in the lives of great men, and they make a profound impression on the community.

The honourable Mr. Chandavarkar spoke on the type of man that Mr. Gladstone was, before a distinguished audience in the Prarthana Samaj Hall in Bombay on November 22, 1903, He began by explaining who really are great men, what qualities they must possess and what kind of man Mr. Gladstone was. After brief, prefatory remarks on the reason why all the peoples of Europe regarded Mr. Gladstone a great man, Mr. Chandavarkar paid a tribute to him. In doing so, he cited the example of the philosopher, Emerson, and said that only he could be called great who possessed eminently such qualities as humility, gentleness, equanimity, kindness, respect even for those who held different views, however much mistaken these might be, a capacity for understanding, far-sightedness, unshakable devotion to eternal truth and determination to do one's job. Such a man was Emerson. Mr. Chandavarkar said that greatness could not be attained through fatuous talk, but by cultivating reticence.

It appears from Mr. Morley's biography that Gladstone was no less great as a statesman and politician than Emerson was as a philosopher. Because of this greatness, not only England but also many other nations revered him. No one better understood his duties and abilities than Mr. Gladstone. The best evidence of this is his diary, which he maintained regularly and carefully. He passionately desired national progress, and so deeply did he love learning that he was respected both by the Government and the people, and he became much beloved of them. He was a man of remarkable intelligence and exemplary statesmanship. He excelled in carrying to completion whatever job he took in hand. He was never disheartened by failure and he stuck to truth always. Success did not him; in fact when the

<sup>1</sup> Later Viscount John Morley (1838-1923), Liberal statesman and author, Secretary for Ireland 1886 and 1892-95 and Secretary of State for India, 1905-10

people of the world became pleased with him and the Press sang his praises, he thought only of his shortcomings. Although he failed in his endeavours to get self-rule for Ireland, [this] in the interests of England's prosperity, even Englishmen and his opponents could not say that his labours had not been in the cause of the people's weal. He never got puffed up with pride, even when he had won the esteem of the Government and the people. In fact he prized the people's regard more than that of the Government. All this was due simply to his high sense of duty and his courteous nature. Mr. Chandavarkar read out examples of such virtues in Mr. Gladstone from Mr Morley's biography. Among them, the great man's gentleness and humility, devotion to family, the state and the people, loyalty to the Queen, patriotism, and faith in the moral law appeared most worthy of emulation. It is a matter of regret that Gujaratis rarely have the benefit of such lectures. Mr. Chandavarkar's glowing tribute to Mr. Gladstone in the Prarthana Samaj Hall is like a wreath placed on the grave of that great man.

[From Gujarati]

*Indian Opinion*, 14-1-1904

## 260. TELEGRAM TO GOVERNOR'S SECRETARY

JOHANNESBURG,  
*January, 16, 1904*

TO  
PRIVATE SECRETARY  
HIS EXCELLENCY LORD MILNER

BRITISH INDIAN ASSOCIATION JUST INFORMED BY GOVERNMENT LICENCES UNLESS HOLDERS TRADED BEFORE WAR WILL NOT BE RENEWED EVEN IN OLD LOCATIONS IN TOWNS WHERE NEW ONES HAVE BEEN ESTABLISHED. THIS ALTOGETHER BEYOND SCOPE BAZAAR NOTICE AND NOT WARRANTED BY ANTI-INDIAN AGITATION. NEW LOCATIONS ARE ALL WILDERNESSES. TRADERS EVEN IF THEY CAN GO THERE HAVE TO BUILD AT THEIR OWN EXPENSE WHICH MANY CANNOT AFFORD. MORE-OVER NEW BUILDINGS CANNOT ALL BE ERECTED AT ONCE. ASSOCIATION HUMBLY REQUEST HIS EXCELLENCY'S INTERVENTION AND TRUST EXISTING LICENCES WILL BE RENEWED PENDING REPORT

COMMISSION. EARLY REPLY SOLICITED AS TRADERS FEAR PRO-  
SECUTION.

BIAS<sup>1</sup>

Pretoria Archives: L.G. 92: No. 97/1/2 Asiatics 1902-1906.

## 261. POSITION IN THE TRANSVAAL<sup>2</sup>

[JOHANNESBURG,]

January 18, 1904

### STATEMENT SHOWING THE BRITISH INDIAN POSITION IN THE TRANSVAAL UP TO DATE

The Government has taken up an untenable and hostile attitude as will appear from the following.

Mr. Duncan, the Colonial Secretary, brought in a motion before the Legislative Council to the effect that the licenses of all those who traded before war, although without licenses, should be renewed. Sir George Farrar brought in an amendment that such licenses should be provisionally renewed and that a Commission should be appointed to investigate the claims of such people. One would have thought that, under the circumstances, all the existing Indian licenses would be provisionally renewed, but the Government has narrowed the scope of the amendment and has issued instructions to the Licensing Officers that they are to take evidence as to previous trade and, if satisfied, issue provisional licenses. Others are not to have their licenses renewed except for Bazaars. Now, this means a commission within a Commission. If the Commission to be appointed is to take evidence, why should the poor traders be put to the expense of bringing any proof before the Receivers of Revenue? Especially when their licences are to be renewed only provisionally? Moreover, these men were forced to submit proof to the Supervisors of Asiatics before their licenses were granted after declaration of peace. The Supervisors submitted them to a rigid examination, satisfied themselves that they were *bona-fide* refugees and were engaged in trade before, and it was then that they issued recommendations, on the strength of which licenses were issued by the Licensing Officers. Now, all that proof, tendered to the Govern-

<sup>1</sup> Telegraphic address of the British Indian Association.

<sup>2</sup> This was sent to Dadabhai Naoroji who forwarded a copy of it to the Secretary of State for India. It was also published in *India*, 19-2-1904.

ment Officers in spite of the protest of the Indian community, is to be treated as null and void. Their decisions are to be of no effect and the Indians have to undergo an examination again which would, in its turn, be totally inconclusive. Such uncertainty of possession has never before been known under the British flag.

Nor is this all. Lord Milner has said that licenses were granted temporarily after war. This statement has been controverted by the British Indians. Most substantial proof has been placed before the Government in support of the contention that the licenses were mostly granted unconditionally and for a full term last year. Cases of five or six men have been placed before the Government in which the men have got five years' leases of the premises for which they were granted, in the early part of last year, licenses terminating on the 31st December last, there being no conditions endorsed thereon. One of the men was granted a license because he was engaged in trade somewhere else in the Transvaal before war and was instrumental in saving a soldier's life during the war for which he received a very good certificate. In another case, the man, being too afraid to take over responsibility, submitted his lease to the Magistrate which the Magistrate initialed before granting the license, thus clothing him with full legal protection. And yet both these men, and many others more or less similarly situated, have to remove to wildernesses, miscalled Bazaars, because they were not trading in the respective places immediately before war.

This is far more than Mr. Kruger ever attempted. The humour and the pain of the situation will also become apparent when I mention that one of those men, in 1899, was threatened that he should have to remove to Bazaars. He approached the British Agent who was good enough to telegraph to him asking him to disregard the notice and remain where he was. The same British Government which was then ready to protect its subjects is now paralysed and afraid to do so when, as it would appear to outsiders, it is in a better position to grant such protection. Before war, travelling trader's licenses were granted to the Indians as a matter of right. Receivers of Revenue now decline to do so.

Too much stress, moreover, cannot be laid upon the fact that the Bazaars are not Bazaars at all. Even the Government has admitted that, in some cases the sites selected by them are not suitable for trade. The excuse, however, for fixing such sites is that the agitation is too great.

In other words, the Government is unable to do justice because the opponents of the Indians are too powerful and the Government expects that, at some future date, these places, when they grow, will afford facility for trade in what are at present wildernesses.

Again, the terms under which the Stands are to be granted in the so-called Bazaars are that the Stand-holders should build on them at their own expense. It is not every trader who can spend £ 400 or £ 500 on building suitable premises. and the Stands are not to be granted to any but those who want to reside or trade in them.

Look at the situation, therefore, how you will, there is nothing but ruin staring the Indian traders in the face.

At Middelburg and Pietersburg, there were Bazaars or Locations established by the old Government. These are fairly favourably situated. The present Government, however, has fixed Bazaars in these places further away from centres of business. Now, in these old Bazaars, there are several Indians trading. There is absolutely no white competition there. No white traders will open businesses. And yet, painful to relate, the Government has decided that Indians trading in these Bazaars must go to new sites, thus going beyond even what the inter-ested European traders would like the Government to do.

But Lord Milner's despatch to Mr. Chamberlain has proclaimed to the world that in three essential particulars the present Government is relaxing restrictions, namely, that Bazaars are being selected in quarters which would be accessible to all communities and not far from centres of business; that licenses held by *bona-fide* refugees to trade outside Bazaars will be renewed for the respective places, and that Indians of better standing would be free from all legal disabilities.

The above unvarnished statement of facts shews clearly, with the greatest deference to His Excellency, that not one of the statements made above can be borne out by facts; for Bazaars have been selected in inaccessible quarters, licenses held by *bona-fide* refugees are not being renewed, and, no matter what standing an Indian may possess, he is liable to all the disabilities. The only exemption so far promised is as to residence and it is surrounded by such insulting regulations that hardly any self-respecting Indian has applied for exemption. What is more, residential exemption is the last thing needed by the Indians, for what is that exemption worth if it does not carry with it the right to trade? The order has been inverted under the present regime. Formerly, Mr. Chamberlain, recognising that trade was an essential

part, asked the Boer Government to leave undisturbed the Indian trade in towns but said that he would have no objection to Mr. Kruger setting apart portions, for sanitary purposes, for separate residence of British Indians.

If the Indians, on whose behalf the war was partly undertaken, cannot better their position, they have a right to claim that the position they enjoyed before war might at least be maintained.

Colonial Office Records: C.O. 291 Volume 75, India Office.

## 262. ORANGE RIVER COLONY

As a rule, the Government Gazette of any country is very dry reading, and it is only those who want to study insolvency notices and such like that approach it, unless they happen to be lawyers. But the *Government Gazette* issued in the Orange River Colony is an exception to the general rule. The numbers of that *Gazette* are often interesting, if also to some of us painful, reading. It shows the progress which His Majesty's Government in the Colony is making by leaps and bounds towards complete assimilation of the British policy to the Boer policy on the Colour question. And, just as newly made converts are the most enthusiastic people, so also the Government of the Orange River Colony, being thoroughly converted to the Boer view of the Colour question, is out-Boering the Boers themselves. The *Gazette* for the 31st December last (by the way, a very suitable date for laying down a policy) contains in the regulations published therein for the town of Brandfort a new definition of the term "Native".

Article 114 lays down that

the term native or natives occurring in these regulations, unless the reading expressly states otherwise, shall be held to mean and apply to and to cover the male or males as well as the female or females above the age, or probable age, of sixteen years of all South African native places,<sup>1</sup> and also all coloured persons, and all who, by law or usage, are termed natives or coloured persons, or treated as such, whatever race or nationality they may belong to;

Then follow the enslaving regulations to which we have drawn attention in these columns more than once. The definition is as wide and insulting as it possibly can be; so that if Prince Ranjitsinghji<sup>2</sup> or

<sup>1</sup> A misprint for "races"?

<sup>2</sup> Prince Ranjitsinghji Vibhaji, (1872-1933), Maharaja Jam Sahib of Nawanagar, well known for his cricket as 'Ranji'

Sir Mancherji, or, in the words of Lord Milner the Japanese Ambassador, in spite of all the vapourings we read in the newspapers about the Japanese, would, in the town of Brandfort, if he chose to travel as a private gentleman, be treated as a native of South Africa, would have to be confined to Locations, take out residential passes, be reckoned as a "loose Native" whatever the term may mean, may not be in public streets or open places after "tolling of the Curfew Bell", and may not drive in cabs other than those marked "Natives only". The method, too, whereby such a drastic departure from traditional British policy is brought about, is very ingenious. If any such distinction were to be embodied in the legislation of the Colony, it would have to receive sanction from the Colonial Office, which probably, however yielding it is, may not see its way to go "the whole hog". Therefore, resort is had to the bye-laws which need no sanction from Downing Street and which the Lieutenant-Governor of a Colony, constitutionally governed, naturally and courteously sanctions without demur. And yet, like the girl who persistently shouted 'yet we are seven', the Government of the Orange River Colony would not be ashamed to say, "Yet we are carrying out the British policy". It is hoped that someone in England will see the regulations in question, which we reprint elsewhere, study them, and inform the public what is being done in its name in the enlightened Orange River Colony.

*Indian Opinion, 21-1-1904*

### 263. SELF-SACRIFICE

Sacrifice is the law of life. It runs through and governs every walk of life. We can do nothing or get nothing without paying a price for it, as it would be said in commercial parlance or, in other words, without sacrifice. It would secure the salvation of the community to which we belong; we must pay for it, that is sacrifice self. Working for the community, we may keep for ourselves only a proportion of what is secured, and no more. And herein lies the sacrifice. At times we have to pay dearly. True sacrifice lies in deriving the greatest pleasure from the deed, no matter what the risk may be. Christ died on the Cross of Calvary and left Christianity as a glorious heritage. Hampden suffered, but the ship-money went. Joan of Arc was burnt as a witch to her eternal honour and to the everlasting disgrace of her murderers; the world knows the result of her self-sacrifice. The Americans bled for their independence.

We have given these illustrations to draw a contrast between the very little that the Indians as individuals have to sacrifice so that the community may gain a great deal, and the much that had to be sacrificed in the instances quoted by us. The Indians in South Africa in general, and the Transvaal in particular, are undergoing many troubles. Their fate in the Transvaal hangs in the balance. Their very means of livelihood may be ruthlessly snatched away from them. They may be unceremoniously driven to ghettos. What, then is the self-sacrifice to be performed by the British Indians before they may expect relief? Every Indian must consider the question as if it affected him personally, put his hands into his pocket for the common good, give his time and energy. Individual differences must be sunk in the face of common danger. Personal ease and personal gain should be surrendered. To all this must be added patience and self-control. The slightest deviation "from the strait and narrow path" mapped out here would bring us down the precipice, not because the cause is at all unjust or weak, but because the opposition set up against us is overwhelming.

No race or community has ever achieved anything without the communal spirit. The desire to advance a national cause may be present, but a mere desire, while a necessary stage in the progress towards the goal, is useless without more. There should be the readiness to adopt the means required for the attainment. A chain is no stronger than the weakest link in it, and unless we are prepared to stand and work shoulder to shoulder without flinching and without being daunted by temporary disappointments, failure would be the only fit reward, or rather punishment, for gross neglect of duty. Nor is there any heroic sacrifice required by communities living under British rule; well-sustained, continuous and temperate constitutional effort is the main thing needed. Earnestness commands success anywhere. It does so much more in the British Dominions. If the British machinery is slow to move, the genius of the nation being conservative, it is also quick to perceive and recognise earnestness and unity. Even a mother, says an Indian proverb, does not serve without being asked much less does a British Government. We, therefore, hope that our countrymen throughout South Africa will make a careful note of this aspect of the British Constitution, and refuse to rest until full justice is granted.

*Indian Opinion*, 21-1-1904



## 264. DR. JAMESON AND ASIATICS

Dr. Jameson<sup>1</sup> has taken the wind out of the sail of the Bond Party at the Cape by making an eminently reasonable proposal to His Excellency the Governor of the Cape Colony, and the fact that his proposal has been accepted by the Governor cannot but help the worthy Doctor's party in a very material manner. He requested the Governor, in view of the impending arrival of the Chinese labourers in the Transvaal, to initiate legislation closing the borders of the Colony against the Chinaman. Consistently with his profession of Imperial sentiments, he suggested that the restriction should apply only to non-British Asiatics thus, for the first time, recognising the status of Asiatic British subjects. He even submitted a draft Bill for approval, and the Governor has responded by publishing in the *Gazette* a Bill embodying, in all the essential particulars, the recommendations made by the leader of the Progressive Party. One may still hope that the people of the Transvaal will decide even at this eleventh hour not to take the plunge, which is fraught with awful consequences, and render unnecessary the passing of the Bill in question which, even though applicable only to non-British subjects, is particularly drastic and, therefore, hardly suitable for a British Colony. Such legislation will, moreover, indefinitely retard the progress of federation. It may, therefore, yet be not too late for the people of the Transvaal to reconsider the position, and tide over the present difficulties by less questionable means.

*Indian Opinion*, 21-1-1904

## 265. REPORT ON ASIATIC PERMITS

At the request of Lord Milner, Captain Hamilton Fowle has prepared a memorandum shewing the return of permits granted to the Asiatics. It is a lucid statement of bare facts, and a complete answer to Mr. Loveday and his friends who cried themselves hoarse that thousands of Indians had surreptitiously entered the Colony; and, with all deference to His Excellency Lord Milner, it is also a complete refutation of the statement made by His Excellency in his despatch that many non-refugee British Indians had entered the Colony and obtained licenses. It is true, as Captain Fowle states, that 579 Indians

<sup>1</sup> Sir L. S. Jameson (1853-1917), Prime Minister of Cape Colony, 1904-1908.

were sent across the border for being in the Colony without permits. This does not by any means shew that these men entered deliberately. It was stated in the beginning of last year that, when peace was declared and the permit regulations were relaxed, no permits would be required to enter the Colony. There was no railway supervision and the Indians naturally entered the Colony. These have now been driven away. The justice of the step would be questioned by many, seeing that the Indians were British subjects, and not such as were likely to be a danger to the community within the meaning of the Peace Preservation Ordinance. In our opinion, the Ordinance is being wrongly applied to restrict the immigration of British Indians. When it was passed, the object was clearly to keep out of the Colony people who were likely to be a political danger; certainly not the most loyal subjects of the Crown as the Indians admittedly are. That there are only 8,121 Indians in the Colony shews how rigorous has been the enforcement of the Ordinance against them. In 1899, according to Sir Conyngham Green, (then Mr. Green,) the adult Indian population was estimated at over 15,000. 7,000 refugees have, therefore, still to be accounted for. It may also be stated that the restriction of Indian immigration is an innovation on the old practice. Whatever the laws of the old regime were, there was absolutely no check on the entry of British Indians, nor was the clause regarding registration strictly enforced. And yet we find His Excellency assuring Mr. Chamberlain that the old laws are not being so strictly enforced as before!

*Indian Opinion*, 21-1-1904

## 266. SACRIFICE 1

Man's nature is such that he does not notice very common things. We say that man cannot live a moment without food and water; but while saying so, we do not realise that air is far more vital than food and water. Because we always breathe, we pay no attention to that fact. And because we feel hunger and thirst from time to time, we call them to mind frequently. This is also true of sacrifice. Life is sustained by sacrifice, yet no attention is paid to it.

Sacrifice is of many kinds. Today we shall discuss only the sacrifice of self-interest. Everyone knows of the nobility of sacrifice. The more a man reflects on it, the more he feels its necessity and understands it. If primitive people think about it, they, too, will surely realise

it. The wise will not only experience it and understand it, but after understanding it, will even volunteer with such sacrifice. We know this from infancy, and hence we often say that nothing can be gained without labour. But as we grow and as we reflect, through personal experience as also through the study of history, we comprehend the import of this ordinary saying more and more. It takes some effort to climb a hillock, but a great deal more to ascend a mountain; it requires little risk and more pains. If we see the necessity of ascending a mountain, we do not mind the great effort; and if we want to do a big job, we think nothing of the risk and pains involved. That is to say, we do not shy at sacrifice once it is considered necessary. Our brethren living in this country are not unfamiliar with such a line of thought. They come here and earn a little as a result of their sacrifice. They left their homes, gave up their kith and kin, and crossed the ocean; they made this sacrifice, and that after careful thought. They could come to this country and improve their condition only because they made this sacrifice and showed daring. In other words, they understand quite well that sacrifice wisely made leads to good results. That is why they make sacrifices from time to time and attempt to better their lot. We are hopeful that, through continuous and wise sacrifice, they will improve their own and the general condition day by day.

We write today on one's obligation of sacrifice because the whites are bent on making our condition in this country, chiefly in the Transvaal, extremely difficult. One by one our common rights are being snatched away from us. Even then no one conducts a powerful fight on our behalf. Therefore, the whites think us to be helpless and weak; and their arrogance grows daily. The local government is under the control of the whites and, as it fights shy of displeasing them, it accepts their perversity, however improper and unjust, and confirms it; and then gives the British Government to understand that it is obliged to do so in order to respect public opinion. To our misfortune, the British Government does not use its authority and exert sufficient pressure against this [misuse of public opinion]<sup>1</sup>. The Government of India, whose special obligation it is to protect us, appears to raise its voice a little at times out of fear but only a little. When pressure was exerted on our behalf, and Lord Milner made a demand for Indian labour and we thus got a chance [to state our case], we said that, if he would improve the condition of [free] Indians, we would send out

<sup>1</sup> The original has "against this explanation".

labourers from India willing to accept slavery for a time! Our rights have nothing to do with the slavery of labourers, and yet such a condition was laid down. From this the inference can be drawn that the Government of India cannot improve the condition of Indians settled in the Transvaal, if the Transvaal withdraws its proposal to indent Indian labour to work as slaves. We hear nothing of Natal or the Orange River Colony [as if all was well there!]<sup>1</sup> Our condition is unfortunate and hence we have to write repeatedly of our duties and obligations. Such sayings of our elders as “You cannot go to heaven unless you die,” and “Dependence on others always results in disappointment” come to mind at the time of such sad experiences, and we appreciate their significance.

This much should be remembered, that the British Government’s intentions are fair and that it desires to do justice. The rule is British and hence it is incumbent upon us to understand British politics. As we study British statecraft and its rules and regulations, we shall understand in what manner we should present our demands; and if we understand that, it is not very difficult to realise our aspirations. It takes time, but in the end the thing intended comes to pass (if it is reasonable). It is not that it takes time for Indians alone to get justice. Consider Ireland’s example; British nature is like that. It is now our duty to bear this in mind and labour on. If we cherish noble thoughts and look upon another’s happiness as our own and another’s gain as our gain, and go on doing our work with single mindedness, we shall certainly attain our objective, because we ask for justice, not favour.

[From Gujarati]

*Indian Opinion*, 21-1-1904

## 267. AN UNEQUAL CONTEST

The Indian question in the Transvaal has entered upon a new and distressing phase. The Government of that Colony has turned a deaf ear to the cry for justice. It has decided upon a dog-in-the-manager policy; so much so, that even in Kaffir Locations, Indians may not trade lest thereby they may be able to eke out a living! The Government thinks that it has granted a mighty concession in that it has changed the term “Location” into “Bazaar,” and having done so, it is natural that by way of compensation they should remove Locations

<sup>1</sup> Literally, the Gujarati here reads “. . . as if rivers of milk flow there!”

further away from where they were during the Boer regime and to places where, according to its own admissions, in some cases at least, trade is not possible at present.

There is a process of cure known to medical men as the starvation cure. The Transvaal Government has adopted a similar cure for the Indian trouble. If it cannot decently put the Indian across the border, there is no reason why it cannot at least put him outside the town limits either to starve or to go away altogether. Applied to the erstwhile Uitlanders, such a process was described by Lord Milner as a pin-prick policy. and yet what the Boer Government did to the Uitlanders<sup>1</sup> could not be compared for heartlessness to what is now being done by the Transvaal Government to a portion of its own subjects. As a last chance, therefore, the Indians have wisely decided to test in the highest court of the Colony the right of the Government to refuse to grant licenses to British Indians to trade outside Locations. It is a thousand pities that such a course has become imperatively necessary. It will undoubtedly stand to the credit of the British Indians in the Transvaal that they have refrained from bringing the matter before the Supreme Court for nearly two years, and endeavoured to get only a small measure of justice from the Government instead of having a ruling from the Supreme Court and setting the question at rest. They have closely followed Mr. Chamberlain's advice, attempted to come to a reasonable understanding with the white traders and the Government, and asked for protection of existing interests only; and it is when even this is being denied to them, in spite of Lord Milner's despatch to Mr. Chamberlain, that must perforce see what they can raise out of the Supreme Court.

It is an irony of fate that the very matter that will be taken to the Supreme Court by the Indian community, in the teeth of opposition from the Government, is one in which Mr. Chamberlain took the side of the Indians and defended it to the Boer High Court<sup>2</sup> was contrary to expectations and contrary to the British contention. Mr. Chamberlain told Mr. Kruger that he would make representations on behalf of the Indians from a different standpoint. The occasion we refer to occurred in 1898. It will be remembered that the then Chief Justice of

<sup>1</sup> Dutch word for non-Dutch white settlers.

<sup>2</sup> *Vide* "Letter to the British Agent", 28-2-1898 "Letter to Colonial Secretary", 21-7-1898 to "*Telegram to India*", 30-8-1898

the late Free State gave an award<sup>1</sup> in a submission by the British Government and the Boer Government as to the right of the latter to pass anti-Asiatic Legislation. The arbitrator awarded that the Boer Government had the right to pass Law 3 of 1885 as amended in 1886, and thereby it reserved “the right for sanitary purposes to point out to them (persons of the aboriginal races of Asia)”, defined streets, wards, and Locations for habitation. This, however, did not decide the question fully, for it still remained to be known what was the meaning of the word “habitation,” that is to say, did it mean that, although Indians could not reside anywhere they liked, they could trade anywhere they liked. The British Government contended that they could. The Boer Government thought otherwise, and a test case was brought before the full bench of the High Court of the late Republic. Justices Morice, Jorrisen, and Esser formed the full bench. Justice Morice gave the leading decision. Justice Esser concurred but Justice Jorrisen disagreed. Justice Morice, as will appear from the judgment, argued entirely in favour of the British or Indian contention, but felt bound to respect a previous unanimous decision of the High Court. Justice Esser also based his concurrence on the same ground. Justice Jorrisen had no difficulty in giving a fearless decision, and as he could not conscientiously interpret the term “residence” to include trade or business, he had no hesitation in overriding the previous decision of the High Court.

Nothing daunted, the British Government was still resourceful enough to protect the Indian interests, and in spite of the adverse decision, up to the outbreak of the war, the British Agent was able to prevent the Boer Government from sending Indians to Locations. The times have changed and so has the British policy. We will revert further to a more complete analysis of the three judgments, in view of the impending struggle.

*Indian Opinion*, 28-1-1904

<sup>1</sup>Vide “*Letter to the Natal Advertiser*”, 21-1-1895

## 268. "THANK YOU, MR. BOURKE"

Sir Richard Solomon gave Mr. Bourke the following information regarding his enquiry<sup>1</sup> as to the regulation of Indian travellers on the railways in India:

I have no personal knowledge of the arrangements for regulating European and native passenger traffic on railways in India. I sent a copy of the hon. member's question to the Commissioner of Railways, who has informed me by letter that the practice on Indian railways is that a native can go into any compartment he wishes, if he pays his fare; that ladies' compartments are provided in every train, but that, if a white man wishes to travel with his wife and be sure of having no natives in his compartment, he must engage a whole compartment.

The information is exactly as we anticipated, and although we sympathise with Mr. Bourke that he has not got what he wanted, the honourable member is to be thanked for his pains, and let us hope that he will abide by the answer given. He threw down the challenge. The answer he anticipated was that there were distinctions made on the railways in India, and that, therefore, such distinctions could very legitimately be made in the Transvaal also. The converse should also hold good, and since no distinctions are made in India, it follows that they could not be made for British Indians in the Transvaal. Mr. Bourke is a gentleman; although he is afflicted with colour prejudice, he will not, therefore, recede from the position he has deliberately taken up.

*Indian Opinion*, 28-1-1904

## 269. THE BLOEMFONTEIN DISASTER

South Africa is indeed a place of surprises and disasters as it has also been described as a grave of reputations. During the last ten years troubles have come thick upon it. The Begbie explosion, the Glencoe Junction Railway disaster just on the eve of the Jameson raid, and the latest in the shape of a cloud-burst in Bloemfontein shew amid what uncertainty people are living in South Africa. Five minutes before the people standing on the balcony of the Royal Hotel in Bloemfontein were engulfed, probably they thought they were enjoying a splendid

<sup>1</sup>Vide "A Request to Mr. Bourke", 14-1-1904.

sight, when the waters came rushing, and alas, at the end of five minutes, the whole of the substantial structure came tumbling down, leaving only one or two to tell the sorrowful tale. That in these times of depression nearly half of Bloemfontein has been washed away, nearly four hundred people left homeless, and over sixty people buried under the waters altogether, is a pinch very hard to bear, and the sympathy that has gone out to the ill-fated place from all parts of South Africa is the only relieving feature of the desolate spectacle. It speaks volumes for the different Municipalities that they have responded to the appeal of the Mayor of Bloemfontein promptly and splendidly, and we are glad to be able to inform our readers that the Indian community also is subscribing towards the relief of sufferers. However humble the mite may be, it will all be given in time and for a most suitable purpose. We, therefore, appeal to our readers, no matter what their position may be, to put their hands into their pockets and send in their subscriptions.

*Indian Opinion, 28-1-1904*

## 270. *THE JOHANNESBURG CHAMBER OF COMMERCE*

The following is the proposal made by the Executive Committee to the Johannesburg Chamber of Commerce:

Attention has been given to the Government notice of April last; to the amendment thereof submitted by the Colonial Secretary to the Legislative Council; the resolution of the Legislative Council appointing a Commission of Enquiry; and the recommendations of the conference of representatives of Transvaal Chambers of Commerce held on December 19.

Your Committee now recommends:

(1) That the arrangements made by the Executive council and contained in Government Notice No. 356 of April 1903 should be allowed a fair trial. (2) That it is represented to the Government that the exceptions mentioned in the last clause of the above notice should be granted with great reserve, as any extension of the number of Asiatics residing in the midst of the European community would be against the general feeling of that community. (3) That the Chamber should withhold any expression of opinion on the cases of Indians trading without licences before the war until the investigations of the Government Commission appointed in this matter have been completed. (4) That no Asiatic should be allowed to trade in a white man's name, or have any interest in the profits of any business in which the licence is taken out in the



name of a white man. (5) Notwithstanding recommendation No. 1 above, and having regard to the importance of arriving at a permanent and conclusive settlement of the whole question, and of preventing any further attempts to re-open the matter, your committee recommends that the Government be invited to take into consideration the advisability of removing into Bazaars all Asiatic traders without distinction, compensation being provided for such as may have vested interests which have been legally acquired.

The recommendations of the Committee are decidedly disappointing. From the past record of the Chamber, we had expected a more statesman-like proposal from the Committee and we yet hope that the Chamber will decline to accept the proposal made by its Executive. When the Committee states in one paragraph that the Bazaar Notice should be given a trial, and in another paragraph that, in spite of such trial, the British Indian store-keepers should all be driven out of Bazaars and compensation paid to them, the logic is difficult to understand. The Committee would have the Government to grant residential exemptions very sparingly. This, coming from a cosmopolitan city like Johannesburg, is rather humorous. However, we may assure the Committee that the Indians have so far exercised sufficient self-restraint, and declined to take advantage of any exemption whatsoever. Unless they can make good their legal status, the Indians are not going to depend for their residence on the charity of the Government.

*Indian Opinion*, 28-1-1904

## 271.. SACRIFICE 2

Most of us have learnt by experience that unity promotes the public good. Twenty years ago, the persecution of Indians in Natal had grown so much that the Government had to appoint a special Commission. After much investigation, it finally gave its verdict in our favour. [Since] the whites had the virtues of diligence and unity in ample measure, the persecution continued and the demand to confine Indians to Locations was made again and again. As, at that time, there was not the requisite unity among the Indian population, their troubles did not cease. On the contrary, they became more intense. Soon after Natal secured self-rule, laws designed to insult and harass Indians began to be enacted. The Indians woke up though belatedly and, because they commenced working with enthusiasm and vigilance, further oppression stopped. Else, everyone would be in a Location today.

Unfortunately, the enthusiasm lasted only about three years; even so, we profited much. Though that enthusiasm is absent today, a unity of purpose is evolving, and if it gathers strength, our condition cannot but improve. It is easy here, on reflection, to realise the importance of sacrifice. When our people began to sacrifice self-interest, an awareness of higher ends blossomed forth and finally yielded good fruit. Without some sacrifice, there cannot be unity and concerted action. Society has been built on sacrifice.

We would draw the particular attention of our brethren in the Transvaal to this article, because the condition there is disorganised and saddening. Until now we believed that the Government would certainly do us justice, and we did not think of going to a Court of law. But if the Government remains under the influence of the white population and is either disinclined or powerless to do justice, it will be absolutely necessary for the entire community to meet, consider the matter and take appropriate steps. Surely, in doing so, they will, if need be, sacrifice time or money and later, both. Now the situation is very critical, and the opportunity once lost cannot be regained. Our Transvaal brethren should bear this in mind and make the fullest endeavour to protect themselves, and we are confident they will spare no effort [in doing so]. Our demand is just, and if we direct our movement with wisdom, we cannot but gain victory ultimately. This is the time to unite and to give of time and money [to the cause]. We must do our duty; the will of God will then come to pass. A story about a cartman, which we read in our childhood, is worth recalling. When a wheel of his cart got stuck in mire, he started praying to God. Thereupon God said that his work would not get done by mere prayer. If he made the effort, God would help in the sequel. Thereafter, the cartman laboured hard, and the wheel was extricated. We can all understand the moral of this without explication. To make all possible effort is our duty; the result is in God's hands.

[From Gujarati]

*Indian Opinion*, 28-1-1904

## 272. *BRITISH INDIANS IN THE TRANSVAAL*

Last week we touched upon the test case of Tyob Haji Khan Mahomed and F. W. Reitz N.O.<sup>1</sup> In that case, as we have shown, the whole argument turned upon the interpretation of the term “residence”. Law 3 of 1885, as amended in 1886, enacts that

the Government shall have the right for sanitary purposes to point out to them (persons of the aboriginal races of Asia) defined streets, wards, and locations for habitation.

It was contended on behalf of the then Transvaal Government that habitation for Indians included residence for purposes of trade also, and that, therefore, Indians could only trade in defined streets, wards, and Locations. The British Government, on the contrary, argued that the term “habitation” could only refer to residence as apart from business and that the clause “for sanitary purposes” showed clearly that the Indian trade was to be left unrestricted. The presiding judge, Mr. Justice Morice, based the whole of his judgment on a previous decision given in 1888 in the matter of Ismail Suliman & Co. It should be remembered that this case of Ismail Suliman & Co. was tried before the delivery of the award of the Chief Justice of the then Orange Free State. According to the judge’s own view,

the Court would have decided by more judicial principles if it had made a distinction in the case of Ismail Suliman & Co. between living and trading in a place. According to the common use of words, one is not said to live where he trades and does not sleep.

But the learned judge thought that he was bound by the decision previously given, and therefore, although his own interpretation was different from that placed upon the term, he would not overrule the decision in the case of Ismail Suliman & Co. Now, as it appears, full use was made then of the clause in the Republican Constitution, namely, that “there should be no equality between whites and blacks in the state”. It was assumed that the Indians belonged to the black races (of South Africa). That being the case, it was argued that the Law 3 of 1885 was an enabling act and in no way restrictive. Whatever one may say with regard to the case of Ismail Suliman, and the use of the above argument, it could not in any way apply to the later case of Tayob

<sup>1</sup> *Vide* “An Unequal Contest”, 28-1-1904.

Haji Khan Mahomed, because the Chief Justice had clearly laid it down that, in terms of the London Convention of 1884, the Transvaal Government had no right to pass any legislation restrictive of the liberty of the British Indians, and he held that both the Governments were bound by Law 3 of 1885 as amended in 1886, because the British Government had specially agreed to those two laws being passed. We venture to think that this argument was not sufficiently brought before the notice of the judges, and that they gave their decision in the case as if there was no award whatsoever. Justice Jorri- sen, although he, too, unfortunately for the British Indians, concurred in the judgment given by Justice Morice, argued entirely in favour of the interpretation given by the British Government. With reference to the inequality in the constitution, the learned judge says:

To infer from this that the Government can take any measures against the coolies that it may think fit is, in my opinion, giving an extensive interpretation which could never have been intended by the legislature. The coloured people in this article are those coloured people who lived here at the time, namely, the Kaffirs. That the coolies are not included hereunder appeared to be the feeling of the Volksraad when they made a separate law for them.

These judgments, however, are worthy of perusal at the present moment, and we, therefore, reproduce them in another column.

*Indian Opinion*, 4-2-1904

### 273. ORANGE RIVER COLONY AGAIN

We publish in another column the draft Ordinance, consolidating and amending the laws relating to the Poll Tax on Coloured Persons, appearing in the Orange River Colony *Gazette Extraordinary*, dated the 16th January. The anti-colour activity of the present Government in that Colony is simply remarkable. The worst form of slavery is being practically revived there, and one is reminded of similar legislation in South America. We read in the papers that in that country Negroes who fail to pay a fine may be allotted for service to any white man who may pay the fine for them, and thus, by a side-wind, slavery, which is illegal according to the American Constitution, is carried on in broad daylight and sanctioned by law. Section 13 of the draft Ordinance referred to above reads as follows:

In the event of a coloured person not being able to pay the poll tax when called upon to do so by the tax collector, in terms of this Ordinance, such collector shall forthwith give notice thereof to the white owner, lessee, or

occupier (if any) of the farm or house, and thereafter unless the said tax is paid or sufficient security given for its payment, the Resident Magistrate of the District of Special Justice of the Peace therein, as the case may be, shall place the said coloured person under contract with a white person residing within the said district who is willing to pay the said tax, provided that every said contract shall be for not more than one year.

Thus, if a Coloured person fails to pay the poll tax imposed under the the Ordinance, namely, £ 1 per year, he may be placed under contract with a white man who may be willing to pay the tax for one year.. And this tax is to be paid by every Coloured male of the age of eighteen up to seventy years. There seem to be no exemptions owing to illness or any such causes, and such harsh legislation would be slavery to us even if it were to apply only to the native races of South Africa. We find it difficult to restrain our feelings when we come to know that it applies even to British Indians, for in section 20, we read:

The expression 'coloured persons' shall for the purpose of this Ordinance include Arabs, Chinese and other Asiatics, and also all other persons who are by law or custom in South Africa regarded as coloured.

It is not only that the Colony continues to shut its doors against Indian immigration, but it must heap further insults on British Indians even in respect of the few Indian domestic servants who are carrying on their peaceful avocations in that Colony. Was it for this that the war was undertaken and millions of money and thousands of lives thrown away? Lord Milner is credited with humane and broad views. His Excellency has more than once said that he has no prejudice against colour. Will he sanction this Ordinance?

*Indian Opinion, 4-2-1904*

#### **274. BRITISH INDIAN TRADERS IN THE TRANSVAAL**

His Excellency the Lieutenant-Governor has, in accordance with the resolution of the Legislative Council, now appointed a commission consisting of Messrs Honey, Sheridan, Rubie and Chamney, the last named as Secretary,

to consider the cases of Asiatic who were trading in the Transvaal in towns outside locations without licences at, and immediately before, the outbreak of hostilities, and to enquire and to report as to the number of such traders of their having been allowed to trade outside locations.

With [regard to] the personnel of the commission, we can have nothing to say. In Mr. Chamney, as Secretary, the Indians have a gentleman of Indian experience and impartiality. Mr. Honey is Director of Customs, and Mr. Sheridan is Inspector of Revenue. These gentlemen, it is fairly safe to assume, would not approach the work with any degree of bias. Mr. Rubie is a barrister of attainments, and has been doing good work in connection with the revision of Voters' rolls. His legal training ought to assist the other commissioners in keeping them within the terms of the reference, as well as in dealing with any legal points that might arise in connection with it. Some interest, however, arises as to the utility of the commission, for the Indians have embarked upon a test case. If it is decided in their favour, as it ought to be, then the labours of the commission will have been in vain. It would, therefore, appear that it would have been better if the appointment of the commission had been postponed, pending the result of the case. The Transvaal especially is not at present in an overflowing condition, and it is a pity that good money might have to be thrown away in a wild goose chase. The terms of reference are such that they are likely to tax the legal acumen of Mr. Rubie in interpreting the expression, "immediately before the outbreak of hostilities", [and deciding] who would be considered as coming within these limits. How would the commissioners fix a date which, in their opinion, would be immediately before the outbreak of war? However, it is no use now discussing the various distinctions, often invidious, that are likely to arise in the course of the investigation. The ball has been set rolling, and we now await with considerable curiosity the proceedings of the commission.

*Indian Opinion*, 4-2-1904

### 275. *BRITISH INDIANS IN AUSTRALIA*

We draw the attention of our readers to a report of the work being done by Mr. Charles Francis Sievwright, the European Commissioner of the British Empire League of Australia, published in the *Advocate of India* at Bombay. We believe Mr. Sievwright is doing good work, and we wish him every success in his mission. The fact that Mr. Sievwright has taken up such a position shows that, even in Australia, where the other day shipwrecked men were prevented from landing because of the colour of their skin, there are Europeans who are heartily ashamed of the Colour legislation and the attitude of the

masses on the question. We appeal to the Colonists in South Africa whether they would not read the signs of the times, and whether, as Imperialists, they would not consider it worth while to take note of the feelings of the millions in India on the question. If they continue to outrage the sentiments of the Indian peoples by imposing most galling disabilities on them, should they choose to travel or settle in South Africa, a permanent estrangement between India and the Colonies is merely a question of time, and however insignificant India may appear in the estimation of the Colonies at the present moment, a time must shortly come when they will have to recognise the mistake; only in may then be too late. A policy of give and take is the only practical policy. The Colonists, of all the men in the world, are supposed to have more than an ordinary measure of practical common sense. If they would only apply it to this question they would see that it is nothing but wisdom to give if only a little in return for what they take.

Mr. Sievwright has drawn up a manifesto which, too, we publish in another column. He has made an appeal for funds. This is a delicate matter. We think that every moral support should be extended to the mission, but as the problem in Australia is not necessarily the same as in South Africa, it is impossible to divide the funds. Each community must be allowed to secure its own salvation, and for that purpose, it is necessary that each should husband its resources, and we hold that it is only thus that effective co-operation can be given.

*Indian Opinion*, 4-2-1904

### 276 *THE UNTIMELY DEATH OF MR. DOMAN TELOO*

We very much regret to announce the death, in the prime of his life, of an able and active Indian of Johannesburg, Mr. Doman Teloo. All the Indians in Johannesburg knew him very well. He used to live in Umgeni, but later moved to Johannesburg to seek his fortune. By dint of hard work, he earned some money in his calling as a goldsmith and in other business and as an owner of land, some of which is in Natal. He learnt a little English by his own exertions, and studied Hindi for commercial use and under the spell of religion. An intensely religious man, he was always keen to exalt Hinduism. He was also enthusiastic in his public work. Since his parents were poor and he was brought up amidst the hardships commonly faced by Indians in Natal, he had learnt to be patient, but act with firmness. This experience stood him in good stead in Johannesburg.

He pursued with determination whatever he set out to do, but knew how to proceed keeping his keenness within bounds. Both before and after the war, he took an active part in all the public activities of the Indian community. When the war was over, he devoted almost all his time to securing, without profit to himself and with great integrity, permits for his compatriots and to removing other hardships of theirs. When, after the Boer trouble was over, hopes of improving our condition under the British were dashed to the ground, he spared no pains to unite all our brethren and carry on the struggle. Along with others, he made strenuous efforts and founded an organization called the Indian Association; and he worked day and night to collect funds for it. It was his intention to take up much more public work. By his death, the Indian community has lost a good man. He was an agent of *Indian Opinion* and himself used to sell 50 copies a week, sacrificing his own work, and he would not accept the usual agents' commission due to him. We offer our heartfelt condolences to the members of his family as also to the Indians of Johannesburg, and we pray to God to grant deliverance to his soul.

[From Gujarati]

*Indian Opinion*, 4-2-1904

### 277. LORD HARRIS ON LABOUR

We publish in another column a report from the *Daily Mail* of an interview which its representative has had with Lord Harris, the ex-Governor of Bombay, who is at present in Johannesburg and who is the Chairman of the Consolidated Gold Fields. His Lordship has given to the interviewer his views on labour importation and he thinks that the opposition against it at home is very unreasonable and quotes, in support of his contention, the fact that the West Indies and other countries have before now imported Coloured indentured labour. One would have expected far better argument than this from His Lordship, for we are sure he could not be unaware that there is very great difference between the West Indies and the Transvaal as also between the labour ordinances elsewhere and the Labour Ordinance which the Transvaal Government would have the Home Government sanction without any demur. The West Indies it is well known, is hardly suited for white labour, the climate of that country being very trying, whereas the climate of the Transvaal is ideally good and the white workmen would have no difficulty in doing the same kind of work



that they are used to in England. Nobody has ever contended that the climate is not suitable for such labour: the only objection is that white labour is too expensive. Mr. Morley has disposed of the economic argument by pointing out that the mines ought to be satisfied with less profits and those that could not be worked at all by white labour need not be in a hurry to give up their gold. As to the difference between the indenture laws elsewhere and in the Transvaal, there is that difference between the the two which exists between the contract of slavery and a free contract. So far as we are aware, in the history of British colonization, it would be difficult to find an indenture law so drastic, so sweeping, and so unjust to the labourer as the Labour Importation Ordinance of the Transvaal. The indentured labourers who go to the West Indies and elsewhere do not go there as slaves, but as soon as their contract is finished, they are free to settle in the country and enjoy the ordinary civic rights. It is, therefore, we respectfully submit, hardly fair that Lord Harris should cite the West Indies and other countries as an example.

His Lordship's remarks on the attitude of the Indian Government are even more interesting and instructive.

From the Indian point of view, says His Lordship, I think the Government of India made a mistake originally, whatever their attitude be now. The trader and the coolie are entirely different persons. It would have been a splendid thing for India if there had been an out and in flow from India to the Transvaal. Considerable trade would be certain to spring up between the two countries, and the coolie, having given the Transvaal the benefit of his labour, would go back to his village with his rupees, the capital that India precisely wants.

We may be pardoned for saying that although the coolie and the trader may be different persons, it does not follow that the coolie must always remain a coolie and be treated as chattel. Why should he be denied the right, if he is brought to the country at all, of settling and earning an honest livelihood? And why should the Indian Government go out of its way to accommodate a Government which is callous to all ideas of justice in treating the resident Indian population with fairness? It is all very well to talk of the trade between India being considerably increased owing to the importation of indentured labour. A few thousand Indians going to the Transvaal as slaves would hardly solve the problem of Indian poverty, and we think that the Indian Government has come to a proper decision in not allowing indentured

emigration from India to the Transvaal on the terms suggested and without amelioration of the condition of the British Indians who have already settled in the colony.

*Indian Opinion*, 11-2-1904

### 278. LADYSMITH LICENCES

Mr. Lines, the Town Clerk and Licensing Officer at Ladysmith, has now issued license to British Indian store-keepers with the following note endorsed thereon:

This license is issued strictly in accordance with the undertaking entered into by the holder hereof that the licensed premises shall not be open for business after the hour of 5 p.m. except on Saturdays and that the licensed premises shall be closed on holidays.

Having accepted the principle that the Indian store-keepers should agree to the stipulations laid down by Mr. Lines as to early closing, we cannot say much against the above endorsement. Subject, however, to such reservation, we are bound to protest against the remarks being made on the licenses because they are illegal and out of place. It is one thing to hold certain powers and another thing to dangle them before the public in an offensive manner. If Mr. Lines had remained content with his victory and not paraded it on the licenses, it would have been no less effective and would have appeared graceful. He could have taken severe notice of any breach of the undertaking the following year. As it is, we venture to think that the whole of the grace has been taken away by the note made as above. Mr. Lines may also know that, in spite of the endorsement on the licenses, supposing any of the holders chooses to ignore same and continues to open his business after five in the evening, he (Mr. Lines) could not cancel the license once granted. There is no process of law available for enforcing the prohibition. It is merely a matter of compromise and compact between himself and the Indian store-keepers. We, therefore, regret that Mr. Lines has endorsed the note on the licenses. At the same time, there is no use crying over spilt milk, and we think it is clearly the duty of the British Indian store-keepers in Ladysmith to strictly abide by the undertaking.

*Indian Opinion*, 11-2-1904

279. *LETTER TO DR. PORTER*

21 TO 24, COURT CHAMBERS

*February 11, 1904*

DR. C. PORTER  
MEDICAL OFFICER OF HEALTH  
P. O. BOX 1049  
JOHANNESBURG

DEAR DR. PORTER,

I venture to write you regarding the shocking state of the Indian Location. The rooms appear to be overcrowded beyond description. The sanitary service is very irregular, and many of the residents of the Location have been to my office to complain that the sanitary condition is far worse than before.

There is, too, a very large Kaffir population in the Location for which really there is no warrant.

From what I hear, I believe the mortality in the Location has increased considerably and it seems to me that, if the present state of things is continued, outbreak of some epidemic disease is merely a question of time.

I know you are very great on sanitary reform. May I, therefore, ask you to be good enough to pay a personal visit and deal effectively as well with the overcrowding as with the sanitation. If I can be of any service, I shall be pleased to accompany you, should you approve of my suggestion.

I would add that for the present state of things the occupants of the Location are in no way responsible.

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

*Indian Opinion. 9-4-1904*

280. LETTER TO DR. PORTER

21 TO 24 COURT CHAMBERS,  
February 15, 1904

DR. C. PROTER  
MEDICAL OFFICER OF HEALTH  
JOHANNESBURG

DEAR DR, PORTER,

I am extremely obliged to you for having paid a visit last Saturday to the Indian Location and for the interest you are taking in the proper sanitation of the site. The more I think of it, the uglier the situation appears to me, and I think that, if the Town Council takes up a position of *non possumus*, it will be an abdication of its function, and I do respectfully say that nothing can justify the Public Health Committee in saying that neither overcrowding nor insanitation could be helped. I feel convinced that every minute wasted over the matter merely hastens a calamity for Johannesburg and that through absolutely no fault of the British Indians. Why, of all places in Johannesburg, the Indian Location should be chosen for dumping down all the kaffirs of the town passes my comprehension. While the great projects for sanitary reform of the Public Health Committee are undoubtedly very laudable and probably necessary, the obvious duty of dealing with the present danger of insanitation and overcrowding in the Indian Location, in my humble opinion, is not to be neglected. I feel that a few hundred pounds now spent will probably cause a saving of thousands of pounds; for, if, unfortunately, an epidemic breaks out in the Location, panic will ensue and money will then be spent like water in order to cure an evil which is now absolutely preventible.

I do not wonder that your staff, hard worked as it is, is unable to cope with sanitation in the Location, for what you do want, and what you cannot get, is a *topaz* for each Stand. What is everybody's business is also nobody's. You cannot expect every resident to look after the sanitation. Before expropriation, every Stand-holder was held responsible, and very naturally, for the proper sanitation of his Stand. The result, as I know personally, was that every Stand, had a *topaz* attached to it who continually looked after the Stand, and I have no hesitation in saying that compared to what the Stands are now, they were kept in an ideally good condition.

You ask me to suggest remedies. I have slept over the matter and, if only the Town Council would take up a reasonable attitude, I have no doubt that an immediate improvement, without any cost to the Town Council, and probably to the saving of a few pounds, is possible. Let short leases six-monthly or quarterly be given to the Stand-holders. The leases may state exactly how many people are to be kept on each Stand, or in each room. The lessees could pay, say, 8 per cent on the valuation of the valutors and should be made strictly responsible for the sanitation of the Stand leased by them.

The sanitary regulations could then be strictly enforced; one or two inspectors could visit the Stands daily and come down upon defaulters with a heavy hand.

If this humble suggestion is accepted, you will see a vast improvement in two or three days, and you, by a stroke of the pen, could deal effectively with insanitation and overcrowding. The Town Council would also be saved the necessity of having to make individual collections of rents.

Of course, under my suggestion, the Town Council must withdraw the Kaffirs from the Location. About this mixing of the Kaffirs with the Indians, I must confess I feel most strongly. I think it is very unfair to the Indian population and it is an undue tax on even the proverbial patience of my countrymen.

Although I have not personally visited other portions included within the Insanitary Area, I very much fear that the same condition of things exists there and the suggestion I have made above would apply to the other parts also.

I trust you will receive this letter in the spirit in which it is written, and I hope that I have not expressed myself more strongly than the urgency of the occasion requires. I need hardly add that my services in this connection are entirely at the disposal of yourself and the Public Health Committee and I have no doubt that, if the Town Council would but give the Indian community a fair chance of proving what it is capable of doing in the way of sanitation, I do not think it would be much mistaken.

You may make what use you like of this communication.

In conclusion, I hope that an immediate remedy will be found for the danger that threatens the community.

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

*Indian Opinion, 9-4-1904*

## 281. SIR GORDON SPRIGG AT EAST LONDON

Like a drowning man catching a straw, Sir Gordon Sprigg<sup>1</sup> has been making Herculean efforts to secure re-election at East London. He never before seems to have condescended to address the native electors in their Location, but as the people of East London seem to have shown the cold shoulder, he decided to address the native voters at their Location. The meeting, however, unfortunately for Sir Gordon, passed a unanimous vote of no confidence in the Right Honourable Gentleman. One of the speakers at the meeting rightly reminded him that he had done nothing for the Natives, and that East London was the only place in the Cape Colony where the Natives had not the right to walk on the foot-paths. The speaker rightly blamed Sir Gordon for having sanctioned the municipal regulations referred to, and the only lame reply that he (Sir Gordon) could make was that it was municipal matter, and that he did not wish to judge the Councils' action. What, however, is of more immediate interest to us is the indirect light thrown on the question by the Mayor of East London, who said that

the regulation laws were to some extent due to the re-opening of the canteens because when natives were in drink, they would give way to no one, not even to white ladies. Very possibly, if the canteens were closed again, there would be no need to enforce the regulation.

If the facts are as the Mayor has stated, there seems to be some excuse for the regulation, so far as the Natives are concerned, though we can-not see why such people could not be prosecuted and severely punished for being drunk and disorderly and causing an obstruction. The proper method would undoubtedly be to deal with the evil in some such manner, and in accordance with the ordinary rules of wrong-doing. Be that, however, as it may, there can be no such excuse for the application of the regulation to the handful of British Indian residing in East London, against whom no one has ever breathed a charge of drunkenness or of obstruction. So far as we are informed, there never has been a case of drunkenness among the Indians in East London. We understand that the Indian Association at East London has approached the Town Council of that place in the matter, and we sincerely hope that, if the reason for introducing the regulations be

<sup>1</sup> Four times Premier of the Cape Colony, he replaced Dr. Jameson in 1904.

what the Mayor has expressed, they will be cancelled so far as they are applicable to the British Indians.

*Indian Opinion*, 18-2-1904

## 282. PIETERSBURG AGAIN

Pietersburg, which last year led the way in harassing British Indian store-keepers,<sup>1</sup> continues its policy with unabated vigour. The newly formed Town Council, in its anxiety to keep up the persecution, has now passed a resolution that even hawkers are not to be allowed to carry on their trade without molestation. Mr. Krause, one of the members of the Town Council, has proposed that

a bye-law be drafted stating that no licenses would be issued to Asiatics or coloured persons except for trading in such places as are set aside for them specially.

Mr. Chittenden seconded the resolution and, continues the *Zoutpans-burg Review*, "It was agreed that infringement of the bye-law, if confirmed by the Lieutenant-Governor, should be punishable by a fine of £20 or six months imprisonment." How a hawker can be made to confine hawking merely to a Location, it is difficult to understand. Mr. Kruger's Government, although it did many unkind things, never went so far as the Pietersburg Town Council would go. There are many lawyers on the Pietersburg Town Council, and it seems strange that it never occurred to any of them that the Town Council was making itself ridiculous in trying to arrogate to itself powers which by statute it does not possess. Pushed to its logical conclusion, the resolution would involve the compounding of British Indians without the elaborate necessity of a special Ordinance, for if an Indian can hawk his goods only within the confines of his Location, it could not be at all unfair to say that he could move about also only within his Bazaar, and should never go beyond the Bazaar line. We have no doubt that such an interpretation of the powers of the Town Council would be an ideal thing in the estimation of the Town Council of Pietersburg. We, however, hope that Sir Arthur Lawley will save the Council from ridicule and an impossible position by telling it plainly that the bye-law proposed to be framed could not be sanctioned.

*Indian Opinion*, 18-2-1904

<sup>1</sup>*Vide* "Address to Chamberlain", 7-1-1903 & "Position of Indians in the Transvaal", 30-3-1903.

283. *LETTER TO DR. PORTER*

21 TO 24, COURT CHAMBERS,  
*February 20, 1904*

DR. C. PORTER  
MEDICAL OFFICER OF HEALTH  
JOHANNESBURG

DEAR DR. PORTER,

I am obliged to you for your letter of even date.

The only reason why I wrote the letter, to portions of which you have taken exception, was to serve the cause of sanitation and my own countrymen. I do not withdraw anything that I have stated, because, if it were necessary, every one of my statements could be supported.

I cannot however, help correcting your impression that Kaffirs are taken by the Indians as lodgers. They have absolutely no power to sub-let.

I can only hope that the condition of things at present existing will soon end.

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

*Indian Opinion, 9-4-1904*

284. *THE MUNICIPAL CONFERENCE AND INDIAN  
TRADERS*

At the meeting of the Municipal Conference of the Transvaal which sat at Johannesburg last week. Mr. George Constable, representing the Boksburg Council, moved the following resolution:

That in view of the fact that a new Asiatic law is to be brought before the Legislative Council for its consideration, and that the question is of such vital importance to local governing bodies, this Conference of Transvaal Municipalities places on record its opinion that the most satisfactory policy to the inhabitants will be to place all Asiatics in Bazaars, fair compensation to be paid to any who may be trading outside under licenses first granted by the late Government; further, that all local authorities be permitted to make what by-laws may be necessary to regulate matters concernig coloured people and in regard to the fixing of sites for bazaars, places of residence, etc.



The resolution was carried, Mr. Goch alone dissenting.

The resolution modestly asks that all Asiatics be placed in Bazaars for trade and residence; that those who traded before the war under licenses be compensated, and that powers be given to the Municipalities to regulate these matters. In naked terms, the proposition means that the British Indians should be starved into leaving the country. In Mr. Goch's words "the idea of placing Asiatics in bazaars is not so much to put them there as to get rid of them altogether." The British Indians have shown conclusively that the so-called Bazaars are totally unfit for habitation or trade. It were a mercy to put the British Indians out of the country altogether rather than subject them to vivisection and kill them by inches. Mr. Constable's ideal of the powers he would have for the Municipalities is Brandfort in the Orange River Colony. We had occasion some time ago to deal with the municipal bye-laws for that township, and we think we shewed how the Coloured people thereunder become mere chattels.

It is, we fear, useless to appeal to Mr. Constable's sense of fairness. He worships the fetish of the law of self-preservation. And he has no difficulty in getting round his conscience, as so many of us do when blinded by prejudice or bigotry, and satisfying himself that the great law demands that the British Indians should be ruined. We have had other interpretations of the law by Englishmen who were perhaps more equi-minded and, therefore, better able to judge. They thought that the law was limited by another and higher, namely, that we should so preserve ourselves as not to encroach upon other people's rights. The simple corollary that Mr. Constable's countrymen have also laid down as flowing from the above limitation is that when we have to deal with people who do not do as we do, and if we are satisfied that we are in the right, we should act by them so as to raise them to our level and not to crush them. May we ask him and his friends to consider this view?

What is, however, the secret of the increasing intensity of the opposition to the Indian trader? Not that the number hostile to the Indian interests is increasing, but the gentlemen who first instigated the opposition are becoming more and more exacting in their demands for repression of the Asiatic.

Have the Indians given any cause? The answer is undoubtedly in the negative. What is it, then, that has fed the flame of prejudice? The speakers at the meeting have supplied the answer. They supported the

resolution to aid the Government. Why aid the Government? Is it anti-Asiatic? Does it, therefore, need the support of the populace in the policy? We would not go so far as to say that the Government is deliberately anti-Asiatic. But the gentlemen of the White Leagues, having found by experience that, if they cry loud enough and persistently against the Asiatics, they can practically get what they want, have naturally grown bolder in their demands. They asked for the enforcement of the Law of 1885 and the Bazaar Notice was the reply. they wanted the Asiatics sent to Locations, and Bazaars have been established in several places. We might quote further instances of yielding to the white opposition on the part of the powers that be. Such accommodation on the part of the Government has been rightly interpreted as an invitation to continue the agitation. Mr Constable's motion is the response. Lord Milner having tinkered with the rights of the Asiatics, our friends at Boksburg, like the baby in the tub, "won't be happy till they've got it". Lord Milner has promised to alter the anti-Asiatic laws so as to bring them in harmony with the British Constitution. The Muncipal Conference has declared in what way it wants them altered. It would out-Kruger Mr. Kruger. The erstwhile Uitlanders complained that they had no voice in the affairs of State during the old regime. Now that they cried themselves hoarse, they would make the British Indians, whose co-operation they were glad to have in fighting the old regine, Uitlanders under the common flag. And this is their view of honour and faith!

In the midst of the whole of the wretchedly painful proceedings of the Conference, Mr. Goch's speech was an oasis in the deseert. He spoke plainly and firmly. He protested against the resolution and adduced arguments in support of his protest which would convince anyone not steeped in bias. The Indian community is beholden to Mr. Goch for his outspokenness and the stand he took up for Justice. And so long as we have men like him, we shall continue to believe in the ultimate triumph of a cause which is inherently just.

*Indian Opinion, 25-2-1904*

### 285. LABOUR FOR THE TRANSVAAL FROM INDIA

In his excellent review of the year's work for the mines, submitted last week to the annual meeting of the Chamber of Mines, Sir George Farrar naturally dwelt on the labour question at length. From the remarks made by him it would appear that an attempt is still being

made to obtain indentured labour for the mines from India. He said:

It may be that we may extend our operations to India, but so far, the attitude of the Indian Government has been one of opposition. They are willing to send us labourers, but they object to our terms of repatriation. When however, it is seen to what extent the return of labourers, after their term of contract in these mines, brings prosperity to their own country, then the objections which the Indian Government holds to-day may be waived in the sole interests of the Indian Empire.

It is wonderful how people would find arguments in support of their preconceived ideas. That the Indian Government would waive objections in the sole interests of the Indian Empire is not a novel idea. Lord Harris, who might be expected to know better, has said as much and more already. We are not, therefore, surprised that Sir George Farrar should adopt a similar view. If, however, he would only look a little beneath the surface, he will find at once that there is nothing whatever in his arguments. We assume, for instance, the 20,000 Indians went to the Transvaal under the proposed conditions at, say, a monthly wage of £ 3 or even £ 3-10-0; that they saved £ 30 per year. That would mean a saving of £ 90 at the end of three years, that is to say, £ 1,800,000. among 20,000 labourers. India has a population of 300,000,000. How many years' continuous working would be necessary before there would be £ 1 per head distributed in India out of the indentured labour in the Transvaal? Will any man in his senses contend that, for the sake of such a visionary gain, the Indian Government would sell Indians into virtual slavery? The figures we have quoted are, of course, based on the supposition that every Indian would save almost the whole of his wages. Moreover, year after year, if the principle of compulsory repatriation were accepted, India would have to support an Indian population used to a comparatively more expensive style of living, and the result would be that, instead of indentured immigration under the conditions proposed being a blessing, it would be a veritable curse even to the labourers themselves.

*Indian Opinion, 25-2-1904*

### 286. THE ELECTIONS AT THE CAPE

The Progressive Party has won perhaps beyond expectations. Even those who were most hopeful never thought that it would have a clear majority of five in the Assembly. We tender our humble congratu-

tulations to Dr. Jameson on his victory. The success of his party, let us hope, is a happy augury for the British Indians at the Cape, although they have not so many grievances at the Cape as in Natal or the Transvaal and the Orange River Colony. At the Cape, too, the tendency of late has been to take away their rights, and we have to thank the Bond Party for the anti-Indian alterations that were made in the Cape Immigration Restriction Act. It was Mr. Merriman and his friends who carried the amendment to the draft Bill to regulate immigration into the Colony applying it to British subjects also. We are aware that the Bond approached and tried to induce Coloured people at the Cape to give the few votes they have to the Bond candidates. And although perhaps, there is not much to choose between the Progressive and the Bond men, so far as the British Indians are concerned, if a choice were to be made, we have no hesitation in saying that the Progressives should have the preference. Indeed, Dr. Jameson came forward quite frankly and stated that he did not believe in any distinction. That is a statement to which no one could take any exception. We can only hope that the worthy Doctor, now Premier of the Colony, will not swallow his own words and yield either to the interested clamour of rival traders, or to the agitation of the Bond, to curtail the rights and liberties of the British Indians residing in the old Colony.

*Indian Opinion, 25-2-1904*

### 287. *THE DEALERS' LICENSES ACT*

The Durban Town Council has once more proved what a terrible engine of oppression the Dealers' Licenses Act is to the traders. One Mr. J. M. Woolfson has been in trade for the last three years, as appears from the proceedings. This year, however, the Licensing Officer took it into his head to refuse to renew his license. No reasons were given for it, and the aggrieved trader, therefore, procured Mr. Askew's services and has gone through the farce of an appeal which is provided for in the Act. Mr. Askew was, however, groping in the dark as he did not know on what grounds his client's bread had been taken away from him. He had only guessed that his client's books were not properly kept, and now wanted to know definitely whether that was the cause for refusal. The Mayor, therefore, called for the report of the Licensing Officer, but Mr. Askew was not to see it as it was "privileged". In vain did Mr. Askew protest until he found in Mr. Burne a Councillor who was not prepared to sit still and be a party to the cruel

injustice of condemning a man unheard. On the Mayor protesting that the document in question could not be divulged, Mr. Burne threatened that he would not in the future sit in appeal if the Mayor persisted in his objection. This was a threat which His Worship could not disregard and, therefore [he] effected a compromise by saying that the matter would be considered in committee. Mr Askew, therefore, rightly intervened and said that they were going back to the Middle Ages. For our part, we do not know that even in the Middle Ages such a shocking state of affairs was allowed in the teeth of well laid down legal procedure: surely, if a man has a right to appeal, he ought to have a right to see the documents which are on record. Mr. Justice Mason, in deciding the case of Somnath<sup>1</sup> quoted by Mr. Askew, passed some trenchant remarks on the high-handed action of the Town Council, some years ago, in refusing to allow the appellant to have access to the record or in considering anything in committee, that is behind the back of the appellant. However, in [to] committee the Town Council did go on this occasion, and, after having been in labour for some time. They brought forth the proposal that Mr. Askew might look at the record. It was laconic enough! "Books unsatisfactory; license refused." Mr. Askew then produced evidence to shew that the books were kept by a competent book-keeper and that, therefore, the Town Council should exercise its jurisdiction and order the Licensing Officer to issue a license. The Town Council, however, was not to be so easily induced to do justice. It, therefore, dismissed the appeal but suggested to Mr. Askew that he should renew his application to the Licensing Officer.

That the Town Council of the premier and model borough in South Africa should thus disgrace itself and make a confession of its incapacity to take an unbiassed view of cases that may come before it sitting as a Court of Appeal, is, in the face of it, a sad reflection; but it is not at all suprising. The fault lies with the Legislature. It has chosen to give most arbitrary powers to the Town Councils, and even the Town Council of a well-regulated place like Durban could not resist the temptation to use such powers when there are no salutary checks against its abuse. The members who sit in appeal are not trained in law. Some of them are rival traders, and it is not fair to expect them to give an impartial decision when their own interests are involved. So

<sup>1</sup>*Vide* "The Grievances of the British Indians in South Africa: An appeal to the Indian Public", 14-8-1896

long, therefore, as the Dealers Licenses Act is allowed to disfigure the Statute-book of the Colony, so long must the people of the Colony be prepared for a repetition of the discreditable proceedings to which it has been our painful duty to draw the attention of the public.

*Indian Opinion*, 3-3-1904

### 288. JOHANNESBURG INDIAN LOCATION

We reproduce in another column the report made by the Public Health Committee regarding the new site for locating British Indians dispossessed under the Insanitary Area Expropriation Ordinance. The report shews that the Public Health Committee of the Town Council of Johannesburg has changed its mind. It is curious how the Government as also public bodies continue to shift the[ir] anti-Asiatic policy from time to time. The slightest pressure from outside, no matter how interested it may be, is sufficient inducement for a departure from principles previously laid down. Not long ago, we informed our readers that the Public Health Committee of the Town Council had recommended the site of the present Kaffir Location for an Asiatic Bazaar. The Indian protested against it on the ground, among many others, that it would be far away from the present Location. But a petition was also presented to the Committee signed by 1300 persons, many of whom are said to be residents in Brixton, Mayfair, and Fordsburg, disapproving of the Council's suggestion because in their opinion the site was too near the localities above mentioned. The Indian protest was, of course, useless, but the protest of the 1300 petitioners was not to be disregarded by the Public Health Committee. It has, therefore, swallowed its own opinions expressed a few months ago, and it now comes forward with the suggestion that the site that was proposed by the late Government for a new Indian and Chinese Location should be taken up for the Asiatic Bazaar, and the Committee argues that

the ground which it is now proposed to utilise as the site for this bazaar is the ground that has been marked for many years as reserved for this purpose. The objections to the use of this site for the purpose are, therefore, less strong than those which could be brought against the use of any other site within the same distance from the town.

In order to completely isolate the proposed site from Brixton, it is proposed

to lay out the site in such a way that a clear space of about two hundred feet in

width will be left on the western boundary between the Asiatic bazaar and Brixton.. and to erect on the western and northern boundaries an unclimbable fence to prevent the residents in the location gaining direct access to Brixton.

The Public Health Committee might have added that the very site which they now recommend was the one against which the British Government, before war, very strongly protested, against which the then Vice-Consul, Mr. Emrys Evans, drew up a scathing report, and which was ultimately rejected also by the late Government. Is the site now so wonderfully improved? Or has the distance between the Market Square and the site during these years decreased so as to make it suitable under the British regime? In 1899, the distance from the Post Office was  $4\frac{3}{4}$  miles.

*Indian Opinion*, 3-3-1904

### 289. *THE MALAY LOCATION*

The following is the recommendation of the General Purposes Committee of the Town Council of Johannesburg regarding the Malay Location in Johannesburg.

The total area of the ground referred to in this recommendation amounts to 18,885 acres. The Commission recommends that this ground should be vested in the Council, with the exception of a triangular portion of the South, 41 acres in extent, the greater portion of which is at present occupied by the Malay location. With regard to this piece of ground, the Commission recommended that it should remain the property of the Government, and should be earmarked for the future requirements of the railway. It is understood that the suggestion of the Commission is that the council should have the control and use of this ground until such time as it may be required by the railway. The Public Health Committee have approved of the Commission's recommendation, but recommended that a proviso should be inserted, making it clear that the cost of removing and compensating the Malays, who are at present in occupation of this ground, should be borne by the Railway Administration or the Government whenever the Council may find it necessary or expedient to remove them, and that the Council should be compensated for any buildings which it may find it necessary to erect in order to provide for sanitary or other requirements in connection with the Malay location, as long as the Malays remain in occupation.

The inhabitants of the locality will, therefore, have to be very careful in safeguarding their interests. There never has been even so

much as a whisper against the place from a sanitary standpoint. The residents live very decently. They have built substantial premises; some of them have built even brick buildings, and it would be cruel if the people are now removed from their places. It is high time the Government gave the Coloured people in the Tansvaal some fixity of tenure and an assurance as to their status. When the Location was laid out, it was a wilderness. If it has now become a flourishing place, it is due to the energy of the people living there. The Government owe it to them to recognise their industry and perseverance. We note that the rent for the Stands in the Location has been raised from 7/6 per month to £1 per month.

*Indian Opinion*, 3-3-1904

### 290. IMMIGRATION RESTRICTION REPORT

We give in another column the main points of the interesting, exhaustive, and able report drawn by Mr. Smith<sup>1</sup> and presented to the Honourable the Colonial Secretary.

Before proceeding to examine the different points, we venture to draw Mr. Smith's attention to what appears to us to be the one fault of his otherwise unexceptionable summary of the year's work in restricting immigration into the Colony. Mr. Smith has a vigorous style of writing, but, with all deference, it is hardly becoming in an Official report to adopt a theatrical or newspaper style. Speaking of the complaints of delay on the part of passengers at the time of examination, he says:

Facts are of little account to the man with a grievance associated with the landing basket and a sixty minutes's wait in a tug at the anchorage in fresh weather. The circumstance that the officer in question may have finished his work and be himself anxiously waiting to get ashore is unknown to him. He has heard someone (probably a returned Colonist) speak disparagingly of the Department, and he takes the tune with facility. Full of uncharitable feelings, he hurries to his hotel to write and dispatch to the Press a commentary on the shortcomings of the Department, and to exercise his altruistic instincts in the framing of impracticable suggestions for the amelioration of the lot of future passengers.

Take, again, the following:

I have already shown the futility of expecting any relief from passengers who

<sup>1</sup> Harry Smith, Immigration Restriction Officer.



'know the ropes.'

The report is interspersed with such racy paragraphs which no doubt make interesting reading, but, in our opinion, are out of place in a matter-of-fact document, such as official reports should be. Moreover, the style adopted betrays irritation on the part of Mr. Smith, who is otherwise not easily upset and who is universally courteous to those who have any dealings with his office. We think that the public have a perfect right to make complaints. Some times the complaints are unreasonable, often expressed in forcible language, and occasionally exaggerated. Unfortunately, that is a state of things that cannot be corrected and on the principle that "what cannot be cured should be endured", officers who have to perform unpleasant duties are expected to tolerate such things from the public and not ridicule them. We do not at all mean to convey that Mr. Smith should not have attempted a reply to the complaint. Our objection is to the manner in which it is done.

Coming to the report itself, Mr. Smith, in his opening paragraph, takes pardonable pride in the fact that the original Immigration Restriction Act 1897 "has been repealed and been substituted by the new and more comprehensive measure on the lines which I (he) had the honour of suggesting". To us, it is not easy to see why there should be any occasion for glory in the fact. To refuse entrance to men who may come to the Colony for the purpose of earning a livelihood, and whose only fault is probably their poverty or their skin, could at no time be a pleasant duty, and it must be particularly painful to a man of Mr. Smith's generous temperament. We find in his report that he succeeded in shutting out 6,763 would-be immigrants, of whom 3,244 were British Indians, including 24 females and 37 children, Of course, the Immigration Act being the law of the Colony, and Mr. Smith being the officer entrusted with the work of enforcing it, he could not but turn away the men who did not fulfil the test applied under the Act, but it shews how harsh the law itself is and with what terrible effect it is telling on the British Indians, for it should be remembered that these men had undergone a long voyage, and had probably invested all they had in taking out a passage for Natal, thinking that they would not be prohibited from landing in a British Colony. In spite of the Act, which has hardly reached the ears of the millions of India, the people there cannot assimilate the doctrine that there could be differences in the nature of their rights as citizens of the Empire under the same flag in different parts of it.

The immigrants admitted after examination were 1,869 Indians, including 195 females and 499 children, 21 Chinese, 1 Egyptian, 38 Greeks, 8 Singalese, 1 Syrian and 8 Turks, Of the Indians admitted, 158 passed the educational test. This is less than one-tenth of the total admitted. It may be here remarked that the new Act has only just come into operation, and the next report from Mr. Smith will, we very much fear, shew us considerable decrease in the number of those who would have passed the educational test.

Mr. Smith gives the interesting information that

during the twelve months, some 269 certificates (of domicile) were confiscated and the men who produced them sent about their business.

Seeing that thousands of such certificates are now in vogue, the number of certificates improperly used is remarkably small. All the same, it shews that the Legislature in its wisdom has put a temptation in the way of the public to evade the law. That is the history of all restrictive legislation throughout the world, and it is especially so when it is restriction of personal freedom and personal movements.

The report would have been more complete if Mr. Smith had included in his summary the grounds on which intending immigrants have been debarred from entering the Colony. Another thing also seems to have been omitted from the report, namely, that British Indians who entered the Colony after 1897 after having passed the examination under the Department are being turned out of the Colony although they may have settled. While we may not say much against a ruthless carrying out of the law so far as new immigrants are concerned, we do feel that the Department will be going a little too far in attempting to drive away men who are already established in the Colony. It is hardly fair to hound decent people out of the Colony as if they were criminals, especially when it is known that the very Department which allowed them to enter the Colony is driving them away. We would not go into the question of how and why they succeeded in establishing themselves after 1897. Although they did not fully satisfy the requirements of the law, the fact stands that they have not stolen into the country, but that they entered after having been properly examined by the officers engaged to do the work under Mr. Smith. We, therefore trust that Mr. Smith would be pleased to stay his hand so far as the British Indian residents of the Colony are concerned, no matter whether they were in the Colony before 1897 or not.

*Indian Opinion*, 10-3-1904

## 291. THE ASIATIC TRADERS COMMISSION

The British Indian traders have before them a very difficult task about submitting their claims regarding vested interests created before the war, and in view of the fact that the Commission is to hold its preliminary meeting on the 14th instant, it may not be amiss to study the reference to the Commission.

It is wide enough in its scope, but in this instance the fact that the terms are so general gives rise to many intricacies and to the question: what are to be treated as vested interests? In the first place, the Commissioners are to

consider the cases of certain Asiatics and to enquire and report as to the number of such traders, and the nature and value of the vested interests claimed by them in respect of their having been allowed to trade outside locations.

Thus, the Commissioners have no power to deal with the trading question at all, but merely to submit a report to His Excellency the Lieutenant-Governor. The strict interpretation of the reference would appear to be that they are not even to value the vested interests or to determine their nature, but merely to report what the Asiatics may have to say on these points. If so, the question is very simple. All that the British Indians have to do is to state in what manner, where, and how long they have been trading, whether they had partners or not, and what value they place upon their good-will and business because vested interests would include not only the actual price of the goods in which they dealt on the outbreak of war, but also the price of good-will. It is, however, in putting a valuation on it that the greatest difficulty will arise. Then comes the most thorny question as to who are the Asiatics that would be allowed to file their claims. We know that, according to the terms of reference, they are defined as

those who were trading in the Transvaal in towns outside locations without license at and immediately before the outbreak of hostilities.

A British Indian, therefore, before he can file his claim, has to prove

- 1 that he was trading in the Transvaal;
- 2 that he was trading outside Locations;
- 3 that he held no license;
- 4 that he was trading at the outbreak of hostilities;
- 5 that he was trading also immediately before the outbreak of hostilities.

If we are not mistaken, “and” occurring after “at” should read “or” in the above quotation, because the whole of the debate in the Legislative Council went to shew that the intention was to respect the rights of those who either traded actually at the outbreak of hostilities or immediately before. And yet we find that the claimants, in accordance with the reference, have to shew that they were not only trading at but also immediately before the outbreak of hostilities. To put the difficulty in a concrete form, it means that, according to the reference, it is not enough that an Indian was trading, say, in the month of June 1899 and left the Transvaal owing to the prospect of war, but he should also prove that he was actually engaged in trade on the 11th of October, 1899. And if the terms are strictly adhered to, hundreds of claimants would be simply brushed aside.

We have mentioned these difficulties in order to shew the expensive nature of the work before the British Indians.

The test case is to be heard before the Supreme Court very shortly. If the result is favourable to the Indian community, the Indian traders need not go to the expense of filing their claims at all. But they are on the horns of a dilemma. It is not certain when the case will be heard. The Commissioners have fixed the 15th of this month as the irrevocable date before which the claims are to be filed. The British Indian Association, we understand, have approached the Commissioners for an adjournment. The request seems to us to be extremely reasonable. On the other hand, the Commissioners have a duty to perform; they must report to the Lieutenant-Governor with all dispatch. The appointment of the Commission was made before the test case was brought, and unless His Excellency the Lieutenant-Governor authorises the Government to postpone their deliberations until the case is decided, we can quite understand that the Commissioners would find themselves in an awkward predicament in deciding upon the request for an adjournment. Yet it would be simply cruel to expect the Indian traders to file their claims when they have every hope of avoiding the inconvenience and the expense attendant thereupon in view of the test case. It is, therefore, to be trusted that the Commissioners will be able to cut the Gordian knot and do justice to the Indians consistently with the duty imposed upon them by His Excellency the Lieutenant-Governor.

*Indian Opinion*, 10-3-1904

## 292. LOGICAL

We have already dealt with the action of the Municipal Conference<sup>1</sup> at Johannesburg with reference to Mr. Constable's proposal that all Asiatic traders should be removed to Locations, subject to compensation being paid only to those who held licenses to trade outside bazaars or Locations before war. Our contemporary, the *South African Guardian* has a very reasonable article on it the logic of which is irresistible. The *Guardian* rightly states that, if there is to be an invasion from China in the shape of slaves, there could be no ground for harassing a handful of British Indian traders, and the argument receives very great force from the fact that Boksburg, on behalf of which Mr. Constable spoke, has decided in favour of the Chinese invasion. We give the argument in our contemporary's own words:

The lack of principle inspiring this movement is shown by the fact that it was pressed forward by Boksburg traders, who have been most active in advocating the introduction of hordes of Chinese into the Transvaal under restrictions which preclude them from trading. These men are not concerned with the moral well-being of the community, all they wish is that trade shall be diverted into their establishments which at present goes to the Indians. While advocating the introduction of 100,000 or more Mongolians, who will corrupt and debase the national life they urge that a few Indian traders shall be compelled to forgo opposition to their trade, and that the people of the Transvaal shall provide opposition compensation. The people of the Transvaal might well do this to separate Asiatics from Europeans, and to prevent, as far as possible, race contamination. If, however, the Chinese are to come in their tens of thousands, all hope of maintaining a high standard of civilization in the Transvaal must be abandoned, and the presence of Indian traders will be a minor evil compared with that which has been so enthusiastically endorsed by the traders of Boksburg. If these gentlemen think that, having abandoned principle, they can obtain something which can only be urged with success on the grounds of that high expediency which demands the prevention of race contamination, they are, we fancy, doomed to disappointment. It would be an injustice to the taxpayer to call upon him to provide compensation for Indian traders denied the right to trade in a Mongolian community. It has been proclaimed that it is the will of the people of the Transvaal that Asiatic labour should be made the basis of its prosperity. If this should come about, the loss sustained by white traders in competition with coloured will not be a matter of any particular importance.

*Indian Opinion*, 10-3-1904

<sup>1</sup>Vide "the Municipal Conference and Indian Traders" 25-2-1904.

### 293. *THE ASIATIC BAZAAR, JOHANNESBURG*

The British Indians residing in the expropriated Location at Johannesburg have our full sympathy. Theirs is a most pitiable condition. Since September last, many inhabitants of that area have been deprived of their only means of livelihood. The assessment of their claims for expropriation takes no notice of the high rents they were in the habit of receiving. The awards, therefore, made by the arbitrators, while they are considerably above the final offers made by the Town Council, are but a poor consolation to them as it is impossible to get enough interest of the amounts received by them to enable them to live at all comfortably. They have all to be cooped up within the expropriated area and be at the mercy of the Town Council, for no permanent accommodation has yet been provided for them in terms of the law. They cannot invest their monies in land, because they do not enjoy the right to own fixed property in the Transvaal. From the reports received, the sanitary condition of the Location has never been so bad as it is now. The surplus Kaffir population also is being housed in the Location, the result being that it is overcrowded beyond description. When the Stands were under the control of the owners, they were held liable for the[ir] proper upkeep, and their place was certainly habitable then. Each owner employed a sweeper for his Stand and saw that it was not unduly crowded. Now however, the sanitation of the Location is nobody's business. The Town Council is expected to look after the whole place, but it has hopelessly failed for want of management and proper staff. Dr. Porter, we are aware, is anxious to do all he can, but he has not the funds at his disposal to place a sweeper on each Stand. All that he has done and can do is to increase the number of inspectors. That, however, is hardly enough. If the condition we have described above had been the condition of the Location be[fore expropriation]<sup>1</sup> there would ha[ve certainly been a ] howl from all parts as to the habits of the British Indians and the[ir] neglect of sanitation. It was Major O'Meara who struck the first note and condemned what is now termed the Insanitary Area, including the Location. Dr. Porter took up the strain and painted the Location in the blackest colours. Both Major O'Meara and Dr. Porter contended that the existence of the Area, and especially the Location, was an ever-present, immediate danger to the health of the town, and they

<sup>1</sup> The original is mutilated.

advised that not a moment should be lost in sweeping away the whole of the site. And yet the site is there, only it is much worse than it was before and this cannot be denied either by the worthy Doctor or the Town Council. What, then, could have been the meaning of the term “immediate danger” every reader can guess for himself. The reports published in the Johannesburg newspapers, moreover, go to shew that the settlement of a new site and improvement are as far off as ever. The proposal of the Public Health Committee has been resented by the inhabitants of Brixton and other parts of Johannesburg. The Town Council has received a deputation and petition presented to it. There is, therefore, no doubt that the latest proposal of the Public Health Committee is not by any means the last. Not that it matters much because, if we are not mistaken, the British Indians would simply decline to remove to a place which is totally worthless for trade purposes. All the objections raised to it in 1899<sup>1</sup> are equally sound today. But the deputation teaches a lesson which it is well to understand. The Health Committee advises that the present Kaffir Location be utilised for the habitation of the Indians. The gentlemen in Brixton resisted the proposal and they were successful. They are now again objecting to the second recommendation, and we learn that the Town Council has, instead of accepting the proposal of the Public Health Committee, adjourned its discussion for a personal inspection of the proposed site. We shall not, therefore, be at all surprised if the recommendation of the Public Health Committee is shelved. The inhabitants of Brixton and the surrounding area, therefore, have merely to persist in their objection, and it will be respected. In the meanwhile, the poor Indian must patiently wait. Arguments advanced by the petitioners are quite in keeping with the [present attitude of Europeans towards the British ind]ians. We[may]<sup>2</sup> note in passing that a clergyman, the Reverend Mr. Brown, acted as spokesman for the petitioners who state that “It will be impossible and dangerous for our women and children to live in this district”. It will be interesting to know how these gentlemen have been able to live within the district all these years, for it should be remebered that the Kaffir Location and the Indian Location have been where they at present are for over ten years, and the Europeans in the neighbourhood have been able to live without danger, and have not found it impossible to reside there; for, it is not a question of putting

<sup>1</sup> *Vide* “Memorial to Chamberlain”, 16-5-1899

<sup>2</sup> Word effaced in the original

the Kaffirs in the neighbourhood now for the first time. Again the petitioners remark.

thus although accommodation will be found for Asiatics, a large section of the community (European) will be left homeless, there being no other land available at a reasonable price within easy distance of the town and the place of daily labour.

This is really humorous! No question has been raised as to removing them (the Europeans) from where they are—in fact, they have been granted every facility for bettering their condition and building their own homes. It is no use arguing with people who are so much blinded by prejudice as to become totally unable to distinguish between right and wrong. Their suggestion is that the Indians should be sent to some place south of the reef where they will be cut off from all communication with the Town except with difficulty. When they are met with the objection that sites south of the reef are all within the Mining Area and, therefore, proclaimed, they say that as the Government have the right to appropriate so much of the Mining Area as may be necessary for cutting roads, depositing purposes, etc., and as the Town Council had already taken up some portion of it for depositing the refuse of the town, it might also deposit what is to them the living refuse of the town.

The Colonial Secretary is the final arbiter between the gentlemen represented by Mr. Brown and the Indians who by law are entitled to be housed as near to the present Location as possible. It is due to the latter as human beings that the suspense under which they are now labouring should be ended, and that they should be placed in a position that would enable them to eke out a livelihood.

*Indian Opinion, 17-3-1904*

### 294. FOOT-PATHS AGAIN

Ever since the British occupation of the Transvaal, representations have been persistently made to the Government regarding the anti-Asiatic laws of the country among which is the old Town Regulation preventing Coloured persons from using the side-walks. Last year, the British Indian Association drew the Lieutenant-Governors attention to this Regulation, and His Excellency said that he did not want to deal with the anti-Asiatic legislation haphazard, but that the whole question would be dealt with together. In the meanwhile, he assured the deputation that waited on him that British Indians would



not be molested by the police. News has, however, arrived from the Transvaal that the Commissioner of Police has issued instructions for the enforcement of the Foot-path Bye-law, the reason for the sudden departure is this. A Kaffir is alleged to have misbehaved himself. The case came before Mr. Van Der Berg, and he (the Kaffir) was discharged. Some interested parties thought that it was a miscarriage of justice. Letters, most passionately worded, were sent to the Press. The *Leader* encouraged the agitation by opening its columns and advocating a stringent anti-Native policy. The result is what we see, and if any regulations are to be enforced against the Natives, other Coloured people including Indians are covered by them as a matter of course. Lord Milner has declined to draw the distinction, and the Indians have to suffer. Indeed, the Commissioner of Police has been pleased to add to the instructions that Coloured persons of the better class and Natives exempted under Ordinance 28 of 1902 are not to be interfered with. The police, therefore, will have a very invidious duty to perform. They will have to become experts in knowing Coloured people of the better class from others. Evidently, there is no test laid down as to what is to constitute a Coloured person of the better class. The matter will, therefore, be left to the absolute discretion of the police. It does not seem to have struck the Commissioner of Police that such instructions are bound to create a great deal of irritation and inconvenience. Rather than having regulations which are so very indefinite in their scope, it would be infinitely better for all concerned to enforce the regulations as they are and prevent any Coloured person from using the foot-paths. It may be a drastic remedy, but if the anti-Coloured Policy is to be followed up by the Transvaal Government, we see no other solution. The latest regulations are one more illustration of how the complaint of the British Indian Association that the old laws of the Transvaal against the Asiatics are far more severely enforced now than before is being justified, for it should be noted that the foot-path regulations were totally a dead letter during the Boer regime so far as the British Indians were concerned.

*Indian Opinion, 17-3-1904*

295. LETTER TO DR. PORTER

21 TO 24 COURT CHAMBERS,  
JOHANNESBURG,  
March 18, 1904

DR. C. PORTER  
MEDICAL OFFICER OF HEALTH  
JOHANNESBURG

DEAR DR. PORTER,

I send you the enclosed rough note<sup>1</sup> as it comes to me. I understand there are about fifteen Indians, in the condition described, in the Location. Many of them are paupers. One man has died, and no one has removed, or is in a position to remove, the dead body.

Will you kindly interest yourself in the matter? A great deal is being done by volunteers, and the patients are being attended to. An attempt is being made to raise subscriptions also. In the meanwhile, however, I hope that you will be good enough to do all that may be necessary.

I understand that these men have come from the mines where they have been working. If you will give one of the vacant Stands in the Location to be used as a temporary hospital, it will be very much appreciated. I believe it is the duty of the Town Council to attend to these men. The Indian community, however, will raise subscriptions and partially fit out the place. Dr. Godfrey, who has just returned from Glasgow, will probably attend to the patients free of charge or at a nominal fee. I, however, leave the matter entirely in your hands.

*I remain,  
Yours truly,*

M. K. GANDHI

[ADDENDUM]<sup>2</sup>

On the first of March, a short note<sup>3</sup> was written to Dr. Porter,

<sup>1</sup> This is not available, but Gandhiji says in his *Autobiography* (Part IV Chapter XV) that the pencil note by Madanjit was to the following effect: "There has been a sudden outbreak of the black plague. You must come immediately and take [prompt measures, otherwise we must be prepared for dire consequences. Please come immediately".

<sup>2</sup> The correspondence was released to the Press with this explanation.

<sup>3</sup> This is not available.

informing him that, in my opinion, plague had broken out. Letter of the 8th March is the reply thereto.

No copy of the letter was kept and, it being probably at Dr. Porter's house, Health Office cannot supply a copy.

M. K. GANDHI

*Indian Opinion*, 9-4-1904

### 296. INTERVIEW TO "THE STAR"<sup>1</sup>

JOHANNESBURG,  
March 21, 1904

Mr. M. K. Gandhi, the well-known Indian advocate, who has acted on two Plague Committees, and was a volunteer nurse of plague patients for two years, interviewed by a representative of *The Star* this morning, said that the Indian community warned the proper authorities of what were very suspicious indications about two months ago. Subsequently, another communication was sent to Dr. Porter, stating that plague symptoms had developed. Four days later, Mr. Gandhi stated that he received a letter from Dr. Porter to the effect that the health officer had failed to find any indication in substantiation of the statement. On Friday, however, Mr. Gandhi was informed that number of Indians "dead or dying" were being "dumped" down in the Location by rickshaws. After informing the authorities, Mr. Gandhi, accompanied by Dr. Godfrey, Dr. Pereira and a health inspector, visited the suspected area, and on entering a house which the Indian community had themselves isolated, they discovered 14 patients. Voluntary subscriptions had been taken up amongst the Indians, and the patients had been made comparatively comfortable under the supervision of a number of volunteer male nurses. Dr. Godfrey at once took control of the improvised hospital, and arranged that there should be a medical attendant present through the night. On Saturday morning, Mr. Gandhi states that the Town Clerk visited him, and said that, while he could not undertake any financial responsibility on behalf of the Town Council, he would as requested, grant the use of the Government Entrepot, Station Road, as a temporary hospital, and that Dr. MacKenzie, the District Surgeon, would supervise the arrangements, leaving the details to Dr. Godfrey. By voluntary assistance, the

<sup>1</sup> This was reproduced in *Indian Opinion*, 24-3-1904.

premises offered were cleaned, disinfected, 25 beds brought in, and by 3.30 o'clock the patients had been admitted. Dr. MacKenzie had arranged that Sister West should be sent over from the nurses quarters to superintend the work of the male nurses. Medical opinion was not at that time made up as to what the symptoms indicated, but, by reason of the virulence of the disease, Dr. MacKenzie subsequently came to the conclusion that the patients were suffering from pneumonic plague. Out of the 25 patients admitted, only 5 were alive on Sunday night, 3 of whom were sent to the lazaretto at Reitfontein. Continuing, Mr. Gandhi said that the Indian community had done everything it possibly could to prevent the spread of the outbreak, and up to the present every case had been reported by it. Speaking as a layman, Mr. Gandhi considered that, if proper precautions were taken, there should be no spread of the disease. He had been nursing in quarters where there had been extraordinary mortality from plague, owing to the great care exercised by those who came in contact with the patients, the disease had been confined to the isolated spot. In conclusion, Mr. Gandhi said: "In my opinion, the plague has broken out entirely owing to the insanitary and overcrowded condition of the Insanitary Area, aggravated by the recent wet weather. I do not think that the germ must necessarily have been imported; the plague is nothing more than an acute type of pneumonia. The Indian community was not at all to blame for the outbreak. It is the machinery of Government that is faulty, and I say with all due deference that, if the Public Health Committee had been more practical, there would have been no outbreak. The only thing now to be done is to burn the whole of the buildings on the Insanitary Area, and move the people to a temporary camp, and feed them. This would entail expense, but it would be well worth incurring."

*The Star*, 21-3-1904

### 297. *BRITISH INDIAN ENTERPRISE*

Our contemporary, *The Natal Advertiser*, has published from its special correspondent a communication dealing with the question of British Indian landowners in the County of Victoria.

The correspondent is very wroth that Indians should hold any land whatsoever in Natal. Unfortunately for him, the arguments and the facts adduced by him all go to shew that the settlement of Indians in that County and the holding by them of land have been a great

boon to the County itself.

Before we deal with the facts stated in the communication, we would take the liberty of correcting an error. The writer of the article thinks that a very large quantity of land has passed into the hands of the Indians. We may, however, state that up to now the bulk of the land is still owned by the Europeans. The vast plantations are theirs and so are the magnificent mansions which have become possible owing to Indian labour. And, surely, a path of land here and there in the hands of Indians would not justify the alarm that the writer evidently intends to raise. In any case, however, what has the writer got to say in disparagement of the Indians? He says:

Anyone who travels over the district. . . will find no difficulty in admitting that. . . this is at least the most diligently cultivated district in the Colony. A few years ago, the North Coast belt had not this prosperous appearance. Before so much land came under cultivation, at this time of the year about all that could be seen between the Umgeni and the Tugela was great stretches of veldt browned with summer sun. Today the area of natural grass is becoming insignificant and that, with the abundant rains, is as green as spring verdure, while the crops approaching maturity are said never to have been so prolific.

One would have considered that such a state of things would be a cause for congratulation, but the writer considers that it is deplorable because the prosperity of the County is due to Indian enterprise. He would rather see the County barren and devoid of any population than see it green and yielding any splendid revenue to the Colony, making it possible for hundreds of princely European farmers to enjoy themselves. The writer, moreover, admits that much of the land is leased out to the Indians by the Europeans, that is to say, the European farmers are unable themselves to make the land pay unless they are to employ Indian agriculturalists to till it. Again, it should be remembered that, after all, if it has been possible for the Indian to own any land at all, it is due to the sale by the original European owners, and in spite of the correspondent of our contemporary calling them unpatriotic on that score, unbiased people would consider that it was not only a benefit to the sellers but also to the community in general that they, by giving the Indian an opportunity of working on the soil, have added to the prosperity of the Colony.

The arguments and facts advanced by the correspondent, in our humble opinion, shew deplorable weakness of mind and a lack of appreciation of economic policy. Well-behaved, sober, industrious

people would be considered a valuable asset in any community. It is only in the Colonies where a dog-in-the-manger policy is the ruling passion that we hear an outcry against such people. After all, we imagine that a community bereft of simple-living and industrious people would not be able for long to hold its own and turn the resources of the land upon which it lives to good account.

*Indian Opinion*, 24-3-1904

### 298. PLAGUE IN JOHANNESBURG<sup>1</sup>

#### THE GREAT WORK OF THE INDIAN COMMUNITY

The Plague had been discovered (it would not be correct to say it had broken out) in Johannesburg nearly two months ago. The Indians gave the warning to the authorities<sup>2</sup> that they must expect an epidemic unless they remedied the condition that the so-called Insanitary Area had assumed after the Town Council took possession, for, after the 26th September, tenants were accepted by the Town Council within that area irrespective of the size of the buildings let. There has, therefore, taken place overcrowding that defies description. Add to this the increase in insanitation owing to inability of the Council to keep the premises clean. The responsibility having been taken out of the hands of the Stand-owners, they were powerless to control fifty or more people living on each Stand. Before the 26th September last year, the owners of 96 Stands in the Indian Location, for instance, were liable for proper sanitation; when the Town Council assumed control, it therefore meant the employing of at least 96 *topazes*. This the Council could not or would not do; anyhow, the area that never was so insanitary as to call for expropriation has been made so by the Council. Hence the necessity for the warning above referred to. On top of this, came the recent phenomenal wet weather which gave rise to acute pneumonia, which can easily become infectious: and this disease, finding suitable soil in the Insanitary Area, assumed a very deadly form and became the pneumonic plague. As soon as such cases occurred, the authorities were again informed. But after 4 days' investigation they came to the conclusion that they were brought to the Location in a dying condition. The matter was again reported to the authorities. But the community now took the matter in its own hands also. It realised that red tape might prevent prompt action.

<sup>1</sup> This appeared as "From our own Correspondent".

<sup>2</sup> *Vide* "Letter to Dr. Porter", February 11, 1904.

Medical assistance was promptly rendered to the patients. Dr. Godfrey, who had just come from Glasgow, placed his services freely at the disposal of the community. Later the same day (Friday), the Health Inspector came on the scene and gave a helping hand, still being unable to take up official responsibility. Some buildings were commandeered and temporarily turned into a hospital. Those who witnessed the scenes at this hospital, patients who should never have been ill suffering agony, Dr. Godfrey, Mr. Madanjit, and young educated Indians becoming at much risk nurses and carefully attending to the 14 patients who were crowded into the small rooms, and the patients dying one after another, would never forget the sight at once ghastly and inspiring—ghastly, because of the grim tragedy, and inspiring, because the event showed the ability of the community to rise to the occasion and to organise. While the patients were being looked after on one Stand, a very largely attended mass meeting was going on on another Stand. Nearly £ 1,000 were subscribed by the rich and the poor in order that a permanent hospital may be erected for the use of the community. The manner in which the poor men came forward with subscriptions reflects the greatest credit on them.

On Saturday morning, the authorities seemed to grasp the situation. They provided a large warehouse, the old Customs House, as a temporary hospital, the Town Clerk still declining to undertake any financial responsibility for the time being and leaving it to the community to find beds, mattresses, etc. The Indians, however, could not afford to calculate the £.s.d. and took [over] the managership. The District Surgeon very kindly provided a very good trained nurse, and at last five out of twenty-five patients have been removed to the lazaretto and the outbreak of the plague has been officially declared. Thus, it has required an ocular demonstration of poor men dying like flies to enable the Town Council to come up to the scratch. And yet no one individual is to blame; for every one as such has been anxious to do good. It is the soulless bulky corporation wound up in red tape and nurtured on theory that must be held blameable for the ghastly tragedy. A cordon is now drawn round the Location, though there are cases of plague in other districts also. But the Indian community is bearing its troubles with a heroic patience worthy of its traditions.

*Indian Opinion, 24-3-1904*

## 299. THE PLAGUE<sup>1</sup>

JOHANNESBURG,  
March 30, 1904

The statistics up to date are:

	WHITES	
Proved cases		6
Suspected		9
	COLOURED	
Suspected		4
	ASIATICS	
Proved		50
Suspected		6
	NATIVES	
Proved		6
Suspected		23

### DEATHS OF PROVED PLAGUE CASES

WHITES	ASIATICS	NATIVES
6	47	3

Almost all of these cases are those taken over after the discovery of the outbreak. That is to say, there have been very few new cases since the fatal 20th. It was during the first two days when the cases were being picked up that the heavy mortality occurred. This, moreover, accounts for the great preponderance of the Asiatic cases. The pneumonia assumed the plague form first among the Indians. The cases were treated by medical men as simple. The precautions were neglected. The authorities, too, were not convinced, in spite of the warning, that it was plague. And the infection spread. The moral evidently is that ordinary caution should be used even in simple cases. All disease is more or less infective. And nothing whatsoever is lost by using disinfectants liberally, and isolating patients even in the same house.

The fiction that the Indian Location alone is infected is still being kept up, and perhaps it is as well. It satisfies the public, and undue fear is prevented.

<sup>1</sup> This appeared as "From our Johannesburg Correspondent".



There were at the time of drawing the cordon 1,361 Indians in the Location. Of these, over 800 have already been removed to Klipspruit, which is about 12 miles from the Market Square in Johannesburg. The authorities are perfectly satisfied with the behaviour of the Indians whose misfortune it is to be quarantined. They, in their turn, are giving all reasonable satisfaction to the community. Religious prejudices are respected. The cordoned people are fed by them on a fairly liberal scale. The dispatch of the people is being carried on with consideration, and complaints, unavoidable when things have to be done in rush, are attended to promptly. The whole of the Location will be cleared this week and the buildings reduced to ashes. Thus, what ought to have been done on the 26th day of September last year, when the so-called Insanitary Area was expropriated, is now being done at great cost, under a state of panic.

At Klipspruit, Mr. Burgess is in charge of the camp. Dr. William Godfrey, who has endeared himself to the people, has been appointed by the Town Council as the Assistant Medical Superintendent, and there is no doubt, in a few days, the camp will be in thorough working order.

If the authorities in Johannesburg have been doing things smoothly, the same unfortunately cannot be said of the other places in the Transvaal, except Pretoria. At Pietersburg, Krugersdorp and Potchefstroom, full advantage is being taken of the trying condition of the community, as Dr. Pakes has said, to eradicate the Indians, and not merely to prevent the introduction of the plague. Jealousy of Indian enterprise is having full play without let or hindrance, and under cover of plague precautions, Indian trade is being ruined and all kinds of inconveniences are being put in their way. The Indians are, however, bearing their troubles patiently and heroically. The European traders have got their chance. But if the Indians continue to preserve their calmness, the wind will be taken out of the sails of their detractors. At Krugersdorp, the Indians have been rightly exasperated. But Mr. Ritch<sup>1</sup> has gone to Krugersdorp, and what promised at one time to become a serious matter has now been amicably settled. This is not the time for Indians to assert their rights but to realise their responsibility by suffering. The plague first broke out among them. The majority of cases are Indians. The popular inference is that the Indian is the cause of the evil. Whether right or wrong, it has got to be recognised. And

<sup>1</sup> L. W. Ritch was then an articled clerk working with Gandhiji.

the community is doing well in living it down by patient suffering.

*Indian Opinion*, 9-4-1904

### 300. *THE PLAGUE*

The plague has after all broken out in Johannesburg. It has claimed already about 60 victims, of whom 46 are Asiatics, six whites and four Natives. The mortality has been practically cent per cent. This is an appalling fact. It is not so in India, and has not been so in South Africa before. The type in Johannesburg, therefore, is the deadliest yet known. The victims, again have been carried away in an incredibly short time. What at first appear to be a slight fever and a little coughing, in a few hours, or the second day, develop into high fever, spitting of blood, and violent paroxysms. The suffering of the patient is terrible. Delirium and death follow the third day. During the last stages, the patient gets so exhausted that, even though one notices intense agony on his face, the poor sufferer is not able to give it speech. Our correspondent has stated the cause for it. The Public Health Committee of Johannesburg has now risen to the occasion; but this fact does not [it] cannot absolve it from blame for the past neglect. The timely warning given to it through the letter addressed to Dr. Porter, which, we understand, was passed on to the Chairman, was unheeded. Valuable time was wasted in wrangling about a site. The Town Council collectors, in the meanwhile, continued to pack the Insanitary Area with tenants irrespective of the rules relating to overcrowding. Sanitation was totally neglected, individual tenants being unable to do anything in the matter. The people of the Transvaal are now paying dearly for it.

We would, however, much rather bury the dead past. Drs. Pakes and MacKenzie,<sup>1</sup> Special Plague Officers, are grappling with the scourge with great courage and devotion. The Committee having realised the danger is unsparing in its efforts and has wisely given unlimited powers to the worthy doctors who are assisted by a good staff of inspectors. They have got it well under control, and by this time the plague has lost its terrors. The Public Health Committee has thus expiated for its laches. It is however sad to have to confess that the Indian community cannot be held free from blame. The Nemesis that has overtaken it more than any other community is, we fear, more

<sup>1</sup> District surgeons assigned especially by Town Council for this work.

or less deserved. They ought to have protested against neglected sanitation and overcrowding. That the Town Council allowed such a state of things is no excuse. While we are the first to defend our countrymen from violent attacks and exaggerated charges often brought in order to make political capital, we would not be true to our profession if we failed to apportion the blame without flinching. The fact that there have been 47 cases among the Indians is positive proof of the low degree of sanitation observed in quarters inhabited by the poorer of our countrymen.

Have they, like the Public Health Committee, done anything to atone for the crime against nature? We are glad to be able to say emphatically, yes. They woke up when the Council was asleep. The moment they realised that the disease had commenced in its most virulent form, they began to work with commendable industry and patience. They improvised a hospital and collected funds; volunteers came forward to do the nursing and other necessary work; every case of sickness was brought to the notice of the authorities; and [they] have with great resignation been complying with the special restrictions imposed on them. All this is [re]assuring and creditable. It shows the spirit of obedience to law and order, and it shows also that any excess of restrictions or hardships would not be justified on any ground. A community that is amenable to control can easily be purged of any defects in it. But the punishment that the community has received would be too small, if it does not learn a permanent lesson, and emerge from the ordeal well able to take care of the sanitary laws without supervision or control.

*Indian Opinion*, 2-4-1904

### 301. THE ASIATIC TRADERS' COMMISSION IN THE TRANSVAAL

We reproduce in another column from the *Johannesburg Leader* a report of the proceedings of the Asiatic Traders' Commission at its first regular meeting held on the 16th March.

The Commissioners have ruled that they have no authority to examine the claims of those British Indian traders who are not in a position to prove that they were trading outside Locations with licenses on the eve of the war and that they were obliged to leave their business owing to the outbreak of war; that is to say, men who were

engaged in trade for fifteen years in the Transvaal but who disposed of their businesses in, say, August of 1899 would have no status before the Commissioners; and, if the report of the Commissioners under the restricted Reference is to be the end of the matter, then hundreds of Indians who are now trading under licenses will be deprived of their right to trade, and will consequently be totally ruined. Hard, however, as the ruling appears to be, the Commissioners had absolutely no choice. In fact, we had already prepared our readers for it when we dealt with the question some time ago.<sup>1</sup> The wording of the Reference leaves no loop-hole; it merely states that the Commissioners are to consider the cases of those who were trading without licenses outside Locations at, and immediately before, the outbreak of hostilities. We hope that the Government, when it drafted the Reference, never contemplated any such result, for the Colonial Secretary, as also Lord Milner, has repeatedly said that it is not the intention of the Government to disturb the trade of those Indians who were carrying it on prior to the war, whether with or without licenses. There can be absolutely no distinction between those few Indians who managed to get licenses to trade in 1899 and those who did not but were yet trading. In the estimation of the Boer Government, they were doing so illegally, but the illegality was created and fostered by the British Government to which the Law 3 of 1885 was absolutely hateful. Indians, therefore, were allowed, during the fifteen years preceding the war, to have confidence in the British protection; so much so, that they left the Transvaal and re-entered at will, established businesses, desposed of them and re-established them, also at will. A vested interest, therefore, was created in the right to trade outside Locations in defiance of the law, and although it is undoubtedly an extraordinary state of things, it is nevertheless a fact. While such a situation was in vogue, the war broke out, and "one of the causes of the war was the law 3 of 1885". Indians, therefore, very naturally thought that the successful issue of the war would see the end of the law, and it follows that, if the British Indians could trade in defiance of the Law at any time before 1899, they have now a stronger claim, for it does not in the slightest degree matter whether they were trading immediately before the war or not. The test is whether they ever traded in the Transvaal before the war; and if they did, they at least have the right to do so now in accordance with the policy that the British

<sup>1</sup> *Vide* "The Asiatic Traders' Commission", 10-3-1904

Government followed during the Boer regime, for any Indian who entered the Transvaal and established himself in trade before the war knew that he could set up in trade any time he liked and break it up and renew it. We therefore, feel that if any justice is to be done to the British Indians, the Reference to the Commission will have to be considerably widened. Mr. Burgess, Supervisor of Asiatics, gave evidence before the Commission, and he clearly stated that very few Indians (3) we granted licenses after the war, unless they could prove to his satisfaction that they were doing business in the Transvaal outside Location before the war. All those Indians, therefore, (as has always been contended by the British Indian Association,) who are now licensed to trade outside Locations, have already proved their right to do so, in accordance with Mr. Burgess' statement. At the risk of repeating, we may add that no conditions were attached to the issue of these licenses, and according to our view of right and wrong, it will be a miscarriage of justice if a single British Indian trader who is now doing business in the Transvaal outside Locations is interfered with.

*Indian Opinion, 2-4-1904*

### *302. NATAL DEALERS' LICENSES ACT*

At Weenen the other day, seven Indian traders appealed to the Local Board against the decision of the Licensing Officer who had refused all the seven applications for dealers' licenses. From the evidence given it would appear that one of them is a store-keeper of eight year's standing; the others are also old store-keepers having held liceness to trade for several years. The Licensing Officer declined to renew these licenses, hence the appeal to the Local Board. One of the applicants gave evidence to the effect that he had held a license for eight years and that his books were kept by his English book-keeper from time to time out of rough memoranda kept by him. The others too, had the same system of book-keeping. After hearing these cases for two days, the Board decided that it was not satisfied with the system of book-keeping and, therefore, upheld the decision of the Licensing Officer. If things continue to be managed in this fashion, we are very much afraid that almost every Indian store-keeper will be swept away. It is a matter of common knowledge that petty store-keepers are not in a position even to keep books. Their transactions are all in cash. They buy and sell largely for cash and it is exceedingly hard to expect these people to keep any books at all. In the

present instance, the men have made an attempt to keep books in the English language. Evidently, the Board expects them to keep their books through competent book-keepers from day to day which would mean £ 6 or £ 7 per month or more. Petty traders who hardly save from £ 10 to £ 15 per month out of their businesses cannot possibly indulge in a luxury of that kind. The result would be that, if the Local Boards insist upon such a manifestly absurd rule as the keeping of books by competent book-keepers in the English language from day to day, it would be a short cut to the extermination of, at any rate the petty Indian trader in the Colony. Was the Dealers' Licenses Act passed with such a view? The decision of the Board raised once more the question of amendment of the law. Just when the Dealers Licenses Act was passed, there was a tendency to abuse the powers given to the Municipalities. Then followed a remonstrance from Mr. Chamberlain which had the desired effect, but it was only momentary. Unless therefore, some definite powers are included in the Dealers' Licenses Act enabling the aggrieved party to go to the Supreme Court or defining the reasons for which licenses may be refused, cases of the kind we have alluded to above are bound to occur from time to time. The matter is worthy of serious consideration by the Government if the vested interests of people are to be respected.

*Indian Opinion, 2-4-1904*

### 303. LETTER TO THE JOHANNESBURG PRESS<sup>1</sup>

COURT CHAMBERS,  
JOHANNESBURG,  
*April 5, 1904*

SIR,

In view of Mr. Roy's<sup>2</sup> denial, if he is correctly reported, that notice of plague cases was ever given either to the Medical Officer of Health or to the Public Health Committee, and now that the disease, thanks to the efforts (though late in the day) of the Public Health Committee, assisted by Dr. Pakes and MacKenzie and the glorious weather we have had since the discovery of the outbreak of plague, is under control, and, therefore, the public are in a position to judge dis-

<sup>1</sup> When Gandhiji released his correspondence with Dr. Porter for publication, he addressed this explanation to the Johannesburg Press. His letters to Dr. Porter of February 11, 15, 20 and March 13 appear earlier in this volume at their proper places.

<sup>2</sup> J. Roy, Chairman of the Public Health Committee.

passionately, I venture to enclose herewith copy of correspondence between Dr. Porter and myself, with Mr. Roy's concurrence, for publication.

It will be seen that sufficient warning was given of what was impending on the 11th February last, i.e., exactly a month and nine days before the official discovery of the existence of the plague in our midst. It was repeated in strong terms (entirely justified, I think, by the events that have since happened) on the 15th February last. On the 1st of March, a letter was written to Dr. Porter definitely informing him that, in my humble opinion, plague had actually broken out.

Could there be anything more precise? The only answer to this perhaps is that the information given was unofficial and came from a layman. But was there not a terrible confirmation there of in the mortuary record, which showed, as we are officially told, a pronouncedly abnormal mortality in the Insanitary Area? No, sir, it required an ocular demonstration of the ghastly tragedy that took place on the 18th, 19th and 20th of last month before energetic measures could be officially taken. What was a clear public duty was left to be performed by volunteers who, the disease having got a fatal grip of the patients, had to wade through what was a chamber of horrors.

I need not recall the graphic though fanciful description of the Insanitary Area by Major O'Meara in the middle of 1902 and the repetition thereof by Dr. Porter in 1903. The danger to public health was even then considered to be so immediate that the Town Council was advised not to wait for expropriating until an elected Council was given to Johannesburg. The Council received on the 30th day of April, 1903 authority to expropriate. It had then the right, as it was its clear duty, to fix upon a spot for the habitation of the people who had to be dispossessed. It failed in its duty; it gave notice of its intention to expropriate on the 6th June, 1903 but it still failed to provide a site for the housing of the residents of the Insanitary Area, It entered upon possession on the 26th September 1903. If, on that day, instead of becoming landlord to every individual tenant and leaving it to its collectors, who received a commission, to let the premises to as many tenants as chose to apply, it had dealt with the area as it is doing now under stress, would the ratepayers have been mulated of £ 20,000? Would precious lives, though Indian, have been lost? Would a whole family, save one member left as a reminder, have been wiped out?

And yet the Indian is being made to feel the heat of the burden<sup>1</sup> especially in outside districts. He is debarred from the markets. He is prevented from earning his livelihood. Though there may be no plague there, he is quarantined or at least removed to isolation camps far away from towns. I do not seek to justify him. On the contrary, I admit that the poorer of my countrymen do not observe the laws of sanitation, except under supervision. But I do submit that they are not the keepers of public health, They are defaulters as individuals, and they have suffered as such. It is the Public Health Committee which has to enforce obedience to such laws, and not flagrantly break them, as it has done since the 26th of September last.

A trinity of interests (viz. of truth, public weal and my countrymen) is my excuse for trespassing upon your courtesy.

*I am etc,*  
M. K. GANDHI

*Indian Opinion, 9-4-1904*

### 304. LETTER TO E. F. C. LANE

[JOHANNESBURG,]  
*April 8, 1904*

ERNEST F. C. LANE, ESQ.  
OFFICES OF THE INTERIOR  
CAPE TOWN

DEAR MR. LANE,

I notice in the *Union Government Gazette* a Marriage Proclamation requiring those who want to have their marriages celebrated by their Mahomedan or Hebrew Marriage Officers to have notices published of their intention so to do. I do not know whether this Proclamation is deliberate as showing the future policy of the Government in anticipation, or whether it is a proclamation required for the Hebrews but necessitating reference to the Mahomedans in terms of the Natal Marriage Law referred to therein. If it is the former, I beg to draw General Smuts<sup>2</sup> attention to the fact that what has been submitted by me on behalf of the Indian community is that past *de*

<sup>1</sup> Evidently "the heat and the burden" was what was intended.

<sup>2</sup> Jan Christian Smuts (1870-1950) one of the founders of Het Volk Party; Colonial Secretary and Minister of Education 1906; Minister of Defence, Mines and the Interior 1910 and; Prime Minister 1919-24 and 1939.



*facto* monogamous marriages celebrated according to Indian religious customs should be legalised and that [in] future such marriages should be recognised as legal. The Marriage Proclamation in question introduces the practice of the Publication of banns a practice which is totally opposed to both Hindu and the Mahomedan usage; nor is any such publication necessary, because of the respective religions themselves requiring an elaborate process which render fraudulent marriages impossible. I feel that, whilst the legislation to give effect to the recommendations of the Commission is being drafted, I should bring this matter to the notice of General Smuts.

I observe, too, from Mr. Burton's reply to Mr. Meyler that the indentured Indians in the employ of the Railways Department have deducted from their wages instalments in part payment of the £ 3 Tax. I venture to suggest that continuance of this practice is hardly consistent with the attitude shown by the Commission regarding the Tax. One of the chief points that the Commission had to advise upon was the £ 3 Tax, and it is submitted that this deduction might have been stopped by the Government at least pending the report of the Commission, and now that the Commission has made such strong recommendations for the repeal of the Tax, I do trust that the officials concerned will be advised, if they have not been already, not to insist upon this deduction, for I assume that, if the Government bring in a Bill for the repeal of the Tax, the arrears will be remitted.

*I am  
Yours truly,*

From a photostat of the office copy: S.N. 5957.

### 305. *THE PLAGUE IN THE TRANSVAAL*<sup>1</sup>

Although the scourge has not entirely left the Colony, it is now robbed of its terror and it is officially notified that, the pneumonic

<sup>1</sup> The full text of Gandhiji's undated letter to Dadabhai Naoroji, enclosing an advance copy of this note, is not available. Forwarding it to the Secretary of State of India on April 25, Dadabhai Naoroji wrote: "My correspondent, in the course of his letter, says that the memo herewith is a fair summary of the position in the Transvaal. He also remarks that this visitation of plague will in all likelihood be used as a handle to impose further restrictions on the Indians. 'It is, therefore, very essential that the blame should be placed on the right shoulders. But for the criminal neglect of the Johannesburg authorities, the outbreak would never have occurred.'" (C. O. 291, Volume 75, India Office)

plague having developed into the bubonic, the few cases that may happen are not expected to be so fatal. There is, therefore, no need for panic and yet measures are being taken outside Johannesburg which could be justified only on two grounds: either that the plague is increasing or that there is some ulterior motive for imposing extraordinary restrictions, especially when these are applicable to Asiatics only. Evidently, when Dr. Pakes said that the measures which were being taken in the outlying districts were taken more in order to eradicate the Indians than to prevent the plague, he spoke truly. In Krugersdorp, for instance, where there has not been a single case of plague and where the health of the Indians residing in the Location was excellent, the authorities suddenly came to the conclusion that they must remove all the inhabitants of the Location to a place far away from town. Naturally, the poor people resented such high-handed action, but seeing that the Indians are labouring under very great prejudice [of the whites] accentuated by the outbreak of plague at first among them, it was considered advisable for the time being that the people should fall in with the wish of the authorities. Mr. Ritch therefore, paid a visit to Krugersdorp, explained the position to the people and they have now, with the exception of a few store-keepers, removed to a temporary camp far away from town. Nor is this all. The majority of the inhabitants of the Location who have been thus removed are hawkers and they are simply ruined owing to the prejudice and are at present living on the charity of friends, for the Municipality has not undertaken the feeding of the people. There may be no hope against individuals declining to deal with the hawkers, but what is one to say of the action of the Municipality in closing the market against them entirely? It seems to be harsh, uncalled for, and illegal. The position in Pietersburg is much the same. But Potchefstroom heads the list in the war against the Indian. On the arrival by train of two or three Indians from Johannesburg, they were taken by the authorities of Potchefstroom to the Location. Then their presence in the midst of the people in the Location was made an excuse for quarantining the whole of the Location, thus dislocating Indian trade entirely. It should be remembered that the Kaffirs, because they are wanted for the European householders, are left untouched. The Government, when appealed to, said it was powerless to give any aid in the matter. At Heidelberg the Municipality took up the most dangerous attitude of disallowing religious worship in the mosque. Happily, it has now come to its senses and the prohibition, after much difficulty, has been

withdrawn. But these instances may give some faint idea of the hardships of the Indian population in the Transvaal. It is in Johannesburg and Pretoria alone that the authorities have been at all reasonable and considerate.

The whole of the population of the Location in Johannesburg has now been removed to Klipspruit, a distance of over twelve miles from Johannesburg. From the health point of view, the situation is charming and the tent-living is bound to do the people a lot of good. The whole of the camp is under the superintendence of Mr. Tomlinson, assisted by Mr. Burgess, and the people are being fed at the expense of the Municipality. The following is the scale of rations issued to the people. With the exception of some items, it may be considered fair enough:

- 1 loaf or 1 lb. flour
- $\frac{3}{4}$  lb. rice
- $\frac{1}{2}$  b. meat or fish with *dholl*<sup>1</sup>
- 3d. worth of vegetables with *dholl* (for vegetarians)
- 1  $\frac{1}{2}$  d. worth of vegetable (for meat-eaters)
- 1 tin milk per adult per fortnight
- $\frac{1}{2}$  oz. tea or coffee
- 3 oz. *dholl* (split peas)
- 3 oz. *ghee* or mustard oil
- 1 oz. salt per day
- 1 oz. sugar
- 1 oz. curry powder
- $\frac{1}{2}$  oz. tamarind
- $\frac{1}{4}$  oz. chillies
- 6 lb. wood and coal
- 1 candle per tent per day
- 1 bar soap per tent per day
- 2 boxes [of] matches per tent per week

There are sixteen hundred Indians living at the camp, including women and children. A mile away is the Kaffir camp. It is worthy of note that, when the removal from the Location took place, contrary to regulations, there were found to be in the Location nearly fifteen hundred Kaffirs, all tenants of the Municipality. This sudden removal

<sup>1</sup> *Dal*

of the people has meant a loss, without exaggeration, of thousands of pounds, for all the people are by no means labourers earning their daily wage. There are nearly twenty store-keepers of considerable standing, also laundrymen with a very large custom. Seven hundred pounds worth of washing was at the time of the outbreak taken out of the Location by the plague committee, disinfected and delivered. To the store-keepers the removal and stoppage of their businesses means practically ruin, for, when the quarantine of the camp is removed, they have nowhere to go, and it is a question whether the authorities will allow them to open stores within town limits, pending the fixing of a permanent site. Moreover, all their goods have been stored by the Municipality, and though the store-room is a very good place, those having any knowledge of business will at once appreciate what damage would be done to the things which are stored loose in a place for some length of time without being aired. All these troubles the community is bearing with philosophic calmness, and it is only to be hoped that when the plague has been entirely wiped out, their patience would stand them in good stead.

That the plague among the Indians was solely due to the neglect of the Town Council is proved by the fact that in the outside districts Indians have been almost absolutely free. In Pretoria, the few cases that have happened have been confined to Europeans and Natives. In Benoni, two Natives have been attacked. In Germiston also, it has been the Natives that have been attacked and at all these places the Indians have been living on their own premises. It was after the Municipality became, in Johannesburg, the immediate landlord to every individual tenant that the mischief of excessive overcrowding and insanitation arose, bringing in their train the awful scourge.

*Indian Opinion*, 9-4-1904

### 306. THE THIBETAN MISSION

The British Mission to Thibet has already come into conflict with the Thibetans. The official estimate of the loss suffered by the latter is 300 killed and 200 taken prisoners. Reuter wires a most glowing account of the stolidity and the courage with which the ill-matched and the ill-equipped Thibetans fought the disciplined British army possessing the most modern weapons. Even in their retiral, the enemy is said to have been most dignified, so much so that the manner of their retiral seems to have left a lasting impression on the peo-

ple who were privileged to witness it. It is impossible not to sympathise with a people so cool and so brave. With [regard to] the political character of the mission or the necessity thereof, we have at present nothing to say. It may or may not be justified. But to think that a plucky nation like this has to brave the battle with the British forces is a matter for very great pity. And we can only hope that the moulders of the British policy have satisfied themselves beyond doubt as to the necessity of entering upon the mission, and that, when the whole thing is finished, they will be able to justify their action before the public. Reuter mentions that probably the great courage of the Sikh army saved the missions from disaster. This is welcome news, though not at all astonishing, being quite in keeping with the traditions of the Indian army. The news, however, gives rise to many a thought. The Colonies would be prepared as part of the British Empire to appropriate the results of the Sikh bravery, and if it were found that the great plateaus of Thibet were filled with gold, there would be a mad rush to the land. But it is a sad fact that they are not at all prepared either to welcome the Sikh soldiers themselves or their compatriots as settlers in the Colonies. It is to be wished that such an inconsistent attitude will strike the Colonial leaders as something to be rectified. To take all without giving anything in return may be very satisfying for the recipients but can not be held to be just or fair.

*Indian Opinion*, 9-4-1904

### 307. LETTER TO "THE RAND DAILY MAIL"

JOHANNESBURG,  
*April 14, 1904*

TO  
THE EDITOR,  
*The Rand Daily Mail*

SIR,

There are features in the report<sup>1</sup> of the Public Health Committee in refutation of the statements made by me regarding the outbreak of the plague which necessitate my asking you to extend your indulgence of a brief explanation.

It is worthy of note that it is not now any longer denied that I

<sup>1</sup> This was submitted to the Johannesburg Town Council on April 11, and included in the minutes of its special meeting on April 20 (Colonial Office Records: South Africa, General: 1904)

did give information as to the outbreak on March 1.

An attempt has been made in the report in question to controvert my statement that there was a terrible confirmation of my opinion given on March 1 in the mortuary record. Figures have been produced for the period commencing from July, 1903 to February this year, which show that the highest mortality from pneumonia in any single month was seven, and the average mortality from the same cause 4.75 per month.

During the first seventeen days of the month of March last, there were fourteen deaths from the same cause, that is to say, at the rate of 25.35 per month. In other words, the mortality during the first fortnight after the date of my letter was three-and-a-half times as much as the highest mortality during the preceding eight months, and six times as much as the average mortality per month during the same period.

I venture, therefore, to ask again whether there is not herein a terrible confirmation of the opinion expressed on March 1 last. It is a gratuitous assumption that my reference to the mortality has any connection with the period prior to March 1. The letters addressed to Dr. Porter in February merely gave warning of the calamity that was impending but never once stated that the plague had actually broken out.

Mr. McCann,<sup>1</sup> in speaking of my inability to furnish particulars of suspicious deaths, refers to the single interview.<sup>2</sup> What happened was this. I had not the names or the numbers of the Stands before me. I rang for the clerk who knew something about this matter, and it was there and then Mr. McCann was supplied with the names of at least three men who, in my opinion, had died from the plague, and the numbers of the Stands.

I have nowhere stated that the Kaffirs were first introduced into the Indian Locations after the Council entered on possession, and I freely admit that some of my countrymen and Kaffirs are their tenants. But I have stated, and I venture to repeat, that they were dumped down in the Location after September 26th last, and I am in a position to show that several Stands which were never occupied by Kaffirs before that date were crowded by them after it. Even if the Council could not remove the overcrowding that existed on that date, any increase thereto was, in my opinion, unpardonable. And that there

<sup>1</sup> The Health Inspector

<sup>2</sup> This was soon after Gandhiji wrote to Dr. Porter on March 1.

was an increase in the Location, both in the Indian population and the Kaffirs, is capable of proof. There were on March 20, 1904, in the Location over 35 residents per Stand; and, if you will add at least 1,000, (which, I think, is the number that left during the month of March,) you have 45 to the Stand.

The gravamen of my complaint is not that the Public Health Committee failed to declare outbreak of plague, but that it or the Town Council failed in its duty to anticipate and provide against the disaster of which it had received warning in the year 1902, repeated in 1903, and still more forcibly repeated in February last, although it was in a position to do so effectively at any rate on September 26 last.

*Yours,*

M. K. GANDHI

*Indian Opinion, 23-4-1904*

### 308. THE PLAGUE

Although the plague has practically left Johannesburg, the restriction against the Indians continue in all their rigour. Potchefstroom seems to take the lead, as will appear from the following:

1. That Asiatics and Coloured persons arriving in Potchefstroom from plague-infected areas be given their choice of quarantine for 10 days or returning to their point of departure.

2. To remove Asiatics and Indians from the town proper.

3. That the Police authorities be requested to stop Asiatics and Natives from entering the town by trunk roads.

4. To stop the importation of fruit of all descriptions from stations between Potchefstroom and Johannesburg, and stations north of Johannesburg.

5. That Section 7 of the Public Health Bye-Laws be in force for six months.

6. That Natives, accompanying their masters or in charge of cattle, be allowed to pass to and fro, provided they are in possession of their usual Monthly Passes, proving them to be resident in this District.

Thus, the movements of the Indians are far more severely controlled than those of the Natives. And yet plague in the districts outside Johannesburg has by no means been more prominent among the Indians than among the other races. In fact, the Indians seem to have been more immune. With reference to Johannesburg itself, the correspondence we published last week shews quite clearly that the

blame for the outbreak lies entirely at the door of the Town Council. Had the excessive overcrowding which took pace after the 26th of September that is, the date of entry as owners by the Town Council been prevented, there would probably have been no plague whatsoever throughout the Colony. The Indians residing in the Location protested against the disgraceful state of affairs. They had to remain in the Location merely by force of circumstances. They did not want to become tenants of the Town council, and repeatedly asked for a site in lieu of the Location in terms of the law. It is, therefore, quite clear the terrible outbreak in Johannesburg was under circumstances quite beyond the control of the Indians. The natural inference from this chain of facts is that the special restriction imposed on the Indians are quite unwarranted and uncalled for. The Central Government may take up a position of helplessness, saying that they cannot interfere with the action of the local authorities, so long as it is not in contravention of the plague regulations. Our complaint, however, is against the regulations themselves, especially when the powers imposed thereunder are abused by the Local Boards and Councils and are made to subserve trade jealousy. We have more than once admitted that during the plague scare some hardships are inevitable, that sufficient powers should be given to the local authorities, in order to stamp out the scourge, but when, as in Potchefstroom, the local authorities go beyond all bounds and subject British Indians to unnecessary restrictions, it is time to cry "halt". The position of the British Indians, undefined as it is, has become far more difficult owing to the outbreak of the plague, and we venture to think that it is the clear duty of Lord Milner who, to use his own simile, "sitting on the watch-tower" has an opportunity of taking a larger view of everything passing under his notice, to protect the inoffensive British Indians from further molestation under the excuse of plague precautions.

*Indian Opinion*, 16-4-1904

### 309. THE VALUE OF A FICTION

Dr. Turner, Medical Officer of Health for the Colony of Transvaal, in his letter to the press on the plague, said that apart from simple, ordinary restriction nothing more was necessary to be done in order to prevent or stamp out the disease, and gave it as his opinion that the extraordinary measures that were being taken were merely an appeal to sentiment. This dictum is more than verified in the confla-



gration that took place in Johannesburg last week in connection with the Indian Location. It was essentially a theatrical display calculated to fire the imagination of the people. While the buildings should certainly have been gutted out, to think that, because they have been burned down, the only source of infection is gone quite contrary to facts, and, as our correspondent has pointed out, the cordon round the Location and the control over movements of the inmates were merely a fiction kept up to satisfy not the requirements of sanitation but public sentiment. The rookeries outside the Location are infinitely worse than were the worst parts of that much-abused site. The most deadly cases of plague came from Station Road in Burghersdorp, Johannesburg. Other cases also have happened within the Insanitary Area of Johannesburg but outside the Location. Nothing has been done and nothing probably was necessary beyond disinfecting those places. The movement of the people residing there was not interfered with. And yet no amount of argument and cold reasoning by Dr. Pakes would have eased the public mind as has this burning down of the Location and the isolation of the people residing in it. Now, however, that these two measures have been carried out, let us trust that, so far at any rate, as Johannesburg is concerned, the British Indian population would be left fairly free.

*Indian Opinion*, 16-4-1904

### 310. ORANGE RIVER COLONY AND THE PLAGUE

This Colony is nothing if it is not thorough in its hatred of the Asiatics. The *Government Gazette* dated 25th March has the following two regulations:

(1) From and after the date of these regulations, it shall not be lawful for any Asiatic to enter this Colony from the Transvaal so long as the said regulations shall remain in force. Any Asiatic contravening these regulations shall, on conviction, be liable to a fine not exceeding £5 or in default of payment, to imprisonment not exceeding one month, and such convicted person shall on payment of the said fine or completion of his imprisonment be forthwith deported beyond the limits of the Colony.

(2) Every coloured person entering this Colony by rail or otherwise shall be subject to examination and if, in the opinion of a duly qualified Medical Practitioner, he or she shall display any actual or suspicious symptoms of plague, or have been in contact with actual or suspicious cases of plague, such person shall be detained and segregated in a camp until such time

as the Medical Officer in charge shall be of opinion that it is safe for him or her to be allowed to travel.

Thus, a Coloured person other than an Asiatic may enter the Colony under restrictions, but an Asiatic, no matter who he may be, is not to place his foot on the sacred soil of the Orange River Colony so long as the plague scare lasts, under penalty of a fine. And even after he has paid the fine or completed the term of imprisonment, he is to be “forthwith deported beyond the limits of the Colony”! We well remember and cannot but recall the occasion of the war. At that time in Queenstown, among the followers of the army that had come from India, a plague case had actually occurred. The populace was a little uneasy, but we do know that neither the Orange River Colony nor, for that matter, any other part of South Africa was prepared to put an embargo on the entry of the British Indian syces, *bhistis*, and *dooly*-bearers. In fact, in spite of the plague outbreak, these followers were sent to all parts of South Africa as fast as transport could be provided. Times, however, have now changed. The Indian is no longer required for the wants of the Colonials, and, therefore, he may be kept out indefinitely. Whether he wishes to enter O.R.C. or not is a very small matter and no business of the powers that be.

*Indian Opinion*, 16-4-1904

### 311. WAR AGAINST COLOUR

In the Orange River Colony *Gazette* dated 31st March appears the following in the Additional Board of Health Regulations for Registered Vehicles:

Any cab proprietor desirous of employing his cab for the purpose of conveying coloured passengers (“kleurlingen”) only may obtain from the Town Clerk a board with the words “For Coloured Passengers” legibly printed thereon, which board shall be affixed outside in a conspicuous manner on the back or the left side of the vehicle.

No coloured person shall be allowed to travel in any registered cab, save and except those set apart for the purpose and distinguished by the painted board hereinbefore mentioned.

We have so often dealt with the uncompromisingly hostile attitude of the Orange River Colony Government against Coloured people, that we merely draw the attention of our readers to the above extracts to emphasise our remarks. No further comment is necessary.

*Indian Opinion*, 16-4-1904

### 312. *CAMP LIFE*<sup>1</sup>

*April 20, [1904]*

The plague Bill to date is as follows:

Proved plague cases 15 whites; 4 Coloured (including Malays); 54 Asiatics; 35 Natives. Of these, deaths 7 whites; 51 Asiatics; 14 Natives.

There are 3 white suspects, 1 Asiatic and 25 Native suspects. These are the figures for Johannesburg. In Germiston, there have been 5 proved plague cases of Natives, 1 Asiatic, no Asiatic suspects, and 13 Native suspects. Of these, the single Asiatic case has proved fatal. In Benoni there has been only one Native case proved plague, which has turn out to be fatal. In Krugersdorp, one Native plague case and five suspects, also Natives, of which three have proved not be the plague. Thus it will be noticed that the Asiatic cases are practically those that happened in the first stage. The increase has been mostly in the Native cases and a little in the white cases. In the districts outside Johannesburg, in Krugersdorp and Benoni no Asiatic cases at all. In Germiston one. Thus, then, upto the time of writing the statement made before that the disease is not personal to the Asiatic still hold good. At the Klipspruit, however, the regulations continue to be extremely irritating. The camp has been declared open since the 11th instant. There had been no plague cases whatsoever since inauguration of the camp. Nor has there been any sickness worth mentioning. And yet the movements of inmates are very uncomfortably controlled. They can not leave except on permits, which have to be renewed from day to day, and these permits are issued only if the inmates are in a position to produce the registration certificates which are merely receipts to show that they have paid £ 3. There is a train service between the camp and Johannesburg, the morning train leaving 6 a.m., and the evening train leaving Johannesburg for the camp at 6.15 p.m. For this, a sum of 3s. is charged per week, excepting Sundays. Only third-class compartments are provided, and no lights for the evening train. Those who want to leave the camp for any town in the Transvaal except Johannesburg, must notify same to the Superintendent of the Camp, giving the description of the dwelling to be occupied by the applicant. The Medical Officer of Health then enters into correspondence with

<sup>1</sup> This appeared as "From our Johannesburg Correspondent"

the officer of the town that may be named by the applicant, and if the dwelling is certified as habitable and sanitary, permission is given to leave the camp entirely. Those who wish to reside in Johannesburg have to follow the same routine, and if the dwelling pointed out is approved by the Medical Officer of Health, a leaving pass is granted. Unless a man is in possession of a leaving pass he must report himself at the camp before 8.30 p.m. and failure to do so makes him liable to penalty not exceeding £ 15, or, in default of payment, imprisonment for three months for the first offence. A repetition of the offence subjects the offender to a penalty not exceeding £ 50, or to imprisonment with hard labour for a period not exceeding six months. Rations have been stopped since Monday last except for women and children and employment is offered for excavation or quarry work at 2s. per day rising to 3s. per day, if the labourer proves to be first class. On their return, the inmates are examined and also searched. This is more or less a prison life hardly deserved by the men who have, as admitted by authorities, behaved splendidly. If the camp is really open, there seems to be no reason why there should be such a sharp distinction between the Asiatics living in the camp and the Asiatics living in Johannesburg. The only purpose that the camp should really serve now is to afford shelter to those who cannot find residence elsewhere. Why they should be obliged to point out such residences, and make application, and go through the whole of the tedious routine above described, it is difficult to understand. Surely if the authorities wish to examine the dwellings, they can do so without subjecting the people to the above restraints. It is and if it is not, it should be an offence for anybody to occupy any dwellings which do not fulfill the requirements of the sanitary regulations and the Rand Plague Committee which is constantly of the *qui vive* for insanitation should certainly been in a position to hound out any Indians who may occupy insanitary dwellings. But it is hardly justified in putting what are, after all, unlawful restraints on the liberty of the subject. Outside the camp, the condition of the British Indians is also very difficult. No Asiatic can travel outside the district of Witwatersrand unless he is in possession of a health certificate. In many places, they are debarred from the use of the market. Potchefstroom refuses to receive any Indian from the Transvaal at all. The result is that the railway authorities decline to issue any tickets. The Indian merchants and store-keepers are suffering heavily owing to the ousting of the 1,600 men from the Location, many of whom are

indebted to these merchants and store-keepers and who are now unable to meet their liabilities. The Johannesburg Town Council has met today to consider advisability of asking for further powers to the Indian Locations as it has over Kaffir Locations. This is evidently meant to get out of its liability, under the Insanitary Area Expropriation Ordinance, to find suitable accomodation within the Insanitary Area or in the immediate vicinity thereof. What the upshot of all this anti-Indian activity will be no one can foretell. Time alone will show whether justice will in the end be triumphant.

*Indian Opinion, 23-4-1904*

### 313. THE PLAGUE

Although the plague in the Transvaal is dying out, the cases found on a mine in Krugersdorp shew that there is still necessity for very strict vigilance. And if it is permissible to derive any satisfaction from such painful occurrences as plague cases, the Krugersdorp incident, happily for the British Indians, shews that, after all, the plague is no respecter of persons and that the extra special restrictions to which British Indians in the Transvaal have been subjected are unnecessary, for the majority of cases outside Johannesburg proper have been Native cases, including Europeans. The disease, therefore, can in no case be described as personal to the Indians. In fact, the plague seems to have arisen in and been brought from the mines, for these Indian cases that happened in the Location were, in the first instance, confined to those who were working on the mines, and the fact that at first it was merely the pneumonic variety goes probably to establish some connection between the mine-working and the plague. Be that however as it may, the central fact to which we have drawn attention and which is never to be lost sight of is that the Indian is being blamed for the outbreak without any valid cause. It is necessary to bear this prominently in mind, as we are very much afraid that attempts may be made to impose further permanent legal disabilities on the British Indians in the Transvaal, and to colour the negotiations that are now going on between the Indian Government and the Transvaal Government in the matter. The cause of the outbreak has been now clearly shown in the correspondence<sup>1</sup> that was published by us the other week and the correspondence we publish in this issue.

<sup>1</sup>*Vide* letters to Dr. C. Porter dated February 11, 15 and 20, 1904.

The utter incapacity of the Johannesburg Town Council to attend to details is the real and chief cause for the outbreak of plague in Johannesburg. From the figures published by the Town Council, it is clear that the mortality in March from pneumonia was so abnormally high that the inertia of the Town Council in the face of this tremendous fact is totally unaccountable unless it be that the Council as a body believed that Johannesburg was proof against an outbreak of plague. It is not often that authorities receive gratuitous, definite, and urgent warnings, as has happened in Johannesburg. It was always possible for the Town Council to prevent the outbreak by attending to the elementary principles of sanitation, and yet, for nearly eighteen months, the Council never went beyond framing big schemes on paper. It is, therefore, nothing but a hollow mockery now for the Health Committee to state that they did everything they could, and that it was not possible for them to fix a new site in place of the Insanitary Area by reason of public opposition, as if any such opposition could warrant the Council endangering, as it undoubtedly did, the health and lives of the community at large. It should be borne in mind that the plague broke out five months after the Council took possession of the Insanitary Area. The questions then arise: Why did not the Council, before expropriating, sound the public sentiment as to the choice of a site? Having failed to do that, why did not the Council remain satisfied with a mere constructive possession? Why did it not allow the people, who were prepared to continue to perform the work of landlords, to do so? Having rejected that proposal, why did the Council not cease deriving rents from property which was condemned by itself as unfit for human habitation and which was allowed to be inhabited either, as we would say owing to its gross neglect, or, as the Council would say, owing to public opposition to the adoption of the site selected by it in place of the Insanitary Area? Having, however, under-taken the landlordship of each individual tenant in the Area, and having decided to derive an income from the tenants, why did the Council introduce overcrowding and horrible insanitation? Why was the rubbish allowed to remain on the Stands? Why, while there was time, did not the Council accept the very reasonable suggestion made in Mr. Gandhi's letter to Dr. Porter in February? In our opinion, these very pertinent questions require decisive answers. We cannot recall any instance of a public body, having stumbled upon mistakes after mistakes, declining to profit by past experience, and declining to see even the natural conclusions and proposition laid down by itself. Was it merely a

subterfuge that the Town Council went to Lord Milner for authority to appropriate the Area on the ground of its insanitation, which was described to be so great that nothing but the complete taking over of private property could cure the evil? And if it was not a subterfuge, then it was certainly its clear duty to see that the first thing to do, after [obtaining the] authority to appropriate, was to remove the people within the Area to healthier quarters. Unfortunately, beyond the removal of the inhabitants of the Indian Location to a temporary camp at Klipspruit, we see even now no sign of a movement towards selection of a permanent site. From the foregoing, it must be clear that the outbreak of plague amongst the Indians in the first instance at Johannesburg, was due to exceptional circumstances, for which the Council, and it alone, is responsible. The power for observing sanitation, as the poorer class of Indians know it, was taken away from them on the 26th September. It was so bad that they cried out against it, and the overcrowding that took place in the Location after the 26th September under the direct control and supervision of the Town Council was such as they were not used to and though they themselves wanted to escape from it, there was no provision made by the Council for them and so they were helpless. That the Council rose to the occasion after the actual discovery of the outbreak is beside the point when we are considering the first cause.

*Indian Opinion, 23-4-1904*

### 314. KRUGERSDORP AND BRITISH INDIANS

Krugersdorp Town Council has approved of the recommendation of the General Purposes Committee that no Coloured person should be allowed to be out of doors between the hours of 9 and 4 o'clock during night time, and that no such person should be allowed to walk, be on, or remain on any pavement or foot-path. In using the phrase "Coloured person", the Municipality of Krugersdorp could only mean British Indians, for, besides the Natives, the only Coloured people in Krugersdorp are probably a handful of British Indians. We suppose that the recommendation is one of the results of the outbreak of plague in the Tansvaal. From the report of the proceedings of the Municipality, which we reproduce elsewhere, it appears that that body holds that the outbreak of plague was due to the neglect of the Johannesburg Town Council, and yet the Councillors would punish not the guilty party, which, of course, is too powerful for them, but they

would punish the innocent, who are quite powerless. We would anxiously watch how His Excellency the Lieutenant-Governor views the recommendation, and, in the meanwhile, may we hope that such manifestly unjust regulation would not meet with His Excellency's sanction?

*Indian Opinion, 23-4-1904*

### 315. THE PRETORIA TOWN COUNCIL AND BRITISH INDIANS

The Town Council of Pretoria wants the entire control of Native Locations. The proposal seems on the face of it, to be quite innocent, and we do not know that, under the Town Council, the Indians will be much worse off. At the same time, at present there is central authority and, even in the harshness, there is possibility of uniformity of procedure. But the proposal of the Pretoria Town Council will, if carried out, not only leave the Indians entirely to its tender mercy, but would subject them to all the regulations to which the Natives are exposed. While it may be that the regulations that have been framed regarding the control of the Native Locations are necessary in that the Natives are all, or almost all, of the labouring class, they would be dangerously irksome for the British Indians. The following is the reply sent by the Colonial Secretary to the proposal:

I have the honour to inform you that, as both the locations are situated within the jurisdiction of the Town Council, the Council has the same control over them as it has over every other portion of the Municipal area. The Government exercises no extraordinary control except that, in so far as the Asiatic Location is concerned, it is the landlord who apportions the Stands between the various applicants. These leases are, as I believe you are aware, granted subject to the condition that all Municipal by-laws are complied with and Municipal taxes paid by the lessees. So far as the Cape Location is concerned, I am not aware on what principle the stands are leased out, and I would suggest that you would place yourself in communication with the Department of Native Affairs on the subject. The application that the income derived from the Asiatic and Cape Locations may be transferred to the Municipality I have referred to the Secretary to the Treasury, whom I have asked to address you direct on the subject.

The Town Council has rejoined saying that it desires to obtain control of the Indian and Cape Locations on the same terms as the Native Location. It should be borne in mind that the Town Council has got



special powers for framing regulations regarding Native Locations, and this is exactly what the Council evidently wants regarding Indians. When the Municipal Corporations Ordinance was passed, the point was raised, but the Government decided not to yield. And so long as the Law 3 of 1885 is on the Statute-book, it is difficult to see how the Town Council can have the power asked for without special legislation. On the one hand, the Law 3 of 1885 is objected to very strenuously, and we think rightly, by the British Indians. On the other, even its full enforcement does not satisfy the Pretoria Town Council, as indeed the other Town Councils also in the Transvaal. Well may Lord Milner say he is between two fires! We can only hope that he will not succumb to the fire from the Town Councils and other anti-Indian gentlemen, who would, if they could, blot out all the British traditions from the Transvaal, and allow the Union Jack to wave in Pretoria merely as an empty show, and, if anything, as a shelter for all the anti-British measures, under cover of the rights of a self-governing people.

*Indian Opinion*, 23-4-1904

### 316. A LESSON FROM THE PLAGUE

The plague has taught the British Indians lessons which we trust will not be forgotten, and which, it is hoped, the community will profit by. We have a homely saying in India that it were better for a man to lose millions than that he should lose a good name. It follows as a corollary from the saying that, once a man has acquired a bad name, it is difficult for him to undo the effect and to rehabilitate himself in the popular regard. What is true of individuals is equally true of communities. The French have a name for the artistic, the English for personal bravery, the Germans for hard-headedness, the Russians for frugality, the Colonies in South Africa for gold hunger; similarly, the Indians in South Africa have, rightly or wrongly, got the evil reputation of being insanitary and ignorant of the first principles of hygiene. The result is that the individual members against whom such a charge could not be proved to the slightest extent are often obliged to undergo hardships merely because they belong to the Indian community. Nor could it be otherwise. This has been very forcibly exemplified owing to the outbreak of plague in the Transvaal. Restrictions, for which there would not be any warrant if they were examined calmly and fairly, have been imposed on the liberty of the Indians throughout South Africa. In the Transvaal, the inhabitants of the late Indian

Locations are being treated practically as prisoners. Even dogs, cats, and other animals that were found in the Locations have been killed—lest their contact with the Indians may have conveyed to them the plague germs! The Local Boards of the different towns there have erected barbed-wire fence regulations against the Indians. The Orange River Colony has entirely closed its gates against the Indians from the Transvaal. The Cape and Natal admit him under severe restrictions which have no scientific meaning. For instance, an Indian may be sharing the same compartment with a Kaffir. As soon, however, as the train bringing the passengers reaches the Natal border, the Indian is obliged to undergo 5 days' quarantine before entering the Colony, whereas the Kaffir is permitted to do so without let or hindrance.

Such regulations, harsh as they undoubtedly are, ought not to make us angry. But we should so order our conduct as to prevent a repetition of them. And with that end in view, we should set about putting our houses in order as well literally as figuratively. The meanest of us should know the value of sanitation and hygiene. Overcrowding should be stamped out from our midst. We should freely let in sunshine and air. In short, we should ingrain into our hearts the English saying that cleanliness is next to godliness.

And what then? We do not promise that we shall at once be freed from the yoke of prejudice. A name once lost is not to be so easily regained. The loss of a name is like a disease, it overtakes us in no time, but it costs us much to remove. But why need we think of reward in the shape of subsidence of prejudice? Is not cleanliness its own reward? Would it not be an inestimable boon to ward off another attack of the plague? Would we not cease to be harassed by sanitary inspectors and their regulations in that they will have lost their use? By and by, when we have asserted our position as a people regarding sanitation and hygiene as part of our being, and not merely of lip profession, the prejudice, in so far as it is based on that charge, will go. And we shall gain for ourselves a name for the practice of the laws of health which would always stand us in good stead. This is the lesson we would have our countrymen learn from the recent trial they have undergone. It is well for us to protest against exaggerated charges. It is our duty to strain every nerve to prevent legislative measures based on them. But we hold it to be equally our duty to examine those charges critically, admit the partial truth in them, and strive to correct the evil that may be in us. It is thus, and only thus, that we can rise in the estimation of our neighbours.

*Indian Opinion*, 30-4-1904

### 317. KLIPSPRUIT FARM

In order to control the plague, the Johannesburg Municipality have spent large sums of money, and opened the Klipspruit camp about a month ago for the Indians [moved] from the Locations. In the beginning, the people had to suffer a variety of discomforts, but these related only to food and lodging. Provisions are given free to the poor, while all are free to enter the city, but that does not appear to have afforded relief to the people to any extent, since only those who can afford to pay heavy rents can benefit from this concession. Also, in the city, it will be impossible for every man to get a place to live in. Taking advantage of the condition of Indians, landlords demand exorbitant rents, which the poor cannot pay. Despite the expense and the [consequent] shortage of money, some of them have rented a few houses. But they can go to stay in the city only after the Municipality have inspected the houses and passed them as fit. Till then it would appear that the "prison" at Klipspruit must be suffered.

The procedure for getting a house approved is by no means easy. When a man has gone through this mill, he looks squeezed dry. He looks like one who has been slapped in the face, but acquiesces helplessly in the situation. He is dazed, looks troubled, but cannot speak out his mind. Since he brought these troubles on himself [by not observing sanitary regulations,] how can he talk of his woes to others? After the house has been approved, he goes post-haste to Klipspruit. On inquiry there, he learns that his application has not been received back by the Camp Superintendent. He then returns to Johannesburg only to find out that the Superintendent is not at fault. When a man is worried, all manner of fearful fancies arise in the mind. Though the forebodings are sometimes baseless, it cannot be claimed that all of them will prove untrue. On the one hand, money is hard to come by; on the other, there is the desire to get away from the Camp. Again, the landlord has pocketed the rent well in advance and the [paid up] rent goes on accumulating. But then as the municipal authorities have already checked the plague, they are content, like a man who has had his fill, to do their duty leisurely and urge patience on the poor ones, [eager to move into their city houses] reminding them that haste only makes for despair. But one cannot advise a poor man who has lost patience to pass through the inevitable ordeal. This is how things are, and we do not know who is to blame. But this much

is certain: one should not be dispirited by adversity, and throw away milk, as if it were water; nor, like the potter who, having thrown out the milk, vented his anger upon his donkey, should one find fault with the Municipality. No one will sympathise with a person who follows the wrong path, because he would not take the right one, trips and then blames it on his luck. We know it is difficult to get a house in the city. Therefore, we should petition the Municipality to set apart special places for us. If the Municipality is unheeding, we should apply to the Government for employment in the Railways asking for reasonable wages. If the Government is willing to pay five or six shillings a day, we do not see why we should not accept work in the Railways. Those who have the money have not to worry in this situation, but then as they have become used to paying lower rents in Location, they may pay high rents for a month or two, but they cannot afford it much longer. However, they will find houses of their choice and they will carry on. But who will succour the poor? Only two remedies are open to them:

1. to apply to the Municipality for the allotment of houses to Indians and wait and suffer meanwhile;
2. to work on the Railways for some time if the Government offers reasonable wages. [In any case,] once they are discharged from the Camp, all is bound to be well.

We are of the opinion that the latter is the better course, as it will not be possible now to live as inexpensively as in the Locations. Moreover, we have not been accustomed to high rents. Even if the people are willing to pay them what is the way out, if there are no houses to be had?

Menacing clouds [which portend suffering] will always loom over Indians in this land of the white man. And when we are at fault, we can expect that the sky will darken further. It will take us time to live down the blame for the outbreak of plague. We shall be rid of this blot only when we demonstrate our loyalty to the Crown on some other occasion as we did by rendering assistance during the last war.<sup>1</sup> But even though we have been punished sufficiently, we do not appear to have learnt a moral from it. For instance, some people are smuggling bottles of liquor into the Camp, from the city. Every night each man is consequently made to line up like a prisoner opposite the

<sup>1</sup> The reference is to the Indian Ambulance Corps organised by Gandhiji during the Boer War.

Camp Station and he has to submit himself to an unreasonable search of his person by the Camp superintendent, who has come to suspect this. Many suffer for the fault of one as they do in many other matters, too. Some may be able to secure houses; others may proceed to Natal, but will that alleviate the privations of two thousand Indians?

Persons entering Natal are subjected to a very strict medical examination. And it has been alleged that the examination of women is conducted without regard to modesty. This charge, however, is absolutely without foundation, but you cannot stop wagging tongues.<sup>1</sup> It would seem that Indians possess a natural gift for exaggeration.<sup>2</sup> They believe all they hear without caring to inquire what is true and what is false.

In conclusion, we will have to admit that a Camp is not a place for relaxed slumber, rather it is a wilderness. That people are sore is but natural, as life in tents has made dysentery a common complaint. We can well imagine that the people will become more miserable if they do not get better places to live in.

[From Gujarati]

*Indian Opinion*, 30-4-1904

### 318. EAST LONDON<sup>3</sup>

The Municipality of East London is engaged in a war against the Indians, and notices have been sent to many well-to-do Indians, calling upon them to vacate the premises in their occupation and remove to the Location. The object of these notices is simply to degrade the Indians and compel them to take out certificates, thereby gradually moving them out of the town. The powers of the Municipality are very wide. Section 5 of Act II of 1895, to amend and add

<sup>1</sup> The Gujarati goes on: "You cannot tie a strainer-cloth round people's mouth . . . ."

<sup>2</sup> The Gujarati has "to make an elephant out of a speck of dust".

<sup>3</sup> In his letter of May 25, forwarding a copy of this statement to the Secretary of State for India, Dadabhai Naoroji remarked: "My correspondent, referring to Sir M. M. Bhownaggee's question in the House of Commons on April 20th, says that the two points to be borne in mind are:

(1) The legislation was passed practically in anticipation because in 1895 there was a very small Indian population.

(2) The law has never been enforced before and it has been left to the option of the Indians whether to make use of the Location or not." (I. O. Judicial and Public Records: 1236)

to the laws regulating the Municipal Corporation and Government of East London, gives authority to do such things among which are:

Allotting and setting apart, and from time to time changing, portions of the municipality as Locations for the residence of Natives and Asiatics, and for abolishing such Locations. For regulating the conditions upon which Natives and Asiatics may reside in such Locations and the fees, rents and hut tax to be paid by them in respect of such residence, and for the providing for the registration of such residence and any horses, cattle, oxen, sheep, or goods belonging to them; and for regulating or prohibiting the use of the commonage by the same. For providing for the appointment of Superintendents and Headmen of such Locations and regulating their duties and authority, and preventing obstruction of such officers in charge of their duties. For regulating, permitting, or prohibiting of shops, trading stations, and trading within such Locations for the issuing or refusing of permits to Natives and Asiatics to reside in such Locations and for regulating the manner in which persons no longer entitled to reside there may be removed. For fixing, and from time to time altering, the limits within which it shall not be lawful for Natives and Asiatics to reside, and be in the street, public places or thoroughfares within such limits without a written pass or certificate from their employer, or the inspector or superintendent of police, or a superintendent of a Location; and for fixing such parts of streets or open spaces, or pavements of the same on which Natives and Asiatics may not walk or be. For regulating and setting apart portions of the rivers and sea where Natives and Asiatics may not bathe.

The proviso to this extraordinary section says that

the regulations regarding Location, the curfew and the foot-paths shall not be applicable to the registered owner, or the occupier of landed property within the municipality valued for the municipal purposes at not less than £75, and provided that a certificate to that effect has been taken out from the Town Clerk which certificate is to be granted free of charge.

Thus, the object of the notices is to make the British Indians take out such certificates. Naturally, people who consider that, being respectable British subjects they are entitled to the same privileges of citizenship as others, resent any interference with their liberty and strongly object to taking out certificates. Sir Mancherji, who has been doing humane service to the British Indians resident in South Africa, has approached Mr. Lyttelton, and the matter is now being investigated by the Local Government. We trust that the enquiry will result in full justice being done to the Indian settlers in East London and that they may be saved the indignity of having to carry passes with them

enabling them to live outside Locations. We understand that the dwellings of these occupiers who have received notices to quit are in every respect good and in a sanitary condition. Moreover, the Indian population of East London is very small and it seems to us to be the height of injustice to bother a handful of peaceable and law-abiding inhabitants without any reasonable cause whatsoever.

*Indian Opinion*, 7-5-1904,

Also India Office: Judicial and Public Records: 1236.

### 319. THE CAPE IMMIGRATION ACT

Dr. Gregory's report on the working of the Cape Immigration Act, a condensation of which we give in another column as it appears in *The Star* is interesting reading. According to it, during the months of May and June last year the number of alien immigrants was 2,032 and during the three months October to December, it was 4,715. The proportion of alien immigration to that of British passengers was 20.2 per cent during May and June, 22.7 during July to September, and 25.2 during October to December, and Dr. Gregory thinks that even this high proportion<sup>1</sup> is not high enough when it is considered that the British immigration is of a totally different type. According to the report, of the 46,933 British passengers, 3,947 were domiciled in the Colony, 11,093 were women, 7,203 were minor children, and 6,969 travelled first class. The proportion, therefore, if only real British immigrants were taken into consideration, will be much higher. A very considerable portion of these aliens are Russians and Jews, being, the report proceeds, "unsatisfactory in most important respects, being ill-provided, indifferently educated, unable to speak or understand any language but Yiddish, of inferior physique, often dirty in their habits, persons and clothing, and most unreliable in their statements". Dr. Gregory also raised the question as to whether Yiddish is to be considered a European language, if a language at all, and he suggests that the onus of proving that it is a European language should be thrown on the immigrants themselves. So, as we have all along expected, as soon as the European Colonists in South Africa have done with the Indians, they would commence operations against immigrants from Europe, and when the aliens have been dealt with, as happened in the case of the English hatters<sup>2</sup> in Australia, opposition will be

<sup>1</sup> Of British immigrants.

<sup>2</sup> A "hatter" is a miner who works alone and without much capital.

raised against poor Englishmen. To us the whole spirit is bad, and, while there may be some justification for restricting immigration of criminals and persons suffering from serious diseases, the power of restriction is a power which has to be used with a very great degree of moderation. We will watch how the Legislative Council at the Cape receives the suggestions made by Dr. Gregory.

*Indian Opinion*, 7-5-1904

### 320. KRUGERSDORP INDIAN LOCATION

As will be seen from the report of the Public Health Committee at Krugersdorp, for which we are indebted to our contemporary the *Krugersdorp Standard*, the Town Council has now decided not to expropriate the buildings in the Indian Location, the only reason being that their own valuator has put a higher valuation on the buildings than the original valuation arrived at by the Town Council and that Mr. Barnett, who valued the buildings on behalf of the Indians, has placed a yet higher valuation thereon. The buildings, therefore, that were only a few days ago considered “disgracefully insanitary” and a menace to the public health of the town, have suddenly ceased to be so and are to be allowed to remain where they are. It is, therefore, a question purely and simply of money. But, although they are now to be allowed to remain the property of the British Indians and are not to be destroyed, the Town Council has decided that the Indians are not to re-inhabit them until they have provided buildings in accordance with the building regulations of the town. We do not know what this means. If it means that the Indians have to pull down the buildings and re-inhabit them until they have provided buildings in accordance with the building regulations of the town. We do not know what this means. If it means that the Indians have to pull down the buildings and re-build, it certainly is an easy way of depriving the of their property without the Council having to pay a single penny. Whether such a piece of jobbery would be just or not is evidently no concern of the Town Council. The decision of the Town Council, however, opens up a serious question; how far, if at all are the buildings really in an insanitary state? To what extent are alterations or improvements required and what is, generally the authority of the Town Council with reference to the embargo placed upon the Indians? For we understand that the dispossessed inhabitants are still compelled to remain under canvas in a place far away from the town. We hope,



however, as there is absolutely no plague in Krugersdorp, and as it has generally died out in the Transvaal, the awkward situation will be ended and that the Indians will be allowed to re-occupy their premises without having to question in a court of law the right of the Town Council to adopt the high-handed procedure it evidently has.

*Indian Opinion*, 7-5-1904

### 321. THE LICENSING CASE IN THE TRANSVAAL

The test case in connection with the trade licences for British Indians has been tried and, as was expected, judgment has been reserved. Most eminent counsel had been retained on both sides, British Indians having engaged the services of Messrs. Leonard, Esselen, Gregorowski and Ducksburg; the Transvaal Government Messrs. Ward, Matthews and Burns Begg. The main question is that of interpretation of the term 'residence', the British Indians contending that the confinement of residence to Locations or special streets fixed by the Government does not include trade, especially because the restriction to the Locations according to the law is intended for sanitary purposes only. The Government, on the other hand, argued that residence included trade also, especially on the ground that the High Court of the late South African Republic placed that interpretation upon the term in the case of *Tayob v. leyds*.<sup>1</sup> It should be recollected that judgement was not unanimous. It is the irony of fate that, when the case was argued before the High Court of the late Republic, the British Government was represented before the judges, and it sought to uphold the contention on behalf of the British Indians. Times have now changed and so has the British Government. It is now on the platform occupied by Mr. Kruger's Government, The British Government asks for dismissal of the case with costs. To the Indians the matter is of the utmost importance, indeed of life and death, and it is well what they have been able to retain on their behalf the very best legal talent. It will not, therefore, be for want of the best legal advice that they will have lost the case, if indeed they must. There is a very favourable opportunity in the Transvaal at present. The question of the constitution that could not be raised before the late High Court has been boldly raised by Mr. Leonard for the Indians. Sir Richard Solomon himself has confessed that he could not understand the judgment of the

<sup>1</sup> *Vide* "Notes on the Test Case", 4-4-1898

Republican judges. The Indians have, therefore, much in their favour, and it is to be hoped that the decision will be such as to settle the troublesome question once and for all, and in a manner that would enable hundreds of British Indian traders in the Transvaal once more to breathe freely. Should the British judges, however, feel bound by the decision of the majority of the judges of the late High Court, the British Indians have yet one more desperate chance, namely, appeal to the highest tribunal in the British Dominions the Privy Council. We hope that such a step will be unnecessary, but if, unfortunately, it becomes unavoidable, we have no doubt that the British Indians will not flinch, and carry the matter to the final issue.

*Indian Opinion, 7-5-1904*

### 322. IF THE PLAGUE BROKE OUT IN NATAL?

Rats have been found to be dying at the Point in the block between McEwan's premises and the Union Castle offices. It is stated that they have died of plague. The authorities have taken prompt precautions in order to prevent an outbreak in Natal, and we sincerely hope that their efforts will be crowned with success. Should, however, the plague break out, it will be a misfortune for the Indian community. It is struggling to be free from the effect of the visitation in the Transvaal, and an outbreak at this juncture would simply fill to overflowing the cup of its woe. We cannot help, however, uttering a word of warning to the Indians. The slightest sickness, especially fever or pneumonia, should be attended to without any delay and, if necessary, reported to the authorities. There is, perhaps, too much laxity in dealing with such sicknesses, but especially at a time like this, it would be a great folly to treat lightly either fever or pneumonia. We would also ask them to completely isolate all such cases, so that the risk of infection may be minimised. Above all, however, it is imperative that light and air should be allowed to have full play in the meanest of dwellings. All dirt should be banished from every home. And if these elementary precautions are taken by every individual, we have no doubt that the calamity will be averted. A very great deal has already been done in the way of improving Indian dwellings, and we see reforms in all directions. Redoubled efforts are, however, necessary in view of the threatened visitation, and we hope that our remarks will be taken to heart by every Indian in the Colony.

*Indian Opinion, 7-5-1904*

### 323. A WELL-DESERVED VICTORY

So the Supreme Court has given judgment in favour of the plaintiff with costs in the Indian test case,<sup>1</sup> to which reference has been made in another column. We offer our hearty congratulations to our countrymen in the Transvaal on the successful ending of the case. The victory has been dearly won and is richly deserved. We can only hope that the Indian community will be allowed by the Government to enjoy the fruits of the victory. We think that, in this great and unequal struggle, the British Indians have behaved in accordance with their traditions. It was open to them to bring this case soon after British occupation, and we are aware that they were advised by the best counsel of the day in the Transvaal to adopt the course, but they thought otherwise. They felt that it was their duty at first, instead of challenging the Government, to get justice from them and to ask them to fulfil the promises made by the authorities in Downing Street. They also felt that they should approach the Chambers of Commerce and other public bodies who had taken up a hostile attitude towards the Indian traders and try to convince them of the injustice that was being done to the Indians owing to the refusal to grant licenses, they were prepared to accept a very reasonable compromise, and suggested, therefore, that all the existing licenses should be left untouched, and that their licenses to trade outside Locations should be renewed from time to time, and that other applicants might be dealt with on merits. This was rejected and the culmination point was reached last December when practically every Indian trader was threatened with ruin. It was after every means to arrive at a compromise was exhausted that the community embarked upon the test case. The result could not well be otherwise, although having suffered so much, there was tremendous anxiety about it. There is however, a bright side to the sorrowful picture of injustice, and this is that, in British Dominions, no matter how high prejudices may run, there is always a haven of safety in the highest courts of justice. Tradition has made the British judges practically invulnerable against prejudice or sentiment, and the

<sup>1</sup> *Habib Motan v. The Transvaal Government*: The judgment held that the instructions given to the Licensing Officers to refuse licences to Indian traders to trade outside Location were illegal and that the plaintiff was entitled to get licence to trade as a general dealer in the towns of Pretoria and Pietersburg.

meanest subject can, if he has only sufficient means at his command, get unadulterated justice if the law itself allows it. The judges of the Supreme Court of the Transvaal have not hesitated to brush aside the judgment of the late High Court, and in spite of the stand taken up by Counsel for the Government, they have decided that every Indian is free in accordance with law 3 of 1885, as amended in 1886, to trade wherever he likes. This nullifies all the Government Notices and the action of the Government with reference to Indian license-holders. It is our duty, however, to warn our countrymen against being too much elated by this success. Probably it means only the beginning of another struggle. Opposition will be raised up against them throughout the country, and the Government may bring in a Bill to counteract the effect of the judgments of the Supreme Court. They will, therefore, have yet to work and to exercise patience and prudent restraint. The Government, unfortunately, is one thing and the Supreme Court is totally another. The former is swayed and affected by all the prejudices and sentiment, and, unfortunately, in the Transvaal, itself too weak even to do what is, in the words of Mr. Duncan, "purely elementary justice." In spite of Lord Milner's strong rule, and stronger will, His Excellency has succumbed to the anti-Indian agitation and failed to protect the weaker party. The decision in the test case, however, makes it impossible for the Government to shelter itself behind Law 3 of 1885 and tell Mr. Lyttelton that the demand of the Colonists to enforce the old legislation cannot be resisted. We now know that the old legislation puts no restriction on Indian trade, and the burden is doubly on the Government to shew that there is any cause whatsoever for any special restriction of Indian trade.

*Indian Opinion*, 14-5-1904

### 324. BRITISH INDIANS IN EAST LONDON

We reproduce in another column a leading article from the *East London daily Dispatch*, dated the 2nd instant, on the question and answer that have passed between Mr. Lyttelton and Sir Mancherji, with reference to the notices to many British Indians living in the town of East London, calling upon them to remove to the Location within a definite time. Our contemporary, disliking the publicity given to the action of East London Municipality, has come to the erroneous conclusion that Sir Mancherji sits on the radical benches. May we remind our contemporary that the worthy knight is a conservative of

conservatives and does not move in any matter unless he is convinced of the justice of the cause he is advocating. He, naturally, would not like to, in any way, embarrass the Government representing his own party without very good cause. After a careful perusal of the leading article, we confess that we are unable to see any variance between the state of things represented by Sir Mancherji and the actual state as it exists in East London. Now our contemporary, we take leave to say, understates the truth and thereby does an injustice alike to the Municipality and to the Indians in saying that “the Municipality has requested the Indians to reside,<sup>1</sup> or at least the Municipality has notified those who resided about the town, that they must quit” This leaves an impression on the reader’s mind as if there was no compulsion to be used. The notice served on the Indians however, reads as follow:

Take notice that the Sanitary Office having ascertained that you are contravening the Amended Regulation No. 32 Chapter 18 (*vide* Corporation Notice No. 3 of 1903 published in the *East London Daily Dispatch* of the 29th August, 1903 together with the Regulation referred to) by residing at the above premises, such being within Town limits, where Asiatics may not so reside.

The Council hereby requires you, within 14 days from the service of this notice, to comply with the provisions of the above-mentioned regulation, and for the purpose to vacate such premises as aforesaid and to take up your abode at the Asiatic Camp,

The Superintendent of the Camp will allot you suitable quarters upon your producing this notice.

And further, that in default, prosecution will follow. Dated at East London, this 12th day of April, 1904.

R. E. DOWDING  
TOWN CLERK  
THOS. BEETHAM,  
SANITARY INSPECTOR

There is a heavy penalty attached to non-compliance, Was not Sir Mancherji, then, justified in asking the question the manner he did? Again, our contemporary puts words into the mouth of Sir Mancherji which he has never uttered. He never meant to convey that the Indians were to be expelled from East London, but he definitely

<sup>1</sup> This part of the quotation is incomplete and should read: “The Municipality to meet the case of the Indians erected boarding houses apart from the native location were they according to the regulations, request them to reside.” *vide* “East London and Asiatics,” *Indian Opinion*, 14-5-1904.

stated that they had received notices to remove to Locations, which is the barest truth. *The East London dispatch* is less happy in justifying the procedure adopted by the Municipality. The facts according to the *dispatch* are that there is in all a population of six hundred Indians in East London, of whom only one hundred Indians live in the town; our contemporary adds: "under no municipal control". Are the Indians free from the municipal regulations? We have gone through the whole of the regulations and we find no such freedom from liability to observe the municipal regulations on the part of the Indians. Is there the slightest necessity for removing a handful of Indians living amongst a European population of over twelve thousand? It should also be remembered that these men have been living there for several years. No charge of insanitation, so far as we are aware, can be laid against the men. The fact that over four hundred Indians are living in the Location also strengthens the position of the British Indians in that those who do not wish to live up to the Western standard of comfort of their own accord live in the Location. It is only a very fair inference, therefore, that the few who are living in the town are doing so under good sanitary conditions. The plague in the Transvaal has been brought into the argument, but, as we have already shown in previous issues, the large number of cases among the Indians are due entirely to the gross neglect on the part of the Johannesburg Town Council, and that, beyond Johannesburg and beyond the Indian Location the Indians have not fared any worse than the other communities. Our contemporary acknowledges the Indian to be law-abiding, and is good enough to admit that "his status as a civilised man from an intellectual point of view cannot seriously be called in question". If, then, he fails in reaching the Western standard of sanitation, is it after all such a difficult thing to bend him to the reform without relegating [him] to a ghetto? And does not the experience of Cape Town, Durban, and other places where the Indians, having the opportunity, have not failed to learn lessons from the Europeans, belie any of the misgivings indulged in by our contemporary? We cannot help thinking that the *East London Dispatch* would have rendered a better service to the community, in whose interests it is published, if it had examined the position dispassionately, taken a correct view of the facts as they actually are, and supported the action of the Indian community in its endeavour to resist the unnecessary degradation to which the Municipality seeks to subject it.

*Indian Opinion*, 14-5-1904

### 325. THE PLAGUE IN JOHANNESBURG

On the 29th April, so the public of Johannesburg has been informed, two Europeans were attacked with the bubonic plague in the market-house in Johannesburg. Nothing was done by the Rand Plague Committee up to the 4th instant beyond removing the patients to the lazaretto at Rietfontein. They gave the market-house the benefit of the doubt and inferred that, unless the contrary could be proved, the infection must have come from outside sources. Thus, the ordinary rule was reversed. For, speaking as laymen, we have always understood that, if a case of plague or any other infectious disease occurs in a particular locality, the first thing to do is to assume that the locality itself is infected and try to trace the infection to something in the place itself. Thus, in Durban, Cape Town, and other parts of South Africa as well as the rest of the world, wherever such cases have happened, the places have been locked up, put under quarantine, and disinfected. In go-ahead Johannesburg, however, the much-praised Rand Plague Committee reverses the method, and failing to trace the infection elsewhere, sets about finding if it is not, after all within the market-house itself, and succeeds after four days' search in finding that rats were plague-infected. The committee then suddenly, in a theatrical manner, surrounds the market, on the 4th instant at noon, with a police cordon and places the premises under modified quarantine. All this certainly strikes the imagination of the people, creates a lot of stir and possibly brings praise, but we venture to think that it looks very much like locking the stable door after the steed is gone. For full four days after the discovery of the two cases, the infection is allowed to spread in the town through the market. The wonder undoubtedly is that the whole of Johannesburg is not now reeking with plague. The congratulations, however, for the general immunity from plague are hardly due to the Committee, in this case at any rate, but to the glorious weather and the high altitude of Johannesburg which, in spite of the blundering of the Committee, prevent the plague germ from thriving.

*Indian Opinion*, 14-5-1904

### 326. *THE JUDGMENT IN THE TEST CASE*<sup>1</sup>

JOHANNESBURG,  
May 16, 1904

You have no doubt seen the judgment given by the Chief Justice in the test case. The only question was that of interpreting the term “residence” occurring in Law 3 of 1885, and the Chief Justice, with the concurrence of his two colleagues, decided that it does not include place of business. So, after fifteen years’ hard struggle, the Indian position is vindicated and the Indians have the right to trade in any part of the Transvaal. You will notice, also, that the Chief Justice felt called upon to make some very strong remarks regarding the heartless and inconsistent attitude of Local Government, supported by the Colonial Office, namely, the going back on the position the Government took up before the war. You will also notice that, in the opinion of the Chief Justice, to relegate Indian traders to Locations is tantamount to depriving them of the [ir] means of livelihood. As he said, it would be giving with the one hand and taking away with the other.

So that every complaint that the British Indian Association has made regarding the operation of Law 3 of 1885 and the establishment of Location has been proved to be fully justified. What, however, will be the outcome of all this is a very serious question. Ordinarily, the Indians should now be in a position to face difficulties, and rely upon the Colonial Office doing the rest, but, unfortunately, the Government here is too weak to do justice. The faint echoes of the clamour that would be raised against the Indians enjoying the fruit of their most dearly-won victory have already begun to be heard, and it would not be at all surprising if the Government sought to rush through the Legislative Council a Bill, again robbing the Indians of the fruit of their victory.

One thing however is, certain; there cannot be any justification on the grounds of the old law being unfavourable to the Indians as to their trade. We now know that the old law places no restriction on Indian immigration and trade. Indian immigration has been most

<sup>1</sup> This is the text of a statement by Gandhiji edited and published in *India* as “From a Correspondent”. He had sent a copy also to Dadabhai Naoroji, who quoted portions of it in his letter dated June 7, 1904 addressed to the Secretary of State for the Colonies and the Secretary of State for India (C.O. 291, Volume 79, Individual—N).



effectively stopped by the Peace Preservation Ordinance, and a new law under the Crown Colony would have to be brought in order to prohibit Indian trade, that is to say, a new disability would be placed on the Indian, to which he was never subjected by law during the old regime. Such is the cruel irony of fate. Before the war, the British Government granted protection to the Indians, although it was foreign domination then. Now, after the war, the all-powerful British Government refuses to protect one portion of British subjects simply because they are the weaker party. Will the Colonial Office now put its foot firmly down on any attempt to impose further disabilities on the British Indians? Will the Indian Government do its duty?

*India, 1-5-1904*

### 327. ADDRESS TO LIEUTENANT-GOVERNOR<sup>1</sup>

HEIDELBERG,  
*May 18, 1904*

TO  
HIS EXCELLENCY SIR ARTHUR LAWLEY  
LIEUTENANT-GOVERNOR OF THE COLONY  
OF THE TRANSVAAL

MAY IT PLEASE YOUR EXCELLENCY:

We, the undersigned, representing the British Indians residing in Heidelberg, respectfully welcome you to this town, and we take the opportunity of bringing to your Excellency' notice the fact that the Asiatic Bazaar sought to be established in Heidelberg is altogether too far away from town.

Although, in view of the decision in the test case, the distance is not of very great moment, we respectfully submit that it will still be inconveniently situated for hawkers and others.

We venture to trust that the Government would be pleased to let us enjoy the fruits of the decision of the Supreme Court regarding Indian licenses under such sanitary regulations as may be considered necessary.

We beg also to bring to your notice the fact that the Stand on which the Mosque has been built is not yet registered in the name of

<sup>1</sup> The address was presented by the Indian community of Heidelberg when Sir Arthur Lawley visited the town.

the Mahomedan community.

In conclusion, we wish you a pleasant time in our midst and request your Excellency to convey to Their Majesties, the King-Emp-eror and Queen-Empress, an expression of our loyalty and devotion to the throne.

*We beg to remain,  
Your Excellency's obedient servants,  
A. M. BHAYAT,  
[AND OTHERS]*

*Indian Opinion, 28-5-1904*

### 328. THE TEST CASE

The exhaustive and luminous judgment of the Chief Justice of the Supreme Court of the Transvaal is worthy of study, both by the Transvaal Government as well as the Indians. By the former, because the Chief Justice has shown, as no other man could have shown with equal authority, how heartless and inconsistent has been its attitude towards the British Indians. By the latter, because it shews how much there is to love in the British Constitution and in British rule, in spite of temporary aberration on the part of the local authorities who, whether out of selfishness, weakness, or prejudices, are unable to take just view of various situations that present themselves for disposal by them, and to distribute even-handed justice. The learned Chief Justice may not have gone into the different phases of the question. He might have spared the feelings of the Government, but he had no such compunction. He evidently felt that justice and truth demanded that he should speak plainly and set the seal of legal approval on the complaint that has been reiterated without intermission by the British Indian Association. Probably, he also felt that it was demanded of him, as the chief representative of the British nation in the legal department of the Transvaal, that he should entirely dissociate himself from the incompatible position taken up by the Government.

In stating the law, Sir James Rose Innes said:

It is quite clear that the legislature contemplated the case of Asiatics settling in the country for the express purpose of trading, and if it was intended to confine the business operations of such settlers within the limits of locations, some definite provisions to that effect would surely have been inserted, for it was no small matter, but one of great importance to Europeans

and Asiatics alike. If the Indian was to enter the country without restriction and to trade where he pleased, he would be a most formidable competitor to the white store-keeper, and if, on the other hand, his commercial dealings were to be restricted to the location in which he lived, situated out of the town proper and peopled only by men of his own race, then he might, for practical purposes, as well not trade at all. The law, while recognising his right to settle in the country for the purpose of trading, and while charging him a registration fee on arrival, would be insisting on conditions which make such trading impracticable and unprofitable. It would be giving with the one hand and taking away with the other.

The Indians have never spoken so strongly. We have now a corroboration on the complaint so hotly repudiated by the Government that the Locations were totally useless for trading purposes, and that they were meant merely to starve the Indians out of the Colony.

The real sting, however, follows a little later. After dealing with the definition of the term "residence", the learned judge proceeds:

One thing, however, is clear from the despatches, and that is, that the interpretation which the Transvaal authorities now seek to place upon the law is the one which the Government of the South African Republic always advocated and which the British Government consistently opposed. Under the circumstances, it does strike one as remarkable that without fresh legislation the officials of the Crown in the Transvaal should put forward a claim which the Government of the Crown in England has always contended was illegal under the Statute and which in the past, it has strenuously resisted.

To have taken up such an attitude on British occupation and to have ridden roughshod over all the promises made in the name of the British Government while Mr. Kruger was the ruler shews, we say with the greatest deference, a lamentable ignorance of British tradition, or worse still, a deliberate departure from all that has been held hitherto sacred in the British Dominions and that has held the different parts together. The decision is of momentous importance and the judgment a complete vindication of the Indian position. But one thing is now needful in order that our countrymen in the Transvaal may be able to reap the full benefit of the result, and that is that the representatives of the community should restrain the ardour of its members and make only a moderate use of the right of trading. It is now obtained after the incessant struggle against enormous odds for the last fifteen years. We know it is very difficult to carry out the precept in practice. It is not always possible to say who shall apply for a

license and who shall not when everyone has the right, but it is just when there are difficulties of such a nature that the real stuff of which a community is made can be measured. If the people go mad over the victory and begin to apply for licenses to trade here, there, and everywhere, a great deal of harm would be done, and their detractors would not be slow to use such a state of things as a weapon for dealing further blows. The situation is delicate, but if the full fruit is to be enjoyed, it has got to be faced by the leaders.

*Indian Opinion*, 21-5-1904

### 329. *THE PLAGUE REGULATIONS IN NATAL*

The plague regulations published in the *Natal Government Gazette*, dated the 10th instant, betray an unwarranted fear of the Indians introducing the plague from the Transvaal. They make Charlestown the sole place of entry into the Colony for Natives, Indians and other Coloured persons coming from the Transvaal. From Charlestown, they cannot proceed further unless they are in possession of a travelling pass issued by the Transvaal Government which, by the way, is not issued except after a strict medical examination, and unless they obtain from the Medical Officer at Charlestown a free pass authorising them to proceed on their journey. Why there should be this double precaution or distrust of the action of the Transvaal authorities is not clear, and seeing there is such distrust, why should there be any necessity for the production of the Transvaal certificate? Moreover, those who come from the Witwatersrand district, whether they possess the Transvaal pass or not, are to be detained at Charlestown for a period of five days. We are always ready to appreciate the efforts of the Government and co-operate with it in preventing an introduction of the curse into the Colony, but we do think that the above regulations are very irksome and not justified. Detention at Charlestown at this time of the year is a most trying thing, and a medical examination on board the train of all the passengers, or only Coloured passengers, ought to be quite enough. And if on such examination any person is found to have any symptoms, he should be isolated and quarantined, not necessarily at Charlestown, but at Durban or some such place. Surely the entry of a suspected person who is kept under observation cannot introduce the plague in to the Colony? One may be thankful, however, to the Government for giving the Medical Officer in charge at Charlestown discretion to permit any Coloured person

travelling by first class or second class to proceed to his destination without the above-mentioned formalities being gone through, and the regulation which are, as we have shown, very inconvenient, can be made to work smoothly by a liberal exercise of the discretion thus given. So after all, whether the regulations are found to be very troublesome or not will very greatly depend upon the temperament of the Medical Officer in charge and his subordinates at Charlestown.

*Indian Opinion*, 21-5-1904

### 330. WHAT IS A "COOLIE"

The report of the Municipal Corporations' Laws Commission, together with the Draft Bill prepared by it, is published for general information in the *Transvaal Government Gazette* dated the 3rd instant, The Bill itself is a carefully prepared document, covering 326 clauses apart from the schedules. It contains certain sections which very vitally affect the Indian community and constitute a very serious departure from the municipal policy of the Colony. In another column we print such parts of the Bill as affect, directly or indirectly, the British Indians settled in the Colony. In the interpretation clause, the words "Coloured person" have been so defined as to give official sanction to the word "coolie", and are so vague as to cause a great deal of trouble in future. One would have thought that after the remarks made by Sir Walter Wragg in Mrs. Vinden's case that happened some years ago,<sup>1</sup> the framers of the Bill would be, very careful as to how they used the term. According to the definition, a Coloured person shall mean coolie, among others. No one knows exactly what a coolie is! If it is to bear the Indian meaning, then it means a labourer or porter, pure and simple. If it is to have the popular vulgar meaning, then every Indian, no matter what he is or who he is, is a coolie. If it is to bear the restricted meaning applied to it by the better informed people in the Colony, it means an indentured Indian. Now it would have an easy thing to have given a definition which could have at once expressed on the face of it which class of Indians the Commissioners intended to include in the term "Coloured persons". The definition of the term "uncivilised races" is most unsatisfactory and offensive to the Indians. We take leave to say that even indentured Indians are hardly an uncivilised race, but to taboo their descendants as such is

<sup>1</sup> *Vide* "Notes on the Test Case, 4-4-1898 (Appendix)

beyond comprehension. We recall to our minds hundreds of Indian children, as Sir Henry M'Callum said, most intelligent and decent who, because they are born of indentured Indians, would be classed as uncivilised. This we consider nothing but wanton insult to the British Indians. The most objectionable feature of the Bill, however, is the qualifications for burgesses. So far, the municipal franchise has been open to Indians under the general law, but the Bill provides that those who are disqualified for the parliamentary franchise by Act No. 8 of 1896 also are to be disqualified from becoming burgesses. The late Mr. Escombe said definitely that he did not want to touch the municipal franchise, and he declined on the same basis as the political franchise. And yet we now find the Commissioners gravely proposing that the Indians should be disfranchised absolutely, even with reference to municipal elections! They take no note of the great self-control that the Indians have exercised hitherto in that they have not exercised the right to be placed on the Burgess Rolls of the Colony, but have been satisfied with the right itself without the exercising thereof. The Commissioners have also shut their eyes to the fact that, even if it may be argued that, in India, Indians have no political franchise, a statement which we question there is no room for argument as to millions exercising the municipal franchise. There are hundreds of Municipalities dotted all over India which are governed mostly by Indians. Having defined the terms "Coloured persons" and "uncivilised races", it would be surprising if they had not made use of the terms in framing their Bill. They propose to give the Town Councils the right to make bye-laws prohibiting the use of pavements and rickshas by "Coloured persons" and they would make it an offence on the part of a "Coloured person" to be out during such hours as the Town Council may fix. The Bill also authorises the municipalities to make bye-laws establishing a system of registration of persons belonging to "uncivilised races" and as there is nothing in the section to shew that it applies only to domestic servants, it means that Indian clerks, and others similarly employed, if they are sons of indentured Indians, will have to be registered. It is one thing to register Natives who would not work, and whom it is very difficult to find out if they absent themselves, but it is another thing and most insulting to expect decent, hard-working, and respectable Indians, whose only fault is that they work too much, to have themselves registered and carry with them registration badges. Last of all, the Commissioners have provided the thin edge of the wedge by making all the

Corporation sales subject to the approval of the Town Councils and giving the Town Councils the discretion either to confirm or to reject any such sale without assigning any reason therefor. Thus, what it may not be possible to get Mr. Lyttelton to sanction if it were addressed to him directly, will, if the Bill is accepted by the Government, be so placed before him that he cannot but accept. Thus, the Bill, we have no hesitation in saying, is of most reactionary nature, and if the Government proposes to father it, the British Indians will have to make a very great effort to frustrate this fresh attempt to curtail their freedom.

*Indian Opinion, 21-5-1904*

### 331. THE EAST RAND VIGILANTS

There is no mistaking the vigilance of the gentlemen of the East Rand. Hardly has the ink become dry on the paper containing the decision in the test case when our friends are up in arms against it, and are urging the Government immediately to pass legislation giving effect to their views conveyed to it by means of anti-Asiatic resolutions. Their policy is tersely expressed in: "No Asiatic residents or their trade except in Locations". They are also calling upon the Chambers of Commerce in the Transvaal to meet and to consider steps to be taken against what, in their opinion, is a common danger. It is no use our appealing to their sense of fair play or British justice, for they do not believe in either. All they want is not the Asiatic's company but his room. And they would not consider the ways and means so long as they can bring about such a result. They have found a Receiver of Revenue, if the reports are correct, who is ready enough to play into their hands, for it is reported that he has refused to grant licenses to Asiatics, and has referred the matter to the authorities. In the face of an attitude such as this, the warning we have conveyed above ought to be taken to heart by the British Indians in the Transvaal. It would be interesting to know what the Government now proposes to do. Hitherto it has shielded itself in its dealings behind the Law 3 of 1885 as interpreted by the late High Court. Now that this protection has slipped out of its hands, will it have any other excuse for snatching the bread out of the mouths of the British Indian traders? Lord Milner has assured Mr. Lyttelton that the old laws are being enforced with every consideration for the feeling of the Indians, and not half as strictly as before. This, of course, as we have shown, is

not borne out by facts. But what could His Lordship say now? The old law does not in any way fetter Indian trade! Will he then forge new ones? For the sake of His Lordship's statesmanship, if for nothing else, we sincerely hope not.

*Indian Opinion*, 21-5-1904

### 332. KRUGERSDORP AND THE BRITISH INDIANS

The Krugersdorp Town Council has unanimously decided practically to condemn the choice made by its predecessor regarding the Asiatic Bazaar. They are under the impression that the site was chosen merely for the Indian traders and that there was to be another Location where hawkers and other Indians were to reside. Could ignorance go any further? And yet the destiny of the Indians is placed by Lord Milner and his advisers practically in the hands of gentlemen who care little about British Indians and less about<sup>1</sup> their own doings. The present Town Council wishes to override the decision arrived at by the late nominee Board, and is now inviting the Government to make another selection. Now that the licensing question has been set at rest, at any rate for the time being, the matter is of great importance. At the same time, it shews how Indian interests are likely to be treated by the Town Councillors of Krugersdorp, and we very much fear that what applies to Krugersdorp applies also to the rest of the Transvaal. His Worship the Mayor was good enough to suggest that, owing to the extreme cold, the people who were now living under canvas should be allowed to return to their houses, or the Town Council should at once expropriate the old Location and allow people to take up sites in the new Bazaar or new Location. The pity of it is that His Worship had not the courage to maintain his humane advocacy and insist on Justice being done to the people who are suffering, not because it is a case of danger to public health which demands it, but because of the rooted prejudice against colour and trade jealousy on the part of the Councillors of Krugersdorp.

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<sup>1</sup> The original has "no less about. . ."



### 333. *THE ASIATIC TRADERS' COMMISSION*

A brief notice appears in the Johannesburg papers to the effect that the sittings of this Commission have been suspended owing to the result of the test case. This is another instance of reckless expenditure of money by the authorities. That which they should have done before has now been done under stress of circumstances after a waste of hundreds of pounds. The British Indian Association, as soon as the test case was brought, approached the Government imploring it to postpone the sittings of the Commission until after the test case was decided, but no argument would convince it. All the reply that the Government had to return was that, the Commission having been appointed by the Legislative Council, it could not interfere. Now, however, that the test case has been decided against the Government, it suddenly finds itself armed with the power to suspend the sittings of the Commission. This is fairly red tape with a vengeance. The request of the Association was very moderate and reasonable and was calculated to assist the Government and to save expense. And yet, because it might be called yielding to the wishes of the British Indian Association, a flat refusal was given. It will be interesting if a member were to ask the questions at the next sitting of the Legislative Council as to why the Commission was persisted in in spite of the bringing of the test case; or, was it that the Government felt absolutely certain of a victory over the Indians?

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