THE COLLECTED WORKS OF MAHATMA GANDHI

IV

(1903-1905)

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VOLUME FOUR

THE PUBLICATIONS DIVISION

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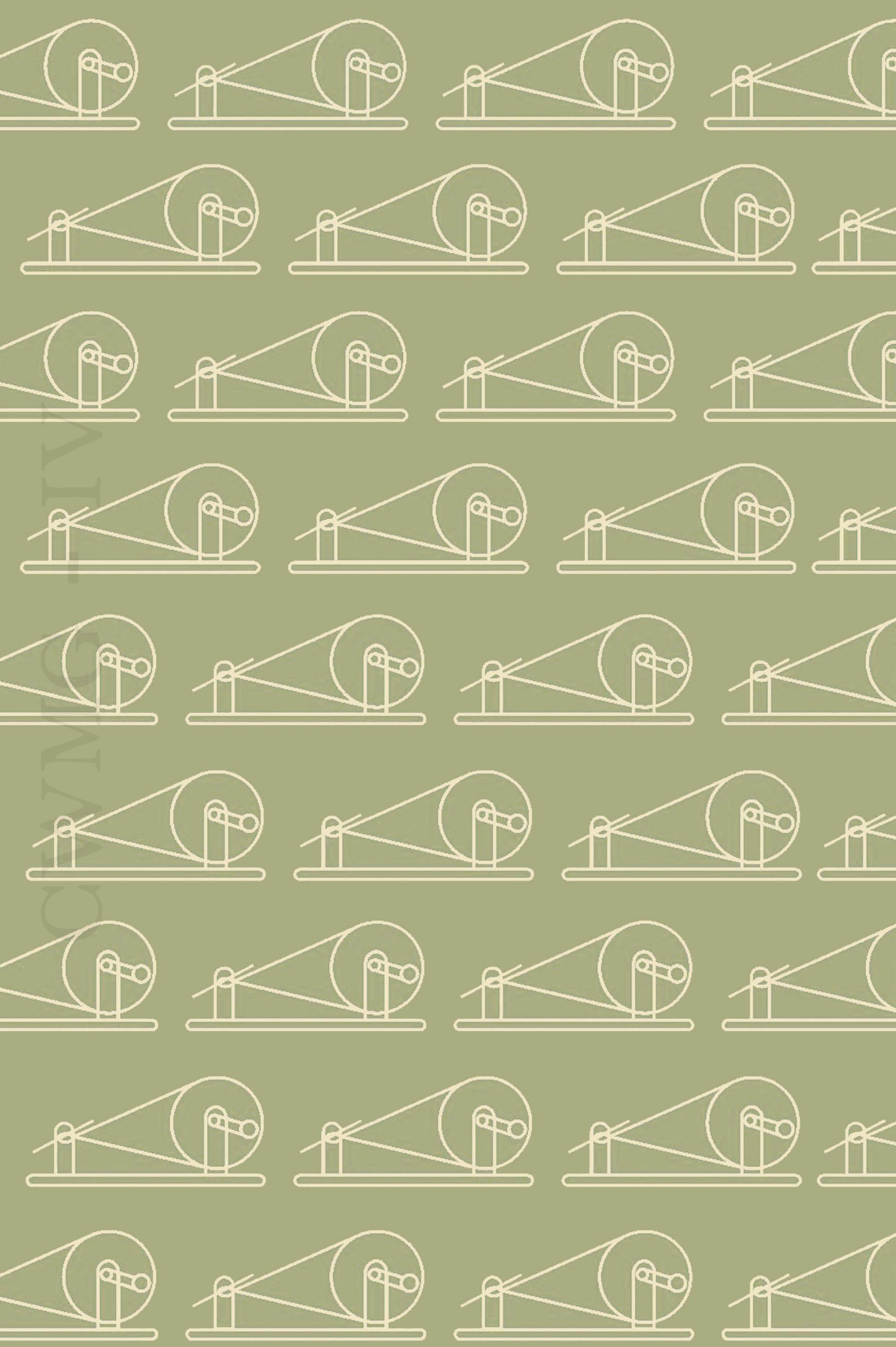

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IV

1903–1905

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इंडियन ओपिनियन.

पुस्तक २. फीनिक्स—शनिश्चर, ता. ७ वी जानेवारी, १९०५. अम्बर १२.

सप्ताहिक पंचांग.

इसवी—ता० २ डीसेम्बरसे, ता० १३ जानेवारी १९०५ तलक.

हिंदु—पौष शुक्ल पक्ष २ से पौष शुक्ल पक्ष ७ ता. १९६१ तलक.

वार.	सूर्योदय	सूर्यास्त	स्टेशनोंकी वारी.
			फ. मि. फ. मि.
शनि.	७	२५	५६ ५९
रवि.	८	३५	५६ ५९
सोम	९	४५	७७ ०
मंगल	१०	५५	७७ ०
बुध	११	६५	८० ०
गुरु	१२	६५	९० ०
शुक्र	१३	७५	१०६ ५०

इंडिया जानेवाली मैल स्टीमर.

इंडियाकी मैल स्टीमर 'अमसीना' ता. १५ जानेवारी और पीछे तुरत तथा 'अम कुली' ता. ५ फेबरवारी और पीछे तुरत जानेवाली है. यह स्टीमर डाक ले जाते है.

इंडियन ओपिनिअन.

शनिश्चर, ता. ७ जानेवारी, १९०५.

सर हेनरी कौटन साहेब का जन्म चरित्र.

सर हेनरी जॉन कौटन के. सी. एस. आई. का जन्म अठारह सौकेमें कुम्बोकोनम शहरमें सन १८४३ में हुआ था. इन साहेबके बापदादे सब बडे लोग थे. और इस्ट इन्डिया कम्पनी में डाइरेक्टर थे. १८६८ की सालमें सरकारी नौकरीमें दाखल हुआ और बहुत ही हुदे मिले थे. यह साहेब रेवन्यु बॉर्डके मेंबर थे, बंगालमें सरकारके मेंबरी थे. थोडी मुदत तक इंडिया सरकारके मेंबरी थे. कलकत्ता की कोर्पोरेशनके प्रमुख थे और आसाम

यह साहेब सब हिंदीयोंपर बहु तही प्रीती रखते थे और स्वतंत्र थे. इस लीये उपरी अमलदारकी साथ बहुत अच्छा नहि चला. जब आशाम में यह साहेब थे उस वखत उन्हें आशामके गीरमीटीयों पर बहुत दील सोजी बताया और गरीबोंका बचाव किया था. इसमें प्लांटर लोग सब गुस्से हुआ और कौटन साहेबकी सामने खटपट उठाइ. कौटन साहे बने नौकरी छोड दी. जब इंग्लांड जानेके लिये तैयार हुआ तब हिंदी कोमने यह साहेबकों बहुत मान दिया और जाकर लॉर्ड रिपनकों मिला था.

हाल यह साहेब पारलामेन्टमें दाखल होनेकी तजवीज करते है और हिंदी ओंका भला करनेके लिये बहुत भाषण करते है. हिंदीओंका सद्भाग्य है कि ऐसा वीर पुरुष कोंग्रेसके प्रमुखस्थान पर विराजमान भये.

पोर्ट आरथर.

पोर्ट आरथर गीरा! यह जमानेमें ऐसा घेराव दुसरा हुआ नहि है. हजारों आदमीयोंकी जान लास हुइ है. दोनों लश्करकी बहादुरी जबरदस्त थी. जनरल स्टोसेलका नाम अमर हो गया है. जनरल नोगीकी बहा दुरी ऐसी है उसकी तारीफ करने लायक हम नहि है. जापानके लडवैये जे पण लिया था कि पोर्ट आरथर सर करना चाहिये. यह युद्ध अपनेकों पांडव कौरवके युद्धका ख्याल देता है. एक एकसें एक चढते थे. यह घेरावमें में अपनेकों शिक्षा लेने जैसा है. मापा नीयोंका एकत्र और स्वदेशाभिमानके लिये इतनी जीत हुइ है, तो यह याद रखना चाहिये कि अपने एकत्र रहेनेसें

चबचब...

बंगाल उडीसा प्रांतमें मोरभंज नामक एक देशी रिसायत है. कुछ कालसें यह राज्यमें रेल बन रही थी, अब यह बन चुकी है.

* * *

लार्ड मिलनर दक्षिण अफरिकाके बडे हाकिम है. सुनते है, कि आप अपना पद परित्याग करेंगे और विलायतके स्काटलंड सिकत्तर एन्डरु ग्राहम साहेब आपके परित्यक्त पदपर आसीन होंगे. क्या ग्राहम साहेब अफरिकाके प्रवासी भारतवासीओंका कुछ मंगल करेंगे?

* * *

पंजाबमें दो लडके शिल्प शिक्षाके लिये विलायत भेजे जावेंगे. भारत सर कार उन्हें वार्षिक १८ सौ रुपयेके हिसाबसे तृप्ति देगा. यदि मनोनीत छात्र चमडेका काम, कुम्हारका काम, वा धातुका काम, शिखनेपर राजी होंगे, तो उन्के आने जानेका खरचा और उसका अन्यान्य खर्चभी सरकार देगी. पंजाबी कमीशनरोंपर लडकोंके चुनने का भार रखा गया है. वे स्थानीय सम्भ्रान्त लोगोंसे परामर्श करके लडकों को चुनेंगे.

* * *

कलकत्तेका 'इंग्लिशमेन' अखबार प्रकाश करता है,—"हालमें चीन सर कार तिब्बतके मामामें प्रतिनिधि भेजने का उद्योग कर रही है. चीन-सरकर अपने विदेश विभागसें बात चीत करके इस प्रतिनिधिका कार्य स्थिर कर रही है. इंग्लिशमेनने यह भी लिखा है, कि चीनके स्यांटन नगरमें बहुत बडी सभा का एक अधिवेशन होगा. सभामें अभे जोंके तिब्बतमें घुसकर और अनधिकार

FIRST PAGE OF 'INDIAN OPINION' (HINDI)
IN ITS REDUCED FORMAT,
JANUARY 7, 1905

THE COLLECTED WORKS OF
MAHATMA GANDHI

IV

(1903–1905)

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THE PUBLICATIONS DIVISION
MINISTRY OF INFORMATION AND BROADCASTING
GOVERNMENT OF INDIA

August 1960 (*Bhadrapad 1882*)

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PREFACE

During the period covered by this Volume, October 1903-June 1905, Gandhiji lived in Johannesburg, dividing his time and attention between professional and public work. He commanded a large and lucrative practice. A "Letter Book" contains a thousand letters, mostly to clients, all written in a little over three months. As evidence of his simple living, it is interesting to recall that he covered the six miles between his home and office on a bicycle and later on foot.

Indian Opinion, the weekly started in June 1903 at Durban, was kept going by generous advances from Gandhiji, who finally took it over entirely in October 1904. Not only did the journal consume a great deal of his time and energy, but it continued to be a constant drain on his resources. In a letter to Gokhale (January 13, 1905), he says that his office was being run in the interests of the journal and he had already become responsible to the extent of £3,500.

The two outstanding events of 1904 were the outbreak of plague in Johannesburg and the founding of the Phœnix Settlement. Gandhiji's contemporary references to these events reproduced in this Volume provide a valuable background and sometimes an interesting contrast to his more detached treatment of them in the *Autobiography*. When in March pneumonic plague broke out in the Indian Location at Johannesburg, Gandhiji took energetic and prompt measures for the care of the sick and for arresting the spread of the disease. How far-sighted and effective his action was, the Reverend J. J. Doke, his first biographer, brings out in his comparison of Gandhiji to the "poor wise man who by his wisdom delivered the city". (ECCLES. IX, 15.) Writing years later, Gandhiji permits himself a mild display of satisfaction at the thought of his daring at the time and of his influence on the people whom he served. (*Vide Autobiography*, PART IV, CHAPTERS XV, XVI, XVII.) But it is a different aspect of the story which is presented in the series of articles appearing at the time in *Indian Opinion*, and in his interviews and letters to the Press. The stress here is on the great work of the Indian community. Every effort is made to prove beyond doubt that the neglect of the Town Council was the main cause of the outbreak. By dwelling long and persistently on this painful theme, Gandhiji pleads that he is serving a trinity of interests, *viz.*, "truth, public weal and my countrymen".

His interest in vegetarianism and his letters to the Press regarding the plague attracted to him Henry S. L. Polak, then a sub-editor on the *Critic*. The kindred spirits were soon good friends. Albert West, another good friend, had earlier given up his own printing business and joined *Indian Opinion*. He found its financial position much weaker than Gandhiji had imagined. But he assured Gandhiji : "I remain on, whether there

is profit or not''. In order to examine and, if possible, rectify the situation, Gandhiji set out forthwith from Johannesburg, where he was living and practising, for Durban, where *Indian Opinion* was being printed and published. Polak, who had come to the station to see him off, gave Gandhiji a copy of Ruskin's *Unto This Last* for reading on the railway journey which took 24 hours in those days. The magic spell of this book brought about in Gandhiji's life ''an instantaneous and practical transformation''. He later translated the work into Gujarati, changing the title to *Sarvodaya*, (the welfare of all), an inspired formulation of the goal of the good life.

For Gandhiji, a seeker of Truth through action, the worth of an idea could be proved only by putting it into practice. The teachings of Ruskin not only reflected Gandhiji's own deepest convictions but in their exaltation of labour, of work with one's hands, they seemed to provide a ready answer to the immediate problem of putting *Indian Opinion* on its feet. A week or two earlier, Gandhiji had visited his cousins and nephews at Tongaat, where they had a beautiful garden behind their store. (Prabhudas Gandhi : *My Childhood with Gandhiji*, p. 35.) The idea then occurred to him that an orchard could be a pleasanter and a no less reliable source of income than a shop. The concrete result of this reading and reflection was the Phœnix Settlement, about 14 miles from Durban, on a plot 100 acres in extent, the cost — £1,000 — being met by Gandhiji. To avoid dependence on machines, the weekly was reduced to foolscap size. The issue of December 24, 1904 carries an article entitled ''Ourselves'', repeated in that of December 31, which makes no mention of Gandhiji's own initiative or share in the venture, but handsomely acknowledges the help of the Natal Indian Congress and the British Indian Association and of ''the devoted workers who have accepted a novel and revolutionary project''. In this manifesto Gandhiji re-states the objects of *Indian Opinion* as follows : to bring the European and Indian subjects of King Edward closer together; to educate public opinion; to remove causes for misunderstanding; to put before the Indians their own blemishes; and to show them the path of duty while they insist on securing their rights.

The disabilities suffered by the British Indians in South Africa continued to be heavy and numerous; they varied slightly from Colony to Colony and also from time to time. Among these were restrictions on immigration and on trading; on travelling in trains and cabs, on walking on foot-paths; on residence and trade outside Locations and the right to own immovable property. The irksome and corrupt doings of the Asiatic Department, the capricious decisions of Licensing Officers and Town Councils under the Dealers' Licenses Act; the inflammatory activities of Vigilants Associations and White Leagues: these were all menacing manifestations of trade jealousy and racial arrogance. The bad laws of the Boers were administered with more efficiency and thoroughness by the new British regime. In the articles ''Stock-taking'' in January 1904 and ''Yearly Balance-sheet'' in December 1904,

Gandhiji gives a fair picture of the clouds that hung over the Indians and of the tenuous silver lining that his indestructible faith in human goodness saw in them. Almost welcoming adversity for its power to chasten, Gandhiji concludes : "Ours is to work away in behalf of what we consider to be right and just and leave the result to Him without Whose permission or knowledge not a blade of grass moves".

By this time Gandhiji's attitude to the problem of indentured Indian labour had hardened. He welcomed the Government of India's refusal to permit further emigration without the amelioration of the conditions of those who had already settled in the Transvaal. In protesting against the importation of indentured Asiatic labour and against the attempt to reduce "free" Asiatics to sub-human serfdom, Gandhiji was moved, not by abstract theory, but by instinctive sympathy and profound concern for the welfare of future generations. It was this love of humanity (European as well as Chinese) — and not political or economic theory — which inspired his criticism of Mr. Skinner's report on Chinese labour for the mines, and which also evoked his appreciation of Mr. Creswell's action in resigning his post as manager of a gold mining company because he could and would employ well-paid white labour, while the owners, caring only for profits, insisted on his employing cheap imported labour. ("Mr. Creswell's Bomb-shell", 26-11-1903). But it was only occasionally that he mentioned the grievances of Africans or coloured peoples. Already, the young leader's action had come to be governed by the spirit of *swadeshi*, and was limited by the degree of responsibility he could accept for the conduct of his fellow-workers.

He is ever ready for a compromise which would meet in full measure the natural wishes and legitimate interests of the Europeans. He sees to it, and welcomes the fact, that, in regard to immigration and traders' licences, the British Indian Association puts forward the most reasonable and conciliatory proposals. In order to prevent any possibility of Indians "invading" the country, an Immigration Restriction Act on the Cape model is suggested; to prevent Indians "usurping" European trade, municipal control over the licences is accepted, subject to an appeal to the Supreme Court. ("Letter to *The Star*", 3-9-1904). He advises the Indian store-keepers of Ladysmith to conform to the directions of the Town Clerk and close their shops early, so as to disarm opposition from European rivals. When the Indian traders, after a long and strenuous struggle, win the test case of Habib Motan, he pleads with them not to take full advantage of their legally declared freedom to trade wherever they liked, but to use the fruits of victory "moderately and with prudent restraint". He has warm praise for British justice : "In British Dominions, no matter how high prejudices may run, there is always a haven of safety in the highest Courts of Justice". ("A Well-deserved Victory", 14-5-1904). Appealing to the Potchefstroom Vigilants to desist from violence and incitement, he says : "The history of British rule is the history of constitutional evolution. Under the British flag, respect for the law has become a part of the

nature of the people.'' (''The Potchefstroom Vigilants and British Indians'', 24-12-1904.)

In Gandhiji's writings at this time, particularly in his communications to Dadabhai Naoroji, one notices a constant appeal to the British conscience to stand by past promises and assurances. But one observes a stiffening of attitude, as when he says with reference to the Transvaal: ''Either the resident population should be well treated, or it should be driven out of the country. The latter operation, though drastic, would be far more merciful...'' (8-10-1904.) A few months later he sees a life-and-death struggle ahead of British Indians for the enjoyment of their legal right to live and trade wherever they liked, and their ''moral claim, certainly, to be placed on an equality with the Europeans, so far as the rights of trade, ownership of property and locomotion are concerned''. (28-6-1905.)

Never for one moment would he allow his vision to be blurred by prejudice, anger or pettiness. He recognised what merit there was in individuals as in nations. He found something to praise in controversial figures like Sir John Robinson, Dr. Jameson and ex-President Kruger. In the last, he finds a great and godly man who has left behind him a lesson of ''single-minded, though at times misguided, patriotism''. (''The Late Mr. Kruger'', 23-7-1904).

No detail was too small for him. The Happy Warrior, battling against injustice, does not neglect ''the mild concerns of ordinary life''. In letters to Chhaganlal Gandhi (April 17 and April 19, 1905), he asks anxious questions about the job-work in the press and the far-too-long complimentary list; and he gives elaborate instructions how to handle flour and *ghee* to make a good cake.

From the very beginning and through all the vicissitudes of political success and failure, Gandhiji used *Indian Opinion* for ''establishing an intimate and clean bond between the editor and the readers''. His writing was well directed and purposeful. A comparison of his Gujarati articles, so painstakingly informative and human, with his more abstract English articles on the same or related topics, brings out the influence of the reader on the writer. His articles on ''Sacrifice'' and ''The Value of Stray Moments'' show, like his lectures on religion, that no amount of professional or public activity could long keep out of his mind the eternal verities that formed the ground of his being.

ACKNOWLEDGMENTS

For material in this Volume, we are indebted to the Gandhi Smarak Nidhi and Sangrahalaya, the A.I.C.C. Library, New Delhi; the Navajivan Trust and the Sabarmati Ashram Preservation and Memorial Trust and Sangrahalaya; Shri Chhaganlal Gandhi, Ahmedabad; the Servants of India Society, Poona; the Colonial Office Library and the India Office Library, London; the Pretoria and Pietermaritzburg Archives; the Public Library, Cape Town; the Public Library, Johannesburg; Shri Arun Gandhi, Bombay and the following newspapers and journals : *India*, *Indian Opinion*, *The Outlook* and *The Star*.

For research and reference facilities, we owe thanks to the Gandhi Smarak Sangrahalaya and the Indian Council of World Affairs Library, and the Research and Reference Division of the Ministry of Information and Broadcasting, New Delhi; the Sabarmati Sangrahalaya and the Gujarat Vidyapith Granthalaya, Ahmedabad; the British Museum Library, London; the State Library, Pretoria, and the University Library, Johannesburg.

CWMG - IV

NOTE TO THE READER

The memorials and petitions in this volume, fewer than in the earlier ones, are attributed to Gandhiji on grounds which have been explained at some length in the Preface to Volume I. Apart from Gandhiji's general testimony in his autobiographical writings as to his contributions to *Indian Opinion*, due weight has been given to the opinion of his old associates, Mr. H. S. L. Polak and Shri Chhaganlal Gandhi, as well as to other evidence, wherever available, for determining the authorship of specific items.

In reproducing English material, every endeavour has been made to keep strictly to the original. Obvious typographical errors have been corrected and words abbreviated in the text have generally been spelt out. Variant spellings of names or words have been reproduced as in the original.

In the translations from Gujarati, the main aim has been to reproduce faithfully the matter in the original, keeping in view at the same time their readability as English.

The date of writing of an item, if available, has been given at the top right-hand corner; if the original bears no date, an approximate one is given within square brackets, with reasons, where necessary. The date given at the end along with the source is that of publication. In case of letters, the addressee's name and address when found in the original are printed at the top left-hand corner.

All matter in italics in introductions and within square brackets in the text has been supplied by the Editors. Round brackets have been retained when they occur in the original. In the course of writings, passages quoted by Gandhiji, sometimes from his own writings or letters, have been given in small type and in indented paragraphs.

Most of the information considered helpful in understanding the text has been supplied in footnotes. References therein to items published elsewhere in the Volume state the titles and dates of the relevant items. References to Volume I of this series are to the August 1958 edition. References to the *Autobiography* are to *The Story of My Experiments with Truth* by M. K. Gandhi, Navajivan Publishing House, Ahmedabad, and cite only the relative Part and Chapter in view of varying pagination in different editions.

A brief note on sources, and a chronology relating to the period covered are given at the end of the Volume.

In the sources, the symbol S. N. stands for documents available in the Sabarmati Sangrahalaya, Ahmedabad; G.N. refers to those available with the Gandhi Smarak Nidhi and Sangrahalaya, New Delhi, and C.W.

indicates that the documents were secured by the Collected Works of Mahatma Gandhi. Among the abbreviations sometimes to be found in the sources, "C.S.O." stands for "Colonial Secretary's Office", "C.O." for "Colonial Office", and "Lt.-G" and "L.G." for "Lieutenant-Governor".

CWMG - IV

CONTENTS

	PREFACE	v
	ACKNOWLEDGMENTS	xi
	NOTE TO THE READER	xiii
	ILLUSTRATIONS	xxiii
1	THE IMMIGRATION RESTRICTION ACT, NATAL (8-10-1903)	1
2	MR. WYBERG AND ASIATIC LABOUR (8-10-1903)	2
3	MOCKERY OF GOD IN THE ORANGE RIVER COLONY (8-10-1903)	3
4	THE ASIATIC DEPARTMENT (8-10-1903)	5
5	JOHANNESBURG INDIAN LOCATION (8-10-1903)	5
6	PERMITS FOR THE TRANSVAAL (8-10-1903)	6
7	POTCHEFSTROOM CHAMBER OF COMMERCE (8-10-1903)	7
8	MR. SKINNER'S REPORT ON CHINESE LABOUR (15-10-1903)	8
9	THAT INSANITARY AREA IN JOHANNESBURG (15-10-1903)	10
10	JOHANNESBURG LOCATION (15-10-1903)	12
11	MR. BALFOUR'S CABINET (15-10-1903)	13
12	INDIA'S SERVICE TO THE EMPIRE (15-10-1903)	14
13	BETTER LATE THAN NEVER (15-10-1903)	15
14	LETTER TO LT.-GOVERNOR'S SECRETARY (19-10-1903)	15
15	TRANSVAAL PERMITS (22-10-1903)	16
16	BRITISH AND INDIAN EMPIRE LEAGUE OF AUSTRALIA (22-10-1903)	17
17	A VIRTUE OF NECESSITY (22-10-1903)	19
18	IN TRUE COLOURS (22-10-1903)	19
19	ASIATIC BAZAARS (22-10-1903)	20
20	INDENTURED LABOUR FROM INDIA (29-10-1903)	21
21	INDIANS IN LADYSMITH (29-10-1903)	23
22	WHAT CONSTITUTES RESPECT TO THE COURT (29-10-1903)	25
23	THE BAZAARS IN THE TRANSVAAL (29-10-1903)	26
24	BRITISH INDIANS IN THE TRANSVAAL (5-11-1903)	27
25	EAST LONDON AND ITS INDIAN RESIDENTS (5-11-1903)	29
26	THE PLAGUE AND THE RED TAPE (5-11-1903)	29
27	"THE EAST RAND EXPRESS" AND ITS FACTS (5-11-1903)	30
28	TRAVELLING IN THE TRANSVAAL (5-11-1903)	30
29	INDIAN STORE-KEEPERS IN LADYSMITH (5-11-1903)	31
30	LETTER TO LIEUTENANT-GOVERNOR'S SECRETARY (7-11-1903)	32
31	NOTES (9-11-1903)	33
32	THE ORANGE RIVER COLONY AND COLOUR LEGISLATION (12-11-1903)	36
33	THE LATE SIR JOHN ROBINSON (12-11-1903)	38
34	THE PROPOSED SITE FOR THE ASIATIC BAZAAR IN KLERKSDORP (12-11-1903)	39
35	THE WHITE LEAGUE AND BRITISH INDIANS (12-11-1903)	40
36	INDIANS AND "THE EAST RAND EXPRESS" (12-11-1903)	41
37	LETTER TO LIEUTENANT-GOVERNOR'S SECRETARY (14-11-1903)	43

38 NOTES (16-11-1903) 44
39 THE TRANSVAAL BAZAARS (19-11-1903) 46
40 THE GRAND OLD MAN OF INDIA (19-11-1903) 49
41 LORD HARRIS AND BRITISH INDIANS (19-11-1903) 50
42 THE NATIONAL CONGRESS AND INDIANS IN SOUTH AFRICA (19-11-1903) 51
43 THE HISTORY OF A PERSECUTION (19-11-1903) 52
44 LETTER TO DADABHAI NAOROJI (23-11-1903) 54
45 LETTER TO LIEUTENANT-GOVERNOR'S SECRETARY (25-11-1903) 55
46 ENGLAND AND RUSSIA (26-11-1903) 55
47 "THE EAST RAND EXPRESS" AND OURSELVES (26-11-1903) 58
48 MR. CRESWELL'S BOMB-SHELL (26-11-1903) 60
49 THE ASIATIC BAZAAR AT KLERKSDORP (26-11-1903) 61
50 APPEAL TO INDIAN NATIONAL CONGRESS (26-11-1903) 62
51 LETTER TO DADABHAI NAOROJI (30-11-1903) 63
52 LETTER TO THE CONGRESS (1-12-1903) 64
53 THE LORD BISHOP OF BOMBAY AND INDIA (3-12-1903) 65
54 COLONIAL SECRETARY, TRANSVAAL (3-12-1903) 67
55 THE CHAMBER OF COMMERCE AND COMPENSATION FOR WAR LOSSES (3-12-1903) 67
56 THE LABOUR COMMISSION REPORT (3-12-1903) 68
57 THE PROTECTOR OF ASIATICS IN THE TRANSVAAL (3-12-1903) 69
58 AN APPEAL (7-12-1903) 70
59 PETITION TO THE TRANSVAAL COUNCIL (8-12-1903) 73
60 LORD HARRIS AND INDIAN LABOUR (10-12-1903) 75
61 INDIAN LICENCES IN LADYSMITH (10-12-1903) 76
62 THE GOVERNMENT AND BARBERTON INDIANS (10-12-1903) 77
63 THE "MORNING POST" AND ASIATIC LABOUR (10-12-1903) 78
64 AMENDMENT TO BAZAAR NOTICE (11-12-1903) 79
65 CABLE TO BRITISH COMMITTEE (12-12-1903) 79
66 GENERAL LETTER (Prior to 17-12-1903) 80
67 BRITISH INDIANS IN THE TRANSVAAL (17-12-1903) 82
68 A MASS MEETING OF INDIANS IN JOHANNESBURG (17-12-1903) 85
69 A GENERAL LETTER (17-12-1903) 85
70 THE TRANSVAAL CHAMBERS AND BRITISH INDIANS (24-12-1903) 87
71 MR. DUNCAN ON HIS AMENDMENT (24-12-1903) 90
72 BRITISH INDIANS IN THE TRANSVAAL (31-12-1903) 91
73 COLOURED RAILWAY TRAVELLERS IN THE TRANSVAAL (31-12-1903) 93
74 A NOTE ON ETERNAL BLISS (1903 ? 1904) 94
75 LAST YEAR'S STOCK-TAKING (7-1-1904) 95
76 THE LABOUR PROBLEM IN THE TRANSVAAL (7-1-1904) 100
77 INDENTURED LABOUR DRAFT ORDINANCE IN THE TRANSVAAL (14-1-1904) 102
78 A NEW YEAR'S GIFT (14-1-1904) 103
79 THE FOOT-PATH BYE-LAW (14-1-1904) 105
80 A REQUEST TO MR. BOURKE (14-1-1904) 106
81 MR. GLADSTONE'S BIOGRAPHY (14-1-1904) 107

CWMG-IV

82	TELEGRAM TO GOVERNOR'S SECRETARY (16-1-1904)	108
83	POSITION IN THE TRANSVAAL (18-1-1904)	109
84	ORANGE RIVER COLONY (21-1-1904)	111
85	SELF-SACRIFICE (21-1-1904)	112
86	DR. JAMESON AND ASIATICS (21-1-1904)	114
87	REPORT ON ASIATIC PERMITS (21-1-1904)	114
88	SACRIFICE – I (21-1-1904)	115
89	AN UNEQUAL CONTEST (28-1-1904)	117
90	"THANK YOU, MR. BOURKE" (28-1-1904)	119
91	THE BLOEMFONTEIN DISASTER (28-1-1904)	119
92	THE JOHANNESBURG CHAMBER OF COMMERCE (28-1-1904)	120
93	SACRIFICE – II (28-1-1904)	121
94	BRITISH INDIANS IN THE TRANSVAAL (4-2-1904)	122
95	ORANGE RIVER COLONY AGAIN (4-2-1904)	123
96	BRITISH INDIAN TRADERS IN THE TRANSVAAL (4-2-1904)	124
97	BRITISH INDIANS IN AUSTRALIA (4-2-1904)	125
98	THE UNTIMELY DEATH OF MR. DOMAN TELOO (4-2-1904)	126
99	LORD HARRIS ON LABOUR (11-2-1904)	127
100	LADYSMITH LICENCES (11-2-1904)	128
101	LETTER TO DR. PORTER (11-2-1904)	129
102	LETTER TO DR. PORTER (15-2-1904)	130
103	SIR GORDON SPRIGG AT EAST LONDON (18-2-1904)	131
104	PIETERSBURG AGAIN (18-2-1904)	132
105	LETTER TO DR. PORTER (20-2-1904)	133
106	THE MUNICIPAL CONFERENCE AND INDIAN TRADERS (25-2-1904)	134
107	LABOUR FOR THE TRANSVAAL FROM INDIA (25-2-1904)	136
108	THE ELECTIONS AT THE CAPE (25-2-1904)	137
109	THE DEALERS' LICENSES ACT (3-3-1904)	137
110	JOHANNESBURG INDIAN LOCATION (3-3-1904)	139
111	THE MALAY LOCATION (3-3-1904)	140
112	IMMIGRATION RESTRICTION REPORT (10-3-1904)	140
113	THE ASIATIC TRADERS COMMISSION (10-3-1904)	143
114	LOGICAL (10-3-1904)	144
115	THE ASIATIC BAZAAR, JOHANNESBURG (17-3-1904)	145
116	FOOT-PATHS AGAIN (17-3-1904)	147
117	LETTER TO DR. PORTER (18-3-1904)	149
118	INTERVIEW TO "THE STAR" (21-3-1904)	150
119	BRITISH INDIAN ENTERPRISE (24-3-1904)	151
120	PLAGUE IN JOHANNESBURG (24-3-1904)	152
121	THE PLAGUE (30-3-1904)	154
122	THE PLAGUE (2-4-1904)	155
123	THE ASIATIC TRADERS' COMMISSION IN THE TRANSVAAL (2-4-1904)	157
124	NATAL DEALERS' LICENSES ACT (2-4-1904)	158
125	LETTER TO THE JOHANNESBURG PRESS (5-4-1904)	159
126	LETTER TO E. F. C. LANE (8-4-1904)	161
127	THE PLAGUE IN THE TRANSVAAL (9-4-1904)	162

128 THE THIBETAN MISSION (9-4-1904) 164
129 LETTER TO "THE RAND DAILY MAIL" (14-4-1904) 165
130 THE PLAGUE (16-4-1904) 166
131 THE VALUE OF A FICTION (16-4-1904) 168
132 ORANGE RIVER COLONY AND THE PLAGUE (16-4-1904) 168
133 WAR AGAINST COLOUR (16-4-1904) 169
134 CAMP LIFE (20-4-1904) 170
135 THE PLAGUE (23-4-1904) 172
136 KRUGERSDORP AND BRITISH INDIANS (23-4-1904) 174
137 THE PRETORIA TOWN COUNCIL AND BRITISH INDIANS (23-4-1904) 174
138 A LESSON FROM THE PLAGUE (30-4-1904) 175
139 KLIPSPRUIT FARM (30-4-1904) 177
140 EAST LONDON (7-5-1904) 179
141 THE CAPE IMMIGRATION ACT (7-5-1904) 180
142 KRUGERSDORP INDIAN LOCATION (7-5-1904) 181
143 THE LICENSING CASE IN THE TRANSVAAL (7-5-1904) 182
144 IF THE PLAGUE BROKE OUT IN NATAL? (7-5-1904) 183
145 A WELL-DESERVED VICTORY (14-5-1904) 183
146 BRITISH INDIANS IN EAST LONDON (14-5-1904) 185
147 THE PLAGUE IN JOHANNESBURG (14-5-1904) 187
148 THE JUDGMENT IN THE TEST CASE (16-5-1904) 188
149 ADDRESS TO LIEUTENANT-GOVERNOR (18-5-1904) 189
150 THE TEST CASE (21-5-1904) 190
151 THE PLAGUE REGULATIONS IN NATAL (21-5-1904) 191
152 WHAT IS A "COOLIE"? (21-5-1904) 192
153 THE EAST RAND VIGILANTS (21-5-1904) 194
154 KRUGERSDORP AND THE BRITISH INDIANS (21-5-1904) 195
155 THE ASIATIC TRADERS' COMMISSION (21-5-1904) 195
156 LETTER TO M. M. BHOWNAGGREE (23-5-1904) 196
157 BRITISH INDIANS IN THE TRANSVAAL (28-5-1904) 197
158 "THE EAST RAND EXPRESS" ON THE TEST CASE (28-5-1904) 200
159 MR. DAN TAYLOR (28-5-1904) 201
160 THE LATE SIR JOHN ROBINSON (28-5-1904) 202
161 INDENTURED INDIANS (4-6-1904) 203
162 PRETORIA TOWN COUNCIL AND THE GOVERNMENT (4-6-1904) 206
163 MR. LOVEDAY AND THE BRITISH INDIANS (4-6-1904) 207
164 VOLKSRUST AND BRITISH INDIANS (4-6-1904) 208
165 THE JOHANNESBURG TOWN COUNCIL AND BRITISH INDIANS (11-6-1904) 208
166 PROPOSED NEW ASIATIC LEGISLATION IN THE TRANSVAAL (11-6-1904) 209
167 IMITATING EAST LONDON (11-6-1904) 210
168 THE INDIAN INTERPRETERS (11-6-1904) 211
169 "MERCURY" AND INDENTURED LABOUR (11-6-1904) 212
170 CONSISTENT ORANGE RIVER COLONY (18-6-1904) 213
171 THE PERMIT OFFICE IN THE TRANSVAAL (18-6-1904) 214
172 SEPOY BRAVERY (18-6-1904) 215
173 AN APPEAL TO THE NATAL CONTEMPORARIES (18-6-1904) 216

174	SIR MANCHERJEE'S SERVICES (18-6-1904)	217
175	INDIAN TRADE OUTSIDE LOCATIONS (24-6-1904)	217
176	LETTER TO RAND PLAGUE COMMITTEE (24-6-1904)	218
177	NATAL IMMIGRATION RESTRICTION ACT AND ITS WORKING (2-7-1904)	218
178	THE PRETORIA MUNICIPALITY ON COLOUR (2-7-1904)	219
179	INDIAN PROMISSORY NOTES (2-7-1904)	220
180	FOOT-PATHS IN THE TRANSVAAL (9-7-1904)	220
181	BRITISH INDIANS IN THE TRANSVAAL (9-7-1904)	222
182	SUICIDE AMONG INDENTURED INDIANS (9-7-1904)	223
183	MORE DISABILITIES (9-7-1904)	223
184	THE PLAGUE PEG (16-7-1904)	224
185	THE LATE MR. KRUGER (23-7-1904)	225
186	ENGINEERED AGITATION (23-7-1904)	226
187	THE CHINESE PUZZLE (23-7-1904)	226
188	THE BOKSBURG VIGILANTS (30-7-1904)	227
189	SUICIDE AMONG INDENTURED INDIANS (30-7-1904)	229
190	FROM PILLAR TO POST (30-7-1904)	231
191	A RETROSPECT (6-8-1904)	232
192	SIR PHIROZSHAH (6-8-1904)	233
193	THE BRITISH INDIANS IN LOURENCO MARQUES (6-8-1904)	234
194	SUPERINTENDENT OF POLICE AND BRITISH INDIANS (13-8-1904)	235
195	THE PIETERSBURG CLAPTRAP (13-8-1904)	236
196	THE MAYOR OF DURBAN (13-8-1904)	238
197	OUR GRAND OLD MAN (13-8-1904)	238
198	FOOT-PATHS IN THE TRANSVAAL (20-8-1904)	239
199	INDIA MAKES THE EMPIRE (20-8-1904)	240
200	SUICIDE AMONG INDENTURED INDIANS (20-8-1904)	241
201	MR. LYTTELTON'S DESPATCH (27-8-1904)	242
202	MEMORIAL TO COLONIAL SECRETARY (3-9-1904)	243
203	LETTER TO "THE STAR" (3-9-1904)	252
204	THE INDIANS IN THE TRANSVAAL (3-9-1904)	254
205	LETTER TO DADABHAI NAOROJI (5-9-1904)	256
206	THE TRANSVAAL (10-9-1904)	257
207	AN ENGINE OF OPPRESSION (10-9-1904)	259
208	THE INDIANS IN POTCHEFSTROOM (10-9-1904)	260
209	INDIANS AT THE CAPE (17-9-1904)	261
210	THE LATE MR. PRISK (17-9-1904)	262
211	INDIANS IN PIETERSBURG (17-9-1904)	263
212	INDIANS IN POTCHEFSTROOM (17-9-1904)	264
213	LETTER TO DADABHAI NAOROJI (19-9-1904)	264
214	MORE ABOUT SIR ARTHUR LAWLEY'S DISPATCH (24-9-1904)	265
215	LETTER TO DADABHAI NAOROJI (26-9-1904)	267
216	THE GRAND OLD MAN OF INDIA (1-10-1904)	267
217	THE TRANSVAAL WHITE LEAGUE (1-10-1904)	268
218	THE ORIGIN OF THE FIRE AT POTCHEFSTROOM (1-10-1904)	269
219	WARMBATHS IN THE TRANSVAAL (1-10-1904)	270

220 INDIANS AT THE CAPE (1-10-1904) 270
221 A GOOD EXAMPLE (1-10-1904) 271
222 AN UN-ENGLISH ENGLISH MAGISTRATE (1-10-1904) 271
223 LETTER TO G. K. GOKHALE (3-10-1904) 272
224 THE JOHANNESBURG LOCATION (8-10-1904) 274
225 THE DEALERS' LICENSES ACT (8-10-1904) 276
226 SPEECH AT A DINNER (10-10-1904) 277
227 HOONDAMAL'S LICENCE (15-10-1904) 277
228 TRIBUTE TO MADANJIT (15-10-1904) 279
229 THE JOHANNESBURG TOWN COUNCIL (22-10-1904) 279
230 DR. PORTER "TOUCHES THE SPOT" (22-10-1904) 280
231 LORD MILNER (22-10-1904) 281
232 LYDENBURG INDIANS (22-10-1904) 282
233 INDIAN INTERPRETERS (22-10-1904) 283
234 NATAL LICENSING ACT (29-10-1904) 283
235 PIETERSBURG INDIANS (29-10-1904) 285
236 THE LATE MR. DIGBY, C.I.E. (29-10-1904) 285
237 LETTER TO DADABHAI NAOROJI (31-10-1904) 286
238 LETTER TO HIGH COMMISSIONER'S SECRETARY (31-10-1904) 288
239 TELEGRAM TO COLONIAL SECRETARY (3-11-1904) 290
240 FARMERS IN CONFERENCE (5-11-1904) 290
241 A RIFT IN THE LUTE (5-11-1904) 291
242 COLOURED PASSENGERS ON THE TRANSVAAL RAILWAYS (5-11-1904) 292
243 LETTER TO DADABHAI NAOROJI (5-11-1904) 293
244 ADDRESS TO LORD ROBERTS (9-11-1904) 293
245 THE ASIATIC NATIONAL CONVENTION (12-11-1904) 294
246 THE NATAL VOLUNTEER INDIAN AMBULANCE CORPS (12-11-1904) 295
247 THE EDWIN ARNOLD MEMORIAL (12-11-1904) 296
248 LONG LIVE THE KING-EMPEROR! (12-11-1904) 297
249 BRITISH INDIANS IN THE ORANGE RIVER COLONY (12-11-1904) 297
250 LORD ROBERTS AND THE BRITISH INDIANS (12-11-1904) 298
251 CABLE TO DADABHAI NAOROJI (18-11-1904) 298
252 THE CHIEF JUSTICE AND BRITISH INDIANS (19-11-1904) 299
253 ORANGE RIVER COLONY AND THE BRITISH INDIANS (19-11-1904) 300
254 THE LATE LORD NORTHBROOKE (19-11-1904) 300
255 HOONDAMAL'S LICENCE (26-11-1904) 301
256 THE ANTI-ASIATIC CONVENTION AND THE BRITISH INDIAN MEETING (26-11-1904) 301
257 A PLAGUE SPOT (26-11-1904) 303
258 BRITISH INDIANS IN BOKSBURG (26-11-1904) 304
259 "ANGLO-INDIAN" ON THE BRITISH INDIANS IN SOUTH AFRICA (3-12-1904) 304
260 PETITION TO LIEUTENANT-GOVERNOR (3-12-1904) 306
261 LETTER TO "THE STAR" (9-12-1904) 308
262 THE RAND PLAGUE COMMITTEE (10-12-1904) 309
263 INDIANS IN PIETERSBURG (10-12-1904) 310

264	LETTER TO DADABHAI NAOROJI (10-12-1904)	311
265	THE HOONDAMAL CASE (14-12-1904)	312
266	THE HOONDAMAL LICENCE AGAIN (17-12-1904)	312
267	MR. LOVEDAY: STATESMAN! (17-12-1904)	314
268	THE KAFFIR MARKET IN QUEEN STREET (17-12-1904)	314
269	INDENTURED LABOUR ON THE COAL MINES (17-12-1904)	315
270	THE POTCHEFSTROOM MEETING (17-12-1904)	315
271	LETTER TO "THE STAR" (PRIOR TO 24-12-1904)	316
272	OURSELVES (24-12-1904)	319
273	A CASE FOR INQUIRY (24-12-1904)	321
274	THE POTCHEFSTROOM VIGILANTS AND BRITISH INDIANS (24-12-1904)	321
275	A NEW WEEKLY (24-12-1904)	322
276	YEARLY BALANCE-SHEET (31-12-1904)	323
277	OUR TRIAL (31-12-1904)	325
278	SOME MORE POTCHEFSTROOM INACCURACIES (7-1-1905)	327
279	MR. KLEINENBERG AND MR. ABDUL GANI (7-1-1905)	330
280	POTCHEFSTROOM CHURLISHNESS (7-1-1905)	330
281	THE PLAGUE (7-1-1905)	331
282	SPEECH AT OPENING OF LIBRARY IN DURBAN (10-1-1905)	331
283	LETTER TO G. K. GOKHALE (13-1-1905)	332
284	THE TRUTHFULNESS OF THE INDIAN (14-1-1905)	333
285	INDIAN NATIONAL CONGRESS AND RUSSIAN ZEMSTVOS A COMPARISON : I (14-1-1905)	336
286	PLAGUE AND LIQUOR (14-1-1905)	338
287	PLAGUE IN JOHANNESBURG (16-1-1905)	338
288	LETTER TO J. STUART (19-1-1905)	340
289	INDIAN OPEN-HANDEDNESS — AND ITS SEQUEL (21-1-1905)	341
290	INDIAN NATIONAL CONGRESS AND RUSSIAN ZEMSTVOS A COMPARISON : II (21-1-1905)	343
291	THE PLAGUE (23-1-1905)	344
292	INDIANS IN POTCHEFSTROOM (28-1-1905)	345
293	THE PLAGUE (28-1-1905)	346
294	DOES A KAFFIR FEEL? (4-2-1905)	347
295	THE HOONDAMAL CASE (11-2-1905)	348
296	IS IT BRITISH? (11-2-1905)	350
297	PIETERSBURG TRADERS (11-2-1905)	350
298	THE COLOURED FRANCHISE (11-2-1905)	351
299	ATTACK ON THE KAFFIRS (11-2-1905)	352
300	SLAUGHTER-HOUSES IN THE CAPE COLONY (11-2-1905)	353
301	THE CONGRESS AND LORD CURZON (11-2-1905)	354
302	BYE-LAWS FOR CAPE TOWN BARBERS (11-2-1905)	354
303	"QUESTIONS OF COLOUR" (18-2-1905)	355
304	CONCEALMENT OF PLAGUE (18-2-1905)	357
305	INDIAN LICENCES : NEED FOR VIGILANCE — I (18-2-1905)	357
306	CORPORATION INSANITATION (25-2-1905)	359
307	THE PLAGUE (25-2-1905)	361

308 AN APPEAL TO INDIANS IN SOUTH AFRICA (25-2-1905) 364
309 GENERAL DEALERS AT THE CAPE (4-3-1905) 366
310 INDIAN LICENCES : NEED FOR VIGILANCE – II (4-3-1905) 367
311 HINDUISM (4-3-1905) 368
312 SPEECH AT FAREWELL TO L. W. RITCH (9-3-1905) 370
313 A POLITICAL MEDICAL REPORT (11-3-1905) 371
314 THE HEALTH OF EDUCATED INDIANS (11-3-1905) 372
315 A WAR OF GIANTS (11-3-1905) 374
316 LETTER TO DADABHAI NAOROJI (11-3-1905) 375
317 HINDUISM (11-3-1905) 375
318 LETTER TO COLONIAL SECRETARY (14-3-1905) 378
319 THE NATAL MUNICIPAL CORPORATIONS BILL (18-3-1905) 379
320 THE CAPE GENERAL DEALERS' BILL (18-3-1905) 382
321 LAWYERS AT THE CAPE (18-3-1905) 384
322 LETTER TO DADABHAI NAOROJI (20-3-1905) 384
323 THE ORANGE RIVER COLONY AND ASIATICS (25-3-1905) 385
324 THE ANTI-INDIAN ACTIVITY OF NATAL (25-3-1905) 386
325 THE VALUE OF STRAY MOMENTS (25-3-1905) 387
326 SLEEP (BEST) RESTORER OF ENERGY (25-3-1905) 388
327 LETTER TO DADABHAI NAOROJI (25-3-1905) 388
328 A DOUBLE-BARRELLED CIRCULAR (1-4-1905) 389
329 A KINDLY WORD FOR INDIANS (1-4-1905) 390
330 A TRIVIAL QUERY (1-4-1905) 391
331 THE ORIENTAL IDEAL OF TRUTH (1-4-1905) 392
332 PRAISEWORTHY WORK BY CAPE INDIANS (1-4-1905) 395
333 THE PLAGUE HAVOC (1-4-1905) 397
334 MEMORIAL TO NATAL LEGISLATIVE ASSEMBLY (7-4-1905) 397
335 MR. LYTTELTON ON THE INDIANS IN THE TRANSVAAL (8-4-1905) 399
336 AN IMPORTANT JUDGMENT CONCERNING TRANSVAAL INDIANS (8-4-1905) 400
337 CURZON'S SPEECH ON INDIANS IN SOUTH AFRICA (8-4-1905) 401
338 LETTER TO DADABHAI NAOROJI (10-4-1905) 402
339 LETTER TO COLONIAL SECRETARY (11-4-1905) 403
340 MR. BARNETT'S CHARGE AND MR. ANCKETILL (15-4-1905) 404
341 LECTURES ON RELIGION (15-4-1905) 405
342 LETTER TO CHHAGANLAL GANDHI (17-4-1905) 409
343 LETTER TO CHHAGANLAL GANDHI (19-4-1905) 410
344 LETTER TO "THE OUTLOOK" (Prior to 22-4-1905) 411
345 THE ORANGE RIVER COLONY (22-4-1905) 413
346 TAMIL IN LONDON UNIVERSITY (22-4-1905) 414
347 INDIANS ON THE MINES (22-4-1905) 415
348 MALARIA IN DURBAN (22-4-1905) 415
349 INDIANS IN EAST LONDON (22-4-1905) 416
350 INDENTURED INDIANS (22-4-1905) 417
351 MALAY LOCATION IN JOHANNESBURG (22-4-1905) 417
352 JIU-JITSU (22-4-1905) 418
353 SUGGESTION BY BARBERTON AGRICULTURAL COUNCIL (29-4-1905) 418

354 LONGEVITY AMONG THE WHITES AND THE COLOURED PEOPLE (29-4-1905) 419
355 LETTER TO CHHAGANLAL GANDHI (1-5-1905) 420
356 LETTER TO CHHAGANLAL GANDHI (Post 1-5-1905) 421
357 THE TRANSVAAL CONSTITUTION (6-5-1905) 421
358 EDUCATION OF INDIANS (6-5-1905) 423
359 LETTER TO CHHAGANLAL GANDHI (6-5-1905) 423
360 THE NEW HIGH COMMISSIONER AND THE INDIANS (9-5-1905) 424
361 LETTER TO CHHAGANLAL GANDHI (11-5-1905) 425
362 LETTER TO OMAR HAJI AMOD ZAVERI (11-5-1905) 426
363 SIR ARTHUR LAWLEY AND THE BRITISH INDIANS (13-5-1905) 426
364 JUVENILE SMOKING (13-5-1905) 427
365 EARTHQUAKE IN INDIA (13-5-1905) 428
366 LETTER TO ANNIE BESANT (13-5-1905) 429
367 MR. GANDHI'S CLARIFICATION (13-5-1905) 430
368 LETTER TO CHHAGANLAL GANDHI (13-5-1905) 432
369 LETTER TO KAIKHUSHROO AND ABDUL HUK (13-5-1905) 433
370 LETTER TO PARSEE RUSTOMJEE (13-5-1905) 434
371 LETTER TO DADABHAI NAOROJI (15-5-1905) 434
372 LETTER TO HAJI DADA HAJI HABIB (15-5-1905) 435
373 LETTER TO ATTORNEY-GENERAL (17-5-1905) 435
374 LETTER TO PARSEE RUSTOMJEE (17-5-1905) 436
375 LETTER TO KAIKHUSHROO AND ABDUL HUK (17-5-1905) 437
376 LETTER TO ISSA HAJI SOOMAR (18-5-1905) 437
377 LETTER TO OMAR HAJI AMOD ZAVERI (18-5-1905) 438
378 LETTER TO S. V. PATEL (19-5-1905) 438
379 LORD CURZON ON THE INDIANS IN SOUTH AFRICA (20-5-1905) 439
380 ANTI-INDIAN LEGISLATION IN NATAL (20-5-1905) 440
381 THE IMMIGRATION LAW IN THE CAPE (20-5-1905) 441
382 THE LATE MR. TATA (20-5-1905) 441
383 SIR PHEROZESHAH MEHTA (20-5-1905) 442
384 LETTER TO HAJI MAHOMED HAJI DADA (20-5-1905) 443
385 LETTER TO ABDUL HUK AND KAIKHUSHROO (20-5-1905) 443
386 LETTER TO OMAR HAJI AMOD AND ADAMJI MIANKHAN (20-5-1905) 444
387 LETTER TO HAJI DADA HAJI HABIB (23-5-1905) 444
388 LETTER TO PARSI COWASJI (23-5-1905) 445
389 LETTER TO GOVERNMENT OFFICER, CHINDE (23-5-1905) 445
390 LETTER TO DEPUTY COMMISSIONER OF POLICE (23-5-1905) 446
391 LETTER TO CHHAGANLAL GANDHI (23-5-1905) 447
392 LETTER TO E. A. WALTERS (25-5-1905) 447
393 LETTER TO KAIKHUSHROO AND ABDUL HUK (25-5-1905) 448
394 LETTER TO OMAR HAJI AMOD ZAVERI (26-5-1905) 448
395 EMPIRE DAY (27-5-1905) 449
396 IN THE NATURE OF A TEST CASE (27-5-1905) 450
397 MAHOMEDAN V. HINDU (27-5-1905) 452
398 SIR MANCHERJI AND MR. LYTTELTON (27-5-1905) 452
399 SMALLPOX IN JOHANNESBURG (27-5-1905) 453

400 LETTER TO MAHOMED SEEDAT (27-5-1905) 454
401 ADDRESS TO LORD SELBORNE (28-5-1905) 454
402 LETTER TO ISSA HAJI SOOMAR (1-6-1905) 455
403 LETTER TO H. J. HOFMEYR (2-6-1905) 456
404 BARODA : A MODEL INDIAN STATE (3-6-1905) 456
405 AN INDIAN PHILANTHROPIST (3-6-1905) 458
406 MR. GANDHI'S COMMENTS (3-6-1905) 458
407 SMALLPOX EPIDEMIC IN JOHANNESBURG (3-6-1905) 459
408 MR. SAMUEL SMITH AND INDIA (3-6-1905) 459
409 INDIA AND THE GENERAL ELECTION (3-6-1905) 460
410 PLAGUE IN INDIA (3-6-1905) 460
411 LETTER TO M. H. THURSTON (5-6-1905) 462
412 LETTER TO OMAR HAJI AMOD ZAVERI (6-6-1905) 462
413 LETTER TO KHUSHALBHAI GANDHI (7-6-1905) 463
414 LETTER TO FULABHAI (7-6-1905) 463
415 LORD SELBORNE AND THE INDIANS (10-6-1905) 464
416 THE CHINESE AND THE KAFFIRS — A COMPARISON (10-6-1905) 465
417 JAPAN AND RUSSIA (10-6-1905) 466
418 SPEECH AT NATAL INDIAN CONGRESS MEETING (16-6-1905) 467
419 MEASURES TO ERADICATE PLAGUE IN INDIA (17-6-1905) 468
420 INDIA'S MILITARY AID TO ENGLAND (17-6-1905) 469
421 MR. GANDHI REPLIES (17-6-1905) 469
422 LETTER TO LAW SOCIETY (22-6-1905) 470
423 LETTER TO TOWN CLERK (22-6-1905) 470
424 LETTER TO PARSEE RUSTOMJEE (23-6-1905) 471
425 LETTER TO JALBHAI SORABJI BROS. (23-6-1905) 472
426 LETTER TO "THE STAR" (24-6-1905) 472
427 LETTER TO DADABHAI NAOROJI (24-6-1905) 474
428 CORRUPTION DURING WAR TIME (24-6-1905) 475
429 LETTER TO G. K. GOKHALE (26-6-1905) 478
430 LETTER TO CAMROODEEN & CO. (26-6-1905) 478
431 LETTER TO ABDUL HUK AND KAIKHUSHROO (27-6-1905) 479
432 LETTER TO "THE STAR" (27-6-1905) 480
433 LETTER TO "THE RAND DAILY MAIL" (28-6-1905) 481
434 LETTER TO M. H. NAZAR (29-6-1905) 483
435 LETTER TO MAX NATHAN (29-6-1905) 484
436 LETTER TO PARSEE RUSTOMJEE (30-6-1905) 484
437 LETTER TO E. EBRAHIM AND CO. (30-6-1905) 485
438 LETTER TO HAJI HABIB (30-6-1905) 486
SOURCES 487
CHRONOLOGY 488
INDEX 491

ILLUSTRATIONS

FIRST PAGE OF 'INDIAN OPINION' (HINDI) IN ITS REDUCED FORMAT, JANUARY 7, 1905 *Frontispiece*

(LETTER TO DADABHAI NAOROJI) *facing* p. 296

FIRST PAGE OF 'INDIAN OPINION' (TAMIL) IN ITS REDUCED FORMAT 328

FIRST PAGE OF 'INDIAN OPINION' (GUJARATI) IN ITS REDUCED FORMAT 329

(LETTER TO CHHAGANLAL GANDHI) 408

409

LETTER IN GANDHIJI'S HAND TO ABDUL HUK AND KAIKHUSHROO 480

CWMG - IV

1. *THE IMMIGRATION RESTRICTION ACT, NATAL*

The erstwhile Immigration Bill,[1] having received the Royal assent, has been gazetted as an Act, and is now of full force and effect in 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[2] that "time 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.

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.

1 *Vide* Vol. III, pp. 436-7 and pp. 478-9.

2 Sir Alfred Milner, High Commissioner and Governor of Cape Colony (1897-1901) and of the Transvaal and Orange River Colony (1901-5).

CWMG - IV

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

2. *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 the 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 taskmaster 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 objection 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

3. 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 com-

ing 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 instituted 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

4. 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,[1] our readers will remember, protested against this wasteful expenditure of £ 1 per head, because there is hardly a population of 10,000 Indians in the Transvaal. When it is remembered that this money is being spent over the control of a 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

5. 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, 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

[1] Member, Transvaal Legislative Council

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. And 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 suggestion as to limiting the size of the Stands to 30×20 instead of 50×50 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 Burghersdorp and other parts of the Insanitary Area.

Indian Opinion, 8-10-1903

6. *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

7. *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 new-comers 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.[1] 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

[1] *Vide* Vol. III, p. 453.

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

8. MR. SKINNER'S REPORT ON CHINESE LABOUR[1]

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 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

[1] There was a proposal by the mine-owners of the Transvaal to import 200,000 Chinese labourers. *ibid.* p. 451

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 farreaching, 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 efforts 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) Overmen 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 properly 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 suddenly sprung upon them without some preparation.

Indian Opinion, 15-10-1903

9. *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 the 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 method. 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 Valuators. 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

10. 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

11. 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 tinkerings with the delicate affairs of the East from his hand.

Indian Opinion, 15-10-1903

12. 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 regiments, 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",[1] 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 undoubtedly 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 commission 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

[1] *Vide* Vol. III, p. 460.

13. 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 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

14. 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[1] to wait on His Excellency.

I have the honour to remain,
Sir,
Your obedient servant,
Abdool Ganie[2]
Chairman
British Indian Association.

Pretoria Archives : L. G. 2132, Asiatics 1902-1906.

1 On September 25, the request was first made for permission to lead a deputation to discuss trading licences.

2 A variant spelling of 'Abdul Gani'.

15. 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 in 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 he 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,[1] 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 storemen 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

16. 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

[1] Joseph Chamberlain (1836-1914), Secretary of State for the Colonies, 1895-1903. *Vide* Vol. I, p. 380.

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

17. 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[1] 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

18. 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[2] reserves to the applicants the right of appeal! We take

[1] *Vide* "Mr. Skinner's Report on Chinese Labour", 15-10-1903.

[2] *Vide* Vol. II, pp. 343-5 for provisions of the law.

CWMG-IV

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

19. ASIATIC BAZAARS

We have much pleasure in reproducing a portion of the remarks made by our contemporary, the *Western Transvaal Advertiser & Zeerust 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 the 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,[1] for it has said deliberately that Bazaars shall be established within the towns in the Transvaal. And Lord Milner has assured the British Indian deputation that these 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

[1] *Vide* Vol. III, pp. 352-3.

20. *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, 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 riksha-pullers, 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 previous 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 Indian priests might be given the authority to frame such records. 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 years

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

21. 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 an 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 as £ 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 a knowledge of the English language is concerned, cannot 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?[1] 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*[2] 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

[1] Gandhiji describes the incident in his *Satyagraha in South Africa*, Chapter IX pp. 78-9.
[2] A robe.

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 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

22. *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[1] 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,

[1] Puisne Judge, later Acting Chief Justice, Natal.

and because, as a rule, it was only the European boots or shoes that were used by the Indians in 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

23. THE BAZAARS IN THE TRANSVAAL

The notices to the British Indian store-keepers and merchants in the Transvaal about removal to the Locations (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

24. 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. According 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 Indian 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 Governor 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 head-quarters. 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,[1] 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

[1] The Lieutenant-Governor.

25. 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

26. THE PLAGUE AND RED TAPE

Complaints have been received by us from several correspondents to the effect that, although the plague restrictions on 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

27. "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 Asiatic except to carry on his business in Bazaars set apart for that 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

28. 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 countrymen 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 applications at least half an hour before the advertised time of departure of trains, and that their applications 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 Coloured people who had not a more sympathetic friend than Mr. Pakeman, who adorned the editorial chair.

Indian Opinion, 5-11-1903

29. 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 Ladysmith 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 undeserved are the disabilities that are imposed on us.

Indian Opinion, 5-11-1903

30. 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 your letter of the 4th instant, No. 2131.[1]

As I have already said, I have no wish to lay stress on the question

[1] This was in reply to Gandhiji's letter of November 2 which is not available.

of His Excellency's replies regarding Notice No.356 of this year to the representation of the British Indian Association.[1] 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[2] 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.

31. NOTES[3]

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[4] 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

[1] 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 before the war".

[2] *Vide* Vol. III, pp. 511-2.

[3] 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.

[4] On October 30.

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 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;[1] 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

[1] S. J. Paul Kruger (1825-1904), President of the Transvaal, 1883-1900. *Vide* "Late President Kruger", 23-7-1904.

were unable to get their licences, but at the same 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,[1] as stated in Lord Milner's dispatch, 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,[2] 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 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.

[1] *Vide* Vol. I, p. 383.
[2] *Vide* Vol. III, p. 325.

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.

32. 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 qualifications 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 provisions 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 a 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 elections, 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 clauses 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 employers' 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 person, 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 Location, 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 person 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 purposes 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?

Indian Opinion, 12-11-1903

33. 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.[1] 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

[1] *Vide* Vol. I, p. 312.

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 complain 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.[1] As was usual with him, he entered into the programme whole-heartedly and paid a generous tribute to the Natal Indian Volunteer Ambulance Corps.[2] 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

34. 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 *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

[1] *Vide* Vol. III, p. 161.
[2] *Vide* Vol. III, pp. 193-4.

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

35. 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 undesirable 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 to come up, and the unscrupulous methods of the Asiatics in obtaining 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 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 per-

mits, 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 storekeepers. 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

36. 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 dispatches 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 on 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

37. 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 graned 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 the 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 residents only. I venture to submit that, pending new legislation, 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.

38. NOTES[1]

[JOHANNESBURG,
November 16, 1903]

WEEKLY STATEMENT ENDING NOVEMBER 16, 1903

The situation remains still the same. The summary given last week[2] 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

[1] 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.

[2] *Vide* "Notes", November 9, 1903.

CWMG-IV

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 Notice should, according to the dispatch, affect only those new-comers who are said to have poured in. As a matter of fact, as has been pointed out in previous statements, there are very few new-comers, 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 business 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.

39. 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 everyone 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 purposes 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 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 no 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 acute 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

40. 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,[1] 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,

[1] *Vide* Vol. I, p. 384.

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

41. 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 shareholders 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

42. 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[1] 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 questions which are totally above party politics and about which there is no difference of opinion between the powerful

[1] Lal Mohan Ghose (1849-1909), lawyer, writer and advocate of self-rule for India.

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 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

43. 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

44. 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[1] 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 shew 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, and I have no doubt that, apart from the

[1] *Vide* "Notes", November 16, 1903.

question of the status in 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.

45. 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.

46. 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 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[1] 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 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 material-

[1] Evidently a slip for 1858.

ism, 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 Muscow. 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

47. "*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 wholesale 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 the 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 requirements 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

48. 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

49. 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

50. 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.[1] 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 responsible. His dispatch to Mr. Chamberlain has affected us adversely. Lord Milner's good-will 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 be come 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

[1] *Vide* Vol. II, p. 373 and Vol. III, pp. 252-5.

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

51. 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 on 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 an 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.

52. 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,[1] and the memorial submitted to the local Assembly,[2] 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*.[3]

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

1 *Vide* Vol. III, p. 317.
2 *Ibid.*, p. 415.
3 Dated 4-6-1903

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.

53. 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 key-note of his somewhat extraordinary success, as Mr. Justice Chandavarkar[1] 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 times. 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 the mind of the Indian people. There were certain features in the Indian mind and consciousness for which he

[1] Sir N. G. Chandavarkar, social reformer and judge of the Bombay High Court, presided over the Congress session at Lahore in 1900.

had the greatest admiration. They had a very keen, subtle and refined intellect characterising the best type in India. 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

CWMG - IV

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

54. 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

55. 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

56. 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 Transvaal 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

57. 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 no 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 European 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

58. AN APPEAL[1]

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 Locations 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

[1] Republished from the *Transvaal Leader*.

notorious fact that many Indians traded outside Locations, prior to the war, without any licences. This they were able to do owing 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.

I am, etc.,
M. K. GANDHI

Indian Opinion, 24-12-1903

59. *PETITION TO THE TRANSVAAL COUNCIL*[1]

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 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

[1] This was published in *Indian Opinion*, 17-12-1903.

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 Excellency 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 new-comers 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. Chamlain 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.

60. 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

61. 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 Saturdays. 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

62. 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

63. 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

64. AMENDMENT TO BAZAAR NOTICE[1]

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, 18-12-1903

65. CABLE TO BRITISH COMMITTEE

JOHANNESBURG,
December 12, 1903

TO
INCAS

GOVERNMENT PROPOSE BRING AMENDMENT BAZAAR NOTICE BEFORE LEGISLATIVE COUNCIL EXEMPTING SOME INDIANS FROM LIABILITY TRADE WITHIN BAZAARS WITHOUT INCLUDING ALL EXISTING LICENSES. THIS WOULD MEAN COMPULSORY REMOVAL ABOUT HUNDRED TRADERS LOCATION CAUSING UTTER RUIN. BRITISH INDIAN MASS MEETING THEREFORE PASSED RESOLUTION REQUESTING PROTECTION ALL EXISTING LICENSES PENDING PROMISED ALTERATION ANTI-INDIAN LAWS. COUNCIL CONSIDERS AMENDMENT MONDAY. PLEASE HELP.

GANDHI

India Office: Judicial and Public Records, 57/1904.

[1] This appeared as "from a correspondent".

66. GENERAL LETTER[1]

[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[2] 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 population 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 new-comers 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

[1] This was addressed to the members of the Transvaal Legislative Council by British Indians.

[2] "Petition to the Transvaal Council", December 8, 1903.

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 country 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 oneself 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

67. 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; we call in the assistance of the Almighty also 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 to 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 taken 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

68. 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

69. A GENERAL LETTER[1]

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 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

[1] 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.

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 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 dealers' 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.[1]

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

[1] *Vide* item 68 above.

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 behindhand 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,
ABDOOL GANI
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

India Office: Judicial and Public Records, 57/1904.

70. THE TRANSVAAL CHAMBERS AND BRITISH INDIANS

We reproduce elsewhere copy of a circular letter[1] 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

[1] Item 69 above.

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-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

71. MR. DUNCAN ON HIS AMENDMENT

The Colonial Secretary[1] 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 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

[1] Mr. Patrick Duncan.

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 overridden 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

72. 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 the 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 an 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 a 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 storekeepers, and the Government would introduce 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 doings, 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

73. 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

74. A NOTE ON ETERNAL BLISS

[*1903 ? 1904*][1]

The Missionaries have hastily interpreted the great Hindu belief in ETERNAL BLISS to mean 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[2] 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 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

[1] 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.

[2] Presumably *kaivalya* (कैवल्य).

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.

75. 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.[1] 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 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

[1] *Vide* Vol. III, p. 343.

1885, which had remained dormant for many years past. The British Indian Association of Johannesburg approached Lord Milner,[1] 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 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 the 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

[1] *Vide* Vol. III, p. 364.

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[1] 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.

[1] Lyttelton succeeded Chamberlain as the Secretary of State for the Colonies in 1903.

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 harshness. 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 Brown'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[1] 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 Indians, 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

[1] *Vide* Vol. III, p. 384.

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 community in Natal to undertake educational reform. The Habibi Madressa[1] 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 a 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 Empire, 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

[1] Arabic word meaning school or college.

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 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

76. LABOUR PROBLEM IN THE TRANSVAAL

Sir George Farrar's motion,[1]

> that the attention of the Government be called to the report of the Transvaal Labour Commission,[2] 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.

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.

1 In the Transvaal Legislative Council.

2 *Vide* p. 68, *supra*.

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[1] 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 enterprises 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 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[2] 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

[1] Sir Percy Fitzpatrick, member of the Transvaal Legislative Council.

[2] Sir Richard Solomon.

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

77. 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 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 also 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 "elementary 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 themselves, and save the community from (we say with all deference) what is a crime against humanity.

Indian Opinion, 14-1-1904

78. 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 granted. Thus, there is a wide difference 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.[1] 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 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

[1] 'Revalidated' is evidently meant.

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 a 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

79. 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. Loveday 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 moreover 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. Loveday, 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. Loveday'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

80. 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

81. MR. GLADSTONE'S BIOGRAPHY

A biography in three volumes of Mr. Gladstone, one of the greatest men of this age, written by Mr. Morley,[1] 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 elate him; in fact when the 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

[1] 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

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

82. 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. MOREOVER 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 PROSECUTION.

BIAS[1]

Pretoria Archives: L.G. 92: No. 97/1/2 Asiatics 1902-1906.

[1] Telegraphic address of the British Indian Association.

83. POSITION IN THE TRANSVAAL[1]

[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 Government 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

[1] 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.

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 initialled 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 traders' 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 interested 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.

84. 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,[1] 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,[2] or Sir Mancherji,[3] 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 outside the Location after ten o'clock at night, 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

85. 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

[1] A misprint for "races"?

[2] Prince Ranjitsinghji Vibhaji, (1872-1933), Maharaja Jam Sahib of Nawanagar, well-known for his cricket as 'Ranji'.

[3] Sir Mancherjee Bhownagaree, *vide* Vol. II, p. 376.

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

86. DR. JAMESON AND ASIATICS

Dr. Jameson[1] 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

87. 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 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

[1] Sir L. S. Jameson (1853-1917), Prime Minister of Cape Colony, 1904-1908.

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

88. 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 little pains to do a small job, but a big task calls for more 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][1]. 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 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!][2] 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

[1] The original has "against this explanation".

[2] Literally, the Gujarati here reads "... as if rivers of milk flow there!"

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

89. 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-manger 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 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,[1] such a process was described by Lord Milner as a pin-prick policy. And yet what the Boer Government did to the Uitlanders 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 they 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

[1] Dutch word for non-Dutch white settlers. *Vide* Vol. II, p. 382.

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 very last, so much so, that even when the decision given by the Boer High Court[1] 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 the late Free State gave an award[2] 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

1 *Vide* Vol. III, pp. 1-2, 13-16.
2 *Vide* Vol. I, p. 189.

90. "THANK YOU, MR. BOURKE"

Sir Richard Solomon gave Mr. Bourke the following information regarding his enquiry[1] 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

91. 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 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.

[1] *Vide* "A Request to Mr. Bourke", 14-1-1904.

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

92. 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 statesmanlike 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

CWMG - IV

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

93. 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

94. BRITISH INDIANS IN THE TRANSVAAL

Last week we touched upon the test case of Tyob Haji Khan Mahomed and F.W. Reitz N.O.[1] 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.[2] 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

1 *Vide* "An Unequal Contest", 28-1-1904.

2 *Vide* Vol. I, p. 382.

not in any way apply to the later case of Tayob Haji Khan Mahomed, because the Chief Justice had clearly laid it down that, in terms of the London Convention of 1884,[1] 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 Jorrisen, 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

95. 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 or 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.

[1] *Vide* Vol. I, p. 383.

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

96. 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 Asiatics 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 and the nature and value of the vested interests claimed by them in respect 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

97. 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 it 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

98. 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 agent's 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

99. 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 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

100. LADYSMITH LICENCES

Mr. Lines, the Town Clerk and Licensing Officer at Ladysmith, has now issued licenses 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

101. 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 to 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, the 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

102. LETTER TO DR. PORTER

21 TO 24, COURT CHAMBERS,
February 15, 1904

DR. C. PORTER
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 valuators 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

103. SIR GORDON SPRIGG AT EAST LONDON

Like a drowning man catching a straw, Sir Gordon Sprigg[1] 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

[1] Four times Premier of the Cape Colony, he replaced Dr. Jameson in 1904.

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 a municipal matter, and that he did not wish to judge the Council's 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 cannot 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 Indians 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 what the Mayor has expressed, they will be cancelled so far as they are applicable to the British Indians.

Indian Opinion, 18-2-1904

104. PIETERSBURG AGAIN

Pietersburg, which last year led the way in harassing British Indian store-keepers,[1] 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 *Zoutpansburg 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

[1] *Vide* Vol. III, pp. 327, 347-8.

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 would 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

105. 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

106. 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 concerning 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 Municipal 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 have got the voice, they want to use it in the very manner against which they cried themselves hoarse. They would make the British Indians, whose co-operation they were glad to have in fighting the old regime, 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 desert. 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

107. 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, that 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

108. 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 congratulations 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 distinctions being made between British subjects, except on the score of civilisation. 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

109. 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.S. 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[1] 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 all surprising. 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 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

[1] *Vide* Vol. III, p. 2.

110. 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 Indians 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 4¾ miles.

Indian Opinion, 3-3-1904

111. 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 recommend 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 recommend 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 that 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 Transvaal 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

112. IMMIGRATION RESTRICTION REPORT

We give in another column the main points of the interesting, exhaustive, and able report drawn by Mr. Smith[1] 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

[1] Harry Smith, Immigration Restriction Officer.

CWMG - IV

in 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' 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 up 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 '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. Sometimes 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 a 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

113. 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

114. LOGICAL

We have already dealt with the action of the Municipal Conference[1] 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

[1] *Vide* "The Municipal Conference and Indian Traders", 25-2-1904.

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 Asiatic from European, 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

115. 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 on 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][1] 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 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 a 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[2] 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][3] note in passing that a clergyman, the Reverend Mr. Brown, acted as spokesman for the

1 The original is mutilated.

2 *Vide* Vol. III, pp. 72 *et seq.*

3 Word effaced in the original

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 remembered 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 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

116. 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-Governor's 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

117. 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[1] 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][2]

On the first of March, a short note[3] was written to Dr. Porter, 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

1 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".

2 The correspondence was released to the Press with this explanation.

3 This is not available.

118. INTERVIEW TO "THE STAR"[1]

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 a 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 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 Rietfontein. 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

[1] This was reproduced in *Indian Opinion*, 24-3-1904.

had been extraordinary mortality from plague, but, 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

119. 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 patch 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, unbiassed 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

120. PLAGUE IN JOHANNESBURG[1]

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[2] 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

1 This appeared as "From our own Correspondent".

2 *Vide* "Letter to Dr. Porter", February 11, 1904.

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 not plague cases. Four days after came the crisis. Some Indians 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. 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

121. THE PLAGUE[1]

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.

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.

[1] This appeared as a "From our Johannesburg Correspondent".

CWMG - IV

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 a 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[1] 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 the community is doing well in living it down by patient suffering.

Indian Opinion, 9-4-1904

122. 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

[1] L. W. Ritch was then an articled clerk working with Gandhiji.

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,[1] 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 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,

[1] District surgeons assigned especially by Town Council for this work.

and emerge from the ordeal well able to take care of the sanitary laws without supervision or control.

Indian Opinion, 2-4-1904

123. 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 businesses 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.[1] 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, disposed 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

[1] *Vide* "The Asiatic Traders' Commission", 10-3-1904

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 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) were granted licenses after the war, unless they could prove to his satisfaction that they were doing business in the Transvaal outside Locations 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

124. 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 years' standing; the others are also old store-keepers having held licenses 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

125. LETTER TO THE JOHANNESBURG PRESS[1]

COURT CHAMBERS,
JOHANNESBURG,
April 5, 1904

SIR,

In view of Mr. Roy's[2] 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 Drs. 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 dispassionately, 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.

[1] 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.

[2] J. Roy Chairman of the Public Health Committee.

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 thereof 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 mulcted 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[1] 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

[1] Evidently "the heat and the burden" was what was intended.

126. 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'[1] attention to the fact that what has been submitted by me on behalf of the Indian community is that past *de 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 renders 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 a 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

[1] 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.

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.

127. THE PLAGUE IN THE TRANSVAAL[1]

Although the scourge has not entirely left the Colony, it is now robbed of its terror and it is officially notified that, the pneumonic 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 Indian 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 help 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

[1] 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 for 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)

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
¾ lb. rice
½ lb. meat or fish with *dholl*[1]
3d. worth of vegetables with *dholl* (for vegetarians)
1½d. worth of vegetables (for meat-eaters)
1 tin milk per adult per fortnight
½oz. 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
½ oz. tamarind
¼ 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 of the people has

[1] *Dal*

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

128. 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 people 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 mission 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 it cannot be held to be just or fair.

Indian Opinion, 9-4-1904

129. LETTER TO "THE RAND DAILY MAIL"

JOHANNESBURG,
April 14, 1904

TO
THE EDITOR,
The Rand Daily Mail

SIR,

There are features in the report[1] of the Public Health Committee in refutation of the statements made by me regarding the outbreak of plague which necessitate my asking you to extend your indulgence for a brief explanation.

It is worthy of note that it is not now any longer denied that I 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

[1] 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)

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,[1] in speaking of my inability to furnish particulars of suspicious deaths, refers to the single interview.[2] What happened was this. I had not the names nor the numbers of the Stands before me. I rang for the clerk who knew something about this matter, and it was there and then that 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 Location after the Council entered on possession, and I freely admit that some of my countrymen had Kaffirs as 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 was an increase in the Location, both in the Indian population and the Kaffirs, is capable of proof. There were 96 Stands in the Location. Deducting, say, six unoccupied Stands, 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 the 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

130. THE PLAGUE

Although the plague has practically left Johannesburg, the restrictions 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.

1 The Health Inspector.

2 This was soon after Gandhiji wrote to Dr. Porter on March 1.

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 place 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 restrictions 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

131. THE VALUE OF A FICTION

Dr. Turner, Medical Officer of Health for the Colony of the Transvaal, in his letter to the Press on the plague, said that apart from simple, ordinary restrictions 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 conflagration 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 is quite contrary to facts, and, as our correspondent has pointed out, the cordon round the Location and the control over the 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

132. 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 the 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 the O.R.C. or not is a very small matter and no business of the powers that be.

Indian Opinion, 16-4-1904

133. WAR AGAINST COLOUR

In the Orange River Colony *Gazette* dated the 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

134. CAMP LIFE[1]

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 of proved plague, which has turned out to be fatal. In Krugersdorp, one Native plague case and five suspects, also Natives, of which three have proved not to 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, up to the time of writing, the statement made before that the disease is not personal to the Asiatics still holds good. At the camp at Klipspruit, however, the regulations continue to be extremely irritating. The camp has been declared open since the 11th instant. There have been no plague cases whatsoever since the inauguration of the camp. Nor has there been any sickness worth mentioning. And yet the movements of the inmates are very uncomfortably controlled. They cannot 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 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 at 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 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 at or before 8.30 p.m., and failure to do so makes him liable to a penalty not exceeding £15, or, in default of payment,

[1] This appeared as "From our Johannesburg Correspondent".

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 the 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 applications, 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 fulfil the requirements of the sanitary regulations, and the Rand Plague Committee, which is constantly on the *qui vive* for insanitation, should certainly be 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 Indians 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 the advisability of asking for further powers to control the Indians and other Asiatics, especially to have full control over 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 accommodation 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

135. 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[1] that was published by us the other week and the correspondence we publish in this issue. 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

[1] *Vide* letters to Dr. C. Porter dated February 11, 15 and 20, 1904.

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, undertaken 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 did the Council allow the Area to be occupied by a single new tenant? Why were the Kaffirs dumped down in the Indian Location? 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 propositions laid down by itself. Was it merely a subterfuge that the Town Council went to Lord Milner for authority to expropriate 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 expropriate, 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

136. 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 Transvaal. 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 a manifestly unjust regulation would not meet with His Excellency's sanction?

Indian Opinion, 23-4-1904

137. 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 situate 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

138. 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 Location are being treated practically as prisoners. Even dogs, cats, and other animals that were found in the Location 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 Indian 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

139. 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 Locations, 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.[1] 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 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.[2] It would seem that Indians possess a natural gift for exaggeration.[3] 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

[1] The reference is to the Indian Ambulance Corps organised by Gandhiji during the Boer War.

[2] The Gujarati goes on: "You cannot tie a strainer-cloth round people's mouth ... "

[3] The Gujarati has "to make an elephant out of a speck of dust ".

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

140. EAST LONDON[1]

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 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 for fixing the hours within which it shall be lawful for Natives and Asiatics to be in the streets, 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.

[1] 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. Bhownaggree'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)

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.

141. 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[1] 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 raises the question as to whether Yiddish

[1] Of British immigrants.

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[1] in Australia, opposition will be 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

142. 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-build, it certainly is an easy way of depriving them 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

[1] A "hatter" is a miner who works alone and without much capital.

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

143. 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*.[1] It should be recollected that judgment 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 that 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 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

[1] *Vide* Vol. III, p. 9.

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

144. 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

145. A WELL-DESERVED VICTORY

So the Supreme Court has given judgment in favour of the plaintiff with costs in the Indian test case,[1] 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

[1] *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 Locations were illegal and that the plaintiff was entitled to get licence to trade as a general dealer in the towns of Pretoria and Pietersburg.

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 culminating 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 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

146. 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 the 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,[1] 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 follows:

> Take Notice that the Sanitary Officer 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 that 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.

[1] 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 where they, according to the regulations, requested them to reside". *Vide* "East London and Asiatics," *Indian Opinion*, 14-5-1904.

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 in 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 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

147. 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

148. THE JUDGMENT IN THE TEST CASE[1]

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 the 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 Locations 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 fruits 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 effectively stopped by the Peace Preservation Ordinance, and a new law under the Crown Colony would have to be brought in 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

[1] 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, Individuals– N).

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, 1-6-1904

149. ADDRESS TO LIEUTENANT-GOVERNOR[1]

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's 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 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-Emperor 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

[1] The address was presented by the Indian community of Heidelburg when Sir Arthur Lawley visited the town.

150. 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 aberrations on the part of the local authorities who, whether out of selfishness, weakness, or prejudices, are unable to take a 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 storekeeper, 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 of 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 traditions, 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

151. 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 into 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 regulations 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

152. 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[1], 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

[1] *Vide* Vol. III, p. 9.

people in the Colony, it means an indentured Indian. Now it would have been an easy thing to have given a definition which would 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 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 to put the municipal franchise 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 a 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

153. 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 would 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

154. 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[1] 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.

Indian Opinion, 21-5-1904

155. 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

[1] The original has "no less about..."

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 question 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?

Indian Opinion, 21-5-1904

156. LETTER TO M.M. BHOWNAGGREE[1]

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
May 23, 1904

TO
SIR MANCHERJEE BHOWNAGGREE, M.P.
196 CROMWELL ROAD
LONDON, ENGLAND

DEAR SIR,

His Excellency the Lieutenant-Governor, Sir Arthur Lawley, while passing through Heidelberg, in reply to an Indian deputation which presented His Excellency last week with an address[2], said in effect that the liberty of the Indian to trade unrestricted in virtue of the decision in the test case will not be tolerated and that Mr. Lyttelton has already been approached with a view to sanctioning legislation in the desired direction.

The position of the Indian as defined in Law 3 of 1885 as amended in 1886 and interpreted in the light of the test case is this:

(1) An Indian can immigrate into the Colony without restriction.
(2) He can trade anywhere he likes in the Colony. Locations may be set apart for him but the law cannot force him to reside only in Locations, as there is no sanction provided in the law for it.
(3) He cannot become a burgher.
(4) He cannot own landed property except in Locations.
(5) He must pay a registration fee of £3 on entering the Colony.

With the exception, therefore, of the prohibition as to holding landed property, even in virtue of the above law the condition of the Indian is now not altogether precarious.

Freedom to immigrate, however, has been almost absolutely taken away by making what is, after all, an unjust use of the Peace Preservation

[1] A copy of the letter was forwarded to the Colonial Office by Bhownaggree. *India*, in its issue of 1-7-1904, published the text as from its correspondent.

[2] *Vide* "Address to Lieutenant.-Governor" May 18, 1904.

Ordinance which was passed to restrict rebels and other disloyal people but not law-abiding British subjects.

In what form it is now intended to introduce legislation, it is difficult to say, but seeing that before it can even be introduced Mr. Lyttelton's consent is necessary, I trust that you will approach him and discuss the question with him, for, after he has given his sanction to a particular course, it would be very difficult to get redress.

What I venture to suggest is that the Law 3 of 1885 should be entirely repealed as also the town regulations regarding foot-paths and other laws specially disqualifying Asiatics; that an Immigration Act on the Cape lines should be introduced but so as not to taboo, in the educational test, the Indian languages and; [that] a Dealers' Licenses Act should be introduced on the Natal lines provided that the right of appeal to the Supreme Court be granted against decisions of the local authorities on licensing applications and provided that the existing licenses are not touched by it except in so far as the shops may not be in accordance with sanitary or ornamental requirements.

Thus, the great bogey of immigration will be set at rest once and for all, and there would be no question of undue competition in trade. The local authorities will be able to regulate the number of licenses.

All that the Indians claim is that they should have the right, under the general laws of the Colony and so long as they conform to Western requirements, to trade and to hold landed property and to enjoy other rights of citizenship.

I would also remind you that Lord Milner has committed himself to some such legislation and not legislation specially disqualifying British Indians, and also that British Indians of education or standing should be entirely exempted from any restrictive legislation.

Colonial Office Records: C.O.291, Volume 78, Individuals–B.

157. BRITISH INDIANS IN THE TRANSVAAL

The British Indians at Heidelberg did well in presenting a loyal address to His Excellency the Lieutenant-Governor of the Transvaal, and in doing so to draw His Excellency's attention to the recently decided test case. It drew from His Excellency an important pronouncement on Government policy. The answer given by Sir Arthur Lawley to the deputation was elaborated in his speech at Volksrust at the banquet given in his honour by the people of Volksrust. His Excellency paid a well-deserved compliment to the loyalty of the Indian people and their industrious habits. Dealing with the[ir] status in the Transvaal, His Excellency was very guarded. He said that nothing could be done by the Government until sanction was received from the Colonial Secretary. But he had no hesitation in saying that he sympathised very much with the desire of the white inhabitants not to be nonplussed by the Asiatic traders, and

he promised the Volksrust people that he would do his best to further the desire of his fellow-countrymen, though the promise was qualified by the statement that the Government would have to act with strict justice; that it would have to protect vested interests and accurately define the position of those who are already settled in the Colony, and would also have to state what disqualifications those who might enter the country in future would labour under. All this is eminently satisfactory. Anything would be welcome to replace the present uncertainty, and if a just interpretation is given to the term "vested interests", those who are already carrying on business in the Transvaal need not have any anxiety. Unfortunately, however, the past does not inspire hope for the future. The ill-fated Asiatics Traders' Commission has made it clear as to what the Government means by "vested interests". It would only respect the trade of those British Indians who were actually carrying on trade outside Locations in the Transvaal "at, and immediately before, the outbreak of war". We know what this means, and we know how the Commissioners interpreted the expression. It would only protect a dozen Asiatics who, leaving their trade intact at the time of war, went away from the country owing to fear. And if such is the interpretation to be placed upon the term "vested interests", in the expressive words of the Chief Justice of the Transvaal, the Government would again be taking away with the other hand what it professed to give with the one hand. The danger has been foreshadowed by His Excellency himself in stating that the Government would protect the trade of British Indians only during the lifetime of the present licence-holders. A man engaged in trade knows what this means. Certainty is very essential in all commercial transactions, and seeing that life is very fickle, would there be merchants found who would give any credit whatsoever to British Indian traders when the law informs them that the traders who ask for credit have no security of tenure, and that on their deaths their businesses would be abruptly closed? How such a doctrine can be reconciled with strict justice which His Excellency would dole out to the Indians, it is difficult to understand. We have, therefore, reluctantly to take the intentions of the Government to do justice with a great deal of reserve and caution. Nor do the opinions His Excellency has formed regarding the effect of Indian trade on the white trade afford any ground for consolation. We respectfully protest against His Excellency talking of the great influx of Asiatics when he must be well aware with what rigidity the Peace Preservation Ordinance is being used as a handle to keep out of the Colony even British Indians. When the Chinese Importation Ordinance was passing through the Legislative Council, it became necessary for the Government to shew that the Peace Preservation Ordinance was being effectively used in order to keep out all but *bona-fide* Asiatic refugees. A report was prepared by the Chief Secretary for Permits which shewed that hardly any new-comer was allowed to enter the Colony, and that permits were only sparingly granted even to refugees. It, therefore, seems rather hard and inconsistent that His

Excellency should now talk about the great influx of Asiatics. His Excellency said that

> only those who had seen for themselves realised that Indians were able to live here—they could not live in a colder climate, such as England—and to compete with white men and oust them from many fields of trade and commerce.

Now this is a very damaging statement if it were true, coming as it does from the Lieutenant-Governor; but is it true? Is there any department of trade or commerce in which the Asiatic has ousted the white man? There are only two branches in which there is any competition between the two, namely, hawking and petty shop-keeping. Now, the facts as to hawking are that white men, except of a particular class, simply would not condescend to do the onerous work. As has been shown by our contemporary *The Star*, many an attempt has been made by the white hawkers, but each time they have given it up, not because of the Indian competition, but because they do not care for it. But there is a class of white men who are carrying it on successfully and against the Indians. We refer to the Syrians and Russian Jews. They are industrious, do not mind walking great distances with a heavy load on them, and we see them doing that business successfully. Moreover it should not be forgotten that, in hawking about towns, the Indian supplies a felt want and does a double good. He brings to the very door of the householder vegetables and other things, and enables the wholesale merchants to make easy profits out of the Indians. It is because he has been found to be so profitable that wholesale European houses have invariably supplied him. If they suspended credit to the Indian, he would be thoroughly impossible in South Africa as a hawker. And what we have said with reference to the hawker applies more strongly to the petty shop-keeper. In fact, beyond Johannesburg, Pretoria, and a few other towns, the petty Indian shop-keeper is not to be found. And there is a keen competition between the European petty shop-keeper and the Indian in which the former invariably has advantage over the latter. But when these two trades are excepted, there is absolutely no competition whatsoever between the two races. In the Cape Colony, for instance, where competition is absolutely free and the Indian has almost all the rights, he has not been able to oust any white store-keepers. Nor has he been able to do so in Natal, where there is such a large Indian population. The statement, therefore, that the Indian ousts the white man in trade, with due deference to His Excellency, is hardly fair, except to an extremely limited extent. And even where the Indian may seem to oust the white man, he only raises him a step above himself (the Indian) by becoming a middleman and making him a wholesale dealer instead of a retail trader.

But the speech made by His Excellency just shows how much work there is yet to be done before the Indians in the Transvaal will be in a position to retain any hold of the trade which ought to be theirs as a matter of right by reason of the decision in the test case.

Indian Opinion, 28-5-1904

158. "THE EAST RAND EXPRESS" ON THE TEST CASE

There has been so much said with reference to the licensing test case in the Transvaal and we, on our part, have had so much to say regarding it, that we have not been able to overtake and deal with the different cuttings which lie before us. One, however, from among them we must hasten to single out, for it is very typical of the temper of the East Randites. It grieves us, however, to find that our contemporary, *The East Rand Express*, has associated itself with a most dangerous doctrine, and, although it is very cautiously stated in the issue of the 14th instant, reading between the lines, the conclusion is irresistible that veiled advice has been given to the East Rand people to take the law into their own hands and prevent by force the opening of any Indian stores within that district, should such an attempt be made. Such tactics and such methods are unworthy of people who call themselves British and of British journalism. Our contemporary would be selling for a mess of pottage all that is held sacred by British communities if, in a moment of irritation, it descends to a level so low. We would allow our contemporary to speak for itself and leave the reader to judge whether our remarks are at all exaggerated. After dealing with the judgment, which it has misinterpreted, it goes on:

> It may be taken for granted that the Asiatics will endeavour to avail themselves of the opportunity. Hitherto, East Rand townships have kept the coolies at a distance, but it would appear that legally they can in future offer no resistance. What is to be done? We are as determined as ever to allow no Asiatic trading outside bazaars. The bazaars are fixed at a reasonable distance from the towns. Can voluntary action replace the protection hitherto generally offered by the State? As regards the East Rand, we believe the judgment of the Supreme Court will be of none effect. When the law fails to protect any community, history shows that [the] community as a rule finds some way of protecting itself. We should, however, deplore the public taking the law into their own hands, but it is to be feared *that if Indians or Chinese attempt to start trading in this district among whites under the decision, what would be termed by a general 'a regrettable incident' would occur. At Barberton, prior to the Asiatic Law being made as stringent as it was of late years under the Boers, some Asiatics attempted to trade in that town. The day after opening, they evaded hanging by escaping in the early hours of the morning,* leaving their goods behind them. This action on the part of Barbertonians should, of course, be strongly condemned, but it points a moral to our Asiatic friends of what, despite every effort of the municipalities and police, might conceivably occur elsewhere. It would not be fair to local authorities to place on them the onus of maintaining order in such circumstances, and we therefore trust that Government will lose no time in passing a law to suit the wishes of the public.

Either writing such as this conveys an empty threat, in which case our contemporary has misjudged the Indian entirely, or it is seriously meant. In the latter event, for the sake of the Indians, apart from any Imperial considerations, we would welcome a hanging or two by the people

in the East Rand, should an Indian open a store. It would at once bring up the whole question to the surface and enable the Indians to know whether the flag which has hitherto been found to afford perfect protection for physical liberty is still sufficient or not. It would also shew whether the Indian is cowardly enough to be staggered by any such proceedings, and skulk away from the country. So far, therefore, as the Indian himself is concerned, his position, we doubt not, will be infinitely strengthened if the East Rand community accept the advice of our contemporary. We may, however, remind it of a parallel that happened at Umtali some years ago.[1] An Indian was granted a license to trade there. The whole of the European population turned out and threatened to burn down the store and to wreak dire vengeance on the Indian himself, if he would not close his store. Fortunately, single-handed as he was, he defied the crowd, refused to close the store or to run away. In the meanwhile, police assistance came, and the crowd, finding itself checkmated, withdrew, leaving the Indian to carry on his trade peacefully. We present this incident to our contemporary for reflection, and ask once more whether the office of respectable journalism is to provoke breaches of law or to inculcate order and good behaviour in the community in whose interest it is published.

Indian Opinion, 28-5-1904

159. MR. DAN TAYLOR

At the same time that Mr. McLarty's motion was carried, Mr. Dan Taylor, to the astonishment of all, made a very energetic speech, notifying that he would move heaven and earth to see that Chinamen were introduced into Natal in lieu of the Indians. Mr. Dan Taylor of 1896[2] was quite different from Mr. Dan Taylor of today. He was then an arch agitator against Coloured labour in any shape or form. He inveighed against the planters and was determined to throw the Indians, who had then just arrived from India, overboard if they claimed the right to land on the Natal shore. All this is history.[3] But manners change with the times and so do men, and Mr. Dan Taylor now thinks that some Coloured labour is absolutely essential for the prosperity of the Colony. And if he can carry his proposal, we would certainly suggest that a vote of thanks be given to him by the Indian community. He is against Indian labour because he finds that the Indian Government will not allow the Indian to be worked as a slave to the extent that would satisfy him. We are against Indian labour under indenture because we consider that the form under which the Indian is imported into the Colony is, in the words of the late

1 *Vide* Vol. III, pp. 63-66.
2 *Vide* Vol. II, p. 207.
3 The episode is described in detail in the "Memorial to Chamberlain", *ibid.*, p. 184 *et seq.*

Sir William Wilson Hunter, perilously near to slavery. We can never reconcile ourselves to the Capitation Tax of £3 annually which is the price that the law exacts from the Indian for his freedom, a freedom which, in the words of the late Mr. Escombe, is granted to him after he has given the best five years of his life to the Colony for a paltry wage. Though, therefore, it is from different points of view, it is great satisfaction to us that we find ourselves in perfect agreement with Mr. Dan Taylor, and we shall certainly hail the day when Indian indentured labour under present circumstances is stopped. It would, moreover, open the eyes of the Colonists to the real benefit that the presence even of the free Indian has contributed to the prosperity of the Colony. It is all very well to inveigh against the Indians getting a bit of freehold land, but the gentlemen who cry out against this entirely forget that every bit of land that passes into Indian hands is turned into a veritable garden. What possible objection there could be to the Indian turning to good purpose the land that the European would not touch, we cannot understand. However, the proof of the pudding is in the eating, and if Mr. Dan Taylor succeeds in stopping Indian immigration, what we have now been stating as an opinion will become a realised fact in a very short time after the prohibition of indentured labour from India.

Indian Opinion, 28-5-1904

160. THE LATE SIR JOHN ROBINSON[1]

A cablegram from London announces that a committee has been formed in London, as it has been formed in the Colony, to collect subscriptions for a memorial for the late Sir John. This is as it should be if only because he was the first Prime Minister of the Colony under responsible Government, and because he was the prime mover in bringing about responsible Government for the Colony. His claim, however, to public recognition is far greater because of his devotion and self-sacrifice towards the promotion of the public weal. The late Sir John was entirely a self-made man. His work as a journalist is well known to everyone and as an educationist, he was probably second to none in South Africa. With him, journalism was not a matter of pounds, shillings and pence; he used it as a vehicle for educating public opinion, imparting a healthy tone to the community. In fact, he used his great talents not for intellectual pleasure but for the sake of the country. As a public speaker, too, he was second only perhaps to the late Mr. Escombe in eloquence, though perhaps his style was more polished than that of the latter. We hope that the Indian community will associate itself with the movement to perpetuate the memory of the deceased statesman. He has a claim

[1] *Vide* "The late Sir John Robinson", 12-11-1903.

on the attention of the Indians from a special point of view, and here we may gratefully recall the occasion when the late Sir John undertook, at much inconvenience to himself owing to his ill-health, to preside at the meeting held by the Indians to celebrate the relief of Ladysmith, Mafeking and Kimberley. His speech delivered at the time[1] was full of encouragement and generous recognition of the work of the Indians at the time of the war. It shewed on his part a large-hearted sympathy. It also shewed that he, for one, was not infected with the current prejudice.

Indian Opinion, 28-5-1904

161. INDENTURED INDIANS

We have received from the Protector of Indian Immigrants a copy of his annual report for the year ended 31st December 1903. The indentured Indian population of the Colony, including the descendants of such Indians, at the end of the year, was 81,390 as against 31,712 in the year 1896, and 78,004 in the year 1902. The birth rate for the past year was 32.11, and the death rate 20.78. The lowest death rate was in the year 1898, namely, 14.30, and, curiously enough, the same year shews the lowest birth rate, namely, 19.09. Plague claimed 52 victims during the year under review; pneumonia and other lung complaints 328 and phthisis 262. These figures are rather disquieting and require careful investigation. As has been remarked in the report, in the Coal Mines the death rate among the Indians has been rather high. Of 40 deaths occurring among the small number of Indians within the mining circle, 16 died from phthisis and 8 from pneumonia, and it is to be hoped that the Protector will not rest content until the mortality has been considerably reduced. 1,053 marriages were registered at the Protector's office last year of which 2 were polygamous. The savings of the 2,029 Indians who returned to India last year amounted, in cash and jewellery, to £34,690, that is to say, a little over £17 per head. Herein there is a conclusive argument against the notion often put forth that the Indians could very well return to India and live on their earnings for the rest of their lives without having to do anything, or could utilise the savings otherwise so as to enable them to earn a decent living. Now, even in a poverty-stricken place like India, it could not seriously be contended that £17 could go a great length in supporting a man. Of the 2,029 returned Indians, 1,542 were Madrasees and 487 Calcutta men. The savings of the Madrasees amounted to £27,417 — that is, £18 per head — and those of the Calcutta men amounted to £7,273 — that is, £15 per head. There is an interesting classification given by the Protector of the savings of the Immigrants. 47 Madrasees had above 2,000 rupees each as against 5 Calcutta men. 25 Madrasees had under 2,000 as against 6 Calcutta men. 22 Madrasees

[1] *Vide* "The late Sir John Robinson", 12-11-1903.

had under 50 rupees as against 11 Calcutta men. And so, throughout, the Calcutta man has come out extremely badly. It shews that he is not so industrious or so thrifty as the Madrasee, and it would be well if our Calcutta friends would take note of this important fact, and those who have influence inculcate among them the necessity for greater prudence. Of the 81,390 Indians, 30,131 were under indenture; the balance had become free. Under the heading "Employer and Employees", we are told that the relations, generally speaking, between employer and indentured Indians have been good, and as a consequence the Indians are well treated.

New rules have been framed with reference to the Indians who may be desirous of going to the Protector for making complaints; whereas, formerly, the Indian was free from arrest if he could shew that he was proceeding to the Protector for the sake of laying a complaint before him, under the new rules, he would not be free unless he possessed a pass to that effect from the Magistrate of his division which may or may not be granted. Thus, really speaking, he has to establish a *prima facie* case before the Magistrate in order to enable him to proceed to the Protector's office. We cannot help remarking that this is an innovation which was hardly necessary. It would have been far better if the freedom of the Indian had been unrestricted with reference to any complaints he might have to make. No doubt there would be a few frivolous complaints, but we think it is better to overlook them than that those who have *bona-fide* complaints should have any difficulties placed in their way.

The demand for Indian labour seems to be increasing at an alarming rate. There were, at the end of the year, 15,033 applications undealt with. The agent in India is utterly unable to cope with this extraordinary demand. It shews that the Colony simply cannot do without indentured Indian labour, and yet we hear men crying out against it, and arguing that the Colony has been ruined by indentured Indian labour.

The following is what the Protector has to say on the suicides:

> Suicides, who are not included in these figures, during the year numbered 31. Of these, 20 were indentured men, and 3 women, while 6 men and 1 woman and 1 boy were free Indians. A Magisterial enquiry is made into the circumstances attending each case of suicide, and whenever the evidence tends to shew that the fatality in any way resulted form ill-treatment received from an employer or employee, I make a personal visit to the estate and enquire myself into the circumstances. In one instance and one only, did the evidence tend in this direction, but my own enquiry did not confirm this suspicion, which was created by the ship-mates of the deceased, who was a shop assistant in India and kept the books of the proprietor, and it appeared to me that he really committed suicide because the work of a sugar estate was not congenial to him. One woman, married to a well-to-do man who had finished his first term of indenture and was well treated, committed suicide because she regretted her union to a man of lower caste after nine months. One man was deserted by his wife. Another attempted to kill his wife and, thinking he had done so, hanged himself. Why a free Indian boy of nine years of age, while tending cattle belonging to his father's Indian employer, should kill himself is a mystery yet to be explained.

> Generally speaking, witnesses state that they can give no reason for the suicide, and if those who are supposed to know decline to give any information, it is impossible in many cases to arrive at even a probable cause.

We have given the remarks of the Protector on this painful subject in full, and we cannot help expressing our surprise that it has been dismissed so light-heartedly. Suicides among the indentured Indians have become a feature year after year, and we think that the cause ought to be probed to the bottom. And it is hardly an answer coming from the Protector of Indians that he cannot arrive at even a probable cause if those who are supposed to know decline to give any information. There is a homely English proverb, "Where there's a will, there's a way," and if the Protector would only feel as we feel, having the powers of an autocrat, he should have not the slightest difficulty in tracing the cause. There is enough in the Protector's statement to shew that there must be something wrong. Out of the free Indian population of 51,259, there were 8 suicides. Out of 30,131 indentured Indians, there were 23. Why this great disproportion? Now, the highest rate is to be found in Paris — namely, 422 per million — and Paris is considered to be most notorious in this respect. But the rate among the indentured Indians comes to 741 per million. These figures are sufficient to give cause for very serious reflection. We think that the information given in the report on the subject is exceedingly meagre. There should be a statement shewing which estate shews the highest number, and there should be a summary at least as to the nature of evidence given, etc., at the Magisterial enquiries. We do not wish to draw any conclusions against the employers from these staggering figures, but we do plead for a thorough enquiry, alike in the interests of the Indians as of the employers, and we consider that nothing short of an impartial commission to investigate the cause would meet the ends of justice. And an ideal commission ought to include a medical gentleman of good standing, a nominee of the Immigration Board, the Protector, and, if it is not a sacrilege to make the suggestion, an Indian of standing in the Colony. Such a commission cannot but result in arriving at the truth. The greater the light thrown on the subject, the better it would be for all concerned, and we hope that the remarks we have ventured to offer will be favourably considered by the authorities.[1]

Indian Opinion, 4-6-1904

[1] Gandhiji communicated with Dadabhai Naoroji in this matter, as is evident from what the latter wrote to the Secretary of State for India on June 29 : "...my correspondent in the Transvaal refers to the abnormal number of suicides among indentured Indians on the plantations in Natal which, he says, 'have been keeping up a very high average from year to year', and suggests that an enquiry should be instituted. He also refers to the drastic anti-Asiatic laws still remaining in force in the Orange River Colony". (India Office: Judicial and Public Records, 1567). The full text of Gandhiji's letter is not available.

162. PRETORIA TOWN COUNCIL AND THE GOVERNMENT

It seems that the Government and the Pretoria Town Council have the knack of disagreeing on all important matters, in each case the Council being hopelessly in the wrong. The latest instance is in connection with its very constitution. The Council is powerless to do much work for the rate-payers unless it allows itself to come under Ordinance 58 of 1903, regulating Municipal Corporations, but the Council is unwilling to do so unless, in the words of Mr. Van Boeschten, a Councillor, "it receives the power to force Coloured people to keep off the foot-paths", which power is not reserved by the Ordinance in question. The Government, therefore, has notified the Council that it must either decide to come under the Ordinance or not at all, as the matter has been hanging fire now for several months, pointing out to the Council that,

> unless it comes within the scope of the Ordinance, it has no power to work tramways, to expend money on a fire brigade, or upon many other things which it is necessary for the Council to do or carry on. In particular, they have no power to raise money on loan from persons other than the Government, and the Government is not in a position to advance money on loan to the Municipality.

This communication from the Government has been resented by the Council, and it has again shelved the question by passing a resolution that "the Council will be prepared to come under Ordinance 58 of 1903 after the Traffic Bye-Laws regarding sidewalks have been passed". This is nothing less than a challenge thrown down by the Council. If it were not for the fact that the party opposing is the Council of the Metropolis of the Transvaal, the action would be considered to be very churlish. On the one hand, there is the question of the legal existence of the Council, and as the Assistant Colonial Secretary to the local Government states, a loss to the extent of several thousands of pounds per annum to the rate-payers; on the other, that of excluding Coloured persons from using the foot-paths. An ordinary business Corporation would have, at any rate, first of all secured the ample powers in virtue of the Ordinance and then, if it was considered necessary, set about insisting on getting its Foot-path Bye-Laws. The Pretoria Town Council has, however, reversed the order, and like the baby in the tub, it would not be happy till it has got the power to prohibit Coloured people from using foot-paths. We shall watch with interest the development of the struggle between the Government and the Council.

Indian Opinion, 4-6-1904

163. MR. LOVEDAY AND THE BRITISH INDIANS

Mr. Loveday has been again fulminating against the British Indians at the Mayoral Banquet given in Pretoria. The honourable member seems to be quite unable to shake off the Indian fever from his brain. He spoke as follows on the question:

> He held that the conditions which existed as regarded them in pre-war days should remain unchanged, inviolable, and sacred — (applause.) — until the advent of responsible government. (Renewed applause.) That was the cry of the whole people, and it was a cry of self-preservation. Whatever representations might come from India, there could only be one reply. There was no more room in South Africa for any more black people. (Loud applause.) What did the Indian bring to this country in exchange for the drain upon the money of the country? So far, he had brought nothing but disease, which periodically cost them some hundreds of thousands of pounds, not to eradicate but to stop for the time being. Such was the position of the Indian in this country, and yet they were calmly asked by those sentimental gentlemen across the water to accept that condition of affairs. For his own part — he might say for the whole country — it was impossible for them to have a thorough white South Africa, with the supremacy of the white man, if South Africa was going to be thrown open to an invasion from the East. (Applause.) There was in this country a great fear that they were being used, and would be used, for the purposes of party politics across the water. He had lived many years in this country, and his memory went back to 1881, when they passed through the same state of things, and when a certain school of politicians — he could not call them statesmen — used South African matters for the purposes of party politics in England, and this country was sacrificed to those purposes. (Applause.) They did not wish to have their domestic affairs made a shuttlecock of for party politics in England. (Applause.)

He would thus have the conditions which existed as regarded the Indians in pre-war days remain "unchanged, inviolable and sacred". Will he, therefore, be kind enough to ask the Government to allow the Indians to trade anywhere they like without licenses as they did before war and to enter the Colony absolutely without restriction? We would also ask him to quote figures to shew how much drain has been caused by the Indians in the country, and if we may take the liberty of informing him, it may be stated that most of the takings of the Indian have gone into the hands of the wholesale European houses and European landlords. To say that he has brought nothing but disease to the country in the face of the revelations about the neglect of the Johannesburg Town Council is very much like "perambulating around the suburbs of veracity", and, after all, barring the plague, can Mr. Loveday point out any other disease with which the Indian is at all connected? Take, for instance, the enteric fever which is, according to Dr. Turner, far more deadly and far more infectious than the plague. Is it not a fact that the Indian is particularly free from this disease and that the mortality and the infection are mostly restricted to the Europeans? Would

the honourable member, therefore, shut out European immigration from Europe? However, it is no use arguing with a person who simply does not want to be convinced, and if we have taken the trouble to discuss Mr. Loveday's views on the Indian question, it is because we are anxious that those who may see his speech may not be misled by what he has stated with reference to the economic drain and the plague.

Indian Opinion, 4-6-1904

164. VOLKSRUST AND BRITISH INDIANS

The people of Volksrust are very much agitated over the decision of the Supreme Court in the Indian Licensing test case. We are told that they met on the 27th May last, at Abnerthy Hall, that "the meeting was a gigantic success, and that the hall was crowded". They have passed a string of resolutions, very drastic in their nature, one of which calls upon "the whole country to establish a referendum to the people, giving them the opportunity to assert their opposition to the introduction and settlement of the Indian trade in this country", and calls upon the people of Volksrust not to, either directly or indirectly, encourage Indian trade. With all this we cannot quarrel; it is perfectly constitutional, and if there is a general boycott instituted, the Indians cannot complain. The agitation, however, seems to be utterly insincere in that the agitators have absolutely no confidence in their ability to carry out the programme, for in the same breath as they propose a wholesale boycott, they also call upon the Government to introduce legislation depriving the Indians of the right which the Supreme Court has decided they have under the law of the country. Mr. Fisher, the chairman of the Urban Board, suggested that, "pending legislation, by hook or by crook, they must tide over the next few months". We do not know what the phrase means, but we can only say that, if it implies departure from constitutional methods, with all deference, it is unworthy of the gentleman occupying the responsible position that Mr. Fisher does, and we hope that the Government will take note of the undeserved difficulties that surround the position of the Indian in the Transvaal.

Indian Opinion, 4-6-1904

165. THE JOHANNESBURG TOWN COUNCIL AND BRITISH INDIANS

The Town Council of Johannesburg has given notice of its intention to introduce a Private Bill in the Legislative Council whereby, among other things, it would ask for authority to the Council to

> establish locations for Natives and Coloured Persons, and bazaars for Asiatics, beyond the limits of the municipality, and to render any such locations or bazaars

subject to by-laws made by Council. To erect buildings for the occupation of Natives, Asiatics, or Coloured Persons in any location or bazaar.

This evidently shews that the Town Council has at present no intention whatsoever of complying with the requirements of the Expropriation Ordinance, whereby it is bound to provide for the men dispossessed from the expropriation area, accommodation in the neighbourhood thereof. The sixteen hundred Indians who were sent from the Indian Location to Klipspruit are still without suitable residences. Some of them are still living under canvas in Klipspruit and have to be satisfied with enforced idleness. Those who have been allowed to return to town are obliged to pay enormous rents for the privilege of living in Johannesburg, simply because the Town Council has failed to carry out its legal duty. But apart from this consideration, if the powers above mentioned are granted to the Town Council by the Legislative Council, it would mean a very serious matter for the British Indians, and it would also be a very great step in advance of the old Republican legislation against the Indians, for, as matters stand at present, the Town Councils have no control whatsoever, except in matters of sanitation, over Indian Bazaars or Locations. The power of fixing these sites rests in the Government and the Government alone, and the people have the right, at any rate within the restricted area, to own fixed property and to build their own dwellings. If the intention of the Town Council is carried out, Indians will be placed on the same level with the Natives, and will be totally at the mercy of the Town Council. They would be merely tenants-at-will and be subject to constant removal. There would be an end then to any ownership of land in the Locations. Such a state of things is too dreadful to contemplate, and were it not for the fact that the local Government has shown itself unable to protect the weaker party, we would decline to believe that it is at all possible for the Town Council to get the powers it would like to possess in connection with the British Indians. We can only hope that the members of the Council will remember the pre-war days, their promises when they were Uitlanders to the British Indians, and as honourable men do their duty by fulfilling them.

Indian Opinion, 11-6-1904

166. PROPOSED NEW ASIATIC LEGISLATION IN THE TRANSVAAL

Mr. Moor, the Assistant Colonial Secretary, has replied to the East Rand Vigilants Association, saying that the Government is seriously considering a change in the existing legislation affecting the Asiatics, namely, Law 3 of 1885, as amended in 1886. We are aware that the Government has been doing this — whether seriously or not is a moot point — now for the last eighteen months, but we can quite understand why, now that its policy and interpretation of Law 3 of 1885 have been judicially

condemned, it has become serious about the matter. Mr. Lyttelton has shown himself to be strong-willed in more matters than one. He has not hesitated to disregard the demand of the mining people in Rhodesia for introduction of Chinese labour until the Legislative Council of that portion of South Africa has declared its view in the matter. Again, he has not hesitated to defy the strong public opinion in England, as well as in other parts of British Dominions, against such introduction in the Transvaal because, rightly or wrongly, he has made up his mind that it is good for the country, and that it is favoured by the people in the Transvaal. Will he hold his own with regard to the Indian legislation in the Transvaal? He has assured Sir Mancherjee Bhownaggree that he will give the matter his most careful consideration. The question of Chinese introduction is hardly an Imperial question. It does not affect the status of British subjects. But the Indian question has been acknowledged to be an Imperial one, and also very important. Much has been said and much has been written on it. The opinion outside South Africa is overwhelmingly in favour of the British Indian claim. The Imperial Government is, moreover, tied down to a policy favourable to the British Indians since the time of the Republican regime. It fought the Indians' battle when Mr. Kruger reigned in Pretoria. Its representatives deliberately stated that the grievances of the British Indians in the Transvaal were one of the causes of war. There is in all this much to guide Mr. Lyttelton aright. He is bound as an Imperialist to protect Indian interests. He is further bound by the promises made to the British Indians by his predecessors, and we can only hope that any new legislation that is framed to replace Law 3 of 1885 will be in consonance with the Imperial spirit and the promises.

Indian Opinion, 11-6-1904

167. IMITATING EAST LONDON

In going through the Acts of the Parliament of the Cape of Good Hope gazetted on the 31st May last, we find in the Act, entitled the Act to amend, consolidate, and add to the Laws regulating the Municipal Corporation and Government of Uitenhage, in Section 125, certain powers given to the Town Council, among which is included the power to make 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; 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 any horses, cattle, oxen, sheep, or goats belonging to them, and for regulating or prohibiting the use of the commonage by the same. For regulating, permitting or prohibiting of shops, trading stations, and trade within such Locations. For fixing and from time to time altering the limits within which it shall not be lawful for Asiatics and Natives to reside.

These restrictions are not to apply to

> any Native or Asiatic who may be the registered owner or occupier of landed property within the Municipality, valued for Municipal purposes at not less than £75.

Now these powers are very much on the same lines as those vested in the Municipality of East London. The British Indians at the Cape do not seem to have noticed them, and we fear that they have, therefore, passed unchallenged. Nor need such an omission excite any surprise, because it is too much to expect a trading community to wade through Government Gazettes. And we are not aware of the whole of the Bill in its passage through the Cape Parliament having been published in any of the important local newspapers. But what shall we say of the Government which gives such drastic powers to a Municipality, or of the Colonial Office which advises His Majesty the King to sanction such legislation, for, being class legislation, it evidently required the Royal assent before being proclaimed Law of the Country? We have said so much in dealing with similar legislation for East London that we do not consider it necessary to offer any comments upon its application to the Uitenhage Municipality. We, however, hope that our remarks will attract the attention of the friends of British Indians in London as well as in India and the authorities, and that some relief will be granted.

We note also that the Chinese Ordinance has been reserved for special assent. We do not know why this Bill should not have been likewise reserved, especially as it applies to all Asiatics, whether British subjects or not. Or, is it that the sections we have referred to escaped the Governor's notice as well as that of the Colonial Office? And if so, it shews that there is a necessity for some power in the Letters Patent whereby all class legislation would be invalid unless it is embodied in a separate Act dealing with such differential legislation and that alone.

Indian Opinion, 11-6-1904

168. THE INDIAN INTERPRETERS

Mr. Hyslop asked the Colonial Secretary whether he would not replace Indian Interpreters by European, as he had been informed that the former did not give satisfaction. The Colonial Secretary agreed with the honourable member but said that there were difficulties in obtaining Europeans, and added that at the Umgeni Court an Indian was superseded because a European was found.

This incident teaches a moral. The Indian Interpreters are tolerated only because Europeans are not to be found in the Colony having even a smattering of the Indian languages, and it will be as well if the Indian Interpreters throughout the Colony will take note of the fact. The Government evidently would have no hesitation in summarily dismissing them if non-Indians could be found to take their place. We cannot, however,

help protesting against the charge brought against a body of most industrious civil servants by Mr. Hyslop, namely, that they do not give satisfaction. On the contrary, we would very much like the honourable member, in justice to the men he has maligned, to give the source of his information. We have no hesitation in saying that, if they do not give satisfaction, it is a scandal which the Government should remove at the earliest opportunity. On the other hand, if they are competent, industrious and honest, the fact should be recognised and they should be absolved from the charge. As a matter of fact, we have seen the testimonials of not a few of these Interpreters who have simply made themselves indispensable to their superiors, not only by giving complete satisfaction in the discharge of their own work, but by taking over the clerical and other work which they are not in any way obliged to do. Mr. Hyslop could hardly know that the Indian Interpreters labour under a very great disadvantage in that they are called upon not only to interpret in one of the Indian languages but, as a rule, in three, and it is a well known fact that, if you want first-class Interpreters, you cannot combine a knowledge of four languages in one. It is also notorious how badly paid the Interpreters are. To say the least of it, therefore, it would have been graceful if Mr. Hyslop had not brought the charge against them, but simply contented himself by advancing the interests of his clients, against which we should have had nothing to say.

Indian Opinion, 11-6-1904

169. "MERCURY" AND INDENTURED LABOUR

Our contemporary, *The Natal Mercury*, which as a rule is well informed in all it has to say, has been misinformed with reference to its comparison between the Chinese Ordinance of the Transvaal and the Ordinance in force in Trinidad and British Guiana, regulating the introduction of indentured labour. Our contemporary is perhaps led into making the mistake, because, for political reasons, Mr. Balfour has seen fit to draw a parallel between the British Guiana Ordinance and the Chinese Ordinance, and we may state, for the information of those that argue so, that there is as much difference between the two as there is between black and white. The British Guiana Ordinance does not deprive the indentured man of the use of his intelligence. It does not insist upon the indentured labourer leaving the country on the termination of his indenture, nor does it reduce the immigrant merely to the status of an unskilled labourer by prohibiting him from doing anything else, or by prohibiting others from making use of him as anything else than an unskilled labourer. There is, moreover, no Compound System[1] as is to be enforced against

[1] According to this, the Chinese were perforce to live on the premises in which they worked and their movements were to be restricted, through a system of passes, within a mile's radius of their places of work.

the Chinese, and the labourer in British Guiana is free to settle in the country after the termination of his indenture and work as an independent man. Not so the Chinese. We wonder whether, in spite of all these fundamental differences between the two, our contemporary would still hold that the only difference is "that some political partisans denounce as slavery in the Transvaal a system which is regarded complacently as indentured labour in other Colonies".

Indian Opinion, 11-6-1904

170. CONSISTENT ORANGE RIVER COLONY

The Government *Gazette* of the Orange River Colony, dated the 3rd June, contains amended and new regulations for the town of Winburg. From them we extract the following:

> No coloured person shall be allowed to reside anywhere within the Municipality, except with permission of the Council.
>
> Any coloured person residing within the Municipality must be able and is obliged, when requested thereto by the Town Clerk or other Municipal Official, to give an account and supply proof of his means of existence, and if it should appear to the Town Clerk or such other official that no satisfactory proof of an honest means of existence can be given, such coloured person shall be dealt with in accordance with the provisions of chapter 133, section 2 of the Law Book. **The law referred to provides that** any such coloured person, being found without a pass from a white master or some official, may be fined £5, or in default, imprisoned with or without hard labour for a period not exceeding three months, or (at the option of the Magistrate) be placed under contract as a servant with a white inhabitant of the State for a period not exceeding one year, the offender being entitled to select his master within the district where the offence was committed.
>
> After having received twenty-four hours' notice from the Town Clerk, any coloured person found without work, either as daily or monthly servant, shall leave the town commonage and may not return without permission from the Council.
>
> No coloured person shall be allowed in any public place or street in Winburg ten minutes after the ringing of the bell at nine o'clock, unless provided for the occasion with a pass of his or her master.
>
> No coloured license-holder shall have the right to employ more than two coloured persons under the license.
>
> No dance parties, tea meetings, or other assemblages will be allowed in the location after 10 p.m., without written permission from the Town Clerk.
>
> All coloured persons above the estimated age of sixteen years, who have obtained leave from the Council to reside within the Municipality, shall be liable for service, and shall be obliged to have themselves registered monthly at the office of the Town Clerk, and there receive a residential pass on payment of 6d for each pass.
>
> The expression 'coloured person' or 'coloured persons' must be distinctly interpreted, unless the reading or text prohibits or hinders such, and be taken to be applicable to, and include the male or the males as well as the female or the females of all natives of South Africa, and also of all coloured persons and all

> those who, according to law or custom, are called coloured [person] or coloured persons, or are treated as such, of whatever race or nationality they may be.

Here, then, there is an unblushing distinction drawn based absolutely on colour and that of a most drastic character. It goes, we make bold to say, even so far as to admit of temporary slavery, if enforced service be accepted as such. The price of staying in the Municipality of Winburg is service under a white master. The regulations, it will be noticed, make no exception in favour of British subjects or in favour of Coloured persons of standing. Indeed, they recognise no standing for Coloured persons. We have more than once reproduced in these columns similar regulations for the Municipalities of the Orange River Colony. We have protested in vain against them, and somehow or other nothing has been done even in London. The Letters Patent have provided against any such legislation, except with the consent of the Colonial Office, but although one would have thought that the greater would include the less, there appears to be no safeguard against municipal legislation of the character above described, and it seems to be hopeless to expect the local Government to veto such legislation. We hope the regulations will attract the attention of the Colonial Office, and that at any rate a pronouncement will be made on the anti-Coloured policy that is being followed under the British flag and in the name of the King-Emperor in the Orange River Colony.

Indian Opinion, 18-6-1904

171. THE PERMIT OFFICE IN THE TRANSVAAL

Lord Milner, in his capacity as President of the Inter-Colonial Council that recently sat at Pretoria, remarked as follows on the vote for the Permit Department:

> The President, referring to the vote of £9,500 for the Permit Office, said his own impression was that this department would be required for another year. The machinery of the Permit Office had turned out to be used for purposes somewhat different to what was originally contemplated, but which were, nevertheless, of great benefit to the community. In the first instance, no doubt, the permit system was a political one; but the number of people to whom permits had been refused on political grounds had been exceedingly small. The Permit Office, however, had been their only means of defence against the immigration of floods of undesirables, some of them European, but most of them Asiatic. If they were to give up that weapon before they had a permanent law of a satisfactory character, he did not know what the lives of any of them would be worth. (Laughter.) Of course, it was a transitory system, but he did not think it likely that it could be done away with immediately. If the vote was not necessary, they would not spend the money.

We have here a corroboration from the highest authority in the Transvaal of what we have all along been saying, namely, that the Peace Preservation Ordinance is being used for purposes for which it was never intended. And His Excellency is evidently delighted that he has got such an instrument

in his hands for preventing the immigration of "floods of undesirables, some of them European, but most of them Asiatic", and His Lordship does not know what the lives of the people in the Colony would be worth if the weapon were to be given up. If such remarks had proceeded from a demagogue, we would have understood them, but coming as they do from the head of the State, and one, moreover, who is believed to be one of the foremost statesmen in the British Empire and an out-and-out Imperialist, they fill one with pain and dismay. In the first instance, to talk of floods of undesirables is an exaggeration unworthy of His Lordship, and, in the second place, to state that, in the absence of the weapon, the lives of the people in the Colony would not be worth anything is to make a confession of utter weakness. And, after all, is the country so much over-populated? Have the lives of the people at the Cape or Natal, or any other British Dominion for that matter, become worthless because they do not possess the engine which has been used by His Lordship in the Transvaal? True, for a few years in Natal, and for one year at the Cape, an Immigration Restriction Law has been in force, but it is nothing compared to the Peace Preservation Ordinance of the Transvaal, under which even *bona-fide* refugees find it most difficult to gain entrance into the Colony, though they may be British subjects, men of standing, and having large stakes in the Transvaal. And if the remarks which fell from His Lordship represent his sober views on immigration, it foreshadows an exceedingly poor outlook for the British Indians in the Transvaal. We hope, however, that His Lordship has permitted himself to make the above remarks in order to enliven the very prosaic proceedings of the Council and to put the refractory members, who have been handling the different departments rather roughly, in good humour, for we notice that His Lordship's remarks about the weapon were received with laughter.

Indian Opinion, 18-6-1904

172. SEPOY BRAVERY

We have much pleasure in copying from the *Transvaal Leader* the following graphic account of a skirmish in Tibet.

> The attack, says **Reuter's Special to the 'Leader',** began at dawn. To the accompaniment of blood-curdling yells, two solid masses of the foe rushed down the hill leading to our position. The British, with the exception of a solitary Sepoy who refused to budge, quickly retired behind the fortifications. The surging mass of fanatics — they were 100 strong — then swept down upon the devoted Sepoy, who, with heroic courage, stuck to his post, calmly aiming at the Tibetans. He had succeeded in shooting five of the enemy when he was cut down by the swordsmen. The attacking horde next attempted to clamber over the walls protecting the British force, impotently hacking with their swords at the loop-holes from which belched forth an incessant hail of bullets.

What Victoria Cross would commemorate the bravery of the solitary Sepoy, and how many such deeds often remain unrecorded ? It must have been

bravery of this description which evoked, time after time, from Lord Roberts unstinted recognition. There has been hardly during the last sixty years a British war in which the Indian soldier has not taken an honourable part, whether as an armed man or whether merely as a *dooly*-bearer or *bhisti*, as in the late Boer War. In the words of Lord Tennyson:

> Their's not to make reply,
> Their's not to reason why,
> Their's but to do and die.

These memorable words were written in connection with the famous *Charge of the Light Brigade*, but we venture to think that they apply equally to the Indian Sepoy.

Indian Opinion, 18-6-1904

173. AN APPEAL TO THE NATAL CONTEMPORARIES

We make no apology for reverting to the question of suicides among the indentured Indians in Natal, which we raised in our issue of the 4th instant.[1] We feel sorry that, with the exception of *The Natal Mercury*, the other dailies have not taken the matter up, which is purely and simply one of humanity in which they, as public journals, cannot but be interested. Our desire in asking for a commission is simply to elicit the truth, and we cannot help feeling that even the employers themselves, if they would look at the matter dispassionately, should welcome the appointment of a commission of enquiry. If an impartial commission comes to the conclusion that they (the employers) are in no way responsible for the terrible number of suicides that are committed annually among the indentured Indians, it would be a great relief to them and to the public generally. If, on the other hand, there is anything that they can do which would prevent the unnatural mortality, it would be an advance in the right direction as well for themselves as for the unfortunate men who are working under indenture. This is not a subject which, in a British Colony, can be dismissed with a few lines of lame explanation betraying an attitude of hopelessness. We have not the slightest doubt that there must be a remedy for the evil, if only it is sought after earnestly and in the right spirit. We, therefore, hope that our contemporaries will strengthen our humble efforts in the search after truth.

Indian Opinion, 18-6-1904

[1] *Vide* "Indentured Indians", 4-6-1904.

174. SIR MANCHERJEE'S SERVICES

We give in another column *in extenso* several questions asked by Sir Mancherjee[1] in the House of Commons and replies given by Mr. Brodrick or Mr. Lyttelton. They shew what inestimable service the honourable member has been rendering to his countrymen, whether in South Africa or in other distant possessions, or in India itself. And it shews also with what tenacity the worthy Knight has been following the British Indian position in South Africa. He never misses an opportunity of making a point whenever one is to be made, and the manner in which he goes about his business has so recommended itself to the ministers concerned that they give him, as a rule, as ample information as is possible under the circumstances, and often meet his questions in a sympathetic spirit. May he have a long life and may he continue to honour the House of Commons by his presence and to serve his countrymen is the earnest prayer of every Indian in South Africa.

Indian Opinion, 18-6-1904

175. INDIAN TRADE OUTSIDE LOCATIONS[2]

To ask the Secretary of State for the Colonies whether he is aware that Sir Arthur Lawley stated, in reply to an address presented him at Heidelberg by a deputation of British Indian residents on May 18 last,[3] that the liberty of licensed traders to carry on business outside Locations, declared by the Supreme Court in the Test Case of *Habib Motan* v. *The Transvaal Government* to be legal, will not be tolerated, and that the Secretary of State for the Colonies had already been approached with a view to sanctioning legislation to annul the decision; and, if so, whether, in case he is so approached, he will refuse to countenance any such legislation in view of the pledges repeatedly given by Lord Milner that existing rights will not be interfered with.

India, 24-6-1904

1 Bhownaggree.

2 The text of a question forwarded to Sir M. M. Bhownaggree by Gandhiji on behalf of the British Indian Association, Johannesburg.

3 *Vide* "Address to Lieutenant-Governor", May 18, 1904.

176. LETTER TO RAND PLAGUE COMMITTEE

BRITISH INDIAN ASSOCIATION

P.O. Box 6522,
25 & 26 Court Chambers,
Rissik Street,
Johannesburg,
June 24, 1904

TO
The Assistant Secretary
Rand Plague Committee
P.O. Box 1049
Johannesburg

SIR,

I have the honour to invite your attention to my letter of the 29th April[1] with reference to the Plague Regulations in the Orange River Colony and Delagoa Bay. As you are aware, British Indians are not even allowed to pass through the former in a train on their way to the Cape Colony, although they may be in possession of the usual certificates from the Permit Office, and they are not allowed to enter Delagoa Bay at all in spite of possession of such permits.

My Association will be obliged if you will kindly secure relief with reference to both these places.

I have the honour to be,
Sir,
Your obedient servant,
Abdul Gani
Chairman,
British Indian Association

Pretoria Archives: L. G. 92/2132.

177. NATAL IMMIGRATION RESTRICTION ACT AND ITS WORKING[2]

Two cases of considerable importance have been tried lately in Maritzburg under this Act, and both of them were against British Indians. We give the full report of the proceedings in another column. The case of Dayal Ooka appears to us to be very hard. We would not offer any lengthy

1 This is not available.

2 *Indian Opinion* dated 25-6-1904 is not available and hence it has not been possible to include Gandhiji's contributions therein.

remarks, seeing that an appeal has been noted. The facts, however, so far as the evidence enables us to see, are that the defendant has lived in the Colony over five years, and that he paid £8 to somebody on board the steamer before he could land on his return from India. Against this evidence, there was nothing produced by the prosecution, but the Magistrate would not believe the testimony given by the accused and sentenced him to imprisonment for two months, unless the deportation of the accused could be arranged to take place before. If, therefore, the decision of the Magistrate is upheld, it would appear that every British Indian will be presumed to be a new-comer, unless he can prove, not only on oath himself, but by some other testimony, that he has been in the Colony before the passing of the Act. If such a view is taken, no Indian's position in the Colony will be secure. However, we must postpone further remarks on these extraordinary prosecutions until the appeal is decided. For the present, we would content ourselves with appealing to the Government to stay these prosecutions, because it is its duty to prevent the surreptitious entry of prohibited immigrants into the Colony, but, in our humble opinion, it would be going altogether too far to molest the people who are already in the Colony, and who have landed in spite of the precautions taken by the officers appointed under the Immigration Restriction Act, even though they may labour under the restriction as to former domicile.

Indian Opinion, 2-7-1904

178. THE PRETORIA MUNICIPALITY ON COLOUR

We produce elsewhere further correspondence between the Government and the Pretoria Municipality on the question of the foot-path bye-laws. The Government is to be congratulated upon the firm stand it has taken in the matter, and it is impossible not to admire the tenacity with which the Pretoria Municipality is also fighting the Government. The pity of it is that the tenacity is being shown by the Municipality of the metropolis of the Transvaal in what would appear to any common-sense man to be a discredited and unworthy cause. It could not seriously be argued that any question of principle is at stake in allowing Coloured people to walk on the foot-paths. The Municipality surely would not thereby be assenting to the principle of equality between the two races in other respects. That is a big question and could be kept absolutely separate from the foot-path question. The Mayor of Pretoria evidently now sees that the Municipality is making itself a laughing-stock by persisting in its opposition to the Government, but the other Councillors, led by Mr. Loveday, would not listen to his arguments, and have sent a letter to the Government asking it to give them a special ordinance like the Johannesburg Municipality. It is an interesting duel that is going on between the Government and the Council. We can only hope that the Government

will stick to the principle laid down by it and not yield at the eleventh hour to the dictation of the Municipality.

Indian Opinion, 2-7-1904

179. INDIAN PROMISSORY NOTES

We sincerely congratulate the Government on bringing in the Bill to regulate the signing of negotiable instruments by Indians. It is an earnest of their solicitude for their well-being. Within our experience, there have been cases of gross fraud, not necessarily between Indians and Indians, but even on the part of some Europeans, perpetrated owing to the inability of the Indians to sign such promissory notes in English characters. Very often, such notes are made without the contents being known to the maker; and the Bill in question is undoubtedly calculated to be a great relief to innocent people. To put the finishing touch to the Bill, may we suggest that it would be better if the thumb-impression were also insisted upon? It has been found that it is impossible to forge a thumb-mark, and the thumb-impression would be the surest safeguard against impersonation, for it may happen that the man who may put his mark before a Magistrate or a Justice of the Peace may not at all be the person intended to be charged with the debt. Promissory notes will derive very great weight being made before a Magistrate or a Justice of the Peace, and if there has been any impersonation, it will be very difficult to prove it. Nor will it be fair to expect the Magistrates or Justices of the Peace always to scrutinise the identity of the persons appearing before them to make promissory notes. We hope, therefore, that the Government would be pleased to embody our suggestion in their Bill and make it complete and really effective.

Indian Opinion, 2-7-1904

180. FOOT-PATHS IN THE TRANSVAAL

The Boksburg Town Council has addressed the following circular letter to the Town Councils and Municipalities in the Transvaal:

> Gentlemen,
>
> No doubt you are fully aware that a clause exists in the 'Traffic By-laws', providing that no native shall walk on the footpath, save when crossing any street and the entrance to any private property, *vide* clause 19, chapter 2.
>
> It will be noticed under "Definitions" in same code of by-laws, clause 20, the term "native" shall mean "any person whose parents belong to any aboriginal race or tribe of Africa".
>
> In submitting this letter to you, I am instructed to point out that it is the desire of my Council to solicit the co-operation and assistance of the various Municipal Councils and Urban District Boards to have the present law amended in such a manner as to include all coloured races without distinction of nationality.

It has been the contention of my Council that the presence on the public side-walks of other coloured races is equally as obnoxious as that of the native aboriginal tribes of this country, and with a view to having the law amended (so far as this Council, is concerned) and made applicable to all coloured races, the following amendment has been submitted to the Assistant Colonial Secretary for Local Government to be inserted in the 'Traffic By-laws':

'All coloured persons are prohibited from walking on the side-walks of any street, or on any *stoep*[1] serving as a side-walk,'

and pointing out that other Municipalities should be in a position to enjoy that privilege which is in existence in Johannesburg.

The Assistant Colonial Secretary states in reply:

'That the Municipal Corporations Ordinance does not apply to Johannesburg Town Council, who are able to enforce the by-law, we refer to in regard to the use of the side-walks by coloured persons which is contained in the old Town Regulations by virtue of the Proclamation under which that Council is constituted. I regret that I am unable to recommend approval of the by-law submitted by you since it would be necessary to alter the law to permit of it being enforced by the Boksburg Council.'

It will thus be seen that all other towns are to be precluded the privilege of enjoying rights which are in force in Johannesburg simply because that town still possesses an old Town Regulation which so far has not been repealed.

The necessity for this provision is being urged by my Council for the serious and immediate attention of the Assistant Colonial Secretary for Local Government, and should this contention meet with the support of your Council, our aim would be perhaps best met by similar representation being made by resolution of your Council.

I thank you in anticipation for your co-operation.

To a certain extent, it is difficult to withhold sympathy from the Boksburg Council. They do not want to see any Coloured people on their foot-paths. Johannesburg possesses the right to prevent all Coloured people from using them; why should, then, the other Town Councils not be placed on the same footing as Johannesburg? The position appears to be logical enough. What has happened is this: Johannesburg, having got a constitution of its own, does not need to come under the General Corporations Ordinance, and in the special Ordinance for Johannesburg, the draftsman omitted to deal with the town regulations of the old regime. When, however, later, the Municipal Corporations Ordinance was passed, the matter was effectively dealt with by giving a proper definition to the term "Native". The bolder and honester policy would certainly have been for the Government to delete from the Statute-book that portion of the regulation which unnecessarily subjects Coloured people other than Natives to the indignity; but the straight course having been rightly or wrongly abandoned, the Town Councils in the Transvaal, who feel aggrieved that they have been taken unawares, are now, naturally from their own standpoint, agitating against it. It is no doubt a difficult position. The only reasonable solution seems to be that Johannesburg ought to be placed on the same footing as the other Town Councils in this matter. Then full justice will be done and the other Town Councils will have to rest content with the powers they have got. It, however,

[1] A platform along the front and, sometimes, the sides of a house.

does seem strange and somewhat painful that influential and important bodies like the Town Councils of the Transvaal should make a mountain out of a mole hill, and take pleasure in the unnecessary heaping of insult upon insult on people who have done no harm to them and who, if anything, have deserved well, for, leaving aside for the present the British Indians out of consideration, it must not be forgotten that hundreds of Cape Coloured people were used by the erstwhile Uitlanders, now gentlemen of the Town Councils, for their own benefit. They were fondled; the British flag was constantly dangled before their eyes; its protective power was eloquently placed before them so that they might rush into their arms, make affidavits regarding the *zulum*[1] of the Boer Authorities, and make common cause with them, so that the hands of the Colonial Office might be forced and pressure put upon Mr. Kruger. Surely, these men have a right at least to walk without molestation on the side-walks of any street in the Transvaal, towards the upkeep of which, like other rate-payers, they contribute their quota.

Indian Opinion, 9-7-1904

181. BRITISH INDIANS IN THE TRANSVAAL

The debate on Mr. Bourke's motion in the Legislative Council of the Transvaal, calling upon the Government to pass legislation restricting the liberty of the Indians, took place on Tuesday evening last. The usual platitudes were uttered by the honourable gentleman. The prospective ruin of the petty white trader was dangled before the members. The right of the Transvaal to pass any legislation in the matter was insisted upon, while statements were made as to the entry of Indians into the country. But Mr. Hosken as also Dr. Turner were able to shew completely that Mr. Bourke was hopelessly out of date as to his statements. Mr. Hosken shewed from figures that the Indian has been, and continues to remain, a blessing to Natal, which owes its prosperity to his presence. Dr. Turner, in reply to a violent attack on the Indian on the part of another member about the so-called insanitary habits of the Indians, was able to shew conclusively that the authorities alone were to blame with reference to the condition of the now burned down Indian Location in Johannesburg. The community should feel very grateful to the worthy Doctor for not hesitating to utter the truth, and for thus defending the Indian from undeserved attacks. Mr. Duncan shewed conclusively that the Indians had been allowed to enter the Transvaal most sparingly, and that, with the exception of four, all were *bona-fide* refugees. Mr. Duncan, however, has assured the House of his sympathy, and has promised to bring the whole matter before the Colonial Office. Mr. Solomon's amendment was ultimately accepted shewing satisfaction at the assurance given by the Colonial Secretary

[1] Urdu for tyranny or oppression.

that legislation would be brought during the present session, more or less giving effect to the wishes expressed in Mr. Bourke's speech and motion. Mr. Duncan had to admit that the British Government was tied down by promises made before the war; we shall see how the promises are fulfilled.

Indian Opinion, 9-7-1904

182. SUICIDE AMONG INDENTURED INDIANS

Mr. Lyttelton has, to our utter astonishment, if the cable report is correct, told Sir Mancherjee Bhownaggree that the rate of suicides among the indentured Indians is not great and that, consequently, he would not institute an enquiry.

According to the *Encyclopaedia Britannica*: "Its existence is rightly looked upon as a sign of the presence of maladies in the body-politic which, whether remediable or not, deserves careful consideration". So even apart from the question of the largeness of the number of deaths from suicide, it is a matter which requires investigation. Even the Protector of Immigrants in his report does not go as far as Mr. Lyttelton; he considers the death-rate to be sufficiently great to deserve more than a passing mention.

But let us compare statistics. Out of the free Indian population of 51,259, there were eight suicides. Out of the 30,131 indentured Indians, there were twenty-three. This by itself ought to make one pause. According to the table given in *Encyclopaedia Britannica*, Saxony had the highest rate, namely, 371 per million in 1882. The rate amongst the indentured Indians is 741 per million. Does not this great disparity between the highest figures on the continent and among the indentured Indians in Natal require some consideration? And yet, as we have repeated before, for the present we blame nobody; we have suspended judgment. Probably the cause is simple, and capable of an easy explanation. All we demand, with the greatest deference to Mr. Lyttelton, is that the matter should be probed to the bottom and cleared up in the interests of justice and humanity. We hope, therefore, that Sir Mancherjee having taken it up will not allow it to slide down, but persist in his enquiry.

Indian Opinion, 9-7-1904

183. MORE DISABILITIES

The Transvaal *Government Gazette* for the 1st July contains a draft Ordinance to regulate brick-making, lime-burning and quarrying on proclaimed land, in which we read the following in section 3 of the Ordinance:

> Any white male inhabitant of this Colony over the age of eighteen shall be at

liberty to take out, at the office of any district Registrar, a license for brick-making, lime-burning or quarrying.

So far the restriction has applied to gold-mining, and with reference to that we have said nothing; but now it will be unlawful for an Indian even to make bricks, for he could not get a license to do so. Mr. Lyttelton, in answer to Sir Mancherjee Bhownaggree, only a few days ago, assured the honourable gentleman that the rights of the British Indians already settled in the Colony would be fully protected. The draft Ordinance before us does not appear to carry out the intention. May we, therefore, take it for granted that the Ordinance will be altered by the Government, or, if it is passed in its present form, vetoed by Mr. Lyttelton?

Indian Opinion, 9-7-1904

184. THE PLAGUE PEG

The plague has served as a peg in the Transvaal on which to hang many a disability on the British Indians. The latest we hear is that, under cover of the plague precautions, the issue of permits to British Indian refugees from all the Colonies in South Africa has been stopped, and the only reason, so it would appear, is that plague-infected rats have been found in some localities in Johannesburg, and that, too, not in Indian quarters, but in poor European quarters. The stoppage of the permits was resumed after the appearance of a plague case or two in Durban, but seeing that the plague has suddenly stopped in Durban, some excuse was necessary, and the plague rats have been pressed into service. We do not know what the intentions of the Transvaal Government are, but if the policy of slow torture is to be reproduced in the proposed legislation, the condition of the British Indians in the Transvaal will be simply pitiable. In this connection, it may be as well to reproduce a paragraph from Dr. Murison's report on the health of the borough to show on what flimsy pretext the permits from Durban were stopped.

> During the month of June, there have been two cases of plague in Durban, both of which were male natives. They were both found dead — one at the Harbour Board Barracks, and the other in Kaffir quarters at Queen Street — and owing to the fact that neither of the cases had been previously attended to by a medical practitioner, diagnosis was only made after post-mortem examination. No fresh cases of plague infection have been discovered during June, no plague-infected rats having been found outside the Premises named in my report for the month of May, although large numbers of rats from various localities have been examined both by Dr. Fernandez and myself. The intense infectiveness and mortality of plague among rats were very well exemplified on the case of the infected bond store at Alexandra Road. The premises being securely closed against any possible exit of rats, the disease spread rapidly amongst them, and the dead bodies of as many as 40 rats were found in a single day, till, practically speaking, every one succumbed to this disease. A large quantity of oats, which afforded shelter and food for these

rats, and which was certain to be Plague-infected was removed and destroyed by fire, and the store and its contents thoroughly disinfected.

Indian Opinion, 16-7-1904

185. THE LATE MR. KRUGER

Ex-President Kruger is no more, and in him one of the most striking personalities of the nineteenth century has passed away, leaving the world the poorer for it. His was a strong character which had, perhaps, many contradictions, but the net result was undoubtedly in his favour. His devotion to those whom he was proud to call his people was unexampled, and even the mistake that he made in defying a powerful nation like the British and in sending his world-famous ultimatum is a mistake that would count, not against him, but in his favour. It was his intense love for the country and its people that made him take the fatal step. There was no vainglory about it. He felt that he was in the right. His faith in the Old Testament teaching was sublime, and he believed that God was on his side and, that being so, he could never lose. Indeed, even after the issue was finally decided, during the short period that he was on this earth, he never allowed himself to waver and still continued, as many Boers do, to believe that good for them will yet come out of the British annexation. And so it undoubtedly will; not perhaps in the manner they would wish, but then God's ways are not our ways, and the future will shew what the destiny of the nation is to be. It has often been urged that the deceased President's flight from Pretoria was due to cowardice. We have never, however, brought ourselves to accept the charge. He considered that he could best serve his countrymen by remaining away and managing affairs from a distance and he went. To think that the brave man who, when he was wounded by a tiger, with his own hand cut off a finger and dressed the wound and went about his business as if nothing had happened, would be the man to fly from a post of danger is a mistaken idea. His demeanour, too, on the Continent was worthy of a great and godly man. He shewed no undue irritation, resigned himself to the inevitable, and ever continued to guide his people by his advice. The one lesson that he has left behind him is his single-minded, though at times misguided, patriotism, and we venture to think that it will be as a staunch patriot that he will be best known to posterity. The British Indians personally have very little to thank the deceased statesman for. We are yet smarting under his legislation in the Transvaal, but that need not prevent our countrymen from recognising his great virtues, and in joining those who are sorrowing for the death of so great a man.

Indian Opinion, 23-7-1904

186. ENGINEERED AGITATION

Boksburg merchants continue their activity against trade licenses being granted to British Indians and other Asiatics. They have addressed a manifesto to all the Chambers of Commerce in the Colony with a view to united action being taken. Most extravagant statements are made in the documents that percolate through Boksburg. For instance, the other Chambers are calmly told that "injustice and danger are being inflicted on the white community by allowing unrestricted Asiatic trade to obtain a footing in the Colony". The suggested resolution, if listened to, would simply make the Legislative Council look ridiculous in the eyes of the world, for the resolution gravely asks the Council to "suspend the issue of licenses to Asiatics, pending the bringing into force of a permanent law governing Asiatics". Yet we are told that they have succeeded so well in combining that not a single Chinaman has been able so far to obtain a footing near the Chinese compound. Why should, then, there be any indecent haste one fails to understand, but we have it on the authority of our contemporary, *The Star*, that it is essential that such forcible agitation should take place in order to strengthen the hands of the local Government in its representations to the Colonial Office. Read in that light, we understand what all this means: it is nothing less than intimidation. The people say in effect to the Imperial Government that, "if you do not grant us what we want, we will quarrel with you", for it is stated that "a further resolution is to be moved to the effect that, if the Imperial Government will not grant consent, an agitation for responsible Government be commenced in order that the Transvaal may secure the right to control its own internal affairs". It is quite clear that, so long as the Government continues to fence with the question and, instead of doing perfect justice, thinks of pleasing both the parties, such unhealthy and undesirable agitation retarding the establishment of peace between European British subjects and Asiatic British subjects will continue.

Indian Opinion, 23-7-1904

187. THE CHINESE PUZZLE

The fight over the Chinese trade which was inevitable has commenced in all earnestness and bitterness. The Boksburg people are up in arms against the very idea of the Chinese store-keepers having any dealings with their indentured countrymen. It is not enough that they are to be themselves deprived of all the civil rights and to be reduced to serfdom; it is not enough that they are to get—as a Chinaman told *The Star* interviewer—wages so little that they would leave very little savings, although the prospect before them at the end of the indenture is that they must return

to China. The European store-keeper in Boksburg must, in addition, derive exorbitant profits also from the Chinese trade, and whatever the indentured men may have to spend out of their wages must go into the pockets of the European store-keepers. Then, indeed, would the gentlemen in Boksburg consider that some small measure of justice has been done to them, otherwise the Chinese labourers need not have come at all. And if the Chinese store-keepers are allowed to supply the necessaries to their countrymen, it would be the height of injustice and a deprivation of the rights of the European store-keepers. They confess their utter inability to compete with the Chinese store-keeper. In naked language, it means that they would want to charge the poor slaves far more than the Chinese store-keepers would ever think of doing. And so they are concentrating all their energy, influence and power in preventing a single Chinese trader, or, for that matter, an Indian trader, from having any share in the Chinese custom. They have petitioned the Lieutenant-Governor, they have called upon all the Chambers of Commerce to join them in the combination and in creating a trust[1] in the Chinese trade in their favour. They have been saying pretty plainly that, if the Government does not come to their assistance, they will take the law into their own hands and, by hook or by crook, prevent a single Chinese store-keeper from having a footing in Boksburg. This shows the temper of the community, and it shows also to what length they are prepared to go in order to assert or, shall we say, usurp the rights which do not exclusively belong to them. Like spoiled and petted children, having so far had their own way, they have overstepped all bounds and simply consider that it is their right to dictate terms to the Government on any question they like. Will Mr. Lyttelton yield?

Indian Opinion, 23-7-1904

188. THE BOKSBURG VIGILANTS

We reproduce the following report of the meeting held in Boksburg in connection with Indian trade, and we are reminded very much of similar agitation in Durban in 1896;[2] and there is a very strong Durban flavour about the second resolution proposed and carried at the meeting. It runs as follows:

> That this public meeting of the inhabitants of the Municipality of Boksburg hereby pledges itself to maintain the principles of the existing Asiatic law as always interpreted by the people of the Transvaal by using every possible means to prevent any Asiatic storekeeper trading or residing in Boksburg Municipality outside the location, and urges on Government that, in view of the complications which have arisen, the new law absolutely prohibit Asiatic trading.

Here, then, we see a defiance of the Supreme Court in the request for absolute prohibition of Asiatic trading, and a threatened resort to

[1] 'A White monopoly of trade with Chinese labour' is meant.

[2] The reference is to the European opposition to the landing of the Indians. *Vide* Vol. II. pp. 186 *et seq.*

violence, should an Asiatic intend to settle in Boksburg outside a Location. The mover of the resolution illustrated what he meant by every possible means, and these are his pregnant remarks:

> So far, by splendid combination and public spirit, the people had refused to let any store or stand to Asiatics in the township, although a Chinaman had secured a licence in Driefontein. He was happy to say, however, that it was hoped by the following morning that danger would be removed and the whole Municipality be absolutely clear of any Asiatic licence on a stand outside the location. (Applause.) Such was the force of the 'moral suasion' hitherto so successfully exercised. They must, however, be prepared for further attacks and therefore should pledge themselves *to resist by every possible means* the encouragement of Asiatics. — *The Star.*

We need not say what "moral suasion" means.

This was too much for a few of the sober-minded who attended the meeting, and among them we were pleased to notice Mr. Constable of *The East Rand Express*. Violently hostile, as we venture to think, he has been to the Asiatic, to his constitutional instinct the resolution appeared to be very obnoxious, and he moved that "every possible *constitutional* means," [be substituted for "every possible means"] and that the clause as to total prohibition be erased. The voices of Mr. Constable and his supporters were voices in the wilderness and reason had to give place to passion and prejudice.

As we have often said, if the gentlemen of Boksburg consider that by unmanly threats they will be able to intimidate a single British Indian wishing to assert his right, they are much mistaken, and we refer them once more to the Durban incident as well as the incident at Umtali.[1] In Durban, the ultimatum of the self-styled Demonstrative Committee was powerless to intimidate the Indians into returning to where they came from, and a mob in Umtali was unable to coerce the single inoffensive Indian trader into leaving his store. He defied them to do their worst and stood his ground until police assistance came and the Superintendent of Police discharged the crowd.

What, however, came from the Mayor of Boksburg, when he persuaded the meeting to drop the intimidation of the Government covered by a resolution for the early introduction of Responsible Government, was far more ominous. The Mayor made it quite clear to the meeting that Mr. Duncan, the Colonial Secretary, was working hand in glove with them. We do not wish to put our own views, because we do not wish to do even an unconscious injustice to the Colonial Secretary. These are his words:

> The Mayor then explained that he had visited Pretoria that day and could tell them that the Asiatic question was a burning one there as on the East Rand. They must not think for one moment that the Government was indifferent to the reports that were being made, but the Government felt it was powerless to prevent licences being granted to Asiatics with the law at present. They were, however, trying all they could to get permission to legislate immediately that no further licences be issued. He was afraid that had Mr. McKew been allowed

[1] *Vide* Vol. III, pp. 63-66.

to place his resolution before them, it would defeat the object of the Government. On the authority of Mr. Duncan (Colonial Secretary) and Sir George Farrar, he could state that the Government was quite in sympathy with the white population, and as a proof of that, he was asked to wire the resolutions passed that evening to Pretoria to be sent Home. He was told that the resolutions would strengthen the hands of the Government and he hoped they would soon get speedy relief. The Colonial Secretary told him distinctly that three or four days ago, cables dealing with the question had been sent Home, and that the Government considered the question of vital importance. (Applause.) — *The Star.*

We cannot give stronger or better proof in support of what we said last week, namely, that the whole of this agitation is being engineered, and to find that the Colonial Secretary, as representing the Government, should take up a partial attitude and stand behind the agitation asking for strength and so on is a humiliating spectacle. Even the late President Kruger's Government did not act so. He did not ask his burghers or the Uitlanders to strengthen his hands; he fought fairly and squarely. There was nothing behind the scenes, and the Indians knew what they had to face. As it is, they have absolutely no notion of what is going on behind the curtain. The Mayor has only allowed us a peep behind, but that peep is enough to stagger us and to make us despondent. When all these reports of the meeting are telegraphed to Mr. Lyttelton, there will be no one to tell him that these meetings have been practically called forth by the Government, have been encouraged by it, and that the policy of the Government is the policy of the meeting. *Fiat justitia ruat Cœlum* has been proclaimed from thousands of British platforms. The saying will now have to be revised in the Transvaal in order that it may fit in with the new order of things which has been established. And read by the light of the remarks made by the Mayor of Boksburg, we feel that the splendid advocacy by Mr. Duncan of the Indian traders at the time of the resolution, moved by Sir George Farrar for the appointment of the Asiatic Traders' Commission, could hardly be considered sincere.

Indian Opinion, 30-7-1904

189. SUICIDE AMONG INDENTURED INDIANS

We are now enabled to print *in extenso* the question put by Sir Mancherjee, on the point raised in *Indian Opinion* of the 4th June last, about the abnormal rate of suicide among indentured Indians, and the answer given by Mr. Lyttelton:

Sir M. Bhownaggree asked the Colonial Secretary if his attention had been drawn to the statement in the Annual Report for 1903 of the Protector of Indian Immigrants in Natal that there had occurred in that year no fewer than 31 cases of suicide, being at the rate of 741 per million; if the indentured labourers committed suicide in an overwhelmingly large proportion; and whether the local authorities had been able to trace the causes to which this voluntary destruction of life was due.

Mr. Lyttelton said he had seen the report referred to. The rate per million

among Indians was 382, and not 741, as stated, the rate among free Indians and indentured Indians being 157 and 766, respectively. He was informed that a Magisterial inquiry was made into the circumstances attending each case of suicide, and whenever the evidence tended to show that the fatality in any way resulted from ill-treatment received from an employer or employee, the Protector of Indian Immigrants made a personal visit to the estate and inquired into the circumstances. In one instance, and one only, did the evidence tend in this direction. Generally speaking, witnesses stated that they could give no reason for the suicide, and if those who were supposed to know declined to give any information, it was impossible in many cases to arrive at even a probable cause. The general rate among Natal Indians in 1902 appeared to have been 333, and in 1901, 383, so that the rate for the year 1903 was not altogether exceptional. This rate had been exceeded in Paris.

Sir Mancherjee's figures have been taken from this paper,[1] and Mr. Lyttelton put into Sir Mancherjee's mouth a statement which we see he has never made, and then denied the authority of his figures. Sir Mancherjee enquired whether the rate was not 741 per million among indentured Indians. There is a slight error, namely, that Sir Mancherjee refers to 31 cases. Now the 31 cases are the total number of suicides, of which 23 were among the indentured Indians, but his ratio is quite correct. Sir Mancherjee's figures, therefore, remain quite unchallenged and, as the *Daily News* has pointed out, by the figures that Mr. Lyttelton himself produced, he has simply given additional force to the remarks made by the Indian member, for, according to Mr. Lyttelton's ratio, the figure is not 741 but 766 as against 157 among free Indians. These are eloquent if also very painful figures. And in the face of those appalling figures, Mr. Lyttelton declared himself satisfied with the meagre reference to the matter in the Protector's report, and in so doing, he has, in our humble opinion, missed the very point we have raised. We do not yet ascribe the suicide to the ill-treatment received from the employers, as Mr. Lyttelton has evidently assumed, but we do say that the condition which causes such a death-rate from self-destruction is such as to call for an enquiry, in the interests of both the employers and the employed. We know that the rate is not exceptional for the year under discussion, but it has been going on from year to year, and that is the worst of the situation. That is why we consider it to be high time a full and impartial enquiry were instituted. It may be that it is the situation under which the indentured men are placed which is to blame rather than any actual ill-treatment by the employers. It may be that the men themselves who are called upon to do the work find it too trying for them, or that there are climatic conditions which predispose them to such acts or that it is simply home sickness on their part. Be the cause whatever it may, it is essential that the public should know exactly what it is, and that the Indian mind also which is very much agitated over it should be satisfied on the point. We cannot, therefore, understand what possible objection there could be to

[1] *Vide* "Indentured Indians", 4-6-1904; it is not unlikely that Gandhiji sent Bhownaggree a copy of this article.

a reasonable request for an enquiry, except perhaps that of expense, but we dismiss that from consideration altogether, knowing as we do, how enquiries after enquiries are granted on much less important matters, involving a very heavy outlay. We, therefore, trust that this question will not be allowed to rest, and that it will be made clear to the Colonial Office by the worthy Knight that the suggested enquiry does not presuppose ill-treatment by the employers, and that it is not intended to cast the slightest reflection on them. All that is needed is an investigation into the truth and no more.

Indian Opinion, 30-7-1904

190. FROM PILLAR TO POST

The report of the meeting of the Town Council of Johannesburg, which we give in another column, about the housing of Natives and Asiatics, is interesting reading. It will be remembered that, during the plague outbreak, the old Location was burned down and the inhabitants were removed to Klipspruit Camp. Some members of the Council were of the opinion that it was a good riddance and thought that the Camp was a permanent Location. They, however, found that, after the isolation period had expired, the inmates were allowed to remove to town, provided they could shew dwellings to the satisfaction of the Rand Plague Committee. It should also be borne in mind that the Indians thus dispossessed have nothing at all in the shape of a piece of land where they could permanently reside. No Location in place of the one burned down has yet been appointed, and, not possessing the right to own fixed property, they are obliged to remain in a state of suspense. The report now shews that the Town Council does not know its own mind. It is yet as far away from the choice of a suitable site as it ever was, and the position is that, in the meanwhile, the Indians may be driven from pillar to post at any m[oment?].[1] They have to pay exorbitant rents in the already overcrowded Malay Location. Their trade is gone. They are without goods, which have been burnt, and are without compensation. The position is truly pitiable and not a finger is raised by the Colonial Secretary, who is supposed to insist on a suitable site being provided for them, while the Town Council is carrying on profitless discussion on various schemes. When will this injustice end?

In striking contrast to the indifferent attitude of the Town Council and the Local Government is the following cablegram published in our esteemed contemporary's columns, wherein Mr. Lyttelton is reported to have said:

> We could not coerce the inhabitants of the Transvaal to allow the importation of Indian labour, but we might endeavour to persuade them.

[1] The original is mutilated.

A policy of exclusion is short-sighted and inhumane.

But if the Transvaal choose to place difficulties in the way of British Indians entering the Colony, although I should deeply regret the decision, I do not believe that it could resist the case of Indians who came under the Republican law, which is quite different.

I think that the decision of the Supreme Court ought to be upheld, as it is impossible for us to assume a position inconsistent with our national dignity and honour, and to refuse privileges which have been asserted in a court of law.

It is impossible to say that these Indians have not the rights under the British flag which the Boer law gave them.

I am perfectly certain that the citizens of the Transvaal who value the Imperial connection will honour the dignity of the British name as much as anybody, and freely grant such rights.

Mr. Lyttelton's remarks are cheering; the only question is whether he will be strong enough to put them into practice and to withstand the opposition from the local Government. We have all along been saying that the treatment meted out to the British Indians since the British occupation is inconsistent with British dignity and British national honour. We now find the Colonial Secretary endorsing that view from his seat in the House of Commons. Let us hope that his deeds will be as good as good as his words.

Indian Opinion, 30-7-1904

191. A RETROSPECT

We have much pleasure in announcing that the plague restrictions on the movements of the British Indians within the Transvaal itself, imposed by the Rand Plague Committee, have been withdrawn, and now Indians wishing to travel from one place to another in the Colony would no longer be required to submit to a medical examination and carry travelling permits. We wish to congratulate our countrymen in the Transvaal on their deliverance, and more so on the exemplary patience shown by them. We have always held that the restrictions were totally unnecessary, though we have, at the same time, also advised that submission was the very best thing that could be done by them. The plague officially broke out in the middle of March last and, beyond the first virulent outbreak, it has never raged in a dangerous form. For the last three months, there have been only isolated cases, and these confined mostly to the Natives. And yet for four months and a half, the Indians have laboured under grievous disadvantages as to their movements. The statistics shew conclusively that, outside the Indian Location, the plague has been no respecter of persons, and outside Johannesburg hardly an Indian case has happened. Some of the districts have been absolutely free from any Indian cases. Moreover, the authorities have not been able to bring a single complaint against them. They have shown themselves willing and eager to fall in with the wishes of the authorities, and even when their houses and effects

were burned down, and when they were asked to go to a camp thirteen miles from the town, they did so without grumbling. Dr. Turner, the Medical Officer for the Colony, has deliberately given it as his opinion that, for the outbreak in the location in Johannesburg, the Indians were in no way to blame, and that the authorities, having neglected their first duty as to keeping the place in a sanitary condition, were responsible for the state of affairs. Hundreds of Indians, who have been rendered homeless and whose goods have been destroyed, are yet without payment of any compensation whatsoever or without a fixed abode. We take leave to say that very few communities are to be found in the world behaving in the manner in which the Indians have during the trying ordeal, and under most vexatious difficulties. Will the Government take note of this? Will the Rand Plague Committee, which has come in close contact with the people, have the courage to give the Indian his due? Will Mr. Lyttelton take into consideration these facts in approving of any restrictive legislation? And will the friends of Indians in England bring them home to the authorities and see that the work so well done is not wasted away?

Indian Opinion, 6-8-1904

192. SIR PHIROZSHAH

The mail papers to hand bring the most gratifying news that the Honourable Mr. Phirozshah M. Mehta[1] has been knighted. If any man deserved the honour, it certainly is Sir Phirozshah. He is one of the oldest public workers. He is the father of the Corporation of Bombay and probably there is not a single member of that great Corporation who has attended so many meetings or has served the length of time that Sir Phirozshah has done. He is the uncrowned king of the Bombay Presidency and is recognised as the first leader as no other man in any other province in India is. His unrivalled ability and experience, his eloquence, his tact and unfailing courtesy to his opponents have earned for him great popularity with the people and prestige with the Government. He has left his mark on many legislative enactments of the Bombay Presidency, and, during the short period that he was enabled to serve the Imperial Legislative Council at Calcutta, he carved out for himself a unique position. It is worthy of note that Sir Phirozshah had always been associated with the National Congress and has twice been the President of that institution. The conferring of the knighthood, therefore, is no less a compliment to the Congress than to the honourable gentleman himself. We think that in honouring him the Government has honoured itself. This is not the first time that a Congress leader has been so honoured. The Honourable Mr. Gokhale, who, as our readers are aware, has been doing

[1] *Vide* Vol. I, p. 384.

yeoman service in the Imperial Legislative Council, has only lately received the distinction of C.I.E., and we note, among the recent recipients of honour, the Honourable Sankaran Nair[1]. All this shews perhaps the signs of the times, but it shews also that the Government is fully alive to the good work that is being done for it by the leaders of the Indian community in different parts of India.

Indian Opinion, 6-8-1904

193. THE BRITISH INDIANS IN LOURENCO MARQUES

A correspondent named "Fairplay" wrote some time ago to our contemporary, *The Star*, in connection with the position of the British Indians in Lourenco Marques as compared to the[ir] position in the Transvaal. The correspondent made the Indians in Delagoa Bay say as follows:

> We are perfectly and absolutely free here under Portuguese rule, and we are a hundred times better here than in the Transvaal, although we are all British subjects.

On this, the regular correspondent of *The Star* writes from Lourenco Marques to our contemporary, stating that

> it may be news to the writer that an act was crowded out of the last sitting of the Cortes from want of time, and is to be brought up at the next sitting, under which newly-arrived Indians are to be taxed at the rate of £80 per head per annum. It is stated that this measure has the approval of the Government. If the above proposal of Mr. Deputy Carvalho passes into law, 'Fairplay' will find some other dumping ground than Portuguese territory for his friends.

Now, if the information given by *The Star* correspondent be correct, it shews once more that it is not the Portuguese in Delagoa Bay who are opposed to the Indians, but that it is the general body of European merchants, such as the Uitlander class is composed of, which have succeeded in getting round the Portuguese Government, so that they may be able to get a monopoly in trade. They did that during the old regime in the Transvaal, and persuaded the late President Kruger to pass legislation. It has been only recently that a large European population have settled in Delagoa Bay,and we should not be at all surprised if they have persuaded the Portuguese Government to place restrictions on British Indians. Mr. Lyttelton will have to be very careful if he is at all jealous of the rights of the British Indians in South Africa, and once the Portuguese Government embarks upon restrictions on the British Indians, the problem will undoubtedly be far more complicated, because Delagoa Bay is not a British Colony, and because the ways of the Portuguese are often inscrutable.

Indian Opinion, 6-8-1904

[1] Sir Chettur Sankaran Nair (1857-1934), a judge of the Madras High Court and President of the Indian National Congress in 1897.

194. SUPERINTENDENT OF POLICE AND BRITISH INDIANS

Superintendent Alexander has submitted to the Durban Town Council a report which is full of interest. His remarks about Indians are very satisfactory. He says in connection therewith:

> In dealing with our large population (about 16,000), I have had very little trouble. They are most amenable to law and order. Only in one instance, at their last annual Mohurrum festival, did some of them attempt to resist my orders; but as soon as they knew the order was to keep them clear of public-houses, they at once apologised.

The following remarks of his on drunkenness shew how much the Borough owes to the Superintendent for his good work in this direction, and we can only hope that he will long be spared to the community to render his services in the manner he has for the last twenty-five years and more.

> During the year, 15,438 crimes and offences were brought to notice by your police, and dealt with, as shown in the statistics. I am glad to say that, on the whole, the community have behaved well, considering the large number (about 300 Europeans) out of employment, and that half of the population are uncivilised blacks of many nationalities, and that we have also a large number of European foreigners amongst us. There is, I am glad to say, a large falling-off in drunkenness amongst Europeans. No doubt the depression in trade has had something to do with it, but from constant observation, I am more inclined to think that the large facility now in town for obtaining refreshments of all sorts (not intoxicating) has more to do with it than anything else, as one can now take a friend into a restaurant who would not go into a public-house; and, when one has there refreshment of this sort, one does not care for other liquors. I know the publican complains of how hard it is to pay the rent, etc., through the falling-off in his takings. This can only be remedied by the owners of the property reducing their rents which are now much too high to permit the proprietor to deal as honestly with his customers as he would probably wish to do. It is for this reason alone that I have throughout endeavoured to keep down the number of licences, and I think the Borough can congratulate itself upon having less licences for the sale of intoxicating liquor than any other seaport town of its size in Great Britain or her Colonies, as we have only 5 hotels, 18 hotels and bars, 17 public-houses, and 7 bottle stores. I am further glad to say that drunkenness amongst European women in this Borough is very small compared with towns in Great Britain. Of the 1,317 Europeans arrested for drunkenness last year, only 24 were women, and only one case of a lad under 19 years of age; whilst I find by the Police statistics of seaport towns in Great Britain, some of them shew 60 per cent. arrested for drunkenness to be women and 50 out of the 1,000 lads under 19 years of age. With Indians and Natives arrested for drunkenness, the percentage of women is nine and ten respectively.

But the burden of our remarks today will be applied to one little sentence in the report wherein the Superintendent states that "with Indians, the percentage of women arrested for drunkenness is nine". This is not a new thing but, all the same, it is heart-rending to think that Indian women, who in their own country have never known what drink is, should here be found in the streets in a state of drunkenness. There are undoubtedly

cases which are beyond one's control, and much may be urged in extenuation of the weakness of the fallen women, but we conceive that so long as a single Indian woman is to be found in the Borough under the influence of drink, it must reflect upon the Indian community. We have often had to perform the duty of urging the rights of the community. It is today our privilege to draw the attention of the community to a very obvious duty which it owes to itself and to its womanhood. Personally, we would see it made criminal for Indian women to be supplied with drink at any of the bars in town, but it would be far more satisfactory if, so far as Indian women are concerned, the community could carry on a battle against the curse, and we have no doubt that success can be easily attained. There are Indian societies in town, and enough young Indians with plenty of time at their disposal to carry on the much-needed temperance work, and here all creeds might usefully join hands. We may also appeal to the Reverend Mr. Smith and the Reverend Father Murray, who have all the facilities at their command and a suitable organisation to work with. And there are also educated Indian ladies who could be very helpful in the matter. It ought to be quite feasible to have small bands visiting each Indian bar and speak[ing] to the women as well as to the barmen, for we do not see why even barmen, who are mostly Indians, should not be persuaded to decline to serve women. We need not go into the merits of the question, for there can be only one opinion. It is hardly necessary to point out the awful results that flow from drunkenness, especially among women. The stamp that the crime (for it is nothing less) leaves on posterity is often indelible, and it ought to be held as sufficient to wake up within us unquenchable energy to see the reform through. We shall be glad if our young readers would ponder over the suggestion we have ventured to make and take it up without any delay.

Indian Opinion, 13-8-1904.

195. THE PIETERSBURG CLAPTRAP

In another column, we publish a report copied from the *Zoutpansberg Review and Mining Journal*, dated 29th July, of the anti-Asiatic meeting held in Pietersburg, which is said to have been attended by from two hundred to three hundred people. The main resolution passed was similar to that passed at Boksburg, and the usual fallacies were dished up with an increasing mixture of spices in order to render them palatable to the meeting. For instance, one of the speakers said that the Indians lacked "the desirable qualities in residents of towns" in that they did not leave "something of a lasting and progressive nature". Another speaker said, "They kept no carriages, bought no produce, and spent no money", and a third said, "If an Indian took 5s. in a day's business, he went without food altogether, and if he took £5, he would kill a fowl". These statements are made by people who would be accepted as sober in ordinary business affairs. To degrade a class of people with deliberation, to coop

them up in pens, to deprive them of the right of buying land, and then to turn round upon the very men and charge them with want of qualities desirable in citizens is a fine game. If any of these worthy speakers have travelled beyond the boundary of the district of Zoutpansberg, we might venture to direct their attention to what they, the Indians, have done in the way of progressive citizenship in Cape Town, Durban, and other places where they are allowed some rights. They have built business places in each of these towns which would compare favourably with any, and in building those places, they employed European architects, European contractors, European builders, bricklayers, carpenters, etc., and some of these buildings are tenanted also by Europeans. In one instance, we know a man, a European, who was a tenant for nearly twenty years. The Indian landlord never increased the rent during that time. The tenant was reduced to poverty and could not pay rent, and the generous-minded landlord excused payment of rent for, we believe, a number of years, and would not take proceedings for ejectment. This is fact and no fairy tale. We would be pleased even to give the names of the parties to any *bona-fide* enquirer. May we ask whether all this shews lack of good citizenship? One of the speakers said again that "the true solution of the Asiatic question lay in the application of the maxim, 'the greatest good for the greatest number' ". We must confess that we are not blind believers in that maxim; we think that it has worked untold mischief in many cases, and is yet likely to do so in the history of the world's progress. But for the sake of argument, assuming its soundness, let us examine its application. The gentlemen who spoke at the meeting held briefs for the traders. The crime committed by the Indian is that he competes with them, he lowers the price of the necessaries of life and, having a fund of patience at his command, is a better seller, especially to those whose pockets are not too full, whether they be Europeans or Natives. Even then, if the Indian trader is of any disadvantage to the European trader, which we deny, he is on the whole of great benefit to the largest number of the inhabitants of the Transvaal and, in proof of that, the very fact that he has to depend for his business on the support received from the poor whites, including the Dutch and the Natives, may be mentioned without fear of any contradiction. And, strangely enough, the meeting itself found it necessary to establish a provisional White League Committee "for the purpose of devising means to discourage trade with the Asiatics". The drafting of the constitution has been left in the hands of the Mayor and others. So then, we have the Local Board taking sides in a question of this description. But in arguing about this matter, we know we are beating the air. To men steeped in prejudice, an appeal to reason is worse than useless. We can only hope that what reason may not accomplish will be accomplished by the great healer, Time, and the Indian can afford to wait, as justice is on his side.

Indian Opinion, 13-8-1904

196. THE MAYOR OF DURBAN

We have to congratulate Mr. Ellis Browne on his re-election as the Chief Magistrate of the Borough for the third time. In this go-ahead and daily growing town, consisting as it does of a cosmopolitan population, having often conflicting interests, the office of Mayor is no sinecure. In Mr. Eills Browne we have a gentleman of varied acquirements and possessing a large amount of industry. So far as the British Indians are concerned, he knows them well; he has been brought into frequent personal contact with all classes of the community, and but for his notorious minute on the Bazaar question, he was known to be fair-minded and impartial. That he lost his head, as so many did, on the Bazaar question is easy of explanation. It was Lord Milner's spell under which he was then labouring. His Excellency's Notice 356 of last year[1] came down on the Indians like a bomb-shell. It affirmed the policy of the Government with regard to Indians, and it meant that His Excellency approved of the old Republican legislation. Naturally, our worthy Mayor thought that it must have been sanctioned by Downing Street and what could be allowed in a Crown Colony where, moreover, the very subject-matter of the Notice was a cause of the war, should *a fortiori* be permissible in a self-governing Colony like Natal, and that was the reason why he hurled his minute at the Indian community. Let us hope, however, that it is now forgotten, and if we have rescued it from oblivion it is to shew that it was a temporary aberration, and by no means representative of the general attitude of Mr. Ellis Browne. We wish him further success and prosperity to the Borough during his term of mayoralty.

Indian Opinion, 13-8-1904

197. OUR GRAND OLD MAN

The number of *India* to hand by the last mail shews the perennial activity of Mr. Dadabhai Naoroji,[2] the Grand Old Man of India. Nothing comes to him amiss if it is at all to be of benefit to the millions of his fellow-countrymen, and the correspondence between Mr. Lyttelton and himself published in *India*, and which we reproduce in another column, on the question of the status of the British Indians in the Transvaal, is but an instance of his activity. Many a man at his age would be entitled to retire from public life and enjoy well-deserved rest, but Mr. Naoroji, in spite of his age, can give points to many young workers in the cause. In his self-imposed exile, the only pleasure he knows is that of doing what

1 *Vide* Vol. III, pp. 352-3.
2 *Vide* Vol. I, p. 384

he considers to be his duty by his countrymen. For spotless purity of life, for utter selflessness, and for sustained public activity without caring for reward or praise, it will be difficult to find Mr. Naoroji's equal, not only in India but, we may say without exaggeration, in any part of the globe.

Indian Opinion, 13-8-1904

198. FOOT-PATHS IN THE TRANSVAAL

Last week there took place in the Legislative Council an interesting discussion on the amendment proposed by the Colonial Secretary, in the Municipal Corporation Ordinance, giving the right to the Municipalities to

> prohibit the use of the side-walks of any public street by Natives not holding letters of exemption, issued under the Coloured Persons Relief Proclamation, 1901, and by coloured persons who are not respectably dressed and well-conducted.

This amendment was opposed by Mr. Brink and, as might be expected, was seconded by Mr. Loveday. The honourable gentleman said that the old regulations ought not to be tampered with. Now the old town regulations prohibit the use of the side-walks by Coloured people entirely, and it was said that it was a trespass upon the rights and privileges of the people for the Government to make any change whatsoever in the old law. The Attorney-General stated that, under the old law, a Kaffir even when entering a shop was liable to be arrested for being on the foot-path. He also said that it was practically a dead letter, and that even during the Republican regime, respectably dressed Coloured people were not interfered with. To that, we may add the instance of an Indian who was pushed off the foot-path, and who approached the then British Agent. The British Agent at once took up the defence of the Indian and made a strong representation to the State Secretary, Dr. Leyds, who sent a letter of apology and said that it was under a mistake and misapprehension that the police interfered with the Indian who was walking on the foot-path, and he assured the British Agent that such occurrences would not be repeated. No protest was made by Mr. Loveday then against such a relaxation of the law, but now that the Government wishes to recognise the relaxation, Mr. Loveday and his friends are indignant. And yet it must be apparent to anybody that the Government amendment is, although meant to give relief, nothing less than an affront, because to make distinctions with reference to use of side-walks is so foreign to British traditions. It can only be in this enlightened twentieth century, and that in the Transvaal, that in the name of that Government such a thing is possible. And the proviso as to [being] 'respectably dressed and of good conduct,' is so elastic that, under it, unless the police have very special instructions, much mischief may be done. Even Dr. Turner, official member though he is,

felt that the whole thing was ridiculous, and gave a very apt and humorous instance of a white man whom he saw outside the Government Buildings in Pretoria, "swaying to and fro, with his hands in his pockets and a pipe in his mouth, and spitting all round a clear six foot circle". The question, therefore, is hardly one of colour, but of hygiene and sanitation. The proper thing would be to punish all people who soiled the foot-paths, and it provides an intelligible, safe and inoffensive remedy.

Indian Opinion, 20-8-1904

199. INDIA MAKES THE EMPIRE

Our contemporary, the Johannesburg *Star*, has a leading article on "India and the Empire", based on Lord Curzon's speech[1] at the Guildhall, and it endorses Lord Curzon's view of the importance of India, and quotes with approval the following remarks that fell from Lord Curzon's lips:

> If you want, **he says,** to save your Colony of Natal from being overrun by a formidable enemy, you ask India for help, and she gives it; if you want to rescue the white men's legations from massacre at Peking, and the need is urgent, you ask the Government of India to despatch an expedition, and they despatch it. If you are fighting the Mad Mullah in Somaliland, you soon discover that Indian troops and an Indian General are best qualified for the task, and you ask the Government of India to send them. If you desire to defend any of the extreme outposts or coaling stations of the Empire, Aden, Mauritius, Singapore, Hong Kong, even Tientsin or Shan-hai-kwan, it is to the Indian Army that you turn. If you want to build a railway in Uganda or in the Soudan, you apply to India for labour.

But our contemporary has not a word to say to the Colonists on behalf of the inhabitants of India who are settled in the Transvaal! Proud as the descendants of Englishmen are in the Colonies to belong to the British race, and eager as they are to enjoy the privileges that the British Empire has to offer them, they would shirk the responsibility that membership of the Empire imposes on them, especially so far as British India is concerned. They are willing to appropriate the glory that comes from the British connection with India, and from a distance to applaud the valour of the Indian soldiers, but when it comes to a fair treatment of the brethren of these very soldiers, they want to hold themselves aloof. It is, therefore, a pity that our contemporary did not make use of its opportunity, in dealing with Lord Curzon's speech, of placing before its numerous readers the principle of recognising the very elementary and simple duty of *quid pro quo*. As Sir Mancherjee has said, the Colonies cannot with impunity continue to insult and embitter the feelings of three hundred millions of inhabitants of India for an indefinite length of time. Slowly, though surely, the exclusive policy of the Colonies is making a deep impression on the minds of the Indian people, and it cannot but make the task of govern-

[1] Made in London on July 20, 1904

ment in India more and more difficult as it becomes known that for an Indian the privilege of British citizenship or British connection means little or nothing outside India, and that no matter what his status or ability may be, he is not wanted by the Colonies.

Indian Opinion, 20-8-1904

200. SUICIDE AMONG INDENTURED INDIANS

Some correspondents have of late been writing to *The Natal Mercury* about our remarks on the high rate of suicides among the indentured Indians. The writers have chosen to write anonymously, and although as a rule we decline to notice correspondence relating to matters appearing in this journal published in some other, especially under fictitious names, we feel disposed for the sake of elucidation of the truth to offer a few remarks. One of the writers styling himself "A White Man" has sent a letter which is totally beside the purpose. He discusses the personnel of the editorial and the managerial staff of the paper and draws, in his imagination, a distinction between the Hindoos and the Mahomedans, and gives it as his opinion that the journal does not represent the Indian community. We do not propose to answer any of these allegations. Whether the paper represents anybody or not would not in any way detract from the truth of the statements made by us regarding the question of the suicides. We may, however, parenthetically draw "A White Man's" attention to the advertisement[1] that appeared in connection with this paper in the preliminary numbers. It was signed by all the influential leaders of the community, and if he will take the trouble to scan the list, he will find an answer to most of his allegations. He will study therefrom also the aims of the paper. When, however, the writer states that it is our purpose to calumniate the whites in discussing the Protector's report on the Indian suicides, we think it right that we should protest against any such insinuation. We commend the following from our very first leader on the subject[2] and leave "A White Man" and those who may think with him to judge for themselves:

> We do not wish to draw any conclusions against the employers from these staggering figures but we do plead for a thorough enquiry, alike in the interests of the Indians as of the employers, and we consider that nothing short of an impartial commission to investigate the cause would meet the ends of justice.

We have not in any way whatsoever cast any reflections on the planters. All we care for is an investigation in the interests of all concerned. That the figures we produced were staggering no one would deny, but "Anglo-Indian" has questioned them. We can only, therefore, draw his attention to the corroboration given to them by Mr. Lyttelton, the Colonial Secre-

[1] This appeared in Gujarati, Tamil and Hindi, signed by representative Indians speaking those languages. *Vide* Vol. III, illustration facing p. 377.

[2] *Vide* "Indentured Indians", 4-6-1904.

tary, when he said that the rate among the non-indentured Indians was 157 per million and among indentured Indians 766 per million. If, therefore, we erred, we have erred in very good company, and in spite of the remarks of "Anglo-Indian" and "A White Man", we adhere to the statements we have made and urge that an enquiry should be instituted.

Indian Opinion, 20-8-1904

201. MR. LYTTELTON'S DESPATCH

The debate in the Legislative Council of the Transvaal on the Indian traders' question and the publication of Mr. Lyttelton's despatch mark a most important stage in the history of this much-vexed controversy. On the one hand, the Home Government finds that it cannot, consistently with national honour, give away the rights of the British Indians which they jealously guarded during the Boer rule. On the other hand, the local Government and the Colonists seem to be bent upon rooting out the Indian. More than once has Sir George Farrar expressed in emphatic terms that probably the first act of a responsible Government when it came would be to extinguish the Indian trader by giving him compensation. We all know what the giving of compensation means! Thus, then, there is a direct conflict between Imperial interests and local prejudice — we will not dignify it by the name of local interests, because we venture to think that the presence of the Indian in no way constitutes a menace to the white community. We have in these columns times without number shown that the white trader has not been driven out either in the Cape or Natal, where the Indians enjoy comparatively greater rights than in the Transvaal, but that they are earning side by side with the white man an honest livelihood. The unmeaning prejudice takes no account of the immeasurably superior facilities that the European enjoys in many respects, and the organising power which the Indian lacks. These two more than counterbalance the so-called cheap living of the Indian. But, as a matter of fact, nobody has ever asked for unrestricted trading rights on behalf of the Indians. All that is necessary is to absolutely protect vested interests, and to allow the Indian a reasonable share in future trade. To see men like Sir George Farrar and Mr. Bourke haranguing about the impending ruin threatening the Colony in the event of the Indians being allowed to continue to trade—when they must know that the Indian is an almost negligible quantity, when one of them alone could buy out every Indian in the Colony thrice over—is a most humiliating spectacle unworthy, shall we say, of those who profess to be guided by British traditions. If so much could, with justice, be said of the non-official members of the Legislative Council, what are we to think of the attitude of the Government? What are we to think of the Lord Milner of today asking Mr. Lyttelton to take away practically everything from the Indian, and of the Lord Milner, on the eve of the war, who persisted

in his advocacy of the Indian cause, and who would not barter away the rights of one class of British subjects for the sake of securing those of another class? Lord Milner prides himself on being an out-and-out Imperialist. Is His Excellency's Imperialism confined to South Africa only? The reading of Mr. Lyttelton's despatch has been both pleasant and distressing. What the local Government was ready to grant in the beginning of 1902, it has now retracted. What Lord Milner promised to do, when he justified the now notorious Bazaar Notice No. 356 of last year, has now been retracted. His Excellency the Lieutenant-Governor, instead of taking up an impartial attitude, has constituted himself an exponent of the anti-Asiatic policy. All this is painful. Mr. Lyttelton, therefore, takes up the cudgels on behalf of the Indians, and on behalf of the Imperial policy and promises made by British statesmen and ministers. He shews conclusively that there can be only one solution of the question, namely, to grant reasonable rights to British Indians. But the reading becomes again distressing when we come to look at his final proposals, which seem merely to require the protection of the existing trading licences, leaving the principle of compulsory segregation intact, as also the great principle of Colour legislation. But all this later, because even what little the Colonial Secretary requires, the Transvaal Government is not prepared to grant. We have no doubt that the resolution of the Legislative Council has been cabled to the Home Government, and much will depend upon the attitude that may be assumed by it.

Indian Opinion, 27-8-1904

202. MEMORIAL TO COLONIAL SECRETARY

[Prior to *September 3, 1904*][1]

To
THE HONOURABLE THE COLONIAL SECRETARY,
PRETORIA

SIR,

The despatch addressed by His Excellency the Lieutenant-Governor to His Excellency the Governor, dated the 13th April this year, on the status of British Indians in the Transvaal, contains certain matters which have deeply grieved my Association, and I am, therefore, directed to humbly submit the following to His Excellency and to request that the same may also be forwarded to His Majesty's Principal Secretary of State for the Colonies.

The despatch recommends the immediate adoption of the recommendations made therein as to alteration in the existing law with regard to British Indians, and based before on two incidents, the first being the

[1] The date on which the petition was presented is not available.

test case of Habib Motan and the Government, underlying which is, in the words of His Excellency, the problem of self-preservation, and the second, the prominence into which the question came owing to the outbreak of bubonic plague.

To take the second incident first, my Association ventures to submit that it has been shown most conclusively that the Indians residing in the Location were in no way responsible for the outbreak. My Association would gladly have refrained from making any remarks in the matter, but as it is responsible for the statements supplied in this instance to Sir Mancherjee Bhownaggree, and as his information has been controverted by His Excellency, a brief explanation has become necessary in justice to my Association

It will be recollected that the plague was officially declared as having broken out on the 18th March last. The Location was expropriated by the Johannesburg Town Council on the 26th September last year. Before that date, each owner of the Stands in the Location was held responsible for a proper sanitary upkeep thereof. The owners, therefore, employed men in order to keep the Stands in a clean condition, and up to that date, no epidemic was known to have arisen in the Location, and the Indian community had remained particularly free from infectious or contagious diseases. The sanitary control, from the 26th September, 1903, passed into the hands of the Town Council. The owners were not allowed to have any say either as to the manner in which the Stands were kept or as to tenants that were received. Instead of one man or men to clean each Stand, there were a few men employed by the Municipality to look after the whole area. The result was that they were totally unable to cope with the work. The population, too, went up considerably, as, regardless of the accommodation in the Location, the Town Council accepted tenants. Complaints were frequently made about this unsatisfactory state of things, but nothing was done. The following letter was written to Dr. Porter, giving the necessary warning:

21 to 24 COURT CHAMBERS,
15th February, 1904

To
DR. C. PORTER
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 lesees could pay, say 8 per cent. on the valuation of the valuators, 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 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 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 direction 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 faithfully,
(Signed) M. K. GANDHI.

Dr. Porter in his turn passed this letter on to the Public Health Committee which, however, took no action. Extraordinary rain supervened and brought on the much-dreaded plague.

Here, then, in the humble opinion of my Association, there was nothing left undone by the Indians residing in the Location. It was with them purely and simply a matter of helplessness. There was nowhere else for them to go to. It was impossible to vacate the Location and overrun the town. In spite of urgent entreaties, no site was fixed for them in lieu of the expropriated Location. Dr. Porter's opinion about the condition of the Location, which my Association has taken exception to, was given in 1902, and yet, up to the time of expropriation, (that is, for nearly one year,) the Location was allowed to remain in the same condition without any epidemic having broken out.

Here, then, there is a practical demonstration of the truth of evidence given by Dr. Johnston and the late Dr. Marais.[1] The Location did, as a matter of fact, assume the state described by Dr. Porter after if became the property of the Town Council, and after the Indians themselves became unable to look after it.

Furthermore, the Medical Officer of Health for the Transvaal is reported to have said as follows in connection with the outbreak, thus absolving the Indians in the Location from liability :

> The coolie Location at Johannesburg was in a disgraceful condition, and why? Because those poor people were compelled to live in it like chickens in a coop, and it was left in a most insanitary condition by the authorities. If Mr. Raitt (member, Legislative Council) had been compelled to live in it, he would have been just as dirty.

It is also noteworthy that Indians have been no more liable to the disease in the Transvaal than the other communities outside the Location, that is to say, where they had control of their premises. For instance, in Pretoria and Potchefstroom, where there are Indian Locations, there were practically no cases of plague amongst the Indians.

Before concluding this portion of the representation, my Association invites His Excellency's attention to the following from Drs. Veale and Spink, both medical gentlemen of long standing :

> I hereby certify that I have practised as a general medical practitioner in the town of Pretoria for the last five years.
>
> During that period, I have had a considerable practice amongst the Indians, especially about three years ago, when they were more numerous than at present.
>
> I have generally found them cleanly in their persons, and free from the personal disease 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 of Indian compares most favourably with the lowest class of 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.
>
> I have, further, found that during the period that small-pox was epidemic in the town and district, and is still epidemic in the district, that, although every

[1] *Vide* Vol. III, pp. 487-92.

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 sanitary authorities is made as strictly and regularly for the Indian as for the white.

H. PRIOR VEALE, B.A., M.B., B.C., (Cantab.)

This is to certify that I have examined the residences of the bearers of this note, and that they are in a sanitary and hygienic condition, and, in fact, such as any European might inhabit. I have resided in India. I can certify that their habitations here in the South African Republic are far superior to those of their native country.

C. P. SPINK, M.R.C.S., & L.R.C.A., (London.)

As to the first-mentioned point, in dealing with it, His Excellency has dwelt on three illustrations, namely, Johannesburg, Pietersburg and Natal. In the humble opinion of my Association, the fact that Johannesburg has been able to hold its own against the British Indian shews that the Indian is unable to compete with the European in trade, except in petty trading, and then, too, he is not successful in ousting the European, for it is notorious that, in Johannesburg, the petty trade is mostly in the hands of aliens from Europe. In Pietersburg, too, with the greatest deference to His Excellency, the bulk of the trade, both wholesale and retail, is in European hands, and the European houses, which are referred to by His Excellency as having wholesale businesses only in Pietersburg, are also, according to the information in possession of my Association, carrying on a retail trade, whereas the Indians there confine their trade to the retail branch.

My Association respectfully submits that the comparison drawn from Natal is very unfair to the British Indian community, for there is no analogy between Natal and the Transvaal. The former has been importing labour from India now for over thirty years, and the bulk of the Indian population is under indenture. The free Indians who have entered the Colony as independent men number less than ten thousand (10,000). But even there, my Association ventures to submit, the retail trade has not passed entirely into Indian hands. In all the important towns, it is still controlled by the Europeans.

The following is the testimony given by Sir James Hullett only last year as to the value of the Indian to Natal:

The Arabs were limited and were traders almost entirely. The ordinary small trader could not compete with the Arabs. 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 Kaffir country 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. Apart from the country districts, he supposed — from appearance — that Arab traders were doing an ever-increasing business in the towns. They were supported to a certain extent by white inhabitants. The white inhabitants, and with a certain amount of justice, complained of the Arabs, but yet helped to support them because of being able to get their goods cheaper from

them than elsewhere. But all this did not mean the elimination of the white man from trade altogether. (This witness said emphatically).

Most public men there believe that Natal owes its prosperity to the presence of the Indian. The special Commissioners, who, some years ago, examined the whole question, said, especially with reference to the British Indian trader, against whom His Excellency has been pleased to advance so much argument, gave their opinion [*sic*] 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.
>
> Nearly all of them are Mohammedans, either total abstainers from alcoholic liquors, or drinking them in moderation. They are thrifty by nature and submissive to the law.

Out of the seventy-two European witnesses, who gave their evidence before the Commission, almost every one of those who spoke as to the presence of the Indian affecting the Colony has said that he is indispensable for its welfare.

But the most striking instance, perhaps, shewing that the Indian is not the menace that he is popularly considered to be to the white predominance, is to be found in the Cape Colony. That Colony has never imported Indian labour, but up to last year, it was open to receive any Indian who went there. Indians are entitled to own land, they may take out licences to trade without any let or hindrance, and they enjoy practically all the rights possessed by His Majesty's other subjects. And yet his competition has not told upon the European community in any way whatsoever, except in so far as his presence has stimulated healthy rivalry. There are at the Cape far wealthier Indians than in the Transvaal, but they have not made any appreciable impression on the ownership of land.

My Association, therefore, ventures to submit that the past, in so far as it throws any light on the question, does not bear out the fears expressed by His Excellency.

That the opposition to the British Indian is confined to the trader class in the Transvaal, and therefore, purely interested, is, in the humble opinion of my Association, plain from the fact that the Indian depends largely upon European support. Having been found reliable, the European banks give him credit, European houses sell him goods on credit, and the European customers purchase goods from him, his best customers being the Dutch people. It may here be mentioned that, even during the Boer rule, a Petition, extensively signed by the Dutch people as also the English people, was presented to the late President Kruger favouring the presence of the Indian.

The social and political equality, it is true, was never recognised during the Boer regime as between white and Coloured people, but the Indian, it will be readily admitted, has studiously kept himself aloof from intruding himself on any of the two departments.

My Association craves leave to discuss the proposals made by His Excellency which have been termed by him "concessions", but which,

in the humble opinion of my Association, constitute a further encroachment on the small measure of liberty enjoyed by the British Indian under Law 3 of 1885, which the proposals are intended to replace.

(1) Under the Law, then, as now interpreted, the Indian is, as in practice he has always been, free to trade anywhere he chooses.

(2) Though there is in the Law a clause restricting residence to Locations, wards, or streets set apart for the purpose, as the Supreme Court has held, it is inoperative, as there is no sanction provided for it in the Law. The British Indian is, therefore, free to reside where he likes. He may not own fixed property, but he is entitled to own leases.

(3) There is in the Law no restriction whatsoever on the free immigration of Asiatics.

Under the proposals made by His Excellency, the issue of licenses outside Bazaars would be restricted only to those who were carrying on business at the commencement of hostilities, and, then only, during the residence in this Colony of the licensees, a proviso which materially curtails the possibility of expansion even for the few who were trading at the commencement of hostilities. The proposal, therefore, would ultimately mean a complete sweeping out of the British Indian trader, except from Locations.

Exemption from liability to reside in Locations is contemplated, but, as has been shown above, the liability to reside in Locations does not exist, but will have to be created and will, therefore, be a new restriction.

Exemption from registration will be merely nominal, as almost all the old residents of the Transvaal have, in obedience to Lord Milner's advice, paid the registration fee, and as the fewest possible new men would be allowed to enter the Colony under the Immigration Ordinance proposed to be introduced. As a matter of fact, the Peace Preservation Ordinance is employed to shut out every Indian who is not a refugee, no matter what his intellectual attainments, social qualities, or habits of life may be.

It is, therefore, respectfully submitted that in not a single particular will the proposals under discussion concede anything to the British Indians, but they would very materially restrict the rights hitherto enjoyed by them.

My Association is grateful to His Excellency for advising that the Indians may be allowed to hold land in their own names which may be devoted to religious purposes, but my Association may be pardoned for saying that, when the bulk of the Indian population is compulsorily segregated, the concession would be of little or no use, and could not be availed of if the land is not allowed to be used for purposes of drawing an income for the support of religious institutions. Nor is the proposal altogether new, because, time after time, Her late Majesty's agents brought the matter to the notice of the late President Kruger, who had promised to grant relief.

His Excellency has been pleased to say that "the British Indian Association maintains that these sites (referring to the new Locations laid out) are quite unsuitable, but they have in my opinion overstated their case". With the greatest deference to His Excellency, my Association

ventures to submit that it has always been its endeavour to place facts without any varnish at all, and, in making its submission regarding the new sites, my Association has, in every instance, supported its objections with disinterested testimony. The members of my Association, being most of them traders of long experience, also claim to speak with confidence regarding these sites, and however valuable they may become in the distant future, for immediate purposes, save in one or two instances, they are totally useless, situated as they are in isolated and uninhabited spots where there has been no traffic. In Pietersburg, for instance, the new site has been fixed nearly two miles from the town where, as it is only a small village, there can be no traffic. It is, therefore, a question purely and simply of establishing a new Indian village. Half a dozen store-keepers removing there will have only themselves to trade with. To say that removal to such a Location would be tantamount to removal from Cheapside to Hampstead Heath in London would, in the humble opinion of my Association, be an understatement of the case. And the very fact that these sites have been fixed so far apart is a limitation of the powers vested in the Government in virtue of Law 3 of 1885, which contemplates the setting apart of "streets and wards" besides Locations.

The crux, however, of the whole question is legislation in anticipation of the future, and my Association cannot help saying that the future being guarded against by the Immigration Act on the Natal or Cape lines, there would appear to be no reason for the fear of the Indian swamping the European in any department of life. As against the ever increasing European population, the Indian population, which may be estimated at twelve thousand (12,000), would always remain stationary with the addition of the few who may be able to enter the Transvaal under the education test. In Natal, for instance, during the five years' working of the Act, only 158 new men were able to enter the Colony under the test, when it consisted of a simple set form. As His Excellency is aware, now the test has been considerably raised, being the same as in the Cape Act, which makes it impossible for any but those who have a fairly competent knowledge of the English language to enter the Colony. And although my Association does not share the fears expressed by His Excellency, in view of the popular prejudice, it is prepared to accept the imposition of the restriction, so long as reasonable facilities are afforded for servants and salesmen, who may be absolutely necessary for the carrying on of existing businesses, to enter the Colony.

With reference to the issue of new trading licences to those who did not at any time trade before war in the Transvaal, whether with or without licences, my Association, in order to allay the popular prejudice, and as an earnest of its desire to meet the wishes of the European Colonists as much as possible, would be prepared to accept a general measure, leaving it to the option of the Government or the Local Boards either to grant or refuse such licences, subject, however, to an appeal to the Supreme Court in cases of manifest injustice; for instance, where the

new applicant is supported by a majority of European residents, provided, however, that the existing licences are not in any way interfered with, except when the premises are not kept in a sanitary condition or the licensee does not comply with the regulations as to book-keeping, etc. Thus, the issue of new licences will be regulated without any invidious legislation based on distinction of colour.

My Association respectfully submits that the prohibition to own fixed property is as unjust as it is uncalled for, and to prevent a handful of Indians in the Colony from buying land freely is manifestly contrary to British traditions.

My Association has refrained from saying anything with reference to the promise made on behalf of the British Government forty years ago, because, in its humble opinion, the case for the British Indians is exceedingly strong on its merits, but I may take the liberty of saying that, if the situation when Sir Charles Napier gave his proclamation in 1843 was different to what it is today, it was certainly not so different when the late Lord Rosemead and the late Lord Locke, as also Lord Milner, made, during the Boer regime, the most strenuous effort on behalf of the British Indians and more or less successfully protected their rights against encroachment by the late President Kruger. The position, when the hostilities broke out and when Her late Majesty's ministers declared that the disabilities of the British Indians were one of the causes of war, was also not very different from what it is today.

My Association, therefore, feels that the Indian community has not been fairly treated in that these facts have been overlooked. My Association respectfully submits that the Indians, as subjects of the Crown, and as law-abiding and peaceful residents of the Transvaal, have a claim to an impartial consideration of their position at the hands of His Excellency as representative of the King-Emperor and Head of the State.

The British Indians, moreover, may be excused for drawing His Excellency's attention to the humble services that they, as a race, have always rendered to the Crown. Whether it is in Somaliland, Tibet, China, or in South Africa, the Indian soldier has, side by side with the soldier from the British Isles, borne the brunt of the battle. Lord Curzon spoke the other day in the following glowing terms about India's services to the Empire:

> If you want to save your Colony of Natal from being overrun by a formidable enemy, you ask India for help, and she gives it. If you want to rescue the white men's legations from massacre at Peking, and the need is urgent, you ask the Government of India to despatch an expedition and they despatch it. If you are fighting the Mad Mullah in Somaliland, you soon discover that Indian troops and an Indian General are best qualified for the task, and you ask the Indian Government to send them. If you desire to defend any of the extreme outposts or coaling stations of the Empire, Aden, Mauritius, Singapore, Hong Kong, even Tientsin or Shan-hai-kwan, it is the Indian Army to which you turn. If you want to build a railway in Uganda or in the Soudan, you apply to India for labour. When the late Mr. Rhodes was engaged in developing your recent acquisition of Rhodesia, he turned to me for assistance. It is with Indian coolie

labour that you exploit the plantations equally of Demerara and Natal. It is with Indian trained officers that you irrigate Egypt and dam the Nile. It is with Indian forest officers that you tap the resources of Central Africa and Siam, with Indian surveyors that you explore all the hidden places of the earth.

Unless we can persuade the millions of India that we give to them absolute justice as between man and man, equality before the law, freedom from tyranny and injustice and oppression, then your Empire will not touch the hearts and will fade away.[1]

Sir George White generously acknowledged the services of the devoted Prabhu Singh, who, at great risk, sat perched up on a tree within the range of the Boer fire, and never once failed to give the warning of the firing of the Boer guns from the Hill of Umbulwana during the siege of Ladysmith. The Indian monument on the Observatory Hill in Johannesburg is also a testimony to the Indian contribution to the war in South Africa. The British Indians in the Transvaal who belong to that race are, in the humble opinion of my Association, entitled to some measure of consideration, specially as to their vested rights and their right to earn an honest livelihood in the Transvaal, with dignity and self-respect, and without being perpetually reminded that the colour of their skin is a bar to the ordinary civil liberty, as distinguished from the political, under the British flag.

I have the honour to remain,
Sir,
Your obedient servant,
CHAIRMAN
BRITISH INDIAN ASSOCIATION

Indian Opinion, 3-9-1904

203. LETTER TO "THE STAR"[2]

COURT CHAMBERS,
JOHANNESBURG,
September 3, 1904

TO
THE EDITOR
The Star

SIR,

I trust you will allow me to say a few words with reference to your editorial on the representation of the British Indian Association. I am afraid the most important point of the representation has been missed by you, and, in my humble opinion, the publicists in the country would

[1] The wording in this extract from Lord Curzon's Guildhall speech differed slightly from that cited earlier in "India Makes the Empire", 20-8-1904. with which this has been brought in line.

[2] This was reproduced in *Indian Opinion* under the title "British Indian Association: A letter from Mr. Gandhi".

render a service to it by drawing the attention of the public to the fact that the representation meets entirely the most pressing objections of the Europeans who do not want unrestricted immigration of Indians, and would allow no new licences to them. The Association accepts Sir Arthur Lawley's proposal as to the introduction of an Immigration Ordinance on the Cape model, and makes a suggestion whereby the objectors themselves, namely, the local authorities, would have the virtual control over the issue of new licences. Could the Indians go further? It should not be forgotten that, when the late Mr. Kruger wanted to nullify the decision of the late High Court by Volksraad resolutions, there was tremendous opposition. The Colonists, who then formed the Opposition, are now asking for the very thing they opposed, for it is nothing less than the decision of the Supreme Court that they wish to override by stopping or suspending the issue of Asiatic licences. Such a thing in a British country would be impossible if self-interest did not temporarily blind the fine sense of British justice. And yet, the British Indian Association, recognising the popular prejudice, is prepared to forego very largely the fruits of victory dearly won after a tremendous struggle. Personally, I do not fear the verdict of any Commission that may be appointed, believing, as I humbly but firmly do, that many of the objections raised against the Indians have no foundation in fact. The number of retail Indian traders in the Transvaal is very small compared to the European. But I think that the appointment of a Commission is unnecessary and it will indefinitely postpone a settlement of the question. It will be very surprising if Mr. Lyttelton goes back upon his despatch and suspends the issue of Indian licences, pending the finding of the Commission. The British Indian Association has ever tried to meet the wishes of the Europeans. It has again made a supreme effort, and you would, I submit, be serving the country by laying stress upon this fact, especially in view of the extreme measures that are being suggested at Potchefstroom and elsewhere. The time is of the essence at present; the controversy has reached a stage which admits of a definite decision as the only remedy. Session after session, legislation has been passed, and each time the question has been shelved. The Association has made definite proposals which, I venture to think, afford a reasonable solution worthy of a trial, at any rate. They have, moreover, the merit of disposing of the question locally.

I am, etc.,
M. K. GANDHI

Indian Opinion, 10-9-1904

We confess that we do not understand Lord Milner's attitude on this question, if the cablegrams received by our contemporaries give a fair summary of His Excellency's view, for we are told that His Lordship thinks that

> an attempt to place coloured people on an equality with whites in South Africa is wholly impracticable and wrong in principle, but he holds that when a coloured man possesses a certain high grade of civilisation, he ought to obtain a white man's privileges, irrespective of colour.

If this is all that His Excellency means, we can see nothing inconsistent with it in Mr. Lyttelton's despatch, for he has proposed that further immigration of British Indians should be stopped, save for those who would satisfy the test laid down by His Excellency. With reference to those that are already in the country, he proposes that segregation for sanitary purposes, but not for trade, may be allowed. There, then, remains the question of trading still open, but Lord Milner has answered that question himself when he says:

> While we should be justified in legislating even contrary to public opinion to protect the vested rights of the Indians already here, we should not be justified in regulating the Asiatic question so far as it is *res integra* in a manner opposed to the voice of a vast majority of the European population.

If, then, the vested rights are to be protected, nothing more has really been asked for by Mr. Lyttelton, for we claim that every Indian who is now settled in the Transvaal, having been allowed to trade free[ly][1] during the Republican regime, has a vested right in such ability to trade, whether he actually traded or not, and those who may come hereafter will only be such as would possess a certain high grade of civilisation! The whole of the [op]position from His Excellency [fal]ls to the ground, but, un-[fort]unately, during the last two [years], we have learnt things [which] enable us to know that [howev]er, painful it may be to [have to] say so, Lord Milner does not mean what he says. There is no intention to grant the better-class Asiatic any special rights, and the vested rights have tapered down to actual trade carried on by Indians on the 11th of October, 1899. For, was it not the contention of the Asiatic Traders' Commission that they had authority only to investigate the cases of those who were trading at, and immediately on, the commencement of hostilities, and that, under the reference, they could only deal with the cases of people who were trading as far back as October 1899? Had it not been for the god-send in the shape of the Supreme Court decision, more than 75 per cent of the Indian traders would by this time have been wiped out of existence under the above reference, and probably the Colonial Office would have

[1] This and other words in square brackets have been reconstructed from the damaged original.

done nothing. We, therefore, plead for a frank statement of the policy. As to the European opposition also, we have to protest against His Excellency laying so much stress upon it for two reasons: (first) no opposition on the part of one body of British subjects could be allowed to avail in order to take away the legitimate rights of another body; (second) the opposition is fostered by the Government itself. Mr. Lyttelton's despatch has in that respect been an eye-opener. Although Mr. Duncan and Sir Richard Solomon made what appeared to us to be a righteous defence on behalf of the weaker party, when the Asiatic Traders' Commission was appointed at Sir George Farrar's instigation, both of them, as would appear from the despatch, have been asking Mr. Lyttelton as vigorously as they could to take away practically everything from the Indians. We find the same subservience to European sentiment in the Legislative Council. The motion proposed by Sir George Farrar, regarding a Commission to be appointed from England, and a stoppage of the issue of all new Indian licences in the meanwhile, is gladly accepted by the Government. When the late Mr. Kruger passed any resolutions to nullify the decisions given by his High Court, he was furiously blamed. His conduct was considered to be brutal, short-sighted, and all the ugly names that could be given him were brought into play. Not a voice, however, is raised in protest when the very same thing is proposed by the representative of the British Crown, namely, to take away the right of the Indian to trade in the Colony, which has been emphatically recognised by the unanimous decision of the independent judges of the Transvaal. We hope, therefore, that Mr. Lyttelton will realise the position in which the British Indians in the Transvaal are placed, and will realise also that the local Government, having so thoroughly allied itself with the popular prejudice, is hardly in a position to give an unbiassed opinion. The fact is that, rightly or wrongly, it has been very much discredited. There is intense dissatisfaction among the people of the Transvaal with reference to its policy in many other matters. It is, therefore, afraid to do right in the Indian case, because it is that of people who are voiceless and who are powerless to give any trouble to the Government. May Mr. Lyttelton have sufficient strength to save what he has termed "the national honour" in connection with the Indian question is our fervent prayer.

Indian Opinion, 3-9-1904

205. LETTER TO DADABHAI NAOROJI[1]

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
September 5, 1904

TO
THE HONOURABLE DADABHAI NAOROJI
22, KENSINGTON ROAD
LONDON, ENGLAND

SIR,

The matters have now reached a crisis with reference to the Indian question. The *Indian Opinion* would give you all the information up to date. The representation of the British Indian Association printed therein will, I think, shew the position clearly. The proposals of the Association are as moderate as they possibly could be and they represent the irreducible minimum that the British Indians are entitled to. You will there see all the most reasonable objections of the Colonists met. Even the point as to the educational test has been yielded, but the right of review by the Supreme Court on the question of licences and the ownership of land are absolutely essential. As to the latter, if necessary, certain portions may be reserved for exclusive European ownership. As to the licences, I may, at the risk of repetition, state the position clearly. Any Licensing Act should leave untouched the existing licences and the right to trade freely to those who were trading before war whether with or without licences but who have not yet taken out licences since British occupation mainly because they have not yet been allowed to return to the Colony, unless, of course, with reference to these licences, the premises are not kept according to the sanitary requirements or because the books are not kept in the English language. As to the new licences, the Government or the municipal authorities may have full discretion subject to the right of review. This will set the whole question at rest. The proposal is based on the Natal model without its most unjust clause depriving the Supreme Court of its inherent jurisdiction, a fact which has rendered uncertain the position of every Indian trader there. If the proposals of the Association are accepted, the appointment of a Commission would appear to be quite unnecessary. The licences could not be

[1] Dadabhai Naoroji communicated the contents of this letter, excluding the postscript, in the form of a statement to the Secretary of State for the Colonies (C. O. 291, Volume 79, Individuals — N) and the Secretary of State for India (C. O. 291, Volume 75, India Office). The statement was also published in *India*, 7-10-1904, as a despatch dated September 9 from its Johannesburg Correspondent.

suspended, as suggested by the Legislative Council resolution. And if the licences are not suspended, I hardly think Lord Milner will accept a Commission. In fact, the object of asking for a Commission was to secure indirectly what Mr. Lyttelton declined to grant directly. It would, too, indefinitely postpone the question of licences and, if Mr. Lyttelton agreed to suspend the issue of licences, there would be no hurry on the part of the anti-Indians to have any definite legislation.

I note that the question of the Orange River Colony has not yet been raised. I venture to think that it should be kept prominently in view for, to my mind, it is nothing short of a scandal that the Colony is still allowed to shut its gates almost entirely in the face of Indians.

I remain,
Yours truly,
M K. GANDHI

PS.

Sir Arthur Lawley, as also Mr. Duncan, the Colonial Secretary, left last week for London. May I suggest that a mixed deputation should wait on them and discuss the question with them? It might influence them very greatly, and, in any case, it will shew them that influential men holding different shades of opinion are absolutely unanimous in connection with this question.

From a photostat of the typewritten original : G. N. 2260.

206. THE TRANSVAAL

We have published the important dispatches from Lord Milner and Sir Arthur Lawley, to which Mr. Lyttelton's dispatch, also already published in these columns, was a reply. These documents shew the importance of the Indian question, not only in the Transvaal, but in South Africa. The British Indian Association of the Transvaal has sent in a representation to the Colonial Secretary, Pretoria, (reproduced by us last week)[1], controverting some of the assertions made by His Excellency the Lieutenant-Governor in his dispatch, wherein he has clearly shewn himself to be more a partisan than an impartial administrator. There is throughout that dispatch an eagerness to put forward all the points that His Excellency could conceive of as being in favour of the European objections. He has not hesitated to advise Mr. Lyttelton even to break the promises repeatedly given to the British Indians in the name of the Government he represents. Now we do not consider that in affairs of State there may not be circumstances justifying a breach of promises once made, but in this instance there is not a shadow of justification for it. Sir Arthur Lawley has dwelt on Sir Charles Napier's proclamation of 1843, and thinks that the situation then was quite different from the one presented to-day. As, however,

[1] *Vide* "Memorial to Colonial Secretary", dated "Prior to September 3, 1904".

the British Indian Association has reminded His Excellency, that promise was acted on even up to 1899. Not long ago, Lord Ripon laid it down as the emphatic policy of the Government, in the dispatch, when he was Secretary of State for the Colonies, that it was the wish of Her Majesty's Government to treat all her subjects on a footing of equality. We must confess that we have failed to see a single circumstance which would justify a wilful breach of promises solemnly made and reiterated. Nor is there any ground for magnifying the question out of all proportion, and then justifying iniquitous differential legislation. One could understand such an attitude if the doors of the Transvaal were proposed to be kept wide open for the reception of the millions from India, but in the same breath that Sir Arthur Lawley draws a lurid picture of the state in which the Transvaal would be, if India was allowed to pour her millions into the country, he also advocates the adoption of the Cape Act — thus reducing Indian immigration practically to a vanishing point. To put a few thousand Indians, under galling restraints, in a population of one million white men, a population, moreover, which is ever increasing, is a measure that ought not to be tolerated for a single minute in a British Colony. That Sir Arthur Lawley, however, has seen fit in his representative capacity to advocate such a measure is a circumstance of ominous importance. What has happened to-day with reference to the Indian question may happen to-morrow regarding some other. It is the underlying principle which should cause anxiety for the future. If the views held by His Excellency are at all popular with the British administrators, they mark, in our humble opinion, a decline from the highest British traditions which alone have made the Empire what it is. And even while the so-called "Imperial wave" is passing through the Empire, seeds are probably being sown for its disruption. For the sake of keeping up a nominal connection with the Colonists, England has to surrender all that is noblest and best in her. Looking at the representation of the British Indian Association, it appears to us to be unanswerable; and, if the proposals made therein are accepted by the Government, they afford an extremely easy solution of the difficult question. We consider that the Association could have rested on the advantage gained by the decision in the recent test case; but, since life is made up of compromises, and a policy of conciliation is preferable to any other, the Association has done well in putting forward the most reasonable and conciliatory suggestions as to immigration, as also dealers' licences. One fact, however, must be borne in mind, namely, that it is, as it ought to be, the irreducible minimum that the Indian community could be expected to accept. We have never been able to reconcile ourselves to the view of tabooing the Indian languages in the education test. It is uncalled for, and it will ever remain a matter of soreness that both Lord Milner and Sir Arthur Lawley refused to agree to the perfectly just proposal made by Mr. Lyttelton that Indian languages should be recognised. However, for the sake of buying peace, and in order to shew how reasonable the Indians are, as they have always been

even under most trying conditions, the British Indian Association is prepared to accept an Immigration Act along the Cape lines, and to give absolute control, subject to review by the Supreme Court, over the issue of fresh dealers' licences, which means practically for an Indian to surrender his right to trade, and yet that is exactly what the Association has done. In return, all that the Association asks for is the right of ownership of fixed property — and yet, we are not sure that it would be a new thing, for it is a question whether it is not possible to attack the ownership clause in Law 3 of 1885. The principle of compulsory segregation also is repudiated by the Association, and as the Supreme Court has shewn, there is no compulsion warranted by Law 3 of 1885. In the face of this fact, it is indeed strange that Sir Arthur Lawley should call his proposals "concessions", and then tell Mr. Lyttelton that he may have difficulty in carrying them out. Every one of His Excellency's proposals, as a matter of fact, constitutes a fresh restriction of the liberty of the British Indians. If, however, the representation of the British Indian Association is met in a fair spirit, the whole controversy can be closed, at any rate for the time being, and the necessity of an expensive commission from England be avoided. The argument has often been advanced that, seeing that the self-governing Colonies have been allowed to pass certain laws, the Transvaal also ought to be placed on the same footing. We may, therefore, incidentally mention the fact that nowhere has the Home Government agreed to such extraordinary proposals as those made by Sir Arthur Lawley. Australia, it will be recollected, passed an immigration Act applying to Asiatics as such. The Act was vetoed, and one of a general character based on the Natal model had to be passed by that Colony. Natal itself, when it endeavoured to pass an Act specially directed against Asiatics, was unsuccessful in the attempt. If, therefore, the legislation proposed by Sir Arthur Lawley is at all countenanced, it will be a totally new departure on the part of the Home authorities.

Indian Opinion, 10-9-1904

207. AN ENGINE OF OPPRESSION

Permit restrictions against Indians entering the Transvaal become more and more severe day by day, while greater facilities are being afforded to the Europeans, whether British subjects or otherwise. Now, officers have been appointed to board steamers on their arrival, so that Europeans who may wish to proceed to the Transvaal may have their permits granted to them without having to wait. On the other hand, on the ground of plague, the Indians are being prevented, whether they are at the Cape, Natal or Delagoa Bay, from entering the Transvaal, and that, although they may give absolute proof that they are refugees. The most glaring instance that has come to our knowledge is in connection with the visit of the Indian football teams from Kimberley and Durban. In another

column, we publish the whole of the correspondence which speaks for itself. The Acting Chief Secretary could not see why temporary permits should be granted to British Indian players who, be it remembered, are all respectable men and living in European style, if that counts for anything. Football is an essential[ly] English game, and we would have thought that Mr. Robinson would not have referred to it sarcastically, as he has done in the correspondence in question. Mr. C. Bird, Principal Under-Secretary, to whom the Indian players ought to feel most deeply grateful, sent a pressing wire to the Permit Secretary, which, too, met with scant courtesy at the hands of the Transvaal authorities. Mr. Bird was very emphatic. He said: "The Natal team are all respectable men, chiefly employed as clerks, and I see no more danger in allowing them to go to Johannesburg than anyone else". Nothing could have been stronger, and coming as it did from responsible quarters, the recommendation might have been listened to. But perhaps in the Transvaal people are living in the Middle Ages.

Indian Opinion, 10-9-1904

208. THE INDIANS IN POTCHEFSTROOM

The people at Potchefstroom seem to be very much exercised over the few Indian store-keepers who are earning their livelihood in the town. In their eagerness to drive every Indian away from Potchefstroom, they are resorting to intimidation. Only the other day, a fire took place in an Indian store which, it is believed, is the work of an incendiary. The papers say the Indians are alarmed, and that the insurance companies do not take Indian risks, and that even the white men living in the vicinity of the Indian stores have become uneasy. Happily, the police seem to be on the *qui vive* and there seems to be no ground for great anxiety on that score. We are grieved, however, to find that even the Potchefstroom Town Council has allowed itself to be carried away, and has placed on record a resolution unworthy of a representative body. The following is the recommendation of the Health Committee of the Town Council:

> That, in view of the fact that no movement is being made by the Government to locate Asiatics in bazaars, this Council order all Asiatics in the town to retire and reside at night in the Indian location. That a month's notice be given the said Asiatic traders by way of advertisement in the local newspapers, in which to conform to the Council's direction. And further, should it prove necessary, that fifty special white police be enrolled to assist in the carrying out of the Council's resolution, and that the Council urgently requests the Resident Magistrate to give all the assistance in his power to that end.

As we have already said in previous issues, there is no power given in Law 3 of 1885, as amended in 1886, to compulsorily segregate British Indians. The action of the Council would, therefore, be utterly illegal if an attempt were made to enforce the resolution above quoted. How, in the face of the dictum of the Chief Justice with reference to this clause

in his judgment in the Test Case of *Habib Motan* v. *The Government*, the Town Councillors of Potchefstroom have thought fit to suggest that fifty special white police be enrolled to put the Indians in the Location, — presumably by force — we cannot understand. We can but hope that the Government would take note of the resolution in question and warn the Town Council against any such step. The Indians have by law a perfect right to trade and reside where they like, and they have a right to expect protection in the exercise of that right from any violence, even though it may be from a legally constituted body like the Town Council of Potchefstroom.

Indian Opinion, 10-9-1904

209. INDIANS AT THE CAPE

In the Cape of Good Hope *Government Gazette*, dated the 30th August last, appears the following Proclamation issued by His Excellency, Major-General Edmund Smith Brook, the officiating administrator of the Colony:

> I do hereby proclaim, declare and make known that, from and after the date hereof, it shall not be lawful for any Arab, Indian or other Asiatic, of whatsoever nationality, to enter any of the Territories aforesaid (namely, the Transkei, including Gealekaland; Tembuland, including Emigrant Tembuland and Bomvanaland; Pondoland, including East and West Pondoland; Port St. John's; Griqualand East;) without a special permit signed by the Resident Magistrate, or by his order, and approved by the Chief Magistrate of the Transkeian Territories; and any such person entering any of the said Territories without any such permit shall, upon conviction, be liable to a fine not exceeding twenty shillings, or in default of payment of fine, to imprisonment with or without hard labour for any period not exceeding one month, and be ordered to remove from the Territory forthwith; and should any such person as aforesaid disobey such order, he shall, upon conviction, be subjected to a further penalty not exceeding twenty shillings and be liable to be summarily removed beyond the boundaries of such Territory.

What the Indians have done in the Cape Colony to merit this restriction, we do not know. The Indian population at the Cape is small enough in all conscience, and the Cape politicians have often made it a boast that, in that Colony, they are not guided by Colour prejudice. The ink with which Mr. Schreiner penned his reply to the *Bloemfontein Post* on the question of the Native franchise is hardly yet dry, and we now read in the Cape *Government Gazette* the Proclamation referred to. If, as Mr. Schreiner says, it is true that the people at the Cape are quite satisfied that the native of the soil should enjoy the franchise right, and that the test whereby a person's merits should be judged is to be not the colour of his skin but the degree of civilisation attained by him, this prohibition against the entry of the Indians into the Cape dependencies appears to be unintelligible. If it is not a crime for the resident Indians at the Cape to

remain there, why should it be a crime for them to enter its dependencies? Special circumstances could undoubtedly be conceived which would justify such a treatment, but certainly the Proclamation is totally silent. We are, therefore, quite in order in concluding that the prohibition has been issued against the Indians as such. We consider it to be a wanton insult offered to the Indian community, aggravated by the fact that the Cape Peninsula is practically closed against any new Indian immigrants. Indeed, this latest invasion of the Indian's right as a British subject savours too much of the anti-Colour wave that is at present passing over South Africa, and which was initiated last year by the Transvaal Government issuing the Bazaar Notice 356 of 1903. We hope that the British Indians at the Cape have protested against the Proclamation, and that they will not rest content until it is abrogated or shown to be justified by any exceptional circumstances. We have altogether too much of this kind of Proclamations against which there seems to be no effectual remedy. The Letters Patent which, if it were a question of passing legislation through the proper channels, — as for instance, the Legislative Council, — would have to be referred to the Home Government, but legislation by Proclamation, as in the case in question, is evidently not under any such control. The Governor acts without the assistance of the legislative body, and his orders have the force of law. These Proclamations are not submitted to the authorities in Downing Street before they are issued. It, therefore, amounts to this, that sometimes it is really easier to tighten the yoke that grinds the Indian in territories that are more directly under the Crown than where there is a properly constituted legal machinery. This is a question which we submit for consideration by politicians in England who are interested in the Imperial question of the status of British Indians outside India.

Indian Opinion, 17-9-1904

210. THE LATE MR. PRISK

Death has removed from us a courteous gentleman and a publicist of great ability in the person of Mr. Prisk. In a quiet and unassuming manner, the deceased gentleman did a great deal for the community in his own special department. The life of a journalist is never an easy one. He has responsibilities of which, perhaps, the public have no adequate notion. On the one hand, he has to please his employers, and, on the other, to represent public opinion, in doing which he may have to make great sacrifices. He has often also to deal with conflicting interests and examine matters that come before him, not merely from the public standpoint, but also from his own, and when his own views, conscientiously held, run counter to public opinion in a given matter, the situation becomes very delicate. Mr. Prisk, however, steered himself clear of all the shoals and rocks that come in the way of newspapermen, and performed his

duties unflinchingly. We can well remember the assistance that he rendered in an encouraging manner at the time when Indian famine relief subscriptions were opened in Natal. Many of our readers will recollect the special cartoons that were published as supplements to *The Natal Mercury*, and the great space that was allotted to the famine literature in that paper. We tender to Mr. Prisk's family our respectful condolences, and hope his mantle will fall on worthy shoulders.

Indian Opinion, 17-9-1904

211. INDIANS IN PIETERSBURG

Our contemporary, *The Star*, publishes the information that "a White League has been formed in Pietersburg to take action on the Asiatic question. The executive committee consists of three representatives of the Town Council, four delegates of the local Boer Vereeniging, and four other prominent townspeople" and that, at the Town Council meeting, it was decided to approach the Government with the object of obtaining authority for Municipalities to regulate hours of business. We are not surprised at the idea of forming a White League in such a hotbed of Colour prejudice as Pietersburg is. All we can say is that we do not understand the reasons for this activity, for Lord Milner, with an iron hand, has stopped the entry even of the few Indian refugees who were allowed to return to their homes per month. Indeed, as our readers must have noticed, His Excellency would not even allow temporary permission to an Indian football team to pass the sacred precincts of the Transvaal. What, then, would the White Leagues do to justify their existence, unless, like the Potchefstroom vigilants, they intend to terrorise the resident Indians? The proposed action of the Town Council with reference to the regulation of closing hours, we sympathise with. We understand that the Indians in Potchefstroom have taken the lead in the matter and have decided to close their stores at the same hours as the Europeans. And we can but hope that the Indians in Pietersburg will follow the excellent example set to them by their Potchefstroom brethren, and render it unnecessary for the Town Council to have any such bye-laws. It will be a graceful and timely action on their part, and perhaps, it will go a long way to shew the would-be members of the proposed White League that, so far as possible, they are anxious to conciliate their sentiments.

Indian Opinion, 17-9-1904

212. *INDIANS IN POTCHEFSTROOM*

We reproduce in another column an admirable letter addressed to the *Transvaal Leader* by Mr. Abdool Rahman, the Secretary of the Potchefstroom Indian Association. The letter shews clearly how mistaken the zeal of the Vigilants' Association is, and to what an extent the Indians are prepared to meet the wishes of the white men. The most important part of the communication, however, is the information contained therein that the Indian merchants in Potchefstroom have decided to close their stores at the same time as the Europeans. This step has been taken without any pressure, and we consider that it is one in the right direction and worthy of imitation by British Indian merchants in other towns. Indeed, as it is, they have got a very strong case, but this latest move on the part of the Potchefstroom Indians makes their position much stronger. We hope that Mr. Abdool Rahman's request for "some reciprocation of the sentiment from the European British subjects who, for better or for worse, have to rely upon protection from the same flag that covers the British Indian" will meet with the response it deserves.

Indian Opinion, 17-9-1904

213. *LETTER TO DADABHAI NAOROJI*[1]

BRITISH INDIAN ASSOCIATION
25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
September 19, 1904

TO
THE HONOURABLE DADABHAI NAOROJI
22, KENSINGTON ROAD
LONDON, S. E., ENGLAND

DEAR SIR,

From the Blue book received this week on the Indian position, I notice that Mr. Lyttelton has laid stress on the question of the sites for Indian bazaars.

As you will have seen from the British Indian representation[2] in reply to Sir Arthur Lawley's dispatch, the statement is reiterated, and lest the matter may be overlooked, I again emphasise the fact that most

[1] Dadabhai Naoroji reproduced the text of this letter in a communication which he addressed to the Secretary of State for the Colonies and the Secretary of State for India. (C.O. 291, Volume 79, Individuals — N., and C. O. 291, Volume 75, India Office).

[2] *Vide* "Memorial to Colonial Secretary", dated "Prior to September 3, 1904".

of the sites are certainly unfit for trade. The statement has been made not without totally independent testimony from Europeans of standing and all those reports have been furnished to His Excellency. In Krugersdorp alone is the site chosen at all good, and therefore, without any compulsion, those who wanted Stands have applied for them. In other places where new sites have been established, practically no applications have been made.

The chief thing, however, is to avoid compulsory segregation. So far as the principle of Bazaars is concerned, people may be induced to take up sites by setting apart Bazaars in suitable localities and the problem will solve itself.

I hope you will see the leader in the *Indian Opinion* on the Cape Administrator's Proclamation, prohibiting the entry of Indians into the Transkeian Territories without permits. This is a fresh restriction the reason for which it is difficult to understand, and the Territories mentioned in the schedule to the proclamation are the dependencies of the Cape.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the typewritten original : G. N. 2261.

214. MORE ABOUT SIR ARTHUR LAWLEY'S DISPATCH

The Blue book received this week from London shews very forcibly how His Excellency has been less than fair in dealing with the position of the British Indians. Sir Mancherjee resented the general description of the Indians in South Africa as "Asiatics of a low type". His Excellency, therefore, has in reply appended to his dispatch the correspondence that was published in *The Rand Daily Mail* during the plague epidemic, signed by some Indians. When the cordon was, drawn round the Location, it is not surprising that a few of them, considering themselves to be better-living than the rest, thought that, by throwing mud at the latter, they would gain some advantage for themselves, and so wrote the letter in question. But His Excellency, who knows the exact position personally, might have made use of his knowledge in order to correct the exaggerations of the frightened correspondents. His Excellency ought to have known that the reference was directed to the Indians who were living in the Location, who undoubtedly, as a rule, are below those who are living outside the Location. He might have known that they did not and could not represent the whole of the Indian community; and the correspondence itself shews that even the writers who were living in the Location resented the idea of being classed in the same category as some of the lowest-class Indians, and be cooped up in the Location. From that point of view, they were perfectly correct, because we have seen and known many decent-living people in that locality, some of

them having well-built, substantial residences. With due deference, therefore, to His Excellency, it may still be said that to describe Indians in South Africa as "Asiatics of a low type" is "unfortunate".

Our contemporary, *The Natal Advertiser*, has controverted Sir Arthur Lawley's description of Natal, namely, that "the moment one crosses the Natal border, he loses the impression that he is travelling in a European country at all". Our contemporary calls it "an exaggerated description", and we cannot but echo the sentiment. Except at the railway stations between Pinetown and Charlestown, you see very few Indian faces on the main line, and, if you see a few porters at the stations, it is because the railway authorities find it convenient to employ indentured Indian labour. If, therefore, it is an evil, the Colony has courted it itself, and in spite of His Excellency's sneer, it will continue to do so.

Mr. Lyttelton required definite observations on the statement furnished to Mr. Dadabhai Naoroji that "the sites for the Asiatic Bazaars were utterly useless for trade". His Excellency has dismissed the matter in a few lines thus:

> The British Indian Association maintains that these sites are quite unsuitable, but they have, in my opinion, overstated their case. The objections raised by the townspeople have been also unreasonable. I think that the selections have been well made.

Now we make bold to say that His Excellency has not seen the new sites in the majority of cases. The British Indian Association has reiterated the charge and it is, to say the least of it, very unfair that, without having seen the localities, His Excellency should have made the statement he has, as against the testimony of eye-witnesses who are, moreover, Europeans of standing in their own towns, either merchants or medical men, quite competent to pronounce a dispassionate judgment. It is they who have condemned the sites in the majority of cases as totally unfit for trade, and often unsuitable even from a sanitary standpoint. In any case, it cannot be denied that in not a single instance have streets or wards been assigned for Bazaars, but in every case, Locations have been set apart and miscalled Bazaars.

If we have dwelt at some length again on His Excellency's dispatch, we have done so in order to shew how much more difficult the position of Indians is rendered by the head of the State taking up a biassed view of the situation. Important negotiations are still going on. The question is undecided, and we think it right to lay stress upon the fact that the British Indians have in no case overstated the position, and that wherever they have been able to do so, they have shown a willingness to yield to European sentiment.

Indian Opinion, 24-9-1904

215. LETTER TO DADABHAI NAOROJI

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
September 26, 1904

TO
THE HONOURABLE MR. DADABHAI NAOROJI
22, KENSINGTON ROAD
LONDON, S. E., ENGLAND

DEAR SIR,

I have your two letters, for which I thank you. Mr. Omar, too, told me what you had advised in your letters. I shall endeavour henceforth to divide my communications whenever it becomes necessary. I have written to Mr. Nazar to send directly *Indian Opinion* with the marks as you suggest. The Government has written saying that it does not propose to introduce legislation along the lines laid down in the latest representation submitted by the British Indian Association. This shews that the Government is not going to be satisfied with merely accomplishing its object, namely, to restrict future Indian immigration and to regulate the issue of licences to new applicants. It evidently intends to establish the principle of legislation applicable to British Indians as such. If so, it is a most dangerous doctrine and it will be a reversal of Mr. Chamberlain's policy. If differential legislation is sanctioned for the Transvaal, the Cape and Natal will certainly follow suit.

I remain,
Yours sincerely,
M. K. GANDHI

From a photostat of the original : G. N. 2262.

216. THE GRAND OLD MAN OF INDIA

The number of *India* to hand by the last mail contains a graphic account of the reception given to Mr. Naoroji at the recently held International Socialist Congress which met at Amsterdam.

The special correspondent of *India* states:

> The President, Herr Van Kol, called upon the Congress to rise and stand in silent reverence....There then followed a wonderful and most inspiring manifestation. As Mr. Dadabhai Naoroji walked slowly to the centre of the platform, the great audience that filled the vast hall stood silently and uncovered before him. Simple as was the deed, the earnestness and unanimity of its performance rendered it most impressive, particularly when it was borne in mind

> that the same homage was rendered by the representatives of so many and such very different peoples and nationalities. Then, after a sorrowful tribute had thus been paid to the people whom Mr. Naoroji represented, a tremendous and enthusiastic demonstration was made in honour of the representative himself. From the people of India, the thoughts of the great audience centred on the dignified person of Mr. Dadabhai Naoroji. They remembered what had been said concerning his life-long endeavours, and awakened the echoes by their cheers, by the clapping of hands and shouts of welcome and applause. Long and earnestly was the ovation continued, and it made an indelible impression on all who witnessed this great manifestation of that international solidarity which has spread, not merely from nation to nation, but from continent to continent.

It must be a matter of pride to every Indian to know how the revered father of India, as Mr. Dadabhai is endearingly called by the Indians, is held in esteem by the people of Europe. Mr. Dadabhai, having been born on the 4th of September, 1825, celebrated his seventy-ninth birthday on the 4th September last. May he live still for many years to come to stimulate the younger generation to deeds of self-sacrifice and service of their country is our prayer.

Indian Opinion, 1-10-1904

217. THE TRANSVAAL WHITE LEAGUE

In another column we publish the prospectus of the Transvaal White League, formed in Pietersburg. The objects are

> to make a united stand by all the white inhabitants of this country against the Asiatics, to promote legislation to regulate and control the issue and renewal of licences to Asiatic traders, and to force them to vacate the towns and country districts and to reside and trade in bazaars specially set aside for them.

The other three objects are intended to further the two we have just quoted. The League, except making a blustering noise, will be simply beating the air, because there is no influx of Asiatics into the country unless, of course, it would bestir itself towards preventing the entry of thousands of Chinese indentured slaves who are flooding the country; for the free immigration of Asiatics, British and otherwise, has been effectually prevented by Lord Milner, even to the extent of stopping the entry of those who have paid to the old Government the sum of £3 as the price of being allowed to remain in the Colony. As to the regulation and control of the licences, the British Indian Association has offered it to them. And as to forcing the Asiatics to vacate the towns and country districts and to reside in Bazaars, we could hardly conceive that it is seriously required, if the gentlemen can get full control of the licences. It is worthy of note that on the League is represented very prominently the Town Council of Pietersburg. Side by side with this establishment of the Transvaal White League, preparations, so the Johannesburg papers say, are now being made to canvass signatures to the Petition, which emanated from the Potchefstroom Vigilance Association, and it has already appeared

in this paper. Supposing that it is signed by every adult European male in the Transvaal, would it make the proposal for confiscation — and it is nothing else — legal or justifiable? Or would it be the clear duty of His Majesty's Government, in spite of the Petition, to protect the vested interests and rights of the British Indians?

The English Press and the British Indian Blue book

In sharp contrast to the above, one finds a perusal of the almost unanimous opinion expressed by the English Press on the Blue book very refreshing.

> To take away from them the right they enjoyed under the Kruger regime, of trading outside locations, would be to stultify ourselves in the eyes of the world, and to sanction an act of injustice to men who are as entitled as are the white inhabitants of the Transvaal to equitable treatment at the hands of the Imperial Government.

Thus says the conservative *Morning Post*, and adds that

> the adoption of Lord Milner's proposal would furnish just cause for resentment among the three hundred millions of His Majesty's Indian subjects, whose rights and feelings cannot be ignored.

The Times is no less emphatic. It shews, therefore, that outside, unbiassed opinion is absolutely on the side of the British Indian. There are, indeed, very few instances in which the weight of authority has been thrown so forcibly against the cause, and yet its justice has remained supreme.

Indian Opinion, 1-10-1904

218. THE ORIGIN OF THE FIRE AT POTCHEFSTROOM

We take the following from the *Transvaal Leader* to shew how the fire in an Indian store at Potchefstroom originated.

> The Town Police are evidently perturbed at the outbreak of fire which recently occurred on the stoep of a coolie store, and the Chamber of Commerce has been asked to assist in the protection of property from incendiaries. Captain Johns' letter stated:
>
> 'The plan adopted in this case was the throwing of paraffin over the verandah, shutters and doors, and setting same alight with wax matches.'
>
> No traces of paraffin were found inside, and Captain Johns was convinced that the attempt was made by some malicious person from without, which person, being still at large, and having been frustrated in his efforts in this case, may extend his energies to other parts of the town.
>
> The letter continued :
>
> 'In view of this idea, I have increased the number of police on night duty; but I suggest that you advise your members to employ their own watchmen, as it is impossible for me, with the few men at my disposal, to give absolute security against a determined incendiary.'
>
> A reply was sent that it was not considered that any danger to white merchants' stores existed.

Captain Johns of the Fire Brigade deserves the thanks of the community

for being on the alert, but what are we to say of the reply returned by the Chamber of Commerce to his letter asking the Chamber to keep a watch? The Chamber knows too well that there is no danger involved for the white merchants' stores, and, therefore, it considers that it is no concern of the Chamber to busy itself about fires in Indian stores, even though fires may take place owing to malicious intention.

We understand that a similar occurrence has taken place at Pietersburg, where an Indian store has been burned down. We are not yet in full possession of the facts, but we draw the attention of the Transvaal Government to the curious coincidence at both places. At Potchefstroom, the activity of the Vigilance Association synchronises with the fire in an Indian store there. At Pietersburg, the formation of the White League is immediately followed by a fire in an Indian store, and the activity at both these places is, we venture to think, a direct result of the dispatches by Sir Arthur Lawley and Lord Milner. They have given the mischief-makers extraordinary encouragement.

Indian Opinion, 1-10-1904

219. WARMBATHS IN THE TRANSVAAL

A correspondent from Warmbaths in the Transvaal writes to us in Gujarati, complaining that the authorities do not provide facilities for British Indians to make use of these famous healing waters. He says that, if any Indian wants to make use of them, he is merely directed to go to the rooms set apart for the Kaffirs. It appears that he offered to build a place for Indians, but the offer was not entertained. We are sure that, if there is any truth in the statement made by our correspondent, the Government will remedy the difficulty at once, and provide suitable facility for those Indians who may wish to make use of these waters.

We draw the attention of the British Indian Association of the Transvaal to the letter in question.

Indian Opinion, 1-10-1904

220. INDIANS AT THE CAPE

We reproduce in another column a letter written by the Cape Government to Mr. A. Kadir, Secretary of the British Indian League at Cape Town, in connection with the complaint made by the League regarding the working of the Immigration Restriction Act. The letter is courteous enough, but beyond that we cannot say much for it. In not one essential particular has any concession been made by the Government, and shelter has been taken behind the legislation passed from which relief was asked for. The League made a very reasonable request that some facility should be given to the resident merchants for importing servants from India

in place of those who might return to India. The answer given is that such a servant, if he does not know a European language, cannot enter the Colony. A similar reply has been given with reference to minor brothers of persons who may be domiciled in the Colony, but the answer merely begs the question. If the Government is really anxious, as is stated in the opening paragraph of the letter, "that the law should be administered so as not to cause unnecessary hardship to any individual, or to any particular section of the community, irrespective of class, creed or colour", there is ample power given to it to give relief in the desired direction. A clause in the Cape Act provides for special exemptions being made, and we certainly think that, if the resident merchants are to be at all considered, they ought to have the right to import servants. Whether they may be able to write in a European language or not, the servants might be allowed to enter the Colony under restrictions, and without being given the full rights of citizenship, but if total prohibition is enforced, it means that the position of the domiciled Indians would become more and more difficult as days go by, and as the indigenous supply of servants is exhausted, as it is bound in time to become; we hope that the Secretary of the British Indian League will not leave the matter until full justice is done.

Indian Opinion, 1-10-1904

221. A GOOD EXAMPLE

We extend a hearty welcome to Mr. Omar Hajee Amod Zaveri, who has returned after a long absence from the country, and after a prolonged visit to Europe and America. We think that Mr. Omar was well advised in paying a visit to these continents. The more our merchants go to these countries, the better able they would be to succeed in business, as also in other departments of life. After travelling in Europe and America, not merely for the sake of pleasure, but for the sake of gaining knowledge and broadening one's mind, one is able to cope with many difficulties, especially such as face an Indian in South Africa, and Mr. Omar has set in this respect an example worthy to be followed by other merchants. We hope that Mr. Omar will make full use of the knowledge he has gained during his travels and, wherever necessary, put it into practice.

Indian Opinion, 1-10-1904

222. AN UN-ENGLISH ENGLISH MAGISTRATE

A globe-trotter, who styles himself "An English Magistrate", has been travelling in Natal, and has given his impressions to the public through the columns of *The Natal Mercury*. After speaking in a flattering tone of Durban, "An English Magistrate" proceeds:

> Notwithstanding this, however, knowledge of Durban is, in my view of it,

> accompanied with one or two regrets. How is it that so marked a position has been acquired in a white man's city by Indians and Arabs? They are fellow-subjects with us of His Majesty the King, to be sure, but white is white and black is black, all the same. I was told — whether legendary or not I cannot say — that the proprietor of one of the most palatial stores in Durban, wishing to acquire honourably the store of a small Arab trader at his corner, sent his solicitor to inquire if he might be allowed to buy the business and at what figure. The Arab replied that he was not just then disposed to sell, but that, if his neighbour would name the price for his store, it would be at once considered.

The other regret that the writer expresses is that there should be any Kaffir policemen in Durban. If the traveller had enquired sufficiently about the history of Durban, he might have known that though a white man's city, as he calls it, it owes its beauty and grandeur to the presence of the Indian; he might have known that the Durban Corporation employs a very large number of indentured Indians in order that travellers like "An English Magistrate" may find all the modern comforts of life. As to the other regret of his: in deference to the poor Kaffir constable, we cannot help saying that Durban owes its comparative freedom from crime to his presence, not because the Kaffir police are more efficient than the European police, but because it is impossible for the Borough to afford the necessary number of policemen [except] by employing the lower-paid Kaffirs. But for the presence of the Indian and the Kaffir police in the Borough, there would have been probably no Durban, whether a white man's or otherwise. Why, then, such un-English jealousy? Or is there something insidious in the South African climate itself which makes a man forget his traditions?

Indian Opinion, 1-10-1904

223. LETTER TO G. K. GOKHALE

21-24 Court Chambers,
Corner Rissik & Anderson Streets,
P. O. Box 6522,
Johannesburg,
October 3, 1904

Dear Professor Gokhale,

I have purposely refrained from writing to you from time to time as I know how busy you are, but in view of the approaching session of the Congress, I can no longer do so, and I beg to enclose herewith a copy of the Blue book published in London on the situation. That deals with the Transvaal only, and it is to the position in the Transvaal that all effort has to be directed. Contrary to all expectations, Lord Milner, who, on the eve of the war, was the champion of the oppressed including the British Indians, has completely turned round and, as you will see from his dispatch, is quite prepared to deprive the Indians of even what little rights

they possessed in the Transvaal before war. I enclose the representation of the British Indian Association in reply to the dispatches which would shew how far the Indians are prepared to go. You will see that therein the Indians are willing to concede almost all that the Europeans would want, namely, restriction of Immigration and regulation of licences by local authorities in exchange for the right to own landed property, but the proposal has been rejected by the Government as unsatisfactory, simply, I fear, because it wants to establish the principle of differential legislation. The British Indian Association says the legislation, whatever it may be, should be applicable to all; the Transvaal Government wants to pass a measure which would be applicable only to Asiatics, whether British subjects or not. Such legislation, as you are aware, has not been sanctioned even for self-governing Colonies, as, for instance, the Cape and Natal, although at both the places Government intended to pass such legislation.

In Sir Mancherjee's representation in the Blue book (Statement A), the registration fee of £3 is stated to be an annual payment. As a matter of fact, it is a payment once for all.

As to the licences, the test case since brought[1] puts the Indians on the same footing as the Europeans.

The institution of photographic passes has been done away with.

In the Orange River Colony, the legislation is most drastic and nothing has yet been done to remove it.

In Natal, the Dealers' Licenses Act, which gives arbitrary powers to the local authorities without the right of appeal to the Supreme Court, is causing a great deal of hardship.

I hope that you have been following *Indian Opinion* which gives most accurate information.

The Times and other newspapers in London think that the effect of the harsh treatment in the Transvaal will be very bad on the Indian mind and that it will be a great strain on Indian loyalty. This shews that there ought to be in India articulate and persistent agitation in favour of justice being done to the British Indians in South Africa. The Congress, therefore, should, I think, pay much more attention to the matter than has been paid hitherto and public meetings, too, should be held all over India protesting against a continuance of the ill-treatment.

I hope you are keeping good health. I shall very much appreciate a line from you.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : C. W. 4103.

[1] *Habib Motan* v. *The Transvaal Government*: *Vide* "A Well-deserved Victory", 14-5-1904.

224. THE JOHANNESBURG LOCATION

Elsewhere we publish the report of the Public Health Committee on the much-vexed Location question in Johannesburg. Our readers will remember that this is the 4th report of the Public Health Committee, and in the 4th, the Committee has made a clean breast of all the hypocrisy, and it has come out in [its] true colours. The report is indirectly a complete answer to Sir Arthur Lawley's contention that the Asiatic Bazaar sites have been well chosen, and that they afford scope for both the Native and the European trade. The Public Health Committee at first fixed upon a site very near the Malay Location. It then recommended the site which was chosen by the Boer Government, and now it has fixed upon the site which was used as an isolation camp during the plague outbreak, and which is situated thirteen miles away from Johannesburg. And it is there that about five thousand Indians, including hawkers and traders, with the exception of a few old established merchants, would be removed, if the Committee's recommendations are carried out, and here are the reasons:

> If, **says the Committee,** the existing state of things is allowed to be continued, certain kinds of industry, as, for instance, that of small tradesmen and artisan class, which would otherwise afford a means of livelihood to a considerable number of Europeans, will inevitably fall into the hands of Asiatics, and the growth of the self-supporting European population will consequently be materially impeded.

It is wonderful how arguments which were never thought of before are being now found to support what is, in naked terms, a policy of slow confiscation. We say, without the slightest fear of contradiction, that the Indian artisan class in Johannesburg simply does not exist. It is true that there are a few indifferent carpenters and fewer bricklayers, but they do not wish to enter into any competition whatsoever. The present Indian population of Johannesburg has been resident there since at least 1896, because it was then that the census was taken and the number is now about the same as then. And yet, the Indians have not been able to oust the Europeans in any department whatsoever. White Johannesburg is still white, and yet the Public Health Committee has suddenly found out that the presence of the Indian population will "materially impede the growth of the self-supporting European population", although the European population is ever on the increase, whereas, owing to the misapplication of the Peace Preservation Ordinance to the Indians, the Indian population is and must be on the decrease. The census statistics produced in support of the contention are utterly misleading, and could only be meant for consumption in England, for they cannot possibly mislead the people on the spot. The statement that the Coloured population of the Transvaal already outnumbers the white population by 77.83 to

22.17 is a misrepresentation, for which, we must confess, we were not prepared from a representative body like the Public Health Committee of Johannesburg. What possible connection there can be between the vast Native population of the Transvaal and the Coloured population, we cannot understand, and if the Public Health Committee had only taken the trouble to deal with the Indians for whom alone the Location is to be established, it could have shown conclusively that the fears about the Indians cutting out the Europeans are imaginary, for the Indian population is hardly more than 7,000 as against 84,000 whites in Johannesburg, and the Indian population of the Transvaal is hardly over 10,000 as against the European population of 300,000. On the one hand, to talk of Indian competition ruining the whites and, on the other hand, to dangle before the English public figures including the Native population, and then shew the terrible disproportion, is hardly worthy of a great public body. Then, the Committee has gone into a comparison of the position as between Johannesburg on the one hand, and Natal and Pietersburg on the other. This is a second edition of Sir Arthur Lawley's comparison. We have already dealt with this phase of the controversy,[1] and humbly endeavoured to shew that it is all in favour of the Indians. The Committee now boldly states that the British Indians should not have any share in the European trade at all, and that "the Bazaar should be kept completely apart from any neighbourhood inhabited by Europeans", and it is for that reason that the Committee has chosen the wilderness at Klipspruit for dumping down the Indians, who can neither do any hawking nor any trade, except among themselves and the few Kaffirs. But the Kaffirs cannot be any customers of the Indians because, being most of them workmen, they will have to go to town early in the morning and return probably about eight o'clock at night. They are, then, not likely at that time to go to the Asiatics and make their purchases there; they will naturally make them in town. The charge of insanitation has also been dished up again. "It is impossible," says the Committee, "by any method of supervision to insure the observance of the Public Health Bye-Laws by these people". We challenge the Committee to produce statistics in support of the contention; we ask for figures shewing how many prosecutions under the Public Health Bye-Laws have taken place against the Indians; in how many cases they have neglected to conform to the regulations. So far as we are aware, and we know Johannesburg Indians a bit, we would be much surprised if there have been six prosecutions against British Indians throughout the year, and we make bold to say that in hardly a single instance has there been a second prosecution against the same man. Sanitary inspectors throughout South Africa have laid stress upon the docility of the Indian and his willingness to comply with lawful orders. The Committee says: "The recent outbreak of plague,

1 *Vide* "The Transvaal", 10-9-1904 and "More about Sir Arthur Lawley's Dispatch", 24-9-1904.

and the events connected with it, proved the difficulty of effectively isolating a Location situated within the town itself''. Either, therefore, Dr. Pakes, who in his report shewed that he had successfully cordoned [off] the Indian Location and thus stamped out the plague, was wrong, or the Public Health Committee is wrong. Dr. Pakes has been congratulated upon his splendid work, and it is offering an insult to him to imply that effective isolation was impossible, owing to the Location being situated within the town. We deny the reckless statement of the Public Health Committee that the Indians are particularly susceptible to small-pox. The experience in Natal shews that such has not been the case. And as to the plague, too, we question very much that the Indian is necessarily more susceptible. The plague, which originated in the Indian Location, and for which the Public Health Committee alone was responsible, remained confined to the Location, and if the number of cases in the Location be eliminated, it will be found that the Indians were not more attacked than others. The last reason given by the Public Health Committee is the miserable plea of social intercourse between the poorer whites and the poorer Indians. In the first instance, there is absolutely no social intercourse between the two, and, in the second, we would very much like to know in what way the presence of the Indian has contributed to social deterioration of the white man; what is the particular vice of the Indian community which the white man has contracted during the last seventeen years. And the phenomenon of the two classes living side by side is by no means peculiar to Johannesburg. They have been doing so in Cape Town, in Kimberley, in Durban, in Mauritius, in Ceylon, in India. Nowhere has this charge been brought against the Indians; nowhere has this plea been urged for the complete isolation of the Indians. Better by far that, instead of such slow torture, as is proposed by the Public Health Committee, the Indians should by legislation be bundled out of Johannesburg, once and for all. Either the resident population should be well treated, or it should be driven out of the country. The latter operation, though drastic, would be far more merciful than the process of slow but sure arsenical poisoning, in the shape of cooping the community up within an enclosure miles away from its scene of activity, and letting it die for want of nutrition.

Indian Opinion, 8-10-1904

225. THE DEALERS' LICENSES ACT

The Natal Licensing Act still continues to remain the Damocles' sword hanging over the heads of the Indian store-keepers in Natal. So long as this un-British law disfigures the Statute-book of the Colony, so long will the Indian stores be without any value as a mercantile asset. Mr. Hoondamal, a silk merchant of long standing depending entirely on high-class European custom, having received notice to vacate premises in a

principal street of Durban, removed to another shop in West Street. He holds the usual trading licence which enables him to trade up to the 31st December next. He, therefore, did not suspend business until the transfer of premises was registered by the Licensing Officer. The Officer refused to register the transfer. He still continued his business and lodged notice of appeal. In a court of law, such notice would leave things in *status quo*. But the Licensing Officer, who holds autocratic powers, felt that his dignity was hurt by Mr. Hoondamal continuing his business. He, therefore, brought him before the Magistrate, who considered quite improperly, we submit, that the defendant traded in defiance of the authorities, and imposed the maximum penalty of £20. Notice of appeal has been lodged and we, therefore, refrain from making any further comment on this extraordinary decision. We would only remark that, if the decision is sound, no subject of the King may with impunity act upon his interpretation of the laws of the country. We commend this case to the attention of the Government as showing that, until the law is altered, there can be no rest for the poor Indian merchants of Natal.

Indian Opinion, 8-10-1904

226. SPEECH AT A DINNER

The following extract is from a report of a dinner given in honour of Gandhiji and other leaders of the Indian community in Durban.

[*October 10, 1904*]

Mr. Gandhi spoke on self-sacrifice and, citing the example of the Emperor and the people of Japan, remarked that the uplift of a nation depended on the sacrifices made by its individual members.

He clarified many points raised in the questions put to him on the subject of his speech by those present on the occasion.

[From Gujarati]

Indian Opinion, 15-10-1904

227. HOONDAMAL'S LICENCE

The last has not yet been heard of this most important case. Since we wrote about it in our last issue,[1] it has entered upon the second stage. It will be remembered that the defendant, Hoondamal, when he was charged before the Magistrate for trading without a licence, applied in vain for adjournment, pending judgment on his appeal to the Town Council against the Licensing Officer's refusal to sanction transfer of his licence from the Grey Street premises to West Street. The appeal was heard on Friday, October the 7th and, after the farce of a formal hearing and a

[1] *Vide* "The Dealers' Licenses Act", 8-10-1904.

great speech by Mr. Binns on behalf of the applicant, was dismissed. For his refusal, the Licensing Officer gave two reasons, namely, that the applicant already held five licences, and that it was not desirable to add to the number of Asiatic merchants in West Street. Mr. Burne, the only lawyer-Councillor of the Council, was bold enough to expose the *suppressio veri* that the Licensing Officer, in his zeal to serve his masters, thought fit to practice. He was able to get an admission from the Officer that the five licences were not shop licences but hawkers' licences. Asked as to the reason why he did not mention the fact in his statement of reasons, he said he did not consider it necessary. Mr. Burne thought, as many people have done, that the omission to mention such a material fact savoured very much of an attempt to mislead the Council and the public. The other reason given by the Officer was, we say with all deference, no less discreditable to West Street, which has only eight Indian stores as against about 100 European stores. If, therefore, it were a question of bare proportion, the time can hardly be said to have arrived for a total prohibition of Indian licences in that street. But the facts that Mr. Binns conclusively proved before the Council show how cruel has been the injustice done in the case, and how clearly the question has been treated purely on racial lines. For it was proved that the appellant had been in trade in Durban off and on since 1895, that his business, which consisted of the sale of Indian and Japanese silk and fancy goods, in no way competed with the European houses, that his custom was entirely European and that of the better class, that the premises he occupied were, in point of elegance and sanitation, suitable in every way, that he was himself cultured and of high standing in the Indian community, and that over a dozen European firms testified to his being in every way a desirable and fit person to receive permission to trade in the premises in question, and that over forty European householders strongly supported the application, and that he had already carried on his business in West Street,[1] which he was obliged to leave because his lease had expired, and because his landlord wanted the premises. The only ground, therefore, for robbing the man of the opportunity of earning a decent livelihood was that of the colour of his skin. We do not wonder that Mr. Binns indignantly protested that what would be treated as a laudable enterprise in a European was deemed a cause of unfitness in his client. And here, be it noted, there was little regard shown for the interests of the Indian landlord. The taunt has been often flung against him that he does not keep pace with the times and builds only shanties. Now, in the present case, he has gone to the expense of several thousand pounds in building stores which would compete with the best of their kind in West Street, even in ornamental design. And lo! the reward for his pluck is a prospect of ruin, and for the applicant who has been endeavouring to live up to the best western standard, a prospect of insolvency. This, moreover, is one of those cases which the late Mr. Escombe thought could never be touched by the Licensing Act. We quote below

[1] Evidently, a mistake for 'Grey Street'

extracts from his speeches at the time of introducing the measure, as also the late Sir Henry Binns' prophetic remarks thereanent. We shall have to deal with the further aspects of this tale of injustice in a future issue, as the appellant, we understand, is raising before the Supreme Court the question of the Council's right to regulate transfers from place to place.

Indian Opinion, 15-10-1904

228. TRIBUTE TO MADANJIT

Gandhiji spoke at a function held in Durban to bid farewell to Mr. Madanjit, the proprietor of Indian Opinion, *on the eve of his return to India. The following is a brief report.*

[*October 15, 1904*]

Mr. Gandhi gave a brief account of Mr. Madanjit's career since the latter landed in the country in 1894, and praised him for the patience and perseverance with which he had been conducting *Indian Opinion* for the benefit of the Indian community, exerting himself physically, mentally and monetarily, and undergoing hardships arising from the financial difficulties of the press. In addition, Mr. Gandhi apprised those present of many of the facts concerning the printing press.

[From Gujarati]

Indian Opinion, 22-10-1904

229. THE JOHANNESBURG TOWN COUNCIL

The Town Council has considered the very important report of the Public Health Committee, and adopted, with painful unanimity, the operative suggestions made by the Committee. Under it, the Indians, as well as the Malays, are to be housed, should a compulsory segregation ordinance be passed, on the Klipspruit Farm, near the Native Location, a distance of 13 miles from Johannesburg. Mr. Quinn, in commending the proposals to the Town Council, justified them on the grounds that the Indians did not conform to the sanitary regulations, that, if the Kaffirs were to be removed to Klipspruit, the Indians should be removed *a fortiori* because they were worse neighbours than the former, that the Indian trade was confined to the Indians and Kaffirs, and that, therefore, it would be no hardship to them to be located at such a great distance.

Now, the first objection is not founded on any data whatsoever. Mr. Quinn stated in support that, even if there were prosecutions against Indians, they returned to their old practice. We venture to contradict the gentleman and publicly state that there has hardly been a sanitary prosecution against an Indian without producing a lasting effect. We would also add that, wherever proper supervision has been exercised, the Indian has proved most amenable to such regulations. To go no further, we would

cite the instance of the Location at Pretoria, as also the condition of the Indians in Heidelburg. In the one case, owing to kind but firm supervision, the sanitary condition of the type of Indians living in Locations is all that can be desired. In the other case, that of the Indian storekeepers living in the heart of the town is equally so. The second objection raised by the speaker is no less flimsy than the first. For, if the Indian is amenable to sanitary control, surely there can be no objection against him as a neighbour. He has no war-dances, nor does he drink Kaffirbeer. The third is merely a travesty of facts. It is unfair to state that the Indian trade is confined to the Kaffirs and the Indians. The pioneer Indian settlers in the Transvaal could not have entered the country with a view to trade among the Indians, for there were none, and it is a notorious fact that the Indians have a large trade among the Dutch people and the poor whites. Underlying the objection is the important admission that the Klipspruit Farm is not suitable for the white trade at all. It should, moreover, be remembered that the proximity of the Kaffir Location does not necessarily mean that the Indians will have any trade among the Kaffirs — if only for the simple reason that Kaffirs would remain in the Location during night time only and arrive from town after business hours. If, then, it is totally unjust to house the Indians at such a great distance, it would be doubly so to disturb the inhabitants of the Malay Location. There may have been some ground for condemning the old Indian Location from a sanitary standpoint; but not a whisper has been uttered against the dwellers of the Malay Location. The vast majority of them are, as the name implies, Malays, a clean-living, industrious and perfectly loyal people. They have been in possession of the place now a number of years. An attempt to dispossess them during the Boer rule was frustrated owing to the efforts of the British Government: are the poor people now to be summarily ejected and forced to live in a wilderness in the name of the British Government? The idea is simply repugnant, and we hope that Mr. Lyttelton would not be a party to such wholesale confiscation of the rights of people whose only crime is that they wear a brown skin.

Indian Opinion, 22-10-1904

230. DR. PORTER "TOUCHES THE SPOT"

The energetic Dr. Porter is again busy writing academic reports on the insanitary condition of several places in Johannesburg. As in the case of the late Insanitary Area, so in the present instance, he has drawn up a most lurid and sensational picture of what is known as the township of Ferreiras in Johannesburg. He informs the Town Council in the strongest terms possible that the area described by him should be overhauled without the slightest delay. He says:

> There are within these areas numerous houses, shanties, rooms, courts and alleys, which, on account of the bad arrangement, crowding on area, want of proper

> sanitary conveniences, and their wretched and dilapidated condition, are not only dangerous and injurious to the health of inhabitants in the vicinity, but are a very serious menace to the municipality generally.

Now, it is admitted that the area, such as it is, has been allowed to exist for the last two years, at any rate. If it is so insanitary, and we do not deny it is so, why has not the matter been dealt with before this? We very much fear that, for months to come, the report will merely remain on the shelves of the Town Clerk's office, and things will continue to go on much as they are today, though what we want in the face of the present danger is not words, but deeds. The report is undoubtedly interesting, also painful, reading. It is also probably calculated to alarm old women, and to put them on their guard as to the condition of their houses and surroundings. If the township is so dangerously insanitary, it is ill-adapted for half-measures. The buildings comprised within it should be burnt down without a moment's delay. We, however, very much fear that the experience about the Insanitary Area will be repeated in the case of the township of Ferreiras. It will be interesting to learn that the population of the whole area is 1,812, of which 288 are Indians, 58 Syrians, 165 Chinese, 295 Cape, 75 black, and 929 (or more than half) white. The population of the insanitary Stands is 255 coolies, 17 Syrians, 126 Chinese, 192 Cape, 31 black, and 241 white.

Thus, in this neighbourhood, it is the whites who are more to blame than the Indians, and the Town Council, most of all. And although it is the whites who have to be dealt with more than any other class of people, we do not for one moment suppose that any such thing will happen. The report will be used for advocating further disabilities on the British Indians. The Public Health Committee has already begun to press it into service in order to compel them to reside in a locality nearly 13 miles from Johannesburg. As a matter of fact, the report is a condemnation of the inaction of the Town Council in not attending to the proper sanitation of the place. When the Insanitary Area Commission was appointed, this township was considered dangerous to public health. But as nothing is done in Johannesburg except on the sky-scraper scale, proper sanitary control was a thing beneath the dignity of the Town Council.

Indian Opinion, 22-10-1904

231. LORD MILNER

It seems pretty certain that Lord Milner is about to leave South Africa for good. What the verdict of history will be on His Excellency's work in this sub-continent, it is difficult to say. That he brought the war to a successful issue ensures His Excellency's title to glory as a destructive statesman. He, of all the men, was the one strong hand at a most critical period, and, in spite of reverses and gloomy despatches from the generals who were conducting the war, he remained absolutely firm and unshakable in his determination to see the thing through. The invincible

faith that he had in his own pre-vision regarding the issue has not, we fear, been the guiding star in the much more difficult task of reconstruction. Nor, indeed, could it be said that His Excellency took the correct view of the times that were to follow. Forming expectations which were never to be realised, Lord Milner framed a top-heavy structure on a weak foundation. The result has been enormous expenditure on the administration of the country without an adequate return. In spite of His Lordship's unceasing attention to every detail of administration, and his great industry, the difficult problems, such as the labour question, the Native question and the Asiatic question, could not be said to have been solved in a satisfactory manner. The importation of Chinese labour is yet in the experimental stage, and it would be too early to pronounce a definite opinion one way or the other. The vacillating policy adopted regarding the Native and the Asiatic questions has satisfied neither party, and with respect to the latter, even "national honour" has suffered in His Lordship's hands. Thus, it is doubtful whether Lord Milner will rank as a first-class constructive statesman.

If it be true, as the London papers inform us, that there will very soon be a change of power in England, it would be interesting to know what the outgoing government intend to do for Lord Milner's services to the Empire and the Conservative Party. We know that, some months ago, it was given out that His Lordship was a very likely successor to Lord Curzon at Calcutta. He would then be no doubt perfectly free from interference by the Liberal ministers and, apart from the Imperial view of bestowing such patronages, the Conservative Government have nothing better to offer to His Lordship. The speculation, therefore, is of more than passing interest to the British Indians in South Africa. We wonder whether the author of the despatch to Mr. Lyttelton, in the recently published Blue book on the British Indian question, will retain strong anti-Indian prejudices which have been allowed to colour that document, when he has been translated to the Viceregal throne.

Indian Opinion, 22-10-1904

232. LYDENBURG INDIANS

The authorities at Lydenburg have given notice to the Indians to remove to the Bazaar for sleeping, within seven days, on pain of being prosecuted for disobedience. A similar threat was held out in Potchefstroom some time ago and nothing came out of it. In view of the emphatic dictum of the Chief Justice of the Transvaal[1], one would have thought that the Indians would be left undisturbed. But evidently, it is not to be so. The only remedy for our countrymen under the circumstances is to sit still and watch events.

Indian Opinion, 22-10-1904

[1] *Vide* "The Test Case", 21-5-1904.

233. INDIAN INTERPRETERS

The Natal Farmers' Conference is hard put to [it] for excuses for wiping out the Indian interpreters from the Colony. It would not tolerate even a few Indian interpreters in the Government employ, though it wants the indentured Indians very badly. The Government has replied to a previous resolution of the Conference that it is unable to obtain the services of Europeans who can speak more than one Indian language, which is insufficient for the requirements. It has thereupon passed the following resolution.

> That this Conference re-affirms its opinion that, provided adequate salaries are given, European interpreters can be obtained who can speak more than one Indian dialect, and that the Government should give the same inducement to the European youth of the Colony to acquire a knowledge of the Indian dialects as is accorded to students of the Zulu language.

The Government has again replied saying efforts are being made to employ Europeans wherever possible, but that the difficulties do not appear to diminish. Thus, the Indian interpreters have to thank not the Government, but the paucity of Europeans having knowledge of Indian languages, for the safety of their positions.

Indian Opinion, 22-10-1904

234. NATAL LICENSING ACT

Mr. Hoondamal's case can no longer be looked upon merely as a personal question, but it is one involving wide interests. By the time this is in print, the appeal to the Supreme Court against the decision of the Magistrate may have been decided. Last week's proceedings, however, deserve more than a passing notice. Mr. Hoondamal, in spite of the Town Council's decision, but under legal advice from a premier firm of solicitors, has continued to trade on the strength of the licence issued to him to trade in the Borough. The Licensing Officer, therefore, again issued a summons, charging him with the crime of trading without a licence — in respect of the premises in West Street. The defendant applied for an adjournment, pending the hearing of the appeal. The Magistrate granted the adjournment and repudiated the suggestion of the prosecution that the defendant was trading in contempt of Court. And yet he made a most extraordinary order, namely, that the store should be forcibly closed down, unless the defendant received permission to trade.

What, therefore, he granted with the one hand, he attempted to take away with the other. For what could be the value of the adjournment if the store was to be closed? If the Magistrate was so certain of the decision of the Supreme Court, why did he adjourn the proceedings at all? But this point, important as it is, pales into insignificance before

the question whether the Magistrate had any right to make the order he did. We understand that Mr. Hoondamal's solicitors have written to the Magistrate, informing him that he has acted beyond his authority, and that he would be held personally liable in the event of the forcible closing of the store. We have always considered Mr. Stuart to be an impartial, sober, and fair judge. But, with great deference, we must state that our confidence in his knowledge of the authority possessed by him is much shaken. We cannot conceive that he has consciously committed what, in our humble opinion, is a grave error of judgment. For the effect of his decision, if carried out, would take us back to the Middle Ages, when the liberty of the subject was dependent on the mere caprice of the judges whose jurisdiction and authority were circumscribed only by their good sense.

Why, however, should there be this unseemly feeling between the great Town Council and a humble burgess of the town? Surely, there is no principle at stake in not interfering with the poor merchant for a few days. He could not by taking a few shillings in sales every day materially reduce the takings of the other West Street merchants in the same time. They have raised no objection against him. We put it to Mr. Ellis Brown and the other Councillors whether it befits the dignity of the great corporation thus to persecute a poor man.

We do not question the right of the Council to regulate trade. We have always considered it a privilege to render our humble assistance in guiding Indian opinion and smoothing it whenever it has been necessary. We think that the Council would be perfectly right in generally reserving special areas for special trades. But all such reservations, unless they are elastic enough, defeat their own end. We would gladly co-operate with the Council in reconciling the Indian mind to the idea that West Street should be very largely in the hands of European merchants. But there is an important and necessary proviso that the Indians already carrying on trade there, as also Indian landlords, should be fully protected, and that those Indians who are prepared to satisfy the sanitary and ornamental requirements in keeping with the best stores in West Street, and whose trade is mainly European, should not be prohibited from trading there. Indeed, they should be encouraged, if it is true that the objection is not against colour, and that, if the Indian conformed to the European standard, he would be welcomed as a desirable citizen. Now, the facts are that there are very[1] Street, and that the case under consideration satisfies all the tests above laid down. May we not appeal to the Town Council to stay its hands and free itself from the suspicion that, in prosecuting Mr. Hoondamal, it is persecuting him and, through him, the Indian storekeepers and landlords, who are anxiously watching the dramatic stages through which this case has been passing.

Indian Opinion, 29-10-1904

[1] Apparently, the printer has missed out some words between "very" and "Street".

235. PIETERSBURG INDIANS

News comes from Pietersburg to the effect that the Indians living and trading in the old Indian Location, lately converted into a Native Location, are being summarily evicted. The history of the struggles of the poor men is very simple, though intensely painful. They were threatened with ruin last year. The matter was brought to the notice of the higher authorities and the Pietersburg Local Board stayed action. The Board's power was limited, and nothing more could be done to the men. Early this year, the Board requested the Government to de-proclaim the Indian Location and change it into a Native Location. This was done without regard to the rights of the Indians. The Native Locations regulations prevent any but Natives from living or trading in Native Locations. Under this power, the Board has been trying to evict the Indians. Owing to the intervention of the Protector of Asiatics, Mr. Chamney, its action was stayed temporarily. But the Board seems to have triumphed in the end. And by a process of indirect legislation, it is in a position to confiscate — we know no other term to adequately explain the action — the property and rights of the inoffensive traders. They have spent many thousand pounds in building good stores. We know what the cost of labour is in South Africa. The people are to receive no compensation! It is true they may remove their buildings. The veriest novice in trade knows the value of wood and iron thus removed. The action of the Board spells ruin for the men. And the Government protest helplessness!

Indian Opinion, 29-10-1904

236. THE LATE MR. DIGBY,[1] *C. I. E.*

By the death of Mr. William Digby, C. I.E., India has lost a champion whom it will be difficult to replace. His advocacy of the Indian cause was strenuous and well-informed. His unrivalled experience of India always stood him in good stead in answering his opponents. He was the founder of the Indian Political Agency, and the first Editor of *India*, which has been doing eminent service, and without disparagement, we may say that the editing of that journal by the deceased gentleman has never been equalled. By his voluminous writings, the late Mr. Digby ever kept the different Indian questions before the public. We offer our sincere condolences to the deceased gentleman's family.

Indian Opinion, 29-10-1904

[1] Mr. William Digby (1849-1904), authority on Indian economic problems, author of *Prosperous British India* and a member of the British Committee of the Indian National Congress.

237. LETTER TO DADABHAI NAOROJI[1]

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
October 31, 1904

TO
THE HONOURABLE DADABHAI NAOROJI
22, KENNINGTON ROAD
LONDON, S. E. ENGLAND

DEAR SIR,

I have your letter of the 19th September enclosing copy of letter received by you from Mr. Lyttelton regarding my letter[2] of the 4th April last on the plague outbreak. His Excellency Lord Milner's reply is, in the light of what I know, very painful reading. I am taking the liberty of addressing a communication[3] to His Excellency in the matter, but in the meanwhile I may state that I have nothing to withdraw from my letter of the 4th April last and I write this under a full sense of my responsibility and deliberation. I enclose a copy of *Indian Opinion*[4] which gives the whole of the correspondence between Dr. Porter and myself and shews in my humble opinion conclusively how the plague broke out. The expropriation by the Town Council took place in September 1903. The plague was officially declared as having broken out on the 20th March last — that is, six months after the Council took possession. The first note of warning[5] was given, as will be seen from the correspondence, on the 11th of February. On the 15th February, definite suggestions[6] were made in order to ward off the calamity, and I venture to state as emphatically as I can, though with the greatest respect, that nothing was done after that date to set matters right. Indeed, even after the 18th of March last, plague cases were being dumped down in the Location and the intimation of same was given by me to the Town Council. The Town Clerk informed me on the 19th March that he was unable to take charge of the patients or incur any financial responsibility until after the 21st, beyond giving the Government Entrepot to be used as a temporary hospital and

1 Dadabhai Naoroji quoted the bulk of this letter in a communication he addressed to the Secretary of State for India on November 22, 1904. (C. O. 291, Volume 75, India Office).

2 This letter is not available, but it is very likely that Gandhiji sent Dadabhai Naoroji a copy of his article "The Plague", 2-4-1904.

3 *Vide* the succeeding item.

4 The issue of 9-4-1904; *Vide* "Letter to Johannesburg Press", April 5, 1904.

5 *Vide* "Letter to Dr. Porter", February 11, 1904.

6 *Vide* "Letter to Dr. Porter", February 15, 1904.

providing one nurse. This was originally a Customs Depot. Thirty volunteers were put on to it. The place was thoroughly cleaned and voluntary Indian nurses worked night and day, taking charge of all the patients that were being received. Drs. Pakes and MacKenzie, when they visited the hospital, now realised the gravity of the situation and they took most effective steps on the 20th. Every bed, all the medical comforts, food, and everything were in the interval supplied entirely by the Indians. It is but fair to state that the Town Council has since paid the expenses incurred. All this, however, is beside the point, and if I have laid stress upon the work done by the Indians, it is in order to shew that I am speaking from bitter experience and not without feeling. If the facts set forth in the correspondence herewith sent are correct, — and they have not been challenged, although the conclusions I have drawn have been repudiated — I would not be serving the truth if I said anything less than I have done in my letter of the 4th April last, namely, that, "but for the criminal neglect of the Johannesburg Municipality, the outbreak would never have occurred". It and it alone must ever be held responsible for the awful death-roll of March. All honour to it that, after the situation was realised, it spent money like water in dealing with the calamity, but that work could never undo the past. It is true that, as early as the year 1901, long official reports were drawn up condemning the Location as insanitary, and yet, in that state it was allowed to remain up to the 26th of September 1903, and that without any outbreak of plague. Strange as it may appear, it was only after the Town Council came into full possession, got what it wanted and, with it, an opportunity of keeping the Location in a thoroughly sanitary condition, that the plague broke out. I am afraid that His Excellency has been totally misinformed with reference to the genesis of the plague. The thing is now finished. The Indians have suffered undeservedly but the statements made by me could easily be verified. Dr. Pakes' repudiation has, I suppose, reference to the following occurring in the leader in *Indian Opinion*: "Evidently when Dr. Pakes said that the measures which were being taken in the outlying districts were taken more in order to eradicate the Indian than to prevent the plague, he spoke truly".[1] Whether Dr. Pakes actually said so or not, he was certainly reported in the newspapers to have made such a statement and the remark in question is based on the newspaper report.

I beg to draw your attention also to the fact that the contention that the Town Council was responsible for the awful visitation is practically borne out by Dr. Turner, the Health Officer for the Colony and member of the Legislative Council.

You may make what use you think fit of this communication.

Yours truly,
M. K. GANDHI

From a photostat of the original: G. N. 2263.

[1] *Vide* "Plague in the Transvaal", 9-4-1904.

238. LETTER TO HIGH COMMISSIONER'S SECRETARY

[JOHANNESBURG,]
October 31, 1904

TO
THE PRIVATE SECRETARY TO
HIS EXCELLENCY THE HIGH COMMISSIONER
JOHANNESBURG

SIR,

I shall be obliged if you will kindly place this communication before His Excellency.

The Honourable Mr. Dadabhai has sent me a copy of a letter received by him from Mr. Lyttelton in reply to his letter enclosing a communication addressed to him by me on the 4th April last on the outbreak of plague in Johannesburg. Mr. Lyttelton has quoted a portion of His Excellency's dispatch on the subject and, as it deals with the statements made by me, I venture to trespass on His Excellency's time by offering an explanation in defence thereof.

His Excellency has said :

> I consider the statement that the recent outbreak of plague would not have occurred but for the neglect of the Johannesburg Municipality to be absolutely unjustifiable. So far from having been negligent in the matter, the Johannesburg Council has displayed considerable foresight in anticipating and making preparations for the outbreak of plague more than a year before the disease actually appeared.

It has never been denied that the Council made preparations in anticipation of the outbreak in that a hospital was established at Rietfontein, etc., but, with the greatest deference, it is submitted that the one preventive measure that was necessary was totally omitted, namely, to look after the sanitary condition of the so-called Insanitary Area.

His Excellency has also stated in his dispatch that

> it was in a great measure due to opposition on the part of the owners and inhabitants of the Location that its expropriation and clearance was delayed until the outbreak of plague had occurred.

May I humbly draw His Excellency's attention to the fact that expropriation was effected more than five months before official declaration of the plague — that is, on the 26th September last year — and that clearance was, therefore, absolutely within the power of the Town Council. Since that date not only was there no opposition on the part of the Indians concerned either against expropriation or clearance, but I myself on their behalf frequently appealed for a new site both to the Town Council as well as the Colonial Secretary. His Excellency has evidently been informed that the expropriation was effected after the outbreak of the plague. For His Excellency in his dispatch again says :

> Up to the date of expropriation the Indians were their own landlords, and the statement that the conditions of overcrowding existing in the Location were due to the general negligence of the Johannesburg Town Council can only be described as a gross perversion of the truth.

Had expropriation taken place after the outbreak of the plague, I should plead guilty to the charge of having been the means of perverting the truth. As a matter of fact, however, as already stated, the Council expropriated the Location as well in law as in fact on the 1st of October last year, and, contrary to the suggestions made by the inhabitants of the Insanitary Area, and in spite of the fact that the Council was not in a position to look after the proper sanitation of the Location for want of men, it became immediate landlord to each tenant, established rent collecting offices, and took over the fullest control. The condition under the new regime became so unbearable that the inhabitants, against whom the charge of uncleanliness was repeatedly brought in official reports, to which His Excellency has made reference, came to me with complaints and I, therefore, wrote to Dr. Porter on their behalf on the 11th February this year — that is, more than a month before the actual declaration of the plague :

> I venture to write to 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, an outbreak of some epidemic disease is merely a question of time.

On the 15th of February, in a second letter to Dr. Porter, I elaborated the points mentioned in the first letter and even ventured to offer suggestions, but up to the 18th of March nothing was done, although on the 1st of March a note was addressed by me to Dr. Porter saying that in my opinion the plague had actually broken out.

I beg to enclose for His Excellency's perusal copies of all the correspondence in this connection which was published in the papers. The main facts to this day remain unchallenged, and knowing personally as I do every phase that the inhabitants of the Location have passed through since the beginning of last year, with deference, I feel bound to say that I have stated the barest truth in saying that, but for the criminal neglect of the Johannesburg Municipality, the outbreak would never have occurred. The immediate work lying before it was totally neglected by it in favour of large schemes for shifting the whole of the population within the Insanitary Area.

In conclusion, I may state that, in writing to Mr. Naoroji, I had no other desire than that of serving the truth and of guarding against unwarranted charges against my countrymen.

I trust the importance of the subject-matter of this communication

will be considered sufficient excuse for my encroaching upon His Excellency's valuable time.

I have the honour to remain,
Sir,
Your obedient servant

From the office copy : C. W. 2264-2, 3, 4, 5.

239. TELEGRAM TO COLONIAL SECRETARY

[JOHANNESBURG,]
November 3, 1904

TO
COLONIAL SECRETARY
[PRETORIA]

MR. ROBINSON INFORMS LORD ROBERTS WILL BE PLEASED RECEIVE AN ADDRESS FROM INDIAN COMMITTEE DURING HIS STAY PRETORIA. WILL YOU KINDLY ASCERTAIN DATE FROM HIS LORDSHIP.

GANDHI

Pretoria Archives : 92/2. L. G. 93 : Asiatics 1902-1906, File No. 2.

240. FARMERS IN CONFERENCE

The Conference has dealt with a great variety of matters, two of which dealt with Indians. The Conference passed some time ago a resolution to the effect that all the Indians should hold passes, for what reason it is not stated, except perhaps to insult the non-indentured Indian population. The Government have returned a reply saying that they are not prepared to pass legislation of the character wanted by the Conference. The Rev. Jas. Scott, therefore, moved that the resolution should be sent back to the Government. The President pointed out that, if too many restrictions were imposed on the Indians, the Indian Government might have something to say. Mr. Scott, however, said that in that case Natal could tap other sources of labour supply. We wish it were so. It will then be possible to arrive at a reasonable understanding as to the resident Indian population. Moreover, the Colony will learn by experience the economic value of Indian labour. Ruskin has somewhere said that man, as an economic factor, is not to be studied simply as a machine, but has to be taken with all his mental attributes. Considered as such, we believe that the Indian is the most efficient labourer in the world. He may be puny, he may be slow, he may be weak, but he is most sober, uncomplaining, patient, and long-suffering. He, therefore, gives no trouble to his masters, and is a reliable worker. If some other labour were introduced, if only temporarily, all the attributes we have mentioned as specially belonging to the Indian will be appreciated, and he will be prized on

that account. But as long as the Colony must have Indian labour, it must be satisfied with the restrictions it has already secured, without adding to them the humiliating one of compelling every Indian to carry passes. Mr. McCrystal incidentally said that most of the Asiatics were not British subjects, but Arabians. Some Indians do indeed call themselves Arabian merchants, but there is no excuse for the gentleman betraying the ignorance he has. The term "Arabian" has come to be used in this Colony synonymously with Mahomedan, for the reason that the Moslem faith has its rise in Arabia.

The other matter dealt with by the Conference was the shortage of labour supply. On the one hand, then, the Conference wanted further restrictions on the Indians; on the other, it complained of the paucity of labourers. Even India has its limitations and we must not suppose that it is an inexhaustible field for recruiting labour. There is a vast system of inland immigration in India itself where there is a continuous stream flowing towards Burma and Singapore. Add to this the other Colonies, including Ceylon, Mauritius, and Fiji. Natal is only one of the many competitors moving[1] the Indian labourer. It must not, therefore, be surprised if it finds itself handicapped owing to excessive restrictions imposed on the labourers. We have no doubt that the new Immigration Act, which imposes an annual tax of £3 on the indentured men and their children after they have regained their freedom, has a considerable effect on the supply. The Colony wants Indian labour, and yet wishes to avoid many of its natural consequences. It is, to our mind, this anomalous position which comes in the way more than the requirements as to the percentage of women to accompany the immigrants, as some speakers at the meeting supposed.

Indian Opinion, 5-11-1904

241. A RIFT IN THE LUTE

The so-called Asiatic National Convention in the Transvaal will have to be held, if it is held at all, without Johannesburg being represented. It will be a case of *Hamlet* being played without Hamlet. Both the Chamber of Commerce and the Chamber of Trade in the "golden city" have declined to associate themselves with a convention whose object, in the words of Mr. Mitchell, is to confiscate the property of inoffensive people. The resolutions submitted by the conveners of the convention, the Chambers contend, are too drastic to be acceptable to a British community in that they contemplate forcible removal of British Indian traders to Bazaars without compensation, and take no notice of vested interests. The pill offered by Messrs. Bourke and Loveday is too strong even for the Potchefstroom Vigilance Association, which, as our readers are aware, was violently hostile to the Indians when the Blue

[1] Perhaps a misprint for "wooing".

book on the Indian question was given to the public. We venture to offer our congratulations to the two Chambers and the Potchefstroom Association for daring to be just. It is a relief to recognise, amid the heap of blind, unreasoning prejudice, sober views and sentiments expressed by representative bodies. A little more patience, a little more time, and perfect equanimity on the part of the British Indians will, we doubt not, do the rest. Unwearied reiteration is, as the late Professor Max Müller used to say, the only remedy for driving a new truth home, and for enabling people to remove preconceived notions. Our duty is, therefore, plain. We should continue, in season and out of season, to show that the case for the Indians is invulnerable, and that the Indian has never asked for anything that could not reasonably be granted, consistently with the interests of the white traders and white predominance.

Indian Opinion, 5-11-1904

242. COLOURED PASSENGERS ON THE TRANSVAAL RAILWAYS

The Johannesburg newspapers publish the interesting correspondence between His Excellency the High Commissioner and the Rand Pioneers on the subject of the Natives of the Transvaal travelling first and second class on the Central South African Railways. Lord Milner has assured the Rand Pioneers that henceforth no Natives, except those holding certificates of exemption, will be allowed to travel first or second class on the railways, and that the inspectors and station-masters have been instructed to separate Coloured passengers from the white passengers. The Rand Pioneers have restricted their demands only to the Natives, but the instructions issued by Mr. Price, the General Manager, cover all the Coloured people, including British Indians, although it is some satisfaction to learn that respectable British Indians are to be allowed first- or second-class tickets without difficulty. Special coaches for Coloured passengers are to be joined to the Pretoria-Pietersburg line as an experiment. This is one of the instances how a mountain can be made out of a mole-hill, and if separate carriages are to be provided for different races, logically, there should be compartments for Natives, Chinese, British Indians, Cape Coloured people, Boers, Englishmen, Germans, and so on. It would, indeed, then be a question as to how to make the line pay, but that would be a very small affair compared to the respect that has to be paid to sentiment in the Transvaal, whether such sentiment be reasonable or otherwise. Joking apart, however, if the distinction is to be drawn, we imagine that it will be necessary to have three distinct compartments, namely, for Europeans, Natives and Asiatics. The circular issued by the General Manager is a veritable hornet's nest, and we are quite sure that we have not heard the last of it. The Rand Pioneers have already notified their dissatisfaction, and they do not believe in

the Natives of the Transvaal being allowed to travel first or second class at all, refusing, as they do, to recognise any distinction between those who hold exemption certificates and those who do not.

Indian Opinion, 5-11-1904

243. LETTER TO DADABHAI NAOROJI

21-24 COURT CHAMBERS,
CORNER, RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
November 5, 1904

TO
THE HONOURABLE DADABHAI NAOROJI
22 KENNINGTON ROAD
LONDON

DEAR SIR,

I have your letter of the 13th October. As a rule I do send the weekly letter to you, Sir William, Sir Mancherjee, and the East Indian Association. I enclose herewith copy of the letter addressed by me to Lord Milner[1] on the plague correspondence.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G. N. 2264-1.

244. ADDRESS TO LORD ROBERTS[2]

[*November 9, 1904*]

The pleasant ceremony of presenting an address to Lord Roberts by the British Indians was performed on Friday, 11th November, at 2.45 p.m., and the signatories to the address were graciously received by the veteran soldier, and the whole of the function passed off satisfactorily. The following is the text of the address:

TO
FIELD MARSHAL THE RIGHT HONOURABLE EARL ROBERTS, OF KANDAHAR, WATERFORD, AND PRETORIA, K.G., K.P., G.C.B., G.C.S.I., G.C.I.E., O.M.V.G., PRETORIA

MY LORD,

We, the undersigned, representing the British Indians residing in the Transvaal, beg to tender to Your Lordship, Countess Roberts, and Ladies

1 *Vide* "Letter to High Commissioner", October 31, 1904.
2 This was published as "From our Special Correspondent".

Aileen and Edwina Roberts, a respectful welcome to this the country of your recent labours for the Empire.

It is a matter of no small pride to us that it is India which has given the Empire the greatest soldier of the present times, in whom are combined the sternness of the soldier and the gentleness of the godly man.

We pray to the Almighty that He may bestow on you and Countess Roberts and family all His blessings, and that the Empire may long continue to receive the benefit of your experienced counsels.

Dated at Pretoria, the 9th day of November, 1904.

We beg to remain,
Your Lordship's humble and obedient servants,
ABDUL GANI,
HAJI MAHOMED HAJI JUSAB,
HAJI HABIB HAJI DADA,
M. S. GOOVADIA,
ISMAIL AMOD MOOLA,
AMRITHALINGA CHETTY,
AMOD HAJI TAYOB,
AHMED LATIB,
HAJI OSMAN HAJI ABBA,
M. K. GANDHI

It was illuminated on vellum, and Miss Ada M. Bissicks, in whose hands the work was placed, thought out quite an original design for it. The whole of the left side of the address is taken up with a faithful representation of that most exquisite bird, the peacock of India. The lettering is also very chaste, and the whole illumination is a work of art. The address was enclosed in a solid silver casket, with lotus flowers engraved on it. Both the address and the casket were worthy of the distinguished recipient and the Indian community.

Indian Opinion, 19-11-1904

245. THE ASIATIC NATIONAL CONVENTION

By the time this is in print, the so-called National Convention in the Transvaal will have been held. The representative Associations in Johannesburg have now decided to send their delegates, and Messrs. Bourke and Loveday have accepted the amendments suggested by the former. The resolutions, therefore, embody the principle of compensation, but in our opinion, all the amendments put together mean very little indeed. Previous experience warns us against expecting anything from the adoption of such a principle. The Asiatic Commission that was appointed and which, happily, owing to the Test Case of *Habib Motan* v. *The Government*, proved abortive, as may be recollected, rejected the claims of all those who were engaged in trade immediately before the outbreak of hostilities. The Potchefstroom people have made it pretty

CWMG - IV

clear that, according to their notion, compensation should be restricted only to those who at the outbreak of war held licenses to trade outside Locations. To us, therefore, the idea of compensation means little or nothing. What is, then, to be the upshot of all this anti-Indian agitation? If the dictation of the National Convention is to carry the day, we know the result. Every self-respecting British Indian must then be prepared to face the inevitable and leave the country. That is to say, he must be an outcast in his own home. He has been taught from his childhood by, very often, his English school-masters, out of books printed and published under British supervision, that the long arm of the British Government protects the weak against the strong. As the late Poet Laureate[1] of Gujarat sang, "Lo! the enmities have died out, the doers of black deeds are for ever crushed and (under the British Government) no one twists even the ear of a lamb". He has been taught also that, in places which are included within the Dominions of the King-Emperor, every one of his subjects enjoys the fullest liberty and all civil rights, so much so, that even the shackles of foreigners fall off on British soil. If, as we say, the National Convention carries the day, the Indian must unlearn all this, the slate must be wiped clean, he must forget all that he has hitherto regarded as beautiful in the English constitution, and he must be content to see the means of his livelihood taken away from his mouth. But we must decline to believe that any such thing can possibly happen so long as the Transvaal continues to prize the Union Jack. We cannot conceive that Mr. Lyttelton is likely to go back upon the policy laid down in his dispatch, and sanction what would, if not in letter, certainly in spirit, be an act of confiscation of the rights of British subjects.

Indian Opinion, 12-11-1904

246. THE NATAL VOLUNTEER INDIAN AMBULANCE CORPS[2]

Our London contemporary, *India*, has fallen into the error of accepting official figures in connection with this Corps, although it has in its own files the correct figures. The whole of the medal-giving regarding this Corps has been unfortunately bungled up. We may, therefore, state the facts once more for general information. The Corps was formed at first for service at the battle of Colenso. It then consisted of over 25 leaders, not *sirdars*, and over 600 bearers. The leaders did not receive any pay whatsoever — even their uniforms were paid for by the Indian merchants. After a short service, the Corps was disbanded. When the first move to Spion Kop was attempted, Colonel Gallwey ordered that the Corps should be re-formed. There were about 30 leaders and at least 1,100 to 1,200

1 Dalpatram.

2 *Vide* Volume III, p. 153.

bearers. The Corps was on active service this time for 6 weeks and performed surprising marches, doing as much as 25 miles per day, carrying the wounded. Its work has been specially mentioned by General Buller in his dispatches. Why only eight clasps have been distributed no one knows. Everyone of the leaders is entitled to them, and if the War Office intends to distribute medals among the men, as it certainly ought to, we would undertake to find almost all of them. A complete record was then kept of the names of the bearers, together with their addresses, and it should be in possession of the Superintendent of the Corps. We have not said much about the manner in which the medals have been distributed, because we are anxious that the leaders who worked should not connect themselves with any reward. They undertook the work as a labour of duty, pure and simple, and they should be ever ready to take such duty up again, irrespective of recognition of merit.

Indian Opinion, 12-11-1904

247. THE EDWIN ARNOLD MEMORIAL

We have received a copy of the circular issued by the Edwin Arnold Memorial Committee. The Committee

> think that the most fitting tribute to Sir Edwin's work would be one linking his name with his great services to Eastern literature. It was his privilege by the gift of poetry . . . as well as by his graphic and illuminating prose writings on oriental manners, customs and events, to bring to the peoples of the West in Europe and America, a fuller knowledge of the peoples of the East, thus creating a reciprocal interest and sympathy which cannot fail to contribute to the welfare and happiness of both....They therefore propose to endow a scholarship or scholarships, or found prizes at the University of Oxford for proficiency in oriental literature.

The Committee include the names of the Right Honourable Lord Brassey, as Chairman, His Highness the Aga Khan, Sir M.M. Bhownaggree, Sir George Birdwood, the Right Honourable Joseph Chamberlain, the Viscount Hayashi, Mr. Rudyard Kipling and others. Subscriptions may be sent to Messrs. Henry S. King & Co., at 65, Cornhill, London. If any of our readers would send their subscriptions to us, we would be pleased to acknowledge them in *Indian Opinion* and forward them to the Treasurers from time to time. The services of Sir Edwin to the East and West have not yet been sufficiently appreciated. Time alone would show the measure of those services. *The Light of Asia* alone has left on the Western mind an indelible impression for good. It has been said that he missed the Poet Laureateship because of the Oriental turn of his mind. We hope, therefore, that our readers, both European and Indian, will largely contribute to the Memorial Fund.

Indian Opinion, 12-11-1904

2264-1

M. K. GANDHI,
Attorney

21-24 Court Chambers,
Corner Rissik & Anderson Streets
P.O. Box 6522.

Johannesburg, 5th. November 1904

The Honorable Dadabhai Naoroji,
22 Kensington Road.
LONDON.

Dear Sir,

I have your letter of the 13th. October. As a rule I do send the weekly letter to you, Sir William, Sir Mancherjee, and the East Indian Association. I enclose herewith copy of the letter addressed by me to Lord Milner on the plague correspondence.

I remain,
Yours truly,
M. K. Gandhi

248. LONG LIVE THE KING-EMPEROR!

We tender our respectful and loyal congratulations to His Majesty the King-Emperor on his birthday. His Majesty completed his 63rd year on Wednesday last, and there went up from one end of the Empire to the other the prayer that he might have many happy returns of the day. Of all the European monarchs, there is none that fulfils the ideal as King Edward does. Recognising the limits of a constitutional monarchy, he yet has proved that he can render to the Empire immense service by his tact and gentleness. His work in France, his visit to the Pope, his meeting with the Kaiser — all these have promoted the cause of peace. It is an open secret that His Majesty was largely instrumental in securing a termination of the Boer War. His liberality and his sympathy for his subjects are well known. His visit to India when he was Prince of Wales won for him the personal veneration of the Indian nation, for whose welfare he has always evinced very great regard. May His Majesty be long spared to the Empire is our humble prayer to the Almighty.

Indian Opinion, 12-11-1904

249. BRITISH INDIANS IN THE ORANGE RIVER COLONY

The reactionary and anti-Indian policy is being consistently followed by the Government as well as the people in the Orange River Colony. We publish elsewhere some extracts which show in what manner the Indian is being hunted down. It would appear that, not being satisfied with insisting on the declaration of the Indian desiring to settle in the Colony that he will always during his stay remain in service under someone or other, the Government now insists on his making a fresh declaration each time that he changes masters or the nature of his work, and then, it would depend entirely on the will of the authorities as to whether he should stay in the Colony or not. A situation such as this requires prompt ending or mending. We have often drawn attention to the drastic legislation in the Colony against Asiatics, but we have seen hitherto no relief being granted. Are we to understand that this humiliating treatment of British Indians in the Orange River Colony is to be perpetuated, and that the India Office is to sit still?

Indian Opinion, 12-11-1904

250. LORD ROBERTS AND THE BRITISH INDIANS

We congratulate our countrymen in the Transvaal on having presented Lord Roberts with an address with a silver casket. We give the text of the address and the description of the casket in another column.[1] It was a very graceful act on their part. As the signatories to the address have said, it is a matter of no small pride for the Indians that the greatest soldier of the times has been given to the Empire by India. Lord Roberts has a very great deal of humaneness in him, in spite of his stern soldiership. His treatment of the prisoners during the Boer War was marked by very great consideration. He has always taken a sympathetic interest in the Indian soldiers and all that pertains to India, and it was but fitting that the Indians in the Transvaal should do honour to His Lordship during his visit to the country.

Indian Opinion, 12-11-1904

251. CABLE TO DADABHAI NAOROJI[2]

[JOHANNESBURG,
November 18, 1904]

TO
INCAS
LONDON

CROWDED MEETING BRITISH INDIANS ALL TRANSVAAL. RESOLUTIONS PROTESTING PROCEEDINGS ASIATIC CONVENTION BECAUSE NO DISTINCTION

[1] This was actually published in the issue of 19-11-1904 with the remark : "We regret that the following report was omitted from our last issue". *Vide* "Address to Lord Roberts", 19-11-1904.

[2] Dadabhai Naoroji, whose telegraphic address was "Incas", forwarded a copy of the cable to the Secretary of State for the Colonies. (C. O. 291, Volume 79, Individuals — N). *India* published the following edited version of the cable in its issue of 25-11-1904 :

JOHANNESBURG,
November 18, 1904

A crowded meeting of British Indians from all parts of the Transvaal has been held in Johannesburg, and has adopted resolutions protesting against the proceedings of the "Convention" held at Pretoria, on November 11, with reference to the immigration of Asiatics into the Transvaal.

The ground of the protest is that the "Convention" in question observed no distinction between the natives of South Africa and Indians, who are subjects of the British Crown.

The meeting declared that the resolutions of the "Convention", if carried out, would mean confiscation and ruin to Indian traders.

The meeting further asked for a public enquiry into the allegations of the "Convention" accepting the principle of restriction of immigration on general, not on racial, lines. It was suggested that a Regulation might be framed providing for the granting of new trade licences by Local Boards, subject, however, to an appeal to the Supreme Court.

OBSERVED BRITISH SUBJECTS AND OTHER NATIVES AND THEMSELVES [AND] CONVENTION RESOLUTIONS IF CARRIED MEANT CONFISCATION RUIN ASKED PUBLIC INQUIRY ALLEGATIONS CONVENTION, ACCEPTED PRINCIPLE RESTRICTION IMMIGRATION GENERAL NOT RACIAL LINES, SUGGESTED REGULATION NEW TRADE LICENSES BY LOCAL BOARDS SUBJECT APPEAL SUPREME COURT.

BRITISH INDIANS

Colonial Office Records: C. O. 291, Volume 79, Individuals—N

252. THE CHIEF JUSTICE AND BRITISH INDIANS

Sir Henry Bale the other day remarked that the Indians entering the Court-house were seemingly disrespectful, in that they did not shew any outward mark of respect to the Court. The turbans or the caps they would not take off, because of their custom to the contrary, and the boots could not be taken off, because it would be inconvenient to do so. His Lordship ruled that, unless every Indian on entering the Court salaamed, the omission would be treated as contempt of Court. We respectfully draw His Lordship's attention to the fact that the very wearing of the turban or the Indian cap implies a mark of respect, for just as on entering a place the European custom requires the taking *off* of the hat, Indian custom requires that the turban and the cap, as the case may be, should be kept on. Want of respect is not an Indian characteristic, and we venture to assure His Lordship that in the omission to salaam there can be no disrespect meant. The salaaming presupposes the meeting of the eyes of the person salaamed and the person salaaming, which is hardly possible in a Court-house where the judge is absorbed in the case before him. The only feasible course, in our opinion, is that, on entering the witness-box, the Indian should certainly be made to salaam, but we think that such a caution is hardly necessary, as every Indian on entering the witness-box almost instinctively offers the respect due to the Court. However, it is as well for the Indian litigant who may have occasion to visit the Courts to bear in mind the requirements laid down by His Lordship. We must not, under any circumstances, allow ourselves to be even suspected of any disrespect to the judges or other authorities.

Indian Opinion, 19-11-1904

253. ORANGE RIVER COLONY AND THE BRITISH INDIANS

The Farmers' Congress, which was held on the 8th instant at Bloemfontein, drew from His Excellency the Governor of the Orange River Colony the following remarks about the anti-Indian legislation of that Colony:

> With regard to the introduction of Asiatics into the Colony, this is a very delicate question for me to touch upon as there is considerable feeling amongst our people at Home in regard to British Indians, but at present I may say there will be no alteration in the legislation from that adopted by the late Government, nor do we contemplate at present any alteration.

Here, then, we have a definite pronouncement from the head of the State as to the disabilities of the British Indians in the Colony. It would, therefore, appear that there is to be no relief from the galling restraints that are put upon the Indians as soon as they enter the Orange River Colony.

Indian Opinion, 19-11-1904

254. THE LATE LORD NORTHBROOKE[1]

We were profoundly grieved to read the news of the death, on Wednesday afternoon, of H. E. Lord Northbrooke. We have been familiar with his name for years now. Lord Northbrooke succeeded Lord Mayo as Viceroy and Governor-General of India after the latter's assassination. Two memorable and historic events took place during his viceroyalty: the Prince of Wales' tour of India[2] and the deposition of H. H. Maharaja Malharrao Gaekwad of Baroda.[3] We mourn him especially because Lord Northbrooke had great sympathy for us. He proffered excellent advice and even extended help, whenever necessary, to the representatives of South African Indians when they were in London during 1897-8. Apart from this, he assured them that, should the need ever arise to ask questions about us in the House of Lords, he would help to the utmost. Sympathetic letters from His Lordship used to be received even at Durban. The local Congress will, we are sure, discharge its duty by passing a fitting resolution. The Transvaal Indians in Johannesburg have done the right thing by passing an appropriate one, with which we are in full agreement.

[From Gujarati]

Indian Opinion, 19-11-1904

1 Viceroy of India, 1872-76.

2 In 1875.

3 On a charge of attempted murder of the British Resident, though the Court of Inquiry could not reach unanimity concerning his guilt.

255. HOONDAMAL'S LICENCE

As we expected, Mr. Hoondamal has won his appeal, and we congratulate both him and his counsel, Mr. Binns, on the victory. It is, however, quite clear from the learned Chief Justice's judgment that the struggle is by no means over. The appeal has been decided practically on a side issue. The judge held that Mr. Hoondamal was wrongly summoned for trading without a license because he held one, but declined to decide upon the issue raised in the appeal as to whether the Licensing Officer had the right to restrict trade to any particular locality. Therefore, the Indian community has to approach the new year with a great deal of anxiety and fear. Such a state of things ought not to be allowed to last in a British Colony, and we trust that before long the law will be amended. The late Mr. Escombe said that he gave wide powers to the Town Council because he had faith in their moderation. The Corporation of Durban has, we are sorry to say, on more than one occasion, belied those expectations, and if the premier Corporation in this Colony has not been able to justify them, what is to be expected from lesser bodies? Everyone recognises that the Dealers' Licences Act is a terrible engine of oppression May we not, then, appeal to our legislators to take the temptation away from the local authorities? It would be perfectly possible even then to regulate and control the issuing of licences, and probably in a far more satisfactory manner. Another thought that arises from the appeal is that, in spite of his victory, Mr. Hoondamal comes off second best. He has been put to enormous expense simply because of the vagaries of the prosecution and, may we say with deference, the hasty judgment of the Magistrate. It is admitted that the prosecution was wrongly brought, and yet Mr. Hoondamal has to pay for this mistake. The struggle is unequal and the pecuniary aspect of it should never be lost sight of. The least that the Town Council may be expected to do is to reimburse the poor men the expenses that they might be put to owing to the Council's mistakes.

Indian Opinion, 26-11-1904

256. THE ANTI-ASIATIC CONVENTION AND THE BRITISH INDIAN MEETING

The Anti-Asiatic Convention, held at Pretoria on the 10th instant, has produced some remarkable results probably never anticipated by its authors. With the exception of a few newspapers, even the South African Press has condemned its proceedings as arbitrary and unjust. The London *Times*, which gave the lead, said that they betrayed lack of statesmanship

on the part of the delegates, and added that agitation of that nature, however violent, could not be allowed to override Imperial obligations, and that the proposals laid down by Mr. Lyttelton in his dispatch on the question could not be departed from to the detriment of the British Indians. We have read all the reports about the Convention, and what has grieved us most is the fact that, if they are a fair summary of the proceedings, they show, shall we say, an utter lack of knowledge on the part of the speakers. Wildest statements were made regarding British Indians, as also the intentions of the Imperial Government. We hear that the speeches made were most inflammatory, and that the reporters have considerably toned them down. We are told that some of the speakers even hurled defiance at the Imperial Government. Now, just as, as between the Europeans and the Indians, it is admitted that the former should remain the predominant partner, is it not a fact that, as between the Imperial Government and the Colonies, the former has the dominant voice? If the members of the Convention claim that they must have all they want, as was said by one of the Boer delegates, it opens out a most serious question as to the value of the tie wherein one party must have all, and the other must give all. The Empire has been built up as it is on a foundation of justice and equity. It has earned a world-wide reputation for its anxiety and ability to protect the weak against the strong. It is the acts of peace and mercy, rather than those of war, that have made it what it is, and we make bold to say that the members of the Convention are much mistaken, if they think that, for their selfish ends, the established policy of the Imperial Government is going to be suddenly changed, and that an act of spoliation, as Mr. Quinn termed it, would be committed by the Imperial Government at their bidding. Though, therefore, the violent proceedings of the Convention need cause no fear among the British Indians, it was well that the British Indian Association promptly convened a public meeting[1] of Indians throughout the Colony, in order to consider the proceedings of the Convention. The full report we published last week shows that the meeting was very largely attended, that representatives went to it from all parts of the Colony, and that the proceedings were quite moderate, though, at the same time, sufficiently emphatic. Mr. Abdool Gani made it clear in his speech that the gathering at Pretoria assumed a state of things that never existed and then proceeded to apply a remedy. It was well, too, that he laid stress upon the fact that the distinction between British subjects and non-British subjects was entirely disregarded by the Convention, as also the distinction between the natives of South Africa and the British Indians. More harm has been done to the Indians by overlooking these two fundamental facts than [by] anything else. It may suit those gentlemen, whose interest lies in driving the Indian out of the Transvaal, to confuse the real issue by including the Indian among all the

[1] Held on November 17, to protest against the proceedings of the Anti-Asiatic Convention. (*Indian Opinion*, 19-11-1904.)

Asiatics, and then bracketing the latter with the natives of South Africa. They have some justification for doing so, as even Sir Arthur Lawley in his dispatch has succumbed to this view, but we trust that now that the real intentions of the majority of those who attended the Convention are made clearly known, we would have the distinction Mr. Abdool Gani has insisted upon drawn by the authorities at Home. We commend to their attention also the proposals of the British Indian Association reiterated at the meeting. They offer at once a complete and, if we may say so, a statesmanlike solution of the intricate question.

Indian Opinion, 26-11-1904

257. A PLAGUE SPOT

We reproduce Dr. Porter's graphic report on Ferreiras Township, and it would appear that this place is infinitely worse from a sanitary standpoint than the old Indian Location at Johannesburg. It is at once the strength and the weakness of the British Constitution that nothing can be done under it, not even if it be clearly in the public interest, except under legal authority. The Johannesburg Plague Committee find that, whether plague breaks out in this place or not, they are not authorised by law to apply, what Mr. Quinn has termed, the fire cure, and that, therefore, Johannesburg must run the risk of another outbreak during the rainy weather. We hope that a remedy for this difficult position will be found, and that the area within Ferreiras Township will be quickly dealt with, as it should be. The figures given by Dr. Porter provide food for interesting study. The population of the whole area is 288 Indians, 58 Syrians, 165 Chinese, 297 Cape, 75 Kaffirs and 929 whites. Of these, the Insanitary Area proper contains the following distribution according to Dr. Porter: Indians 255, Syrians 17, Chinese 126, Cape 192, Kaffirs 31 and whites 241. Thus we see that the lowest class in all the communities is more or less the same. We think, however, that the real culprits are the landlords. So long as they get a fat rent, they do not mind in the slightest degree what happens to the poor tenants or how they live, and the landlords have been able to perform a blood-sucking operation, because of the laches of the Johannesburg Town Council, which might have dealt with the place long ago. It is worthy of note that the landlords in this connection are not Indians at all but Europeans. Not that by making this statement we wish to imply any particular merit in the Indian landlords of the same class as the European landlords who infest Ferreiras Township. It is merely a proof of human nature being more or less alike, whether it is covered by a white skin or a brown skin.

Indian Opinion, 26-11-1904

258. BRITISH INDIANS IN BOKSBURG

The following Notice has been received by the British Indians residing in the Indian Location at Boksburg:

NOTICE

> Asiatics residing in the Asiatic Location, Boksburg, are reminded that their Tenancy is Temporary only, and subject to a Month's Notice as ordered in Government No. 1379 of 1903. Persons erecting Permanent Buildings, therefore, do so at their own risk, and should the position of the Location be changed at any time, they will be entitled to no consideration for any loss incurred.

It was hardly necessary to remind the residents that their tenancy is temporary, but the notice bears some meaning which is ominous. Why the poor people should be driven from pillar to post, it is difficult to understand. The condition of the Location is unexceptionable, it is not overcrowded, and is isolated from the town. The people have been allowed to live there prior to the war, and what the Republican Government never did, or could do, is now being threatened or done under the British Government. Although all such tenancies were, during the late Mr. Kruger's regime, temporary, nobody ever thought of disturbing the tenants' occupation. The Notice does not say that the people will have to remove at a definite time, but warns them against building permanent structures. Many Indians, wishing to live better, have begun to erect suitable buildings, and the Notice is the result. Thus, conditions unfavourable to the better mode of life are artificially created, and then the people who have to labour under such disabilities are blamed for any results that flow therefrom. The Boksburg Vigilants will still be able to point the finger of scorn and say the Indians do not spend on building, and do not live in decent style, forgetting that they are in that position by force of circumstances. When will such an ominous situation end? Even if the Government intend to remove the people, why should it be impossible to give them a clear, long, definite notice? What do they propose to do with reference to those who, before the Notice, had already built expensive premises? We appeal to the Government for justice and fair play.

Indian Opinion, 26-11-1904

259. "ANGLO-INDIAN" ON THE BRITISH INDIANS IN SOUTH AFRICA

We have had on our table, for review, an interesting article that appeared on the 10th November in *The Rand Daily Mail* entitled: "The real Indian danger" by "an Anglo-Indian." The writer of the article has advanced most astonishing arguments in favour of shutting out the Indian entirely. The writer says,

> For the sake of the future of the Transvaal as a white man's country, it is to be

> hoped that no Gotham-like system of restrictions will be considered sufficient to shut out the Indian trader.

He then says :

> It is not from any racial feeling, or from views of health or sanitation, or morality, or any other semi-sentimental ground. Those who know the Asiatic believe it is better for South Africa that he should remain outside. It is a precaution dictated by the instinct of self-preservation.

The writer then adduces reasons why he considers the Indians as dangerous, and this is the reason:

> Place 100,000 natives of India on an uninhabited South-Sea Island and 100,000 Kaffirs on another. Leave them alone for a century to work out their own salvation. At the end of that period, you would find the Kaffirs indulging in a beer drink in a mud village, and the Indians would have founded a kingdom, have built some cities, have formed a fleet of ships, and opened out trade with other lands, and evolved a civilisation and a religion equal in many ways to any found in the West.

Now, this kind of argument is very seductive. The writer has evidently overlooked some important facts, as also the experience of history. We have it on Mr. Lyttelton's authority that South Africa is not the white man's country, and so long as the great numerical inequality between the Europeans and the Kaffirs continues to remain in favour of the latter, it is passing strange how any man could call South Africa a white man's country. Mr. Lyttelton, only the other day, said that, had it not been so, he would never have consented to introduce the Chinese into the Transvaal. It cannot be denied that, rightly or wrongly, the white man wishes to begin and end as a boss in South Africa. He would not perform manual work. Under the circumstances, the Kaffirs must play a very important part in the economy of South Africa, and so long as such a condition of affairs prevails in South Africa, the brown man must find a place. Had it not been so, he would certainly never have come to South Africa. The writer has instanced East Africa to show how it has been overrun by Indians. The statement is misleading in that it is not true in the manner it is intended. That is to say, there has been no displacement of the white man by the Indian in East Africa. There the nature of the climate and the soil has failed to attract white settlers, and so the Indian has been encouraged to develop the country. The praise showered on the Indians by the writer is flattering to the Indian mind, but it is utterly misleading. We would indeed wish that all the praise was well deserved. While there is a great deal of truth in it, we must confess that, when the Europeans and the Indians have come in contact, the former have shown superior organising ability, probably superior communal spirit, and superior foresight. The result is that the Indian has occupied, as a class, a subordinate position. Why has not the writer taken Europe first as an example? There Indian immigration is totally unrestricted, and yet the Indian has not been able to displace a single white man. The reason is obvious. There is no use or demand for him there. In South Africa, on the other hand, there are things which the white man would not do, and the Kaffir could not do. It has,

therefore, been possible for the Indians to live in South Africa. There may be overlapping in some instances, but as a rule each of the races has found its own level and its vocation. It is to our mind preposterous for any one to contend that there is any grave danger in the Indian displacing the white man. Alarming arguments such as the one under review are calculated to confuse the real issue and to retard a reasonable solution of the problem. It is the province of prudence to anticipate the future and provide for or against it. But it is prudence run amuck to assume danger where there is none. No one has contended that immigration from Asia or, for that matter, from any part of the world, should be totally unrestricted in South Africa. Reasonable restrictions have been proposed, and if they have not been carried out, it is simply the fault of the people who share the views expressed by the Anglo-Indian, who, of all the people in the world, must know, having lived in India, that the danger foretold in his article is a mere phantom.

Indian Opinion, 3-12-1904

260. PETITION TO LIEUTENANT-GOVERNOR

JOHANNESBURG,
December 3, 1904

TO
HIS EXCELLENCY THE ACTING LIEUTENANT-GOVERNOR
PRETORIA

THE PETITION OF ABDUL GANI, CHAIRMAN OF THE BRITISH INDIAN ASSOCIATION AT JOHANNESBURG

HUMBLY SHEWETH THAT,

Your Petitioner begs respectfully to approach Your Excellency in connection with certain British Indian claims filed with the Rand Plague Committee in respect of goods destroyed at the instance of the Committee during the outbreak of the bubonic plague in the Colony this year.

After the discovery of the plague in the late Indian Location at Johannesburg, its inhabitants were cordoned [off] for a few days and subsequently removed to an isolation camp at Klipspruit. The removal to Klipspruit was effected on very short notice. When the inhabitants of the Location removed to Klipspruit, they were, as a rule, prevented from taking with them anything beyond their beddings. All their valuables, furniture and even bedsteads were ordered to be left behind.

On the people protesting, they were assured by Dr. Pakes, the Special Plague Officer, that all the goods destroyed should be paid for by the Committee, and that, therefore, the Indians need not have any anxiety. It was on this understanding that the Indians removed to Klipspruit without taking anything with them. Even the domestic animals, such as the dogs

and cats, were ordered to be destroyed, in spite of the protests made by the owners; so, too, were most of the birds. In spite of the assurance given by Dr. Pakes, the Rand Plague Committee has repudiated its liability in the matter on the ground stated in its letters to the claimants. The Assistant Secretary of the Committee in repudiating the claims writes as follows :

> I am directed to advise you that, acting on the opinion of Counsel, the Committee cannot accept liability for payment of the amount. In terms of the Plague regulations, any articles which are likely to be or become infected with, or spread infection of bubonic or oriental plague, may be disinfected, and in case, disinfection is impossible for any reason, may be destroyed, and the Committee are advised that no compensation is payable in respect of any act done in execution of their powers or duties under the regulations.

My Association respectfully submits that, irrespective of the legal position of the Committee, it is morally bound to respect the plighted word of its only Officer who was at the critical time responsible for the public safety. Had no such promise been made, it is doubtful whether the inhabitants of the Location would have left their belongings as they did, without a murmur, in order to carry out the wishes of the Special Plague Officer. Among the goods destroyed were whole bags full of dry cereals and pulses and tinned foods which, according to the Vienna Convention, have been held not to carry infection. There was also household furniture, both wooden and metallic, destroyed. It could not be said that such articles were incapable of disinfection.

After protracted negotiations, the Committee has seen its way to accept claims for goods actually used by it out of the Location stores. At one time, even these claims were practically repudiated. It has been admitted that the goods that were used were of the same class as some of the stable goods that have been destroyed. The reason given for destroying the other eatables, instead of using them, is that it was the intention of the Committee to avoid among the inmates of the isolation camp the possibility of the slightest risk of infection. As a matter of fact, some goods were even sent to Klipspruit. The inmates themselves were quite willing to use up the stores that were in the Location.

It is worthy of note that the distribution of the orders for goods was by no means even or impartial, the purchase by the Committee being mostly confined to a few store-keepers only. Thus, it has happened that, while a few lucky men who were able to get rid of all their stores in so far as their claims are confined to stores have received full payment, their less fortunate brethren have received little or nothing.

Many inhabitants have, by reason of such wholesale destruction of their goods, become practically penniless.

My Association, therefore, humbly ventures to approach Your Excellency for intervention and trusts that Your Excellency will be pleased to secure a favourable consideration of the claims of the inhabitants of the late Indian Location for the value of their goods which were destroyed under orders of the Rand Plague Committee.

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

(Signed) ABDUL GANI
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 10-12-1904

261. LETTER TO "THE STAR"[1]

25 & 26 COURT CHAMBERS,
RISSIK STREET,
[JOHANNESBURG,]
December 9, 1904

SIR,

With reference to the letter published in your issue of the 8th inst. over Mr. T. Kleinenberg's signature, I take the liberty of joining issue on his statement.[2] I do not admit the figures quoted by Mr. Kleinenberg. I deny that there are at present 49 Indian traders in Pietersburg; there are only 28 stores owned by Indians within the township, as distinguished from the Location, and of these, some are held by the same Indians. I have not in any way endeavoured to amend my original statement, which was a denial of the allegation that there was a great disproportion between the numbers of Indian traders trading in town before war and after. Those who were trading without licences before war could hardly be called law-breakers, especially by Mr. Kleinenberg, who knew the exact position, and probably—be it said to his credit—helped to create it. They traded without licences, it is true, but under legal advice, with the knowledge of the Republican Government, on tenders of licence money and under the protection of the British Government. If this was law-breaking, I must confess that I do not know the meaning of the term. Within the township before war, there were at least 23 Indian stores: the names are as under.[3] The probability is that there were more, but I have indisputable proof as to the names and the numbers I am now giving. The original list from which the names are taken was prepared in March, 1903, in order to be produced before the Government. I think I have

[1] This was published as part of an item under the heading "Mr. Kleinenberg and the British Indian Association" with the prefatory note: "The following correspondence to *The Star* was crowded out from our earlier issues. Though belated, we publish it as showing the truth of the statement made by Mr. Abdul Gani at the great Indian Mass Meeting recently held in Johannesburg."

The text of Kleinenberg's letter to which the above is a reply is here omitted.

[2] The letter challenged the Chairman of the British Indian Association to produce evidence in refutation of certain figures given by Kleinenberg at the National Convention.

[3] Listed in the following paragraph.

given enough for Mr. Kleinenberg to investigate. If my figures are incorrect, I shall be glad to admit the correction. If, on the other hand, they cannot be challenged, and if you think that my statement has been verified, I hope you will be good enough to collect the sum of £50 from Mr. Kleinenberg and hand it to the Nazareth House. One word more and I have finished. My object in troubling you is merely to place the truth and nothing but the truth before the public. Mr. Kleinenberg is well known to the British Indians in Pietersburg. I doubt not that he is guided by honest motives, and it is because I feel that want of information is the greatest mischief-maker in this controversy, that my Association has felt it to be its duty to take up statements made at the National Convention and refute them, wherever it was necessary.

The stores referred to above are :

Hassim Moti & Co. (3), Tar Mahomed Tayob (2), Ahmed Moosa Bhayat (2), Ahmed Ebrahim Wadi, Abdul Latif Ali, Cassim Suliman, Cassim Tayob, Osman Mahomed & Co. (2), Gane Hassim, Haji Mahomed, Tayob Haji Khan Mahomed (3), Janellahomed Osman, Harsim Mahomed, Abhechand, Ebrahim Mahomed and Gadit.

I am etc.,
ABDUL GANI

Indian Opinion, 31-12-1904

262. THE RAND PLAGUE COMMITTEE

We reproduce in another column the petition of the British Indian Association addressed to the Acting Lieutenant-Governor,[1] with reference to certain claims filed with the Rand Plague Committee for goods that were destroyed on its instructions, on the outbreak of the plague in Johannesburg in March last. The petition discloses a story of meanness and callous disregard of all moral obligations on the part of the Rand Plague Committee. According to the petitioner's version, before the goods were destroyed, Dr. Pakes had made a definite promise that compensation would be given to the owners, and if it be true that furniture, metallic things, and whole bags of dry food were burnt down, the destruction must have been more in order to fire public imagination and to conciliate sentiment than to guard against danger to public health. It would be monstrous to suppose that iron bedsteads or even wooden furniture could not be properly disinfected. It will be remembered that, when the plague outbreak took place first in Natal, the Natal Government sounded the views of the Indian Government as to the ability of rice and such other food-stuffs to carry infection, and the expert opinion sent by the Government of India was that there was no danger in receiving rice bags and such other foods from even plague-infected districts in India. Again, the inmates themselves,

[1] *Vide* "Petition to the Lieutenant-Governor", December 3, 1904.

it would appear, were quite willing to have the eatables found in the Location served out to them. We, however, very much question whether public safety was at all advanced by the wholesale destruction of the goods. Be that, however, as it may, if the Rand Plague Committee chose to have the luxury of burning down the belongings of the poor men, it cannot escape liability to pay for them. The attempt to avoid payment under legal protection in the circumstances above mentioned is, in our humble opinion, simply scandalous. We must repeat for the tenth time that it was due to the gross neglect of the Johannesburg Municipality that the plague broke out. The Indians, it is admitted, behaved during that critical time in a most exemplary manner. Relying on promises made by its responsible officer, they quietly moved away to Klipspruit with the quickest dispatch, and without giving the authorities the slightest trouble. Repudiation of the just claims of such people is tantamount to an unwarranted confiscation of their property. To saddle the few men, who had the ill-luck to be in the Location at the time the cordon was drawn round, with the loss of all they possessed is a heartless procedure unworthy of a great corporation like the Rand Plague Committee. Those who went out to Klipspruit, and were practically kept under restraint, and were prevented from following their daily vocation, deserve sympathy and better treatment, and we hope that His Excellency will give careful consideration to Mr. Abdul Gani's petition, and do justice to the British Indians by ordering payment of compensation.

Indian Opinion, 10-12-1904

263. INDIANS IN PIETERSBURG

Mr. Kleinenberg, of Pietersburg, has written to *The Star*, challenging the statement made by Mr. Abdul Gani regarding the number of Indian traders in Pietersburg before and after the war in the course of his address to the recently held mass meeting at Johannesburg. In support of his statement, Mr. Kleinenberg produced certain figures, and triumphantly declared that, if they could be disproved, he would forfeit to the Nazareth House the sum of £50, provided that a like sum is forfeited by the other party, in the event of his figures being proved true. Mr. Abdul Gani has written to *The Star*, promptly taking up the challenge. We are surprised that, with Mr. Kleinenberg's experience, he should have allowed himself to be misled by the figures supplied to him. Indeed, if the number of licenses issued to British Indian traders before the war were any test of the actual number that carried on trade, we would find that there were hardly 100 Indian traders in the Transvaal, whereas everybody who knows anything about the country knows that there were far more than 100 British Indian traders carrying on trade in the Transvaal before war outside Locations. Such a state of things was possible because of the strong hand of the British Agent affording protection to unlicensed Indian traders.

The incident thus shows the proof of the statement, made at the Indian meeting, about the best men in the Colony in the Transvaal being ill-informed and not studying their facts well before forming their judgment. Mr. Kleinenberg, again, forgets that the number of Indian licenses supplied to him by the Revenue Office includes Indians trading in the Locations at Pietersburg of which there is a large number. Now the Indians who are trading in Locations do not enter into the controversy at all. The proceedings of the Convention were directed against trades established outside Locations or Bazaars. We hope, then, that either Mr. Kleinenberg will acknowledge his mistake as an act of fairness and justice or proceed to substantiate his proposition, if he does not accept the explanation offered by Mr. Abdul Gani.

Indian Opinion, 10-12-1904

264. LETTER TO DADABHAI NAOROJI

21-24 COURT CHAMBERS,
CORNER, RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
December 10, 1904

TO
MR. DADABHAI NAOROJI
22, KENNINGTON ROAD
LONDON S. E.
ENGLAND

DEAR SIR,

Indian Opinion has entered on a third stage in its career.[1] I would not weary you with the important step that has been taken in connection with it. You will see the full particulars[2] published in it in the course of this month. It is now intended to have a weekly or a fortnightly letter from England of general interest but also dealing particularly with the Indian question in South Africa, as it may have effected [*sic*] from time to time in London. Could you recommend anyone who would undertake the work and if so, at what rate ? I have nothing special to report on the question this week.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : S. N. 2265.

1 The reference is to the shifting of the office to Phœnix.
2 *Vide* "Ourselves", 24-12-1904.

265. THE HOONDAMAL CASE[1]

December 14, 1904

Mr. Gandhi proposed that, if Mr. Hoondamal won his appeal with costs, he should bear the other expenses, if any. Otherwise, the Congress would bear them, provided that it paid no more than £50, and that any fine imposed was paid by Mr. Hoondamal.

[From Gujarati]

Indian Opinion, 17-12-1904

266. THE HOONDAMAL LICENCE AGAIN

Like the boy in the tub in a well-known advertisement, the Town Council won't be happy till it has ruined Mr. Hoondamal by robbing him of his licence. A summons was, therefore, again issued against the unfortunate trader; and our political Magistrate, Mr. Stuart, in an extra-ordinary judgment, found him guilty, and imposed the maximum penalty of £20 fine. Mr. Stuart, forgetting that the defendant was acting under legal advice, asked if the Europeans complied with the law, why should not the Indians? What the interpretation of the law has to do with the distinctions between Europeans and Indians, we fail to see. Again, Mr. Stuart suggests that Indians should follow the Roman saying: "When in Rome, do as the Romans do". We wish we were treated like Romans by the advisers. In making these remarks, it never seems to have occurred to Mr. Stuart that the Europeans had no difficulty about the transfers of their licences. However, we understand, a notice of appeal has been lodged. The public, therefore, will again have the opportunity of judging how far the politician has got the better of the judge in Mr. Stuart. As the matter is *sub judice*, we must not go in[to] the merits of the case.

Our contemporary, *The Natal Mercury*, has seen fit to allow itself to make remarks on the case which are hardly in keeping with its usual tone of fairness. Our contemporary says :

> The Hoondamal case makes it evident that the Indians are determined to fight the local authorities in the matter of the granting of licences. I have no remark to make upon the case now occupying the attention of the Court, and upon which judgment is to be given this morning. Indeed, it would be grossly improper to do so until that decision is announced, but I may remark upon the general question that it is more than ever evident that the burgesses must demand that the matter shall be so dealt with that their wishes shall be observed. If the Indians are going to defy the desire of the burgesses as regards trading, and as instanced by the wretched Kaffir market in Queen Street, then they must

[1] The question of financial assistance to Hoondamal in the test case came up before the Natal Indian Congress on December 14.

> not be surprised if restrictions are imposed of a far more drastic character than have hitherto been contemplated. I have the fullest respect for the rights of British Indians, but the Indians generally must understand that, if they are going to show obstruction, to force their wills upon this community, and to spread over this town *a la* Mauritius, they will have all sections of the whites united against them. It is well that this should be stated plainly. The burgesses of this town, who have built it up and are responsible for it, are not going to be dictated to by the Indians, who are going the right way to bring into existence an organisation that will insist on the Town Council proceeding on such lines, or obtaining such powers, as will leave no loophole of escape, and that will greatly shackle the Indian community. The attitude on the Queen Street Kaffir market is alone sufficient to arouse the anger of the community, and the situation will not be helped by defiance in regard to licences after legal rights have once been settled.

Our contemporary mixes up the Kaffir Market in Queen Street with the Hoondamal case, with which it has not the remotest connection; and it mixes up the Hoondamal case with the whole of the Indian licensing question, and then incites the burgesses against the Indians.

Now the Kaffir Market is an eyesore which has nothing to recommend it; and it has to be dealt with on its own merits. But it would not be proper to blame the whole community for the obstinacy of an individual. Nor is it right to suggest that there is any idea of determined opposition to the reasonable wishes of the burgesses. We admit that the transfers of licences should be regulated. But, in the present case, we consider that the action of the Town Council is high-handed, prejudiced, oppressive and unjust. Mr. Hoondamal has an exceedingly strong case on merits. His premises are in excellent condition, comparing most favourably with the best of the class in West Street. He is a man of exceptionally clean habits. His trade is high-class European, and commands the confidence of a large number of European houses. Law seems to be on his side. Why, then, should he not fight for what he is justly entitled to? And, if, against the whole weight of the Town Council, which is thrown against him in an unjust manner, the Indians in general rally round the oppressed merchant, it is nothing but their duty so to do. And we think that our contemporary should appreciate rather than deprecate the efforts on the part of the Indians to secure justice. When that proposition has been made good, it would be time to appeal to the Indians to respect the wishes of the Town Council.

Indian Opinion, 17-12-1904

267. MR. LOVEDAY: STATESMAN!

We have much pleasure in giving the following[1] in our leading columns. The writer was specially deputed by us to report the proceedings of the Potchefstroom meeting, and a Britisher that he is, he resented most keenly the tone and the bitterness that Mr. Loveday thought fit to import into what might otherwise have been a sober meeting, and although, as a rule, we are averse to a trenchant, biting style in our leading columns, we have no hesitation in making an exception in favour of the following which represents the true feelings of a man who witnessed the proceedings, and whose sense of fairness and justice would not restrain him from calling a spade a spade.

Indian Opinion, 17-12-1904

268. THE KAFFIR MARKET IN QUEEN STREET

We entirely re-echo the chorus of condemnation that has been showered on those who are associated with the keeping up of the disgraceful Kaffir Market in Queen Street. The sooner it is blotted out from our midst, the better it would be for all concerned. We see in the discussion a tendency to bring in the Indian question. But a little reflection would show that the Indian question has nothing to do with it. It is true that the upper landlord is an Indian. It will be remembered that there were two such markets. One of the landlords, Mr. Omar Haji Amod, as soon as the nuisance was brought to his notice, summarily stopped the Market. That shows the better side of Indian nature. The other landlord is obdurate; and the Town Council must find some way to meet the difficulty. But it may be well to remember that the place is let to Europeans who are managing the Market. It is a question for each community to use the ordinary social pressure, supplemented by law, if necessary. The Indians, as a class, have no more to do with the evil than the Europeans; and it will facilitate the smooth working of the social machinery if this fact is borne in mind, and kept clear of other racial questions that have no bearing on this matter.

Indian Opinion, 17-12-1904

[1] Not reproduced here.

269. INDENTURED LABOUR ON THE COAL MINES

We print elsewhere a report from the *Witness* representative on the condition of the indentured labour on the coal-mines in Natal. If the allegations are true, they reveal a shocking state of things. Our contemporary demands an inquiry. We join in the request. It should be welcomed by the mine-owners. But if an investigation is held, we trust that it will be open, public and absolutely impartial. The commission, in order to command confidence, should be preponderatingly non-official; and, if we may venture to say so, should include an Indian gentleman of standing. The general condition of the indentured labourer in the Colony is satisfactory; and it can only enhance its reputation if causes even for suspicion are removed.

Indian Opinion, 17-12-1904

270. THE POTCHEFSTROOM MEETING

Inaccuracies in the Resolutions

We propose to deal now with the resolutions passed at the mass meeting at Potchefstroom, and to show how they are full of inaccuracies.

We will take each of these resolutions in its order.

The first commences with the statement:

> Whereas the Government of this country and the Home Government have decided that immigration of Asiatics should only be permitted under indenture, and a Labour Importation Ordinance has been passed regulating the immigration of Asiatics.

Now, neither the Home nor the Transvaal Government has decided that the immigration of Asiatics should only be permitted under indenture. There is no Labour Importation Ordinance passed "regulating the immigration of Asiatics". What has actually happened is this. On the 11th day of February, this year, an Ordinance, No.17 of 1904, was assented to " to regulate the introduction into the Transvaal of unskilled non-European labourers". That is a very different proposition indeed, and one that entirely alters the complexion of affairs. Moreover, we read, in Section 34 of this same Ordinance 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 their country of origin shall *mutatis mutandis* apply to such British Indians.

So that not only do the provisions of this Ordinance refer only to "unskilled" non-European labour; and not only are British Indian labourers

expressly said to be outside of the working of the Ordinance; but it will be necessary for special regulations to be passed by the Legislative Council dealing with their particular case. Further, the expression "unrestricted immigration of British Indians" assumes that Indians have been entering the country on a large scale. The fact is that the immigration of British Indians has been almost entirely stopped, except for those who are *bona-fide* refugees.

It will be well within the memory of our readers that, no longer than a few months since, the Chief Secretary for Permits reported to the High Commissioner that no new Indians were allowed to enter the Colony, and that permits were only sparingly granted to *bona-fide* refugees.

In the second Resolution we read:

> Whereas, owing to the unrestricted issue of trading licences to Asiatics, Pietersburg has now more than treble the number of Asiatic traders than white.

The facts are that in Pietersburg, before the war, there were 23 Indian stores. The number at the present time is 28. There are, we make bold to say, more than 14 white stores in Pietersburg.

Resolution No. 3 refers to the depreciation in value of the properties adjoining stores and land rented by Asiatics. The fact, again, is that land and stores adjacent to properties rented by Indians have actually increased in value for the simple reason that they pay good rents.

We need not pursue the inquiry further. If the resolutions contain such exaggerations as we have shewn above, the inference is obvious that the speakers to them have not been behindhand in recklessness of statement.

Indian Opinion, 17-12-1904

271. LETTER TO "THE STAR"[1]

[JOHANNESBURG,
Prior to *December 24,1904*]

TO
THE EDITOR
THE STAR

SIR,

May I venture to trespass on your courtesy with reference to a venomous attack made by Mr. Loveday, M.L.C., on the British Indians, when he delivered his address to the anti-Asiatic meeting held at Potchefstroom on Saturday last. Mr. Loveday condescended to reply to my address to the Indian mass meeting,[2] and, in the course of his heated remarks, allowed himself to descend to abuse and statements, the recklessness of

[1] This was published in *Indian Opinion* under the heading "Mr. Loveday and the British Indian Association".

[2] Held at Johannesburg on November 17. *Vide Indian Opinion*, 19-11-1904.

which I have never seen surpassed in a person holding the responsible position of Mr. Loveday. He has not hesitated to charge me with having made "deliberate, wilful, and wickedly false statements, and Oriental duplicity". However, I have no wish to descend to Mr. Loveday's level, but I repeat again every statement that I have made in my address, and withdraw nothing, and with your permission, I would endeavour to give some of the many proofs in support thereof. Mr. Loveday resents that portion of the address wherein I have complained that he omitted to state at the National Convention, when he was giving the history of the Convention of 1884, the fact that there were at the time British Indians in the Colony, and that Law 3 of 1885 was passed on misrepresentation. If you and your contemporaries reported the honourable gentleman at all correctly, my assertion is perfectly true. Mr. Loveday is reported in *The Star* to have said as follows:

> When the 1881 Convention was concluded, there were no Indians in the Transvaal, and there is little or no doubt that the Asiatic side of the question never presented itself to the authors of that document sitting in Pretoria, and a study of the whole of the provisions of that document clearly shows that the white race and the natives resident in the country alone, were contemplated. It was only after the arrival of the first Indian traders, and after the 1884 Convention had been substituted for that of 1881, that restrictive legislation was proposed.

Thus, Mr. Loveday, if he is correctly reported, has contended that, as no Indians had arrived before 1884, the words "other than Natives" could apply only to the Europeans, whereas the fact is that there were already Indian settlers in the country before the Convention of 1884 was passed. I have taken the trouble of comparing your report with that of the other newspapers, and it is substantially the same. So far, therefore, as I am concerned, my complaint, that Mr. Loveday omitted a material fact in stating the history of the question, is completely justified. As to the misrepresentations on which Law 3 of 1885 was passed, I quote the following from one of the several petitions that were used by the late Government in order to induce the British Government to sanction legislation embodied in Law 3 of 1885:

> the dangers to which the whole community is exposed by the spread of leprosy, and the like loathsome diseases engendered by the filthy habits and immoral practices of these people. . .

Again,

> as these men enter the State without wives and female relatives, the result is obvious. Their religion teaches them to consider all women as soulless, and Christians as natural prey.

These petitions were signed by responsible and representative men, and it was due to these gross, unfair, and untrue statements that Law 3 of 1885 was accepted. Mr. Loveday has thought fit again to reiterate his statement that an Arab tradesman spends not more than £40 per annum. He has quoted the report of the Asiatic Traders' Commission in support, but the Commissioners have said no such thing. At Potchefstroom, he was more emphatic. I, therefore, again deny the assertion,

and can only state that I ought to know better than Mr. Loveday as to how much an Indian tradesman spends. Some have to pay in rent alone even as much as £40, not per annum, but per month. Does Mr. Loveday know a single Indian trader? Has he ever examined their books? Has he studied the report of the Asiatic Commission? Will he now go through the books of 20 Indian traders, which I shall have much pleasure in submitting to him? I deny the statement that the Indian employees do not receive more than 20s. per month, and I am in a position to place before him names of Indian employees receiving more than £100 per annum over and above their board and lodging expenses. Mr. Loveday again states that my statement, that no new Indians were allowed to come into the country, was "wickedly false". If I have erred, I have erred in the company of the Chief Secretary for Permits, who, you will recollect, only a few months ago, reported to Lord Milner that no new Indians were allowed to enter the Colony, and that permits were only sparingly granted to *bona-fide* refugees. Mr. Loveday, in refutation of the statement, cited Pretoria and Potchefstroom, and he says the population of the Indian Location at Pretoria had been doubled since the war, and, whereas before there were from 15 to 20 traders, there are now between 90 and 100. This is utterly without foundation. The Indian population of Pretoria has certainly increased, but not doubled. The increase is due to the influx of Indians from other parts of the Colony, who are unable to get licences or otherwise to get a living. According to the Permits Officer, there are in the Colony not more than 10,000 Indians. There were in 1896 nearly 10,000 Indians in the Transvaal, and it will not be doubted that the Indian population had increased considerably in 1899. "In Pietersburg," the honourable gentleman says, "prior to the war, they had 13 Indian stores; today they had 49". As against that, I venture to state that there were 23 Indian stores before the war in the town alone, and that there are today 28. Then, again, Mr. Loveday has stated:

> The Indians had told them that they had certain rights, what they called their 'Charter of Liberty', but was there any social intercourse between Indians and whites in India? None whatever.

The question is gratuitously brought up. The Indians have never claimed any social intercourse here. All they have claimed is the elementary right of reasonable facilities for trading, reasonable facilities for immigration under general restrictions, freedom of locomotion and of ownership of property; but, for the information of Mr. Loveday, I may state there is a measure of social intercourse also between Indians and Englishmen in India. The balls given by the Maharaja of Kuch Behar attract the best European society. Functions and parties are given by the Viceroy and the Governors, where Indians of all classes are invited. The levees held from time to time in the chief cities in India are open as well to the Indian subjects as to the English subjects of the King-Emperor. If I state this fact, I do so merely to show the lamentable want of knowledge on the part of our oldest legislator, and not in order to excite the slightest desire

on the part of my countrymen for a share in any of the social functions. We have no wish to thrust ourselves into the social economy of the white settlers in the Colony. I need hardly go any further with this, to me a painful subject. It was impossible to allow the honourable gentleman's statement at the Potchefstroom meeting to go unchallenged, but if he has not rendered himself utterly incapable of seeing things in their true light when the question of colour is under discussion, I would appeal to his sense of justice and fairness, and would merely ask him to study his history and his facts, to study also what I venture to consider are the very reasonable and moderate propositions of the British Indian Association, and then to ask himself whether he is not wasting his energy, misleading the people over whom he exercises so much control, doing an injustice to the responsible position he holds in the country, and also doing a disservice to the Empire to which he professes he is proud to belong.

I am, etc.,
ABDOOL GANI

Indian Opinion, 24-12-1904

272. OURSELVES[1]

Indian Opinion enters upon the third stage of its career in the short space of the eighteen months of its existence. The proprietor, being guided by patriotic motives, embarked upon the enterprise on the slenderest resources. He had to depend for the editing of the paper on purely voluntary and unpaid assistance. This he readily received. It was his intention to make the paper self-supporting by devoting the profits from the general printing to meeting the expected deficiency on the paper. But such was not to be the case. Although this journal supplied a real want, what may be termed a commercial demand had to be created. In other words, the paper had not only to find its matter, but its readers also. Moreover, the sending of over five hundred complimentary copies was a great drag. Pecuniary assistance had, therefore, to be called in. The Natal Indian Congress and the British Indian Association came to the rescue, and voted certain funds towards the payment of the expense of printing and posting the complimentary copies.

Still the paper continued, octopus-like, to devour all it received and wanted more. The situation could only be saved by heroic measures. Patchwork was useless. Palliatives were dangerous. There remained then an appeal to the devoted workers and friends in favour of adopting

[1] This was later reprinted in a supplement to the issue of 31-12-1904 with this introductory note: "The following leading article appeared in our issue of the 24th Dec., 1904, and as we were unable then to issue enough copies to meet the demand for it, we issue it as a supplement, and we would supply sympathisers and friends with as many copies as they want for free distribution. — (Ed. *I. O.*)"

a novel and revolutionary project. They were to look not to the present but to the future; not to their pockets but to the paper first. And why not? The object of *Indian Opinion* was to bring the European and the Indian subjects of King Edward closer together. It was to educate public opinion, to remove causes for misunderstanding; to put before the Indians their own blemishes; and to show them the path of duty while they insisted on securing their rights. This was an Imperial and pure ideal, towards the fruition of which anyone could work unselfishly. So it appealed to some of the workers.

The plan was shortly this. If a piece of ground sufficiently large and far away from the hustle of the town could be secured for housing the plant and machinery, each one of the workers could have his plot of land on which he could live. This would simplify the question of living under sanitary and healthy conditions, without heavy expenses.

The workers could receive per month an advance sufficient to cover necessary expenses, and the whole profits could be divided amongst them at the end of each year. The management would thus be saved the necessity of having to find a large sum of money from week to week. The workers also could have the option of buying out their plot of land at the actual cost price.

Living under such conditions and amid the beautiful surroundings which have given Natal the name of the Garden Colony, the workers could live a more simple and natural life, and the ideas of Ruskin and Tolstoy [be] combined with strict business principles. Or, on the other hand, the workers could reproduce the artificiality of town life, if it pleased them to do so. One could hope that the spirit of the scheme and the surroundings would have an educative influence on them. There would be a closer brotherly combination between the European and the Indian workers. There was a possibility that the daily working hours could be reduced. Each could become his own agriculturist. The English workers could belie the taunt that the Englishman in South Africa would not cultivate the soil and work with his own hands. He had here all the facilities for such work, without any of the drawbacks. The Indian worker could copy his European brother, and learn the dignity and utility of healthy recreation as distinguished from constant, slaving toil for miserable gains.

The incentive would be threefold to all: an ideal to work for in the shape of *Indian Opinion;* perfectly healthy surroundings to live in, and an immediate prospect of owning a piece of land on the most advantageous terms; and a direct tangible interest and participation in the scheme.

Such in outline was the argument. It has been translated into action. The printing works have been removed to a large piece of ground near Phœnix Station, on the North Coast line. There are already Englishmen and Indians working here under the scheme. It is yet too early to forecast the result. It is a bold experiment and fraught with momentous consequences. We know of no non-religious organisation that is or has been managed on the principles above laid down. If it succeeds, we can-

not but think that it would be worthy of imitation. We write impersonally, and no one on the staff of this journal claims any glory over the matter. We, therefore, think it but right to take the public into our confidence. Their support would encourage us very greatly, and no doubt contribute largely to the success of the scheme. We can appeal to both the great communities residing in South Africa and trust that they will assist the management to bring the scheme to the successful issue that we believe it deserves.

Indian Opinion, 24-12-1904

273. A CASE FOR INQUIRY

Our contemporary, *The Natal Witness*, continues to give prominence to the prosecutions that have recently taken place in Ladysmith for assault on indentured Indians. *The Natal Witness* is to be congratulated on giving so much as a column-and-a-half, in its issue of the 16th inst., to the prosecution of a European underground manager at the Ramsay Collieries for assault on an indentured Indian employed on the mine. The manager was found guilty. And according to Sergt. Lempriere's fearless address for the Crown, the assault was serious. The story of the alleged sale of a woman which came up as a side issue is most discreditable, if it is true. It is a matter for consolation that we have in the Colony Crown Prosecutors like the Sergeant, who do not flinch in doing their duty. The whole matter, however, requires careful investigation by the Government. The reading of the report of the case leaves a bad taste in the mouth. An impartial inquiry would bring the truth to light, and it should, as we have said before, be welcomed by the Collieries Company.

Indian Opinion, 24-12-1904

274. THE POTCHEFSTROOM VIGILANTS AND BRITISH INDIANS

The Potchefstroom Vigilants are going mad again. They want to clear their town of the Indians entirely. After their first outburst, it will be remembered, they had cooled down considerably; and, in spite of the opposition of their friends from Boksburg, they had decided that compensation should be awarded to those Indians who might be driven to the Bazaar. But they have evidently repented of their moderation. They would now take the law into their hands, and establish in Potchefstroom a reign of terror. They would disregard the religious feelings of inoffensive, law-abiding people. They would not allow an Indian Mosque to be erected in their town. They would make it hot for all who may have dealings with Indians. The householders are not to be allowed, on pain

of social ostracism, to buy from Indians; the merchants, similarly, are not to trade with them; and the landowners are to evict their Indian tenants. From a selfish standpoint, the Indians ought to welcome such hysterical opposition, because it is exhausted by its own violence. But from an Imperial standpoint, the action of the Potchefstroom Vigilants cannot be too strongly condemned. The history of British rule is the history of constitutional evolution. Under the British flag, respect for the law has become a part of the nature of the people. Our friends the Vigilants are belying their profession of loyalty to British rule by treading under foot the very corner-stone of the glorious constitution which enables them to enjoy freedom of speech as it is enjoyed nowhere else in the world. They have mistaken liberty for licentiousness of speech. May we appeal to them for a little sobriety?

Indian Opinion, 24-12-1904

275. A NEW WEEKLY

A new weekly has made its appearance in Johannesburg, called the *Rand Rate-payers' Review*, with its motto "Truth the People". It is well got up. That it must be a very useful and independent journal, if it continues as it has begun, will appear from its following remarks on the Asiatic question:

> Within three miles of Johannesburg Post Office an obelisk looks down from a high kopje[1] on several rapidly developing townships. Close to that monument is a small graveyard, containing several large mounds, and one headstone inscribed, 'There is no God [but God,] and Mahomed is His Prophet'. In that graveyard rest the mortal remains of swarthy soldiers of our Indian Empire, whose lives were sacrificed during the war on behalf of liberty for British subjects in the Transvaal. We think of this in connection with the votes that were given by the present Town Councillors at their first meeting on November 2nd; and in connection with a subsequent meeting of delegates from all parts of the Transvaal in the Opera House at Pretoria the following week, when one man after another rose in his place and clamoured for resolutions which would, if enforced, prevent our fellow-subjects from India having any rights in the Colony other than those permitted to the heathen Chinese who are imported as indentured labourers. It seems to us that a little modification of language is required on the part of those who essay to seek a topic; and more than a little thoughtfulness. It is not wonderful, while such prejudices exist, that Lord Curzon declined the opportunity of coming here as the successor of Lord Milner; and if there be one reason stronger than another, which will cause the Home Authorities to delay the grant of 'Responsible Government' to the Transvaal, that reason will be fear lest such a privilege might be used to the detriment of any who helped Englishmen to acquire this Colony. It is common knowledge that the Boers did allow trading Asiatics certain privileges under license, but those privileges were not considered fair or complete. This fact was urged on England as an additional cause for armed intervention. England cannot so soon forget

[1] Hillock.

CWMG - IV

those arguments, as the authors of them seem anxious to do; and through the thoughtless clamour for 'no rights at all' to other than Europeans, the cry of the Uitlanders still rings out clearly in many a bereaved English home. Happily for the Rand, there are many men of worth and wealth who will not permit prejudice to override a strict sense of justice.

We congratulate our contemporary on its fearless independence of thought and for daring to be just, and wish it every success.

Indian Opinion, 24-12-1904

276. YEARLY BALANCE-SHEET

A merchant who does not take a review of his position from year to year would be considered a fool. A missionary hymn-book advises us to "count our blessings one by one" and see how much the Lord has done for us. We would, therefore, be following a good precedent and be strictly orthodox if we attempted a short review of the position of our countrymen in South Africa which has rendered our existence necessary. We, however, regret that we cannot "count many blessings" for our countrymen in this sub-continent and will have to be satisfied with softening the harsh appearance of the dark clouds around us by drawing attention to the silver linings here and there.

To commence with Natal, the position remains much the same as before so far as new legislation is concerned. But the tendency of the working of the anti-Asiatic measures has been decidedly towards restriction bordering often on harshness. The new Immigration Act continues to give a great deal of trouble to the people. The supervision of the incoming vessels bringing Indian passengers is far stricter than it used to be. The interpretation of the term "domicile" has been much narrowed and many deserving Indians, although they have been in the Colony before, are being shut out. The Dealers' Licenses Act has given, and is still giving, a great deal of trouble. The Hoondamal case is still fresh in the memory. A merchant of long standing, having first-class European custom, trading in a store decently kept, has been persecuted for daring to remove his store from one place to another, only a few doors away, for the reason that the change has been made to West Street, which the Town Council wishes to reserve not for European trade but for European store-keepers only. The issue between the Town Council and the Indian community has not yet been decided. The matter is under review by the Supreme Court. But it is abundantly clear that the Natal Licensing Act, if it is to give any peace to the Indian community, must be changed so as to restore to the Supreme Court its inherent powers to review all judicial decisions given by any officer whether he is called a Magistrate or a Licensing Officer. The condition of the indentured Indians now and then calls for remarks. The cases that have recently been tried in Ladysmith and to which prominent attention has been drawn by our contemporary,

The Natal Witness, require investigation. The question of the education of the Indian children in Natal is a most important one and, as the ex-Superintendent of Education, Mr. Barnett, has well said, they cannot safely be neglected if only for the sake of the white Colonists. Either the ordinary schools should be left open or new schools be established to give a suitable education to the Indian children. And here it may be remarked that it would be a desirable addition to the usual curriculum to require a knowledge of Indian languages. Interpretation that avails in the Colony is by no means satisfactory without the fault of the interpreters and it would be a cheap way of getting suitable interpreters to educate the Indian youths in Indian languages.

As to the Transvaal, it still continues to be the source of the greatest anxiety to the Indian community. Nothing there is yet settled. Law 3 of 1885 is being enforced rigorously. Indeed, the present Government have even gone beyond the Law. They have pressed into service the Peace Preservation Ordinance, which is purely a political measure, in order to keep the Indian out of the Transvaal. Even *bona-fide* refugees are prevented from entering the country. The case of *Habib Motan* v. *The Attorney-General* has given the Indian traders a sort of relief and has saved them from threatened extinction. But the victory in that case has given rise to a violent, aggressive and uninformed agitation against the British Indians in the Transvaal. It culminated in the now notorious anti-Asiatic convention which recommended drastic and un-English measures and supported them by inflammatory speeches. Mr. Loveday distinguished himself by making a speech which drew from the Chairman of the British Indian Association a sharp reply. Mr. Loveday tried to controvert the statements made by Mr. Abdul Gani. But he has been again baffled by that gentleman. He has sent to *The Star* a complete and categorical retort.[1] Thus, although the British Indian Association is often able to meet unscrupulous statements by true facts, the position remains acute. The people of Potchefstroom and other places have been advocating a boycott and wounding even the religious susceptibilities of the local Indians. In the meanwhile, precious time is being wasted by an ever shifting policy. Lord Milner has failed to be firm on the side of justice and has yielded away the rights of the British Indians to a clamorous and interested agitation. Happily, the Indian Government have shown firmness and it may be hoped that a reasonable solution of the difficulty will be arrived at before long.

The Orange River Colony has remained thorough. That it has also remained un-British does not concern its inhabitants. The war was waged for the Indians, among others. The Union Jack waves over Bloemfontein but it affords no shelter to the British Indian who is shunned like a Pariah.

At the Cape, one notices the curious phenomenon of separate legislation for separate parts of the Colony. Thus, an Indian in Cape Town

[1] *Vide* "Letter to *The Star*" dated "Prior to December 24, 1904".

enjoys the ordinary civic liberty. At East London, he may not walk on foot-paths, and the dependency of Transkei, he may not even enter. We firmly believe that this reactionary policy is a direct result of Lord Milner's Bazaar Notice in the Transvaal. Thereby, he let the world know that the British Indian was not to receive common protection of his rights. No wonder that the self-governing Colony of the Cape of Good Hope quickly copied the example so far as it could.

Such is the difficult position at the end of the year for the British Indian. But sweet are the uses of adversity. It damages more him who inflicts it than him on whom it is inflicted. A learned divine has said :

> It is good for a man to suffer the adversity of this earthly life, for it brings him back to the sacred retirement of the heart where only he finds that he is an exile from his native home.

Rightly used, therefore, the adversity we find ourselves in should chasten us and guide us aright. There is no cause for disappointment. Ours is to work away in behalf of what we consider to be right and just and leave the result to Him without Whose permission or knowledge not a blade of grass moves.

If we may be pardoned for saying it, we believe that the community has in *Indian Opinion* a friend and advocate that would not flinch. We have endeavoured to the best of our ability to serve our countrymen and believing, as we do, in the ultimate triumph of truth and justice and having faith in the good sense of the British people, dark as the cloud appears to be at present, we wish, with every hope of realisation, to our countrymen and all our other readers

A HAPPY NEW YEAR.

Indian Opinion, 31-12-1904

277. OUR TRIAL

In our last issue, we wrote about the present position of *Indian Opinion*. We also said that among those who work on it are three Englishmen. With a view to giving the readers a clearer idea of the recent step we have taken, we now propose to say who the three gentlemen are, what risks they have taken in joining our press and why they have done so.

One of them is Mr. West.[1] He is quite familiar with the work of a printing press, having had one of his own in Johannesburg. It fetched him a good income, and he had several hands working under him. When *Indian Opinion* was in real trouble, he got ready within 24 hours, gave

[1] Gandhiji first met Albert West at a vegetarian restaurant in Johannesburg. Coming of peasant stock from Lincolnshire, West had an ordinary school education. Later, he went to work with Gandhiji at the Phœnix Settlement, of which his wife, mother and sister, Miss Ada West, also became inmates. Was arrested during the passive resistance movement. *Vide Autobiography* Part IV, Chapter XVI, *et seq*.

up his own business and arrived here.[1] Now he takes from us just enough for his bare needs,[2] but stays on with us in the faith that there will be profits eventually. He toils away from morning to evening looking upon the work as his own.

Mr. Kitchin[3] is another. He was an electrical contractor, had a firm of his own and used to earn much. He was greatly moved on learning of the step recently taken. He felt that the objectives of *Indian Opinion* were worthy. As he does not seek mere money and will be satisfied with what he can get from the press for his upkeep, and also because living in Phœnix is simple, cheap and interesting, he has joined us having given up his own business.

The third is Mr. Polak.[4] He is at present the Assistant Editor of the newspaper, *The Critic*,[5] and draws a good salary. Since he is a man of much simplicity and believes that he can freely express his feelings against oppression through *Indian Opinion*, he has informed his chief of his intention to resign, and he will arrive here towards the beginning of next year. Meanwhile, he has started writing for this journal. Many [of our readers] must have read a full report, written in English by Mr. Polak, of a big anti-Indian meeting held at Potchefstroom. He also wrote an account of the late President Kruger's funeral.

To our knowledge all the three Englishmen are good, capable, and selfless men. When people of another community do so much for us, we must surely wonder what we are ourselves doing for the venture. Everyone who has a desire to help can do so according to his capacity and without incurring expense. Our work cannot be achieved single-handed.[6] We must look upon this paper as belonging to all Indians, and only if we work in that spirit shall we succeed.

[From Gujarati]
Indian Opinion, 31-12-1904

1 The press was set up at Durban and later moved to Phœnix in 1904.

2 To start with, his salary was fixed at £10 a month with a share in the profits. However when it was found that the enterprise was not self-supporting and was moved to Phœnix, £3 was laid down as the monthly allowance per head, regardless of colour and nationality.

3 A theosophist, Herbert Kitchin, edited *Indian Opinion* after Nazar's premature death. Lived with Gandhiji for a time and worked with him during the Boer War.

4 Gandhiji met Henry S. L. Polak also at the Johannesburg vegetarian restaurant. It was Polak who gave Gandhiji a copy of Ruskin's *Unto This Last*. Polak qualified himself to be an attorney at Gandhiji's instance and joined him in his work. Succeeded Kitchin as Editor of *Indian Opinion*. Visited India and England to help South African Indians in their struggle, and went to prison during the passive resistance movement.

5 *The Transvaal Critic*.

6 The Gujarati original has, "You cannot clap with one hand".

278. SOME MORE POTCHEFSTROOM INACCURACIES

We cannot allow certain statements, made at the Potchefstroom meeting, recently reported[1] in our columns, to pass unchallenged, as we consider it necessary to place before our European friends the true facts, so as to enable them rightly to understand the Indian position.

We would quote Mr. Loveday's own words with regard to the admission of Indians into the Transvaal.

> It was only after the arrival of the first Indian traders, and after the 1884 Convention had been substituted for that of 1881, that restrictive legislation was proposed.

Mr. Loveday would, therefore, make it appear that there were no Indians trading in the Transvaal before 1884, and that, therefore, Indians were not contemplated when the Convention was drawn up.

It is, nevertheless, a fact that Indians were contemplated in the working of the Convention, and that Indian merchants were trading in the Transvaal in 1881 and 1882 and, consequently, before 1884. Mr. Loveday's "facts" are thus vitiated, in this respect at least. Moreover, as Mr. Gani has pointed out in a letter to *The Star*,[2] Law 3 of 1885 was passed owing to very grave misrepresentations on the part of a large section of the white population. It will scarcely be denied that such statements as the following,

> the dangers to which the whole community is exposed by the spread of leprosy, syphilis,[3] and the like loathsome diseases engendered by the filthy habits and immoral practices of these people . . .

and also,

> as these men enter the state without wives or female relations, the result is obvious. Their religion teaches them to consider all women as soulless, and Christians as natural prey;

are scarcely in accordance with our normal sense of what is fair and just representation.

It is needless trouble to refute such imputations as those that we have quoted.

Mr. Loveday, then, as we have said, has been guilty of sins of omission and of commission, and it ill became him to attempt to draw the red herring of personal abuse across the trail.

As for the matter of Arab traders spending no more than £40 per year, it is incorrect to say that an Indian merchant spends no more than £40 a year. If, as Mr. Loveday says, he has five assistants, as is not infrequently the case, each at £24 per annum, that must be an initial expense of £120 per annum, exclusive of his own trade expenses, personal

1 *Vide* "The Potchefstroom Meeting", 17-12-1904.

2 *Vide* "Letter to *The Star*", dated "Prior to December 24, 1904".

3 *Vide* however, the same quotation at p. 318, *supra*.

expenses, rent and rates. In any case, we do not, from experience, expect Mr. Loveday to accept Mr. Gani's challenge.

In another article,[1] we have already dealt with the number of Indians now in the Transvaal, and the question of their alleged continuous arrival in the Colony. We need only remark that we have the authority of the Chief Secretary for Permits that Mr. Loveday's "facts" are wrong. In referring to the number of stores *in Pretoria*, Mr. Loveday was careless enough to remark that they had increased enormously. It is a fact that, since the war, they have decreased by some *thirty per cent*, the number of white stores having increased in at least a similar proportion — *in Pretoria*. The Location is quite another matter, and the subject should not have been dragged in by the hair of the head, for the purpose of creating fictitious impressions. If, then, Mr. Loveday is wrong as to matters relating to his own town, how can he be expected to know the facts concerning other towns of the Transvaal, concerning other Colonies of South Africa, concerning India itself? We propose to deal in a further article with the charge of untruthfulness levelled against the Indian, and endeavour to show that men, perfectly qualified to give an opinion on such a matter, — which, we submit, with all due deference, Mr. Loveday is not — hold very different views.

Mr. Loveday stated that the Crown Prosecutor in India had certain powers of re-trying prisoners, quashing sentences, and taking cases to higher courts, because perjury in India was looked upon as the proper thing. Apart altogether from the question of perjury, it will no doubt surprise Mr. Loveday to learn that the Crown Prosecutor in India has no greater powers than the Attorney-General of the Transvaal and, in fact, his powers are not nearly so wide.

But Mr. Loveday has so far left his information undigested as to omit to mention the cardinal fact that many of these Crown Prosecutors have been and are Indians. That is an important and a significant omission.

Referring now to the franchise of the Indian, it is a fact that he does possess a very definite franchise. Almost every town of importance in India has its Town Council or Local Board, partially or wholly elected by the rate-payers, the majority of whom are Indians. There is, therefore, the municipal franchise to begin with. There is also an indirect political franchise, in that some of the members of the Legislative Councils of the different Presidencies are elected by the members of the Corporations, who themselves are directly elected by the tax-payers. Hence we are quite within our rights in using the expression "Indian franchise". Therefore, also, Mr. Loveday was, as usual, inaccurate in stating that, in India, "there were no forms of representative institutions, and that all present knew the Indian was governed by military rule, aided by religion and caste". As to there being no social intercourse between Indian and white, Mr. Loveday forgets the great viceregal and Governmental receptions,

[1] *Vide* "Letter to *The Star*" dated "Prior to December 24, 1904".

கடவுளருளே

இந்தியன் ஒப்பினியன்.

சனிமோகுமுறை பிரகடனிக்கப்படும்.

கேட்டாம் பீளிக் கம். 1905ஆந்து ஜனவரிமீ 7உ சனிக்கிழமை

பதிராதிபருக்கு மனு.

குறைதீர்க்கும் மனுவும்-கையொப்பமும்.

| | | |

CWMG - IV

ઇંડિઅન ઓપિનિઅન.

પુસ્તક ૨. ફીનીક્સ—શનીવાર, તારીખ ૭ મી જાનેવારી, ૧૯૦૫. અંક ૩૨.

અઠવાડિક પંચાંગ

તારીખો—તા૦ ૭ ઓક્ટોબરથી, તા૦ ૧૩ જાનેવારી સુધી, ૪૦ સ૦ ૧૯૦૫

હીંદુ—પોષ શુદ ૨ થી, પોષ શુદ ૭ સુધી, સંવત ૧૯૬૧.

મુસલમાની—તા. ૩૦ મી સવાલથી, તા. ૫ મા સવાલ સુધી ૧૩૨૨ હીજરી.

વાર.	દિવસ કલાક.	દિવસ મીનીટ.	રાત્રી કલાક.	રાત્રી મીનીટ.	સુર્યોદય સ. મી.	સુર્યાસ્ત. ક. મી.
રવી...	૯	૨	૩૦	૫૬	૫૬	૫૮
સોમ...	૯	૩	૧	૫	૫૬	૫૮
મંગળ...	૯	૪	૨	૬	૭	૦
બુધ...	૯	૫	૩	૭	૭	૦
ગુરૂ...	૧૧	૬	૪	૮	૭	૦
શુક્ર...	૧૨	૬	૫	૫	૬	૫૯
શનિ...	૧૩	૭	૫	૫	૬	૫૯

નાતાલની ઉજવણીને લગતા ખાસ સ્ટીમરો

સ્ટીમર "અબદુલ્લા" તારીખ ૧૪ જાનેવારી તથા "અબદુલ્લી" તા. ૫ મી ફેબ્રુવારી દરમ્યાન ઉપડી પરણારી કોલ ખેપથી કલકતા ઉપડશે, ખાસ ખાસને વાસ્તે રીઝર્વેશન એજંટો ફ્રાન્સ અને સન્સ, ડરબન, કેલસ્ટન લીમીટેડ વેસ્ટ સ્ટ્રીટમાં, તપાસ કરવી અથવા તે લખવું. ડાલ્બોથી સ્ટીમરો ઉપડશે.

ચિટીશ ઈંડીયા સ્ટીમ નેવીગેશન કંપની.

કરેક મુસ્સ ગોવા મુંબાઈ તરફ જાય છે ને ડેલાગોઆબાયે, બેરા, અને ઝાંઝીબાર આગળ જંદર કરે છે.

વધારે ખબરને વાસ્તે ડબલ્યુ, ડન, અને કંપનીને ત્યાં તપાસ કરવી.

ડેલાગુ કમરશિઅલ રોડ, ડરબન.

નોટીસ.

અમારા ઘરાકોને તથા વંચનારાઓને ખબર આપવામાં આવે છે કે અહાર પ્રેસ ૪ઠીનિસ્ત ૪૪ જગાએ આપ્યું છે અને ૪૯૭૭ નોટીસ પ્રસાદ્ધ કરવાથી તેમના પત્ર ઉપર તુરત ધ્યાન દેવામાં આવશે.

ઇંડિઅન ઓપિનિઅન.

શનીવાર, તા૦ ૭ જાનેવારી ૧૯૦૫.

કરારનામામાં આવતા મજુરોની સ્થિતિ.

કરારનામામાં આવતા હિંદી મજુરોની એટલે સાધારણ વર્ગનાં કહેવાતા ગીરમી ટીઆની સ્થિતિ વિશે વારંવાર ફરિયાદ આવે છે, અને તેઓ બહુ કંગાળ હાલતમાં હોય છે, તેમ તેમની દાદ ફરિયાદ પર પૂરતું ધ્યાન અપાતું નથી, એમ મનાય છે. કરાર નામાની મુદત પુરી કરી તેઓ આવેલે, એટલે થોડી પણ મુલામગીરી કરવા તેઓ બંધાયને આવે ૮. હિંદુસ્થાનમાં અતિશય મરીબાઇ છે, તે સાથે બેમારી વધતી જાય છે, એટલે લાખો અને કરોડો આદમીઓ પોતાનો નિર્વાહ મહામુશ્કીલતાથી કરે છે; તેમાં જ્યારે વરસાદ અને રોગથી નુકસાન થાય છે ત્યારે તો હદ વળી જાય છે, અને લાખો ગરીબ આદમી ઘરબાર વગરના થઇ જાય છે, અને પેટની વેદ કરવા ગમે તેવી સખત મજુરી પણ સમજણ કે બીજવાણી કીંમતની બતાવ્યા વિના દુર દેશ બોલા જેટલું પણ મળવાની આશાથી અમે તેવું કામ કરવા દસ્તાવેજથી બંધાઇ નીકળી પડે છે. એકવાર કામ પડયા અને સવાર સાંજ દરરોજ બાવો મજુર પ્રતીજ તેમને તેમની સ્થિતિનો કોઇ ખ્યાલ આવે છે. આવા અનાથ અને કંગાળ લોક પર દયાથી વિશેષ સખ્તાઇ નહિ વપરાય, અને તેમને કાંઇકપણ સુખાકારી અને દેખરેખનો લાભ અપે એવા ઇરાદાથી નામદાર હિંદી સરકાર, જે સરકાર એવા મજુરોને મોકલાવે છે તેની સાથે ખાસ સરત કરે છે કે મજુર બંગાવનાર સરકારે એક સારો અમલદાર રાખવો કે જેની આજ્ઞા પોતાનાં દુઃખ હોય તો તે મજુરોરડે, અને જેની શકે તેમ તે અમલદાર મજુરોની અરજદાસ કરે અને તેમનો હડહડતો ઝેરબનસાફ થવા નહિ દે. હિંદી સરકાર આવી ખાસ સરત કરે છે એટલુજ નહિ, પણ એમ પણ તજવીજ રાખે છે કે તે અમલદારે દર વરસે કરારનામામાં આવતા તમામ હિંદીઓની સ્થિતિ વિશે વિસ્તારવાર ખબર મોકલવી, કે તેમની બાતરી થાય કે મજુરી કરવા ગયેલા લોક સુખાકારીમાં તેમજ બરજુપોષણ કરે છે. જ્યાં જ્યાં કોન્ટ્રાક્ટથી મજુરો કામ કરતાં હોય ત્યાં ત્યાં તે અમલદારે અને જાત પડતપરછ કરવી, તેઓની સમજણ તપાસવી, અને કાંઇપણ ખોટકાતું જણાય તો તે સુધરાવવી—અર્થાત, હુંકમી મજુરોના બેલી તરીકે વર્તવાની અમલદારની ફરજ છે, અને તે સંતોષકારક રીતે અદા કરે છે તેમને સરકારે જોવું એવી સમજુતી છે. આ પરથી હિંદી સરકાર મજુરોની બાબતમાં પણ કાળજી રાખે છે એમ સાફ જણાય છે. હવે, આટલી કાળજી છતાં શું આતમાં જણ્યું તે પ્રમાણે રાવ છે. તો કારણ તપાસવાં જોઇએ. અમારી બાતરી છે કે એ કાંઇ આપે બોઅર સરકારના ધ્યાનમાં નહિ હોય, અને તે સ્પષ્ટ બતાવી હોય તેં, કદાચ બ્રિટિશ સરકાર તે બોઅ બનતી તરાથી જલદ સુધારે. એટલે, જે અગવડતા હોય તેના કારણ તપાસવાં અને માલમ પડે તો તે પર સરકારનું ધ્યાન ખેચવું કે જેથી બસ તેવા મટાડવા તજવીજને માટે—અમે કરવાની આપણી ફરજ છે.

આજ કાંઇ કેટલાં વરસ થયાં દુરદેશ હિંદીઓને દુરદેશ મજુરી કરવા કરાર નામાંમાં બંધાઇ જવા દે છે એ સહુ કોઇ જાણે છે કે આ દુરદેશ બ્રિટિશ રાજનો ભાગ છે, એટલે, બ્રિટિશ અમલવાળા દેશોબીજ હિંદી મજુરોને જવા દે છે. જર્મનિ વિગેરે દેશોએ હિંદી સરકારને મજુરો પોતાનાં રાજ્યમાં જવા દેવાની અરજ કરીહતી, પણ તે સ્વિકારી નથી. તેનું કારણ એમ બતાવાય છે કે મહોટાં પર-રાજ એકવાર હિંદી સરકાની સરતો તારે તો તેથી રાજકારભારમાં બહુ અગવડ નડે, અને વધતી દેખરેખ રખાય નહિ. આપણ એક જમાનાની બ્રિટિશ્વારી છે, કે યુરોપનાં મહેનતાં રાજબોજ મજુરો મેળવવા તજવીજ કરે છે; અને આમ તજવીજ કર વાનું કારણ એ કે યુરોપિઅનો સ્વયે ધાડા સંબંધમાં આવતાં મુલકોમાં ગુલામગીરી તદન નાબુદ થઇ ગઇ છે. મહેનતુ મજુરો વિના દેશની આબાદી થાય નહિ (અને તેથીજ દુરદેશના બોલમાં મજુર એક મરોડ પાત્ર છે). દુનિયાનો નિયમ એવો છે કે માણસ બરબાદપણું પોતાની ઉપર બિતાયેથી કરી શકવા સમર્થ થાય છે એટલે તેને મહેનત મજુરી સીવાયના કામ સારૂ કરવા કહ્યાન નથી. જે પરથી ગુલામગીરી નાબુદ થઇ, અને

where both sections of the community commingle, and such functions as the balls given by the Maharaja of Kuch Bahar,[1] where white and Indian meet on equal terms. But this is all beyond the mark, for the Indian community in South Africa does not desire and has never demanded social intercourse with the whites, believing it to be unnecessary and inadvisable, for many reasons.

Certainly Indians are entertained at officers' messes, as witness the case of Colonel Sir Pertab Singh, the King-Emperor's personal friend and aide-de-camp. Certainly, also, white soldiers salute the higher ranks of Indian officers.

The question of a bastard race, resulting from intercourse between whites and Indians, was also brought forward, for obvious reasons, at the meeting. It does not require to be said that anybody with the faintest knowledge of Indian life and Indian customs would never have dreamt of bringing forward such an argument as this, and we will not labour the subject.

We have one word to say, however, with regard to Mr. Loveday's contemptuous reference to Sir M. M. Bhownaggree :

> The people at Home had so far forgotten themselves that they had actually elected a black man to the British House of Parliament; they, in this country, would never do it, they would not so far forget their colour,

said Mr. Loveday. But what can we say to so ungentlemanly a remark? We think that the electors who sent Mr. Dadabhai Naoroji to Parliament, despite the gibe of the late Lord Salisbury, fairly represented the accumulated statesmanship of some forty millions of British people. We have but one more inaccuracy to refute. Mr. Sampson stated that Indians made chairs and tables in their own houses in Johannesburg, and sold them on the open market, in competition with the goods of white manufacturers. This is, bluntly, untrue. There are no Indian artisans in Johannesburg working on such a scale as this. Surely, the absurdity of such a statement is self-evident enough.

The above statement reminds us of the story of a merchant who, one day, said to his traveller : "Get business, honestly, if you can, but get business". A similar idea seems to have prevailed amongst the speakers at the Potchefstroom meeting. It was as though they had said to each other: "Create a strong anti-Indian feeling, honestly, if you can, but create it!"

Indian Opinion, 7-1-1905

[1] Cooch Behar, a small former state in north-eastern India, now merged in Assam.

279. MR. KLEINENBERG AND MR. ABDOOL GANI

We have carefully examined the columns of our esteemed contemporary, the Johannesburg *Star*, and, so far, have failed to observe that Mr. T. Kleinenberg has written his acceptance of the challenge thrown out by the Chairman of the British Indian Association. We shall be glad to learn if Mr. Gani's opponent intends to avail himself of the opportunity given to him to refute the statements made at the Indian mass meeting. It seems to us to be most unfair, not only to Mr. Gani and to the public at large, but to Mr. Kleinenberg himself, for the latter to leave the matter where it now stands, and we are sure, knowing what an honourable man Mr. Kleinenberg is, that he has no intention of passing over the challenge issued by Mr. Gani. We have no doubt whatever but that, if Mr. Kleinenberg finds that he has made a serious error in endeavouring to rebut the facts given by Mr. Gani, he will have the moral courage to acknowledge the correctness of the figures that Mr. Gani gave, and to withdraw his own statement. Mr. Gani himself has publicly stated his willingness to make the *amende honorable*, should he be found to be in fault. That being the case, we see no reason whatever why a matter, so easily settled by facts offered or rebutted by either side, should not assume some sort of finality at as early an opportunity as is feasible.

Indian Opinion, 7-1-1905

280. POTCHEFSTROOM CHURLISHNESS

Even the business people in Potchefstroom, who have only a remote and temporary connexion with the place, are either infected with its unreasonable anti-Indian prejudice, or are being intimidated into the commission of acts of which, in their freer moments, they would be heartily ashamed. An esteemed correspondent informs us that the insurance agents have, suddenly and without notice, withdrawn their fire policies from the Indian merchants. We have never heard of such an instance anywhere else. We are informed that the petty agents, who have succumbed, as we have said, either to local prejudice or to intimidation, represent world-famous insurance companies, and we should be very much surprised if the stupid and unbusinesslike action of their agents be sanctioned by the head officers of these companies. We only hope that both the agents and the managers at headquarters will see these lines, and we strongly advise the Indian merchants concerned to make representations at headquarters. The policy that Potchefstroom is developing in this matter is un-British in the extreme, and it remains to be seen how far it will be endorsed in other parts of the Transvaal.

Indian Opinion, 7-1-1905

281. THE PLAGUE

News has been received of two whites in East London who have had an attack of the plague. The weather is hot, rainy and favourable to an outbreak of the epidemic. As one of our correspondents says, we have not yet become vigilant about the matter. Dr. Murison[1] is very sympathetic and ready to help us. It is, therefore, our duty to avail ourselves of his good offices. If, out of sheer selfishness or indolence, we fail to do what we ought to, we are afraid we shall have to repent later on. It is very necessary to appoint a committee, and, as on the previous occasion, inspect residential quarters and try to the utmost to remove all filth, wherever found. We hope our leaders will take immediate steps in this direction.

[From Gujarati]

Indian Opinion, 7-1-1905

282. SPEECH AT OPENING OF LIBRARY IN DURBAN

The following is a report of Gandhiji's speech at the opening of a library in Durban, started in memory of Shri Lallubhai, the founder of the Natal Sanatan Dharma Sabha.

[DURBAN,
January 10, 1905]

While making a few important suggestions to the organisers of the Library, Mr. Gandhi said that, in a big city like Durban, where there was a large Indian population, a good library was indeed necessary; and to meet that need leading citizens and businessmen of Durban had, some years earlier, made great efforts, and a library known as the Diamond Jubilee Library[2] was started in commemoration of the event. But later, for lack of sufficient care and supervision, it was closed down. He hoped that the new Library would not be reduced to a similar condition but that it would improve from day to day, that the organisers would keep up their present enthusiasm and continue their efforts to ensure its permanent existence.

Mr. Gandhi then made some valuable suggestions regarding the selection of books and the hours during which the library should be kept open. He exhorted the public to visit the library, particularly on Sundays, sit amidst the books, those mute, noble friends, and study them to profit.

1 Medical Officer of Health, Durban.

2 *Vide* Vol. II, p. 320. The furniture and books of the Diamond Jubilee Library were made over to the new Library.

He closed his address with a few words about *Indian Opinion*, and the library was then declared open.

[From Gujarati]

Indian Opinion, 14-1-1905

283. LETTER TO G. K. GOKHALE

21-24 Court Chambers,
Corner, Rissik & Anderson Streets,
P. O. Box 6522
Johannesburg,
January 13, 1905

TO
The Honourable Professor Gokhale
Poona

DEAR PROFESSOR GOKHALE,

The existence of *Indian Opinion* you know. It has now embarked on a career when I think I may fairly appeal to you for active sympathy. I propose to write perfectly frankly, as you know me too well to misunderstand me. When I saw that Mr. Madanjit could not carry on the paper without pecuniary assistance and as I knew that he was guided by thoroughly patriotic motives, I placed at his service the bulk of my savings. That, however, was not enough. Three months ago I took over the whole responsibility and management. Mr. Madanjit still remains nominally the proprietor and publisher, because I believe that he has done much for the community. My own office is at present being worked in the interests of *Indian Opinion* and I have already become responsible to the extent of nearly £3,500. Some English friends, who knew me intimately and before whom I placed the scheme as described in the enclosed, took up the idea and now it is in full working order and, although it does not show the same measure of self-sacrifice as shown by the founders of the Fergusson College in Poona, I venture to think that it is not a bad copy. It has been a most delightful thing to me to see the English friends coming forward so boldly. They are not literary men but they are sterling, honest, independent men. Each of them had his own business or employment where he was doing well, and yet none of them had the slightest hesitation in coming forward as a worker for a bare living which means £3 per month, with a distant prospect of getting profits.

It is also my intention, if my earnings continue, to open a school on the grounds, which would be second to none in South Africa for the education primarily of Indian children who would be resident boarders and, secondarily, of all who want to join the school but would also reside on the premises. For this, too, volunteer workers are required. It would

be possible to induce one or two Englishmen and English ladies here to give their lifetime to this work, but Indian teachers are absolutely necessary. Could you induce any graduates who have an aptitude for teaching, who bear a blameless character and who would be prepared to work for a mere living? Those who would come must be well-tried, first-class men. I would want two or three at least but more could certainly be accommodated, and after the school is in working order, it is intended to add a sanatorium with open-air treatment on hygienic lines. My immediate purpose, however, is in connection with *Indian Opinion*. If you approve of all I have said regarding it, will you kindly send a letter of encouragement to be sent to the editor for publication; also if you could spare a few moments, occasionally write an article ever so small for it? I am also anxious to secure either honorary or paid correspondents who would contribute weekly notes in English, Gujarati, Hindi and Tamil. If it becomes expensive, I might have to be satisfied with only English correspondence which would lend itself to being translated in the three Indian languages. Could you recommend any such correspondent or correspondents? The weekly notes should give an idea of what is being done on your side with reference to the Indian question, giving extracts from notices of the question in the newspapers, and should contain matters that are likely to be interesting to the Indians in South Africa. You may at your discretion disclose partly or wholly the contents of this letter in so far as such a course may be necessary in the interests of the subject-matter hereof. I hope you are keeping good health.

I remain,
Yours faithfully,
M. K. GANDHI

1 Enclosure

Servants of India Society.

284. THE TRUTHFULNESS OF THE INDIAN

There seems to be a very general impression current that truthfulness, the outward manifestation of the eternal search after Truth, is a virtue entirely foreign to the nature of the inhabitants of India. Room is not left for the possibility of misunderstanding, allowance is not made for the probability of wrong comprehension, but the Indian is set down at once as a scamp, a rogue, a lying vagabond — all said, as a human being destitute of every vestige of honour.

Little or no differentiation is made between the Indians who have come to this country. All are classed indiscriminately as "coolies" or "Arabs", and all are stigmatised as actual or potential liars. It is forgotten that, generally speaking, there are two main classes of Indians in South Africa, the first being the indentured labourer class, and the second being the trading class. As often as not, the indentured Indian is of low caste, and, consequently, once removed from his accustomed surroundings,

and the moral restraints of his place of residence in India, he is liable to fall, in exactly the same way as any other human being situated in similar circumstances, from the ethical standard that he had set up for him when in India. We cannot do better than quote the following from a widely circulated pamphlet :[1]

> Everyone I have met with in the Colony has dwelt upon the untruthfulness of the Indians. To a limited extent, I admit the charge. It will be very small satisfaction for me to show, in reply to the objection, that other classes do not fare much better in this respect, especially if and when they are placed in the position of the unfortunate Indians. And yet, I am afraid, I shall have to fall back upon argument of that sort. Much as I would wish them to be otherwise, I confess my utter inability to prove that they are more than human. They come to Natal on starvation wages (I mean here the indentured Indians). They find themselves placed in a strange position and amid uncongenial surroundings. *The moment they leave India* they remain throughout life, if they settle in the Colony, without any moral education. Whether they are Hindus or Mahomedans, they are absolutely without moral or religious instruction worthy of the name. They have not learnt enough to educate themselves without any outside help. Placed thus, they are apt to yield to the slightest temptation to tell a lie. After some time, lying with them becomes a habit and a disease. They would lie without any reason, without any prospect of bettering themselves materially, indeed, without knowing what they are doing. They reach a stage in life when their moral faculties have completely collapsed owing to neglect.... Are these men, then, more to be despised than pitied? Are they to be treated as scoundrels, deserving no mercy, or are they to be treated as helpless creatures, badly in need of sympathy? Is there any class of people who would not do as they are doing under similar circumstances?[2]

With regard to the trading classes, we absolutely deny that the Indian trader is more prone to falsehood than any other trader of any other race. Probably, he is less addicted to untruthfulness than most, for, not having so many luxurious habits as his competitors of a more complex civilisation, he has, therefore, not such great incentives to "lie for the benefit of the firm".

And here we make bold to assert that it is an unfortunate characteristic of the less cultured Englishman that, when he is brought into contact with what is strange and to which he is unaccustomed, he does not endeavour to investigate its nature, but spurns it contemptuously, as something foreign to his own outlook upon life, and he attributes to it every evil thing that can be imagined.

We think that, at this juncture, it would prove useful to hear what some very eminent white men have said publicly with reference to the truthfulness of the Indian.

Thus, Sir George Birdwood, a very experienced Anglo-Indian, says:

> Moral truthfulness is as marked a characteristic of the Settia (upper) class of Bombay as of the Teutonic race itself. The people of India, in short, are

1 *Open Letter*, December 1894; *vide* Vol. I, pp. 142-63
2 *ibid.*, p. 157-8.

CWMG - IV

> in no intrinsic sense our inferiors, whilst, in things measured by some of the false standards — false to ourselves — we pretend to believe in, they are our superiors.[1]

Mr. Pincott says :

> In all social matters, the English are far more fitted to sit at the feet of Hindus and learn as disciples than to attempt to become masters.[2]

And truth is certainly a social virtue.

Elphinstone says :

> No set of people among the Hindus are so depraved as the dregs of our own great towns.

Sir John Malcolm says :

> I have hardly ever known, where a person did understand the language, or where a calm communication was made to a native of India, through a well-informed and trustworthy medium, that the result did not prove what had at first been stated as falsehood had either proceeded from fear or from misunderstanding. I by no means wish to state that our Indian subjects are more free from this vice than other nations that occupy a nearly equal position in society, but I am positive that they are not more addicted to untruth.

Sir Chas. E. Elliot, K. C. S. I., Lieutenant-Governor of Bengal, writing in his book, *The People of India*, says:

> The natives of India are often said to be altogether ignorant of the truth. I have not found them so. In Court, no doubt, far from the public opinion of their own village, bribed or interested witnesses are guilty of amazing flights of perjury. But in their own villages, among their own people, I have seldom known them tell a lie, even when the truth was to their own prejudice.

Professor Max Müller said that he had been repeatedly told by English merchants that

> commercial honour stands higher in India than in any other country, and that a dishonoured bill is hardly known there.

He says elsewhere:

> In their punchayets, (Colonel) Sleeman tells us, men adhere habitually and religiously to the truth, and 'I have had before me hundreds of cases', he says, 'in which a man's property, liberty, and life have depended on his telling a lie, and he has refused to tell it'. Could any English judge say the same?

Professor Max Müller points out, with Colonel Sleeman, that whoever is ignorant of the life of the Indian village communities, as is practically every Englishman, is absolutely unqualified to give any opinion regarding the social and ethical virtues of the Indian, for "all the native virtues of the Hindus are intimately connected with their village life".

We think that we have quoted sufficiently from men able, from experience, to give a just opinion, to prove the utter falsity of the general charge of want of veracity levelled at the Indians. Where there is any lapse from strict adherence to accuracy of fact, it is but too often due to

1 *ibid.*, p. 155.
2 *ibid.*, p. 156.

the Indians having been removed from all sources of moral control. Indeed, Sir George Campbell is quoted as saying that "the longer we possess a province, the more common and grave does perjury become".

We will conclude with one brief reference to the recent mass meeting at Potchefstroom. Mr. Loveday had much to say concerning Oriental duplicity, falsehood, and cunning, and he even quoted Lord Macaulay as saying, with regard to Clive, that it was "unquestionable that the duplicity of India had left its stain upon his (Clive's) character".

Now, we beg to point out that Macaulay, of all historians, is no longer read for his accuracy or his strict adherence to the simple facts of the case, but rather for his literary style and merit. However, since Lord Macaulay has been quoted, we make no apology for reproducing the following words of his, which apply now, to-day, and for all time, so long as India and England are linked together:

> We shall never consent to administer the *pousta* to a whole community, to stupefy and paralyse a great people, whom God has committed to our charge, for the wretched purpose of rendering them more amenable to our control. What is the power worth, which is founded on vice, on ignorance, and on misery — which we can hold only by violating the most sacred duties which, as governors, we owe to the governed, which, as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by three thousand years of despotism and priestcraft? *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.*[1]

Indian Opinion, 14-1-1905

285. INDIAN NATIONAL CONGRESS AND RUSSIAN ZEMSTVOS[2] *A COMPARISON: 1*

The Indians resident in London, together with their European friends, gave a dinner in honour of Sir William Wedderburn and Sir Henry S. Cotton at the Westminster Palace Hotel on November 29, 1904, before their departure from that city. Prominent people were invited to the function, and speeches were made. In his speech Sir Henry Cotton made a brief comparison between the Indian National Congress and the Russian Zemstvos. From a perusal of a later report, this analogy gives rise to a number of thoughts.

Every Indian knows in general and ought to know, if he already does not, what the Indian National Congress is, its origin, its function and its influence on the people as well as on the Government. It is now twenty years since the Congress was founded. The first session was held

1 *Vide* Vol. I, p. 161.

2 Local territorial assemblies in Russia regulating the affairs of the districts. They were abolished by the Bolsheviks in 1917.

in Bombay; and such was the enthusiasm, insight, perseverance and courage of our Indian leaders of the time that far-sighted persons felt convinced that the association would certainly be able to breathe new life into this country. It is particularly necessary to remember this origin of the Congress. Lord Dufferin believed that such a body should be founded. He talked about it to Mr. Hume; the idea was very much to the latter's liking and, as a result of his consultations with prominent public men in India, the Congress was ultimately founded. It is necessary to bear this fact in mind, as it would be useful to us in refuting the numerous charges levelled against the Congress by its enemies. The founding of the Congress caused great alarm particularly in the minds of the autocratic, short-sighted and haughty officials. For they foresaw that the Congress would grow in strength day by day; that, looking upon the Congress as their very mother, the people would express their thoughts and feelings fearlessly at its sessions; and that, consequently, autocracy and arrogance would no longer have their way unchallenged. They were afraid and began to raise an outcry through their Press and made all sorts of unbecoming charges against the loyal Congress, hoping that as a result its life would be cut short. These officers and their journals began heartily to abuse Congress leaders and tried to show that it was a seditious body and that, if the Government did not suppress it, the organisation would prove dangerous to the state. The battle of arguments carried on during Lord Ripon's[1] regime, however, opened their eyes and proved that not only could Indians understand their own interests, but that they could also formulate honest plans for the advancement of their country. On the establishment of the Congress these thoughts recurred to the officials with the same intensity, and pressure was brought to bear on the Government. Moreover, with a view to creating internal dissensions in the Congress, the Hindu-Muslim question was raised and attempts were energetically made to foster disunity within the ranks of the Hindus and of the Muslims by creating distinctions as between Bengalis, Punjabis and Madrasis, etc. In a short time, these obstructionists raised such a clamour that it influenced even a sound statesman like Lord Dufferin, who, speaking at the St. Andrew's Dinner before leaving Calcutta, won Anglo-Indian applause by venting his spleen upon the Congress. It is no doubt true that, when the late Mr. Bradlaugh[2] expressed his opinion on this subject, Lord Dufferin had thought it fit to write to him [in order to clarify his speech]. But that is another story. What we have at present to consider is just this: that, in spite of such difficulties, our leaders did not lose heart, but went on calmly doing their duty. And thanks to

1 Lord Ripon, Viceroy of India and Secretary of State for the Colonies, 1880-4.

2 Charles Bradlaugh, (1833-91), well-known public worker, Member of Parliament, and an avowed atheist. He evinced a keen interest in Indian affairs and drafted, in 1889, a Bill for the reform of the Indian Councils. He attended the third session of the Congress held in Bombay in 1889. While a student in England, Gandhiji attended Bradlaugh's funeral.

their efforts, the time has now come when even the enemies of the Congress have to admit its strength, and haughty officials have to pay heed to its suggestions.

[From Gujarati]

Indian Opinion, 14-1-1905

286. PLAGUE AND LIQUOR

The Punjab Government Report on liquor states that many people in the Punjab have taken to drink out of a dread of plague, and there has consequently been a great increase in the excise revenue from liquor. The Report, moreover, states that the epidemic has broken out more virulently and casualties have been more numerous in places where people took to drinking in the belief that liquor prevented plague infection, but that rather less harm was done by plague where people did not drink at all. Although this does not prove that abstainers are immune from plague, this much it does prove that drinking leads to utter ruin. Dr. Mellis, who was the Chief Medical Officer in the Plague Hospital in Johannesburg, is also of the same opinion, namely, that drinking does not check, but aggravates the plague.

[From Gujarati]

Indian Opinion, 14-1-1905

287. PLAGUE IN JOHANNESBURG[1]

JOHANNESBURG,
January 16, 1905

Plague seems to have broken out in Johannesburg. A few days ago, the son of a Muslim hawker in Sower Street caught the infection. His doctor informed the authorities on Saturday. On Sunday, he was removed to the Plague Hospital, the young man died to-day and has already been buried. No funeral rites could, therefore, be performed. Normally, the authorities would gladly have handed the body over for this purpose.

Once again the dark clouds are gathering. It will be to the great benefit of our people, if they bear in mind the following rules; otherwise, there would be immense harm. What is more, it might be used as an argument for enacting more severe laws against us.

1. No one should think that the Government will harass the patient after removing him to the hospital.
2. The Government should be immediately informed in case of a sudden attack of fever or asthma.

[1] This appeared as "From Our Correspondent".

3. A doctor should immediately be consulted.

4. Every one should stay where he is without becoming panicky.

5. Those who might have come in contact with a plague patient should not try to conceal the fact, but should come forward to have their clothes, etc., disinfected.

6. One should not, under any circumstances, have one's bedroom attached to the shop in order to save money.

7. One should not stock any goods for sale in one's house.

8. One should keep one's house scrupulously clean.

9. Every house or room should be well lighted and well ventilated.

10. One should sleep with the windows open.

11. The clothes worn by day as well as those used during the night should be kept clean.

12. The food taken should be light and simple.

13. Lavish dinners and feasts should be stopped.

14. Dry earth or ashes should be provided in latrines where buckets are used; and every one should, after easing himself, cover the night-soil thoroughly with these so that no flies sit thereon.

15. Lavatories and urinals should be kept clean.

16. The floor and other parts of the house should be washed clean with disinfecting fluid mixed in hot water.

17. No articles from an infected place should be used elsewhere without being properly disinfected.

18. More than two persons should not sleep in a room of normal proportions.

19. One should never sleep in the kitchen, dining room or the larder.

20. Walls should be plastered with cement in order to keep out rats. Care should, most of all, be taken to see that foodstuffs are kept beyond their reach.

21. Those who always work indoors should go out into the open air and walk a couple of miles daily for exercise.

[From Gujarati]

Indian Opinion, 21-1-1905

288. LETTER TO J. STUART[1]

21-24, COURT CHAMBERS,
CORNER, RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
January 19, 1905

J. STUART, ESQ.
RESIDENT MAGISTRATE
DURBAN

DEAR MR. STUART,

I venture to bring to your notice the journal, *Indian Opinion*, which has been now in existence for the last eighteen months. During that period I have been intimately connected with it. In my humble opinion, it is discharging a worthy mission in that it acts as an interpreter between the two great communities in South Africa. Its aim is Imperial and though it does and it must lay stress upon the grievances of the British Indians in South Africa, it often tones down the feelings of the Indian community, and it never fails to point out to it its shortcomings in the clearest possible terms, but now in its new garb and in its new abode, it represents much more. It represents a scheme which is briefly described in the enclosed,[2] and if it is at all successful, it may mark a revolution in business methods. Anyhow the fact that there are four independent Englishmen who were engaged in their own businesses, [who] have given them up in order to work for its realisation and that there is an equal number of Indians who have done likewise[3] cannot but commend itself to you. In spite, however, of this band of eight founders the scheme must depend upon public support for success. There are two ways in which, I venture to think, you could assist the enterprise. The first by becoming a subscriber and by occasionally writing for it either over your own signature or anonymously. The terms of subscription are 12/6 for Natal and 17/- outside Natal. The Offices are at Phœnix, Natal. If the object of *Indian Opinion* commends itself to you and you consider the scheme it represents worthy of support, will you kindly let me have a letter of en-

1 *Vide* Vol. III, pp. 549-50.

2 The document is not available; but it appears to have been the same as that which Gandhiji enclosed in his letter to Gokhale, on January 13, concerning the publication of *Indian Opinion* from Phœnix. That it was probably an off-print or a cutting of "Ourselves" from *Indian Opinion*, 24-12-1904, is borne out by Gandhiji's reference to it in his letter of December 10, 1904 to Dadabhai Naoroji.

3 Among the Englishmen were Herbert Kitchin, Albert West and Henry Polak, and among the Indians were Chhaganlal Gandhi, Maganlal Gandhi and Anandlal Gandhi, the last two having accompanied Gandhiji on his return to South Africa in 1902.

couragement which I may pass on to the editors for publication, apart from the two requests above made.

Yours faithfully,
M. K. GANDHI

PS.[1] I venture to think that you could write for the paper now and then on non-political matters.

M. K. G.

From the original: Courtesy, Miss Kellie Campbell, Durban.

289. INDIAN OPEN-HANDEDNESS — AND ITS SEQUEL

In another column of this issue will be found the published correspondence between the Potchefstroom Chief of Police and the Secretary of the Potchefstroom British Indian Committee, relative to a subscription from the latter body in support of a scheme for the establishment of a properly equipped fire-brigade. This correspondence passed some few weeks since, and it throws an interesting light upon a side of the Indian character that has been hitherto carefully ignored by the white residents of Potchefstroom. It is to be hoped that other journals will give wider circulation to the facts chronicled in these two letters, for it is eminently desirable that the attitude of the British Indian community in Potchefstroom should be properly understood by our opponents.

We learn that the Municipality found themselves unable to contribute the necessary funds in aid of the fire-brigade scheme, and, so far as we are aware, that scheme fell through.

But the point that we desire to make is this, that, at the time the proposal was made by Capt. Jones and accepted by Mr. Rahman, several of the Indian merchants, and those, too, who would have subscribed most largely to the fund, were already insured against fire.

We wish this to be very carefully understood in view of the sequel, for it throws the disinterestedness of the motives of the British Indian community of Potchefstroom in high relief against the somewhat gloomy background of Vigilance vindictiveness.

In our issue of January 7th, we drew urgent attention to the action of a fire-insurance agent in Potchefstroom in causing the cancellation, without notice, of certain policies that had been granted to British Indian merchants, covering their premises against the risks of fire, and that did not expire for several months to come. It transpires that this gentleman represents one of the oldest established fire-insurance companies in the world. At least six important merchants are affected, and their premises are no longer insured. We are told, upon the best authority, that this gentleman has, if not actually joined the Anti-Asiatic Vigilance Association,

[1] The postscript is in Gandhiji's hand, while the letter, possibly a circular addressed to influential persons, is typewritten.

at least been adversely influenced by that body of terrorists. The "fiery cross" has gone forth, and the world now knows that the white people of Potchefstroom have instituted a system of boycott that has, as one of its direct effects, the placing of the premises of inoffensive citizens in jeopardy, and that creates a serious risk to the Indian merchants of seeing the whole fruits of many years of hard, irksome toil consumed before their very eyes. Malignancy could go no further. With no fire-brigade at hand, these unfortunate people are now helpless, and at the mercy of any stray spark that the winds may carry along, or of any incendiary whose morbid Colour-madness may induce him to bring fiery ruin upon the head of the wretched owner of the first inviting store that may present itself.

We do not speak wild words of hysteria, for the danger is a very real one. The dastardly attempt at incendiarism in Potchefstroom, shortly after the virulent anti-Indian epidemic reached a crisis there, will still be fresh in the memories of our readers. We use the word "incendiarism", in this connexion, on the authority of the Chief of Police himself, and we regret to think that this courteous officer is not in a position to guard every store that is liable to attack in this cowardly way.

From the point of view of the fire-insurance company itself, the Indian stores in Potchefstroom should at least be as favourable a risk as those of the European traders, for, from our own intimate knowledge of them, the comparison between the stores of the two sections of the community would not be unfavourable to the Indians. Consequently, we are unable to find any grounds for the inexplicable action of the company in cancelling the policies. There could surely be no question of commercial integrity involved, or the traders affected would never have been granted policies. Moreover, they are all well-known merchants of established character, and even the most superficial inquiries would have revealed the fact that there could be no foundation for any imputation against their honour and trustworthiness.

The whole affair does not greatly redound to the credit of Potchef-stroom, and the scandal thus perpetrated places a stigma upon the fire-insurance company concerned.

It is our intention to call the immediate attention of the headquarters staff of the company to the matter. We are certain that its British sense of justice and of fair play will induce it to make the most stringent inquiries, and we have no doubt whatever but that an intolerable situation will be terminated as speedily as is possible in the circumstances.

Indian Opinion, 21-1-1905

290. INDIAN NATIONAL CONGRESS AND RUSSIAN ZEMSTVOS A COMPARISON:2

Every wise ruler is eager to know the real condition of his subjects, their happiness and their misery, and so are, more or less, our King-Emperor Edward and the Czar of Russia. Both of them have the same desire, but employ different methods. Fortunately for us, the officers in India are not so arrogant as those in Russia; nor have they the same [wide] powers. That is to say, Indian officials have to conform to rules and cannot show the same arrogance and high-handedness as their opposite numbers in Russia. So that, on the whole, officials in India cannot, even if they would, tyrannize over the people to the same extent as in Russia. Even so, some of the sufferings of the Russian and Indian peoples are of the same kind, even if those in India are comparatively less acute. But the people India in do not look upon their hardships as normal — and this is but natural. In Russia there is no difference of colour, creed, caste or language between the officials and the subjects, while in India the officials are in every way different from the people, and some aloofness — though this is hardly necessary—is, therefore, always felt. These grievances naturally cause the people some unhappiness. There, then, exists, in both the countries, a certain coolness and distance between the officials and the people and the latter smart under it. They believe that the relations between the ruler and the ruled should be very close; that there should be mutual trust, that they should share in the other's weal and woe and treat one another with love and affection. In short, there should an identity of interest between the king and his subjects, the former being considered happy only if the latter are so. The king no doubt wields power, but if he abuses it, both he and his subjects will suffer. Hence it is that wise rulers are always eager to know the true condition of their subjects, their joy and their sorrow.

The kingdoms of old were generally very small compared to those of to-day, and the king could easily rule over his subjects himself. But, as the kingdoms grew in size, the need of employing officials arose, with the result that in all civilised communities kings have been reduced to the status of figure-heads, and officials have become indispensable and all-important. The officials know quite well that, without them, there can be no king, and they naturally contrive in all possible ways to ensure that their prestige and authority are never detracted from. Consequently, they begin to consider self-interest more important than duty, and sufficient attention is not paid to the welfare of the people. This leads to discontent and as the officials do not have the patience to listen to the complaints or criticism of the people, a cleavage between the two develops. This leads to all possible efforts and plans by the subjects to break official high-handedness and to protect their own rights. Instances are few where

the standard of administration is good; more often it is inefficient or corrupt. There is a great deal of difference between the policies of the Governments of Russia and India, and, consequently, between the people's condition and feelings in the two countries. But the officials in both countries have more or less excessive powers and, therefore, the relations between them and the people are not what they should be. It must be clear from the foregoing that the feelings and demands of the people are, in several respects, the same in both countries, though the conditions differ. This is due to the far too scanty contact between the ruler and the ruled. As the causes are similar, so are the results.

Wonderful are the ways of Nature. Last November, there was a public discussion regarding the agenda for the Congress session at Bombay. About the same time, the local assemblies in Russia, called Zemstvos, declared their aspirations and demands. Whereas the resolutions to be moved in the Congress session were first discussed in provincial committees and subsequently published by the Congress Committee, the resolutions of the Zemstvos were first published in St. Petersburgh and thereafter received the assent of 31 out of 34 local Zemstvos.

[From Gujarati] (*Incomplete*[1])

Indian Opinion, 21-1-1905

291. THE PLAGUE[2]

JOHANNESBURG
January 23, 1905

Last week I sent you news of the outbreak of plague and outlined preventive measures to be observed.[3] Meanwhile, six or seven cases have been reported from Durban, all of them Indian or Kaffir. That the plague does not take long to spread among our people seems to be patent enough. If it spreads further, it will render our movements difficult. No one should fail to observe last week's instructions.

The maternal uncle of the boy who died of plague had come here to see him. He fled to Pretoria in fear, with the result that he got into more trouble. He and his family were inoculated and kept under quarantine for a few days. Had he, instead of running away, stayed here under the supervision of the authorities, he would have been spared all this trouble.

The condition of the Malay Location here has greatly deteriorated in some respects. People have huddled together and some of them pay no heed whatever to any talk of sanitation. A committee has been appointed, which goes out every night to inspect the houses; and it has

1 This series was not continued.

2 This was published as a despatch "From our Correspondent".

3 *Vide* "Plague in Johannesburg", 16-1-1905.

now been decided that, if the people do not listen to its instructions, the authorities should be informed. Indeed, it is better that this should be so. If we keep our weaknesses hidden over a period of time and plague subsequently breaks out there, the Malay Location, too, will be wiped out like the Indian, and we shall have to wring our hands in helplessness. It is, therefore, necessary to publish the names of those who are willing to get out of the filth for that will only be administering a bitter dose in their interests as well those of others.

The local doctor has accepted our request that our people be informed of any death among the Indians in the Plague Hospital, so that the body could be taken charge of and the funeral rites performed.

[From Gujarati]

Indian Opinion, 28-1-1905

292. INDIANS IN POTCHEFSTROOM

We publish in another column a very important statement from our correspondent at Potchefstroom. Two glaring mis-statements were made at the Convention. The one was with reference to Pietersburg, and the other, to Potchefstroom. With respect to both these towns, the speakers boldly alleged that the Indians were swamping European trade, and that their present strength was considerably in excess of what it was before the war. As to Pietersburg, the fallacy has been exploded. Mr. Kleinenberg has not yet shown that the statements, made by Mr. Abdool Gani in *The Star*,[1] are incorrect. Now we have a report from Potchefstroom, and, seeing that our correspondent gives the names of the British Indian store-keepers at present trading within the town limits, we think that this report should be considered satisfactory by the public as it undoubtedly is to us. Even were it true that there is now a greater number of Indian store-keepers in Potchefstroom, or in any other place, that could never be a reason for confiscation of rights, but since sensational statements have been made without any truth in them, it is as well that the public should be placed in possession of facts as they are, and that the Indian side of the question should not be prejudiced by exaggeration on the part of the anti-Indian party. The most painful part, however, of this whole affair is that those who pose as leaders have shown themselves utterly incompetent even to examine the truth of matters that have been placed before them. They have, in their eagerness to make out an anti-Indian argument, accepted any fiction that has been passed on to them.

Indian Opinion, 28-1-1905

[1] *Vide* "Letter to *The Star*", December 24, 1904.

293. THE PLAGUE

With the advent of the wet season, we have rumours of plague, as well as actual cases. We must once more draw the attention of our Indian friends to the letter we published in these columns, addressed by the Health Officer for the Borough of Durban. We cannot but think that this is an opportunity for the Indians to show their capability, and it is for the leaders to come forward and appeal to the rank and file with reference to strict observance of sanitary regulations. The plague is undoubtedly the offspring of poverty and filth. We know that the poorer class of Indians are not in a position to do all that may be necessary. They may not, for instance, be able to have well-ventilated rooms or houses situated in healthy localities, but when allowance has been made for all these things, there is undoubtedly a great deal that can be done by proper co-operation and gentle coaxing, and we hope that the community will rise to the occasion and take the necessary precautions. We would, at the same time, draw the attention of our esteemed Health Officer to the condition of the Western Vlei[1] and the Eastern Vlei. These two spots require immediate attention, and with them the Indians are unable to deal. It is for the Town Council to take heroic measures, and either permanently mend the two places or end them. They are, anyway, a reflection on the premier borough in South Africa. The disquieting news from Johannesburg, too, should place us on our guard, and we have no doubt that the British Indians there will do their duty, and assist the authorities in every possible manner to prevent a repetition of the outbreak that took place last year. We are informed that the attention of the authorities has been more than once drawn to the state of the Malay Location, and, although it is kept by the inhabitants in a very good condition, whilst the houses are well built, the fact that practically the whole of the Indian population of the burnt-down Location is now concentrated in the Malay Location should not be lost sight of, and the Town Council of Johannesburg will not be able to free itself from blame if the plague unfortunately breaks out in the Location. It has, certainly, hitherto failed in its duty to provide permanent shelter for those who were dispossessed on the burning of the Indian Location, and, as the custodian of the public health, it will have failed in its duty still further if it neglects to remove the pressure on the Malay Location.

Indian Opinion, 28-1-1905

[1] Vlei is a swamp.

294. DOES A KAFFIR FEEL?

The Johannesburg Town Council has been for some time considering the question of Native cyclists. The Works Committee brought out, last week, a report, and advised that a bye-law should be passed whereby "every Native, holding a cycle permit and riding a cycle within the municipal area, should wear on his left arm, in a conspicuous position, a numbered badge which shall be issued to him, together with his permit". That, in a cosmopolitan town like Johannesburg, the Town Council should, by a large majority, have passed such a drastic bye-law is to us a matter of painful surprise, notwithstanding the fact that colour prejudice is a strong ruling sentiment in South Africa. Mr. Langermann was the champion supporter of the bye-law against the mild protest from Messrs. Mackie Niven and Quinn, and he justified it on the ground that they must make a distinction between Native and white riders of bicycles. "The badge," he said, "must be in front. It was absolutely necessary to distinguish the native from the white men." This remark naturally excited some laughter, as, unlike Mr. Langermann, the other members were evidently quite capable of distinguishing a Native from a white man without a badge being necessary. Mr. Langermann, in our opinion, proves the truth of the adage that those, who have suffered persecution, instead of sympathising with the persecuted after they have escaped from it themselves, delight in the persecution of others. Mr. Langermann is never slow in protesting against the persecution of his co-religionists in Russia. May not a Native ask the question — has he no feelings? However, we are more concerned with the general attitude of the Town Council, as represented by the majority of its members, than with Mr. Langermann's views. The tone of the speeches made at the meeting was, we say with all deference to the Town Council, highly discreditable, and reflects all the greater honour on the minority consisting of Messrs. Niven, Quinn, Rockey, and Pim, who had the courage of their convictions, and did not hesitate to defend the Native against unnecessary and wanton indignity. We are, as a rule, very reluctant about expressing opinions on matters not specially coming within the purview of this journal, but the proceedings of the Town Council are, in our opinion, so scandalous, that we should be failing in our duty if we did not, in the interests of the community of South Africa, raise our humble protest against them.

Indian Opinion, 4-2-1905

295. THE HOONDAMAL CASE

The Hoondamal case has now entered upon the last stage, or, shall we say, the first stage of a new phase. Hoondamal, the individual, disappears from view, but the Indian trading community replaces him. In the Test Case of *Hoondamal* v. *Rex*, the Supreme Court has said the final word, and the Durban Town Council has won a momentary triumph.

We use the word "momentary" deliberately. We cannot think that a triumph of prejudice and injustice can ever be permanent. Such a conclusion would be entirely opposed to all the teachings of history and philosophy.

Is there anyone who will dare say that the Town Council of Durban has shown even the slightest desire or inclination to mete out justice to this unfortunate man? Every means has been taken by it to bring about his ruin, because, in the words of the Licensing Officer — which have been officially disapproved of, but which, we have only too much reason to believe, are privately endorsed by members of the Town Council — "further Asiatic licences should not be granted in West Street".

There are times when what is nearest the heart is nearest the lips, and we fear that, notwithstanding the official disclaimer of the Town Council, the Licensing Officer's opinion is emphatically held by his employers, and the cat has, perhaps unwittingly, been let out of the bag. The effect, then, of the Supreme Court's decision is to make West Street a close preserve for white traders, and "no Indians need apply" for licences to trade in that select thoroughfare.

But, we ask, can the matter be allowed to remain where it is? Dare such a condition of affairs be permitted to be continued? We think not. We do not now deal with the legal merits of the case, but it appears more than strange that the Supreme Court should have ruled that a man, holding a trading licence, can have his licence nullified by mere removal from one place to another within the boundaries of the same town. However that may be, the matter seems to us to be sufficiently important to be taken to a higher tribunal. It may well be that other arguments can be produced that will entail some modification of the present conditions.

Whilst the drama before the Supreme Court was in process of enactment, a side issue was being considered within the Town Council Chamber. The Durban Corporation has attacked the Hoondamal citadel in West Street from all directions, and it would appear that the sapping tactics have proved successful in undermining its foundations. By these devious methods, the fortress has, seemingly, fallen, but the defender has not been disgraced, for from the ashes of his defence will arise a yet mightier champion, who will wrench justice from reluctant hands, and compel circumstances to his needs.

The side issue, to which we have made reference, was the appeal of

Mr. Hoondamal to the Town Council against the Licensing Officer's decision to refuse a licence in respect of the premises in West Street. In spite of the dignified protest of Mr. Burne, the Town Council has upheld the Licensing Officer's decision to refuse the licence, and although dissociating itself publicly from the reason given by the Licensing Officer, it has not substituted a reason of its own for the one repudiated.

But another astounding point arises in connection with this hearing. The Mayor has laid down the extraordinary dictum that the Licensing Officer's discretion is arbitrary, and not, as contended by Mr. Hoondamal's counsel, to be exercised within the four corners of the law. It is not within our province to comment upon the legal aspect of this ruling; we merely place it on record. The struggle promises to be a titanic one. Indeed, the Indian community must either take it up or succumb. It is no mere question of the annihilation of Mr. Hoondamal. Whilst such a result would be deplorable, it would be comparatively insignificant. The matter is of far larger concern than the conservation of the privileges of an individual. The whole Indian trading community is threatened with extinction. What has happened to Mr. Hoondamal may happen to every single Indian trader. So long as the newly-laid-down interpretation of the law holds good, no Indian's business is worth a day's takings.

The net result of the decision of the Supreme Court is this. It is known that the desire of the white population is to stamp out the Indian traders piecemeal. It has been ruled that licences are granted for particular premises only and are not transferable. A landlord may, in consequence, rackrent a tenant trader to the top of his bent, and the trader is abjectly helpless. He must either be ruined by the landlord or he must seek new premises. If he chooses the latter alternative, his licence becomes invalid, and his trading privileges null and void. He cannot obtain what will then be considered a new licence, for just as it may be (unofficially) judged to be unnecessary to issue new licences for Asiatics to trade in West Street, so every other trading locality within the town limits may be debarred to him, and he will be extinguished as absolutely as a moth in a candle flame.

This is a matter, not for individual consideration, but for the corporate deliberation of the whole Indian community all over South Africa. The battle-ground has been temporarily removed from the Transvaal to Natal. What applies to Durban applies to the whole Colony, and what now applies to Natal may not improbably apply to South Africa as a whole. Evil example is quickly followed.

Indian Opinion, 11-2-1905

296. IS IT BRITISH ?

In past issues, we have devoted a considerable amount of space to the discussion of Potchefstroom's doings. We have done this, not so much because of the importance of Potchefstroom as a centre of opinion, as because we regard that town as typifying much that is evil in South Africa in regard to the attitude adopted towards the Indian community. English people are accustomed to view, with unqualified abhorrence, the taking of the law into their own hands by certain sections of the American people, when unfortunate negroes are martyrised under the unorthodox code known as "lynch law". Potchefstroom is evidently anxious to put itself beyond the pale of British civilisation in like manner, for we read, with respect to the building of a Mohamedan mosque in the town : "If the Indians persist in violating public feeling, there will probably be trouble over the matter, as some strong expressions of opinion have been made use of. What is legal is one thing, and what is likely to meet with resentment is another." Thus speaks our contemporary, the *Potchefstroom Budget*. There can be no two readings of this statement. It can only be regarded as a direct incitation to go beyond what is permitted by the law. It has, we believe, been held that the Potchefstroom Town Council is not legally empowered to prevent the erection of the mosque. Can it be that our contemporary has the rash courage to urge that the building of the mosque should be prevented by other than legal means ? That is not in accordance with the great British tradition of fair play — but we are almost inclined to wonder, despairingly, whether South Africans have cast aside the foundation-principle of British national honour.

Indian Opinion, 11-2-1905

297. PIETERSBURG TRADERS

We publish, in another column, a report from our Pietersburg correspondent, together with correspondence that has passed between the Employees' Association and the local British Indian Committee on the question of early closing. It will be evident, from a perusal of these documents, that there is a rather strong feeling existent in Pietersburg on this subject. We have repeatedly pointed out that invidious distinction is made between Asiatics and Europeans, in matters of trade especially, and again and again have we shown how the white population has endeavoured to saddle the Indian community with a share of responsibility and of penalty, whereas it has carefully refrained from granting them any measure of privilege. Now it happens that human nature is so organised that deprivation of privilege is not considered, by those who are deprived,

as an equivalent to equality of responsibility or imposition of burden and it cannot be wondered at that, in such circumstances, the Indian community has frequently refused to accept obligations thrust upon it by the white inhabitants who persist in refusing equality of opportunity. The Pietersburg Indian traders, as a matter of fact, did fall in with the wishes and desires of their white fellow-traders, so long as the latter imposed upon them no special disabilities. But when the white traders commenced their methods of boycott and ostracism, the Indian traders began to perceive that they must consider themselves apart from the rest of the community. The sequel is to be found in this correspondence to which we make reference. The white traders must alter their mode of procedure if they wish the Indian merchants to abide by the convention they would set up. There must be give and take on both sides.

Indian Opinion, 11-2-1905

298. THE COLOURED FRANCHISE

In another column of this issue will be found an extract from a lengthy report, appearing in the Johannesburg *Star* of the 4th inst., dealing with a meeting of Coloured people in the Transvaal. At this meeting a resolution was submitted, requesting His Majesty's Government not to forget or tamper with the just rights and privileges of the Coloured subjects of the Crown in the Transvaal, when framing the Constitution that is now in process of being. We can only say that the Coloured community has our fullest sympathy in its endeavour to escape from political oblivion. Time was when the late Mr. Rhodes uttered his famous dictum that the franchise should be given to every civilised man south of the Zambesi. That ideal seems, in these latter days, to be rapidly falling into disrepute. It is unfashionable, nowadays, to be guilty of having an ideal, and a crime to be so shameless as, having one, to act in accordance with it. We have seen only recently how a Native Commission has issued an official report, in which the recommendation is made that Coloured people, already enfranchised, should retain their franchise rights only in State elections, but should lose them in the event of elections for a Federal Parliament. The manifest injustice of this needs no emphasis. It is much at one with the general attitude adopted by the white population of South Africa towards the non-white. In matters of Colour prejudice, it is, unfortunately, almost impossible to convince by logical argument. Where blind prejudice rules, justice goes by the board. We are afraid that the Coloured community of the Transvaal will have to wait long before they succeed in securing the recognition of what we conceive to be their just rights. We trust that they will continue to protest against ill-considered treatment and to urge the inherent justice of their demands.

Indian Opinion, 11-2-1905

299. ATTACK ON THE KAFFIRS

The Johannesburg Town Council could not bear to see the Kaffirs riding bicycles like the whites, and therefore passed, at its last meeting, a resolution to the effect that a Kaffir who had a permit to own a bicycle must wear on his left arm, while riding in the city, a badge with the number on it, easily visible.

The Transvaal administration is nowadays carried on in such a manner that this resolution causes us no surprise. We write about it to-day only to remind our Indian brethren — though we do not think it quite necessary — that present-day Johannesburg is far different from the Johannesburg of pre-war days. Most of the people who now hold the reins of power were known, before the outbreak of the war, as Uitlanders, and were always quick to raise an outcry demanding justice for themselves. Foreign nationals called themselves British subjects and made all possible efforts to secure for themselves the rights enjoyed by the British. In this, the English, the Russians, the Germans and others were all one and united. The Boers were then the rulers, against whom these people used to complain vociferously that they did not administer justice equitably. These were the very British subjects, who first incited the Boer Government against Indians, and later questioned its authority to legislate against them. It was again these British subjects who at last got Lord Milner and Mr. Chamberlain to go to war with the Boers. It was these self-same British subjects who during the war went about trumpeting that, when the war was over, true justice would be done, and all discrimination based on race or colour would be eliminated from the Statute-book. This was the first act of the drama.

In the second act, everything was forgotten, and these very British subjects became engrossed in serving their own interests. Then followed the third act, in which open enmity to the Indians began to be manifested. And in the fourth act, which is being staged now, oppressive laws are being passed and put into execution with the utmost rigour.

All this must redound to the credit of these very British subjects. As on the Indians, so also on the Kaffirs and the Coloured people, the attack is bound to come without fail. They should, therefore, take heed that, if the one is attacked, the other, too, is bound, sooner or later, to meet the same fate. It will not be very surprising if the rule enacted today for the Kaffirs is applied tomorrow to the Indians.

The queer thing about it is that those who are clamouring for this atrocious legislation have themselves been aliens who only a brief while ago began to call themselves British subjects. Mr. Langermann[1]

[1] A member of the Town Council.

spoke at length on this resolution and, in the heat of his eloquence, forgot even the colour of the Kaffir, sending the house into fits of laughter. He argued that the badge should be worn in front, so that the Kaffir might not pass for a white! It is given to Mr. Langermann alone to express such thoughts; and we congratulate him on the suggestion that, in the absence of the badge in front, the Kaffirs might be mistaken for whites! But, for a proper appreciation of what Mr. Langermann said, it would be useful to know something about him. Mr. Langermann feels very deeply for his Russian brethren and, therefore, criticises the Russian Government a great deal. It is the law of nature that a man, brought up under tyranny, forgets, on becoming free, his own miserable days, abuses his newly acquired freedom and even becomes cruel. It is, therefore, small wonder that the gentlemen who came from Poland and have recently been converted into British subjects should lose their balance.

The only matter for satisfaction during the discussion on the resolution was that Messrs. Mackie Niven, Quinn, Rockey, and Pim did not forget that the Kaffirs, too, were human beings and raised their voice [of protest] against their unwarranted humiliation. But theirs was a cry in the wilderness. Nevertheless, they deserve our respect for giving expression to their true thoughts unmindful of popular sentiment.

[From Gujarati]

Indian Opinion, 11-2-1905

300. SLAUGHTER-HOUSES IN THE CAPE COLONY

The report by Inspector Keyne on the condition of the slaughter-houses in the Cape Colony, just out, is worth perusal. He says that, of the slaughter-houses inspected by him, one or two were extremely dirty. On the main road in Meadland, he found entrails and fat hung against the wall from a hook. Blood and offal had got stuck to the wall to a height of four feet above the ground. He found that the common practice of the place was to lime-wash the walls over the accumulated layers of waste matter, and this had resulted in solid accretions of lime and refuse on the walls. The men working there were very slovenly, their clothes dirty and covered over with layers of grease. These often came in contact with the meat.

Needless to say, all this has been found in slaughter-houses run and managed by the whites, too. The question arises how such offences have remained undetected all these days. Who can tell the number of people who must have been taken ill by eating the meat produced in such insanitary places? What would be the consequence if Indians were responsible for such a state? The whites would have at once resorted to lawlessness and demanded that not only the offenders, but the entire Indian community should be banished or severe restrictions imposed on it. But,

fortunately for us, such uncleanliness has been found in shops belonging to the whites. Let us see how the authorities deal with the matter.

[From Gujarati]

Indian Opinion, 11-2-1905

301. THE CONGRESS AND LORD CURZON[1]

Sir Henry Cotton, who presided over the recent session of the Indian National Congress, had requested H. E. the Viceroy for an appointment to place before him personally all the resolutions passed at the Congress session. But the Viceroy refused either to see Sir Henry as the President of the Congress, or let him submit the resolutions. However, to show that he meant no affront to Sir Henry personally, Lord Curzon agreed to see him as a private gentleman. This only means that Lord Curzon feels no compunction in hurling an insult at the Congress. It appears from *India* that the reason for his refusing to see Sir Henry was that, if once the Viceroy saw him, he would have to see his successors, too, in the future. Earlier Lord Lansdowne[2] had also on similar grounds refused to see the Presidents of the Congress. How, then, could Lord Curzon violate the precedent already established? The thought never occurred to His Excellency that, by his strict adherence to precedent, he was offending the feelings of millions of people. Nevertheless, there is no doubt that the Congress that has lived these twenty years will live on and grow from day to day.

[From Gujarati]

Indian Opinion, 11-2-1905

302. BYE-LAWS FOR CAPE TOWN BARBERS

The *Government Gazette* publishes the rules and regulations framed by the Cape Town Municipality for barbers. Under the rules every barber's shop is liable to medical inspection. Every barber is required to keep his shop tidy. The scissors, razors and other implements used for one customer must not be used for another without being cleaned. Brushes, etc., should be properly washed and kept clean. A fresh towel must be used for every customer. When a person suffering from disease is given a shave or has his hair cut, the same instruments should not be used again before being washed clean with an antiseptic liquid. A defaulter is liable to a fine of up to £5. Officials have been authorised to inspect and find out whether these rules are properly observed or not. By themselves, the rules are excellent, but it would be very difficult to

[1] Viceroy of India, 1899-1905.

[2] Viceroy of India, 1888-94.

enforce them. But now that the rules are there, they are likely to exercise some check on the barbers. We see such rules for the first time in the Cape Town Municipality; and they are likely to be introduced in other places also. Indian barbers will be well advised to heed the warning. There is no doubt that the conditions in shops owned by Indian barbers needs to be improved. The implements and towels are not too clean. It does take a little time to attend to their cleanliness, but it does not involve any expense. If the tools and implements are kept free of dirt and in proper trim, they last longer, and clean towels, etc., promote custom. Even many of the white barbers keep their instruments, etc., unclean; but we need not vie with them in undesirable matters.

[From Gujarati]

Indian Opinion, 11-2-1905

303. "QUESTIONS OF COLOUR"

We quote elsewhere from an editorial in the *Rand Ratepayers' Review* under the above title, and we do so because our contemporary has hit the nail exactly on the head. The article is written by a man who, unlike some petty politicians in South Africa, can keep in mind the true proportion of things when dealing with this matter. It is a momentous one, for, if South Africa endorse an un-British anti-Asiatic policy, the consequences may be very grave. But we cannot believe that our statesmen, in the consideration of local affairs, will lose sight of Imperial interests. We ourselves attach no more importance to the anti-Asiatic crusade than does our contemporary; for one has only to look at the facts of the case to see what little basis there is for agitation of this character. The origin of the whole matter is trade jealousy. It is this petty motive alone that animates the anti-Indian movement; and it is perfectly apparent to all who are not blinded by colour prejudice. The *Review* speaks only simple truth when it says:

> The undignified spectacle of villagers holding public meetings to prevent Indian merchants from trading in any part of the Empire is most absurdly foolish.

We presume that the writer had specially in mind Boksburg and Potchefstroom. Boksburg is a village that cannot rise beyond the consideration of its own pump, and Potchefstroom is a small dorp[1] that rose out of obscurity only when it became bitterly anti-Asiatic. And yet it is expected that Indians — who, as the *Review* points out, form half the population of the Empire — are to be deprived of their rights as British subjects, at the bidding of small provincial towns!

Granted that Indian traders undersell the European; does not every European trader endeavour to do just this very thing to his competitor? Is not competition the soul of business? Granted that the Indian can live

[1] Village

on "the smell of an oily rag"; would not any medical man say that a simplification of diet is exactly what the European needs? Why, then, charge the Indian with this virtue as if it were a crime? The fact of the matter is that the European detests his Indian competitor because he himself is not permitted to gain exorbitant profits by making the consumer pay inflated prices for his commodities. If the anti-Asiatics gain the victory, the person who will suffer most is the white consumer. Let South Africans remember that.

Says the *Review:*

> There are plenty of ways whereby white people can safeguard their own interests and preserve their authority without these ever-recurring public sneers by one section of the King's subjects against another. If a few white men hate the Asiatic as a trader, while they compass sea and land to introduce him as a labourer, they are not compelled to trade with him. They can just let him alone and trade with their own kind.

Another argument used to bolster up the anti-Asiatic position is that Indians are a danger to the public health. This may or may not be so; but, most certainly, if they are, the fault lies, not with them, but with the sanitary authorities.

Indians have everywhere in South Africa proved themselves specially amenable to health regulations. This was shewn, beyond all controversy, by the remarkable manner in which the whole community submitted itself to the plague authorities during the recent outbreak in Johannesburg.

Another charge that has been brought against Indians is that they did not fight for the Empire during the late South African war. The ignorance of the framers of this charge is typical; for, with the exception of themselves, the whole world knows that Indians were as ready to fight and, if need be, to die for the Empire as any other of its children, but were not permitted to do so. There are some people who know that the Indians of Natal and the Transvaal again and again petitioned the Natal Government to be allowed to go to the front "in any capacity". And there are some also who know that, of all the host of the British Army, the leaders of the Natal Indian Volunteer Ambulance Corps[1] were the only ones who served and refused all remuneration.

The fact is, there are men among the Indian community who are more British than the majority of the anti-Asiatics and who have their full share of that patriotic and public spirit which has made the Empire what it is. It is absurd to suppose that men, aware of their status as British subjects, will meekly allow themselves to be relegated to "Bazaars" or "Locations"; nay, more, it is criminal to attempt to destroy this patriotic spirit. And it is equally foolish to expect them to be crushed by methods of misrepresentation, injustice, and intimidation. The attitude of the anti-Asiatics in South Africa can be summed up in one word: give a dog a bad name and hang him.

Indian Opinion, 18-2-1905

[1] *Vide* Vol. III, p. 153.

304. CONCEALMENT OF PLAGUE

We regret that there are still Indians in Durban who do not yet know the serious consequences of concealing infectious disease. On Monday last, an Indian employed by the Durban Corporation was sentenced to pay a fine of £20, or, in default, to three months' hard labour, for concealing a case of plague. The sentence is exemplary, and rightly so. The case was that of a girl, who was removed to an empty house by her father, so soon as he found she was sick. The reason he gave the Magistrate was that he did not want the European doctors to take her away from him. That, perhaps, was very natural; but Indians must learn that, in this matter, they are under the same law as Europeans. Each case of infectious disease must be notified to the authorities, whoever the sufferer may be; and everyone, whether he be Indian or European, has to put his own private feelings into his pocket, for the general good. It is too much to expect that every Indian of the indentured class will look at the matter from this point of view, but it is not too much to expect that Indians of the higher class will assist Dr. Murison in dealing with disease. We again call attention to the Health Officer's letter in our issue of Dec. 10th., and to our remarks thereon. Our Indian friends must remember that every prosecution of this kind reflects, however undeservedly, on the whole community. But the fault does not lie only on the side of the Indians. We cannot agree with *The Natal Mercury* that "it is due to the action of certain Indians that the plague is still with us". It is true that Indians are generally the victims of this dread disease. But, as in answer to the question, "Who breeds our plagues?" a correspondent very pertinently replied in our columns last week, "Who puts the Indian under such circumstances as to make him a breeder of plagues?" There are "plague spots" in Durban under the direct control of the Town Council : why, then, lay all the blame on the poor Indian, if, as a natural consequence, plague is developed? The matter is, indeed, too important to be lightly dismissed, and we propose to deal fully with the whole question of municipal sanitation in a succeeding issue.

Indian Opinion, 18-2-1905

305. INDIAN LICENCES : NEED FOR VIGILANCE–I

Sheth Hoondamal's licence has been a subject of discussion for the past several months. Our readers are aware that Sheth Hoondamal has been carrying on trade in Durban for nearly ten years. At first he opened a shop in West Street, one of the principal thoroughfares of Durban. As the landlord wanted to get the building repaired, he had the shop vacated. Not being able to get a place to his liking in West Street, Sheth

Hoondamal secured a good shop in nearby Grey Street and started his business there. Some months later, on being required to vacate the premises, he rented from an Indian landlord a better and larger shop in West Street which had been recently vacated by an Indian merchant, and began to trade there. Simultaneously, he applied to the Licensing Officer to have his new address entered on his licence. Not only did that Officer reject his application, but he also charged Hoondamal with trading without a licence. Legal proceedings were instituted against him in a Magistrate's Court, and Sheth Hoondamal was fined. The latter thereupon appealed against the Magistrate's judgment. Before this appeal could be heard, the Town Council dragged Sheth Hoondamal to the Magistrate's Court twice or thrice, and each time the Magistrate fined him, and on one occasion the Magistrate, Mr. Stuart, even exceeded his authority and passed an illegal order, asking Sheth Hoondamal to close down his shop. The latter, of course, disregarded the order as it was illegal; and through his attorney, Mr. Wyllie, sent a strongly worded note to the Magistrate and the police, saying that, if the order was implemented, the executing officials would be held responsible for the consequences. The Magistrate was greatly enraged at this, but he was helpless, the order not being lawful. The appeal was heard by the Circuit Court when it sat in Durban, and Sheth Hoondamal was found not guilty. Thereafter, the police brought another charge against him, and the Magistrate found him guilty.

The appeal against that judgment was heard by the Supreme Court this month, and to the misfortune of the Indian traders, the judges gave their decision against Sheth Hoondamal. Sheth Hoondamal had applied last month for a licence for the current year, which the Licensing Officer rejected. An appeal was then filed before the Town Council. Stating the reason for not granting Sheth Hoondamal a licence, the Licensing Officer said that it was not desirable to issue more licences to Asiatics in West Street! When this reason for refusal was brought to the knowledge of the Town Council by Sheth Hoondamal's counsel, the Councillors naturally felt abashed, for the Licensing Officer had also added that such was the desire of the Councillors as well. On hearing this, Mr. Burne, who is a member of the Council and also a renowned lawyer, immediately protested that the Licensing Officer had no warrant to attribute such a desire to the Town Council. At this the Officer got up and answered that he had rejected applications on the same ground in the past, and that his decision had always been endorsed by the Council; his claim could not be proved incorrect. To prevent this dispute from developing further, a Councillor moved that the appeal be dismissed. Another member seconded the resolution, introducing while doing so a further legalistic argument that under the law the discretion to grant or refuse licences was vested in the Licensing Officer. After hearing this point of law, the applicant's counsel answered that even this discretion could only be exercised in accordance with the law, and that it was no discretion

which violated the law or transgressed it. The Councillors did not relish this argument. Consequently, Sheth Hoondamal was not granted a licence and has had to close down his shop.

[From Gujarati]

Indian Opinion, 18-2-1905

306. CORPORATION INSANITATION

There was submitted, at the ordinary monthly meeting of the Durban Town Council, on the 7th inst., a Report by the Inspector of Nuisances relative to the Eastern and Western Vleis. It is noteworthy that this official makes reference to certain areas, the buildings on which are variously described as dilapidated and imperfect as to sanitation and building characteristics, whilst the ground itself is said to be undrained. These buildings, moreover, are declared to be "used for habitable purposes", and also "unfit for human habitation".

We are forcibly reminded of a meeting held, under the auspices of the Natal Indian Congress, in June of 1903, when emphasis was laid upon an allegation made in the Minute, submitted by the Mayor to the Town Council, concerning the insanitary habits of the Indian population, and urging this as one of several reasons why Indians should be relegated to Locations, or, as they have been euphemistically designated, "Bazaars".

Lord Milner, it will be remembered, in his memorable Notice No. 356 of 1903, drew special attention to the exception that was to be made in respect of Asiatics whose habits of life and social qualities were not repugnant to European ideas or in conflict with sanitary laws. We venture to suggest that any doctor or hospital nurse will confirm our assertion that, even amongst higher-class Europeans, scientific sanitation is not always favourably regarded. That, however, is by the way. The real point is that it is not always just that the *general opinion* of Europeans, who are often most ignorant of what they are most assured, and as often prejudiced against conditions and circumstances that are strange to them, should be taken as a reasonable criterion. The opinion of the man in the street is, notoriously, vastly different from, and often opposed to, the opinion of the man in the study, who has greater and more frequent opportunity of collecting, sifting and judging the facts of which he speaks.

There are Indians and Indians; there are Indians who approach absolutely to the scientific European standard of sanitation, and there are Indians who have not yet adopted other modes of sanitation than those to which they have been accustomed, almost from time immemorial, in the remote districts of India. Similar distinctions may, indeed, be made amongst the inhabitants of civilised nations the world over. There is always, and will be for long years to come, this difference between the educated and the ill-instructed.

When, then, we hear the charge so frequently levelled against the Indian that he is insanitary, we are impelled to ask: "Which Indian do you mean? And do you refer to personal cleanliness or to domiciliary sanitation?" For nothing is more important than that those who bring a charge of this impalpable nature should be pinned down to something more definite and less dangerously vague. It is a common observation that a generalisation is often a successful catchword to throw to an unthinking man, whereas a definite statement of fact would crush him.

It is our experience that, generally speaking, the Indian is not insanitary. It must be distinctly borne in mind that we do not assert that *no* Indians are insanitary. We argue from a knowledge of the the national customs and traditions of the various Indian peoples, and can confidently say that, be these Hindus or Mohamedans, their faith, which is a living one to them, inculcates absolute principles of personal cleanliness and, as a corollary, domestic sanitation, even amongst the lowest classes, and this may easily be confirmed by any one who is at all conversant with the normal conditions of Indian life.

But what have we? We have the Eastern and the Western Vleis! We have heard much hard talk of "Bazaars" and Locations, of disinfection and of segregation. Somehow or other, the remaining terms of the proposition appear to have been very carefully — or, shall we say, carelessly — left out of consideration.

For the benefit of the public that takes an interest in sanitary matters and questions of hygiene, we propose to quote from the Report of the Sanitary Committee of the Town Council, published in *The Natal Mercury* so far back as 1899, and of which Committee the Hon. R. Jameson was Chairman.

> 2. We next inspected the compound on what is known as the Western Vlei. Here are two corrugated iron buildings accommodating 22 men and 33 women and children. These structures were found to be in fairly good condition, but to bring them within the terms of our sanitary bye-laws, they require to be provided with roof, guttering and down-pipes, more light and more ventilation, and another latrine, the existing one not being sufficient for decency. The fence requires repairs, the houses should be lime-washed internally. There being a water-supply adjacent, a small iron structure should be provided for bathing and washing purposes. The open drains in the vicinity should be well opened up before the summer rains set in, as otherwise this site is swampy.

This is a description of the condition of no less than a "Bazaar," or Location, or Compound, or what you will, under the direct control of so authoritative a body as the Corporation itself ! Who is responsible, we ask, if Indians domiciled in such buildings, placed in the very midst of insanitary conditions, are insanitary in their habits? The Indians? Surely not! And yet, to all intents and purposes, this unsavoury area remains in much the same condition at this date as at the time when this report was made, now some five-and-a-half years ago!

What is the Corporation doing to remedy such a disgusting condition of affairs? It can spare time and energy for licensing prosecutions; why

can it not utilise some of that same energy to do away with this and other centres of disease and death?

We are told in *The Natal Mercury:*

> The coolie is not a cleanly individual, and if left to himself he would soon make even a first-class villa resemble a piggery more than anything else.

And it goes on to say:

> But it is the business of his employer, and particularly of the Protector of Immigrants, to see that he is not left to himself in the matter of sanitation, not only for his own sake, but for the sake of the whole community. It is also a matter for the Medical Officer of Health for the Colony to see to, and if employers are found providing inadequate and filthy accommodation for their coolies, they ought to be made to mend their ways.

With the second of these statements we are in entire accord. Indeed, it goes far to answer those who insist upon the alleged insanitary habits of the Indians as a whole. The first assertion requires to be examined before being accepted. It is disposed of in the following extract from the Report already quoted:

> It was specially noted here (Queen Street Compound) that the compound, being connected with the sewerage system, enabling as it does ample washing, bathing, and latrine needs, *was remarkably clean compared with any of the other places inspected.*

So we have it on record that the Corporation has had the evil pointed out to it; that such evils, being permitted to continue, cast a stigma upon the body that condones them; and last, but not least, that the Corporation has, in the cases of the Eastern and the Western Vleis, done practically nothing to remedy them. Who, then, has a right to add insult to injury by urging the insanitation of the Indian community as a reason why they should be wiped out of existence? The effect of the Corporation's policy of *laissez faire* is obvious. How long will the cause remain undealt with?

Indian Opinion, 25-2-1905

307. THE PLAGUE

The question of sanitation as a whole, in so far as the Indian community is affected, has been already dealt with[1]. We now propose to examine the cause of the particular disease that is claiming its unfortunate victims epidemically, and to discuss the effect of that cause.

In last Saturday's *Mercury*, there appeared a lengthy paragraph dealing with the attitude said to be adopted by "the Indians" towards the authorities, especially in reference to the concealment of plague-sickness. The writer made a number of curiously inadequate statements, upon which he based several somewhat querulous enquiries, and concluded by suggesting that "possibly this conduct (concealment of plague) has much to do with the recrudescence of the disease occasionally".

[1] *Vide* the preceding item.

What are the plain facts? We have a community composed of whites and Indians, the poor of the former section being, proportionately, fewer than those of the latter. It follows, then, that the poorer folk amongst the Asiatic population are more liable, numerically, to disease than are the poorer Europeans. Next, we have an assertion made that "the Indians" seriously hamper the authorities "by refusing to give information and in every way endeavouring to conceal the whereabouts of any sufferers". Again we ask, "What Indians?" Surely, it is not intended to saddle the *whole* Indian community with the fault of a few of its most ignorant section. Why are these careless generalisations made? Is it not possible to impress upon the intelligent public the fact that there are as many subtle sub-divisions amongst Indians as amongst any other civilised people? It is almost disheartening to observe how these mis-statements continue to be made, with an utter irresponsibility that makes one wonder whether the facts of history are ever conned and become a part of our present-day philosophy.

The higher-class Indians never cease, both by personal example and by precept, to impress upon their less-favoured brethren the necessity of co-operating with the authorities in order that the effort to stamp out the fell disease, that is now rife amongst us, may not prove abortive. Over and over again, we ourselves have, in our leading columns, both in English and in the vernacular tongues, done our best to point the moral that "Cleanliness is next to Godliness". And yet we have foolish people asking why "the Indians" do not co-operate with the authorities!

Moreover, if, class for class, a comparison be made between Europeans and Indians, it will, we feel assured, be found that there is no greater frequency of concealment, no greater reluctance to advertise cases of plague, amongst the latter than amongst the former. We do not lay special stress upon this fact, nor do we care to use the *tu quoque* argument. We are, however, compelled to do so in self-defence, for it is distinctly unfair to suggest that such conduct on the part of a few Indians, which no one deplores more than we ourselves, "badly prejudices" the Indian community "in the eyes of Europeans". There is, however, one important reason why cases of concealment do occur. We are informed that, at the plague hospital, no distinction is made between Indians and Kaffirs, all being herded together indiscriminately. Anyone with even the slightest knowledge of Indian habits and prejudices will at once see how great a factor this negligence is in impeding the good work initiated by the authorities. We can only say that, so long as no separate accommodation is allotted to Indians as such, and so long as no differentiations of creed and caste are made amongst the Indians themselves, with due regard to religious customs and traditional beliefs, so long will the authorities cope in vain with many of the difficulties that could, with a little foresight, be easily avoided.

We have already shown, in part, how and why insanitary conditions are created for the poorer Indians. Plague has again broken out in Durban.

Who are the first victims? Indians. But, we ask, pertinently, *what* Indians? *Who* are these Indians? None other than those employed, housed, and "cared for" by the Corporation of the Borough that prides itself upon being the model borough of South Africa! These Indians are employed by the Corporation to perform the filthiest work. They are used to clean drains and sewers, and in every possible unsavoury pursuit — and are "housed" in "sanitary" quarters like the Eastern and the Western Vleis. What wonder, then, that these unfortunates are liable to contract this and every other dirt disease? The Sanitary Commission's Report, to which fuller reference has been made elsewhere, describes, realistically enough, the horrible surroundings amidst which these wretched people are compelled to perpetuate a degraded existence. And, when plague not unnaturally breaks out amongst them, although complaint after complaint has been directed to the authorities by the Indian community, and by the experts appointed by those same authorities, the Indians, without distinction, are blamed for insanitary habits, and "the coolie" is incontinently dubbed a breeder of disease. A man that is made to live in a pigsty is not unlikely to become as filthy in his habits as is its rightful denizen. Dr. Turner, the Medical Officer of Health for the Transvaal, when speaking in the Legislative Council regarding the condition of the Johannesburg Indian Location, remarked:

> The coolie location at Johannesburg was in a disgraceful condition, and why? Because those poor people were compelled to live in it, like chickens in a coop, and it was left in a most insanitary condition by the authorities. If Mr. Raitt (M.L.C.) had been compelled to live in it, he would have been just as dirty.

We are obliged to say, with regret, that the culprit, in the case of insanitation, is the Corporation itself, upon which is the guilty responsibility for the awful conditions that are known to exist upon its own property and for the deaths that have taken place from the plague. It is deliberately drawing a red herring across the trail, in the light of these facts, to accuse the Indian community, or even the wretched "coolie", of insanitary habits and wilful lack of effort to co-operate with the powers that be to remedy the evils.

We have to express our acknowledgements to the plague experts that have been employed by the Government and the Corporation. They have done their best to have the evils remedied, and have offered recommendations, but all to no purpose. It is quite useless seizing upon an effect and regarding it as a cause. None the less, it remains an effect, and the cause, being quite other than what it is reported to be, is still to seek.

Notwithstanding all this, we find responsible people approving the introduction of further legislation upon the lines of Lord Milner's notice, relegating Indians to "Bazaars" — there "to stew in their own juice," as Mr. J.E.O'Connor, late Director-General of Statistics to the Indian Government, aptly stigmatised it — and so perpetuate horrors similar to those existing *in the Locations on Corporation ground*! It has been held that

the true test of good government is that it raises the lowly to a higher conception of duty, never that it degrades them to an even baser servitude. But "a foolish consistency", a broad spirit of statesmanship, certainly does not mould the sanitary and political policies of the Durban Municipality!

Indian Opinion, 25-2-1905

308. AN APPEAL TO INDIANS IN SOUTH AFRICA

We recommend that our readers carefully study the newspapers coming these days from India, for that will convince them how our brethren there are ready to rush to our succour. At the Congress session recently held in Bombay, there was a very good discussion of the disabilities and hardships we are experiencing here, and the speeches made there by our representatives created such a strong impression upon that august body that the leaders have begun to realise the gravity of our problem and to make efforts to improve our condition. Even the Press has taken up our case with vigour. All this is very satisfactory, and we should be thankful to God that the representatives of the Indian people themselves have turned their attention to the redress of our grievances. We should, therefore, be prepared to discharge our duties with greater enthusiasm. The proverbs go, "God helps those who help themselves," and "You cannot go to heaven without dying yourself". Likewise we needs must do our duty and, if we do not, our object will not be fulfilled. The greater the help we receive from others, the greater should be the intensity of our own efforts; for such help adds to our responsibility. It is but natural that we should struggle to remove our hardships. If we did not, we would be considered worse than beasts. When there are people coming forward to help us, we must also think of our duty towards them, and redouble our efforts and work with greater ardour and enthusiasm, so that they may be satisfied, encouraged and feel that we are not unworthy of their goodness. By proving our worth, we shall add to their zeal, doing ourselves a service in the process. Even an utterly worldly man will realise the truth of this. More so, those who are religious-minded.

It is, therefore, our earnest appeal to all our Indian brethren in South Africa that they should ponder over what has been said above, and be prepared to do their duty. When the Indian leaders are ready to help us, it is our obvious duty to arm them with the means of doing so; for we must know that, if we do not do so, they will not be able to render us the assistance they would like to. The following three things are at present needed: (1) we should keep up our efforts; (2) we should keep them informed of the true state of our affairs; and (3) we should provide them with sufficient funds to defray the expenses they might have to incur for carrying on any activities on our behalf. All the three things are quite necessary. The first two we are already doing to some extent;

that is our own efforts are continuing more or less; and we do publicise the true facts. As for the third item, viz., the funds, we have not done anything so far. It is, therefore, necessary to give full thought to this without delay. Supplying the necessary funds is like arming them with a very potent weapon. In the modern world, money is needed at every step; and if it runs short, one has to face disappointment in the end, however great and noble one's hopes and aspirations might be. Just as man needs food, so does public work require money. Those who would help us would give their valuable time and gladly exert themselves, but if we tighten our purse-strings when they need money, we would be considered mean and contemptible.

We should consider how our leaders can help us; and with our experience in this country, it should not be difficult to think of the means. We have learnt, from experience, how to achieve our aims under British rule. The Transvaalers, when they willed it, forced a war; and now, when they so will it, they can cause us a lot of harassment. How do they do this? They hold meetings at different places to canvass public support for their views; since it is not always possible for the whole community to attend the meetings, they launch newspapers and go on writing, day in and day out, whatever they like; they also issue pamphlets and write open letters to the Press, they draft petitions, get them printed and obtain a sufficient number of signatures on them; and they send out telegrams to publicise their activities. To do all this, money is essential, and their leaders, therefore, do not hesitate to relieve their purses a little. And though these people are powerful, intelligent and united and wield great influence here as well as in England, they always go on making efforts tactfully to gain their objective avoiding obstacles. It is such men we have to contend with. We are weak, less intelligent, and unable to unite, not knowing the full significance of unity. We have no influence with the Government and there is a deplorable lack of thought and the enthusiasm necessary to show our mettle. How, then, can we put up a fight? As against our shortcomings, we have justice on our side; and justice can discomfit the opponent. However, to gain the final victory, we must certainly show our mettle and worth, for, in the absence of these qualities, justice itself gets weakened.

Fortunately for us, there are in India at the moment several men of position and prestige from this country, through whom help should be rendered to the Indian leaders. We should give all the monetary help possible from every part of South Africa, particularly from Natal and the Transvaal, and so back the Indian leaders that, in conformity with British practice, they might ventilate the people's feelings in the matter and demand justice from the Government. Things do not cost as much in India as they do here. The country being poor, a little money would be enough. But the country is very large. Our leaders here should therefore take all these facts into consideration and do their obvious duty without delay. That is to say, they should immediately send respectable sums of money

to India so that the enthusiasm of the Indian leaders might not cool down, and they might carry on ceaseless agitation throughout the country by issuing pamphlets and holding meetings. This would also mean that the Indian Government had the full backing of the people. The British Government would, consequently, be compelled to pay attention to the matter.

[From Gujarati]

Indian Opinion, 25-2-1905

309. GENERAL DEALERS AT THE CAPE

The Cape *Government Gazette* publishes the text of a Bill to regulate the trade of a general dealer. We can understand the regulation of dealers' licences, but that the Law should regulate the trade of the dealers also is an idea altogether novel. We reproduce the operative clauses of the Bill in another column. It contains in all 35 sections, most of which could, more or less, have been avoided; but we must, at the same time, confess that, though the Bill is drastic enough, it shows on the part of the framers great regard for the interests of the general dealers, and in that respect it is undoubtedly less open to objection than the Natal Act. According to the Bill, all the present licence-holders are protected unless they have committed breaches of the law regarding Sunday trading, the selling of spirituous liquor, or sanitation, or unless the premises have been allowed to become a nuisance to the neighbourhood by reason of the habits of the dealer's customers, his associates or himself. With reference to the new licence, a Resident Magistrate may issue a certificate enabling the applicant to take out the licence, or the question may be decided by the Licensing Court. Both the Magistrate and the Licensing Court have the power to refuse the licence on grounds, *inter alia*, of the character of the applicant, of his inability to write in some European language, or to keep intelligible records of his transactions. There is, too, the power granted to the licence-holder, in the event of his licence being cancelled, to appeal to the Supreme Court, except when the cancellation has taken place by reason of conviction under the Liquor Act. The most objectionable clause throughout the Bill is with reference to the European languages. The habitual affront to the millions of British Indians and their cultured languages that such a provision implies renders it necessary for the British Indians at the Cape to oppose the Bill, which otherwise they could have gladly assented to. The importation of such vexatious provisions is not calculated to gain the co-operation of the Indians. We cannot understand why a man, who is a capable merchant, thoroughly honest, and able to keep his books in the English language through outside assistance, should be debarred from obtaining a licence. We could point out scores of miserable shanties, in every way a disgrace to any town of importance, owned by those who

have a knowledge of "some European language". Why should they get a licence, and a well-behaved Indian subject, having business premises in a perfectly sanitary condition, and bearing an unexceptionable character, be insulted by having it flung in his face that he is unfit because he does not know a European language? We trust that the British Indians at the Cape will co-operate in resisting this fresh attempt at imposing a burden on them, and that the Government will see their way to expunge from the Bill the objectionable clause, and thus secure the active co-operation of a large body of the traders concerned.

Indian Opinion, 4-3-1905

310. INDIAN LICENCES: NEED FOR VIGILANCE – II

These two defeats[1] are not to be considered as those of Sheth Hoondamal alone, but of all the Indian traders in Natal. We cannot say that the Supreme Court has done deliberate injustice; but we do believe that, if an appeal is preferred to the Privy Council against the decision of the Supreme Court, the result would, in all probability, be favourable to the Indian traders. Had the intention of the legislators been what the Supreme Court holds it to have been, the question arises why the licence form originally required only the name of the town and not the actual place or locality. The practice of mentioning the locality was introduced subsequently, and that fact is by itself an answer to the decision of the Supreme Court. But it is not necessary at present to go into legal niceties. It is, however, necessary to realise that the licensing law is on the whole disastrous to the Indian traders; and all possible efforts should be made to get it altered. It has been adequately demonstrated, and all are agreed, that the law is oppressive, that it has caused much injustice, and because of it, many a shopkeeper is faced with ruin. It is, therefore, our clear duty not to sit silent but to make all possible efforts to get the law altered and persist in them till we succeed. It is obvious that the slightest indifference in such a matter may prove disastrous.

Let us now consider what should be done immediately. Perfectly reliable information should be gathered from every place as to whether or not Indians received regular licences at the beginning of the year; and this information should be made as widely known as possible. The leaders of the community should ponder over this information and take the necessary steps in regard to it. All facts should be communicated to those working on our behalf in India and Great Britain, so that, as our local efforts progress, parallel attempts to strengthen our cause might also be made there. Unless and until work proceeds in this way, it is, in our opinion, futile to hope for any improvement in the condition of our traders. We should remember that it was as a result of similar efforts made by us

[1] *Vide* "Indian Licences : Need for Vigilance", 18-2-1905.

in 1898 that the Colonial Secretary here, acting on Mr. Chamberlain's strong despatch, wrote confidentially in 1899 to all Municipalities in Natal warning them that, if the Indian traders were harassed, the law would have to be altered and the demand of the Indians for the right of appeal to the Supreme Court conceded. Soon after, war broke out and everything came to a standstill. Now that the mischief has started again, there is the greatest need for us to be vigilant. Bearing this incident in mind, we should do our work courageously. If we go on doing our duty properly, we are sure to succeed in the end.

[From Gujarati]

Indian Opinion, 4-3-1905

311. HINDUISM

[JOHANNESBURG,
March 4, 1905]

Mr. M. K. Gandhi delivered the first of a series of four lectures on the above subject at the Masonic Temple, Plein Street, on Saturday evening last, under the auspices of the Johannesburg Lodge of the Theosophical Society, Major Peacocke, vice-president, in the chair.

Mr. Gandhi introduced his subject by remarking that the endeavours of the Johannesburg Lodge to promote interest in the study of different religious systems were most praiseworthy, tending, as they did, to widen people's sympathies, and enlarge their comprehension of the motives and beliefs underlying the actions of those who were strangers in creed and colour. He himself had endeavoured, during his eleven years' residence in South Africa, to remove the prejudice and ignorance that existed concerning his own people.

Continuing, the lecturer described what was meant by the title "Hindu", referring it to the branch of the Aryan people that had migrated to the trans-Indus districts of India, and had colonised that vast country. As a matter of fact, Aryanism would have been a better descriptive word than Hinduism, in explanation of the faith accepted by so many millions of his countrymen.

One of the most remarkable characteristics of the religion professed by Hindus was self-abnegation, and this was obviously shown in the name of the religion itself, for, unlike most of the great world religions, it did not derive its name from any prophet or teacher, although it counted some of the greatest within its fold. The lecturer further instanced the historic siege of Arcot in support of this contention, when the Indian soldiers, at a time when starvation faced the whole British Army, waived their claim to the rice rations in favour of the British soldiers, they themselves being content to have the water in which the rice had been boiled, although it was customary to throw this water away; and also the case of Prabhu

Singh,[1] an indentured British Indian, who was chosen for the post of honour of warning the inhabitants of Ladysmith during the siege, whenever a Boer shell was coming, by ringing a bell when perched in a tree, at imminent risk to himself. This man was mentioned several times in despatches by Sir George White.

The Hindus themselves claimed that the date of their scriptures was veiled in the mist of antiquity, the scriptures themselves being God-given. As against that, some Europeans contended that the scriptures were not more than 3,000 or 4,000 years old. Mr. Tilak, a well-known Indian Sanskritist, has, however, calculated that, from certain astronomical observations made in these works, they were at least 10,000 years old, although they were only committed to writing some three hundred years after Christ. The *Vedas*, as these scriptures were known, consisted of separate hymns, each being held to cover a definite period, and quite independent of each other. And, typically, not one author's name had passed down to posterity! The *Vedas* had inspired the thought of many illustrious men of the West, amongst whom might be mentioned Arthur Schopenhauer and Professor Max Müller.

Over two hundred millions of people professed Hinduism, and this faith entered into their every act. The key-note of Hinduism on the spiritual side was *moksha*, or salvation; that is, the final absorption of the Soul in the Infinite Soul that pervades all things. In regard to religion, pantheism was the chief characteristic, whilst, on the ethical plane, self-abnegation was the most notable quality, with its corollary, toleration. In social matters, the characteristic of caste was predominant, whilst the ceremonial characteristic was the sacrificing of animals. At a time when the faith of the Hindus had become more formal, Prince Gautama Buddha, having learnt the spiritual worth of things during a prolonged period of contemplation, commenced to teach that animal sacrifices were despiritualising, and that the highest form of love was expressed by extending that toleration, which was already a tenet of their faith, in the direction of refraining from killing or otherwise destroying living things. Hinduism had never, as a religion, been missionary, as were Christianity and Mahomedanism, but, under King Asoka, the Buddhist priests were sent far and wide to propagate the new belief. Buddhism had a reforming effect upon Hinduism, somewhat similar to that of Protestantism upon Catholicism, but there was a great difference in the spirit underlying that reform. No Hindu bore the Buddhist any ill-will, a statement that could not be made in reference to the Protestants and Catholics. Buddhism was sometimes said to have declined in India. This was not really so. The Buddhist priests had endeavoured to propagate their faith too zealously, and had aroused the jealousy, at the time, of the Hindu priesthood, who had driven the Buddhists to the outskirts of the country, to Tibet, China, Japan, Burma and Ceylon. But the spirit of the Buddhists remained in India, and actuated every principle professed by the Hindus.

[1] *Vide* Vol. III, p. 202 and *Satyagraha in South Africa*, Chapter IX.

In this connection, the lecturer briefly referred to Jainism as a most interesting form of faith. The Jains claimed that it was altogether independent of Buddhism, not a growth from it. Unlike others, they did not claim for the faith that it was of Divine origin, recognising that its sacred writings were the results of human workmanship. Jainism was, perhaps, the most logical of all faiths, and its most remarkable characteristic was its scrupulous regard for all things that lived.

After the lecture, Mr. Gandhi answered some questions put to him by members of the audience, and the proceedings terminated with a vote of thanks to him, which he deprecated smilingly, on the ground that they were not yet deserved.

The second lecture of the series will be given on Saturday evening next, the 11th inst., at the same hall.

The Star, 10-3-1905

312. SPEECH AT FAREWELL TO L. W. RITCH[1]

This is a brief report of Gandhiji's speech at a Johannesburg function to bid farewell to Ritch.

[*March 9, 1905*]

Mr. Gandhi said he would like to add his own expression of appreciation both of Mr. Ritch's character and his actual work in the speaker's office. Mr. Gandhi gave a brief history of his relations with Mr. Ritch, describing the sentiment of brotherhood that attached them to each other. Special stress was laid upon Mr. Ritch's self-sacrifice at the time of the plague last year, when he insisted upon tending the Indian plague-patients, regardless of possible consequences to himself.[2] He regarded the cause of Mr. Ritch's departure for Home as God-sent, and he had no doubt that whatever happened would be for the best.

Indian Opinion, 25-3-1905

[1] Louis Walter Ritch gave up business in 1903 and became an articled clerk under Gandhiji. A Theosophist, he introduced Gandhiji to the Theosophical Society. Left for England in 1905 for legal studies and there did much valuable work on behalf of South African Indians through frequent contributions to the Press.

[2] Of this episode, Gandhiji wrote later: "Mr. Ritch had a large family. He was ready to take the plunge, but I prevented him. I had not the heart to expose him to the risk. So he attended to the work outside the danger zone." (*Autobiography*, Part IV, Chapter XV). Whether the speech was correctly reported in *Indian Opinion* or his memory was at fault while writing the above 20 years later, one cannot say.

313. A POLITICAL MEDICAL REPORT

The Medical Officer of Potchefstroom, at the instance of the Town Council, has prepared a report on the condition of the Indian quarters in that town. The circumstances under which it was prepared are rather peculiar. As our readers are aware, the Potchefstroom people are very much exercised over the proposed erection of a mosque by the Indian Mahomedans. At the Town Council meeting where, in spite of legal opinion to the contrary, the Councillors decided to oppose the erection of the mosque, they also passed a resolution instructing the Medical Officer to make an inspection of that part of the town and report at once to the Council. One would think there is absolutely no connection between the erection of the mosque — which is purely and simply a building devoted to religious worship and which is never used as a dwelling place — and the sanitary condition of the surrounding houses. However, the Town Council of Potchefstroom, like the wolf in the fable, wanted some charge to go on with. The Medical Officer, Dr. Friel — faithful servant that he is to the Town Council — has risen to the occasion and submitted a report, according to their desire, which is a curious document. The Doctor says:

> The premises were on the whole fairly clean, but if any epidemic broke out, it would be very difficult to disinfect them, as they largely consist of a patchwork of shanties of all shapes and sizes.

The question naturally arises: what has the Officer been doing all this time? The plague has been in the Transvaal now for a year, and these premises have not been found a source of danger. To-day, they are found to be an urgent danger to the town, and must be dealt with at once, not to prevent the plague, but — the building of a mosque! This would be ludicrous, were it not so openly dishonest. The Doctor says there were sanitary conveniences in each of the premises; but as a statement of this description is very damaging to the cause of the Town Council, he must, forsooth, add that in most cases the bath water is thrown on the street. He does not say how many of the Europeans in Potchefstroom also throw their bath water on the street, and on our own part we strongly suspect the Indians who do so have no other course open to them. The Doctor, however, still could not make out a transgression of the bye-laws, and so he adds:

> Although they may not actually transgress the bye-laws, still the minimum of air space was closely approached in every case, and the rooms were badly ventilated.

We wonder whether the Potchefstroom Municipal bye-laws allow of bad ventilation being tolerated. If so, why does not the Municipality ask for an amendment of the bye-laws, so that they might satisfy the requirements of hygiene and sanitation? As a matter of fact, we happen to know that the public health bye-laws framed by the Government have

been adopted by the Municipality of Potchefstroom, and that they are stringent and exacting. The Doctor concludes the medical portion of the report, by saying that, taken as a whole, their manner of living is not up to the present-day standard, and that houses and their residents in the centre of the town are a continual source of danger to public health. We see nothing in the report, which is so frankly contradictory, that would warrant the opinion given by the Doctor. And, as if the medical report made by him were not enough, he goes on to give a legal opinion, and suggests that the Government should be approached to compel all Asiatics other than duly licensed traders to reside in the Bazaars.

Although this report is in our opinion self-condemned, it might be worth while producing an impartial opinion about the very dwellings on which Dr. Friel has given his verdict. We are, fortunately, in possession of a report prepared at the instance of the Indians in Potchefstroom by Dr. Thomas J. Dixon, the District Surgeon. He says:

> In going through the various premises I am pleased to say I was greatly impressed with the general condition of each place I visited, both internally as well as externally. Taking all things into consideration, the backyards are all perfectly clean and sanitary. I saw no accumulation of rubbish; this, I understand, is being carried away daily by the contractor. The bucket system is in force, as in other parts of the town, which is also attended to by the sanitary department, and I can find no fault from what I saw. There appears to me to be no fault as regards sleeping accommodation. At the back of each business, in addition, I noticed a kind of mess room capable of seating about 5 to 8 persons, and each has its own kitchens, which are also well kept.

We have before us a detailed report of each of the dwellings examined by the Doctor. Here, then, is an unbiassed medical report given by a gentleman having no master to please, and who finds that the Indian dwellings are *not* open to objection from a sanitary standpoint.

Dr. Friel's report, we notice, has been referred by the Town Council to the Government, and we await what it has to say to it. It is palpably the effusion of a man whose inclination runs counter to his conscience.

Indian Opinion, 11-3-1905

314. THE HEALTH OF EDUCATED INDIANS

When we compare educated persons in India with those in other countries, we are sadly disappointed. The formation of a new Liberal Ministry in England is now under consideration. The ages of the leaders of this group are very significant for us. Mr. Bryce and Mr. John Morley are 67 years old, Lord Bracey and Sir Henry Campbell-Bannerman are 69, Earl Spencer is 70, the Duke of Devonshire is 72 and Sir Henry Fowler, 75. Even Sir Charles Dilke, whose inclusion in the Ministry is not very probable, is 60, and Lord Rosebery, 57. Some at any rate of these gentlemen are bound to be in the new Ministry.

Now, if we look round among Indians in any walk of life, we are

unlikely to come by many elderly persons who can boast of sound health and vigour. One might attribute it to the Indian climate, but this can be valid only up to a point. Our men of earlier generations enjoyed long life, full of health and vigour. They were so tall and well built that our contemporaries look diminutive beside them. If the Indian climate of old was so healthy and bracing, it cannot be that it does not now favour a good physique. The real reason is that we are unmindful of the maxims of good health. This attitude of negligence, which begins at school or college, continues into maturity. We remain engrossed in our work, in earning money and in improving our lot. We then hardly stop to realise that it is only natural for the body to wear down under severe strain. Most educated Indians do not have the habit of regular physical exercise. They seem quite innocent of the fact that the mind needs rest and recreation as well. One might find stray clubs and societies [among Indians,] but very few participate in their affairs actively. Some of them, who have little to do at home, prefer low types of pleasure to a chat or a game or two of billiards. Again, unlike Europeans who have an intelligent appreciation of the importance of health and happiness, they do not go to parties, balls, plays nor have they other pastimes. Their lives are dull and monotonous, if we leave out of account the variety of business that demands their attention. Such ways spell the ruin of a whole people; but, unfortunately, no one can as yet foresee their deleterious consequences. Not yet conscious of any ill-health, they think themselves free from disease. And because they can do their work, digest their food and do not feel any manifest ailment, they consider themselves healthy. All of a sudden, this sense of well-being ceases; they find themselves in the grip of of some serious disease, and they despair. We must learn from the example of those who have earlier fallen a prey to this habit, and beware. But then we are too slow and careless to profit by such examples. That is why we do not find among educated Indians persons of ripe old age. This defect is by no means peculiar to any individual or family, rather the entire Indian nation suffers from it. A countrywide effort is most essential in order to save Indian youth from being blighted prematurely.

[From Gujarati]

Indian Opinion, 11-3-1905

315. A WAR OF GIANTS

JAPAN AND RUSSIA

From the news received from the front, it appears that the battle now being fought between Japan and Russia near Mukden bids fair to be considered the greatest in all ancient or modern history. To call the battle of Mukden, now in progress, the greatest may be dubbed an exaggeration. It is natural that, as a result of the frequent publication of sensational news in the papers, the people in general develop a dislike for such reports and, consequently, calling the battle of Mukden the greatest might be considered an exaggeration. Nevertheless, we must point out that tens of thousands of men are now being annihilated on both sides in the battle. Japan has here attacked Russia from east, west and south, that is, the attack is not frontal, but on the flanks of the Russian army. It is possible that, if the flanks succumb, the van also might give way.

At the helm of all these manœuvres of the army stands the heroic figure of Marquis Oyama of Japan. The battle covers an area of a hundred miles, and a million men have entered the field. The weapons of destruction used range from the smallest rifles to the biggest guns. No effort possible for human talent has been spared to bring about the quickest destruction of men. Courage and endurance have not been found wanting under any test. A hundred thousand men have been utterly destroyed. If Japan defeats Russia in this battle, there is strong reason to believe that the end of the war is near at hand. Having lost Port Arthur,[1] Russia no more holds any sea power; and it is improbable that she will send more men to Manchuria by land. The people in Russia have already begun to detest the war; if, therefore, the army at present in Manchuria sustains a defeat, it will not be necessary for Japan to make any further sacrifices.

[From Gujarati]

Indian Opinion, 11-3-1905

[1] On August 10, 1904.

316. LETTER TO DADABHAI NAOROJI

21-24 COURT CHAMBERS,
CORNER RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
March 11, 1905

TO
THE HONOURABLE DADABHAI NAOROJI
22, KENNINGTON ROAD
LONDON

DEAR MR. DADABHAI,

This will serve to introduce to you Mr. L. W. Ritch of Johannesburg. Mr. Ritch and I have known each other intimately for several years. Mr. Ritch holds very decided pro-Indian views and in order, among other things, the better to serve the Indian cause he is proceeding to England to study for the Bar.

I shall esteem it a favour if you will be good enough to give him the benefit of your assistance. Mr. Ritch has studied the Indian question in South Africa.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G. N. 2266.

317. HINDUISM

[JOHANNESBURG,
March 11, 1905]

Mr. Gandhi delivered his second lecture on "Hinduism" under the auspices of the Johannesburg Theosophical Lodge, at the Masonic Temple, on Saturday evening. The hall was well filled.

The lecturer, after giving a short resume of the previous lecture, said that the second lecture would be devoted to what might be termed the second epoch of Hinduism. After the reformation that took place from within, under the influence of the teachings of Buddha, Hinduism was very largely addicted to idolatry. Several explanations were offered in extenuation, but the lecturer could not deny the fact that the Hindus seemingly worshipped stocks and stones. The Hindu philosophers easily

CWMG - IV

recognised and worshipped God as the purest spirit, and Pantheism took them to the highest flight. It similarly brought down the ignorant masses to the lowest depths. If the infant mind could not realise God as a pure spirit, it had no difficulty in worshipping Him through His various manifestations. Many worship Him through the sun, the moon and the stars, and many worship Him through stocks and stones also, a mode of worship to which philosophical Hinduism, with its tolerant spirit, had no difficulty in reconciling itself. So the wheel of Hindu life went merrily on, until there arose in the desert of Arabia a power that was destined to revolutionise ideas and to leave a permanent impress. Mahomet, whilst yet a boy, on seeing around him people given to idolatry, to lustful indulgences, and to drunkenness, burned within himself with rage. He saw also Judaism prostrate and Christianity debased. He felt, even as did Moses and Christ, that he was a man with a mission. He decided to deliver his mission to the world, and he chose the members of his own family as the first recipients. The lecturer was not one of those who believed that the religion of Islam was a religion of the sword. Washington Irving, in his work on Islam, had asked a pertinent question, namely, "Where had Islam, in its first stage, found men to wield the sword?" He believed that the success of Mahomedanism was largely due to its simplicity and to its recognition of human weaknesses. He [the Prophet] taught that God was One and only One, that he was His Messenger. He taught also that prayer was absolutely necessary as an uplifting influence, and in order to bring together his followers, if only once in a year, he instituted the pilgrimage to Mecca, for those who could afford it, and recognising that people would amass wealth, he enjoined upon his followers that they set apart a certain portion of it religiously for charitable purposes. The key-note of Islam was, however, its levelling spirit. It offered equality to all that came within its pale, in the manner that no other religion in the world did. When, therefore, about 900 years after Christ, his followers descended upon India, Hinduism stood dazed. It seemed to carry everything before it. The doctrine of equality could not but appeal to the masses, who were caste-ridden. To this inherent strength was also added the power of the sword. The fanatical raiders who, from time to time, found their way into India, did not hesitate to convert by the sword if they could not do so by persuasion. They more or less overran all parts of India, breaking idols after idols, and although the Rajput valour was at the disposal of Hinduism, it was powerless to afford protection against the Mahomedan inroad. In keeping with the spirit of Hinduism, an attempt was made at first to bring about reconciliation between the two faiths, and in the city of Benares, there arose a holy man about the 13th century, by name Kabir, who endeavoured, by keeping intact the chief tenets of Hinduism and by borrowing somewhat from Mahomedanism, to bring about a fusion, but the attempt was not quite successful. The Punjab, through which the Mahomedan conquerors poured into India, and which bore the first brunt, produced Guru Nanak, the founder of the Sikh reli-

gion, who drew upon Kabir for his doctrines and added to it militant Hinduism. He offered the olive-branch by respecting the Moslem susceptibilities, but if that were not accepted, he was equally ready to defend Hinduism from the Moslem aggression, and thus Sikhism was a direct result of Islam. It was well known how brave the Sikh was and what service he had rendered to the British Government. The influence of Mahomedanism on Hinduism was that it gave rise to Sikhism and it brought out one of the chief characteristics of the religion, namely, toleration, in its true light and fulness. When there were no political influences at work, there was no difficulty about the Hindus and the Mahomedans living side by side in perfect peace and amity, each respecting the prejudices of the other, and each following his own faith without let or hindrance. It was Hinduism that gave Mahomedanism its Akbar, who, with unerring insight, recognised the tolerant spirit and adopted it himself in ruling India. Hinduism, moreover, showed its elasticity in that, in spite of the fierce struggle, the classes as well as a large majority of the masses were left totally untouched, and Hinduism arose out of the struggle braced, as we would rise out of a cold bath, with warm glow. The first shock was, no doubt, severely felt, but the Hindu religion soon asserted itself. The lecturer also mentioned the Fakirs and the Yogis, and said that they lived almost the same kind of life, although the former belonged to the Islamic faith and the latter to the Hindu faith.

At the end of the lecture several interesting questions were put, and the proceedings terminated after the usual vote of thanks.

The third lecture[1] of the series will be given next Saturday at 8 o'clock in the Masonic Temple. The synopsis is as follows: The advent of Christianity in India; comparison between Mahomedanism and Christianity as they appeared to the Hindus; influence of Christianity on Hinduism; a mixture of Christianity and modern or western civilisation; the direct failure and indirect success of Christianity in India; Ram Mohan Roy, Keshub Chunder Sen, Dayanand; Theosophy, the Brahmo Samaj and the Arya Samaj; the state of Hinduism to-day; its vivacity and the secret of its great staying power.

The Star, 18-3-1905

[1] The reports of the third and fourth lectures in *The Star*, if any did appear, are not available. A summary of the four lectures, however, was later published in *Indian Opinion*, *Vide* "Lectures on Religion", 15-4-1905.

318. LETTER TO COLONIAL SECRETARY

BRITISH INDIAN ASSOCIATION

Box 6522,
Johannesburg,
March 14, 1905

TO
The Honourable Colonial Secretary
Pretoria

SIR,

My Association ventures respectfully to draw your attention to the enclosed cuttings[1] from the *Potchefstroom Budget*, giving a report on the anti-Asiatic demonstration that took place on Saturday the 4th instant at Potchefstroom in front of the Indian stores on the market square.

My Association has been informed by the British Indians living in Potchefstroom that the proceedings were violent and that speeches were made such as to arouse the worst feelings of the populace. After the speeches were finished, some mischievously inclined people began to throw stones at the shop windows of the Indian stores, and had it not been for the efficient manner in which the police had prepared themselves for such emergency, it is difficult to say to what extent the violence would have gone. As it was, the injury done was restricted to the breaking of a few plate-glass windows.

It is worthy of note that the demonstration was headed by some of the principal men in the town, such as the President of the Potchefstroom Chamber of Commerce, a prominent member of the Town Council, and others holding public or semi-public positions. It was the proposed erection of a mosque in the town that was used to inflame public prejudice against the Indian community, but my Association is informed that the site for the proposed mosque is

(*a*) not in the centre of the town,

(*b*) not in a main thoroughfare,

(*c*) is some distance from, and not, as alleged, next door to a new hotel said to have cost £30,000,

(*d*) the site is in a back street and the proposed buildings would be invisible from any of the neighbouring streets,

(*e*) the buildings immediately surrounding the site are nearly all wood and iron and of far inferior construction to the proposed mosque buildings.

My Association, therefore, respectfully ventures to submit that the British Indian community at Potchefstroom is entitled to a declaration

[1] Not available

from the Government, disapproving of the manner in which the anti-Asiatic agitation is being carried on at Potchefstroom and to an assurance that their persons and property will be fully protected. Probably the Government may be aware that the Potchefstroom Vigilance Association, and such other bodies in the Colony, carry on the agitation with a view, as they have stated, to strengthen the hands of the Government, who, they say, are prepared to fall in with their "Demands" and who are in their opinion at present engaged in negotiations with the Home Government having that end in view.

My Association cannot conceive that such can be the intentions of the Government, but in its humble opinion the absence of a clear declaration to the contrary by the Government is likely to be misinterpreted and thereby to accentuate the violence of the agitation.

My Association, therefore, trusts that the Government will be pleased to take such steps as may be necessary for protecting the rights of the inoffensive British Indians in Potchefstroom and other towns in the colony.

I have the honour to be,
Sir,
Your obedient servant,
ABDOOL GANI
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Pretoria Archives: L.G. 93, Miscellaneous Files 97/3 Asiatics 1902/1907

319. THE NATAL MUNICIPAL CORPORATIONS BILL

We have before us the Natal *Government Gazette* of the 21st February, 1905, containing a "Bill to amend and consolidate the law relating to the Municipal Corporations". We give in another column the clauses that bear directly or indirectly on the British Indian question. This will be the second attempt of the Government to introduce this Bill and pass it into law. The definitions given of the terms "Coloured person" and "uncivilised races" are very unsatisfactory, and are calculated to incorporate into the Bill the mischief that has been already created by the definition of "Coloured person". According to the Bill, the term includes, among others, "any Hottentot, Coolie, Bushman or Lascar". Now the terms "coolie" and "lascar" themselves require defining, and it is exceedingly dangerous to leave their interpretation to the administrators of the measure, from the Attorney-General down to Kaffir policemen. How, for instance, is a Kaffir policeman to know who is a "coolie" and who a "lascar"? Why, again, should the term "coolie" be at all retained in the Bill, when it is well known how offensive it has become?

The definition of the term "uncivilised races" is an insult to the Indians concerned, and more so to their descendants. An infallible test of civilisation is that a man claiming to be civilised should be an intelligent

toiler, that he should understand the dignity of labour, and that his work should be such as to advance the interests of the community to which he belongs. Apply this test to the lowest indentured Indian, and he will satisfy it. Why, then, should he be called a member of an uncivilised race? And even if it were right to call an Indian labourer uncivilised because he undertakes to serve the Colony under indenture, why should the ban be placed upon his descendants? The Higher Grade Indian School, about whose pupils the Governor and the late Administrator have spoken in flattering and eloquent terms, contains many children of Indians who have been under indenture. The children would do credit to any community. They are intelligent and receive a liberal education. Is it right that they should be labelled members of "uncivilised races"? The distinction between such Indians and others would be based purely on an accident, for we assure the framers of the Bill that there are many indentured Indians who are quite as good as some Indians who have paid their own passage and entered the Colony as free men. Indeed, the indentured Indian deserves, if anything, better treatment than the free Indian, because the former has been invited and induced to come to the Colony and has contributed not a little to its prosperity.

Coming to clause 22 of the Bill, contrary to the declarations made by the late Mr. Escombe and the late Sir John Robinson, — who, at the time of introducing the political franchise Bill, commended it to the Legislative Assembly on the ground that it left the municipal franchise alone — we find the provisions of the Parliamentary Franchise Act being applied to the municipal franchise, and if the Bill, as it stands, becomes law, no person who is disqualified for the parliamentary franchise by Act No. 8. of 1896, shall be eligible as a municipal voter. That is to say, persons belonging to the races which have not hitherto enjoyed representative institutions would be disqualified from being voters at municipal elections, although they may have enjoyed representative municipal institutions in their own country. It is well known that India possesses elective Municipalities in all the chief cities, that there are hundreds of such Municipalities and that there are thousands of Indian voters who elect members to them. Why should they be disqualified? The framers of the Bill have taken no note whatever of the great self-control that the Indian community has exercised in connection with municipal elections. They have refrained from having their names placed on the burgess roll, and the clause in question is the one offered to the community as a reward. We consider the clause to be a deliberate insult, and we hope that the members of the Assembly will not lend their support to the putting of such an affront upon the Indian community.

In clause 182, the Municipalities are to be given the power to frame bye-laws regulating the use of pavements, foot-paths and rickshas by Coloured persons. It is here that the interpretation of the terms "coolie" and "lascar" is necessary, and it is not difficult to imagine what an engine of oppression the bye-laws are likely to be, if the present definition is re-

tained. This clause, evidently, is a result of the agitation that is still going on in the Transvaal with regard to the use of foot-paths by Coloured people, and of the vacillating policy of the Government of that Crown Colony.

Clause 200 makes provision for registration of persons belonging to uncivilised races, resident and employed within the borough. One can understand the necessity for registration of Kaffirs who will not work; but why should registration be required for indentured Indians who have become free, and for their descendants about whom the general complaint is that they work too much? Is the son of an indentured Indian, seeking employment as a clerk, to be registered?

There are other objectionable clauses in the Bill, but we refrain, for the present, from adverting to them in this brief notice of the Bill. It is merely one of the many proofs of an attempt that is being made all over South Africa to crush the Indian, because the whole of the agitation that is at present going on, though nominally directed against the Coloured man, is in reality directed against the British Indian. The policy that is being followed is the policy that was ascribed to the Boers by Lord Milner with reference to the Uitlanders, in his famous Kimberley speech before the war. His Lordship described it as a pin-prick policy; yet it will not be doubted that the Uitlanders, in spite of the political disabilities to which they were subject, were infinitely better off and better able to put up with them than the Indians. If the treatment of the Uitlanders be described as a policy of pin-prick, what shall we say of the policy that is being followed in connection with British Indians in South Africa? As a member of the Legislative Assembly of Natal once said, the Colonial ideal should be to make the position of the British Indians in South Africa as uncomfortable as possible, so that their patience would be exhausted and they would leave the country.

What, now, is the duty of the British Indians under this trying ordeal? The answer is simple. Patience is the badge of the Indians, and they must not on any account forget that fact. It is a precious heritage, and if they would only add to it a large fund of industry, well-sustained and combined opposition to a usurpation of their rights as subjects of the King-Emperor, they might still gain the victory, even though the odds may be against them. They must have the faith of the undaunted prophet who, with the courage born of a living confidence in his God, was wont to defy the hordes of the enemy, and who, when reminded by his disciples that they were only three against the enormous numbers of the latter, retorted that they were not three but four, because the invisible presence of the Almighty was with them.

Indian Opinion, 18-3-1905

320. THE CAPE GENERAL DEALERS' BILL

We are glad to see that the British Indians at the Cape have not allowed the grass to grow under their feet with reference to the Dealers' Bill, which is to be introduced during the present session of the Cape Parliament. An Indian deputation, headed by Sir William Thorne and the Hon. Edmund Powell, has already waited on the Hon. the Attorney-General. We must, however, confess to a feeling of disappointment about the lame reply given by Mr. Sampson.[1] It is all very well for him to say that "a Resident Magistrate was not bound to take into regard the question of keeping books in a European language. The Bill said he might or might not." We all know what these discretionary powers mean. They have been abused before and there is no guarantee that they will not be abused in future. We are quite willing to accept the assurance that the Bill is "not a hit at the Indian", but so far as the latter is concerned, it would amount to it, if it is capable of being so used. We make bold to say that this is undoubtedly a Bill that will lend itself to a great deal of persecution. Again, the Attorney-General totally missed the point when he contended it was a question of keeping books in a European language. The Bill goes much further, and authorises a Licensing Officer to refuse a licence on the ground of the applicant's not knowing a European language. We should have no objection to the books being required to be kept in the English language, which could be done by competent book-keepers, but it is a totally different proposition to require the applicant to know some European language. If the clause is meant to prevent fraud, we cannot understand why the books should be kept in any other European languages than English. Such an alteration, if confined to book-keeping and not extended to the licence-holders, would take away from the clause the sting of insult to the great Indian languages. The learned Attorney-General then proceeds to read a lecture to the Indians, and says:

> He was not talking of things that he did not understand. He was a fair man and knew the position. Take Indian trading on Sundays, for instance. Did they mean to tell him that the Indian traders did not carry on trading on Sundays?

With great deference, we submit that they do not, and that if, in isolated places, they do, what is his Department doing? Is there no Sunday trading law at the Cape? Could not illicit Sunday trading be stopped with a heavy hand? And, if we may use the *tu quoque* argument, is illicit trading confined to Indians? Moreover, it is painfully surprising to see that the leader of the legal profession at the Cape so far disregards the traditions of law as to bring in support of his measure an argument which has no bearing on it, for what possible connection can there be between illicit Sunday trading and a knowledge of a European language on the part

[1] The Attorney-General.

of an Indian trader? How would he prevent Sunday trading by requiring of an applicant for a licence a knowledge of a European language? The honourable gentleman proceeds:

> There was another difficulty in regard to Indians. They often came out with their families, and the whole of them carried on a business. If the trader became tired, then his wife looked after it for a while, and when she got tired, the children could look after the shop. They would find European people had to live in a different way. They had to send their children to school for a very large portion of the day, and they could not compete fairly with people not under the same obligations.

We have no hesitation in saying that, in making the statement, the honourable gentleman was thinking of people other than Indians; for we speak with knowledge when we say that there are very few Indians whose wives assist at the sales. That the sons of the poorer store-keepers may do so, we are not prepared to deny, but that would be due more to jealousy regarding education of Indian children than to anything else. It is hardly fair to place every obstacle in the way of Indian education and then to say that the parents would not educate their children. Is this inequality, if such it be, to be avoided by requiring knowledge of a European language by an Indian store-keeper?

It would have been far better, and more dignified, if Mr. Sampson had effected a compromise and shewn some respect for Indian sentiment. The principle of the Dealers' Licenses Act is such as would commend it to all right-thinking men under the present circumstances of South Africa. The whole argument of the Attorney-General, so far as it is applicable, goes to show that the books of all store-keepers should be kept in English. If so, it should be so stated in the clause. It would then disarm criticism, and would considerably help the Law Department in enforcing the provisions of the Bill, as they would then be accepted by a majority of those whom it is likely to affect.

In passing, we would draw the attention of our readers to a curious sidelight that has been perhaps unconsciously thrown by Mr. Sampson on the attitude of the Government. He said:

> Although Yiddish was accepted as a European language for immigration purposes, it did not apply in that way to books which were to be kept in a European language.

Apparently, the Government when it suits them can Europeanise a language for enforcing one law, and de-Europeanise it for enforcing another.

Since the above was written, the full report of the interview with the Attorney-General has come to hand. From this we learn that the objectionable clause relating to a knowledge of some European language is to be withdrawn.

Indian Opinion, 18-3-1905

321. LAWYERS AT THE CAPE

The Incorporated Law Society at the Cape wishes to promote a Bill whereby they intend to prevent any Coloured men being admitted to the Cape Bar or the Side Bar. We are not aware of such legislation having been undertaken in any of the British Dominions. The Cape has hitherto enjoyed the distinction of being the most liberal among the South African Colonies, and the freest from colour prejudice. That in a Colony having such traditions there should be a body of men, supposed to be the most intellectual portion of the community, who wish to promote class legislation of the worst type is very remarkable, for there appears to be absolutely no justification for a step of that description. We wish to bring the proposed Bill to the notice of the Inns of Court in London as also to the Incorporated Law Society. We wonder what they will have to say in connection with this most extraordinary proposal. It has been hitherto assumed that, to a barrister passing out of one of the Inns of Court, the whole of the British Dominions are open for practice. Is the Cape Colony, flying the Union Jack, to set aside the rules framed by the Inns, and shut out barristers from those Inns should they happen to wear a coloured skin?

Indian Opinion, 18-3-1905

322. LETTER TO DADABHAI NAOROJI[1]

BRITISH INDIAN ASSOCIATION

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
March 20, 1905

DADABHAI NAOROJI, ESQ.
22, KENNINGTON ROAD
LONDON
ENGLAND

DEAR SIR,

A reactionary policy is being followed throughout South Africa regarding the British Indians. I commend to your attention the current numbers of *Indian Opinion* wherein you will find that at the Cape they are trying to introduce a general Dealers' Licenses Bill which is calculated to

[1] A copy of the letter was forwarded by Dadabhai Naoroji to the Secretary of State for India and the Secretary of State for the Colonies. The letter was also published in *India*, 14-4-1905.

do a great deal of harm to the British Indians settled at the Cape. In Natal, as you will see, a Fire-arms Bill has been published in the *Gazette* which needlessly insults British Indians. There is, too, a reproduction of the Transvaal anti-Asiatic legislation in the district of Vryheid which has been lately annexed to Natal and the Municipal Corporations Bill contains clauses which are most objectionable. In the Orange River Colony disabilities upon disabilities are being imposed upon Indians through the instrumentality of bye-laws, and I venture to draw your attention to the fact that, while a great deal has been done there regarding the Transvaal legislation as also the Natal legislation, I have not yet seen a question put in the House of Commons regarding the Orange River Colony. I, therefore hope that this matter will also be taken up. The current number of *Indian Opinion* deals with the Natal Municipal Bill among other things and the next number will deal with the other matters referred to in this letter.

I remain,
Yours faithfully,
M.K.GANDHI

From a photostat of the original : G. N. 2267.

323. THE ORANGE RIVER COLONY AND ASIATICS

We have more than once drawn attention to the violently anti-Asiatic policy of the Orange River Colony. In such policy, the late Boer Government did not nearly approach the present Government, which, in the name of the King-Emperor, is setting the seal of its approval on the prevalent colour prejudice. We have waited in vain for the fulfilment of Mr. Chamberlain's promise that the anti-Asiatic laws of the Orange River Colony would be remodelled in accordance with British ideas. They are certainly being remodelled, but we have yet to learn that the way in which they are being altered is consistent with the traditions that have been always associated with the word "British". The latest instance is to be found in the *Government Gazette* of the Orange River Colony for the 10th inst. In the regulations for the village of Odendaalsrust, which have received the sanction of His Excellency the Lieutenant-Governor and the Executive Council, are contained some clauses regarding Natives with reference to their living in Locations, the sale and manufacture of Kaffir beer by them, the holding of dance parties in the Location, the keeping of guests therein, the owning of dogs, etc., by them. Now in the regulations, the term "Native" shall be interpreted and taken to apply to and include a man or men, as well as a woman or women, above the age, or estimated age, of 16 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 what* [*ever*] *race or nationality they may be.* In the clearest possible language,

therefore, the "Municipality" of the village has been allowed to include in the term "Native" the British Indians and other Coloured people. If such a definition and such regulations were passed in the Legislative Council of the Orange River Colony, they would be subject to veto by the Home Government; but because a village board passes them, and chooses to give an unwarranted definition to the term "Native", the Home Government is not to be consulted, and the accommodating local Government has no hesitation in countenancing wholesale restrictions of the character above mentioned. Apparently, it does not matter to that Government whether such regulations offend the feelings of the Indian subjects of the King-Emperor or not. We draw the attention of public men in England, who cherish the proverbial sense of justice and fair play, to the scandal revealed by the regulations in question which we reprint *in extenso* in another column.

Indian Opinion, 25-3-1905

324. THE ANTI-INDIAN ACTIVITY OF NATAL

In the *Government Gazette* of Natal for the 28th February, a Bill is published regulating the use of fire-arms. Part 4 of the Bill deals with the use of fire-arms by Natives and Asiatics. We give all the sections in another column. Evidently the framers of the Bill have associated the Asiatics almost instinctively with the Natives, and it is that attitude of mind against which we have always firmly and respectfully protested. Since distinctions are made between one class and another, justice will never be done to the Asiatic unless he is treated as apart from the Natives. The Native question is a big question in South Africa. The Native population is very large. The Native civilisation is totally different from the Asiatic or the European. The Native, being the son of the soil, has a right to fair treatment, but being what he is, perhaps some legislation, which may be of a restrictive character, is necessary. It can, therefore, never apply to Asiatics. In this instance of the fire-arms, the Asiatic has been most improperly bracketed with the Native. The British Indian does not need any such restrictions as are imposed by the Bill on the Native regarding the carrying of fire-arms. The predominant race can remain so by preventing the Native from arming himself. Is there the slightest vestige of justification for so preventing the British Indian? It is a matter of common knowledge that the British Indian who has settled in the Colony is not a military man. He is most docile. Why should he, then, be insulted by being placed in the same category with the Native? Would not a stranger, visiting Natal, and coming across legislation of this kind, come to the conclusion that the British Indians must be a very troublesome community? There are occasions when British Indians, living in out-of-the-way places, would require to have a gun or a revolver. They are then, if the Bill becomes law, to go not

to the ordinary authorities, but to the Secretary of Native Affairs, who has no connection with the British Indians, and there beg for permission to own a revolver or a gun, as if the Magistrates were incapable of using their discretion with reference to the possession of fire-arms by British Indians. We do not know that, in feeding anti-Indian prejudice in this wanton manner, the Government are not unnecessarily exasperating the British Indians. We hope that an amendment will be made in the Bill when it comes up before the Natal Parliament.

Indian Opinion, 25-3-1905

325. THE VALUE OF STRAY MOMENTS

Some time elapses in merely thinking about a piece of work before it is actually begun. Such time is known as stray moments. We carelessly allow these bits of time to pass. If we add up these stray moments which are thought to be of little account, they make no mean part of our life; and not to make a proper use of them is to waste life itself.

Each one of us talks, more or less, about his education and improvement. We make plans of how best to use our spare time; but, whenever we get a few stray minutes of leisure, we men and women — particularly women — allow them thoughtlessly to pass away. We go on cherishing dreams of the many things we would do, if and when we have the time. The time we get is just a quarter or half hour or just a few minutes. Then, we say to ourselves, "Well, it does not matter, there isn't enough time now". Thus we go on dreaming and the golden opportunities slip away.

What a fool we shall call the person who, needing £10, does not take care of the few shillings he regularly gets! Nevertheless, we behave just like him. We regret that we do not get time; and yet, we idle away the stray minutes, which put together would make a whole day, just as the stray shillings make a Bank-note.

By making regular, daily use of such minutes, a young European lady succeeded in learning Italian. Another was able to collect an astonishingly large sum of money in a year by knitting for charity during such moments of leisure.

[From Gujarati]

Indian Opinion, 25-3-1905.

326. SLEEP (BEST) RESTORER OF ENERGY

When a man feels exhausted and is unable to carry on his work, the best remedy is to lie down and sleep and, if possible, to remain in bed for about a week. This is the best means to regain lost energy, particularly mental energy, for during sleep the brain enjoys complete rest, and the brain cells that are consumed during active work are then restored through the supply of blood. Just as every revolution of the wheel of an imposing steamer is the result of fuel burning in the furnace of the boiler, so also every thought arising in the brain is caused by the utilisation of its cells during the process of thinking. The brain cells thus spent up can only be restored from the life-giving substance in the blood, which is formed out of the food we eat. The brain is so constituted that it can recover its used up cells only in the quietude of rest or sleep. Intoxicating drinks or drugs cannot give any nourishment to the brain. They only stimulate it and force it to consume more of its cells; so much so that the brain gets ultimately exhausted, and has no strength left even to take in the food needed by it, even as a man about to die of hunger and thirst cannot swallow any food or drink.

[From Gujarati]

Indian Opinion, 25-3-1905

327. LETTER TO DADABHAI NAOROJI

21-24 COURT CHAMBERS,
CORNER, RISSIK & ANDERSON STREETS,
P.O. BOX 6522,
JOHANNESBURG,
March 25, 1905

THE HONOURABLE DADABHAI NAOROJI
22, KENNINGTON RD.
LONDON S.E.

DEAR MR. DADABHAI,

I have not been able before now to reply to your letter of the 20th January regarding the South African Bulletin. Just at present it is very difficult to give any pecuniary help to the Paper as the funds have been almost exhausted in carrying on the fight locally. However, if you think that the Paper is deserving of support, I think it may be possible to pay £10 towards it.

I am,
Yours faithfully,
M. K. GANDHI

From a photostat of the original : G. N. 2268.

328. A DOUBLE-BARRELLED CIRCULAR

There is an Act on the Statute-book of the Colony of Natal, No.28 of 1897[1], which is intended as a protection to Indian immigrants who do not come within the scope of the laws affecting indentured Indians. When it was passed, the Indian community suggested that it was a law which could be used as an engine of oppression. Its purpose was to give those who would apply for it a certificate to the effect that the holder was not an indentured Indian, so that he might not be arrested on suspicion that he was under indenture and had left his employer. It might well be that poor hawkers and such other Indians would really, by taking out a certificate of this description, be protected from molestation. But its effect has undoubtedly been to cause a great deal of trouble and heart-burning; for although the Act is simply permissive, it has been treated as if it were obligatory, and many an Indian has been detained, and called upon to produce a pass under that Act, or otherwise to show that he is not under indenture.

A further complication has been added to this Act by a circular relating thereto, issued from the Colonial Secretary's Office to the Magistrates in Natal. Mr. C. Bird, Principal Under-Secretary, thus addresses the Magistrates:

> I have to request that, when forwarding an application to the Protector of Indian Immigrants for a pass, under Act No. 28 of 1897, you will send with the application, the Certificate of Domicile of the Applicant, or a statement to the effect that this certificate has been produced.

The intention is quite evident. It is to prevent Indians, who may have entered the Colony in breach of the Immigration Restrictions Act, from getting a pass from the Protector under the Act above referred to, and thus defying the Immigration Act. But from reports that we have received, the circular has caused a great deal of mischief. It punishes a whole community in order that a few guilty ones may be found out. It is also calculated to impose an unnecessary fine of two shillings and six pence upon poor people. Those who need a pass, under Act 28 of 1897, have first of all to arm themselves with a certificate of domicile, for which a fee of 2/6 has to be paid, and then, when such a certificate has been obtained, a shilling has to be paid for a pass from the Protector.

Now, as a matter of fact, such cumbersome formalities are totally unnecessary. A pass, obtained under Act 28 of 1897, in no way carries with it immunity from prosecution under the Immigration Restrictions Act; and if a certificate of domicile be necessary, the best thing to do is undoubtedly to repeal Act 28 of 1897, so that those Indians who are in the Colony, and are entitled to remain in it under the Immigration Restrictions Act, may take out a certificate of domicile, should they be afraid

[1] *Vide* Vol. II, pp. 345-6.

of any molestation. To expect them to go through the double procedure laid down by Mr. Bird is hardly fair or just, and we question very much whether it is a proper thing, by means of circulars such as the one to which we have drawn attention, to interfere with the administration of law. There is nothing in Act 28 of 1897 requiring production of a certificate of domicile. We have no doubt that an Indian who insisted could, as a matter of law, compel the granting of the pass by the Protector on application. To require, then, the production of a certificate of domicile is to make an unwarranted addition to the Act. We, therefore, trust that either the circular in question will be withdrawn, or that the Government will take an early opportunity of repealing Act 28 of 1897.

Indian Opinion, 1-4-1905

329. A KINDLY WORD FOR INDIANS

In the current number of *The Outlook*, the organ of the Johannesburg Congregational Church, appears an article entitled "In Justice to the Indians", an abstract of which appears in another column. Our contemporary feels it time to protest against some prevailing views affecting the Coloured sections of the community. It confesses to a feeling of disgust at the sordid character of the opposition to British Indians, and has read reports of anti-Asiatic proceedings at various places "with feelings of humiliation for their unfairness of attitude and inaccuracy of statement". It recognises that some people really believe the presence of Asiatics in South Africa to be detrimental to the public interest, and it strikes the right note when it pleads for strict honesty when the reason for objection is stated. It is not right to bring unfounded charges against Indians when the objection is really based on colour prejudice, or to find them to be a "danger to the public health", when they are merely inconvenient competitors. The Indian fills his own place in South Africa. The prosperity of Natal is very largely dependent upon indentured labour, and, as *The Outlook* says, in trades that he has made peculiarly his own, the Indian is indispensable. His sobriety and respect for the law make him an excellent citizen. We make bold to say that, could the people in this subcontinent view the Asiatic question from outside, the attitude of the Indian community under the most trying circumstances would provoke only admiration. Their confidence in the British sense of justice remains unshaken, even in the face of harassing regulations such as those to which we have recently drawn attention. Ultimately, justice will be done them. Indians have an ever increasing circle of friends among the cultured Europeans of South Africa: some day their voice will be heard. We thank our contemporary for this most timely contribution; for, its evident sincerity, moderation and sanity will commend it wherever *The Outlook* is read.

Indian Opinion, 1-4-1905

330. A TRIVIAL QUERY

The organ of the Potchefstroom Vigilance Association, in doing us the honour of referring to a recent article that appeared in these columns with reference to the alleged insanitary conditions in which Indians are said to live in the Market Square area,[1] has, at the same time, queried the validity of Dr. Dixon's report which we published, showing that no such charge of insanitation could justly be brought against the Indian community in Potchefstroom. We do not quite know why facts are jeered at so frequently by our contemporary, or why reputable statements are often misinterpreted or ignored. It would appear that, if the King can do no wrong, the Indian can do no right. No amount of proof that one can bring will convince those who are obsessed by a contrary opinion, and, to us, it almost seems to be flogging a dead horse to reply to such querulous comments as those to which we draw attention. Our only reason for so doing is that unprejudiced readers may have food for reflection, and that they may the more fairly judge of the rights and wrongs of the cause we advocate. Dr. Dixon, at the beginning of October last, when the anti-Indian feeling began to break its legitimate bounds, made his examination at the request of the Indian community, he being authorised to do so in his own time, at his own convenience, and in any way that he thought fit. Therefore, there could be no possible control over his actions on the part of the Indians concerned, nor did the latter receive any warning as to his visits. Moreover, the District Surgeon made such enquiries, as is evidenced by the report under review, as to disprove the allegation of overcrowding at night. But the whole point of our argument seems to have been missed by the *Budget*. We asserted that, notwithstanding the obvious political animus underlying Dr. Friel's report, even he was unable to prove that the Indians had contravened the municipal regulations. He said they were living in a manner which did not satisfy his own standard. What that standard is no one knows but the Doctor himself. And so far, the *Budget* has not replied to us. Meanwhile, we understand that the Government has hinted pretty plainly that what the Municipality would like to do is *ultra vires*.

Indian Opinion, 1-4-1905

[1] *Vide* "A Political Medical Report", 11-3-1905.

331. ORIENTAL IDEAL OF TRUTH

Lord Curzon has proclaimed in his Convocation address that "the highest ideal of truth is to a large extent a Western conception", and that "undoubtedly truth took a high place in the moral codes of the West before it had been similarly honoured in the East, where craftiness and diplomatic wile have always been held in much repute". We commend the following texts from Oriental Scriptures and Epics and other religious and ethical works on Truth and Falsehood to His Excellency's attention, and if Lord Curzon has any regard for Truth and for the people of this country, as we have no doubt he has, he is in honour bound as Viceroy of India, as Chancellor of Calcutta University and as an English gentleman, to withdraw his baseless and offensive imputations:

> Cross the passes so difficult to cross. Conquer wrath with peace; untruth with Truth. *The Sama Veda, Aranya-Gana, Arka-Parva.*
>
> Truth alone prevails and not untruth. Truth is the pathway which learned men tread. It is by this path that the sages, satiated in their desires, have obtained salvation in Him who is the infinite ocean of Truth. *Mundaka Upanishad, III-I-6.*

The very first injunction given to a disciple after he has taken the sacred thread and entered upon his studies is:

> Speak the Truth, observe duty, do not swerve from Truth. *Taittiriya Upanishad, I-II-I.*

According to Hinduism, Truth is the very essence of Brahma:

> Brahma is Truth eternal, intelligence immeasurable. *Taittiriya, II-I-I.*
>
> Speech rests on Truth; everything rests on Truth. Therefore they call Truth the highest: *Mahanarayan Upanishad XXVII. I.*
>
> There is no duty higher than Truth and no sin more heinous than untruth. Indeed, Truth is the very foundation of Righteousness. *Mahabharata.*

Prince Rama is exhorted by a courtier priest to disown his father's promise that he should be banished for fourteen years. But that Prince of immortal fame, in the course of his reply, points out:

> Truth and mercy are immemorial characteristics of a king's conduct. Hence royal rule is in its essence truth. On truth the world is based. Both sages and gods have esteemed truth. The man who speaks truth in this world attains the highest imperishable state. Men shrink with fear and horror from a liar as from a serpent. In this world the chief element in virtue is truth. It is called the basis of everything. Truth is lord in the world, virtue always rests on truth. All things are founded on truth; nothing is higher than it. Why should I not be true to my promise, and faithfully observe the truthful injunction given by my father? Neither through covetousness nor delusion nor ignorance will I, overpowered by darkness, break through the barrier of truth, but remain true to my promise by my father. How shall I, having promised to him that I would reside in the forest, transgress his injunction and do what Bharata recommends. *Professor Max Müller's translation.*

Laws of nature are expressions of Truth, and Virtues are but forms of

CWMG - IV

Truth, and all vices are forms of untruth. Bhishma describes them as follows:

> Truthfulness, equability, self-control, absence of self-display, forgiveness, modesty, endurance, absence of envy, charity, a noble well-wishing towards others, self-possession, compassion, and harmlessness — surely these are the thirteen forms of Truth. *Mahabharata*, *Shanti Parva*, clxii, 8, 9.

Truth is That which Is, and Untruth is That which Is Not. As Bhishma says:

> Truth is eternal Brahman.... Everything rests on Truth. *Mahabharata*, *Shanti Parva*, clxii, 5.

Aryan heroes have often declared:

> My lips have never uttered an untruth.

In the *Ashvamedha Parva*, Shri Krishna, has stated:

> Truth and Dharma ever dwell in me.

Bhishma, speaking of Truth and declaring it to be sacrifice of a high order, says:

> Once on a time a thousand horse-sacrifices and Truth were weighed against each other in the balance. Truth weighed heavier than a thousand horse-sacrifices. *Mahabharata*, *Shanti Parva*, clxii, 26.
>
> There is nothing greater than Truth, and Truth should be esteemed the most sacred of all things. *Ramayana.*
>
> Truth ever more has been the love
> Of holy saints and God above,
> And he whose lips are truthful here
> Wins after death the highest sphere.
> As from a serpent's deadly tooth,
> We shrink from him who scorns the Truth.
>
> *Ramayana.*

The virtues that bring about unity and harmony, secure peace and calm, and enable a man to fulfil his destiny, were thus stated by Shri Krishna:

> Fearlessness, *sattvic* purity, steadfast pursuit of wisdom, charity, control of the senses, sacrifice, study, austerity, uprightness;
>
> Harmlessness, truthfulness, absence of anger, resignation, peace of mind, avoidance of calumny, pity for all beings, absence of greed, gentleness, modesty, absence of restlessness;
>
> Energy, forgiveness, endurance, purity, freedom from hatred and from pride, — these are his who is born to the divine qualities, O Bharata. *Bhagvat Gita*, xvi, 1-3.

Right speech is thus described in the *Bhagvat Gita*, xvii, 15:

> Speech causing no annoyance, truthful, pleasant and beneficial, and the repetition of the Vedas — this is called austerity of speech.

According to Hinduism, Ishvara himself is Truth. The Devas adoring the Divine Lord, when he appeared as Shri Krishna, broke forth:

> O True of promise, True of purpose, triply True, the Fount of Truth, and dwelling in the True, the Truth of Truth, the eye of Right and Truth, Spirit of Truth, refuge we seek in Thee. *Bhagvatpurana*, xii, 26.

The Institutes of Manu are dated, according to Sir William Jones, at least 1280 B.C., if not 1580 B.C. The tenfold law, as laid down by

Manu, gives some of the qualities needed for the discipline of the mind and reaching the highest Truth, the one Reality:

> Endurance, patience, self-control, integrity, purity, restraint of the senses, wisdom, learning, truth, absence of anger, are the ten signs of virtue. *Manusmriti*, vi, 92.

Elsewhere they are briefly described as follows:

> Harmlessness, truth, integrity, purity, control of the senses, said Manu, is the summarised law of the four castes. (*Manusmriti*, x, 63.)

Manu thus denounces those who are "dishonest in speech":

> All things are governed by speech : speech is the root, from speech they originate; that man verily who is dishonest in speech, he is dishonest in all. *Manusmriti*, iv, 256.

Aryan sacred books inculcate constant practice of righteousness and performance of duty:

> The man who is unrighteous, or he who gains wealth by falsehood, or he who ever delights in injuring, never obtains happiness in this world. Although suffering from unrighteousness, let him not turn his mind to unrighteousness; he will behold the speedy overthrow of the unrighteous, of the sinners. Unrighteousness, practised in this world, does not bear fruit at once like a cow; slowly reacting it cuts off the very roots of the doer. *Manusmriti*, iv, 170-172.
>
> Let him say what is true, but let him say what is pleasing. Let him speak no disagreeable truth, but let him not speak disagreeable falsehood; this is a primeval rule. iv, 138.
>
> Let a man continually take pleasure in Truth, in justice, in laudable practices and in purity, iv, 175.
>
> Let him never eat the food of a back-biter or of a false witness, iv, 214.
>
> For he who describes himself to worthy men in a manner contrary to truth, is the most sinful wretch in this world; he is the worst of thieves, a stealer of minds, iv, 255.
>
> They whose eating is solely for the sustaining of life; and whose speech is only to declare truth, surmount difficulties. *Hitopadesh*.
>
> There are four sins of speech :
>
> 1. Lying, 2. Slander, 3. Abuse, 4. Unprofitable conversation. *The Ethics of Buddhism*.
>
> Truth and falsehood stand to one another in the relation of a stone to an earthen vessel. If a stone be thrown at an earthen vessel, the latter will break. In either case it is the earthen vessel that suffereth. *Sikh Teaching*.
>
> No act of devotion can equal Truth; no crime is so heinous as falsehood; in the heart where Truth abides, there is My abode. *Kabir*.

Indian Opinion, 1-4-1905

CWMG - IV

332. PRAISEWORTHY WORK BY CAPE INDIANS

Meeting and Deputation in Connection with the New Bill

We congratulate our Indian brethren of the Cape on waking up betimes and actively discharging their duty in regard to the new Bill. As soon as the General Dealers' Licences Bill was published in draft form in the Cape *Government Gazette*,the leaders sensed its real purport. They held a big meeting in Cape Town,[1] expressed their feelings about the Bill and passed some resolutions, details of which have already been published before.[2] Alive to the gravity of the situation, they have not remained content with just this. They waited in deputation upon the Honourable the Attorney-General of the Cape Colony, presented these resolutions and discussed them with him. In choosing the members of the deputation, they showed tact, and included two respectable local Members of Parliament[3] to lead them.

The Attorney-General, Mr. Sampson, explained to them a number of points about the draft Bill. Some of these explanations were all right, but his answers, on the whole, cannot be said to have been satisfactory. It is apparent that the Indian leaders will have to be very much on their guard when the Bill comes up before Parliament. The question of language, in particular, came in for much discussion at this interview. An article in the Bill requires, of every applicant for a licence, a knowledge of at least one European language. On this point Mr. Sampson did some plain-speaking, but a few other things he said showed that he was being shrewdly evasive. The satisfying part of the interview was that he agreed to clarify, in the provision relating to language, that only the account books need be kept in a European language and that it was unnecessary [for the authorities] to ensure whether or not the applicant knew the language. The Indians have no objection to the books being required to be kept is a European language; even so, the Attorney-General passed many strictures [on Indian traders] with reference to this point. Although there was little force in his arguments, Indians have to be cautious, particularly about what he said on the subject of discretion being vested in the Magistrate. For any matter to be left to discretion nowadays means uncertainty and endless delay. We have seen that, all along, everywhere in South Africa, discretion has had only one result, viz., it invariably goes against Indians. Mr. Sampson tried to show that the Indians did not have much to fear but in doing so he somewhat transgressed the limits of his own caution. Thus it was that he let the cat out of the bag when, in his final reply to

[1] A meeting of a large number of prominent Indian residents of Cape Town was held under the auspices of the British Indian League at the Masonic Hall, Cape Town.

[2] *Vide Indian Opinion*, 18-3-1905, and *Indian Opinion*, 25-3-1905.

[3] Sir William Thorne, M.L.A. and the Hon. Edmund Powell, M.L.C.

Mr. Powell, he said he had spoken vaguely in order to please. His reply sounds like a joke. "It is not at all necessary that the application to the Magistrate should be in English, though it should be intelligible to him." What does this mean?

From Mr. Sampson's comments on the reasons for the proposed law, it appears that he, too, is suspicious and not well disposed towards Indians. He does not appear to have taken the interview seriously; and the illustrations he offered are in our opinion pointless. At one point, he said that the Bill was not designed for Indians in particular; and, at another, that such a law had to be enacted, as the Chambers of Commerce and other mercantile bodies had been bringing pressure [on the authorities], complaining that account books of Indians were unsystematic, that he had, as a matter of experience, found it very difficult in the law courts to obtain the necessary information from the books kept by Indians. The law he said, was being enacted to protect European merchants, etc. Obviously, this explanation appears to have been given without full consideration. He then began to show that he was fair-minded and exhibit his knowledge of Indians. While doing so, he referred to trading on Sundays and asked if there were not instances of whole Indian families doing business on Sundays. In this connection he mentioned a letter he had received, which said that a certain entire Indian family, i.e., including the merchant's wife and children, was doing business illegally on Sundays. With such people the whites could not compete. In this respect the Indians and the Greeks were equally blameworthy, and all of them had to suffer for the sake of the few, etc. This drew from Mr. Gool[1] the rejoinder that his correspondent must have been prompted by jealousy, for his facts were not true. If, however, any Indian was guilty of this offence, why were they not prosecuted and punished according to the law?

This, in brief, was what transpired at the interview. Now, the question that occurs to us is: will a knowledge of English or some other European language prevent these offences? We are much surprised and grieved that the Attorney-General who is an able advocate did not hesitate to argue as if it would. What relation can there be between a man's language and his character? Will the complaints cease if Indian merchants keep their account books in European languages?

[From Gujarati]

Indian Opinion, 1-4-1905

[1] Mr. G. M. H. Gool, a prominent Indian merchant of Cape Town and one of the members of the deputation.

333. THE PLAGUE HAVOC

Plague has wrought havoc in India. Its virulence this year has been inordinate. The Government is helpless and the people despondent. In the Punjab, the attack has been so fierce that trade has suffered heavily. And even those with a high standard of living who were less susceptible to its attack are no longer so. Nevertheless, the dread epidemic is found spreading only among the indigenous population. Many people think that this plague is the visitation of God's wrath on us for our accumulated sins. A correspondent of *The Times of India* has accordingly made a suggestion to the Government that they should fix a day when all India might offer prayers to God to eradicate the epidemic.

[From Gujarati]

Indian Opinion, 1-4-1905

334. MEMORIAL TO NATAL LEGISLATIVE ASSEMBLY[1]

TO

THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE COLONY OF NATAL, PIETERMARITZBURG

April 7, 1905

That your Petitioners hereby venture to approach this Honourable House in connexion with certain two Bills that will be brought up for your consideration during this session — namely, the Bill "to amend and consolidate the law relating to the Municipal Corporations," and the Bill regulating the "use of fire-arms", in the following respects:

Your Petitioners venture to think that the definition of the expression "Coloured person" in the first Bill above mentioned is very unsatisfactory, in that it means, among others, "any coolie or lascar", which themselves require a definition; for, it will be very difficult for a police constable to know whom he is to consider a "coolie" or a "lascar", as the terms do not denote a particular race, but are applied to mean unskilled labourers and seamen respectively.

In the humble opinion of your Petitioners, the definition of the term "uncivilised races" is also unsatisfactory, and the term itself is offensive to those whom it is intended to include. Moreover, your Petitioners fail to understand why the children of indentured Indians should be classed among "uncivilised races". Many of them have, by industry, risen very

[1] A copy of this memorial on behalf of Abdul Cadir and other British Indians was later annexed to the petition to Lord Elgin dated August 15, 1906, and also reproduced in *Indian Opinion*, 18-8-1906.

high in education and culture, and occupy important positions in the Colony, either as employees or independent men.

By sub-clause (c) in clause 22, persons who are disqualified for the parliamentary franchise by Act 8 of 1896 are disqualified from being placed on the Burgess Roll. Act No. 8 of 1896 disfranchises those who belong to countries which have not hitherto possessed representative institutions founded on the parliamentary franchise.

Your Petitioners venture to submit that there is no connexion between the parliamentary franchise and the municipal, and that even though it may be, for the sake of argument, true that British Indians do not possess the parliamentary franchise in India, it is capable of conclusive proof that they possess the municipal franchise to a very large extent, some of your Petitioners having been, in India, either burgesses or councillors themselves. Nor would the past history of the British Indians settled in the Colony justify a disability of the above nature. Your Petitioners therefore humbly submit that it would be an unnecessary insult offered to the British Indians should the clause in question receive your approval.

Your Petitioners have failed to see any justification for authority to the Town Councils in the Colony to make by-laws with respect to the use of pavements and foot-paths by "Coloured persons", and also the use of rickshaws by them, in so far as the term includes Indians. It is thus in this connexion that the definition of the term "Coloured person" comes into play, and is calculated to give rise to a great deal of mischief.

Your Petitioners also humbly protest against clause 200 of the said Bill, in that it authorises the Council to frame by-laws establishing a system of registration of Natives or persons belonging to "uncivilised races". In your Petitioners' opinion, registration of those Indians who are included in the term "uncivilised races" is totally uncalled for, as Indians have never been found unwilling workers. It will furthermore appear, from the clause under discussion, that registration would be required of even cultured Indians.

With regard to the second Bill, your Petitioners venture to submit that it has very much grieved the British Indians residing in the Colony. Sections 44 to 47 deal with the use of fire-arms by Natives and Asiatics. Your Petitioners think that the joining of the Indians with the Natives is hardly justified. The Indian is a very docile Colonist, and has never given any trouble, and your Petitioners venture respectfully to point out that to bracket Indians and Natives together, and to compel the former to deal with the Native Department before they can obtain a permit to own a fire-arm, which may be required for self-protection, would be extremely degrading.

Your Petitioners, therefore, in conclusion, pray that the Bills above mentioned will be so amended as to remove any cause for complaint.

India, 14-9-1906

335. MR. LYTTELTON ON THE INDIANS IN THE TRANSVAAL

From a cablegram in the local papers, we notice that Mr. Lyttelton, in reply to a question, has stated that the position of the British Indians in the Transvaal has been bettered by the judgment[1] in the Test Case of *Motan* v. *The Government*. With all due respect, we venture to think that the statement is not in accord with facts; and in any case, why should he or the Government take the slightest credit for any relief in the position because it was obtained in spite of the Government? Is it not a fact that the Government opposed the application for a licence made to the Supreme Court? They were represented by three eminent counsel, and they really drove the Indian community to the test case, because it was undertaken after even the old *bona-fide* traders were refused licences to trade, on the ground that they did not hold licences immediately before the outbreak of hostilities. That they traded outside Locations before the war was not held sufficient.

We are, indeed, strongly reminded of the pre-war days. Then, too, there was a test case[2] exactly similar to the one referred to by Mr. Lyttelton. Then, the British Government assisted the Indians to fight the case. They contended, with the Indians, that under Law 3 of 1885, Indian trade outside Locations was not prohibited, but after the Transvaal passed into British hands, a different tune was played. The same British Government, in the test case of Motan, instructed Counsel to oppose the Indian contention. It is strange that, having this knowledge, Mr. Lyttelton should appropriate credit for the decision of the Supreme Court on the test case. But, as we have said, the position of the Indians has not in any way become better than it was during the Boer regime. It has certainly become better than it was before the test case, but after the establishment of British Government in the Transvaal, the decision of the Supreme Court enables the Indians, *on payment of licence money*, to trade where they like. Before the war, under the protection of the British Government, the Indians were able to trade where they liked *without payment of any licence money*. It is true that the Indians tendered the licence money, but the Boer Government declined to accept it, and were powerless, owing to British opposition, to prosecute the Indians who, with their knowledge and under notice to them, traded outside Locations. Thus, the position of the British Indians, so far as regards trade, was better before the war than it is to-day. In other respects, too, the position is bad enough, and certainly no less gloomy than before the war, and it is inexcusably painful, so far as Indian immigration into the country is concerned. Before the war, any Indian was free to enter the Transvaal. To-day, even a *bona-fide* refugee Indian,

[1] The judgment was that Habib Motan, an Indian trader, could not be refused a licence to trade outside Locations.

[2] *Vide* Vol. III, pp. 1, 7, 9.

who is in a position to show that he has been previously domiciled in the Transvaal, and that he has paid, before the war, the sum of £3 as the price of permission to settle in the Colony, finds it tremendously difficult to obtain a permit to enter the country; and a British Indian, no matter what his qualifications or status may be, if he be not a refugee, cannot possibly enter the country. His application receives scant treatment at the hands of the Government; and this all but total prohibition of Indian immigration has been brought about, not by fair and open means, but by pressing into service a political ordinance passed, in the first instance, to prevent the entry into the Transvaal of people who might be suspected of having treasonable designs. That Ordinance is being now abused to shut the Indian out of the country. The religious susceptibilities of the Indians were hardly ever touched during the old regime, but now, though it is true that one cannot say anything against the Government on this point, the fact stands that there is an agitation to-day going on in Potchefstroom against the erection of a mosque, not, as has been stated in a prominent place in the town, but in a by-lane. We could go on recounting the troubles of the Indians, and could show how, contrary to all expectations that were raised in the minds of the Indians by the conduct of the British Government, and by the speeches of British Ministers, the Indians now find themselves face to face with a life-and-death struggle, and for Mr. Lyttelton to say that the position of the British Indians in the Transvaal has been bettered is, to say the least, extremely misleading. Not until the Law 3 of 1885, and other laws dealing with the British Indians, have been erased from the Statute-book of the Transvaal Colony, and legislation passed in greater agreement with British ideas of justice, will it be possible for the British Indian in the Transvaal to say that he is once more a British subject, enjoying all the rights that flow from such a status. To-day he is a step-child seeking and yearning for protection on the part of his parents, which protection he does not get.

Indian Opinion, 8-4-1905

336. AN IMPORTANT JUDGMENT CONCERNING TRANSVAAL INDIANS

It is well known that Indians cannot hold land in their own names and that some of them, therefore, purchase land in the names of the whites. Mr. Syed Ismail, a resident of Johannesburg, possessed some land which he held in the name of a white friend of his, Mr. Lucas. When the Johannesburg Corporation acquired Locations, etc., this land also was taken over by them, and a resolution to pay Mr. Lucas £2,000 as compensation was passed. Mr. Lucas died during the war, and his estate was attached for insolvency. As his assets were not sufficient to pay off his debtors, his trustees claimed the compensation payable towards the land held by him on behalf of Syed Ismail. Syed Ismail thereupon filed a suit

in the High Court claiming that this sum of £2,000 should be paid to him. The creditors of Lucas raised two issues: firstly that the amount claimed by Syed Ismail stood in the name of Lucas, and secondly, that, since the land to which Syed Ismail claimed a title was immovable property, he could not enjoy the right of its ownership. The rejoinder to this, submitted on behalf of Syed Ismail, was that, as the land was held on ninety-nine years' lease, it could not be regarded as immovable property and that, therefore, there could be no objection to Indians owning such land. And should the Court not hold this argument valid, there was the alternative answer that the law, which prevented Indians from ownership of immovable property, did not lay down that immovable property could not be held by others, such as the whites, in their own names on behalf of Indians. Giving the verdict in favour of Syed Ismail, the honourable judge remarked, with regard to the second issue, that land on a ninety-nine years' lease should[1] be considered immovable property, and such land, therefore, could not stand in the name of an Indian. Granting Syed Ismail's second plea, however, the judge held that the whites could hold lands for the benefit of Indians, and that the law would protect the rights of an Indian owner if a white holding the property intended to commit fraud. This decision is very satisfactory; therefore, the Indians who are hesitating to purchase land in the names of whites need have no such fear any longer. It should, however, be borne in mind that the white concerned must be a trustworthy person and a clear title-deed should be obtained from him. It appears certain that this decision will strengthen us in our fight with the Government for our rights. We learn that the trustees for Lucas' estate have preferred an appeal against this decision to the High Court. Let us await the outcome of the appeal.

[From Gujarati]

Indian Opinion, 8-4-1905

337. CURZON'S SPEECH ON INDIANS IN SOUTH AFRICA

A Reuter cable tells us that Lord Curzon made a forceful speech in the Indian Legislature in support of our case. He said that the South African Colonies would get no help from India, so long as they did not guarantee that the rights of Indians would be fully safeguarded. He added that it was the duty of the Government of India to protect the Indians and that they would continue to discharge that duty.

These words are bound to gladden us. They will certainly have a good effect. The speech shows that our efforts here do not go in vain. It behoves us to continue to make added effort and, as opportunity

[1] In the original, "not" seems to have been wrongly placed. It would mean "could *not* be considered immovable property".

presents itself, agitate for the redress of our grievances. We are sure that, given unity and concerted effort, we shall succeed.

[From Gujarati]

Indian Opinion, 8-4-1905

338. LETTER TO DADABHAI NAOROJI

BRITISH INDIAN ASSOCIATION

25 & 26, COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
April 10, 1905

TO
THE HON'BLE MR. DADABHAI NAOROJI
22, KENNINGTON ROAD
LONDON

DEAR SIR,

Mr. Lyttelton is reported to have said that, since the decision in the test case in the Transvaal, the position of the British Indians had become better than before war. You will notice a reply to this statement in *Indian Opinion* of the 8th April in its first leading article. The position generally has certainly not become better [but] has become worse than before war, and the relief that the test case has secured for the Indians simply takes them back to the pre-war days; but even for this the Government can hardly take any credit as they opposed the Indian contention strenuously before the Supreme Court.

In Natal, several Bills, as you will see from *Indian Opinion*, having an anti-Indian tendency are being introduced, and the Orange River Colony is ever tightening its grip of the Coloured people. Regulations are being passed in townships after townships, which, in my humble opinion, are unworthy of the British Constitution, and could never be sanctioned by Mr. Lyttelton, if they were introduced in the form of bills in the Legislative Council.

I earnestly hope that you will protect and do justice to the British Indian subjects of His Majesty, who look to you for relief.

I remain,
Yours faithfully,
M. K. GANDHI

From a photostat of the original : G. N. 2269.

339. LETTER TO COLONIAL SECRETARY

JOHANNESBURG,
April 11, 1905

TO
THE HONOURABLE THE COLONIAL SECRETARY,
BLOEMFONTEIN

SIR,

The attention of my Association has been drawn to regulations that are published from time to time in the *Government Gazette* in connection with the various Municipalities in the Orange River Colony regarding Coloured persons resident therein, and to the Ordinance "to supplement and amend the provisions of law with reference to the Municipality of Bloemfontein".

In the regulations for the Township of Reddersburg, my Association noticed that the term "Native" is so defined as to include all Coloured persons, not excepting British Indians, and the regulations for this Township, as also for that of Vrede, lay down rules for the control of the Coloured people living within those townships, which, in the humble opinion of my Association, are degrading, unjust and insulting; and while it is very probable that there are no British Indians staying in those townships, the regulations in question are none the less offensive on that account, and should a stray Indian happen to enter any of those townships, he would suddenly find himself hemmed in by galling restrictions.

My Association was pained to see similar powers granted by Ordinance 19 of 1905 to the Municipality of Bloemfontein. My Association ventures to think that such anti-colour activity in the Orange River Colony is contrary to British traditions as also the declarations made from time to time by Her late Majesty's Ministers, and it is incomprehensible to my Association why such legislation and regulations are countenanced by the Government of the Orange River Colony.

My Association will be extremely obliged if you will be pleased to inform me whether it is the intention of the Government to grant any relief in the matter.

I have the honour to remain,
Sir,
Your obedient servant,
ABDUL GANI,
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion 22-4-1905

340. MR. BARNETT'S CHARGE AND MR. ANCKETILL

Mr. Ancketill is to be congratulated on having questioned the Colonial Secretary upon the charge levelled by Mr. Barnett, the ex-Superintendent of Education, against certain employers of indentured Indians in Natal, in connection with the condition of the latter's huts, which he described as "piggeries".

Mr. Maydon[1] has replied, saying that the charge made by Mr. Barnett is greatly exaggerated, and that the Protector of Indians looks after the welfare of the indentured Indians. Mr. Maydon promised to lay on the table of the House the report made by the Protector on the charge. We consider the reply of the Colonial Secretary to be unsatisfactory in every respect. Here is a charge of extreme gravity made with the fullest deliberation before an audience of cultured men, who enjoyed a most responsible position in the Colony. Mr. Barnett was then speaking generally on education in Natal, and the above charge is by no means an isolated passage in his address, which is a serious indictment against the system of education prevalent in Natal. To call for a report from the Protector of Immigrants in a matter of this kind is very much like setting a man to judge his own case. Mr. Barnett's charge, we contend, includes in its condemnation the whole of the Indian Immigration Department. We do not say he is right, but we do say that the report drawn [up] by a Department which is condemned contradicting the condemnation is hardly the way to meet the indictment.

It is not merely a question of consulting the interests of the indentured Indians, it is that of the fair name of the Colony. We think that the Government would be extremely ill-advised in not probing the question to the bottom, and giving the fullest satisfaction to the public. If the result of the independent inquiry in any way supports Mr. Barnett's charge, the sooner the blot is removed the better for the Colony; and if the charge is proved to be incorrect, Mr. Barnett should be called upon, as a past public servant, to offer an explanation. We hope, therefore, that Mr. Ancketill will continue to question the Colonial Secretary until what is needful has been done.

It is to be noticed, also, that Mr. Barnett delivered his attack before an audience that included the ex-Prime Minister of Natal, Sir Albert Hime, and many other Natal notabilities. Sir Albert Hime made lengthy remarks after the lecturer had finished, and we do not see anywhere a repudiation of the serious charge brought by Mr. Barnett. Does the Colonial Secretary not find food for reflection here?

Indian Opinion, 15-4-1905

[1] Colonial Secretary for Natal.

341. LECTURES ON RELIGION

It appears from the Johannesburg newspapers that, on being invited by the Theosophical Society there to deliver a course of lectures on the Hindu religion, Mr. Gandhi gave four speeches on the subject at the Masonic Temple. On each occasion the hall was full. The last speech was delivered on the 25th of March. An account of two of the speeches has already appeared in *The Star*.[1] We give below, on the suggestion of some of our readers, a summary of the lectures, obtained from Mr. Gandhi.

Contempt for Indians in South Africa

When the Theosophical Society invited me to deliver these speeches, I accepted the invitation on two considerations. It is now nearly twelve years that I have been living in South Africa. Everyone is aware of the hardships suffered by my compatriots in this land. People view with contempt the colour of their skin. I believe all this is due to a lack of proper understanding; and I have continued to stay in South Africa with a view to helping as much as possible in the removal of this misunderstanding. I, therefore, felt that it would to some extent help me in the fulfilment of my duty if I accepted the Society's invitation; and I shall regard myself very fortunate if I am able, through these lectures, to give you a better understanding of the Indians. I am to speak to you no doubt about the [Hindus[2]]; but the ways and manners of the Hindus and other Indians are all but identical. All Indians have similar virtues and vices and are descended from the same stock. The other consideration was that there was, among the objects of the Theosophical Society, this one, viz., to compare the various religions, find out the truth underlying these and show the people how those religions were only so many roads leading to the realisation of God, and how one ought to hesitate to dub any of them false. I thought that this object, too, would be realised to some extent if I said a few words on the Hindu religion.

The Hindus

Hindus are not considered to be the original inhabitants of India. According to Western scholars, the Hindus as well as most of the European peoples lived at one time in Central Asia. Migrating from there, some went to Europe, some to Iran, others moved south-eastwards down into India through the Punjab, and there spread the Aryan religion. The Hindu population in India exceeds two hundred millions. They are called Hindus because they once lived beyond the river Sindhu (Indus). The Vedas are their oldest scripture. Very devout Hindus believe that the Vedas are of divine origin and without beginning. Western scholars

1 *Vide* "Hinduism", March 4, 1905 and March 11, 1905.

2 In the original, the word used, clearly through oversight, is "Indians".

hold that these were composed before 2000 B. C. The famous Mr. Tilak of Poona has shown that the Vedas must be at least 10,000 years old.[1] The main thing that distinguishes the Hindus is their belief that the *Brahman* or oversoul is all-pervading. What we all have to attain is *moksha* or liberation, *moksha* here meaning freeing oneself from the evil of birth and death and merging in the *Brahman*. Humility and even-mindedness are the chief qualities of their ethics; while caste reigns supreme in their temporal affairs.

The Hindu religion underwent its first trial on the advent of Lord Buddha. The Buddha was himself the son of a [king[2]]. He is said to have been born before 600 B. C. At that time the Hindus were under the glamour of the outward form of their religion, and the Brahmins had, out of selfishness, abandoned their true function of defending the Hindu faith. Lord Buddha was moved to pity when he saw his religion reduced to such a plight. He renounced the world and started doing penance. He spent several years in devout contemplation and ultimately suggested some reform in the Hindu religion. His piety greatly affected the minds of the Brahmins, and the killing of animals for sacrifice was stopped to a great extent. It cannot, therefore, be said that the Buddha founded a new or different religion. But those who came after him gave his teachings the identity of a separate religion. King Ashoka the Great sent missionaries to different lands for the propagation of Buddhism, and spread that religion in Ceylon, China, Burma and other countries. A distinctive beauty of Hinduism was revealed during this process: no one was converted to Buddhism by force. People's minds were sought to be influenced only by discussion and argument and mainly by the very pure conduct of the preachers themselves. It may be said that, in India at any rate, Hinduism and Buddhism were but one, and that even to-day the fundamental principles of both are identical.

The Birth of Prophet Mahomed

We have seen that Buddhism had a salutary effect on Hinduism, that the champions of the latter were aroused by its impact. A thousand years ago, the Hindu religion came under another influence more profound. Hazrat Mahomed was born 1300 years ago. He saw moral anarchy rampant in Arabia. Judaism was struggling for survival; Christianity was not able to gain a foothold in the land; and the people were given to licence and self-indulgence. Mahomed felt all this to be improper. It caused him mental agony; and in the name of God, he determined to make them realise their miserable condition. His feeling was so intense that he was able immediately to impress the people around him with his fervour, and Islam spread very rapidly. Zeal or passion, then, is a great speciality, a mighty force, of Islam. It has been the cause of many good deeds, and

1 In *The Arctic Home in the Vedas*.

2 The original has "emperor".

sometimes of bad ones too. A thousand years ago the army of Ghazni invaded India in order to spread Islam. Hindu idols were broken and the invasions advanced as far as Somnath. While, on the one hand, violence was thus being used, the Muslim saints were, on the other, unfolding the real merit of Islam. The Islamic principle that all those who embraced Islam were equals made such a favourable impression on the lower classes that hundreds of thousands of Hindus accepted that faith, and there was great commotion in the whole community.

Kabir[1] was born in Benares. He thought that, according to Hindu philosophy, there could be no distinction between a Hindu and a Muslim. Both of them, if they did good works, would find a place in heaven. Idolatry was not an essential part of Hinduism. Reasoning thus, he attempted to bring about a synthesis between Hinduism and Islam; but it did not have much effect, and his became no more than a distinct sect, and it exists even to-day. Some years later, Guru Nanak was born in the Punjab; he accepted the reasoning of Kabir and made a similar attempt to fuse the two religions. But while doing so, he felt that Hinduism should be defended against Islam, if necessary with the sword. This gave rise to Sikhism, and produced the Sikh warriors. The result of all this is that, despite the prevalence of Hinduism and Islam as the two principal religions of India to-day, both the communities live together in peace and amity and are considerate enough not to hurt one another's feelings save for the bitterness caused by political machinations and excitement. There is very little difference between a Hindu *yogi*[2] and a Muslim *fakir*.[3]

Jesus Christ, the Prophet

While Islam and Hinduism were thus vying with each other, the Christians landed at the port of Goa about 500 years ago, and set about converting Hindus to Christianity. They also partly resorted to force and [converted] partly through persuasion. Some of their ministers were exceedingly tender-hearted and kind, rather one would call them saintly. Like the *fakirs* they made a deep impression on the lower classes of Hindu society. But later, when Christianity and Western civilisation came to be associated, the Hindus began to look upon that religion with disfavour. And to-day, we see few Hindus embracing Christianity in spite of the fact that the Christians are ruling over a vast kingdom. Nevertheless, Christianity has had a very considerable influence on Hinduism. Christian priests imparted education of a high order and pointed out some of the glaring defects in Hinduism, with the result that there arose among the Hindus other great teachers who, like Kabir, began to teach the Hindus what was good in Christianity and appealed to them to remove these defects.

[1] A poet-saint who attempted, through his devotional songs, to unite Hindus and Muslims.

[2] A recluse.

[3] A religious mendicant.

To this category belonged Raja Ram Mohan Rai,[1] Devendranath Tagore,[2] and Keshab Chandra Sen.[3] In Western India we had Dayanand Saraswati.[4] And the numerous reformist associations like the Brahmo Samaj and the Arya Samaj that have sprung up in India today are doubtless the result of Christian influence[5]. Again, Madame Blavatsky[6] came to India, told both Hindus and the Muslims of the evils of Western civilisation and asked them to beware of becoming enamoured of it.

Tenets of Hinduism

Thus, we have seen how there have been three assaults on Hinduism, coming from Buddhism, Islam and then Christianity, but how on the whole it came out of them unscathed. It has tried to imbibe whatever was good in each of these religions. We should, however, know what the followers of this religion, Hinduism, believe. This is what they believe: God exists. He is without beginning, immaculate, and without any attribute or form. He is omnipresent and omnipotent. His original form is *Brahman*. It neither does, nor causes to be done. It does not govern. It is bliss incarnate, and by it all this is sustained. The soul exists, and is distinct from the body. It also is without a beginning, without birth. Between its original form and the *Brahman*, there is no distinction. But it takes on, from time to time, a body as a result of *karma*[7] or the power of *maya*[8], and goes on being born again and again into high or low species in accordance with the good or bad deeds performed by it. To be free from the cycle of birth and death and be merged in *Brahman* is *moksha* or liberation. The way to achieve this *moksha* is to do pure and good deeds; to have compassion for all living beings, and to live in truth. Even after reaching this stage, one does not attain liberation, for one has to enjoy embodied existence as a consequence of one's good deeds as well. One has, therefore, to go a step further. We will, however, have to continue to act, only we should not cherish any attachment to our actions. Action should be undertaken for its own sake, without an eye on the fruit. In short, everything should be dedicated to God. We should not cherish, even in a dream, the feeling of pride that we do or can do anything. We should look upon all equally. These are the beliefs or tenets of Hinduism, but there admittedly exist a number of schools. Also, there have arisen a

1 Founder of the Brahmo Samaj.

2 & 3 Raja Ram Mohan Rai's work was continued by Devendranath Tagore and Keshab Chandra Sen, the former on the lines of pure Hinduism and the latter along those of Christianity.

4 Founder of the Arya Samaj.

5 The Brahmo Samaj was to some extent the result of Christian influence, but the Arya Samaj, which was based on ancient Vedic principles, was an attempt to meet the challenge of Christianity.

6 Founder of the Theosophical Society.

7 Sum of person's actions from a previous existence, viewed as deciding his fate in the next.

8 Illusion.

M. K. GANDHI,
Attorney.

21-24 Court Chambers.
Corner Rissik & Anderson Streets.
P.O. Box 6522.

188

Johannesburg, 13th April 1905. 1904

My dear Chhaganlal,

I have your letter. You should talk to Mr. Kitchin about the matters you mention. You should not sit still. You will find that your curiosity, which will be quite legitimate, will not be resented. How is the new arrangement working? Is the job work now finished, or about to be? Before you tell me how many Hindi subscribers we have, or unless the Hindi people would guarantee so many subscribers, we cannot afford to increase the Hindi columns. In fact the letter that crossed your letter, under reply, would show you that I would even decrease the Hindi columns if you have not enough support. The same thing applies to Tamil. There is no prospect of my being able to go there at present. I have already sent £100. You should not sign the notes in favour of M.C. Camroodeen three months hence. We should get at least six months. You need not bother about Mr. Nazar giving you any Gujarati. Can you definitely come in the beginning of May? If you fix your date before hand I can arrange for your permit. If Appoo wants you to send two copies do so by all means charging for one only, and you should regularly send three copies to Mr. Rustomji at Bombay. Can you not reduce the complimentary list for India and London? What is the total of foreign complimentary copies, that is outside British South Africa? I am studying Tamil very diligently and if all is well I may be able to fairly understand the Tamil articles

CONTINUED OVERLEAF

articles within two months at the outside. I am rather anxious to get the Tamil books. Please therefore try if you cannot get them. You understand, I suppose, what I want? You may go over to Mr. Moodley's place. I have written to him.

Yours sincerely,

M. K. Gandhi

C.K. Gandhi Esq.,
C/o International Printing Press.
PHOENIX.

few factions or sects resulting from [differences in] secular practices. But we need not consider them on the present occasion.

Conclusion: An Appeal to the Audience

If, after listening to this, any one of you has been favourably impressed and has come to feel that the Hindus or the Indians, in whose country the religion expounded above prevails, cannot be altogether an inferior people, you can render service to my countrymen even without becoming involved in political matters.

All religions teach that we should all live together in love and mutual kindness. It was not my intention to preach you a sermon neither am I fit to do so. But if it has produced any favourable impression on your mind, I would appeal to you to let my brethren have its benefit and, as behoves the English people, to defend them, whenever they are maligned.

[From Gujarati]

Indian Opinion, 15-4-1905

342. LETTER TO CHHAGANLAL GANDHI

Johannesburg,
April 17, 1905

C. K. Gandhi Esq.
C/o International Printing Press
Phœnix

my dear chhaganlal,

I have your letter. You should talk to Mr. Kitchin about the matters you mention. You should not sit still. You will find that your curiosity, which will be quite legitimate, will not be resented. How is the new arrangement working? Is the job-work now finished, or about to be? Before you tell me how many Hindi subscribers we have, or unless the Hindi people would guarantee so many subscribers, we cannot afford to increase the Hindi columns. In fact the letter that crossed your letter, under reply, would show you that I would even decrease the Hindi columns if you have not enough support. The same thing applies to Tamil. There is no prospect of my being able to go there at present. I have already sent £100. You should not sign the notes in favour of M. C. Camroodeen three months hence. We should get at least six months. You need not bother about Mr. Nazar giving you any Gujarati. Can you definitely come in the beginning of May? If you fix your date beforehand, I can arrange for your permit. If Appoo wants you to send two copies, do so by all means, charging for one only, and you should regularly send three copies to Mr. Rustomji at Bombay. Can you not reduce the complimentary list for India and London? What is the total of foreign complimentary

copies, that is outside British South Africa? I am studying Tamil very diligently and, if all is well, I may be able to fairly understand the Tamil articles within two months at the outside. I am rather anxious to get the Tamil books. Please therefore try if you cannot get them. You understand, I suppose, what I want? You may go over to Mr. Moodley's place. I have written to him.

Yours sincerely,
M. K. GANDHI

From the typewritten original : S. N. 4232.

343. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,
April 19, 1905

C. K. GANDHI ESQ.
C/O INTERNATIONAL PRINTING PRESS
PHŒNIX

MY DEAR CHHAGANLAL,

I have your letter. I hope you will discuss your views with Kitchin about the Hindi and Tamil matter. Of course personally I should feel very sorry to see the two languages dropped. I entirely agree with you about Mannering. Please discuss the matter with Mr. West. When is Mannering likely to leave? I hope to let you have the cake per Shah who is leaving to-morrow evening. I have the Tamil books. They will be useful. What, however, I wanted was Pope's larger Grammar. You know my book which I gave Madanjit. If you cannot make the cake properly, it must be the fault of the oven, or you do not add sufficient ghee. You will remember that the meal must be kept soaked in cold water for nearly three hours. When you make your cake the ghee should be added first and thoroughly mixed with flour before you pour water over it, and it should be well kneaded.

Yours sincerely,
M. K. GANDHI

From the typewritten original : S. N. 4233.

344. LETTER TO "THE OUTLOOK"

[Prior to *April 22, 1905*]

A Reply to Mr. Hills[1]

TO
THE EDITOR
The Outlook
JOHANNESBURG

SIR,

Mr. W. Hills has made in his letter to *The Outlook* statements which are hardly borne out by the facts. The Editor has not supported a policy "which would hand over the Transvaal to a parasitical race". Mr. Hills himself admits, by implication, that the British Indian is very industrious and hard-working. It is scarcely fair to call a race of such men parasites.

Mr. Hills says his opposition to Asiatics is not due to "colour prejudice but to economic considerations"; and in support he states the experience of all Natalians. Now the experience of all Natalians it is difficult to know. The experience of some, who, moreover, are accepted as representatives of the people of Natal, is on record. The late Mr. Saunders, the late Sir Henry Binns, the late Sir John Robinson, the late Mr. Escombe, the present Colonial Secretary, Mr. Maydon, Sir G. M. Sutton, Sir James Hullett, and many others, have testified to the usefulness of the Indian in Natal. The late Sir Henry Binns said, in giving evidence before a Commission, that it was when Natal was on the brink of bankruptcy that Indian immigration was thought of. Sir James Hullett, only a few months ago, giving his evidence before the Native Affairs Commission, said emphatically that Natal owed its prosperity to the presence of the Indian immigrant, and that it could not do without him. The greatest proof, however, in support of the statement that Natal requires the Indian is given by Mr. Hills himself. If the Indian population in Natal has doubled since 1896, what is the cause? It is simply that more and more Indians are being required in order to keep going the chief industries of Natal, namely, sugar, tea and coal. It should be remembered that the Indian of whom Mr. Hills is thinking is not an intruder, but that he is actually invited to the Colony for its benefit. There are still 18,000 applications before the Indian Immigration Trust Board which have to be dealt with. The demand for indentured Indian labour is much greater than the supply. Verulam always had a large Indian population. Mr. Hills, in regretting that it

[1] This appeared, along with Mr. W. Hills' letter of March 14, in *The Outlook*. The editor of that periodical had submitted Mr. Hills' letter to "one who has made the subject one of special study" — Gandhiji. Both the letter and the reply were later reprinted in *Indian Opinion*. Only the reply is reproduced here.

has become an Indian township, forgets that it had either to become an Indian township or cease to be a town at all. The north coast of Natal takes in the largest Indian population. It has to be developed either by Indian labour or not at all. The Natalians have thought better, and have not hesitated to cultivate the coast land through Indian labour, and the palatial mansions which the white men occupy even on the north coast, let it be remembered, are due entirely to the assistance of the Indian immigrant, and are owned by the employers of Indian labour, so that the example of Natal is all in favour of the Indian, and the "economic considerations" on which Mr. Hills lays so much stress have compelled the Natalians to resort to Indian assistance.

Again, Mr. Hills makes a mistake when he states that "the law, under the late Government as interpreted for 15 years, confined Asiatics to Locations". It is a well-known fact that, under the late Government, the Indians lived outside Locations with absolute impunity, and, it is because they were able to do so, that the present Government find it difficult to oust them. It is true that, as they had British protection then, it could hardly be withdrawn now, and it should be again remembered that, during the Boer regime, there was no restriction against Indian immigration, whereas, to-day, as the Chief Secretary for Permits has shown, only those Indians who were settled in the country before the war are allowed to re-enter, and then, too, after much questioning and delay. Although Mr. Hills talks about the white population in general and its good, in applying his principles, he only takes notice of the Indian licences to trade. Is it, then, that he objects only to the Indian traders? Mr. Hills again makes the mistake of supposing that the South African Coloured people are refused licences, whilst the Indians received them freely. Under the Supreme Court's ruling, the Government dare not prevent any Coloured people, as such, from getting licences, and if Mr. Hills' objection is, after all, as it evidently seems to be, against the trade of the Colony falling entirely or even largely into the hands of Indians, there is not much difficulty in sympathising with him, nor has the Editor of *The Outlook* suggested that such competition should not be regulated by a statute of general application. But to thus regulate Indian trade, and to hound the Indian out of the Colony by all kinds of vexatious legislation, are two different things. With the one, every sensible Colonist will be in perfect agreement, so long as vested interests are not touched, and licences are not refused to Indians as such. But it is scarcely in keeping with justice and fair play, for instance, to prevent the Indian from walking on foot-paths, from owning landed property, from living, subject to strict municipal regulations, or from building a mosque, anywhere he likes. Such restrictions are meaningless, if they do not proceed from colour prejudice, and it is questionable whether those who fan the flame of such prejudice would be doing any good to posterity. The facts must be taken as they are. India is part of the British Empire, like the Transvaal, and there ought to be a policy of give and take, whilst there certainly should be nothing done to needlessly wound

the feelings of these men, who are, after all, subjects of the same King, and are a people with remarkable traditions and a wonderful ancient civilisation.

Two simple bills are likely to solve the whole difficulty. One would give to the Local bodies control of all trade licences, subject, in exceptional cases, to review by the Supreme Court, and the other would regulate immigration into the Colony after the manner of the Cape Immigration Act.

One more statement by Mr. Hills needs correction. After the correspondence that appeared in *The Star*, challenging the statement that there are 49 Indian, as against 13 white, store-keepers in Pietersburg, some caution, at least, is necessary. The British Indian Association has stated[1] definitely that there are only 23 Indian stores in that town. Mr. Kleinenberg, whom Mr. Hills has copied, has not been able to refute that statement. It is, therefore, necessary for Mr. Hills to ascertain from Mr. Kleinenberg whether the figures he gave *The Star* could be verified. So far, the British Indian Association has had the last say. It is of the utmost importance that those who are responsible for guiding public opinion should have facts and nothing but facts before them.

Indian Opinion, 22-4-1905

345. THE ORANGE RIVER COLONY

Elsewhere will be found the letter[2] of the energetic British Indian Association of Johannesburg, addressed to the Colonial Secretary of the Orange River Colony on its anti-Asiatic activity. We must congratulate the Association on having made a move in this scandalous matter. Hitherto we have had to draw attention to the township regulations. Emboldened by the impunity with which these regulations have passed muster, the Municipality of Bloemfontein has now secured an Ordinance giving it almost the same powers that have been arrogated by several townships of the Orange River Colony through the regulations to which attention has been drawn from time to time in this journal. The passing of this Ordinance shews that the anti-Asiatic clauses thereof have met with the approval of the Imperial Colonial Secretary. As the Chairman of the British Indian Association states in his letter, there is no doubt that such legislation is "degrading, unjust and insulting" and that "such anti-coloured activity in the Orange River Colony is contrary to British traditions, as also to the declarations made from time to time by Her late Majesty's Ministers".

We notice that Sir Mancherjee[3] has been again questioning Mr. Lyttelton on Indian matters in South Africa. We venture to think that, to his many

[1] *Vide* "Letter to *The Star*", "Prior to December 24, 1904".

[2] *Vide* "Letter to Colonial Secretary", April 11, 1905.

[3] Chairman, South African British Indian Association in London.

services to the British Indians in South Africa, he will add yet another measure, if he will earnestly take up the question in the Orange River Colony, though it does not actively interfere with the British Indians at present. We do not despair of a time when a fair proportion of Indians will be allowed to settle in that Colony; and for that matter, even in the present day, there are probably no fewer than 200 Indians earning their livelihood in one or other of the towns in the Orange River Colony. We feel that even they, handful as they are, require protection from the studied degradation to which they are subjected by the laws of the State.

From a purely Imperial standpoint we may even go further, and ask whether it is politic or right that the natives of the soil should be harassed by unnecessary restrictions. Under British rule, no community is allowed to remain stagnant and unprogressive. The Natives are being gradually educated. It would be a mistake to suppose that they have no feelings or that they do not smart under a curtailment of their natural liberty. We are not exaggerating when we compare regulations for the control of Locations in the Orange River Colony with those for the control of prisoners in a well-ordered jail. If the inmates of the Orange River Colony Locations have a little greater liberty, it is only a question of degree but not of kind. The monster petition from the Natives in the Transvaal shews that they are awakening to a sense of their rights under the British flag. True statesmanship would consist in anticipating and providing for their reasonable wants. In the Orange River Colony, the Native is evidently not credited with having any feeling.

Indian Opinion, 22-4-1905

346. TAMIL IN LONDON UNIVERSITY

We have received a letter from Ceylon requesting us to arrange a meeting for the promotion of a memorial to the Registrar of London University, praying that Tamil may be accepted as an optional language in the curriculum of that University for the matriculation and other examinations in arts. We invite the attention of the Tamil-educated Indians to the matter which, in our opinion, deserves every encouragement. There should be no difficulty about their holding a meeting and adopting a simple memorial to the External Registrar of the University of London. Tamil immigrants in other parts of the world have already sent in their representations, and we do not see why the same thing should not be done by those in South Africa. Tamil is one of the greatest of the Dravidian languages and has a vast literature. It is supposed to be the Italian of India, and is in every way a language fit to be adopted by London University as an optional subject. London University is recognised to be the most liberal institution in the world, and seeing that Tamil is spoken by millions of the subjects of the King-Emperor, the University

of the Metropolis of the Empire will do well to grant the prayer of the Tamil memorialists.

Indian Opinion, 22-4-1905

347. INDIANS ON THE MINES

Mr. Lyttelton has replied in the Imperial Parliament to Sir M. M. Bhownaggree's question as to the treatment of Indians on the mines. The reply is unsatisfactory in the extreme. Mr. Lyttelton said he was not aware that anything warranted such an enquiry; but when he receives the reports of the latest cases, he may alter his opinion. The fact of these unsavoury cases continually cropping up is quite sufficient warrant for a rigid and impartial enquiry. Mr. Lyttelton added that there was a Protector of Indians in Natal, thereby suggesting that he was the person to move in the matter. But we have not heard that he has done so. Commenting on Mr. Lyttelton's reply, which it regards as unsatisfactory, *The Natal Witness* reiterates the demand for an enquiry. With regard to the Protector of Indians, the *Witness* says:

> We know there is such an official, but the mine employees contend that they are prevented from approaching him, and that in itself is an assertion that needs looking into.

And it adds :

> If our Government fails to recognise its duty in these matters, it is to be hoped the question will not be lost sight of at home, and that influence will be exerted in the right direction from that quarter. Better, however, if the enquiry were instituted without such pressure, and these ugly charges proved or disproved once and for all.

We hope these cases will be brought to the notice of the Government of India, who, from past experience, will not be so easily satisfied as Mr. Lyttelton. But the best thing of all would be for the Natal Government to institute an enquiry on its own initiative, as our contemporary suggests, and probe the matter to the bottom without delay.

Indian Opinion, 22-4-1905

348. MALARIA IN DURBAN

Malaria has been raging in Durban with great virulence. There were only 12 cases in last January, but the number of persons attacked during March was 612. The figure is alarming. The only relieving feature is that the rate of mortality is not high. Again, according to Dr. Murison, it is largely women, children and others, who mostly keep indoors, that have caught the infection. And it is pointed out that it has spread through mosquitoes from Zululand. Dr. Murison suggests the following preventive measures.

1. Mosquito-curtains with very small holes should be used by every one sleeping on a cot, and care taken to remove any mosquitoes on the bed and tuck in the lower edge of the curtain under the mattress along the four sides. A torn curtain should not be used until it has been properly mended.

2. As far as possible, quinine should not be taken as a preventive. If, however, one has to live in an infected house or to sleep without a mosquito curtain, one should take five grains of quinine every day before breakfast.

3. Water should not be allowed to collect in or around the house. Drains and gutters should be inspected, and pits and ditches filled up.

4. Where there are large pools of stagnant water, they should be sprayed with kerosene until the pits are filled up.

5. The authorities should be informed if water collects and stagnates, or there is an overgrowth of useless vegetation around the house within the premises.

It is necessary for every one to take these precautions. The main thing is that one should keep the house and its surroundings clean, not allow mosquitoes to breed, keep one's person clean and take light food.

The incidence of malaria is greater among the whites than among the Coloured people. Of the 612 cases mentioned above, 400 were whites, 185 Asiatics and 27 Kaffirs. This shows that some communities are more susceptible to certain diseases than others. While the Indians are more liable to plague, the whites are particularly susceptible to malaria. But, if we consider the matter in this fashion, it would be just like the pot calling the kettle black. Nevertheless, malaria is not a deadly disease, while plague is a terrible killer. Through proper investigation, the causes of both these diseases can be found out. We must not fail in our duty to take all the necessary precautions.

[From Gujarati]

Indian Opinion, 22-4-1905

349. INDIANS IN EAST LONDON

There are certain restrictions on Indians in East London in regard to walking on foot-paths and residing in the town. The law there allows only those Indians who own landed property or are respectable tenants to live freely in the town, provided they obtain a pass from the Town Council for doing so. It is the duty of the Town Clerk to issue passes to all those who ask for them. The Indians in general refused to take out passes in this way. They carried on a fight for about a year and a half and managed to carry on without the passes. But when the Town Council took legal proceedings against them, the Magistrate decided in its favour. The Indians preferred an appeal against the decision on the plea that they were not "Asiatics" but Aryans who had subsequently settled in India.

We are constrained to say that our brethren have wasted their money on the litigation, and brought ridicule on themselves to boot. It is all very well to say that we are Aryans, but such a plea in a law court is bound to harm—and has harmed – our cause.

We ought to have woken up when the East London law was enacted. It is very difficult to get a law repealed once it has been passed. Our advice now is that we should submit quietly to the law and take out passes. Compared with other places like the Transvaal, the situation in East London is still tolerable. While complying with the law, we should, of course, continue the fight. But the struggle should be carried on through Parliament. Our people in East London have the power and the right to vote. It would yield good results if we exercised them judiciously.

[From Gujarati]

Indian Opinion, 22-4-1905

350. INDENTURED INDIANS

It appears from the Natal *Government Gazette* that 11,175 indentured men and 5,334 women had become free by December 31, 1904, since the introduction of the £3 poll-tax. Of these, 7,585 men and 1,845 women have paid the tax. That is, more than half the number of the freed men have paid the poll-tax to the Government and are at present engaged in some vocation or carrying on trade in the Colony.

The Government has already collected £28,290 from these people. This is by no means a negligible sum when one comes to think of it. It is a matter of great sorrow that such penalty is inflicted on British subjects; but where there is no remedy, one has to reconcile oneself to the situation. According to Lord Curzon, the average *per capita* income of an Indian is Rs.30 a year,—which means that this tax is one-and-a-half times the average income in India.

[From Gujarati]

Indian Opinion, 22-4-1905

351. MALAY LOCATION IN JOHANNESBURG

The Johannesburg Administration has appointed a Commission to draft a law for the purpose of acquiring certain lands in Vrededorp. It is not yet decided whether the Malay Location is a part of Vrededorp or not; but a portion of it might fall within its limits. According to its terms of reference, the Commission are:

1. to determine how the lands should be acquired from the residents;
2. to suggest how compensation should be paid if it is decided to acquire the land;

3. to record evidence in this connection.

The Chief Magistrate of Johannesburg, Mr. Badab, has been appointed the Chairman of the Commission. The date on which the Commission is to meet has not yet been fixed. But when this is announced, those living in the Malay Location will have to be on their guard.

[From Gujarati]

Indian Opinion, 22-4-1905

352. JIU-JITSU

The eyes of Europeans are slowly being opened. Narmadashankar, the Gujarati poet, has sung:

> The Englishman rules, the country is under his heel,
> The native remains subdued;
> Look at their bodies, brother,
> He is full five cubits tall,
> A host in himself, match for five hundred.

The poet here tells us that the main reason for the rise of English is their sturdy physique. The Japanese have shown that not much depends upon the physique of a man. The fact that the Russians, though well set up and tall, have proved powerless before the short and thin Japanese, has put the English officials in a quandary. They gave thought to the matter and discovered that Europe was very much behindhand in physical culture and knowledge of the laws governing the body. The Japanese understand very well how the various joints and bones of the (opponent's) body can be controlled, and this has made them invincible. Many of our readers must be aware of the effect produced when a particular nerve of the neck or leg is pressed during an exercise. This very science the Japanese have perfected. A Japanese coach has, therefore, been employed to train the English army, and thousands have already been taught the art. And *jiu-jitsu* is the Japanese name for it. The problem will now be to find something else after all the nations have learnt *jiu-jitsu*. This process is bound to go on endlessly.

[From Gujarati]

Indian Opinion, 22-4-1905

353. SUGGESTION BY BARBERTON AGRICULTURAL COUNCIL

The Agricultural Council of Barberton had appointed Captain Madge to investigate if the soil surrounding that place was suitable for growing tobacco. He reported that the land could yield a very rich crop of tobacco. Thereupon, the committee of the Council has proposed that, since Indians are needed to assist in the cultivation of tobacco, they should be admitted to the areas around Barberton on the same terms

as in Natal. Thus, the whites have begun to feel the need for Indian labour right from the beginning, for the Kaffirs are of no use and all the available Chinese are absorbed in the mines. Indian labour is, therefore, in general demand.

Lord Curzon has declared in his speech[1] that, as long as the South African Colonies do not concede adequate rights to the Indians, they will receive no help from India. If, therefore, the Transvaal Government does really need Indians, Lord Curzon will have a golden opportunity to exert pressure in order to secure the rights of Indians. The Transvaal is not likely to achieve prosperity so long as agriculture is not introduced there. And there is little likelihood of agriculture being developed without Indians.

[From Gujarati]

Indian Opinion, 29-4-1905

354. LONGEVITY AMONG THE WHITES AND THE COLOURED PEOPLE

"Why do women live longer than men, and the Kaffirs, Hottentots and Malayas longer than the whites?" asks *The Cape Times*. The question arises from a perusal of the Census Report. There are more women than men in the Cape. The number of men is 12,18,940, while that of women is 12,90,864. Up to the age of sixty the number of men is greater, but among those aged seventy, there are 21,788 men and 23,719 women; among those aged eighty-five, 2,355 men and 2,895 women; and among those aged ninety-five, 88 men and 109 women. There are 300 persons in the Cape who are over a hundred years; of these, only 126 are men and the rest women. Similarly, the Coloured population is found to be more long-lived than the white.

The reason for this is clear enough. As the Europeans indulge in sensual pleasures more than the Coloured peoples, their lives are shorter. Again, the duration of life among men is shorter than among women because the former suffer more worries than the latter. The Indians stand lower in the scale than all the others for a variety of weighty reasons. But the main reason is the very poor standard of life that the Indians maintain in South Africa. In order to save money, our people live together in large numbers in single rooms; and for the same reason or from indolence, they take food which is either insufficient or inadequately nutritive. Many live on ill-baked bread made of musty flour. Small wonder, then, that such food has adverse effects.

[From Gujarati]

Indian Opinion, 29-4-1905

[1] *Vide* "Curzon's Speech on Indians in South Africa", 8-4-1905.

355. LETTER TO CHHAGANLAL GANDHI

21-24, COURT CHAMBERS,
CORNER, RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
May 1, 1905

C. K. GANDHI, ESQ.
C/O INTERNATIONAL PRINTING PRESS
PHŒNIX

MY DEAR CHHAGANLAL,

I have your letters. I have not been able to write to you for some time. I sent you Gujarati matter yesterday. I would like you to tell me whether what I send is enough; if not I could send more, in which case I should really have *The Indian Review* and some Gujarati papers sent to me.

I sent with Shah two loaves of Kuhne, biscuits, sweets, cake and *papad*.[1] The loaves were for Bean and West, one each, the rest for you. I wonder whether you got all these things. Did you send the sweets from Durban? If so, please do not repeat the experiment. It is totally unnecessary, and I am anxious not to introduce complex dishes in the house.

You may send me the first part of Pope's Grammar. See that it is in both English and Tamil. Is it a new edition published? If not, don't buy it. A new edition was published, I think, last year. If they will give it to you on approval, then you can send all the three parts, deposit 30/- and if I find them not useful, they should refund the money and take the books back. I have already got a Tamil-English dictionary from Mr. Simon. All I now want is a good grammar.

I hope you have discussed the matter of Tamil and Hindi with Kitchin, and told him that neither can be rejected at the present stage. I have written to M.C.C. & Co.[2] regarding the P/Notes they want. Herewith statement for the Press to date.[3] I shall be interested to know how the English work is done this week in the absence of Mannering. Is Rugbeer gone altogether? I am extremely sorry for him. Have you knocked off night work?

Please put down Edward B. Rose, Esq., 45, Great Ormond Street,

1 Dry, crisp and paper-like, it is made from a variety of pulses and spices.
2 The firm of M. C. Camroodeen & Co.
3 This is not available.

Bloomsbury, London, on the complimentary list. You may begin with the current number.

Yours sincerely,
M. K. GANDHI

[PS.] I see [the] sweets were brought by Desai.[1]

1 Enclosure : Statement.

From the typewritten original : S. N. 4234.

356. LETTER TO CHHAGANLAL GANDHI

[JOHANNESBURG,
Post *May 1, 1905*][2]

MY DEAR CHHAGANLAL,[3]

I have your letter as also Pope's Handbook. If P. Davis would sell the three volumes for less than 30/- you can buy three for £ 25.[4] If they would sell the first for 12/6, you can pay for it, but if they insist on three or none at all and charging 30/-, even then you should pay, get the other two parts and send them on.

Yes, £5/1/6 are what I sent you when you became a fixture in the Press. I transferred that amount on to the Press just in order to enable me to see in the end how I myself come out of it. Of course, that and the charge of £16 for Shah will not be included in the expenses for the current year. Debit me with the £5 paid to Shah as also the 5/- paid to him for his razor. Please let me know whether the Gujarati matter sent this week is enough, or whether I should send still more.

Yours sincerely,

From the typewritten office copy : S. N. 4235.

357. THE TRANSVAAL CONSTITUTION

The Transvaal Constitution has been on the lips of everybody in South Africa ever since its publication. We cannot recall an instance when the constitution of a British Colony has evoked so much interest as the one given to the Transvaal. Every newspaper has published leading articles; every important person in South Africa has offered his judgment on it; and the sum and substance of the great body of opinion that has gathered round the Constitution appears to be praise not unmixed

1 This is added in Gandhiji's own hand.

2 The reference in the letter to Pope's Handbook of Tamil Grammar and the statement of expenses, both dealt with in the previous letter, suggest that this was written subsequently.

3 The original is mutilated, only the last two letters of the name being left. The contents, however, make it clear that the letter is addressed to Chhaganlal Gandhi, *vide* the preceding item.

4 The "£" is evidently a slip; it must be 25 shillings.

with unfriendly criticism. In fact, Lord Milner, in his valedictory address at Johannesburg, anticipated such a result when he said that the Constitution would probably fail to please anybody wholly, but that it would be accepted by all fair-minded men as a genuine attempt to bring nearer together the British and the Boers, and to prepare the people in the near future for complete self-government.

The objections that have been taken to the details are, in our opinion, objections taken because of ignorance of the history regarding Constitutions for the other self-governing Colonies. The point is that, even when there has been strong agitation for the grant of self-government, or other representative institutions, there has never been such a close examination of the details before. People have hitherto been satisfied with the granting of a principle, but to-day we find them insisting on every detail being arranged according to their notions. Hence it is that exceptions are seriously taken to the reservations by the Crown regarding legislation, although, if trouble were taken to examine even Constitutions for the self-governing Colonies, it would be found that the power of veto has been always retained, and occasionally even exercised. For instance, when the Australian Commonwealth passed its anti-Asiatic legislation excluding Asiatics as such, Mr. Chamberlain had no hesitation in disallowing the Act; and similarly in Natal. The first action of the responsible ministry in disfranchising Indians as such was promptly checked by Lord Ripon. It is conveniently forgotten that the Constitution which the Transvaal has received is perhaps the most liberal yet known of all the Constitutions granted preliminary to responsible government. The other objection taken, that the Orange River Colony has not received the same treatment as the Transvaal, goes to the root of all government. So long as Britain remains the predominant power, and so long as governments must ultimately depend upon force, it is useless to express dissatisfaction with what is, in the nature of things, unavoidable.

Apart, however, from the intrinsic merit of the Constitution, Mr. Lyttelton's despatch, which served as a preamble to the Constitution itself, is the most important of all. It is a humane document worthy of a British minister.

Coming to the purely Indian standpoint, it is difficult not to feel that the British Indian, as also the British Coloured man, is only the step-child, and has been left out in the cold. He has no voice in the affairs of the Colony, and he is insulted by deliberate exclusion. Mr. Lyttelton says:

> His Majesty's Government have been unable, having regard to the Terms of Peace signed in 1902, to make provision for the representation of any of His Majesty's coloured subjects.

And here it may be noted that even Mr. Lyttelton has made the common mistake of including other people in the term "Native". The Terms of Peace mention only the natives of South Africa. Why should other Coloured people, then, be included by inference? Mr. Lyttelton proceeds:

> As a protection, however, for the interests of those sections of the population

which are not directly represented in the legislature, the Governor will, as now, be required by his instructions to reserve any bill whereby persons not of European birth or descent may be subjected to any disability or restriction to which persons of European birth are not also subjected.

It is to be hoped that the reservation will be fully exercised.

Indian Opinion, 6-5-1905

358. EDUCATION OF INDIANS

Speaking on education in the Natal Parliament, Mr. Wiltshire said that the Government should provide greater facilities for the education of Indians. He pointed out that Indians needed them and that a special responsibility devolved on the Government for the education of Natal-born Indians. We should be thankful to the Honourable Gentleman for his speech. Our condition is likely to improve in every way with the increasing spread of education. The Government will no doubt have ultimately to discharge their duty in the matter. It appears that, in the absence of a separate school for Indians in Ladysmith, the Government have permitted Indians with a high standard of life to be admitted to the existing school.

Speaking in the Orange River Colony, Mr. Argette, the late Superintendent of Education in the Transvaal and the Orange River Colony, declared that he would make special efforts for the education of the Kaffirs in Basutoland. He is sufficiently mindful of the need for technical education. He was very sympathetic about the education of Indians, and was always trying to start schools for them in the Transvaal.

[From Gujarati]

Indian Opinion, 6-5-1905

359. LETTER TO CHHAGANLAL GANDHI

21-24 Court Chambers,
Corner, Rissik & Anderson Streets,
P. O. Box 6522,
Johannesburg,
May 6, 1905

[My dear chhaganlal,][1]

I am sending you to-day all the Gujarati matter. I may not send any more. Khanderia tells me he has sent a report[2] on the Pietersburg Address. If there is anything in conflict with the sub-leader I am send-

[1] The office copy bears no superscription, but the contents leave no doubt as to the addressee.

[2] This was presented to the High Commissioner; *vide* "Sir Arthur Lawley and the British Indians", 13-5-1905.

ing you in Gujarati, you should strike out the portion, that is to say, there should be nothing falsely praising the Acting High Commissioner. His reply is not as satisfactory as it might have been, as you will see from what I am sending.

Desai tells me that you are not keeping quite good health, and that you are suffering from boils. This is inexcusable. There must be some irregularity about the diet. I cannot too strongly advise you to copy West's simplicity. We are all making a luncheon of Kuhne bread, nut butter and jam. The slices are cut out at home and brought to the office and luncheon made at the office. You could do likewise if you have to take your food in town. I would like you to be very careful. You should see the Gujarati people regarding the earthquake fund.[1] It should not be allowed to become a fiasco. I am trying my best on this side. Has not Kaba yet arrived? Mr. Mukerji writes to me saying that neither he nor Mr. Dadabhai received their copies of *Opinion* during the middle of April[2]...applies for cheques ...

Your letter to hand together with Maganlal's. I am sending Gujarati matter which is double that sent last time and still hope to send some more. I can understand from your letter the difficulties you are experiencing there. As I give most of my spare time to Tamil, I cannot cope with the work satisfactorily. Henceforward, as far as possible, I shall send, just as I am doing today, the bulk of Gujarati material by Saturday's post. Please be careful, as I do not read again what I write. Do send me *The Indian Review*. It will be possible for me to translate from it.

I was very much pleased to read Maganlal's letter. It is good that you have grown vegetables. Let me know if pests cause any damage to them. Whose plot is the best? Dada Sheth has not yet called me. I shall come if he does.

Blessings from
MOHANDAS

From a photostat of the original : S. N. 4236.

360. THE NEW HIGH COMMISSIONER AND THE INDIANS

[*May 6, 1905*][3]

His Excellency Lord Selborne will arrive shortly in Johannesburg. From the account of his career given by the well-known journalist, Mr. Stead, in the April issue of the *Review of Reviews*, it appears that, when His Excellency made the speech about the war on November 1, 1899, he was secretary to Mr. Chamberlain. While recounting, in the course

1 *Vide* "Earthquake in India", 13-5-1905.

2 Hereafter the words are undecipherable. Then follow two paragraphs in Gujarati which have been here rendered into English.

3 *Vide* "Letter to Chhaganlal Gandhi", May 6, 1905.

of that speech, the causes of the war, he said that the British Government fought it not in order to deprive the Boers of their rights, but to accord equal rights both to Boer and Briton. The British Government was not actuated by self-interest or monetary considerations, but they wanted to determine and uphold the rights of other peoples. The British Government were the trustees of the people of Canada and Australia, the Negroes in South Africa and the Indian immigrants in the Transvaal. It was, therefore, their duty to wage war for the protection of these peoples. Since it was the duty of the British to keep the promises they had made, they were bound to protect the rights of all these peoples. It was the duty of the British Government to protect the rights of British subjects wherever they were, whether white or Coloured. It was on these grounds that His Excellency defended the war.

Quoting the above speech of Lord Selborne, Mr. Stead remarks, "Let us see how Lord Selborne stands by what he has said". Let us hope the noble lord will stick to his words and add lustre to the name of England by relieving the Indians of the hardships they are labouring under.

[From Gujarati]

Indian Opinion, 13-5-1905.

361. LETTER TO CHHAGANLAL GANDHI

21-24, Court Chambers,
Corner, Rissik & Anderson Streets,
P.O. Box 6522,
Johannesburg,
May 11, 1905

C.K. Gandhi, Esq.
C/o International Printing Press
Phœnix

MY DEAR CHHAGANLAL,

I have your letter. Kaba writes to me saying he could not leave at the time he wanted to. He must have left on the 19th April. He tells me in his letter just received that he is coming without his wife. He may bring Harilal and Gokuldas with him, but as there is no cablegram, I do not think they have left. I see Orchard is very dissatisfied. You have said nothing about him. Please let me know what the matter is. I have an astounding letter from Anandlal.[1] He says he is living by himself, and wants me to let him occupy the rooms occupied by Bean. Why is this? Why have you remained silent about it? Messrs. M. C. Camroodeen have sent me their statements. One is for rents to the extent of £92/2/11 and the other for goods of £238/9/2. Have you checked them?

[1] Son of Amritlal and nephew of Gandhiji.

Have you the original invoices about the goods from London? I am sending them a draft for the rent account which, of course, will be subject to correction if there is any error in it. As I have just now got some money with me, I am sending Parsee Rustomjee £500, so that he may use it and whenever you require any money, you will be able to get some from him.

Yours sincerely,
[M. K. GANDHI][1]

From a photostat of the original : S. N. 4237. Courtesy: Shri Arun Gandhi, Bombay.

362. LETTER TO OMAR HAJI AMOD ZAVERI

[JOHANNESBURG,]
May 11, 1905

OMAR HAJI AMOD, ESQ.
BOX 441
DURBAN

DEAR SHETH OMAR HAJI AMOD,

Your letter to hand. I am very sorry about Abdulla Sheth. Please tell Dada Sheth that, if he wants me to go there, he may not embarrass me by asking me to do so at my expense. I have to be very careful, as most of my money has been spent on Phœnix.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 10.

363. SIR ARTHUR LAWLEY AND THE BRITISH INDIANS

His Excellency, the High Commissioner, has been visiting Pietersburg in connection with an Agricultural Show, and British Indians took the opportunity of presenting His Excellency with a loyal address. The action is to be commended. They were able to draw from Sir Arthur Lawley some remarks on the Indian question. His Excellency is reported to have said that

> of all the difficulties which presented themselves to the Government at the present time, none was harder than that dealing with the status of British Indians in this country. The Government realised the conspicuous and splendid services which had been rendered to the Empire by them in India and in other parts. The Government appreciated the value of those services fully. People in this country, however, recognised that the conditions governing the Indians were not the same as those existing in the land from which the latter came. Here

[1] This portion of the letter has been torn off.

prejudices had arisen in the minds of the people owing to past history with coloured classes, and the question of the Indians' presence was looked at from an entirely different standpoint. He was sure the Indians must recognise this. The Government was called on to hold the scales of justice impartially, and the question was still a matter of correspondence between the Home Government and the Colonial administration.

We thank Sir Arthur for his acknowledgment of India's contribution to the Empire; but the result of such acknowledgment, we are sorry to have to say, is very poor. We cannot help recalling His Excellency's advice to Mr. Lyttelton that promises made to the British Indians, having been made in ignorance, were better broken than fulfilled. The British Indian Association has shewn conclusively that promises were made to the Indians in the Transvaal with full knowledge of the circumstances and by no means in ignorance. We fear that His Excellency has, shall we say with deference, committed the same mistake in his remarks quoted above. Why should he mix up the Indians with other Coloured classes? If a majority of the white people in the Transvaal will not see a distinction, is it not the duty of the Government to educate them up to a proper appreciation of it? How can Indians be expected to recognise unreasonable prejudice if it is meant thereby that they should bow to it? Recognition of such prejudice is undoubtedly necessary; but it is so only in order that it may be removed by calm discussion, and by placing constantly before the public the true facts. The Government "would hold the scales of justice impartially" only when it boldly tackles the question, and, instead of indirectly encouraging the current prejudice, endeavours to stem its tide by taking up a firm attitude. As to the carrying on of a correspondence with the Home Government, we have good reason to believe that this is meant to wring from the latter a consent to the imposing of further disabilities on British Indians. Has His Excellency studied carefully the very moderate propositions made by the British Indians in the Transvaal? Has his Government ever told the people of the Transvaal that the claims put forward by the Indians are extremely reasonable, and that they have shewn a laudable desire to meet the views of the white Colonists so far as possible?

Indian Opinion, 13-5-1905

364. JUVENILE SMOKING

There appears, in a recent issue of the Cape *Government Gazette*, an interesting Bill to be introduced by Mr. T.L. Schreiner, the well-known member of the Cape House of Assembly. Mr. Schreiner is known to be a philanthropist and a moralist. The Bill we are alluding to is called the "Youths' Smoking Prevention Bill", and is intended to prohibit smoking by youths of or under the age of 16 years, or appearing to be so. The manner in which the Honourable Gentleman wishes to achieve his object

is very simple. The Bill makes it criminal for any tobacconist to sell tobacco, cigars, or cigarettes to boys appearing to be of 16 years or under. It also authorises the police to confiscate and destroy any tobacco, pipe, cigar or cigarettes found on the person of such youths and authorises the parents or guardians of the latter to sue the seller of the offensive product for a refund of the money paid to him, notwithstanding destruction of the things sold, whilst it also enables teachers in Government schools to punish smoking by boys as a school offence. It has been often said that people cannot be made sober by an act of Parliament, and the same may be equally applicable to Mr. Schreiner's Bill; but we are not prepared to concur in the view that temperance legislation has not been productive of some good. We are inclined to think that this Bill, if it meet with the approval of the Cape House, will be a step in the right direction. Smoking, in any case, is neither a desirable nor a clean habit, and whilst, under certain circumstances, it may be of some use, and may also be a great soother of pain, the habit of smoking amongst boys is undoubtedly harmful, and ought to be checked by all legitimate means. The Bill is, perhaps, proof of the existence of the evil to a large extent. Indeed, we see the habit often indulged in by telegraph boys and messengers who are much below 16 years. The specious plea is often put forward, in defence of juvenile smoking, that, if it is good for adults, it could not be bad for youths. A moment's thought, however, would convince the casuists that what is good for the one is not necessarily good for the other; and smoking is one of such things which may not be indulged in by boys with impunity. It undermines their constitution and weakens their mental capacity. We, therefore, hope that Mr. Schreiner will be able to induce the Cape Parliament to accept the Bill.

Indian Opinion, 13-5-1905

365. EARTHQUAKE IN INDIA

News received by the latest mail from India gives full details of the havoc wrought by the earthquake. The Divine wrath that has descended on the people of Northern India is such that it will not be forgotten for years. Many an old historical monument, numerous villages, palatial buildings in large cities, the simple huts of the poor and tented camps of the army have all been devastated. Several families have been totally wiped out. The greatest damage has been done to Dharmasala, the Kangra Valley, Palampur and Mussoorie. The account of the condition of the victims of the calamity is very pitiable indeed. Men were rendered quite helpless and died for want of food and water, as no news whatever of the people's condition could be had from certain parts due to a breakdown of telegraphic communications. The Government evinced great sympathy and ran special trains to render all possible help to the distressed. Subscription lists have been opened in India as well as in Great Britain, and large

sums have already been contributed. Our readers must already be aware that we, too, have started a fund in aid of those unfortunate fellow-Indians who have been suddenly reduced to a state of penury. We hope everyone will do his duty and contribute to the fund to the best of his capacity.

[From Gujarati]

Indian Opinion, 13-5-1905

366. LETTER TO ANNIE BESANT

[JOHANNESBURG,]
May 13, 1905

MRS. ANNIE BESANT
CENTRAL HINDU COLLEGE
BENARES CITY

DEAR MADAM,

The Managers of the International Printing Press have sent me your letter to them regarding the reprint of your *Bhagawad Gita*. The responsibility for the advice, as to the reprint and inclusion of the portrait, must rest entirely on my shoulders. I know that ordinarily it would not be considered a proper thing to reprint a book without the author's permission. A gentleman offered to have a translation of the *Bhagawad Gita* printed for distribution among Hindu boys and others if the Managers printed it at cost price. He was also in a hurry. Reprint of your translation was suggested. The matter was referred to me and, after much careful thought, as there was no time left for reference to you, I advised that your translation might be reprinted for circulation in South Africa. I felt that the motive of the management was pure, and that when the circumstances, under which the edition was published, were brought to your notice, you would overlook any apparent impropriety. Simultaneously with the publication, a letter, explaining the whole of the circumstances, was sent to you over the signature of the Manager and Proprietor. It seems to have miscarried. We were all wondering why there was no letter from you, either of disapproval or approval. Your letter of the 27th March, however, explains the absence of any previous communication from you. As to the portrait, I can only say that, if a mistake has been committed, it has arisen from excessive reverence for yourself. When I suggested the inclusion of the portrait, I had in my mind the interpretation that was likely to be placed upon the act by some people, but I again felt that you would not resent the indiscretion, if such it was, when you came to know that a large number of the copies went to the Indian youths. Rightly or wrongly, as you are aware, publication or printing of such portraits in sacred works is not uncommon in India. Only 1,000 copies were printed. Of these, there are perhaps not more than 200 left, and

these are being distributed or sold now probably at the rate of 5 per month, and then only among real inquirers.

I have now placed the whole position before you, and it remains for me to express my deep regret for the offence done to your feelings, and to apologise for it. If you consider that any public statement is necessary, or complete withdrawal of the book from further circulation, or simple taking out of the portrait is necessary, your wishes shall be carried out.

I remain,
Dear Madam,
Your obedient servant,

From the typewritten office copy : S. N. 4238.

367. MR. GANDHI'S CLARIFICATION[1]

May 13, 1905

I am glad the Editor forwarded the above letter to me, and I am grateful to Mr. Vavda for having expressed his views. There was only one object before me in delivering these speeches, viz., to serve Indians. I readily accepted the invitation to give an idea of the Hindu religion in India and what it stood for. While doing so, I found it necessary to compare it with other religions. But in this, my one consideration was to point out, as far as possible, the special excellences of each religion and create a favourable impression on the minds of the whites. All the facts stated by me were drawn from history, which we have been learning at school since childhood. That Islam was spread by force is a historical fact. But along with it, I also pointed out that the potent cause of the spread of Islam was its simplicity and its special virtue of regarding all as equals. That the majority of converts to Islam were Hindus from the lower classes is also a fact that can be proved; and I, for one, do not consider that to be in any way derogatory. To me personally, there is no distinction between a Brahmin and a *bhangi*.[2] And I consider it a merit of Islam that those who were dissatisfied with the social distinctions in Hinduism were able to better their condition by embracing Islam. Nor did I suggest that all the converts to Islam came only from the lower classes of Hindu society. And I have not the least idea that by the lower classes are meant only the untouchable Dheds. While I admit that men from the higher

[1] In one of the lectures delivered on the Hindu religion under the auspices of the Theosophical Society, Johannesburg, *vide* "Hinduism," March 10, 1905 and March 18, 1905. Gandhiji, referring to the spread of Islam, had said that the majority of converts to Islam came from the lower classes. He had also mentioned fervour or passion as a powerful trait of Islam, which was responsible for many good deeds and sometimes for bad ones also.

These statements of Gandhiji created a stir among Indian Muslims in South Africa and several letters of protest were received by the Editor, *Indian Opinion*, who published three of them along with this letter which is Gandhiji's reply to Mr. A. E. Vavda's letter dated May 9, 1905.

[2] Scavenger.

classes such as Brahmins and Kshatriyas also became Muslims, it is universally known that the bulk of converts was not drawn from among them. However, the point I want to emphasise is that no stigma attaches to Islam if the Hindus of the lower castes became Muslims. On the contrary, it shows its excellence, of which the Muslims should be proud.

As for the fervour or passion of Islam, I do hold the view I have already stated. Mr. Vavda's interpretation of the word fervour or passion is quite mistaken. I have used it in a complimentary sense, and have clearly pointed out that it is a strong point of Islam. Nothing worth while can be accomplished without real fervour. The Turks could resist Russia and Greece successfully only when they fought desperately with real fervour, and now all are afraid of the Turkish soldiers. None could lay hands on Rajputana while the Rajputs fought with fervour. Japan has been able to take the fort of Port Arthur[1] only because she has been fighting with fervour. Fervour is as necessary in other tasks as it is in war, and it is a positive virtue. Edison is making inventions because of passion. It was the passion of Watt which led to the invention of the steam engine and made travelling in the world easy. And we shall be able to come together and succeed in our fight for the redress of our grievances against the whites if we have the same passion. This passion is the special merit of Islam. We shall benefit immensely if this very passion is brought to bear on other tasks.

I have nothing more to add. I know that the question that arose in the mind of Mr. Vavda has arisen in the minds of others as well. I have said what I considered to be true. In doing so, I had no intention of offending the feelings of even a single individual. To my mind, there is no distinction between a Hindu and a Muslim or Christian. I have frequently said so and, I believe, I have been acting accordingly. I maintain that Hindu religion teaches us to look upon all with an equal eye without making distinctions between Hindu and Muslim, Brahmin and *bhangi*, and that is the religion I follow.

M. K. GANDHI

[From Gujarati]

Indian Opinion, 20-5-1905

[1] The Russian fleet at Port Arthur was defeated by the Japanese on August 10, 1904.

368. LETTER TO CHHAGANLAL GANDHI

21-24, COURT CHAMBERS,
CORNER, RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
May 13, 1905

C. K. GANDHI, ESQ.

MY DEAR CHHAGANLAL,

I have your letter. It reassures me about Anandlal. Still I am anxious to know from him why he wants to live alone. If the people at Rustomjee's are slow, you should hurry them on. M. K. Patel has not yet paid. I think I will receive the money some time next month. The £6 you saw in the notice I have explained to you are part of the subscriptions I brought from Cape Town. I have told you that the three items on the list represent subscriptions brought from Cape Town, and the names of the persons who have paid, including the advertisers, have been already sent to you. Did you not receive them? £1/14/- represents two more subscriptions collected by Mr. Gool. One of the subscribers is Wilson. The other name is one I did not receive through Lucheram who brought the money. Lucheram has received the parcel but has not yet paid. The £5 are not to be paid to the Press by you. I have explained why I have transferred the amount to the Press. It is part of capital expenditure. You need not therefore bother about it. I hope the men who were ill are better now. For the shooting by Sam,[1] gentle persuasion and chaffing are the only remedies. I am afraid nothing more can be done. With reference to Kitchin, I suggest that you should go over to him and ask him to explain why he seems to be doing nothing. I know he won't resent it and in any case it is better that you should understand him thoroughly. Never mind about the weekly statement. You are only to print two more copies of the magazine. I do not know whether we will be able to recover the full amount. I am however hoping that we will. Having gone so far I feel that we ought to print the 12 numbers. You are now printing the eleventh and there will only remain the twelfth to be published. For the rest, if they want us to publish them, we will require a guarantee. I am glad you have received the Gujarati letter about my lectures. Print it in full in the next issue and print also my letter.[2] It shows that the paper is being eagerly read, and that is what we want. Misunderstandings will sometimes happen. That however need not make us flinch from our duty. Let that letter be printed first

1 "Sam" was Govindaswami, engineer in the Phœnix settlement and a *shikari*.
2 *Vide* "Mr. Gandhi's Clarification", 13-5-1905.

and underneath my explanation. There was some talk of the same nature here also, and though I have been trying to explain it, the letter you have sent me enables me to give much fuller and more public explanation. For the time being, you may expect 32 sides of the scribbling paper in Gujarati per week from me. Why was a bill sent to N. Sen? Was it upon advice from Madanjit? You should write to the gentleman telling him that the account was sent because Madanjit wrote, if that is a fact; otherwise tell him that it was sent in inadvertence and that the management apologise for it. I enclose for your perusal as also of Kitchin, West and Bean, if they have seen Mrs. Besant's letter, copy of my letter[1] to her, and even if they have not seen her letter, you may mention the fact to them and show the copy. Evidently, Bean supplies for you Polak's place. He says it is well that he went to Phœnix if only for making your and Maganlal's acquaintance.

Yours sincerely,
M. K. GANDHI

From the typewritten original : S. N. 4239.

369. LETTER TO KAIKHUSHROO AND ABDUL HUK[2]

[JOHANNESBURG,]
May 13, 1905

MESSRS. JALBHAI SORABJI BROS.
84, FIELD STREET
DURBAN

MY DEAR KAIKHUSHROO AND ABDUL HUK,

I enclose herewith a cheque for £500 which please credit to the Press account. I can spare this sum for the present and am, therefore, sending it; for I know that, if it remains there, it will save Shethji so much interest. Out of this amount, please give Chhaganlal as much money as he may want and I shall ask for the remainder when I require it. But whatever money accumulates with me, I should prefer to keep there and hence this cheque.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 35.

[1] *Vide* "Letter to Annie Besant", 13-5-1905.

[2] Managers of Messrs. Jalbhai Sorabji Bros., owned by Parsee Rustomjee, who was away in India at the time.

370. LETTER TO PARSEE RUSTOMJEE

[JOHANNESBURG,]
May 13, 1905

RUSTOMJEE JIVANJI GHORKHODU, ESQ.
11, KHETWADI LANE
KHETWADI
BOMBAY

MY DEAR SHETH PARSEE RUSTOMJEE,

I hope you have reached safely.

I receive letters regularly from Kaikhushroo and Abdul Huk. Since they write to you also, there is no need for me to say more.

I know that you have to pay interest on overdrafts. As I had at present a little money to spare, I have sent the firm a cheque for £500.[1] A part of the amount, say £250, will go to Chhaganlal; even so the balance will remain there. I shall take it back if I need it; and if I have more to spare, I shall send that also. Even otherwise we do not think it proper to hold up a big sum due to you from the Press, especially when, as I believe, I have money to spare.

Please do pay attention to the education of the children. Do not forget what I told you about your health.

My Salaams to Maji.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 36.

371. LETTER TO DADABHAI NAOROJI[2]

[JOHANNESBURG,
May 15, 1905]

[SIR,]

Natal of late has been very active in its anti-Indian crusade. Attention has been drawn to the various Bills that have appeared in the *Government Gazette*, and which are now before the Natal Parliament.

The Firearms Bill, without the slightest justification, brackets the Indians with the Natives, and places them, so far as that Bill is concerned, under the Native Affairs Department. I need hardly say what the moral effect of this is likely to be.

1 *Vide* the preceding item.

2 The original is not available. This is only an extract, quoted by Dadabhai Naoroji in his letter dated June 6, 1905, to the Secretary of State for India.

There is another Bill published which makes occupation by Indians of rural land in Natal no occupation at all. The Bill seeks to impose a tax of one halfpenny per annum on every acre of unoccupied rural land when it is beyond 249 acres owned by one individual or company. For the purposes of the Bill, such land occupied by Indians, if they are not owners, would be liable to taxation. This is insulting and unjust. It is Indians who have made the cultivation of the coast lands possible.

India Office : Judicial and Public Records, 1960.

372. LETTER TO HAJI DADA HAJI HABIB

[JOHANNESBURG,]
May 15, 1905

MR. HAJI DADA HAJI HABIB
BOX 88
DURBAN

DEAR SHETH SHRI HAJI DADA HAJI HABIB,

Your telegram to hand. I have sent a reply. Lord Selborne is coming this month, so that it is very difficult for me to leave this place before his visit. There is a move to present an address of welcome to him, and if that is decided upon, it will be necessary for me to remain here. Whether he will accept the address or not will be known this week. Meanwhile, I have written to Abdulla Sheth not to force [us] to incur expenses.

I have asked for at least £40[1] to be sent to me if I needs must come. My present position is not such as to allow me to go there at my own expense—for which please excuse me.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 40.

373. LETTER TO ATTORNEY-GENERAL

[JOHANNESBURG,]
May 17, 1905

TO
THE ATTORNEY-GENERAL
PIETERMARITZBURG

SIR,

I venture to enclose herewith copy of the correspondence[2] between the Principal Immigration Restriction Officer and myself regarding the forfeiture of a deposit by a British Indian.

1 Telegram dated May 15 reads : "Will end month do please send forty pounds least".
2 This is not available.

I wish only to emphasise the fact that there was absolutely no fraud on the part of the holder of the pass. That, according to his own version, he was too ill to leave the Colony. That, in any case, he had no intention of misusing the pass he held, and that he is a poor man to whom the £10 were advanced by a friend.

Under the circumstances and in view of the fact that there seems to be no warrant for a forfeiture, apart from an action at law, I venture to trust that you will be pleased to authorise the Principal Immigration Restriction Officer to refund the amount of the deposit. I have no desire to lay stress upon the legal point, but I feel bound, in justice to the applicant, to draw your attention to it.

I have the honour to remain,
Sir,
Your obedient servant

Letter Book (1905) : No. 65.

374. LETTER TO PARSEE RUSTOMJEE

[JOHANNESBURG,]
May 17, 1905

[TO]
RUSTOMJEE JIVANJEE GHORKHODU

MY DEAR SHETH SHRI PARSEE RUSTOMJEE,

Your letter to hand. I was very glad to read it. I am sure your mother must have been greatly delighted at your meeting her. It is a matter for great satisfaction that your heart's desire has been fulfilled.

I hope you will now pay sufficient attention to the education and conduct of your children.

You did a very proper thing in continuing your simple diet on board the steamer. And I am glad to have your assurance that you will be regular in your walks, food and baths in Bombay. Please do not entertain the feeling that I have rendered you a service. My only desire is that your health should continually improve and you might live long and do good deeds.

Please persuade my children to come here when you see them.

Please do not entertain any anxiety about the work here. I frequently receive letters. I believe both of them are working satisfactorily.

I am making enquiries about the bills in respect of previous cases.

Please give my respects to Maji. Ask Jal[1] to write me a letter. Get Soharab[2] also to write a few lines below it.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 70.

1 & 2 Sons of Parsee Rustomjee.

375. LETTER TO KAIKHUSHROO AND ABDUL HUK

[JOHANNESBURG,]
May 17, 1905

MESSRS. JALBHAI SORABJI BROS.

MY DEAR KAIKHUSHROO AND ABDUL HUK,

I have received your letter. Contribute up to a maximum of five guineas to the Earthquake Relief Fund, provided Omar Sheth pays that much. Do consult him. Tell him that my advice is that both should pay that much. If, however, Omar Sheth contributes less, you may also pay the same amount. Let not your subscription exceed his. Get others also to contribute.

I have received a letter from Rustomjee Sheth, wherein he inquires about Mr. Laughton's bill in respect of the previous cases. Try and get it reduced, if possible; pay it, if not paid already; and inform him accordingly.

Rustomjee Sheth desires that you should so arrange things that either of you is almost always present at the shop. Do write to reassure him about this. I have written telling him that the business would always remain safe in your hands and that he need not worry at all.

You did well in having the photograph taken there.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 72.

376. LETTER TO ISSA HAJI SOOMAR

[JOHANNESBURG,]
May 18, 1905

TO
ISSA HAJI SOOMAR, ESQ.
RANAVAV
PORBUNDER
INDIA

DEAR SHETH SHRI ISSA HAJI SOOMAR,

Received your letter. I am glad to know that you agree with my opinion. If you take Mr. Joshi with you, the expenses incurred on account of paper, etc., will be so insignificant that it is useless to ask for them. I believe you will surely benefit whenever you may go to England.

You need not be discouraged because your brothers do not help you.

Those who realise their duty have got to discharge it, whether or not others join them in doing so.

You must have seen the account of the property case appearing in *Indian Opinion.*

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 71.

377. LETTER TO OMAR HAJI AMOD ZAVERI

[JOHANNESBURG,]
May 18, 1905

OMAR HAJI AMOD ZAVERI, ESQ.
BOX 441
DURBAN

DEAR SHETH SHRI OMAR HAJI AMOD,

Your letter to hand. I shall come there as soon as possible. But as there is a move afoot to present an address of welcome to Lord Selborne, it is very difficult to leave before that function is over.

I would not have made a demand for money but for the fact that, in view of my present position, it will be very difficult for me to come there at my own expense. I shall, therefore, be thankful if Dada Sheth sends some money at least.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 75.

378. LETTER TO S. V. PATEL

[JOHANNESBURG,]
May 19, 1905

MR. S. V. PATEL
P. O. BOX 208
KLERKSDORP

DEAR SIR,

Probably the best medical education is to be obtained in Germany, but then a knowledge of German would be necessary. Ordinarily, a medical degree obtained in Glasgow is considered very good, and no matter what degree may be held in Bombay, the course takes, as a rule, 5 years. A Glasgow degree would be considered quite sufficient for practice in any part of South Africa.

The address of the paper *India* is 84-85, Palace Chambers, Westminster, London.

Yours faithfully,
M. K. GANDHI

Letter Book (1905) : No. 93.

379. LORD CURZON ON THE INDIANS IN SOUTH AFRICA

The Indian mail to hand brings the full text of Lord Curzon's remarks, at the time of the Budget debate in the Viceregal Council, on the Indians in South Africa.

His Excellency made a lengthy reference to the status of the British Indians in South Africa, and the British Indian settlers must feel deeply indebted to him for his strong advocacy. His Excellency devoted a considerable portion of his speech to the situation in Natal, and we now understand, for the first time, the nature of the work done by the delegates who proceeded to India some time ago on behalf of the Natal Government. Their object was to impose further restrictions on indentured Indians by making their return, at the end of their service, absolutely compulsory. Lord Curzon, we are glad to be able to say, repudiated any such suggestion, unless certain concessions were granted by the Natal Government in favour of non-indentured Indians settled in the Colony. His Lordship asked for the eventual abolition of the £3 tax, amendment of the Dealers' Licenses Act, as also of the regulations in which Indians are classed with barbarous races, and other minor matters.

All this is extremely satisfactory, and it shews that the Indian appeal to the Viceroy has received very full consideration. His Excellency added that he was able to obtain one concession, namely, that three years' residence in the Colony was accepted by the Natal Government as freeing Indian residents from the prohibition under the Immigration Restriction Act. This means that His Lordship has been led to believe that it was a concession granted by the Natal Government. If so, we are sorry, because it would be a misleading statement. As a matter of fact, the Natal Government were bound to lay down certain rules with reference to the interpretation of the term "previous domicile". The law, as it stood, stated that those Indians who were previously domiciled in the Colony were free from the educational prohibition. In practice, two years' residence was accepted by Mr. Smith, as a rule, as evidence of previous domicile; and it was on Mr. Smith's recommendation that the Government have raised the period to three years and embodied it in the Act. Also, we may inform His Excellency that three years' residence is not necessarily to be accepted as sufficient evidence of domicile. We make bold to say that, but for the amendment of the Act, it would not be possible, even for an Indian who had resided in the Colony for six months, and could prove that he had changed his residence to Natal and intended to

be domiciled, to be refused exemption. What, therefore, His Lordship considers is a concession, we are, with great deference, obliged to say, is no concession at all. The question, however, is whether His Excellency can safely stop where he has left the question. During the current year, the Natal Parliament has been actively pursuing an anti-Indian policy. We have already drawn attention to Bills containing anti-Indian clauses. The Dealers' Licenses Act is a thing of constant worry and irritation. Is it right, then, that Natal should still continue to draw upon India for the staple of her prosperity, and reject the advances of the Indian Government on behalf of free British Indians? To say the least, it is a one-sided bargain, in which Natal gets all without giving anything in return.

His Lordship dwelt on the position in the Transvaal. His statement is a recapitulation of Mr. Lyttelton's despatch, but it shews that he is fully alive to the interests of his wards. We hope that his watchful guardianship will, in the near future, cause the Indians to be released from the galling restraints under which they labour in that Crown Colony.

Indian Opinion, 20-5-1905

380. ANTI-INDIAN LEGISLATION IN NATAL

In a recent number of the *Natal Government Gazette*, there are three Bills published which shew how bad the financial position of the Colony is. One of the Bill is intended to impose a poll-tax of £1 per head on every adult male of the age of 18 years or over. It exempts from liability to pay the tax poor or infirm persons, as also indentured Indians whilst they are under indenture. The second Bill imposes a succession duty on the estates of deceased persons, the minimum duty, in the case of lineal descendants or ascendants bearing one per cent. The two measures are likely, if they are accepted by the Parliament of Natal, to produce a fair amount of revenue.

It is, however, the third Bill with which we are more immediately concerned, and which raises a very important question, affecting the Indian community. The Bill is entitled "To Impose a Tax upon Unoccupied Rural Lands". It is sought thereby to impose a tax of a halfpenny per acre on every piece of unoccupied rural land of an extent of 250 acres or upwards. Clause 5 of the Bill states that

> land shall be deemed to be unoccupied unless the owner or some European has continuously resided thereon for at least nine out of the twelve months prior to the first day of March in any year.

Thus, any piece of rural land that may be occupied by Indians in the Colony, other than the owners, would, if the Bill becomes law, be considered as unoccupied for the purpose of imposing the halfpenny tax. The Bill may affect Indian landlords in the coast districts, where land is cultivated only by Indians.

This policy of constantly insulting and irritating the Indians without

cause ought, in the interests of the Empire, to be checked by Mr. Lyttelton. It is true that Natal enjoys complete self-government, and it is therefore at liberty to make its own laws; but when liberty becomes license, it is a question whether the authorities in Downing Street, who are the custodians of the honourable traditions of the Empire, should not check legislation which insults British subjects not directly represented in the Legislature.

Indian Opinion, 20-5-1905

381. THE IMMIGRATION LAW IN THE CAPE

The Report of the Immigration Officer of the Cape, Dr. Gregory, on the working of the Immigration Law in that Colony, has been published. We find therein that, of the persons seeking entry into the Cape last month, 298 were not allowed to enter. Of these, 56 were disallowed because they were not literate in English, 156 because they were paupers and 74 because they were illiterate and poor; twelve were not allowed to land because they were prostitutes. Dr. Gregory's view is that, because of hard times, many who would have otherwise come have not been able to do so, and that, therefore, it is not possible to say what the real effect of this law has been. He also believes that many Indians were put to difficulty in not being able to land. And even if it is held that this law is good for preventing the entry of Indians, it is questionable whether it is just to prevent British Indian subjects from entering, when Yiddish-speaking Hebrews who are actual beggars can do so by borrowing money from their friends. It seems from the Report that Dr. Gregory himself regards this law as unjust. The Cape Government have promised Indians in the Cape that the provision in the law regarding language would be so amended as to make the knowledge of an Indian language acceptable. It is the duty of leading Indians in the Cape to get that promise implemented. We are sure that, if they pursue the matter energetically, the Government will make the necessary changes in the Act. We hope that the Cape Indians will take up the matter vigorously and see it through.

[From Gujarati]

Indian Opinion, 20-5-1905

382. THE LATE MR. TATA[1]

A mammoth meeting was held early last April in the Town Hall in Bombay to perpetuate the memory of the late Mr. Tata, with Lord Lamington, the Governor, in the chair. The first resolution regarding the raising of a memorial was moved by the popular Chief Justice of the

[1] Sir Jamshedji Nasserwanji Tata (1839-1904), Indian industrialist and philanthropist.

Bombay High Court, Sir Lawrence Jenkins. Justice Badruddin Tyabji,[1] Justice Chandavarkar, the Honourable Mr. Parekh,[2] Sir Bhalchandra[3] and others attended the meeting. All the speakers, including the Governor, pointed out that a gentleman as liberal, simple and as sagacious as Mr. Tata had hardly lived before in India. In whatever he did, Mr. Tata never looked to self-interest. He never cared for any titles from the Government, nor did he ever take distinctions of caste or race into consideration. As Justice Badruddin observed, the Parsis, the Muslims, the Hindus — all were equal to him. For him it was enough that they were Indians. He was a man of deep compassion. Tears came to his eyes at the thought of the sufferings of the poor. Though he possessed unlimited wealth, he spent nothing from it on his own pleasures. His simplicity was remarkable. May India produce many Tatas!

[From Gujarati]

Indian Opinion, 20-5-1905

383. SIR PHEROZESHAH MEHTA

No one has served Bombay as well as Sir Pherozeshah Mehta. He has been a member of the Corporation for the last thirty years and attended its meetings, forgoing important lucrative cases. He is, therefore, regarded as the Father of the Corporation. There is talk of offering him the presidentship of the Corporation this year in view of the forthcoming visit to India of the Prince of Wales. Since he already holds a knighthood, *The Times of India* suggests that it would be only proper for the Government to confer on him the title of Lord Mayor, when he assumes the office of President. If the Presidents of the Corporations of Melbourne and Sydney can be Lord Mayors, why not those of Calcutta and Bombay?

[From Gujarati]

Indian Opinion, 20-5-1905

[1] A distinguished member of the Bombay Bar and later judge of the Bombay High Court. He presided over the third session of the Indian National Congress at Madras in December 1887.

[2] Sir Gokuldas Kahandas Parekh, a member of the Bombay Legislative Council.

[3] Sir Bhalchandra Bhatavdekar, an eminent doctor and public-worker of Bombay.

384. LETTER TO HAJI MAHOMED HAJI DADA

[JOHANNESBURG,]
May 20, 1905

HAJI MAHOMED HAJI DADA, ESQ.
BOX 173
DURBAN

DEAR SHETH HAJI MAHOMED HAJI DADA,

I have not read the book, *Kasassul Ambiya*.[1] If you send me a copy, I shall be able to say whether it can be reproduced in *Indian Opinion* or not. If it contains historical material useful to English readers, it may be possible to publish an English translation. I have often heard of this book. Is it not likely that the stories in it are already known to most of our readers? In case they are, it will be a problem deciding whether to reproduce it or not.

I am collecting money from Gunavantrai. £25 have already been received and credited to the account of Seth Haji Habib and I expect the balance will come at the rate of £5 a month.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 102.

385. LETTER TO ABDUL HUK AND KAIKHUSHROO

[JOHANNESBURG,]
May 20, 1905

MESSRS JALBHAI SORABJI BROS
84, FIELD STREET
DURBAN

MY DEAR SHRI[2] ABDUL HUK AND KAIKHUSHROO,

Your letter to hand. The power of attorney passed by Sheth Azam Gulam Hussain has been found.

Hussain Issop seems to be an employee in the shop. He has asked for an advance of £15 against his salary. He says that you have asked him to get my sanction. I think there should be no objection to giving him such an advance, if his work is quite satisfactory, if he is trustworthy

1 An Urdu book containing the lives of the prophets and saints of Islam.

2 The original has "Shri 5," which means that the word Shri is to be repeated five times. Gandhiji has addressed others in this way.

and is really in need of money. But I leave that to your discretion.[1]

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 103.

386. LETTER TO OMAR HAJI AMOD AND ADAMJI MIANKHAN

[JOHANNESBURG,]
May 20, 1905

DEAR SHETH SHRI UMAR HAJI AMOD
AND SHRI ADAMJI MIANKHAN,

I hope the petition[2] I sent earlier through Mr. Nazar has been sent to the Assembly. If it has not been sent already, there seems to be very little time left to do so now.

I am to-day[3] sending another petition; it relates to another Act. I hope there will be no delay in these matters.

There is a private Bill of Durban about which a representation can be also made through a lawyer. I have suggested to Mr. Nazar to do so.

This time both of you have to exert yourselves to the utmost and work courageously. It does not matter if there are only a few signatures. At times, even the signatures only of the Chairman and the Secretary are enough.

Salaams from
M. K. GANDHI

Enclosure: 1.

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 104.

387. LETTER TO HAJI DADA HAJI HABIB

[JOHANNESBURG,]
May 23, 1905

MR. HAJI DADA HAJI HABIB
BOX 88
DURBAN

DEAR SHETH SHRI HAJI DADA HAJI HABIB,

I have received your letter together with the P. note. I am returning the P. note as I have no use for it. My condition is such that I hesi-

1 Gandhiji, it would appear, was a consultant in the absence of Parsee Rustomjee; all sorts of problems were referred to him and his advice was often sought by the managers of the firm.

2 *Vide* "Memorial to the Natal Assembly", 7-4-1905.

3 This is not available.

tate to spend any money from my own pocket even for a short time. But since you are so importunate, I shall leave this place at the earliest if no satisfactory reply is received from Abdulla Sheth.

Salaams from
M. K. GANDHI

From the original Gujarati in Gandhiji's hand : Letter Book (1905) : No. 116.

388. LETTER TO PARSI COWASJI

[JOHANNESBURG,]
May 23, 1905

MR. PARSI COWASJI
115, FIELD STR.
DURBAN

DEAR MR. PARSI COWASJI,

Your letter to hand. I have had a talk with Rustomjee Sheth about you. He was not inclined to render help without a surety. I, therefore, cannot give my consent. The best thing for you to do would be to write to Rustomjee Sheth and patiently await his reply.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 119.

389. LETTER TO GOVERNMENT OFFICER, CHINDE

[JOHANNESBURG,]
May 23, 1905

THE GOVERNMENT OFFICER
REPRESENTING THE COLONIAL SECRETARY,
CHINDE
BRITISH CENTRAL AFRICA

SIR,

At present in the Transvaal there are a few hundred Indians who are desirous of proceeding to Chinde[1] if they can receive employment on the Railways that, I understand, are being constructed under the Government. Some of them have already worked in Chinde or in other parts of British Central Africa.

I shall be obliged if you will kindly let me know whether there is

[1] A small town in Portuguese East Africa, in which the British held a concession till 1923.

any scope for them and, if there is, where they should apply.

I have the honour to remain,
Sir,
Your obedient servant,
M. K. GANDHI

Letter Book (1905) : No. 120.

390. LETTER TO DEPUTY COMMISSIONER OF POLICE[1]

[JOHANNESBURG,]
May 23, 1905

TO
THE DEPUTY COMMISSIONER OF POLICE
"A" DIVISION
JOHANNESBURG

SIR,

I have the honour to enclose herewith, on behalf of Messrs. M. C. Camroodeen & Co., a warning, issued from your office, which described them as Camroodeen "coolie".

I hope that the description is an unconscious mistake on the part of the official who has issued the warning. I need hardly draw your attention to the fact that the description is in the highest degree offensive, and that it would be totally wrong to describe Messrs. M. C. Camroodeen & Co. as "coolies". I may add, theirs is one of the oldest established British Indian firms in South Africa.

I have the honour to remain,
Sir,
Your obedient servant,
M. K. GANDHI

1 Enclosure.[2]

Letter Book (1905) : No. 124.

[1] A similar letter was addressed the same day to the Commissioner, South African Republic (Letter Book : 1905, No. 126).

[2] This is not available.

391. LETTER TO CHHAGANLAL GANDHI

[JOHANNESBURG,]
May 23, 1905

C.K. GANDHI, ESQ.
C/O. INTERNATIONAL PRINTING PRESS
PHŒNIX

MY DEAR CHHAGANLAL,

I send herewith Municipal Notice in Gujarati to be printed. Please have it translated in Tamil, Hindi and Urdu also. See that the translation is accurate. Please print the whole [in] four languages on double foolscap, all on the same paper and print 10,000. You will see that the matter is of immediate importance, and seeing that it is a municipal matter, it should take precedence of others if there is pressure of work. Use decent paper. No proof is required, so that there need be no delay. I send you the original in English also, in order to enable you to have your translation without difficulty.

Yours sincerely,
M. K. GANDHI

Enclosures[1]

Letter Book (1905) : No. 133.

392. LETTER TO E.A. WALTERS

[JOHANNESBURG,]
May 25, 1905

E. A. WALTERS, ESQ.
WINDSORTON
CAPE COLONY

DEAR SIR,

RE: COOVADIA & SIDAT

In this matter, all my letters recently sent to you have been ignored. The debtor himself writes to me saying that he has paid you the full amount. Unless therefore I have a settlement from you, I shall be most reluctantly compelled to submit the matter to the Incorporated Law Society at Cape Town.[2]

Yours faithfully,
M. K. GANDHI

Letter Book (1905) : No. 145.

[1] These are not available.

[2] Gandhiji did this later; *vide* "Letter to Law Society", 22-6-1905

CWMG - IV

393. LETTER TO KAIKHUSHROO AND ABDUL HUK

[JOHANNESBURG,]
May 25, 1905

MESSRS. JALBHAI SORABJI BROS.
84, FIELD STREET
DURBAN

MY DEAR MESSRS. KAIKHUSHROO AND ABDUL HUK,

Your letter to hand. In the matter of Nuruddin, you should act strictly in accordance with the instructions given by Rustomjee Sheth. I have asked him to write to Rustomjee Sheth directly.

Make an advance of up to £7 against his salary to Hussein Issop if he is trustworthy and his work satisfactory.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 153

394. LETTER TO OMAR HAJI AMOD ZAVERI

[JOHANNESBURG,]
May 26, 1905

OMAR HAJI AMOD ZAVERI
BOX 441
DURBAN

DEAR SHRI OMAR HAJI AMOD ZAVERI,

Received your letter as well as copies of Sheth Haji Mahomed's letter. I am very much surprised and sorry to read the latter and to know that even mature and wise men [sometimes] forget themselves. I think it would have been good if you had sent a short reply as soon as the letter was received. But since no reply has been sent so far, I see no need to do so now. I shall write to you if I receive a letter.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 157

CWMG - IV

395. EMPIRE DAY

Empire Day—the anniversary of the birth of the late Queen-Empress—is a day set apart by universal consent in all parts of the Empire outside Great Britain to commemorate the reign of its most beloved Queen. It is but a deeper tribute to her memory that it is becoming known as "Empire" rather than as "Victoria" Day; for it is a recognition that no person has done more to draw together the units of those vast Dominions of which she was the Queen-Empress. By her large heart and wide sympathy; by her abilities and queenly virtues; above all, by her personal goodness as a woman, she has for ever enshrined herself in the hearts of every nation under the British flag. The lesser persons who administered her power might make mistakes; injustice even might be committed in her name; but the people ever knew that the mistakes and the injustice came not from Victoria the Good. As wife and as mother, she proved herself as worthily as Queen; and knowing that domestic virtue alone makes a household happy and prosperous, she was a firm believer in the scriptural statement: Righteousness exalteth a nation; but sin is a reproach to any people. She saw, before all others, that the British Empire must be founded on the rock of righteousness — individual and national — if it were to have a permanent prosperity. Other nations and other Empires the past has held; but all have been broken on this "rock of offence". From the first, when she spoke those simple words: "I will be good", she endeared herself to her subjects the world over. It may be noted here that Victoria owed her greatness in very large part, under Providence, to her own wise mother; and both before and since, great men and women without number have dutifully acknowledged the same. It is always true that a good mother makes a wise child. As another instance of this, we have but to see the universal satisfaction that is felt with the present occupant of the British throne, who by his tact and wisdom has already done so much for the Empire and the world. Of all contemporary monarchs, King Edward best exhibits that peculiar genius which constitutes true kingship; and this is due in most part to the influence of his august Mother.

In every way, then, Victoria is a name worthy to be honoured when we think of the Empire; and it is but fitting that the day set apart should be the anniversary of the hour that brought her into the world.

To Indians especially, Victoria Day should be sacred. No other person has done so much for the liberty of India as the late Queen-Empress. That this was recognised by the millions of India was apparent by the remarkable demonstrations of mourning that took place throughout India on her decease. Speaking of her, the Viceroy said:

> The hearts of all the Indian people had been drawn together by this singular and beautiful combination of mother, woman and queen. It was easy to say

> much about the mark which this marvellous reign had left upon the history of India, and to indicate many points where the sagacious hand and influence of the deceased Sovereign had been felt; but were not all her reign and character summed up in the famous Proclamation of 1858, the Magna Charta of India, and the golden guide of our conduct and our aspirations? It might be said of her that she turned Great Britain into a worldwide Empire, with India as its corner-stone.

Victoria's interest in India was always personal and profound. Not only did she surround herself with Indian servants; not only did she learn to speak and write Hindustani (no light task to one burdened with the cares of State); but she made the Viceroy send an account of the situation in India *by every mail.* And that her knowledge of Indian affairs was intimate is shewn by the following extract from one of her letters to Lord Northbrook:

> The Queen trusts the English are now kinder in their conduct to the Natives than they used to be. It is so essential that these unchristianlike feelings should no longer exist. It is everywhere her greatest wish that there should be the kindest and best feeling between classes who, after all, are the same before God.

"The same before God" — that was the spirit which inspired the great Proclamation; and of which the Empire has scarcely proved itself worthy. It is with regret that we say it; and it is with regret that we have to call the attention of our readers and the authorities to various matters in which the spirit of Victoria the Good has been violated, when we would have wished that this issue of our journal at least should be free from anything that would detract from our satisfaction in belonging to the great British Empire.

Indian Opinion, 27-5-1905

396. IN THE NATURE OF A TEST CASE

An important decision has been given by the Supreme Court in the case in which one Said Ismail and another were plaintiffs, and L. K. Jacobs was defendant in his capacity as Trustee in the Insolvent Estate of one Lucas, deceased. The original action was brought in the High Court at Johannesburg. The plaintiffs held some landed property there, but being prevented from registering the title in their own names, had it registered in the name of their friend, the deceased Lucas. This was in the year 1896. Until recently, they had remained in possession, with the knowledge of the authorities, and they had paid all the assessment and other rates. They adopted that course upon the advice of a prominent firm of solicitors in Johannesburg; and in order to protect themselves, they took from the deceased Lucas an irrevocable power of attorney to deal with the property, and also a lease with a clause as to automatic perpetual renewal. Lucas became insolvent before the war and, some time after, died. The original Trustee never brought up the property in question, in the schedule. In the year 1902, among other properties, this too was

expropriated under the Expropriation Ordinance by the Johannesburg Municipality, and compensation was fixed at £2,000. The award was naturally given in the name of the registered owner, namely, Lucas; but as the case was prosecuted by the plaintiffs, and as they claimed the money —the proceeds of the property which they contended Lucas held in secret trust for them — the money was deposited in the hands of the Master of the Supreme Court, and the parties were left to have an adjudication as to their rights. The plaintiffs, therefore, sued the defendant for a declaration of rights, and demanded that an order should be issued to the Master for payment of the money to them. The defence raised was, first, that the plaintiffs, being British Indians, could not, in virtue of Law 3 of 1885, hold landed property, and that, therefore, the agreement on the part of Lucas to hold it for them was illegal and void, and, therefore, not capable of being enforced at law. The second ground of defence was that, even if it was competent for Lucas to enter into the agreement with the plaintiffs, the latter had only a personal right against him, and could thus only prove their claim as concurrent creditors, but could not make good their claim to the money on the strength of a universal right, in other words, as preferent creditors. Sir William Smith, though not without some hesitation, decided the point in favour of the plaintiffs, and gave judgment with costs. From this the defendant appealed, and the Supreme Court has adjudged on the appeal in favour of the defendant, holding with him on the second defence raised. The net result, however, of this important judgment seems to be that the holding by Europeans of land for Indians is not illegal, but that, in the event of the insolvency of such Europeans, the Indians concerned must take the risk, unless their names are registered on the title-deeds, as *cestuis que trustent*. This case, therefore, takes the Indians a step further in their fight, and renders Law 3 of 1885 still more ineffective as a weapon to be used against them. It would be most interesting to test whether, as a matter of fact, if an Indian insisted on his name being registered as a *cestui que trust*, his name could be so registered. In the event of the successful prosecution of such a test case, Indians would practically be able to hold land in any part of the Transvaal without the slightest risk; and looking at it from a common sense standpoint, we are inclined to think that it follows as a corollary from the judgment of the Supreme Court. It would certainly be equitable, seeing that it has now been decided that Natives are free to hold landed property in any part of the Transvaal, and to have it registered in their own names.

Indian Opinion, 27-5-1905

397. MAHOMEDAN V. HINDU

It is with very great regret that we notice some correspondence in an East London journal between a Mahomedan and a Hindu. We should have thought that the palpable need for the utmost harmony between all sections of the Indian community in South Africa would have prevented amenities[1] of this nature. We do not desire to go into the merits of the letters, but merely to express our disapprobation of this kind of thing. We trust the writers will have the good sense to join in our regret and leave the correspondence where it stands. There are other and weightier matters that can more usefully employ their attention. We may perhaps be allowed to remind our readers that *Indian Opinion* is a journal specially devoted to the discussion of all Indian affairs in South Africa; and that, if unfortunately differences arise between Indians, our columns are the natural and most fitting medium for their ventilation.

Indian Opinion, 27-5-1905

398. SIR MANCHERJI AND MR. LYTTELTON

Sir Mancherji asked Mr. Lyttelton why Indians were excluded from the right to vote in the Transvaal Constitution. He asked further whether or not the Constitution would be amended in order to enfranchise them. Mr. Lyttelton replied that the Boers interpreted the terms of the Peace Treaty, signed on the cessation of hostilities, to mean that no Coloured person would get the right to vote until the Transvaal attained full self-government. In deference to this interpretation, Mr. Lyttelton had excluded the Indians so as not to give any ground to the Boers to doubt the honesty of the British Government. The word used in the terms of the Treaty is "Native" and not "Coloured people". Now the word "Native" can in no way be interpreted to mean "Indians". That word is invariably used in South Africa for the natives of this country. The practice of including Indians and other Coloured people in the term "Native" is of recent origin, and that too only when it is specifically so laid down in a law. It is surprising that Mr. Lyttelton should have given the above explanation when the word is not normally so interpreted even today. If Indians are thus included in the term "Native", great harm is likely to done to them.

There is not the slightest likelihood of the Dutch or the British granting the franchise to Indians on the attainment of self-government. Sir George Farrar, a noted gentleman of the Transvaal, has already declared that the "Natives" would never be granted the right to vote. His

[1] Perhaps this word is used satirically in the sense of pleasant manners or is a misprint for 'enmities'.

views regarding Indians are very unfavourable. He would not even dream of granting rights to an Indian, in preference to a "Native".

The meaning of the above interpellation is that we should put up a tough fight whenever an attempt is made to include Indians in the term "Native".

[From Gujarati]

Indian Opinion, 27-5-1905

399. SMALLPOX IN JOHANNESBURG[1]

Smallpox has made its appearance in Johannesburg. It is said to have entered through passenger steamers. It started with the Malay Location. The first case was a Malay one, followed by another of a white. According to Dr. Porter, five Indians have also been affected. Great strictness is being observed in the Malay Location; people's houses are being inspected morning and evening.

Much inconvenience is likely to be caused if smallpox spreads further. Compulsory inoculation has been introduced in the Malay Location. But that is not all. Regulations have been framed by the Town Council, and when they come into force, much difficulty is likely to be felt.

The remedy lies in the people's own hands. To keep the tenements clean, to bathe daily, to keep water, milk, etc., clean, to put on clean clothes, and to let plenty of air and light into the house; these are the preventive measures for smallpox or any other illness. If anyone in the house catches the disease, the fact should immediately be intimated to the authorities. The more the people conceal such diseases out of fear, the greater will be their hardships, the more widely will the disease spread, and the greater will be the repression by the authorities. The patient is bound eventually to be removed to hospital. If, therefore, we inform the authorities of our own accord, there is likely to be less hardship. No harm will come to the patient if he is removed to hospital; on the contrary, he may recover the sooner for it.

[From Gujarati]

Indian Opinion, 27-5-1905

[1] This appeared as "From Our Correspondent".

400. LETTER TO MAHOMED SEEDAT

JOHANNESBURG,
May 27, 1905

MR. MAHOMED SEEDAT
C/O MR. M.C. ANGLIA
GREY STREET
DURBAN

DEAR SHETH SHRI MAHOMED SEEDAT AND OTHER ISLAMI TRUSTEES,

Your letter to hand. I find that you and the other gentlemen have been offended by my speeches[1] and my writings. I am sorry about this and beg to be forgiven.

My intention in that speech was to serve all Indians. I believe this was just the impression created on the minds of my hearers.

What I said was no doubt on the basis of history and I would request you in this connection to refer to *The Encyclopædia Britannica*, Hunter's *Indian Empire*, and such other books.

To my mind, members of the lower castes are not base. I consider it a godly act to take care of them. You ask me my caste; well, I am a Vaishya.

What more shall I say?[2]

Salaams from
M. K. GANDHI.

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 163.

401. ADDRESS TO LORD SELBORNE

JOHANNESBURG,
[*May 28, 1905*][3]

MAY IT PLEASE YOUR EXCELLENCY

We, the undersigned, representing the British Indian settlers in the Transvaal, beg to tender to Your Excellency a respectful welcome, and pray that your tenure of office may be marked by a return to prosperity of the country and by peace and good-will among the various sections of His Majesty's subjects in this sub-continent. May we ask Your Excel-

1 *Vide* "Hinduism" March 4 and 11, 1905

2 Gandhiji had earlier explained his stand in some detail; *vide* "Mr. Gandhi's Clarification", 13-5-1905.

3 The address was actually presented on Wednesday, June 7.

lency to convey to their Majesties the King-Emperor and Queen-Empress an assurance of our loyalty to the Throne.

We beg to remain,
Your Excellency's humble servants,
ABDUL GANI,
A. A. PILLAY
M. K. GANDHI
[AND SEVENTEEN OTHERS]

Indian Opinion, 10-6-1905

402. LETTER TO ISSA HAJI SOOMAR

[JOHANNESBURG]
June 1, 1905

TO
ISSA HAJI SOOMAR
RANAVAV
PORBUNDER
KATHIAWAD, INDIA

DEAR SHRI ISSA HAJI SOOMAR,

Your letter to hand. That Mr. Joshi is an able man is quite true. But I do not see any possibility of collecting any money here at present. Omar Sheth had given Mr. Majmudar[1] a considerable amount. You, too, can do likewise. If you go to England, you will have to spend a lot; you should not therefore mind, if perchance a little more money is spent.

I am returning Mr. Joshi's letter herewith.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 210

[1] Tryambaklal Majmudar of Junagadh, Gandhiji's fellow-student in England.

403. LETTER TO H. J. HOFMEYR

Delivered Personal

[JOHANNESBURG,]
June 2, 1905

TO
H. J. HOFMEYR, ESQ.
ZIMAN'S BLDGS.
JOHANNESBURG

DEAR MR. HOFMEYR,

I must confess that your letter enclosing cheque staggers me because I venture to think that there is a principle at stake. The cheque was given to me ear-marked. You know the money belonged to me. It did not come out of anything I had for Said Ismail, and seeing that the property to buy which it was given was not purchased, I think I was entitled to a return of the full cheque. I know that I won't come to grief with reference to the charges deducted by you, but, to my mind, it is hardly conducive to the growth of confidential relations which ought to exist between professional men. I hope you do not mind my writing to you so frankly, but I thought that I ought to pass on the thoughts that occurred to me when I saw your cheque, letter and the bill. Of course, I accept your cheque, so that anything I have said herein does not disturb the deduction made by you.

I am,
Yours truly
M. K. GANDHI

Letter Book (1905) : No. 220.

404. BARODA : A MODEL INDIAN STATE

In a recent number of *India*, Sir William Wedderburn, one of India's truest friends, has contributed an appreciative article on the affairs of Baroda, a State in the Presidency of Bombay with a population of two millions, and with territories covering an area of eight thousand square miles; in other words, a State a little bigger than Wales. Sir William has based his appreciation on the report of administration issued by Mr. R. C. Dutt,[1] at one time Acting Commissioner of Orissa, now Finance Minister of Baroda, and who is known to the literary world as a brilliant author. The Maharaja Gaekwar himself, one of the most cultured Princes

[1] Romesh Chunder Dutt, prominent Indian Civilian, presided over the Congress Session at Lucknow in 1890.

of India, has surrounded himself with able councillors, of whom Mr. Dutt is the brightest star. Mr. Dutt has written works expounding his view as to the amelioration of the poverty of the masses in India. His chief remedy is to make the revenue system as elastic as possible, and as soon as he accepted office in Baroda, he was allowed to put his views into force. Instead, now, of the cultivator having to pay a fixed tax in coin, he has, under well-defined rules, the opportunity of either paying in coin or in kind. This takes us back to the pre-British period, when the ryot throughout India paid a certain portion of his produce to the paramount lord. This was suited to the genius of the people and most convenient to either party. The paramount lord then shared the prosperity of the ryot and suffered with him in adversity. The Maharaja's councillor has also done away with petty, vexatious cesses. Nor does Mr. Dutt's activity stop at revenue reform. He holds decided views on education. An advanced district of the State has been selected for an experiment in compulsory education. According to Mr. Dutt's report, the following is the position of education in Baroda as compared with British India :

> In no department of administration is the far-sighted liberality of H. H. the Maharaja Gaekwar more conspicuous than in education, and in none are the results more real and tangible. The percentage of the State revenue spent on education is 6.5 in Baroda, as against 1.17 in Bengal, 1.44 in Bombay, 1.33 in Madras, and about 1 per cent in all British India. And the percentage of children under instruction to the total population is 8.6 in Baroda, as against 4.0 in Bengal, 6.2 in Bombay, 3.09 in Madras, and less than 3 per cent. in all British India. Seven annas is spent on education per head of population in Baroda, as against about one anna in British India.

Mr. Dutt, again, is very deeply interested in the problem of self-government, and reviving or keeping up the great village communities of India, which have been so graphically described by the late Sir Henry Maine as self-contained republics. Mr. Dutt has, therefore, endowed the villages with control of their own management and has given certain powers to the headman, revived the village school-master, and upon the old system he has engrafted real elective representation. The village Panchayat, instead of being hereditary, will now be elected by the people. It is a bold experiment, and, if it succeeds, it will form a landmark in the government of Indian States, and as Sir Willaim Wedderburn says, it may well be that the British Indian Government may have to copy Baroda; nor, adds Sir William, need there be any hesitation or shame about it, as it should be a matter of pride to the British Government, which has, after all, given to India the present Maharaja of Baroda, and an administrator of Mr. Dutt's remarkable capabilities. To our South African readers, a State like Baroda ought to serve as a help to dispel prejudices and illusions about India, for a country which has so much that is good, so much that is progressive, cannot after all be termed a country inhabited by savages or a semi-civilised, barbarous race.

Indian Opinion, 3-6-1905

405. AN INDIAN PHILANTHROPIST

We have been receiving for some time past copies of a journal called *The Indian Sociologist*, an "organ of freedom, and of political, social, and religious reform". It is edited by Pandit Shyamaji Krishnavarma, M.A. (Oxon.), sometime lecturer at Oxford, and is published in London. It is a journal fearlessly edited, and the editor is imbued with the teaching of the late Herbert Spencer. The journal is evidently intended to model Indian opinion in accordance with Spencer's teachings. The Pandit is an Indian scholar of distinction, and has a fair amount of capital at his command. He has established several scholarships for Indian students in order to enable them to carry on their post-graduate studies in Europe and America. Each scholarship is worth 2,000 rupees and is given to selected graduates from all parts of India, the chief conditions being that the candidates must remain and study for at least two years in Europe or America, and must not, on any account, accept government service. The candidates are also expected to enter into an agreement to refund the money thus advanced in easy instalments after the completion of study. As a result of the first competition, the following five candidates have already been selected : Abdullah Al-Mahmun Suhrawdy, M.A., Sarat Chandra Mukerji, M.A., Parmeshwar Lall, M.A., Syed Abdul Majid, B.A., and Shaikh Abdul Aziz, B.A. The experiment is a very bold one. The donor's intentions are patriotic. Its success, however, will very largely depend upon the manner in which the first scholars use their opportunity. Their scholastic qualifications certainly betoken a happy augury. We wish every success to Pandit Shyamaji Krishnavarma in his enterprise. His example may well be copied by the Indian merchants in South Africa and elsewhere.

Indian Opinion, 3-6-1905

406. MR. GANDHI'S COMMENTS[1]

I am grieved to read the above letter. I wrote what I believe to be true. However, I find that some persons have taken offence at what I said, for which I am sorry and I apologise to them. As I do not wish to prolong the controversy, I do not think it advisable to reply to the letter

[1] Subsequent to Gandhiji's reply, *vide* "Mr. Gandhi's Clarification", May 13, 1905, two letters of protest were received by the Editor, *Indian Opinion*. The one signed by "A Muslim" asserted that "...the ancestors of over a lakh of Bohras, who are highly placed, had been the Brahmin priests of Sidhpur. Besides, the forefathers of Sunni Bohras from Central Gujarat had been Banias....Thus it can be proved that some people even from the higher classes were converted to Islam," to which Gandhiji replied as above.

at any length. I have not sought to lower Islam, nor do I hold it to be lowly. I do not think that such an impression was created on anyone's mind when I made the speech.

M. K. GANDHI

[From Gujarati]

Indian Opinion, 3-6-1905

407. SMALLPOX EPIDEMIC IN JOHANNESBURG

There has been an outbreak of this epidemic in Johannesburg, but fortunately it is not yet very widespread. A boy in the house of Husanmal, an Indian living in the Malay Location, caught the infection, but Husanmal did not inform the authorities nor did he give satisfactory information even when they made inquiries about it. He was, therefore, prosecuted and fined £10. Our people should take a lesson from this instance. Nothing is gained by concealing the disease; on the contrary, much harm is done. Not only does the person concealing the attack suffer penalty, but the whole community has to suffer for it. There is no doubt that smallpox is infectious. We know that thousands suffer because of it; hence, we should be careful if only to safeguard our own health.

Again, it is all the more necessary to be careful in South Africa; the whole community is condemned and has to suffer hardships if even one of us commits a mistake.

[From Gujarati]

Indian Opinion, 3-6-1905

408. MR. SAMUEL SMITH AND INDIA

Mr. Samuel Smith is a well-wisher of India. He is a member of the British Parliament, and went specially to attend the last Congress session. Writing to the London *Times*, he makes the following suggestions :

> (1) Three capable Indians, to be nominated by the Viceroy, should be given seats on the India Council in England;
>
> (2) at least one Indian should be appointed to the Viceroy's Executive Council;
>
> (3) one member each from [the Presidencies] of Calcutta, Bombay and Madras should be sent to the British Parliament. They should be elected by the respective Legislative Councils.

Mr. Samuel Smith says that, if this reform is introduced, it will give Indians great satisfaction and facilitate good administration. He further adds that the greatest malady India suffers from is poverty. In order, therefore, to make the people happy and contented, the land revenue should be settled permanently and should not be excessive. If the

Government would consider these suggestions of Mr. Smith, it will surely yield good results.

[From Gujarati]

Indian Opinion, 3-6-1905

409. INDIA AND THE GENERAL ELECTION

Now that it is thought that fresh elections to the British Parliament are likely to take place shortly, it is high time the facts about India are placed before the British electors. A resolution to send a deputation to England was passed at the last Congress session with this end in view. The journal, *India*, tells us that Sir William Wedderburn, a staunch friend of India, has issued a circular in this regard, requesting the members from all the big towns in Britain to organise meetings to hear the tale of India's woes from these representatives. Mr. Gokhale, C.I.E., has been appointed the leader of this deputation. He is the same Mr. Gokhale who served as professor at the Fergusson College, Poona, taking a mere pittance to maintain himself. He is at present a member of the Imperial Legislative Council, Calcutta; year after year, he puts up a fight on behalf of India in that House.

[From Gujarati]

Indian Opinion, 3-6-1905

410. PLAGUE IN INDIA

There occurred in India 65,780 cases of plague during the last week of April, of which 57,702 proved fatal. There were 23,387 deaths in the United Provinces,[1] 19,015 in the Punjab, 3,056 in the Bombay Presidency and 9,703 in Bengal. The *Liberty Review* has passed severe strictures on the British Government whom it holds responsible for the epidemic, and for this large number of deaths, for, it adds, there is extreme starvation in the land. It has been estimated that only three out of the thirty crores of the people get even one meal a day. This much is certain, that, if a man obliged to starve, his body gradually gets weaker and at last becomes so reduced in resistance that it becomes more easily susceptible to infection or an attack of germs. Nevertheless, we must say that the criticism of the *Liberty Review* is to a certain extent unjustified. We can say from experience that the plague does not attack only the starving. We see that even those with a high standard of living are victimised by it. Moreover, we can add the following from experience :

1. Very often all the persons in a house affected by plague get the attack.

[1] Now Uttar Pradesh.

2. When once plague has spread in a village, it is never totally eradicated.

3. Persons observing the rules of hygiene are less susceptible to the plague.

4. Those who leave an infected village are saved.

5. The whites are not as susceptible to the plague as Indians.

6. The whites live more cleanly and observe the rules of health.

7. Wherever plague breaks out outside India, it is immediately eradicated.

We can see from this that plague has not much to do with starvation.

Doubtless the main thing to do in the case of plague is to observe cleanliness. Cleanliness does not mean merely bathing and washing. It is well to maintain personal cleanliness. But in addition to it, the house also should be kept clean; sufficient light and sunshine should be let into it; latrines should be kept clean; and in a house which is affected, things should be so arranged that the things used for the patient are not used by others. How to deal with plague is a wide subject, and we cannot say much about it here. However, our readers should remember that there is no other disease so deadly as the plague. Cholera has always been considered a deadly disease, but it is nothing as compared to plague. Moreover, plague is increasing daily in India and not on the decline. For, whereas there were 2,72,000 deaths in 1901, there were 5,00,000 in 1902 and 8,00,000 in 1903; and this year the attack has been so virulent that the number might easily shoot up to a million. The average number of deaths per month this year comes to about 1,20,000[1]. If mortality continues at this rate and goes on increasing from year to year, it will be little wonder if the whole of India becomes depopulated within 15 years. Several villages have already been laid waste. At many places in the Punjab, public works have come to a stop. Men who have survived the plague have deserted the villages. This should set every Indian thinking. Every Indian should search his heart and realise what his duty is.

[From Gujarati]

Indian Opinion, 3-6-1905

[1] The figure 12,000 in the original is evidently a slip.

411. LETTER TO M. H. THURSTON

[JOHANNESBURG,]
June 5, 1905

M. H. THURSTON, ESQ.
P. O. BOX 1712
JOHANNESBURG

DEAR SIR,

With reference to the house occupied by me, I find the chimney in the dining-room is quite out of order, the wood-work having bulged out. Each time I light a fire, the dining-room is filled with smoke which issues out of the crevices left by the bulging out.

I shall be obliged if you will kindly have the matter put right without delay.

I would also like to draw your attention to the fact that rents all over Troyeville have gone down and I shall be obliged if you could make a reduction in the rent I am paying.

Yours faithfully,
M. K. GANDHI

Letter Book (1905) : No. 252.

412. LETTER TO OMAR HAJI AMOD ZAVERI

[JOHANNESBURG,]
June 6, 1905

TO
OMAR HAJI AMOD ZAVERI, ESQ.
BOX 441
DURBAN

DEAR SHRI OMAR HAJI AMOD ZAVERI,

I am sending you the enclosed telegram [received] from Pretoria. A certain gentleman named Shone has made an offer of £50 for a ten-year lease to Tayob Haji Khan Mahomed in a letter which I received yesterday; but he has not mentioned the value of the building. I have asked the gentleman about it, but there does not seem to be anything in it. From the telegram, I guess that it must surely be the building of 14,000 and £20.[1] However, as I have not seen Kallenbach, I have not wired. Do send me the documents.

I shall most probably leave on the 9th. I intend spending Sunday the 11th for Dada Sheth's work. I will have to return as soon as possible,

[1] Evidently the cost and rental value of the building.

because I am badly needed here. I shall have to give some time to Phœnix also. At the latest, I must be back here on the 19th.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 259.

413. LETTER TO KHUSHALBHAI GANDHI[1]

[JOHANNESBURG,]
June 7, 1905

TO
KHUSHAL JIVAN GANDHI
SARDHAR VIA RAJKOT
KATHIAWAD, INDIA

RESPECTED KHUSHALBHAI,

I have a letter from Chhaganlal to-day saying that Haki's[2] daughter has expired. I do not find time here even to reflect on such happenings. This is the special characteristic of this country. I can well realise the effect of such bereavement on the minds of both Bhabhi[3] and you. But such sorrow is a test for us all. We shall have stood it only, if we can remain calm and unruffled.

I shall see Chhaganlal and Maganlal when I go to Phœnix in a couple of days.

Respectfully yours,
MOHANDAS

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 272.

414. LETTER TO FULABHAI

[JOHANNESBURG,]
June 7, 1905

TO
MR. FULABHAI
BOX 128
POTCHEFSTROOM

DEAR MR. FULABHAI,

Your two letters to hand.

You had written to me in your letter that you would send me my fees and again promised to send money when Mr. Hussain Ibrahim went

1 Gandhiji's cousin, father of Chhaganlal and Maganlal.
2 Harkunvarbehn, addressee's daughter.
3 Elder brother's wife, here addressee's wife.

from here. Hence it was that I gave instructions to debit the amount to your account. It makes little difference to me to whose account the sum is debited, as I never file a suit against anybody. But for that very reason I invariably take the fees in advance from a person not known to me. Had it not been for your intervention, I would never have taken up the work without my fees. However, since you are unwilling, I shall not keep it in your account.

The store will be saved only if Hussain Ibrahim either comes here or sends the document duly signed from there, otherwise a single creditor will swallow it up. I shall prepare the document and send it if he sends me the fees. Please let me know where his goods are and whether a notice for sale has been issued.

Yours truly,
M. K. GANDHI

From the Gujarati : Letter Book (1905) : No. 281.

415. LORD SELBORNE AND THE INDIANS

In another column we print an interesting report of a presentation by the British Indians in the Transvaal to Lord Selborne. The text of the address,[1] suitably to the occasion, is colourless, but it shows that, in spite of the irritating circumstances that surround British Indians, they do not forget their inherent courtesy, and they showed this by their welcome to His Majesty's representative in South Africa. It is a pity that the address was not presented, as it should have been, publicly, but evidently there was no mistake made by the Indians. They seem to have made preparations long ago, and to have faithfully carried out the requirements of the private secretary to His Excellency. Although the receptions given to Lord Selborne were non-political, we notice that the Mayors both at Pretoria and Johannesburg could not refrain from alluding to the Indian question. Opinion would be divided as to the appropriateness of bringing the question thus early to the notice of Lord Selborne. The Mayor of Johannesburg, Mr. George Goch, who is otherwise a most liberal-minded gentleman, and who has often taken up the cause of the Coloured races in South Africa, allowed himself, in reply to the toast on his health, to remark that the last despatch from Sir Arthur Lawley on the British Indian question, addressed to Mr. Lyttelton, showed the true position, and that the community owed him much

> for lifting up that question on a plane which was far above that which any of them could conceive, and has given a basis in that despatch for the settlement of a most intricate and most difficult question in the new legislature, which by and by they would have under his guidance.

Now we have shown, conclusively we think, how that despatch is

[1] *Vide* "Address to Lord Selborne", May 28, 1905.

full of inaccuracies and sentiments hardly creditable to a British statesman. We have a very high regard for Sir Arthur Lawley. We believe him to be actuated by excellent motives; but we regret to have to say that he has been entirely misled on this question, and has been over-mastered by the prevailing prejudice to which he has succumbed. He has not hesitated to advise the Colonial Secretary to break the oft-repeated promises of the British Government, and has no doubt unconsciously misquoted facts in support of such dangerous advice. The strength of the British Government lies very largely in its rectitude and in its scrupulous observance of promises. It is true that, on many an occasion, there has been a departure from it, and on each such occasion, British prestige has suffered. No statesman recalls such departures with pride, but either glosses them over, or offers to explain them away, thus indirectly showing that British statesmen do not intend to fall away from the high standard. It is, therefore, a disquieting sign to find a gentleman of Mr. George Goch's standing ranging himself on the side of those who favour a policy which is calculated to revolutionise British methods. It nevertheless shows the temper of the Transvaal community on the British Indian question, and practical politicians have to take note of that feeling.

Indian Opinion, 10-6-1905

416. THE CHINESE AND THE KAFFIRS — A COMPARISON

A good deal of discussion is still going on in England regarding the employment of the Chinese in the Johannesburg mines. To pacify the minds of the people in the matter, Lord Milner had, before leaving South Africa, sent some communication to England, which has now been published. Lord Milner states therein that the *per capita* expenditure for recruiting and bringing the Kaffirs to Johannesburg has been £10-15-0 during the last three years, while the cost of getting the Chinese is £16-11-3 per head. From this, Lord Milner wants to suggest that the miners do not stand to gain in recruiting the Chinese. Moreover, the cost of maintaining the Chinese in Johannesburg is greater than that of maintaining the Kaffirs. For, while a Kaffir costs 5¾d. per day, a Chinese costs 11d. Lord Milner, therefore, concludes that, if the Kaffirs can be had in sufficient numbers, the miners would leave the Chinese alone. But 30,980 Chinese have already entered the Transvaal.

In all this computation, Lord Milner has overlooked one fact, viz., that, while the Kaffir hardly works for six months, the Chinese have to do so continuously for three years. Moreover, the Chinese being more active than the Kaffirs, much more work can be taken from them than from the latter. This is a very important point, but His Lordship utters not a word about it. Unless this is taken into account, Lord Milner's figures are of no use whatever. Were it not so, those who pay a higher salary

to the more efficient make, according to Lord Milner, a mistake. We, therefore, feel that Lord Milner's communication is not likely to have much effect in England.

[From Gujarati]

Indian Opinion, 10-6-1905

417. JAPAN AND RUSSIA

Japan's star seems to be in the ascendant. She stormed the Fort of Port Arthur, captured Mukden and has done other deeds of valour. But all these pale into insignificance before her latest exploit. Not only did she defeat the great Russian fleet, but wounded its great Admiral and did not leave intact a single Russian man-of-war. No one ever imagined that Japan was capable of such bravery. Many had thought that Japan would find herself in a difficult situation once the Russian fleet reached Singapore. It was also known that the Japanese Navy was not very strong, that is to say, it had fewer battleships than Russia. But in scouting and watchfulness, Japan surpassed all the others. Admiral Togo's spies were very accurate in their intelligence, and he pounced upon the Russian fleet just when it was most vulnerable. This was no ordinary deed of daring. Such courage is incomparable; but we consider supreme the patience and the cool composure shown by Admiral Togo in achieving his objective. Nothing was done with a view to winning honours or showing off their bravery to the world. Togo had only one objective, viz., to strike at Russia at the opportune moment and at the strategic place. That he has done; and Russia, which only two years ago was considered to be almost invincible, has now very nearly fallen into the hands of Japan. It is said that history has nothing which can bear comparison with this naval battle. England won a great [naval] victory in the sixteenth century. The "invincible" Spanish Armada was then destroyed in the English Channel, and the British Admiral was triumphant. That too has been considered a very fierce battle; but the Heavens then came to the succour of England. The Spanish Armada was very large, and the Channel narrow. And just as the battle was raging, a strong wind began to blow, which the Armada could not withstand, while it proved favourable to the English fleet.

In the nineteenth century, Nelson scored a great victory off the Cape[1] of Trafalgar and the British Navy won for itself a pre-eminent position; but the powerful steamers we see today did not then exist nor the dangerous weapons of the present age.

Japan did not receive any unexpected help. She had only the firm determination to win, and this determination has proved her true ally. In this war Japan has not known defeat.

[1] The original has "in the Strait of Trafalgar".

What, then, is the secret of this epic heroism? We have repeatedly to ask ourselves this question and find an answer for it. The answer is : unity, patriotism and the resolve to do or die. All the Japanese are animated by the same spirit. No one is considered greater than the other, and there is no rift of any kind between them. They think of nothing else but service to the nation. They have so identified themselves with their motherland that they consider themselves prosperous [only] if they bring prosperity to the country in which they are born, bred, and destined to pass their lives; that, if the country rose, they rose; if she enjoyed political power, they were partners in that power. Such is their patriotism. This unity and patriotic spirit together with a heroic indifference to life [or death] have created an atmosphere in Japan the like of which is nowhere else to be found in the world. Of death, they do not entertain any fear. To die in the service of their country, they have always regarded as wholly good. If, after all, one has to die some day, what does it matter if one dies on the battle-field ? There is no certainty that, if one stays home and does not go to the front, one will live longer. And even if one did live very long, what was the good of living as a subjugated people? Reasoning along these lines, the Japanese have become defiant of death. What wonder, then, that those, who thus sacrifice their flesh, blood and bones, should prove invincible on the battle-field?

But how will these thoughts avail us? What have we to learn from them? We do not find the requisite unity even in the minor struggle we are carrying on in South Africa; splits occur every day. Instead of patriotism, we see more of selfishness everywhere. "If only I am saved, it does not matter if the others perish," is the thought constantly on our mind. Our life is so dear to us that we pass away while we are still fondling it. If we do not achieve good in this world, what hope is there of achieving it in the next? This is the condition most of us are in. Our reading this account of the Japanese War will have been fruitful only if we emulate to some extent at least the example of Japan. We shall gain nothing by mere reading just as parrots do not attain to Heaven by repeating the name of Rama.

[From Gujarati]

Indian Opinion, 10-6-1905

418. SPEECH AT NATAL INDIAN CONGRESS MEETING

The following is a report of Gandhiji's speech at a meeting of the Natal Indian Congress held at Durban under the chairmanship of Haji Mahomed Haji Dada:

June 16, 1905

Mr. Gandhi said : I would advise the members of the Congress to authorise the Secretaries to incur expenditure on the Hoondamal Licence Case, as it is a very strong one; if we do not put up a fight, we shall

have to regret it later. We should also send money to help Mr. Madanjit, who is carrying on a commendable agitation on our behalf in India.

It appears some people have misconstrued the speeches I delivered at Johannesburg.[1] I had no intention in those speeches to hurt the susceptibilities of the Mahomedans. We should not discriminate between Hindus and Mahomedans. Thanks to disunity, we have lost our country to the foreigner. We know very well what the Japanese have been able to achieve through unity and accord. Though we profess different religions, we should regard ourselves as one in the matter of public work.

[From Gujarati]

Indian Opinion, 1-7-1905

419. MEASURES TO ERADICATE PLAGUE IN INDIA

Dr. Turner of Bombay has addressed a long letter to the Government of that Presidency, stating that plague was on the increase from year to year and that the only way to eradicate it was for the people to have themselves inoculated. The Doctor believes that those who are inoculated rarely suffer an attack of the plague. But the great problem is how to persuade people to get themselves inoculated. Dr. Turner says that it is not possible to compel people to do so. It would be indeed very good, if the employers compelled their workers, but that takes time, so that will not do either. Finally Dr. Turner suggests that the Government should insure the life of the inoculated person, and endorse a document to the effect that, if the person dies within a year of the inoculation, they would pay his relatives Rs. 100. The Doctor hopes that this will induce many persons to undergo inoculation. Another doctor suggests instituting a lottery for those who get themselves inoculated. Chits bearing the names of the inoculated should be prepared, lots drawn, and prizes awarded to winners. Thus are these good men struggling in vain to eradicate the plague.

It is possible that some men may be able to save themselves through inoculation. But we see no advantage in this. This remedy of inoculation is just like the means adopted by men, given to the pursuit of pleasure, to escape the consequences of their indulgence. Inoculation does not extirpate the causes of the plague and unless these are removed, no real benefit can accrue. If, by chance, one does get rid of plague, another disease will appear in its place. Just as a tree is not destroyed unless its roots are pulled out, so also the plague will not disappear unless its causes are removed. It is necessary to bring about an improvement in the sanitary habits, morality and the economic condition of the people. I believe that we commit sin by not observing the rules of sanitation. Our moral standard is low, for we neglect our duties. Added to this, there is poverty which brings many

[1] *Vide* "Hinduism", March 4 and 11, and "Lectures on Religion", April 15, 1905.

miseries in its train. He will be considered a true alleviator of India's ills, who can think out a remedy for this, and, having discovered it, puts it into practice. Only after these essential remedial steps have been taken will it be proper for us to take other measures to supplement them.

[From Gujarati]

Indian Opinion, 17-6-1905

420. INDIA'S MILITARY AID TO ENGLAND

From the figures published in the journal, *India*, relating to the military aid England receives from India, we learn that a troop of 8,215 soldiers had come to South Africa in 1899; a platoon of 14,371 men was sent out to China, when the Boxer Rebellion broke out in that country; and 3,376 Indian soldiers were sent to Somaliland. These figures are exclusive of those who are stationed in Tibet as also those posted to guard the North-west Frontier.

[From Gujarati]

Indian Opinion, 17-6-1905

421. MR. GANDHI REPLIES[1]

All I have to say in connection with the above letter is that I am not aware if the facts stated in history books are incorrect. I shall be glad to correct my mistakes, if any. The facts I have stated are to be found in *The Encyclopædia Britannica*, Hunter's *History of India* and other books. However, the fact whether I am right or wrong need not be emphasised, but the aim with which I presented the facts should be taken into consideration. And if I have presented the historical facts with the intention of doing good, nobody should take offence.

M. K. GANDHI

[From Gujarati]

Indian Opinion, 17-6-1905

[1] After "Mr. Gandhi's Comments", 3-6-1905, was published in *Indian Opinion*, the Editor received a letter protesting against it from "A Follower of Islam", who said : "The statement that the lower classes of Hindus had been converted to Islam is not supported by any Urdu or Gujarati books on Indian history. However, if any such thoughts are found in some wretched books of history, they must have been only the figments of Hindu imagination....Will Mr. Gandhi be pleased to give the name of the history whence he has learnt such serious things?" This is Gandhiji's reply.

422. LETTER TO LAW SOCIETY

[JOHANNESBURG,]
June 22, 1905

TO
THE SECRETARY
INCORPORATED LAW SOCIETY
CAPE TOWN

SIR,

I intrusted [*sic*] Mr. E. A. Walters[1] of Windsorton, Law Agent, with the collection of an amount due to a client in Johannesburg by a resident of that place or district.

Mr. Walters, so the debtor writes to me, has been paid the full amount due by him, but he has only sent me a part of the debt, and has ignored letters written by me to him during the last twelve months. This matter was placed in his hands about the month of February 1904. In my last letter to him, which I wrote on the 25th May 1905, I informed him that I should bring his action to the notice of your Society if he ignored my communications. Unfortunately, I have not heard from him in reply to that letter also.

I, therefore, bring this matter to your notice for such action as the Society may deem fit to take.

I have the honour to remain,
Sir,
Your obedient servant,
M. K. GANDHI

Letter Book (1905) : No. 393.

423. LETTER TO TOWN CLERK

[JOHANNESBURG,]
June 22, 1905

TO
THE TOWN CLERK
P.O. BOX 1049
JOHANNESBURG

SIR,

Re: THE RIGHT OF INDIANS TO TRAVEL IN THE MUNICIPAL TRAM-CARS

If the Tramway Committee has considered this matter, I shall thank you for a reply to my communications herein.

[1] *Vide* "Letter to E. A. Walters", May 25, 1905.

CWMG IV

My client, who applied for the monthly pass, is very anxious to bring the matter to a head, and test his right, should the Committee decline to entertain his application favourably.

I have the honour to remain,
Sir,
Your obedient servant,
M.K. GANDHI

Letter Book (1905) : No. 397.

424. LETTER TO PARSEE RUSTOMJEE

[JOHANNESBURG,]
June 23, 1905

PARSEE RUSTOMJEE JIVANJI GHORKHODU, ESQ.
9TH KHETWADI LANE
BOMBAY

DEAR SHETH SHRI RUSTOMJEE JIVANJI GHORKHODU,

I went to your firm when I visited Durban last week. Omar Sheth, Kaikhushroo, Abdul Huk and I sat together and went over the accounts. The receipts from rent have diminished considerably. They have gone below £200 and will go down a little further. But that can't be helped. I met the lady running the Avon Hotel. She said that she would stay on only if the rent was reduced, and I have agreed to do so. In business, too, I do not see much substance. But since Abdul Huk is confident, Omar Sheth's advice is that some business should be carried on. He has agreed to supervise it himself. I therefore do not see any harm in doing a little business.

I remember what you said about rent. But you should not be in a hurry. Rents are bound to decline in these difficult times; but there is no cause for alarm. Please finish your work there without any hurry. The need for building the house is quite evident; please therefore let there be no interruption in it.

There were no letters from you either here or at Durban. It is necessary to write to the firm at regular intervals.

Please write to me about your health.

Please give my respects to Maji. Get Jal and Sorab to write to me.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 402.

425. LETTER TO JALBHAI SORABJI BROS.

[JOHANNESBURG,]
June 23, 1905

TO
MESSRS. JALBHAI SORABJI BROS.
110, FIELD STREET
DURBAN

DEAR SIRS,

I have your letter. I have gone through Mr. Laughton's account. I think nothing could be said against it professionally. With regard to the bill with reference to Latiwala, you may plead for a reduction seeing that Latiwala has disappeared. I approve of your action regarding the Avon Hotel. Please tell Chhaganlal what the £ 7/4/- are for, so that he may make the necessary entries in the books. With reference to the Umbilo Road property, if the tenant would not pay more than £ 6, you may reduce it accordingly.

Yours faithfully,
M. K. GANDHI

Letter Book (1905) : No. 405.

426. LETTER TO "THE STAR"[1]

[Prior to *June 24, 1905*]

[TO
THE EDITOR
The Star
JOHANNESBURG]

SIR,

I see that Mr. Loveday has again repeated his statement about the influx of Indians into the Colony, in total disregard of the evidence that he admits having seen after he first gave currency to those statements. Mr. Loveday thinks that the Permit Department does not keep out British Indians, and that non-refugees have been entering the Colony. In the face of the report of the Chief Secretary for Permits, one can only come to the conclusion that Mr. Loveday declines to believe the report. I can only say that even the British Indian refugees find it extremely hard to enter the Colony. I have before me a letter, addressed from the Permit Office to a British Indian, who applied some seven months ago for a permit asking him whether he still requires a permit. The poor refugee

[1] This was reproduced in *Indian Opinion* under the caption "Refutation of Mr. Loveday's Inaccuracies".

being friendless, after having waited months for making good his right as a refugee to enter the Transvaal, has gone back to India, and the letter has been sent to me by the gentleman whose address he gave. Nor is this a solitary instance. Whereas Europeans, whether they are refugees or not, obtain their permits for the asking, the Indian refugees, many of whom have paid the sum of £3 as the price of being allowed to remain in the country during the old regime, have to wait at least two months before they are admitted, and then, too, each applicant has to go through a number of formalities and a good deal of expense before he can enter the Colony. He must call at the Permit Offices in the coast towns for an application form. He has to get it filled in, for which, as a rule, he pays a fee. On receipt by the Permit Office in Johannesburg, letters are sent down to those whose names have been given as references. These letters have to make affidavits on which a half-crown stamp has to be affixed. If the evidence produced as to previous residence is considered satisfactory, a notification is sent to the applicant authorising him to enter the Colony. Nor is this all. He must then proceed to Johannesburg, call at the Permit Office and submit himself for cross-examination, and if he satisfies the examining officer, he receives a permanent authority to stay in the Colony. I know cases in which many have been sent back because they were not able to satisfy the examining officer that they were refugees. If, therefore, any one could possibly complain against the Permit Department, it would be the British Indians; and they do not belong to the criminal class mentioned by Mr. Hosken. Mr. Loveday has once again brought up the statistics published by the Mayor of Pietersburg, and yet the Mayor of Pietersburg has not taken up the challenge of the British Indian Association, although it was he who provoked it. I venture to quote from the letter addressed to you by the Chairman of the British Indian Association on the 9th December.

> I deny that there are at present 49 Indian traders in Pietersburg. There are only 28 stores owned by Indians within the township, as distinguished from the Location, and of these some are held by the same Indians. Within the township before war, there were at least 23 Indian stores.

The names of all these store-keepers have been given in the same letter. This statement has never been disproved, but Mr. Loveday says the Asiatic Traders' Commission report that there was only one Indian trader in Pietersburg without a licence before war. This is misleading. I have before me the full report of the Asiatic Traders' Commission. In the first place, it is an interim report. In the second place, the Commissioners do not pretend to have ascertained the number of Indians who were trading without licences. All that the Commissioners have done is to mention the respective claims placed before them, and they state that there was only one British Indian claim from Pietersburg. They had in all only 233 claims presented to them. That surely does not exhaust the list of Asiatic traders before war. The newspapers also published the information that the British Indian claims were all withdrawn after the ruling that

the Commissioners gave as to their authority, and that the British Indians ceased to participate in their deliberations. The Commissioners add that their work was interrupted by the decision of the Supreme Court in the now famous test case about the right of a British Indian to trade freely in the Colony. Knowing, as he must have done, all these facts in connection with the report, it is strange that a responsible politician like Mr. Loveday should allow himself thus to mislead the public by making a statement which cannot be proved. I admit that the Indian population in the Location at Pretoria has increased. Probably, it has increased also in Pietersburg and Potchefstroom. Will he also take note of the fact that the Location in Johannesburg has been wiped out; that there are not at present half the number of the British Indians who used to occupy the old Location; and that, during the last three months, not less than 300 Indians have left Johannesburg? According to the statistics placed before Mr. Conyngham Greene, there were in the Transvaal before the war 15,000 Indians. Not more than 12,000 permits have been issued to them by the Permit Department, and as the number of Indians leaving the Colony is greater than the number that is allowed to enter the Colony, I venture to submit that there are at present in the Colony less than 12,000 Indians. Mr. Loveday adds that indentured Indians of Natal, who have just become free, have gone to Potchefstroom and established themselves, a fact which is resented by the Indians themselves in Potchefstroom. Will the honourable gentleman condescend to give the names of the Indians who have thus entered the Colony? He would certainly then be rendering a great service to his constituents, the anti-Asiatic vigilants. Will he also be pleased to give the names of the Indians who have stated that they are being inundated by Indians from Natal, and if he cannot, will he have the grace to withdraw the serious statements he has made?

I am, etc.,
M. K. GANDHI

Indian Opinion, 24-6-1905

427. LETTER TO DADABHAI NAOROJI[1]

[Prior to *June 24, 1905*]

[TO
THE HONOURABLE DADABHAI NAOROJI
22 KENNINGTON ROAD
LONDON, S. E.

SIR,]

I send herewith copy of *Indian Opinion*. The leading article shows to what extent it has now become possible under Law 3 of 1885 for the

[1] The original is not available. We reproduce here the extract quoted by Dadabhai Naoroji in his letter of June 24, 1905 to the Secretary of State for India.

Indians to own land. The Supreme Court decision practically leaves them free, so long as they can get a European friend to become a trustee, to own fixed property. I draw your attention to the fact so that, in any legislation that may be drafted there, it may not be taken for granted that, under Law 3 of 1885, it is impossible for the Indians to own property.

From what has been going on here, it appears that the new legislation to replace Law 3 of 1885 will be as much as possible on the lines of Law 3 of 1885, that is to say, it is not the intention of the Government here to give any greater rights than [those] enjoyed under Law 3 of 1885. Just as, therefore, Mr. Lyttelton has taken up the stand, saying that he would not, in view of the Supreme Court decision, consent to restrict the trading rights of the Indians, so also should he now refuse to sanction any legislation which would restrict an Indian's rights to own landed property.

The anti-Indian legislation that is at present being considered by the Natal Parliament is dangerously symptomatic. Almost every *Gazette* contains something about it. Indians are to be brought under the Native Department regarding the holding of fire-arms.

Their occupation of rural land, unless they are owners, is not to be accepted as such for the purpose of levying a land tax.

The Durban Town Council is asking for powers to impose licences on store-holders and bring them within the Dealers' Licenses Act.

The Municipal Corporations Consolidated Law is intended to deprive the Indian of the municipal franchise.

The latest Bills published in the Natal *Government Gazette* are intended to bring within the Dealers' Licenses Act Native Eating House-keepers, and to restrict the scope of Hawkers' Licenses to the magisterial divisions within which they have been issued (hitherto a licence to hawk outside municipal boundaries entitled the holder to hawk throughout the Colony excepting the municipal areas).

All this legislation is unnecessary and insulting. I, therefore, venture to think that, as stated by Lord Curzon in his Budget speech, it is time that the next step was taken, namely, to suspend indentured Indian immigration to Natal, unless the Natal Government would cease their anti-Indian activity and amend, at any rate, the Dealers' Licenses Act so as to give the aggrieved party the right to appeal to the Supreme Court.

Colonial Office Records: 417, Volume 414, India Office.

428. CORRUPTION DURING WAR TIME

It is true that patriotic fervour surges in everyone's breast during times of war. This fervour is very beneficial. Many a patriot has, under the stimulus of zeal, performed, with only a small army, feats that have astounded the world. While, on the one hand, some people abound with such enthusiasm, hundreds, thousands, nay, lakhs, of lives have, on

the other, been lost, ruined or reduced to a state of dependence, through the doings of some selfish people who took advantage of the inability of officials to exercise sufficient control during war. Taking advantage of the chaos, normal persons have added to the prevailing disorder by committing, during war, misdeeds which they will not think of at other times. It seems that the rules of honesty and good conduct are entirely forgotten during times of war. The violation of these rules is more in evidence during a bigger war than a smaller one. For it is said that it is during a crisis that a man's character is put to the test. It cannot be claimed that he has been put to the test until he has had the chance successfully of committing a crime but remains steadfast in spite of the opportunity. Such steadfastness at a critical time may be found in a handful of men. It is indeed all too rare.

The bigger the war, the bigger the extent of chaos. The fraud and trickery, that were exposed during the Crimean War[1], and other sundry happenings that have later come to light, are most distressing. During that war, a large stock of boots was purchased and despatched to the front for the use of soldiers, but they all were found to be for the left foot! A large quantity of foodstuff for the army was sent from England; but when it was consumed, instead of helping to feed the army, it proved deleterious being very rotten meat. It was not only merchants who wanted to become millionaires, but even the generals on the front, the politicians who were out to sacrifice a large number of precious lives, and leaders who called themselves benefactors of the state, committed fraud. Large stocks of useful medicines sent out for soldiers and officers on their death-bed disappeared mysteriously before reaching the hospitals for which they were bound, and not a trace of them was found. Merchants, the so-called patriotic generals and high Government officials thus went on misappropriating hundreds of useful and valuable articles to fill their pockets at the expense of hundreds of poor soldiers who had gone to the front to fight for their country, leaving their homes and hearths. When a news correspondent sent a full account of this, describing the condition of the army encamped at Sebastapol, the whole nation was so enraged that the ministry in power had to resign. In addition to this, there was a long list of oppressive tyrannies. But all these are insignificant incidents compared to those of the last Boer War. A scrutiny of how contracts, for the supply of provisions, uniforms, etc., to the army, were given and executed during that war has revealed how public money was utterly wasted. This was due solely to the misconduct of the autocratic officials. Contracts were blindly given by the departments concerned to contractors who were their favourites or were known to them and who made a profit of 50 to 500 per cent on some of the goods supplied. Such corruption was not confined to Great Britain alone. The defeat France sustained in 1879 was due to its officers who had become slaves of mammon. For, at the

[1] Between Russia and the allied powers, viz., Turkey, England, France and Sardinia (1853-1856).

time of that war, the French Government had kept every necessary article ready. Millions and billions had been spent on these arrangements at the very start, but all that expenditure was incurred secretly. All these things was purchased and stored—on paper only. Although money was spent like water, articles of even ordinary military use ran short at the very outset of the war. The reports of the present Russo-Japanese War, too, are astounding. Last April, a million roubles were given to Duke of Sergius to be spent on feeding and clothing the army in Manchuria. This stock was despatched to Manchuria in the month of May; but, instead of reaching there, it got transported directly from Moscow to Danzig, and from thence, goods worth thousands of pounds were sold for a song in Germany. Large sums of money were raised through subscriptions for the benefit of the widows of men and officers killed in the war; but not a farthing of that money reached the poor widows. The bags of sugar despatched to the battle-field were found to contain sand instead of sugar ! No trace could be found of millions of roubles that disappeared during the construction of the Trans-Siberian Railway. But this is not all. Innumerable examples have been recorded of the corruption and bribery practised in Russia.

The conduct of the Japanese affords a marked contrast to all this. No merchant or officer in Japan has entertained any thought of exploiting the war situation, with the result that the Japanese army can secure its needs at a very small cost. The report of the Butler Commission on the war in South Africa, which has been published, tells us that the irregularities and corruption that prevailed during that war were in no way less [considerable] than in Russia. The way public money has been spent is very much to be deplored. A major part of this waste was due to incompetent officers, who were inexperienced and untrained. The Commission recommends that the officers deserve to be censured for such serious lapses. The country's wealth that was collected through heavy taxation was abused without limit, and the officers supposed to be responsible for it connived at it. This has cast a slur on the British administration, which has so for enjoyed a reputation for justice and integrity in public affairs. There was no limit to the chaos, corruption and dishonesty rampant at the time. The report of the Commission, it is expected, will open the eyes of the Government, who will do whatever is still possible in the matter.

[From Gujarati]

Indian Opinion, 24-6-1905

429. LETTER TO G. K. GOKHALE

21-24, COURT CHAMBERS,
CORNER, RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
June 26, 1905

TO
HON. PROFESSOR GOKHALE, C.I.E.
84 & 85, PALACE CHAMBERS
WESTMINSTER

DEAR PROFESSOR GOKHALE,

By this time you must be deeply engaged in your mission in England. I have no doubt that you will have a corner in your heart for the British Indians in South Africa. Is it possible for you, on your return to India, to pass through South Africa? If you could do so, and if you would kindly let me have previous notice, suitable arrangements would be made for your stay in the different parts of the country. I suggest your giving one month to South Africa. If you could come, the expenses of your tour in South Africa would be borne by the community. You could land in Cape Town, pass through Kimberley, Bloemfontein, Johannesburg and Pretoria; go to Natal and see Durban, Pietermaritzburg, thence to Delagoa Bay, and thence either by the East Coast visiting Mosambique, Zanzibar, Lamu and Mombasa, or go via Ceylon and take in Mauritius on your way.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G. N. 4105.

430. LETTER TO CAMROODEEN & CO.

[JOHANNESBURG,]
June 26, 1905

TO
MESSRS. M.C. CAMROODEEN & CO.
P. O. BOX 126
DURBAN

DEAR SIRS,

I was exceedingly sorry to learn of the death of Mr. Dawnak. Will you please convey to his parents my sympathy in their loss? I cannot

realise the fact. Together with your letter, I have before me a letter from him telling me how nicely he was getting on.

It will be far more convenient that Mr. Abdul Gani should accompany me when I go there for Dada Abdoola's affairs.

Yours faithfully,
M. K. GANDHI

Letter Book (1905) : No. 433.

431. LETTER TO ABDUL HUK AND KAIKHUSHROO

[JOHANNESBURG,]
June 27, 1905

MESSRS ABDUL HUK AND KAIKHUSHROO

MY DEAR SHRI ABDUL HUK AND KAIKHUSHROO,

There is a complaint against you both that you spend most of your time on Sundays playing cards, that you are not courteous to your customers and do not take sufficient care of your master's business. I do not believe much of this. If you are fond of playing cards, I personally do not wish to prohibit you. I believe you do your master's work carefully. I cannot persuade myself to believe that you are not courteous. Nevertheless, I consider it proper to convey to you what has come to my ears rather than keep it to myself. If you are really playing cards, I would suggest that it is better to utilise your leisure going outdoors or adding to your knowledge by reading good books. If, however, you must play cards, do so for a short while only. You know Rustomjee Sheth's nature. He does not like playing cards at all. It will be a nice thing if you give up cards altogether, if only in deference to his wishes.

Do not speculate at all as to who has given me this information. Also do not be angry with any one for it. But, instead, take it that whosoever has given it has done so with the intention of doing good and reform yourself if there be any drawbacks, or do not worry, confident that you are already doing your duty in regard to such complaints against you.

There is again a letter from Mr. Nuruddin. I think it proper to return the note if there is no claim left on it.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 449.

432. LETTER TO "THE STAR"

JOHANNESBURG,
June 27, 1905

TO
THE EDITOR
The Star

SIR,

I trust you will allow me to trespass on your courtesy to enable me to reply to certain statements made by your correspondent at Potchefstroom with reference to a letter I wrote to you on Mr. Loveday's statements at the Inter-Colonial Council meeting. Your correspondent states that I "regretted the continued stream of Indians, particularly those of the lower class". I am not aware of having ever expressed any such regret for the simple reason that I have never believed in a continued stream of Indians pouring into Potchefstroom or elsewhere. I speak with certain knowledge when I deny any such influx at all. That there has been some increase in the number of Indian traders in Potchefstroom, as well as in other places, is not to be denied, but the increase in the number of white traders is out of all proportion to the increase in the number of Indian traders. In your leaderette on the Krugersdorp meeting, you say that "Pietersburg has undoubtedly been one of the favourite places to which the Asiatic traders have gravitated of late". This has been shown to be wrong. The fact is that Pietersburg had a fair proportion of Indian traders before the war but there has been no great influx since.

In this connection, may I say that the British Indian community in the Transvaal has never received sufficient credit for the spirit of conciliation and compromise it has throughout shown. Whilst all kinds of impossible remedies are being suggested, the only two infallible tests proposed by the British Indian Association still remain untried. In order to prevent any possibility of the Indians "invading" the country, an Immigration Restrictions Act on the Cape model has been suggested. The Act has been tried not only there, but in Australia, Natal and elsewhere, and has not been found wanting. It is useless to say that there cannot be strict watch on the border. Natal has succeeded in keeping that watch. Many an Indian has found out to his cost that he cannot enter Natal territories through Charlestown or any other inland stations, unless he can prove that he is entitled to enter the Colony under the Immigration Act. To prove that the Indians do not in any way mean to usurp the European trade, they accept municipal control over the licences, in such a manner that any Municipality will have the power either to refuse or to grant a licence to trade, subject in extreme cases to revision by the Supreme Court. It is true that such legislation will not be class legislation,

LETTER IN GANDHIJI'S HAND TO ABDUL HUK AND KAIKHUSHROO

and will be of general application. Does it, however, matter? It can be passed without any bother, if all parties agree upon the main principles, and it will set at rest the unhealthy agitation against the Asiatics that springs up in the Colony from time to time, and settle the minds of the Indians. There is no finality to any legislation under a progressive Government. If, therefore, the two measures above mentioned are, in practice, found not to answer, it will be time to consider what more is necessary.

The Indians need not accept any such compromise, especially in view of Mr. Lyttelton's emphatic declaration that nothing that they enjoyed before the war would be taken away from them. They certainly enjoyed the rights of free immigration and free trading, and it is exactly [on] these two points that they have offered the above compromise; if only the very un-British Law 3 of 1885, and other harsh and needless regulations, which have nothing to do with the economic conditions, be removed from the Statute-book. Mr. Brodrick has only lately stated that British trade with India is greater than that with Australia, Canada and South Africa put together, and that, therefore, Imperially considered, India occupies a place second only to Great Britain. Will the Colonists continue to subject the inhabitants of that country to constant pin-pricks?

We are told that the Chinese guilds have been successful in bending the American Government. Lord Curzon has already talked of retaliation. Is it not possible, then, to realise what India could do if retaliation were seriously taken up ? China and America are not under the same flag, whereas South Africa and India are. Would it not be a calamity if there arise permanent estrangement between the local Governments in South Africa and the Indian Government, and if Lord Curzon carries out his threat deliberately uttered in the Imperial Legislative Council at Calcutta? Some such thing is inevitable unless the Colonists see the sweet reasonableness of the compromise above offered.

I am, etc.,
M. K. GANDHI

Indian Opinion, 8-7-1905

433. LETTER TO " THE RAND DAILY MAIL "

JOHANNESBURG,
June 28, 1905

TO
THE EDITOR
The Rand Daily Mail

SIR,

Perhaps you will allow me to make a few remarks on your leading article in the *Daily Mail* of the 26th instant anent the Krugersdorp anti-Asiatic meeting.

After admitting that pledges were given before the war by the Home Government regarding the British Indians, you go on to advise them that "they must admit that their competition has driven out many white traders". With all due respect, I venture to think that you are advising the Indian community to admit what does not exist. There has not yet been given, at any of these meetings, one authentic instance of the white trader having been driven out by Indian competition. This can only be proved by the appointment of a commission to investigate the charge. In the meanwhile, the presumption is wholly in favour of the Indian contention that Indian competition has not "ruined white trade", or "driven out" any such traders. In the Transvaal itself, as well before the war as now, the white traders have held their own. At the Cape, in spite of the greatest freedom of trade granted to Asiatics, the white trader is largely predominant. In Natal, where there is the largest Indian population, Sir James Hullett only the other day said, in his evidence on oath, that the Indian traders had not seriously affected the white traders. I submit that this competition has been quite healthy, in that it has kept down the prices of the necessaries of life. I am free to admit that the Indian scores by his simplicity of life, but this is more than counterbalanced by the white trader's knowledge of the English language, his superior organising ability, and better facilities for making connections with wholesale houses in Europe.

But, Sir, the Indians are prepared to concede all that can reasonably be expected of them, without having to make the admission you advise them to make. They are prepared, in place of Law 3 of 1885 and other unnecessarily stringent regulations, to accept municipal control over the licences in general, whereby the local bodies will have the right either to grant or to refuse licences, subject, in special cases, to revision by the Supreme Court.

Their trading rights are the greatest cause of irritation, and this can be allayed without the slightest difficulty, and without loss of time, by accepting the compromise above suggested.

You seem to think that the Indians now here "have certain moral claims which will have to be dealt with by fresh legislation". This is not in accord with facts. They have a moral claim, certainly, to be placed on an equality with the Europeans, so far as the rights of trade, ownership of property and locomotion are concerned, but they have, today, a legal right to trade and live where they like, as has been laid down by the Supreme Court, and it is not capable of being restrictively dealt with by fresh legislation, as has been said, both by Mr. Lyttelton and Mr. Brodrick; and yet, in order to conciliate public opinion, the Indian community is prepared to accept a restriction on trade, on general and non-racial lines, under the proviso above mentioned.

Yours, etc.,
M. K. GANDHI

Indian Opinion, 8-7-1905

434. LETTER TO M. H. NAZAR

[JOHANNESBURG,]
June 29, 1905

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

DEAR MR. NAZAR,

I enclose herewith draft for £108 with statement showing what it covers. I epitomize as following :

Doman	£ 29–17–0
Subhav	22–18–0
T. Maharaj	5–18–6
Vangad Samy	16– 7–0
Dubri	33– 0–0
Total	£108– 0–6

The other claims have not yet been received. Suramsamy's Power of Attorney I have not yet been able to trace, nor Verasamy's. Vandithumu's Power of Attorney has been sent to the Commission, but they are not able to trace this claim. Can you say how much the man received before, and then, if you could, I should be able to secure that claim.

I notice in the Natal *Government Gazette* received to-day a Bill to amend the Immigration Act of 1903. This ought to appear in this week's *Opinion*, but I am afraid that it will not. I think that it is your clear duty to see the *Gazette* the day it is received by you, and send anything that may be therein of importance to Phœnix. It does not look at all nice that Natal matters should appear a fortnight after they happen. Have you also borne it in mind that we have to send a memorial to the [Colonial[1]] Secretary as soon as the several Bills, about which we [have] petitioned, become Acts, or are accepted in their final [stages by] the Legislative Council? For that infor[mation I must rely] upon you entirely.

Yours sincerely,
M. K. GANDHI

2 Enclosure.[2]

Letter Book (1905) : No. 468.

1 This and the subsequent words in square brackets are indistinct in the original office copy.

2 Not available.

435. LETTER TO MAX NATHAN

[JOHANNESBURG,]
June 29, 1905

TO
MAX NATHAN, ESQ.
KEMPSEY BLDGS.
JOHANNESBURG

DEAR MR. NATHAN,

Re : Meer Allam & Leve

My clerk, Mr. Polak,[1] tells me that each time he has called on you regarding this matter, you have insulted him. This is painfully surprising as this would be the last thing I should expect from you. He came to you for a simple inquiry, and he tells me, in a rough tone you declined to see him or to give any information. Why so ?

Yours truly,
M. K. GANDHI

Letter Book (1905) : No. 470.

436. LETTER TO PARSEE RUSTOMJEE

[JOHANNESBURG,]
June 30, 1905

[TO]
RUSTOMJEE JIVANJEE, ESQ.
12 KHETVADI LANE
BOMBAY

DEAR SHETH PARSEE RUSTOMJEE,

Received your letter dated 20th May. I am returning herewith the two letters sent by you. I have written to Kaikhushroo and Abdul Huk[2] without mentioning your name or the writer's. It will take a day or two to receive their reply. You need not attach much importance to that letter. You will be able to judge better from the accounts and figures you receive. Please let me know if you find them defective. Anyway, have no anxiety about the shop. Be at ease and complete the work you have begun.

Let me know what steps you have taken in regard to the children's education.

1 Henry S. Polak later became an intimate associate of Gandhiji and editor of *Indian Opinion*, *vide* the *Autobiography* part IV, Chapter XVIII.

2 *Vide* "Letter to Kaikhushroo and Abdul Huk", June 27, 1905.

I am glad to know that you have kept up your walks and baths. Perhaps you take the children also with you.

You have given a good report in the issue of the *Jame-Jamshed* you have sent me. The account given about me was not necessary. I can do public work better without getting publicity in this way. You know my thoughts on the subject.

A heavy bill[1] has been received from Mr. Laughton regarding Latiwala. I cannot intervene in that matter. I have, therefore, written to the store that they should see Mr. Laughton and plead for a reduction.

Give my respects to Maji. Let me know the names of people whom you have met.

2 Encl.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : Nos. 481-82.

437. LETTER TO E. EBRAHIM AND CO.

[JOHANNESBURG,]
June 30, 1905

TO
MESSRS E. EBRAHIM & CO.
P. O. BOX 27
STANDERTON

DEAR SIRS,

Your letter to hand. The *panchas*[2] have charged no fees. I have not billed you for all the work I did for Mr. Ismail Kaji. But the fee of 30 guineas includes the charges for letters written in connection with making the settlement, the consultations held with you as well as with Mr. Kaji, the preparation of documents for presentation to the *panchas*, the presentation of the case before the *panchas* and the work done later for the *panchas*. I have not debited the fees for all these items separately but have charged the minimum amount I considered reasonable. Nevertheless, should you so desire, I shall prepare a detailed bill and send it to you. I cannot say what it will come to, because the 30 guineas I have charged have been debited at one time.

The cost of engaging a lawyer on your behalf cannot be recovered, as his work did not concern the arbitration. You may ask for further clarification, if you like.

Salaams from
M. K. GANDHI

From the Gujarati in Gandhiji's hand : Letter Book (1905) : No. 488.

1 *Vide* "Letter to Jalbhai Sorabji Bros.", June 23, 1905.
2 Arbitrators.

438. LETTER TO HAJI HABIB

[JOHANNESBURG,]
June 30, 1905

TO
HAJI HABIB, ESQ.
P. O. BOX 57
PRETORIA

DEAR SHETH HAJI HABIB,

I forgot to reply to you in connection with Ismail Amod. What can be done until Mr. Lang agrees to the matter regarding him? I have told him that I shall write to him when something definite emerges. I think you need not be in a hurry about it. If a bond is found to be immediately necessary, you can get it prepared without producing the promissory note.

An insurance man will insure the property. He will send his agent to inspect the building and will insure it only if it is passed by the latter, not otherwise. We shall have to bear the travelling expenses, to and fro, of the agent sent by him.

I shall be grateful if you will send me some money against my bill. I am badly in need. I shall be thankful if you can get Mr. Habib Motan, too, to send some. All my money has gone to Phœnix and is still going there.

Salaams from
M. K. GANDHI

From the Gujarati signed by Gandhiji : Letter Book (1905) : No. 492.

CWMG-IV

SOURCES

Colonial Office Records: Housed in the Library of the Colonial Office, London, these include most official documents and papers pertaining to South African affairs. *Vide* Vol. I, p. 349.

Gandhi Smarak Sangrahalaya, New Delhi: Central Museum and Library of Gandhian literature and documentation. *Vide* Vol. I, p. 349.

Government of South Africa Records in the Pietermaritzburg and Pretoria Archives.

India: Organ of the British Committee of the Indian National Congress in London, 1890-1921. *Vide* Vol. II, p. 369.

India Office Records: Placed in the Library of what used to be India Office till 1947, these comprise papers and documents relating to Indian matters with which the Secretary of State for India was concerned.

Indian Opinion (1903-): Weekly journal, founded in Durban, of which Gandhiji was virtually the editor till 1914 when he left South Africa; had English and Gujarati sections and also, for some time, Hindi and Tamil.

Letter Book (1905): A bound volume received from Phœnix containing office copies of about a thousand letters by Gandhiji, mostly of a professional nature, written between May 10 and August 19, 1905.

The Outlook: Organ of the Congregational Church, Johannesburg.

Sabarmati Sangrahalaya, Ahmedabad: Library and records containing documents relating to Gandhiji's South African period and the Indian period up to 1933. *Vide* Vol. I, p. 349.

The Star: Published every evening from Johannesburg.

CHRONOLOGY

(1903 - 1905)

1903

November 9: Gandhiji reported to Dadabhai Naoroji that sites chosen for Bazaars were in out-of-the-way places.

November 16: Intimated in weekly letter to Dadabhai Naoroji that policy laid down in Milner's dispatch of May 1903 was not being carried out.

December 1: Wrote to Indian National Congress at Madras that seriousness of situation in Natal should be realised and early and earnest efforts made to secure relief.

December 11: Mass meeting of British Indians requested protection to all existing licences.

December 12: Gandhiji cabled Dadabhai Naoroji about Government's proposed amendment to Bazaar Notice proposing exemption for some Indians from liability to trade in Bazaars or Locations.

December 17: Appealed to Associated Chambers of Commerce at Pretoria seriously to consider amendment of Location Law.

1904

January 18: Wrote to Dadabhai Naoroji on motion in Transvaal Legislative Council to restrict renewal of Indians' trading licences.

February 11: Wrote to Medical Officer of Health, Johannesburg, about overcrowding and insanitary condition in Indian Location and forewarned him of possibility of outbreak of epidemic.

February (prior to) 15: Visited Indian Location in Insanitary Area, Johannesburg.

February 15: Urged Medical Officer of Health, Johannesburg, to take immediate steps to improve sanitary conditions in Indian Location.

February 20: Wrote to Medical Officer of Health reiterating stand taken by him in letter of February 15.

March 1: Intimated Medical Officer of Health that plague had broken out in Johannesburg.

March 18: Informed the authorities that a number of Indians, "dead or dying" were being "dumped" in the Location; visited the suspected area accompanied by Dr. Godfrey, Dr. Pereira and a health inspector.

March 19: Was seen by Town Clerk who informed him that Town Council could not assume any financial responsibility; improvised hospital and encouraged earth treatment; informed Town Clerk of steps Indian community was taking to combat plague.

CWMG-IV

March 21: Was interviewed by a representative of *The Star* on plague problem.

April 5: Wrote to Johannesburg Press about plague epidemic; released correspondence with Dr. Porter, Medical Officer of Health, Johannesburg.

April 14: Wrote to *The Rand Daily Mail* on plague question.

April 18: Forwarded to Public Health Committee detailed valuation of Indian Location at Krugersdorp.

April 20: Wrote to *India* at length about plague epidemic.

May 11: Supreme Court delivered judgment to the effect that the term "residence" occurring in Law 3 of 1885 did not include place of business.

September (prior to) 3: Memorial sent to Colonial Secretary on behalf of British Indian Association.

September 3: Gandhiji wrote to *The Star* on question of British Indians in South Africa.

September 5: Wrote to Dadabhai Naoroji that matters pertaining to Indian question had reached "a crisis".

October: Took over entire responsibility for and management of *Indian Opinion.* Visited Tongaat; read Ruskin's *Unto This Last* while travelling to Durban; decided to set up a colony on the lines indicated therein.

October 10: Spoke on self-sacrifice at dinner given in his honour and for other leaders of Indian community in Durban.

October 15: Spoke at function held in Durban to bid farewell to Madanjit, proprietor, *Indian Opinion*, on eve of his return to India.

November 3: Wired Colonial Secretary, Pretoria, enquiring date of presentation of address to Lord Roberts.

November 10: Anti-Asiatic Convention held at Pretoria demanding drastic steps to eliminate British Indians from the Colony.

November 11: Presented address to Lord Roberts.

November 17: Attended meeting of Transvaal British Indians held to protest against "Convention" proceedings in regard to Asiatic immigration into Transvaal.

November-December: Founded the Phœnix Settlement.

December 3: Petition sent to Acting Lieutenant-Governor regarding compensation claims in respect of goods destroyed at instance of Rand Plague Committee.

December 9: Gandhiji wrote to *The Star* regarding Indians' trading licences.

December 14: Proposed at meeting of Natal Indian Congress financial assistance to Hoondamal in test case.

December (prior to) 24: Wrote to *The Star*, replying to venomous attack at Anti-Asiatic Convention.

December 24: First number of *Indian Opinion* issued from Phœnix settlement.

1905

January 10: Spoke at opening ceremony of library in Durban.

January 13: Wrote to G. K. Gokhale regarding *Indian Opinion* and his intention to open a school for Indian children.

February 17: Visited Cape Town accompanied by Parsee Rustomjee; left for Johannesburg.

March 4: Delivered first lecture on Hindu religion at Theosophical Society, Johannesburg.

March 9: Spoke at function held in Johannesburg to bid farewell to L. W. Ritch.

March 11: Second lecture on Hindu religion.

March 18: Third lecture on Hindu religion.

March 25: Fourth and final lecture on Hindu religion.

April 7: Sent memorial to Natal Legislative Assembly regarding Bills "to amend and consolidate the law relating to the Municipal Corporations" and to regulate "use of fire-arms".

May : Was learning Tamil about this time.

May 6: Made efforts to collect funds for earthquake relief in India.

June 7: Presented address to Lord Selborne, new High Commissioner.

June (*post*) *9:* Visited Durban and Phœnix Settlement.

June 16: Spoke at meeting of Natal Indian Congress at Durban.

CWMG.GIV

INDEX

A

ABBA, HAJI OSMAN HAJI, 294
Abdoola, Dada, 479
Abdul Gani, *see* GANIE, Abdool
Abdulla, Cassim, 26
Abdulla Sheth, 426, 435, 445
Abyssinian Expedition, 14
Act 8 of 1896, 398
Act 28 of 1897, 389
Acting Protector of Immigrants, his report on Indian indentured labour, 21
Address to Lord Selborne, 454-5
Advocate of India, 125
Afghan War, 89; Gandhiji on cost to India of, 14
Aga Khan, His Highness the, 296
Aileen, Lady, 294
Akbar, 377
Alexander, Superintendent, on Indian as law-abiding citizen, 235
Allam, Meer & Leve, 484
America, 481
American Constitution, Gandhiji cites with regard to slavery, 123
American Government, 481
Amod, Ismail, 486
Amod, Omar Haji, 314; and Adamji Miankhan, Letter to, 444
Amritlal, *see* GANDHI
Anandlal, *see* GANDHI
Ancketill, Mr., his question on Mr. Barnett's charge against employers of indentured Indians, Gandhiji on, 404
Anne, Queen, 98
Anti-Asiatic Convention, *see* ASIATIC National Convention
Anti-Asiatic legislation, Gandhiji on Transvaal, 90, 147-8
Anti-Asiatic policy, Gandhiji on, 91
Anti-Asiatic Vigilance Association, *see* VIGILANCE Association
Anti-Indian legislation, Gandhiji on views of Chamberlain regarding, 36; in Cape, 99; in Natal, 440-1; in Orange River Colony, 97
Appoo, 409
Arab, Mr. Sparks on, 23; tradesman, Mr. Loveday on, 317
Arabia, 376
Arcot, siege of, 368
Argette, Mr., 423
Arnold, Sir Edwin, 296
Aryanism, better word than Hinduism, 368
Arya Samaj, 377, 408
Ashoka, King, 369; sends missionaries for propagation of Buddhism, 406
Asiatic Bazaar, Lord Milner on, 47; *Western Transvaal Advertiser* & *Zeerust Express* on, 20
Asiatic Department, Gandhiji criticises, 26; Gandhiji on the expenditure of, 5; Gandhiji pleads for complete abolition of, 15; *see* also ASIATIC office
Asiatic labour, Gandhiji on, 2-3; Mr. Wyberg on, 2-3
Asiatic National Convention, 302 *f.n.*, 308 *f.n.*, 309, 317, 324; Gandhiji on, 291-2, 294-5, 301-3
Asiatic Office, 15; Gandhiji on its unearthing of anti-Asiatic laws, 35; Gandhiji on working of, 95; *see* also ASIATIC Department
Asiatic traders, in Zeerust, 20
Asiatic Traders Commission, 229, 254-5, 317; Gandhiji on difficulties that would confront Indian traders in putting their claims before, 143-4; Gandhiji on its interpretation of "vested interest", 198; Gandhiji on its Reference in relation to Indian traders,

CWMG IV

157-8; Gandhiji on suspension of sittings of, 195-6; report of, 473-4
Askew, Mr., 137-8
Associated Chambers of Commerce of Pretoria, Gandhiji appeals for protection of all existing licences to, 85-7; Gandhiji writes letter regarding amendment to Bazaar Notice to, 85-7
Attorney-General, Natal, Letter to, 435-6
Australia, 2, 14, 17-8, 62, 480-1; Gandhiji on work of Sievwright in, 125-6
Autobiography, 94 *f.n.*, 149 *f.n.*, 325 *f.n.*, 370 *f.n.*, 484 *f.n.*
Aziz, Shaikh Abdul, 458

B

BADAB, MR., 418
Bale, Sir Henry, Gandhiji on his order to Indians to salaam while entering the court, 299; Gandhiji on his reference to Chief Justice of Calcutta for ascertaining practice regarding headdress in Indian courts, 25-6
Balfour, Mr., 13, 212
Banias, 458 *f.n.*
Barberton, 52-4, 77, 91, 200; Chairman of Transvaal Chambers of Commerce on Indians in, 88; suggestion by Agricultural council of, 418-9
Barberton Gold Field News, 5
Barberton Health Board, Gandhiji on action against Indian interest by, 46; Gandhiji on move to remove Indians from their Location by, 52-4
Barnett, Mr., 181, 324; Gandhiji on his charge against employers of indentured Indians, 404
Baroda State, advancement of, 456-7; education in, 457; local self-Government movement in, 457; Maharaja of, 300; a model, 456-7; revenue reforms in, 457
Basutoland, 423
Bazaar, Gandhiji on Klerksdorp Asiatic, 39-40, 195; Gandhiji on its location, 35; Gandhiji on site for, 45, 80; Gandhiji on Transvaal, 46-9; Location miscalled, 26; Mr. J. A. Nesir on Klerksdorp, 36
Bazaar Notice, 95-6, 98, 238, 262; effects on Indian store-keepers, 42; Gandhiji on, 33-6, 89, 96, 243, 325; Gandhiji on amendment to, 80-4, 90, 103-5; Gandhiji on application of, to new-comers, 47; Gandhiji on causes leading to, 35; Gandhiji wires British Committee about amendment to, 79; Gandhiji wires Governor's Secretary about infringement of scope of, 108; Lord Milner on, 49; Notice 356 known as, 33; petition by British Indian Association about amendment to, 73-5; proposed amendment, before Legislative Council, to, 79; protest by British Indian Association against, 74
Bean, Mr., 420, 425, 433
Begg, Burns, 182
Bengal, 457, 460
Bennet, Mr., 26
Benoni, 170
Berea, 59
Bertier, Mr., 52; on new site for Indians in Barberton, 53
Besant, Mrs. Annie, 433; Gandhiji writes to, 429-30
Bhagawad Gita, 429; on truth, 393
Bhagvat Gita, *see* BHAGAVAD *Gita*
Bhagvatpurana, on truth, 393
Bhatavdekar, Sir Bhalchandra, 442
Bhayat, A. M., 189
Bhishma, on truth in *Mahabharata*, 393
Bhownaggree, Sir Mancherji, 112, 179 *f.n.*, 180, 196 *f.n.*, 210, 217 *f.n.*, 223-4, 230 *f.n.*, 240, 244, 265, 273, 293, 296, 329, 413, 415; Gandhiji on correspondence between Lyttelton and, 185-6; Gandhiji on his services to Indians, 217; Gandhiji writes to, about Sir Arthur Lawley's statement on right of Indians to trade, 196-7;

CWMG IV

questions Mr. Lyttelton about exclusion of Indians from right to vote in Transvaal, 452-3; questions Mr. Lyttelton about suicide among indentured Indians, 229
Bible, 4
Bilbrough, Mr., 60
Bill "to impose a tax upon unoccupied rural lands", 440
Binns, Mr., 278
Binns, Sir Henry, 411
Bird, C., 260, 389
Birdwood, Sir George, 296; on truthfulness of Indians, 335
Bissicks, Miss Ada M., 294
Blavatsky, Madam, 408
Bloemfontein, 300, 324, 403, 478; Gandhiji on Royal Hotel disaster in, 119-20
Bloemfontein Post, 261
Boers, 452
Boer War, 476
Boeschten, Mr. Van, 206
Bohras, 458 *f.n.*
Bohras, Sunni, 458 *f.n.*
Boksburg, 84, 91, 134-5, 144-5, 226-7, 304, 321, 355
Boksburg Town Council, Gandhiji on its circular regarding foot-path regulation, 220-2
Bolsheviks, 336 *f.n.*
Bombay, Dr. Macarthur as Lord Bishop of, 65; Plague in Presidency of, 460
Bourke, Mr., 92-3, 100, 104, 223, 242, 291, 294; Gandhiji on his views about railway travel in India, 106, 119; moves Transvaal Legislative Council to restrict liberty of Indians, 222
Boxer Rebellion, 469
Bracey, Lord, 372
Bradlaugh, Sir Charles, 337
Brahma, as essence of truth, 392
Brahman, 406-8
Brahmin, 458 *f.n.*
Brahmo Samaj, 377, 408
Brandfort, 111-2, 134
Brassey, Lord, 296
Brink, Mr., Gandhiji on his amendment proposal to Municipal Corporation Ordinance, 239-40
British Central Africa, 445
British Constitution, 113, 135, 303, 402; Gandhiji's faith in, 100; Gandhiji praises, 190
British Empire League of Australia, 17-8, 125
British Guiana, 2; Ordinance compared with Chinese Ordinance in Transvaal, 212-3
British Indian Association, 473, 480; Gandhiji on its letter regarding amendment to Bazaar Notice to Transvaal Chambers of Commerce, 87; Gandhiji on its representation with regard to Notice No. 356, 32-3; Gandhiji on its suggestion to suspend the sitting of Asiatic Traders Commission, 195-6
British Indian Deputation, assurance by Lord Milner to, 20; Gandhiji requests interview for, 15
British Indian League, Cape, 270-1
British Navy, 466
Brixton, 139, 146
Brodrick, Mr., 54, 64, 78, 217, 481-2; Gandhiji on his being foisted on India, 13
Brodrick, St. John, *see* BRODRICK, Mr.
Brook, Edmund Smith, his proclamation in Cape *Gazette* banning entry of Indian into Cape, 261
Brown, Reverend, 146-7; also, *see* BROWNE
Browne, Ellis, 284; Gandhiji on his proposal regarding Bazaars in Durban, 98; Gandhiji on his re-election as Mayor of Durban, 238
Bryce, Mr., 372
Buddha, Gautam, 369; his advent puts Hindu religion on trial, 406
Buddhism, effect on Hinduism of, 406; Gandhiji on, 369
Buller, General, 296

Burgess, Mr., 155, 163; Gandhiji on his evidence before Asiatic Traders Commission, 158
Burghersdorp, 6, 168
Burma, 369; spread of Buddhism in, 406
Burne, Mr., 138, 278, 349, 358
Burton, Mr., 161
Butler Commission, 477

C

CABLE, *see* under GANDHIJI
Cadir, Abdul, 397 *f.n.*
Calcutta, 21, 23, 49, 460; Chief Justice of, 25
Campbell-Bannerman, Sir Henry, 372
Campbell, Miss Kellie, 95, 341
Campbell, Sir George, 336
Camroodeen, 409
Camroodeen, Messrs M. C., 425, 446; Letter to, 478-9
Canada, 2, 481
Cape Census Report, 419
Cape Colony, anti-Indian legislation in, 99; Gandhiji on a Bill to regulate general trade in, 366-7; Gandhiji on General Dealers' Licences Bill in, 382-3, 395-6; Gandhiji on position of Indians in, 324-5; Gandhiji on report by Mr. Keyne on slaughter-houses in, 353-4; Gandhiji on restrictions on Indians in, 261-2; Immigration Law in the, 441; Immigration Restriction Bill in, 62
Cape General Dealers' Licences Bill, Gandhiji on, 382-3, 395-6; Gandhiji to Dadabhai about, 384-5
Cape *Government Gazette*, 395, 427
Cape Immigration Act, 93, 96, 99, 137; Gandhiji on Dr. Gregory's report on working of, 180-1; Gandhiji on working of, 270-1
Cape Incorporated Law Society, Gandhiji brings matter of E. A. Walters to notice of, 470; Gandhiji on its intention to promote a Bill shutting out Coloured persons from Cape Bar, 384
Cape Parliament, Gandhiji on Acts passed affecting municipal regulation, 210-1
Cape Times, The, 419
Capitation Tax, Gandhiji on, 202
Carvalho, Mr. Deputy, 234
Case of Tyob Haji Khan Mahomed and F. W. Reitz N. O., Gandhiji on, 122-3
Case regarding Insolvent Estate of Mr. Lucas, 450-1
Cassim Abdulla and Bennett, 26
Catholicism, 369
Central Asia, an original place of Hindus, 405
Central Gujarat, 458, *f.n.*
Central South African Railways, 292
Ceylon, 369, 478; spread of Buddhism in, 406
Chamberlain, Mr., 17, 33, 35, 38, 43, 46, 54, 62, 64, 67, 71, 74-5, 83, 85, 89, 91, 95, 97-8, 104, 111, 115, 117-8, 159, 267, 296, 352, 368, 385, 422, 424; Gandhiji on his despatch to Lord Milner on anti-Indian legislation, 36; Gandhiji on Lord Milner's despatch to, 44; Gandhiji on his plea for relief to Indian licence holders, 34
Chamber of Commerce, Gandhiji on letter of British Indian Association to, Johannesburg, 92; Potchefstroom, 7; Transvaal, 87
Chamber of Mines, report on Chinese labour by, 8-9
Chamney, Mr., 96, 124, 285; Gandhiji on his powers as Protector of Immigrants, 69-70
Chandavarkar, Justice, 107-8, 442; on qualities of Lord Bishop Dr. Macarthur, 65
Charge of the Light Brigade, 216
Charlestown, 266, 480
Chetty, Amrithalinga, 294
Chhaganlal, *see* GANDHI
Chief Justice, of Calcutta, 25; of Natal,

on issue of head-dress worn by Indians attending law courts, 25-6
China, 8-9, 369, 469, 481; spread of Buddhism in, 406
Chinde, letter to Government Officer, 445-6
Chinese and the Kaffirs : A Comparison, 465-6; Expedition, 14; guilds, 481; Importation Ordinance, 198
Chinese labour, Gandhiji on Dr. Jameson's move to seal borders against, 114; Gandhiji on report on, 7-10, 19
Chinese Ordinance, 211; Gandhiji on views of *The Natal Mercury* on, 212-3
Chittenden, Mr., 132
Cholera, 461
Christianity, 376; advent in India of, 407; association with Western civilisation in Hindu mind, 407; compared with Hinduism, 369; influence on Hinduism of, 407
Christ, Jesus, 376; the Asiatic Prophet, 4; the Prophet, 407
Clive, Lord, 336
Coal mines, Gandhiji joins *The Natal Witness* in demanding enquiry into indentured labour conditions in, 315
Colenso, battle of, 295
Colonial Office, Gandhiji on defiance by Government of Orange River Colony of, 37
Colonial Secretary, 483; Gandhiji on his speech proposing amendment to Bazaar Notice, 90-1; letter about anti-Asiatic demonstration in Potchefstroom, to, 378-9; letter regarding definition of term, "Native", 403
Coloured persons, Gandhiji on definition of, 397; Gandhiji on prevention of use of side-walk by, 147; poll-tax on, 123-4; Relief Ordinance of 1903, 37; Relief Proclamation of 1901, 239; restrictions by Orange River Colony on liberty of, 213-4
Colour prejudice, in South Africa, 97; in Orange River Colony, 4
Colour question, in Orange River Colony, Gandhiji on, 111-2
Coloured railway travellers, Gandhiji on resolution in Transvaal Council about, 93-4
Commissioner of Mines, Mr. Wyley, gives evidence before Labour Commission, 2
Competition between Indian and white trader, 104; *The East Rand Express* on, 58; Gandhiji on, 58-60, 72, 81, 92-3, 199, 247-8; Hullett on, 482
Compound System, 212; defined, 212 *f.n.*; Mr. Skinner's suggestion for, 8-9
Conservative Party, 282
Consolidated Gold fields, 3, 75, 127; Lord Harris, Chairman of, 50
Constable, Mr., 144; Gandhiji on his constitutional instinct, 228; Gandhiji on his hostility to Indian trader, 228; his resolution in Municipal Conference placing all Asiatics in Bazaars, Gandhiji on, 134-5
Constitution, Transvaal, 452
Convention, of 1881, 317; of 1884, 317, 327
Convocation address, Gandhiji replies to Lord Curzon's, 392-4
Cooch Behar, 329 *f.n.*; Maharaja of, 318, 329
Coolie, Gandhiji on definition of the term, 192-3
Coolie Location, in Burghersdorp, 6
Coolie Question, Mr. Hartley on, 7
Coovadia and Sidat, 447
Corruption during War Time, 475-7
Cotton, Sir Henry, his comparison of Indian National Congress with Russian Zemstvos, Gandhiji on, 336; Lord Curzon's refusal to see him as Congress President, Gandhiji on, 354
County of Victoria, Gandhiji on despatch of *The Natal Advertiser* on Indian landowners in, 151-2
Cowasji, Parsi, Letter to, 445

CWMG - IV

Creswell, Mr., Gandhiji on his resignation, 60-1
Crimean War, 476
Curzon, Lord, 13, 63, 78, 282, 322, 419, 481; budget speech of, 475; Gandhiji on convocation address by, 392-4; Gandhiji on his refusal to see Sir Henry Cotton, 354; Gandhiji on his speech about Indians in South Africa, 401-2; Gandhiji on his views on Indian question in Colonies, 52; on average *per capita* income of an Indian, 417; on importance of India and her services to Empire, quoted by Gandhiji, 251-2, and by *The Star*, 240; on Indians in South Africa, 439-40; stand taken with Natal Government delegates by, 439
Czar of Russia, 343

D

DADA, HAJI HABIB, HAJI, 294
Dada, Haji Mahomed Haji, 467; letter to, 443
Dada Sheth, 424, 426, 438, 462
Daily Mail, The, *see The* RAND *Daily Mail*
Daily News, 230
Dalhousie, Lord, 13
Danzig, 477
Davidson, W. E., replaced by Mr. Patrick Duncan as Colonial Secretary, 67
Davis, P., 421
Dawnak, Mr., 478
Dayanand, *see* SARASWATI, 377, 408
Dealers' Licences Act, Gandhiji on the Act, 158-9; Gandhiji on the Act with reference to Hoondamal, 276-7; Gandhiji on hardship caused by, 273; Gandhiji on introduction of, in Transvaal, along Natal lines; 197; in Durban, 276, 301; in Ladysmith, 32, 76; in Natal generally, 19, 98, 439-40
Delagoa Bay, 478; Indians in, 234, 289; Plague Regulations in, 218
Deputy Commissioner of Police, *see* POLICE
Derby, Lord, 42
Desai, Mr., 421, 424
Despatch of Lord Milner, to Chamberlain, 33, 41, 45, 54, 62, 71, 74; Gandhiji on, 111
Devonshire, Duke of, 372
Dharmasala, 428
Diamond Jubilee Library, 331
Digby, William, Gandhiji on death of, 285
Dignity of labour, Gandhiji on, 380
Dilke, Sir Charles, 372
Despatch, *see East London Daily Despatch*
Dixon, Dr. Thomas J., reports on Indian dwellings in Potchefstroom, 372, 391
Doman, 483
Draft Ordinance, to amend law relating to Municipalities in Orange River Colony, 36; clauses regarding Coloured persons, 37; Gandhiji comments on, 36-8
Drunkenness among Indian women, Gandhiji on, 235-6
Dubri, 483
Ducksburg, Mr., 182
Dufferin, Lord, 337
Duncan, Mr. Patrick, 223, 257; amendment motion in Transvaal legislative Council to change wording of Bazzar Notice in favour of Indian traders by, 82; Gandhiji commends his survey of anti-Asiatic legislation, 90; Gandhiji on his appointment as Colonial Secretary, 67; his phrase, "elementary justice," quoted by Gandhiji, 103, 184; on his amendment, 90-1, 93; shows India allowed entry into Transvaal most sparingly, 22; working hand in glove with Boksburg Vigilants, Mayor's claim, 228
Dundee Town Council, 19
Durban Town Council, Gandhiji on its handling of Dealers' Licences Act, 137-8
Dutch, 452

Dutt, R. C., 456; as Acting Governor of Orissa, 456; reforms in Baroda State by, 456-7; report on education in Baroda State by, 457

E

EARTHQUAKE, in India, Gandhiji appeals for fund, 424, 428-9, 437
East Coast, 478
East Indian Association, 293
East London, 325, 452; notices served on Indians to remove to Location by Municipality of, Gandhiji on, 179-80, 185-7; Gandhiji on re-election of Mr. Sprigg from, 131-2; Gandhiji on right of Indians to hold landed property in, 29; residence and foot-path restrictions on Indians in, 416-7
East London Daily Despatch, its moderate article on right of Indians to own land in borough, 29; its stand on removal of East London Indians to Locations, Gandhiji on, 185-7
East London Despatch, *see* EAST *London Daily Despatch*
East Rand district, Gandhiji on purchase of land by Indians in, 41-2
East Rand Express, The, 228; its comment on purchase of land by Indian in East Rand district, Gandhiji on, 41-2; on competition between white and Indian trader, 58; on granting of licences to Indians in Spelonken, 30; on test case, 200
East Rand Vigilants, 7; Gandhiji on their protest against test case decision, 194; opposition to amendment to Bazaar Notice, 84
Eastern Vlei, 359, 360
East and West, 55
Ebrahim & Co., Messrs E., Letter to, 485
Edison, 431
Educated Indians, Gandhiji on health of, 372-3
Education, Mr. Argette's speech on Kaffirs, in Basutoland, 423; Gandhiji on Indian, in Natal, 98; Gandhiji proposes school for Indian children for their, 332-3; of Indian children in Natal, 324; Mr. Wiltshire's speech in Natal Parliament on Indian, 423
Edward, King, 320, 343, 449
Edwin Arnold Memorial Committee, Gandhiji appeals for funds, 296
Egyptian Expedition, 14
Elgin, Lord, 397 *f.n.*
Ellenborough, Lord, 89
Elliot, Sir Chas. E., on truthfulness of Indians, 335
Elphinstone, Mr., 335
Emerson, Gandhiji on his law of compromise, 67
Empire Day, the birthday anniversary of late Queen Empress, 449
Encyclopædia, Britannica, The, 454, 469
England, India's Military Aid to, 469
English channel, 466
English [language], 447
Equality of Coloured persons with Europeans, Lord Milner on, 254
Escombe, Mr. Harry, 38, 193, 202, 278, 301, 380, 411
Esselen, Mr., 182
Esser, Justice, 118
Eternal Bliss, Gandhiji explains Hindu belief in, 94-5
Ethics of Buddhism, The, on Truth, 394
Evans, Mr. Emrys, 139
Expropriation, Area, 12, 209; Law, 12; Ordinance, 209, 451

F

FARMERS' Conference, Gandhiji on its resolution for pass system for Indians and on its attitude to Indian labour, 290-1
Farmers' Congress, elicits statement from Governor on position of Indians in Orange River Colony, 300
Farrar, Sir George, 89, 93, 96, 103, 229, 255, 452; his amendment regarding licences, Gandhiji on acceptance by

CWMG-IV

Transvaal Legislative Council of, 91-2; his amendment to motion by Duncan for revival of pre-war, unlicensed Indian trade, Gandhiji on, 109; his motion on Transvaal Draft Ordinance for Compound System for Chinese, Gandhiji on, 102-3; his statement about Indian trade being ruinous to Colony, Gandhiji on, 242; his statement on scope for Indian labour in Transvaal mines, Gandhiji on, 136; on Transvaal Labour Commission, 100-1
Ferguson College (Poona), 332, 460
Fernandez, Dr., 224
Fire-arms, restriction on use by Asiatic of, 386-7; Bill, 434
Fisher, Mr., Gandhiji on his statement about decision in test case, 208
Fitzpatrick, Sir Percy, 5, 101
Fordsburg, 139
Foot-path, Law in Cape, 99; Gandhiji on bye-laws regarding, 147-8; Gandhiji on differences between Pretoria Town Council and Government on bye-laws regulating use of, 206, 219-20; regulation in Transvaal, 95; Gandhiji on amendment to Transvaal Ordinance empowering Municipalities to prohibit Natives from use of, 239-40
Fowle, Captain Hamilton, 7, 40, 95; Gandhiji congratulates, on simple, effective permit regulations, 6-7; Gandhiji on his memorandum showing return of permits, 114-5
Fowler, Sir Henry, 372
France, 476; Government of, 477
Friel, Dr., 391; his report on sanitary conditions of Indian dwellings in Potchefstroom, 371-2
Fulabhai, Letter to, 463-4

G

Gaekwad, Malharrao, 300
Gaekwar, Maharaja, enlightened rule of, 456-7
Gallwey, Colonel, 295
Gandhi, Amritlal, 425 *f.n.*
Gandhi, Anandlal, 340, 425, 432
Gandhi, Chhaganlal, 340 *f.n.*, 433, 434, 463, 472; Letter to, 409-10, 420-1, 423-4, 425-6, 432-3, 447
Gandhi, Harilal, 425
Gandhi, Khushalbhai Jivan, Letter to, 463
Gandhi, Maganlal, 340 *f.n.*, 424, 433, 463
Gandhiji (Mohandas Karamchand Gandhi) : advises Indians not to conceal infectious disease, 357, 459; advises Indians on preventive procedure if plague breaks out in Natal, 183; advises Indians to observe sanitary laws, 156-7, 175-6; against demand of whites for commission on Indian trade following test case judgment, 253; allays fear of Indian swamping European, 86, 250; answers Mr. Quinn's charges against Indians, 279-80; apologises to Muslims for any offence caused by his speech on religion, 454; appeals for contributions to Earthquake Relief Fund, 428-9; appeals for funds for Edwin Arnold Memorial, 296; appeals to South African Indians to provide funds for Indian National Congress, 364-5; blames Town Council for plague in Johannesburg, 172-3; cables British Committee of Indian National Congress, 79; cables Dadabhai Naoroji on Asiatic National Convention, 298-9; clarifies his statement about Hindu converts to Islam, 430-1; compares the Transvaal permit regulation with that of Natal and Cape, 17; complains against law agent to Law Society for not remitting money due to his client, 470; compliments Indians on well-deserved victory in test case concerning trade licences, 183-5; congratulates Indians on presenting address to Lord Roberts, 298; con-

CWMG-IV

gratulates King-Emperor on birthday, 297; criticizes Mr. Brodrick's appointment as Secretary of State for India, 13; criticizes Johannesburg Town Councillors, 11; demands commission to go into causes of suicide among indentured Indians, 216; devotes most of spare time to learning Tamil, 424; examines charges against "coolies" of breeding and concealing plague, 361-4; examines position of Indian trader under Law 3 of 1885, 249; gives history of Hoondamal case, 357-9; interviewed by *The Star* on outbreak of plague in Johannesburg, 150-1; introduces Mr. West to *Indian Opinion* readers, 325-6; invites Prof. Gokhale to South Africa, 478; invites Professor Gokhale to write occasionally for *Indian Opinion*, 333; invites Mr. Stuart to write for *Indian Opinion*, whom he apprises of objectives of journal, 340-1

Letter to: Annie Besant, 429-30; Associated Chambers of Commerce of Pretoria on amendment of Bazaar Notice, 85-7; Attorney-General, 445; M. M. Bhownaggree on repeal of Law 3 of 1885 and other anti-Asiatic laws following test case, 196-7; Messrs. M. C. Camroodeen & Co., 478-9; Colonial Secretary, 378-9, 403; Parsi Cowasji, 445; Haji Mahomed Haji Dada, 443; Deputy Commissioner of Police, 446; Messrs. E. Ebrahim & Co., regarding his fees, 485; Fulabhai, 463-4; Chhaganlal Gandhi, 409, 410, 420, 421, 423-4, 425-6, 432-3, 447; Khushalbhai Gandhi, 463; Prof. G. K. Gokhale, 272-3, 332-3, 478; Government Officer, Chinde, 445-6; Haji Dada Haji Habib, 435, 444; Haji Habib, 486; High Commissioner on responsibility for plague outbreak in Johannesburg, 288-90; H. J. Hofmeyr, 456; Incorporated Law Society, 470; Indian National Congress on Immigration Bill, 64-5; Kaikhushroo and Abdul Huk, 433, 437, 443-4, 448, 479; Mr. Lane, 161-2; Lt.-Governor's Secretary, 15, 32-3, 43-4, 55; Dadabhai Naoroji, 54-5, 63-4, 256-7, 264-5, 267, 286-7, 293, 311, 375, 384-5, 388, 402, 434-5, 474; Max Nathan, 484; M. H. Nazar, 48; *The Outlook*, 411-3; S. V. Patel, 438-9; Dr. Porter, 129, 130, 133, 149, 244-5; *The Rand Daily Mail*, 165-6, 481-2; Rand Plague Committee, 218; Parsee Rustomjee, 434, 436, 471, 484-5; Mahomed Seedat and other Islami Trustees, 454; Issa Haji Soomar, 437-8, 455; Messrs Jalbhai Sorabji Bros., 472; *The Star*, 252-3, 308, 316, 472-3, 480-1; J. Stuart, 340-1; M. H. Thurston, his landlord, 462; Town Clerk, 470-1; to Transvaal Legislative Council, 80-2; E. A. Walters, 447; Omar Haji Amod Zaveri, 426, 438, 448, 462-3; Omar Haji Amod Zaveri and Adamji Miankhan, 444

Memorial to: Colonial Secretary, 243-52; to Natal Legislative Assembly, 397-8

On agitation of Boksburg merchants against Chinese store-keeper, 226-7; on agitation in Boksburg against granting trade licences to Indians, 226-9; on allegations regarding unlawful entry of Indians, 472-4; on amendment to Bazaar Notice, 80-4, 90, 103-5; on annual report of Protector of Indian Immigrants, 203-5; on anti-Asiatic activity in Orange River Colony, 413-5; on anti-Asiatic Convention in Pretoria and subsequent British Indian meeting, 301-3; on anti-Asiatic demonstration against building mosque in Potchefstroom, 378-9, also, 350; on anti-Asiatic meeting held at Pietersburg, 236-7;

on anti-Asiatic policy, 91; on anti-Indian legislation in Cape Colony, 99; on anti-Indian legislation in Natal, 440-1; on anti-Indian policy in Orange River Colony, 297; on apathy of Barberton Health Board to Indian interest, 46; on appeal made by *Morning Post* with regard to indentured labour, 78; on Asiatic Bazaars in Klerksdorp, their unsuitability, 39-40; on Asiatic Bazaar in Zeerust, 20; on Asiatic labour, 2-3; on Asiatic Office and Department, 5, 15, 26, 35, 95; on attitude of East Rand Vigilants against decision in test case, 194; on attitude of Government of Orange River Colony to Coloureds, 38; on attitude of Volksrust towards decision in test case, 208; on Henry Bale's order to Indians to salaam on entering court, 299; on Barberton Health Board's move to shift Indian Location to site away from town, 52-4; on Barberton Indian trader, and on Pretoria conference charges against him, 88; on Barberton Location for Indians, 77-8; on Bazaar Notice, 33-6, 42, 47, 89, 96, 243, 325; on bill to prevent juvenile smoking in Cape Colony, 427-8; on Boksburg Town Council circular regarding footpath regulation, 220-2; on Mr. Bourke's motion in Legislative Council restricting liberty of Indians, 222-3; on bravery of Indian sepoy during Tibetan expedition, 215-6; on breaking of promises by British Government, 465; on British Mission to Thibet, 164-5; on bye-laws for barbers in Cape Town, 354-5; on Cape Colony bill to regulate general trade, prescribing knowledge of European language as essential qualification for trader, 366-7; and British Indian deputation against that clause, 382-3; on Cape Parliament Acts empowering Municipalities to set apart Asiatic Locations and regulate trade, 210-1; on case regarding the Insolvent Estate of Lucas, 450-1; on causes of anti-Indian feeling, 356; on Mr. Chamney's powers as Protector of Immigrants, 69-70; on Chinese labour for South African mines, 19; on citizenship virtues of Indians, 237; on clauses of anti-Coloured draft Ordinance in Orange River Colony, 36-8; on Coloured franchise in Transvaal, 351; on colour legislation in Orange River Colony; its definition of Native, 111-2; on colour prejudice, 97; on colour prejudice in Orange River Colony, 4; on comments by *East Rand Express* on test case decision, 200; on Commission appointed by Transvaal Government to examine claims of Indian traders, 124; on comparison of Indian National Congress with Russian Zemstvos, 336-8, 343-4; on competition between Indian and white trader, 58-60, 72-81, 92-3, 199, 247-8; on condition of indentured labour in coal-mines, 315; on condition of Indians in Cape Colony during 1903, a review, 99; on condition of Indians in Natal during 1903, a review, 98-9; on condition of Indians in Orange River Colony during 1903, a review, 97; on condition of Indians in Transvaal during 1903, a review, 95-7; on conference of Transvaal Chambers of Commerce and its anti-Coloured sentiment, 87-9; on constitutional evolution of British rule, 322; on continued restrictions on Potchefstroom Indians after plague had abated, 166-7; on Corruption during War Time, 475-7; on Mr. Cresswell's efforts to employ white labour in S. African mines, 60; on Lord Curzon's speech on S. African Indians, 401-2; on Lord

CWMG - IV

Curzon's views on Indian question in Colonies, 52; on the Dealers' Licences Act in Durban, an appeal against, 137-8; on death of William Digby, 285; on death of Harkunwarben, 463; on death of Mr. Kruger, 225; on death of Lord Northbrook, 300; on death of Mr. Prisk, 262-3; on death of Sir John Robinson, 38-9; on death of Doman Teloo, 126; on defiance of Colonial Office by Government of Orange River Colony, 37; on definition of "coolie," 192-3; on definition of this term in Natal Municipal Corporations Bill, 397; on definition of "lascar," 397; on description of Indian as "Asiatic of a low type" in Blue book from London, 265-6; on despatch by Sir Arthur Lawley, 265-6; on despatch of Mr. Lyttelton regarding Indian traders, 242-3; on despatch of Lord Milner to Chamberlain, 111; on despatch of special correspondent, *The Natal Advertiser*, on Indian landowners in County of Victoria, 151-2; on destruction of Indian property during plague, 306-8, 309-10; on disabilities of Indians living in Johannesburg plague segregation camp, 170-1; on disagreement between Pretoria Town Council/Municipality and Government on foot-path bye-laws, 206, 219-20; on discrimination against British Indian immigrants, 142; on discrimination against Indians using warmbaths, 270; on Draft Ordinance in Transvaal *Government Gazette* to regulate brick-making, etc., 223-4; on Draft Ordinance on indentured labour in Transvaal, 102-3; on drunkenness among Indian women, 236; on *East London Daily Despatch* attitude to Indians in borough being required to remove to Location, 185-7; on *East Rand Express* sub-leader on licences issued to Indian traders in Spelonken, 30; on effect of plague on Indian labourers and traders, 164; on efficiency of Indian labourer, 290; on election of Lal Mohan Ghose as President of Indian National Congress, 51; on enlightened rule in Baroda State, 456-7; on Eternal Bliss as understood in Hinduism, 94-5; on expenditure of Asiatic Department, 5; on Sir George Farrar's views on Indian labour for mines, 136; on figures for number of Indian traders in Pietersburg, questions Kleinenberg's accuracy, 308-9, 310-1; on fire in Indian store at Potchefstroom, its origin, 269-70; on foot-path bye-laws for Natives affecting East London Indians, 132; on foot-path regulation in Transvaal, 147-8, 239-40; on franchise in India, 328; on Abdul Gani's counter-challenge to Kleinenberg, 330, also 308-9, 310-1; on Government's move to introduce Bill to regulate signing of negotiable instruments by Indians, 220; on "greatest good of the greatest number," 237; on Lord Harris' views on importation of Indian labour, 127-8; on Health of Educated Indians, 372-3; on heroism of Japanese, 467; on Hinduism, 368-70, 375-7, 405-9; on his system of taking fees, 463-4; on Hoondamal's Licence Case, 283-4, 312-3, 348-9, 358-9; on Immigration Restriction Act in Natal, 1-2; on Immigration Restriction Report of Mr. Harry Smith, 140-2; on inaccuracies at anti-Asiatic meeting at Potchefstroom, 327-9, also 315-9; on Indians being allowed to hold land, 249, 273; on indentured Indians of Natal, 417; on Indian dwellings in Potchefstroom, 371-2; on Indian interpreters, 212, 283; on Indian question, in Transvaal, 117-8, 243-55, 257-9; on

Indian store-keepers of Potchefstroom, 7-8; on Indian traders and Asiatic Traders Commission, 143-4; on Indian traders being removed to Bazaar according to Bazaar Notice, 12-3, 26-8, 70-5, 274-6; on Indian traders in Ladysmith, 23-5; on Indians in Pietersburg, 263; on intention of Cape Law Society to promote Bill to exclude Coloured persons from Cape Bar, 384; on Dr. Jameson's Bill to disallow immigration of non-Asiatics into Cape, 114; on Johannesburg Locations proposed for Indians under Expropriation Ordinance, 12-3, 26-8, 70-5, 274-6; on Johannesburg Stands, 10-2; on Johannesburg Town Council's Private Bill in Legislative Council for authority to fix Location, 208-9; on Judgment in Test Case in regard to term "residence" in Law 3 of 1885, 188-9; on Herbert Kitchin's work on staff of *Indian Opinion*, 326; on Klipspruit Camp for Indians, 177-9; on Labour Problem in Transvaal, 100-2, also 50-1; on Sir Arthur Lawley's remarks on status of British Indians, 426-7; on legislation by Johannesburg Town Council requiring Kaffir cyclists to wear badges, 347, 352-3; on letter by Abdul Rahman to *Leader* saying Indian traders in Potchefstroom willing to close stores same time as European, 264; on licence given to Indian store-keeper in Dundee, Councillors' protest against, 19-20; on licences refused to Natal Indian traders, 158-9; on (conditional) licences to Ladysmith Indian traders, stipulating closing time and holidays, 128-9; on Mr. Line's notices to Indian traders, 76-7; on Longevity among Whites and Coloured People, 419; on Mr. Loveday's charges, speeches, statements and views on Indian question, 105-6, 207-8, 316-9, 327-9; on Mr. Lyttelton's remarks on judgment in test case, 231-2; on Mr. Lyttelton's reply in Parliament about Indians on the mines, 415; on Dr. Macarthur, Lord Bishop of Bombay's departure, 65-7; on malaria in Durban, 415-6; on the manifesto of British and Indian Empire League of Australia, 17-8; on Marriage Proclamation published in *Government Gazette*, 161-2; on medals to Natal Volunteer Indian Ambulance Corps, 295-6; on medical certificate for Indian refugees to enter Transvaal, 29; on meeting of White League about immigration into Colony, 40-1; on Phirozshah Mehta being knighted, 233-4; on Lord Milner's comments on Permit Department, 214-5; on Lord Milner's despatch on protection of vested interests of Indian settlers in Transvaal, 46; on Minority Report of Labour Commission, 68-9; on municipal franchise for Indians in India and South Africa, 193-4, 380; on Natal Dealers' Licences Act, its working, 158-9; on Natal Immigration Restriction Act, 218-9; on *Natal Mercury's* comparison, following Mr. Balfour, of Chinese Ordinance with that of British Guiana, 212-3; on Natal Municipal Corporation Bill, its definition of "Coloured," "coolie," etc., 379-81; on need of Hindu-Muslim harmony in S. Africa, 452; on neglect by Rand Plague Committee in matter of death of two Europeans from plague, 187; on notice issued to Indian residents of Boksburg Location, 304; on objects of *Indian Opinion*, 320; on objects of Theosophical Society, 405; on opening a school for Indian children in S. Africa, 332-3; on origin of Hindus, 405; on ownership of land by Indians in Transvaal being facilitated by

CWMG - IV

judgment in Lucas' Estate case, 400-1; on patriotism of Japanese, 467; on permits to Indians entering Transvaal, 259-60, and the system being used as an "engine of oppression," 16-7; on petition submitted by the residents and rate-payers of Johannesburg to the Town Council, 12-3; on plague in India, 397, 460-1; on plague in Johannesburg/Transvaal, 150-1, 155-6, 162, 338, 344-5, 346, 361-4; on plague regulations in Natal, 191-2; on Plague and Red Tape, 29; on Mr. Polak's connection with *Indian Opinion*, 326; on position of Indians in Cape Colony during 1904, a review, 324-5; on position of Indians in Orange River Colony during 1904, a review, 324; on position of Indian traders in Transvaal, 91-3, 254-5; on precautions, reasons and remedies for plague, 338, 460-1; on precautions and remedies for smallpox, 453, 459; on Pretoria Town Council demand for controlling Native Locations, 174-5; on proposal of Potchefstroom Indians for establishment of fire-brigade following cancellation by insurance company of Indians' fire policies, 341-2; on publication of *Rand Rate-payers' Review* welcoming its independent views on Asiatic question, 322-3; on publicity and help given to Indian cause in S. Africa by Indian National Congress, 364; on Punjab Government report on liquor and its effect on immunity to plague, 338; on railway travel in India, 119; on railway travel by Natives and Indians in Transvaal and confusion in S. African mind between the two, 30-1; on recipe for a cake, 410; on recommendation of General Purposes Committee on Malay Location in Johannesburg, 140; on recommendation of the Health Committee of Johannesburg to remove Indian store-keepers to Location, 6; on recommendations of Johannesburg Chamber of Commerce on Bazaar Notice, 120-1; on re-election of Ellis Browne as Mayor of Durban, 238; on registration of Indian marriages, 22-3; on relative value of medical degrees in Germany, Glasgow and Bombay, 438; on reply of Mr. Lyttelton to Mancherjee in Parliament on treatment of Indians in mines, 415; on report of Dr. Porter on insanitary conditions in Johannesburg, 280-1; on report of Protector of Immigrants, 21-3; on report of Public Health Committee concerning Johannesburg plague, letter to *Daily Mail*, 165-6; on Report of Mr. Skinner on Chinese labour, 8-10; on request to London University to include Tamil as optional subject of study, 414-5; on resolutions by anti-Asiatic mass meeting in Potchefstroom, 315-6; on resolutions by Natal Farmers' Conference on Indian interpreters and restriction of Indian labour rights, 283, 290-1; on responsibility of Public Health Committee for plague in Johannesburg, 160, 244-6, 286-7; on restrictions on Coloureds by Krugersdorp Town Council, directed against Indians, 174; on restrictions on Coloureds during plague scare in Orange River Colony, 168-9; on restrictions on Coloured persons in Winburg in Orange River Colony, 213-4; on restrictions on Indian hawkers in Pietersburg, 132-3; on restrictions on Indians in Cape Colony, 261-2; on restrictions on Indians in East London, 416-7; on restrictions on Indians in Lydenburg, 282; on restrictions on use of cab by Coloureds in Orange River Colony, 169; on restrictions on use of fire-arms by

Asiatic in Natal, 386-7; on revelation by Mayor of Boksburg of Mr. Duncan's sympathy with Boksburg Vigilants' cause, 229; on rights and privileges of Coloured persons, demand voiced by Johannesburg meeting, 351; on rights of Indian traders in Johannesburg with pre-war licences to trade outside Locations, 116, 170-2; on Sir John Robinson, 202-3; on the role of *Indian Opinion*, 325; on Russo-Japanese war, 466-7; on sanitary habits of Indians, 359-61; on Lord Selborne as new High Commissioner, 424-5; on selection of Bazaar site in Natal, 266, Transvaal, 45, 47-8; on services of India to the Empire, 14; on services of Sir Mancherjee to Indians, 217; on services of Lord Milner, a destructive statesman, to S. Africa, 281-2; on services of Dadabhai Naoroji to his countrymen, 238-9; on services of Mr. Ritch, 370; on shutting out the Indians from S. Africa, proposed by "an Anglo-Indian", 304-6; on Mr. Skrine's lecture on government of Asiatics by England and Russia, 55-8; on social intercourse between white and Indian in India, inadvisable in S. Africa, 328-9; on speciality of Islam, 406; on stand taken by Lord Curzon on Natal Indian question, 439-40; on statement by Mr. Lyttelton that position of British Indians in Transvaal had been bettered by test case judgment, 399-400; on success of Mahomedanism, 376, 407; Suicide among Indentured Indians, 205, 223, 229-31; on suspension of sittings of Asiatic Trade Commission, 195-6; on Tenets of Hinduism, 408; on test case concerning trade licences, 182-3, 190-1, and concerning ownership of land, 450-1; on trading licences to Indians, 43-4, 44-5, 47, 109-11, 250; on training in Jiu-Jitsu given to British Army, 418; on Transvaal Constitution, 421-3; on treatment of Indians in Colonies, 240-1; on tribute paid by International Socialist Congress to Dadabhai Naoroji, 267-8; on truthfulness of Indians, 333-6; on usefulness of sleep, 388; on the use of word "coolie" to denote Messrs. M. C. Camroodeen & Co., 446; on Value of Stray Moments, 387; on victory of Progressive Party in Cape elections, 137; on views of Lord Harris on Indian labour, 75-6; on views of Mr. Macfarlane about immigration, 40-1; on views of Mr. George Mitchell, the President of Chamber of Commerce, on compensation to large firms, 67-8; on withdrawal on plague restrictions on Indian travel, etc., by Rand Plague Committee, 232-3; on (great) work done by Indian community during plague in Johannesburg, 152-3, 156; on (good) work done by Mr. Charles Sievwright in Australia for Indians, 125-6; on working of the Asiatic Office, 95; on working of the Immigration Restriction Act in Cape, 270-1, 441; pays tribute to Queen Victoria, 449-50;

Petition to: Lieutenant-Governor, 306-8; Transvaal Council, 73-5; pleads for abolition of Asiatic Office, 15; praises tradition of freedom from prejudice in British judges, and highest courts of justice, havens of safety, 184; reechoes chorus of condemnation of Kaffir Market and recommends its abolition, 314; refutes charges by Loveday and others about increase in influx of Indians, their trade and number of stores, in Pietersburg, 316, 318, 345, 480-1; in Potchefstroom, 345; in Pretoria, 318, 328; replies to Mr. Hill's letter in *The Outlook* on Asiatic question in Transvaal, 411-3; replies to insinuation

CWMG - IV

and that *Indian Opinion* discussion of suicides among indentured Indians was designed to calumniate whites, that the journal did not represent all sections of Indians in S. Africa, 241-2; reports on address presented to Lord Roberts, 293-4; requests landlord to have chimney looked to and to reduce rent, 462; speaks at Natal Indian Congress meeting, 467-8; speaks at the opening of library in Durban, 331-2; Speech at Dinner by, 277; Speech at Farewell to L. W. Ritch by, 370; *Telegram to:* Colonial Secretary, 290; Governor's Secretary, 103; welcomes Omar Haji Amod Zaveri on his return to S. Africa from tour, 271
Ganie, Abdul, 15, 55, 75, 82, 87, 218, 294, 302, 303, 308, 309, 310, 311, 319, 324, 327, 328, 330, 345, 379, 403, 455, 479; presides over meeting of Indians, 85
General Corporations Ordinance, 221; *see* also MUNICIPAL Corporations Ordinance
German [language], 438
Germany, 438, 477
Germiston, 15, 164, 170
Ghazni, invades India to spread Islam, 407
Ghose, Lal Mohan, Gandhiji on his election as President of Indian National Congress, 51
Gibbons, Mr. Mark, 10
Gladstone, Mr., 49; Gandhiji on Mr. Morley's biography of, 107-8
Glasgow, 438
Goch, Mr. George, 134, 464-5; Gandhiji comments on his stand for justice against resolution moved by Mr. Constable confining Asiatics to Location, 135
Godfrey, Dr. William, 149, 150, 153, 155
Gokhale, Prof. G. K., 233, 460; Gandhiji writes about *Indian Opinion* to, 332-3; Letter to, 478
Gokuldas, 425
Gool, Mr. G. M. H., 396, 432
Goold-Adams, Sir Hamilton John, 3-4
Government Officer, Chinde, Letter to, 445-6
Governor's Secretary, Telegram to, 108
"Greatest good of the greatest number," Gandhiji on, 237
Greece, 431
Green, Sir Conyngham, 115, 474
Gregorowski, Mr., 182
Gregory, Dr., Gandhiji on his report on working of Cape Immigration Act by, 180-1, 441
Gunvantrai, 443

H

HABIB MOTAN V. THE TRANSVAAL GOVERNMENT, *see* TEST case
Habib, Haji, 443; Letter to, 486
Habib, Haji Dada Haji, Letter to, 435, 444-5
Hall, Tepoo, 17
Hampden, 113
Harilal, *see* GANDHI
Harkunvarbehn (Haki), 463
Harris, Lord, 51, 136; his views on importation of indentured labour, Gandhiji on, 127-8; his views on importation of labour being made conditional, by Indian Government, on good treatment of Indian traders in Transvaal, Gandhiji comments on, 50-1, 75-6
Hartley, Mr., on coolie question, 7
Hawkers, legislation in Orange River Colony to confine, to Location, 132; Hawkers' Licenses Act, 475
Hayashi, Viscount, 296
Health Committee, Johannesburg Town Council, 5-6, 12; Gandhiji on report of, 274-6, 279-80
Hebrews, 161, 441
Heidelberg, 163, 189, 196, 197, 217;

Indians present address to Lt.-Governor regarding Asiatic Bazaar at, 189
High Commissioner's Secretary, Gandhiji's letter to, in reply to High Commissioner on responsibility for plague outbreak in Johannesburg, 288-90
Hills, Mr., Gandhiji replies to his letter in *The Outlook* on Asiatic question in Transvaal, 411-3
Hime, Sir Albert, 404
Hindu *v.* Mahomedan, 452
Hinduism, Tenets of, 408; Gandhiji on, 368-70; Gandhiji on chief characteristics of, 369-70; Gandhiji on reform in, 375-7
Hindu religion, Gandhiji on, 405-9
Hindus, 442
Hindustani [language], 450
History of India, Hunter's, 469
Hitopadesh, on Truth, 394
Hofmeyr, H.J., Letter to, 456
Honey, Mr., 124
Hoondamal, Licence Case, 276-9, 301, 312-4, 348, 357-9, 367, 467; Gandhiji on judgment in, 367-8; Gandhiji on victory in, in lower court, 301; Gandhiji traces history of, 357-9;
Hosken, Mr., 473; Gandhiji commends his speech in Transvaal Council, 92; his stand in Legislative Council on Mr. Bourke's motion restricting liberty of Indians, Gandhiji on, 222-3
Huk, Abdul, 433, 434, 437, 443, 471, 484; and Kaikhushroo, Letter to, 443-4, 448, 479
Hull, Mr., 100
Hullett, Sir James, 59, 482; on Asiatic traders, 247-8
Hume, A. O., 337
Hunter, 454, 469
Hunter, Sir, W. W., 202, 293
Husanmal, 459
Hussain, Sheth Azam Gulam, 443
Hyslop, Mr., Gandhiji on his views on Indian interpreters, 211-2

I

Ibrahim, Hussain, 463, 464
Immigration, educational and language test for, 144, 181, 270-1, 441; of "floods of undesirables," Gandhiji on Lord Milner's remark, 215; illegitimate use of Peace Preservation Ordinance to restrict, of Indians, Gandhiji on, 188-9, 214; Mr. Macfarlane on Asiatic, 40
Immigration Act, Bill to amend, of 1903, 483; Cape, 180-1
Immigration Restriction Act, 21, 98, 141, 215, 480; compared with earlier Indentured Immigration Law which, unlike the Act, extended to control of indentured immigration also, 21; in Natal, 21, 441; trials under Natal Act, 218-9; Gandhiji on, 1-2, 270-1; old and new compared, 1; working of, the Cape, 441
Immigration Restriction Report, by Mr. Smith, 140-2
Imperial Legislative Council, Calcutta, 460, 481
Incorporated Law Society, Letter to, 470; of Cape Town, 447
Indentured Immigration Law, Report on, by Natal Protector, for 1903, 203; of 1891, 21
Indentured Indians, on the coal-mines, Gandhiji joins *The Natal Witness* in demanding Commission on, 315; Gandhiji on their being called uncivilised by Europeans, 380; Gandhiji on suicide among, 203-5, 216, 223, 229-31; Gandhiji refutes charge that his discussion of suicides among Indians designed to calumniate whites, 241-2; in Natal, who paid Poll-Tax to become free, 417
India, 14, 354, 456, 460, 469; address of, 439
India, Gandhiji on plague in, 397; military aid to England from, 469; and the General Election, 460

India Council in England, 459
Indian Ambulance Corps, 178 *f.n.*
Indian artisans, Gandhiji on competition of, 274
Indian Daily News, 18
Indian Empire, Hunter's, 454
Indian Football Teams, denied entry into Transvaal, 260
Indian interpreters, Gandhiji on, 211-2, 283
Indian landowners, Gandhiji on the despatch of *The Natal Advertiser* special correspondent on, in County of Victoria, 151-2
Indian Location (Bazaar), *see* LOCATION
Indian National Congress, 18, 51, 354; Gandhiji appeals for funds for, from fellow-Indians in S. Africa, 364-6; Gandhiji appeals to, President of, to join Anglo-Indian element in India in espousing South African Indians' cause, a non-party issue, 51-2; Gandhiji on comparison between Russian Zemstvos and, 336-8; 343-4; Gandhiji thanks, for past service and appeals to, to persevere in espousing cause of Indians in South Africa, 62-3; Letter to, 64-5
Indian official, compared with Russian official, 343-4
Indian Opinion, complimentary list of, Gandhiji on, 99-100, 409; discontinuing Hindi and Tamil editions of, Gandhiji on, 409-10; new subscribers for, Gandhiji on, 432, the third stage of its career, Gandhiji on, 319-20; three Englishmen who had just then joined staff of, Gandhiji on, 325; Gandhiji invites Dadabhai to write for, 311; Gandhiji writes to Mr. Stuart on objectives of, 340-1
Indian Political Agency, 285
Indian Review, The, 420, 424
Indian Sociologist, The, 458
Indian store-keeper, effect of Bazaar Notice on, 41; Gandhiji on charge levelled against Potchefstroom, 345; Gandhiji on effect of Natal Dealers' Licences Act on, 276-7; Gandhiji on intimidation by Europeans in Potchefstroom of, 260-1; Gandhiji on (conditional) licences granted to Ladysmith, stipulating closing time and holidays, 31-2, 128-9; Gandhiji on their being removed to Location in Johannesburg, 6, 26; Gandhiji on their being removed to Location in Potchefstroom, 7; Willson on granting a licence to, 19
Indian trader, three categories of, in Transvaal, 85; Gandhiji asks, to go to gaol if justice not done, 105; Gandhiji on, 24-5; Gandhiji on Barberton, 88; Gandhiji on causes of opposition to, 134-5; Gandhiji on competition between white and, 58-60, 72, 81, 92-3, 199, 247-8; 355-6, Gandhiji on debate in Legislative Council in connection with Mr. Lyttelton's despatch on, 242-3; on difficulties of, in putting claims before Asiatic Traders Commission, 143-4; Gandhiji on effect of amendment to Bazaar Notice on, 79, 103-5; Gandhiji on effect of Hoondamal case on, 348-9; Gandhiji on licences to, 30, 34, 76-7, 91, 158-9; Gandhiji on opposition to, 255; Gandhiji on position in the Cape of, 382-3; Gandhiji on position in Transvaal of, 91-3; Gandhiji on reference to Asiatic Traders Commission about, 157-8; Gandhiji on removal to Locations of, 198; Gandhiji on rights of, 78; in Krugersdorp, 195; Gandhiji on trading right accruing from judgment in test case to, 191; Gandhiji petitions Transvaal Council regarding removal to Bazaars of, 73-5; ruination of business due to measures against plague, 155
Indian Volunteer Ambulance Corps, 39

Innes, Sir James Rose, 190-1
Insanitary Area, Johannesburg, 10-2; Committee, 10; Expropriation Ordinance, 12, 139, 171
Insolvent Estate of Lucas, 450-1
Inter-Colonial Council, 480
Iran, 405
Irving, Washington, 376
Islami Trustees, Letter to Mahomed Seedat and other, 454
Ismail, Said, 450, 456
Ismail, Syed, Gandhiji on his suit against trustees of Lucas' Insolvency Estate, 400-1
Issop, Hussain, 443, 448
Isvara, as Truth, 393

J

JACOBS, L. K., 450
Jainism, Gandhiji on, 370
Jal, 436, 471
Jalbhai Sorabji Bros., Messrs., 437, 443, 448,485*f.n.*; account of (International) Press with, 433; Letter to, 472
Jamaica, 2
Jame-Jamshed, account of Gandhiji's work in South Africa, in, 485
Jameson, Dr. L. S., 114; Gandhiji congratulates, on the victory of his party in Cape elections, 137
Jameson, R., 360
Jameson raid, 119
Japan, 369, 431, 477; and Russia, 466-7; surprising victory of, in naval battle against Russia, 466
Japanese, (people), 418, 468, 477; Gandhiji on patriotism of, 467; war, 467, 477
Jenkins, Sir Lawrence, 442
Jiu-Jitsu, Gandhiji on adoption by British Army of, 418
Joan of Arc, 113
Johannesburg Chamber of Commerce, Gandhiji on its recommendation on Bazaar Notice, 120-1
Johannesburg Leader, 157
Johannesburg Plague, Committee, 303; Gandhiji on, 154, 155-6, 162, 286-7, 346; Gandhiji on great work done by Indians during, 152-3; Gandhiji on precautions on recrudescence, 338-9, 344-5; Gandhiji proves the Town Council responsible for outbreak of, 172-3, 187, 286-7; Gandhiji regarding lesson from, 175-6;
Johannesburg *Star*, *see The* STAR
Johannesburg Town Council, 10-1; action against people in Insanitary Area, 11-2; choice of suitable site for Indians from Klipspruit (isolation) camp by, 231; Gandhiji on Public Health Committee of, 156, 172-3, and its report, 274-6, 279-80; General Purposes Committee of, for the Malay Location, 140; Health Committee of, 5-6; introduction of a private Bill in Legislative Council for authority to fix location for, 208-9
Johns, Captain, 269
Johnston, Dr., 246
Jones, Captain, 341
Jones, Mr., 19
Jones, Sir William, 393
Jorrisen, Mr., 118
Jorrisen, Mr. Justice, 123
Joshi, Mr., 437, 455
Judaism, 376, 406
Junagadh, 455 *f.n.*
Jupp, Dr., on unsuitability of Klerksdorp Bazaar, 36
Jusab, Haji Mahomed Haji, 294

K

KABA, MR., 424-5
Kabir, 407; Gandhiji on attempted synthesis of Hinduism and Mahomedanism by, 376-7, 407; on Truth, 394
Kadir, A., 270
Kaffir, 6; and the Chinese: A Comparison, 465-6; Gandhiji on Indian being

treated on equal footing with, 42; Gandhiji on permits for their bicycles and badges for riders, 347, 352-3
Kaffir Location, 5-6, 12
Kaffir Market, 313; Gandhiji recommends abolition of, 314
Kaffir store-keeper, 88
Kaikhushroo, 433-4, 437, 443, 471, 484; and Abdul Huk, Letter to, 433, 437, 448, 479
Kaji, Ismail, 485
Kallenbach, 462
Kangra Valley, 428
Karachi, 49
Kasassul Ambiya, 443
Kathiawad, 455, 463
Keyne, Mr., 353
Khanderia, Mr., 423
Kimberley, 203, 276, 381, 478
King-Emperor, Edward, 343; Gandhiji congratulates, on birthday of, 297
Kipling, Rudyard, 296
Kitchin, Herbert, 340 *f.n.*, 409-10, 420, 432, 433; Gandhiji introduces him to *Indian Opinion* readers, 326
Kleinenberg, T., 345, 413; Gandhiji on Abdul Gani's challenge to, 330; Gandhiji on figures for number of Indian traders stated by, 310-1
Klerksdorp, 36, Bazaar, Gandhiji on, 61-2; Gandhiji on its Asiatic Location, 61-2
Klerksdorp Mining Record, The, 39-40; Gandhiji on its attitude to Location in Klerksdorp, 61-2
Klipspruit, 154-5, 163, 170, 173, 209, 231, 275, 279, 306-7, 310; Camp, Gandhiji on, 177-9
Kol, Herr Van, President of International Socialist Congress, pays tribute to Dadabhai Naoroji, 267-8
Krause, Mr., 132
Krishna, Shri, on Truth, 393
Krishnavarma, Pandit Shyamji, 458
Kruger, S. J. Paul, 34 *f.n.* 42, 110-1, 118, 133, 135, 182, 210, 222, 229, 249, 251, 253, 255, 269, 304, 326; Gandhiji on death of, 225
Krugersdorp, 155, 162, 170, 172, 265, 480, 481; Gandhiji on Asiatic Bazaar in, 195; Town Council, Gandhiji on restriction placed on Coloured persons by, 174; Gandhiji on report of Town Council Health Committee of, 181-2
Krugersdorp Standard, 181

L

Labour Commission, in Transvaal, 2; Gandhiji on evidence of Mr. Creswell before, 60-1; Gandhiji on Report of, 68-9; Sir George Farrar on, 100
Labour Importation Ordinance of Transvaal, 127, 315
Lady Curzon, Gandhiji on *choga* she sent Prabhu Singh, 24
Ladysmith, 98, 321, 323, 423; Gandhiji on the consequences to Indian storekeepers in, of Dealers' Licences Act, 31-2, 76-7; siege of, 252
Lahore, 50
Lall, Parmeshwar, 458
Lallubhai, Shri, 331
Lamington, Lord, 441
Lamu, 478
Lane, E. F. C., Letter to, 161-2
Lang, Mr., 486
Langermann, Mr., 347, 352-3
Lansdowne, Lord, 354
Latib, Ahmed, 294
Latiwala, 472, 485
Laughton, Mr., 437, 472, 485
Law 3 of 1885 of the Transvaal, 17, 35, 42, 53, 74, 87, 95-6, 157, 175, 184-5, 194, 250, 259, 317, 327, 399, 400, 451, 474, 481, 482; as amended in 1886, 118, 123, 209, 260; Gandhiji examines position of Indian traders under, 249; Gandhiji exhorts Indian traders to test, in Supreme Court,

CWMG - IV

105; Gandhiji interprets, in the light of test case judgment, 188-9, 196; Gandhiji on antecedents of, under Boer rule, 122-3; Gandhiji on manner of its enforcement, 45-6; Gandhiji on (circumscribed) rights granted to Indians under, 28

Law 8 of 1893, Article 3 of, 37; definition of Coloured person under, 36

Lawley, Sir Arthur, 28, 133, 217, 253, 257-9, 264, 265-6, 270, 274-5, 303, 464, 465; address to Arthur Lawley, 189; Gandhiji on his assurance to British Indians in matter of choice of Location sites, 35; Gandhiji on his statement regarding Indian trade, following test case judgment, and his advice to Lyttelton that promises to Indians were better broken than fulfilled, 196-7; Gandhiji on Indian deputation to, 197-9; his commendation of loyalty and service of British Indians to Empire, 197, 427; on Indian question in the Transvaal, 426-7

Leader, *see Transvaal Leader*

Lectures on Religion, 468 *f.n.*

Lempriere, Sergt., 321

Leonard, Mr., 182

Letter, *see* under GANDHIJI

Leve and Meer, Allam, 484

Leyds, Dr., 239

Liberty Review, 460

Licences, Gandhiji's letter to Dadabhai about, 367-8, and about renewal of pre-war licences, 63-4; Gandhiji's letter to Lieutenant-Governor about, 43-4, 55; Gandhiji on Mr. Duncan's motion in Transvaal Council to renew all pre-war Indian licences of *bona-fide* refugees and George Farrar's amendment : a summary of position in Transvaal, during 1903, of Indian, 109-11; Gandhiji on Hoondamal's, 348-9, 358, 367-8; Gandhiji on Indian, following Bazaar Notice, 43-4, 47, 55, 71-2, 77, 91; Gandhiji on newcomers', 43, 250; Gandhiji on two classes of Indian, 33-6; Ladysmith Indian store-keepers refused renewal of, 31

Lt.-Governor's Secretary, Letter to, 15, 55; Gandhiji's letter about Indian trading licences to, 43-4; Gandhiji's petition to, on destruction of Indian property during the plague, 306-8; Gandhiji writes regarding Notice No. 356 to, 32-3

Light of Asia, The, 296

Lines, Mr. G.W., Gandhiji on his arbitrary orders about holidays and closing time and his conditional issue of licences to Indian store-keepers in Ladysmith, 31-2, 76-7, 128-9

Local self-government, movement in Baroda State, 457

Location, Barberton, (Indian)52-4, 77-8; Boksburg, (Indian) 304, Coolie, 6; East London, 185-6; Gandhiji on East London Municipality's move to remove Indians to, 185-6; Gandhiji on Indian store-keepers being forced into, in Potchefstroom, 7-8, in Transvaal, 26-7; Gandhiji on the report of Public Health Committee on Johannesburg, 274-6, 279-80; Gandhiji on sanitation in Johannesburg/Transvaal Indian, 129-31, 145-7; Gandhiji to Dadabhai on unsuitability for trade of all Transvaal, 54-5; Johannesburg Indian, 5-6, 12, 71-2, 95-6, 110, 117-8, 139; Kaffir, 5-6, 12; Krugersdorp Indian, 181-2; Law in Cape, 99; Malay, 231, 274, 280, 344-6, 417-8, 453, 459; Pretoria, 69-70; Zeerust, 20; Gandhiji refutes figures given by, for money spent by "Arab" traders, for Indian population in Pretoria and number of traders in Pietersburg, 317-9, 473-4; Gandhiji refutes his charges of duplicity against Indians,

CWMG - IV

336; Gandhiji refutes his statement about franchise in India, 328
Locke, Lord, 251
London Convention, 123
Lourenco Marques, Gandhiji on Indians in, 234
Loveday, Mr., 92, 100, 114, 207, 239, 291, 294, 314, 324, 472, 473, 474, 480; Gandhiji on resolution on foot-path regulation in Pretoria Council by, 105-6; Gandhiji on views on Indian question of, 207-8; Gandhiji replies to charges against Indians by, in anti-Asiatic meeting, 316-9, 327-9;
Lucas, Mr., 400-1, 450-1
Lucheram, Mr., 432
Lydenburg, Gandhiji on restrictions on Indians in, 282
Lyttelton, Mr., 54, 64, 97, 180, 184, 194, 196, 197, 217, 224, 227, 229, 233, 234, 241, 253, 254, 255, 257, 264, 266, 280, 282, 286, 288, 295, 302, 305, 413, 427, 440, 441, 464, 475, 481-2; his despatch on Transvaal Constitution, 422-3; Gandhiji on his answer to Sir Mancherji regarding East London Indians, 185-6; Gandhiji on his attitude to importation of Chinese labour, 210; Gandhiji on his reply to Mancherji in Parliament on treatment of Indians in S. African mines, 415; Gandhiji on his statement in Parliament about suicides among indentured Indians, 223, 229-30; Gandhiji on his statement that Indian position in Transvaal had been bettered by test case judgment, 399-400, 402; Gandhiji on his statement that upholding of Supreme Court decision in test case, at least in case of pre-war Indian immigrants, was matter of national honour, 231-2; on status of Indians in Transvaal, 242-3; Sir Mancherji's question to, on Indians' right to vote under projected Transvaal Constitution, 452-3

M

MACARTHUR, Dr., on the attitude of Indians to Bishops, 65; on virtues of Indians, 65-6
Macaulay, Lord, on duty of Englishmen by Indians, 336
Macfarlane, A., presides over meeting of White League, 40
Mackenzie, Dr., 150, 156, 159, 287
Madanjit, Mr., 149 *f.n.*, 153, 332, 410, 433, 468; Gandhiji pays tribute to, 279
Madge, Captain, 418
Madras, 21, 23, 62
Mafeking, 203
Mahabharata, on Truth, 392-3
Mahanarayan Upanishad, on Truth, 392
Maharaj, T., 483
Mahomed, the Prophet, 406-7; levelling influence of, 376
Mahomed, Sheth Haji, 448
Mahomed, Tyob Haji Khan, 122-3, 462
Mahomedan Education Conference, 18
Mahomedan *v.* Hindu, 452
Mahomedanism, Hinduism compared with, 369
Maine, Sir Henry, 457
Maitland, 13
Majid, Syed Abdul, 458
Majumdar, Tryambaklal, 455
Malaria, incidence greater among whites than Coloured people, and precautions against, 416
Malay Location, 231, 274, 417, 418, 453; Gandhiji on, 280, 344, 345, 346; smallpox in, 459
Malcolm, Sir John, on truthfulness of, Indians 335
Mancherji, *see* BHOWNAGGREE
Manchuria, 374, 477
Mannering, Mr., 410, 420
Manu, Institutes of, 393; on Truth, 393-4
Manusmriti, 394
Marais, Dr., 246
Marriage, Indian, Law, 22; Natal, Law, 161; Proclamation, 161

CWMG - IV

Mason, Mr. Justice, 138
Matthews, Mr., 182
Mauritius, 478
Maydon, Mr., 404, 411
Mayfair, 139
Mayo, Lord, 300
M'Callum, Henry, 193
McCann, Mr., 166
McCrystal, 291
McKew, Mr., 228
McLarty, Mr., 201
Mecca, 376
Mehta, Sir Phirozshah, M. Gandhiji suggests Lord Mayorship for, 442; Gandhiji on his being knighted, 233-4
Melbourne, 18, 442
Mellis, Dr., 338
Memorial, *see* under GANDHIJI
Mercury, *see The* NATAL *Mercury*
Merriman, Mr., 137
Meyler, Mr., 161
Miankhan, Adamji, and Omar Haji Amod, Letter to, 444
Middleburg, 110
Milner, Sir (Lord) Alfred, 1, 6, 17, 26-7, 33, 40-1, 43, 46, 54, 62, 71, 75, 78, 83, 89, 96-7, 109, 112, 114, 116-7, 126, 135, 148, 167, 173, 175, 184, 194-5, 217, 238, 242-3, 251, 257, 263, 268, 270, 272, 286, 292-3, 318, 322, 324-5, 352, 359, 363, 381, 422, 465-6; his assurance to British Indian deputation as to Bazaars being so situated as to permit trade with whites and Kaffirs, and on protection of pre-war Indian licences, 20, 35, 45-8, 74, 157; his assurance to Chamberlain on liberal treatment of Transvaal Indians, 17, 45; Gandhiji on his departure from S. Africa, 281-2; Gandhiji on his despatch to Chamberlain, 44-5, 111; on equality of Indians with Europeans, 254; on the usefulness of Permit Department, as a defence against "immigration of floods of undesirables," 214
Mitchell, George, 67
Mombasa, 478
Moodley, 410
Moola, Ismail Amod, 294
Moor, W. H., 67, 69, 77; 209-10
Morice, Justice, 118; Gandhiji on his judgment in case of Tyob Haji Khan Mahomed, 122-3
Morley, Mr. John, 107-8, 127, 132
Morley, John, 372
Morley, Viscount John, *see* Mr. John MORLEY
Morning Post, *The*, 78, 269
Mosambique, 478
Moscow, 477
Moses, 376
Motan, Habib, 399, *f.n.*, 486
Motan v. *Government*, Test Case, 399
Mukden, 466; battle of, 374
Mukerji, Mr., 424
Mukerji, Sarat Chandra, 458
Müller, Professor, Max, 292, 369, 392; on commercial honour of Indians, 335
Mundaka Upanishad, on Truth, 392
Municipal Corporations Consolidated Law, 475
Municipal Corporations Ordinance, 175, 221; amendment to, 239-40
Municipal franchise, 475; Gandhiji on, 328, 379-1; Gandhiji on Indian right to, 193
Municipal Notice, 447
Municipal tram cars, right of Indians to travel in, 470-1
Murison, Dr., 224, 331, 357, 415-6
Murray, Rev. Father, 236
Mussoorie, 428

N

NAIR, SIR, CHETTUR SANKARAN, 234
Nanak, Guru, 376; his attempt to fuse Hinduism and Islam, 407
Naoroji, Dadabhai, 33 *f.n.*, 44 *f.n.*, 85 *f.n.*, 109 *f.n.*, 162 *f.n.*, 179 *f.n.*, 188 *f.n.*, 205 *f.n.*, 230 *f.n.*,

266, 288, 289, 329, 424, 434, 474; forwards Gandhiji's notes to Secretary of State for India, 44 *f.n.*; Gandhiji about Cape Dealers' Licenses Bill, letter to, 384-5; Gandhiji commends his services to his countrymen, 238-9; Gandhiji's letter on anti-Indian Crusade in Natal, 434-5; Gandhiji's letter on blame for outbreak of plague in Johannesburg, 286-7; Gandhiji on birth anniversary of, 49-50; Gandhiji on Government's intention to pass differential legislation against Indians, 267; Gandhiji on possibility of Indians owning land, held for them by white trustees, after Syed Ismail's case, letter to, 474; Gandhiji on sites for Indian Bazaars in Transvaal, letter to, 264-5; Gandhiji on tributes to, by International Socialist Congress, 267-8; Gandhiji writes about site of Johannesburg Indian location to, 54-5; Gandhiji writes on the position of existing Transvaal Indian licences to, 63-4; letter to, 256-7, 293, 388, 402; Telegram on resolution by Anti-Asiatic Convention, 298-9

Napier, Sir Charles, 251, 257

Narmadashankar, Gandhiji quotes, 418

Natal, anti-Indian crusade in, 434; anti-Indian legislation in, 440-1; Gandhiji's advice in case plague broke out in, 183; Gandhiji reviews position of Indians in, during 1903, 98-9, and during 1904, 323-4; Gandhiji on use of fire-arms by Asiatics in, 386-7; Indian education in, 98

Natal Advertiser, The, 21, 151, 266

Natal Dealers' Licenses Act, 19, 98, 273, 276-7, 323, 439-40

Natal Farmers' Conference, resolution passed on replacement of Indian interpreters by European, 283

Natal Fire-arms Bill, Gandhiji on, 397-8

Natal *Government Gazette*, 191, 379, 386, 417, 434, 440, 475, 483

Natal Immigration Restriction Act, Gandhiji on, 218-9, 323, 389

Natal Indian Congress, 39, 359; Gandhiji's speech at, 467-8

Natal Indian Volunteer Ambulance Corps, 356; Gandhiji on award of medals to, 295-6

Natal Legislative Assembly, Memorial to, 397-8

Natal Marriage Law, 161; also *see* MARRIAGE Law

Natal Mercury, The, 19, 38, 212, 216, 241, 263, 271, 357, 360-1; on Hoondamal's Case, 312-3

Natal Municipal Corporations Bill, Gandhiji on, 397-8

Natal Sanatan Dharma Sabha, 331

Natal Savings Bank, 23

Natal Witness, The, 23, 31, 315, 321, 324, 415

Nathan, Max, Letter to, 484

Native, Gandhiji on definition of the term, 403; Gandhiji on term as defined in Orange River Colony *Government Gazette*, 122

Native Affairs Department, 434

Native Eating House-keepers Act, 475

Nazar, Mansukhlal Hiralal, 267, 326 *f.n.*, 409, 444; Letter to, 483

Nazareth House, 309, 310

Nelson, 466

Nesir, J. A., 36

New Zealand, 14

Niven, Mackie, 347, 353

Northbrook, Lord, 450; Gandhiji on death of, 300

North-west frontier, 469

Notice No. 356 of 1903, 33-6, 43, 70, 82, 120, 359; known as Bazaar Notice, 95; also *see* BAZAAR Notice

Nuruddin, Mr., 479

CWMG IV

O

O'CONNOR J. E., 363
Odendaalsrust, 385
Omar, Mr., 24, 267
Omar Sheth, 437, 455, 471
O'Meara, Major, 146, 160
Ooka, Dayal, Gandhiji on his case under Natal Immigration Restriction Act, 218-9
Orange River Colony, closed to Indian immigrants: a review by Gandhiji of position of British Indians in, during 1903, 97, and during 1904, 324; colour prejudice in, 4; definition of Coloured person so as to include Indians in legislation of, 112-3, 124, 385, 403; draft Ordinance, amending law on Municipalities, residence for Coloured persons in Colony being conditional on their being menial servants, living in Locations and carrying passes, by Government of, 36-8; Farmers Congress of Bloemfontein elicits statement of policy by Government on British Indians in, 300; Gandhiji on anti-Indian / Asiatic legislation, violating Letters Patent of Colonial Office (p.214) and Imperial principles, by Municipalities of Bloemfontein, Odendaalsrust, Winburg and other townships in, 213-4, 297, 385-6, 413-4; Letter to Colonial Secretary about this, 403; Gandhiji to Dadabhai Naoroji on prevention of Indian immigration into, 257 and about anti-Indian legislation generally in, 385; Government restriction on use of cab by Coloured passengers in, 169; plague regulations in, preventing entry of Asiatics during plague scare, 168-9; Poll-Tax on Coloured persons, the regulations by Government amounting to virtual slavery in, 123-4
Orchard, Mr., 425
Outlook, The, Gandhiji's reply to Mr. Hill on Transvaal Indians in, 411-2;
Oxford, 458
Oyama, Marquis, 374

P

PAKEMAN, MR., 31
Pakes, Dr., 155, 156, 159, 162, 168, 276, 287, 306, 307, 309
Palampur, 428
Panchas, 485
Parekh, Mr., 442
Pascall, 17
Patel, M. K. 432
Patel, S. V., Letter to, 438-9
Peace Preservation Ordinance, 115, 188, 196-7, 198, 249, 274, 324; Gandhiji on its illegitimate and unjust use to prevent Indian immigration into Transvaal, 159, 196, 241, 241, 274, 324
Peace Treaty [after Boer War], 452
Peacock, Major, 368
Per capita income of Indian, 417
Perak Expedition, 14
Pereira, Dr., 150
Permits, [Immigration], Chief Secretary for, in Transvaal, 6, 16, 198, 328; Gandhiji's analysis of figures for, in Transvaal, 16; Gandhiji congratulates Captain Fowle on simplified procedure for issue of, to Indian refugees, 6-7, and suggests expeditious grant of, to refugee-immigrants into Transvaal not considered prohibited under Natal and Cape Acts, 17
Petition, *see* under GANDHIJI
Pietersburg, 30, 58, 73, 110, 155, 162, 247, 250, 308, 309, 310, 478; Gandhiji on early closing of shops in, 263, 350-1; Gandhiji on eviction of Indians from old Location in, 285; Gandhiji on Town Council move to confine hawkers to Location in, 132-3
Pillay, A. A., 455
Pim, Mr., 347, 353

CWMG - IV

Pincott, Mr., 335
Pinetown, 266
Plague, Gandhiji examines causes of and responsibility for, 361-4; in East London, 331; in India, 397, 460-1, 468-9; Gandhiji on, precautions against, 338; also *see* JOHANNESBURG PLAGUE
Plague Committee, Rand, 231-3
Polak, Henry, 340 *f.n.*, 433, 484; Gandhiji introduces him to *Indian Opinion* readers, 326
Police, Deputy Commissioner of, Letter to, 446
Poll-Tax, in Orange River Colony on Coloured persons, 123-4
Port Arthur, 374, 431, 466
Porter, Dr., 95,146, 150, 152, 156, 159, 160, 166, 173, 244, 246, 286, 289, 453; Gandhiji on his report on Ferreiras Township, 280-1, 303; Gandhiji on sanitary conditions in Johannesburg Indian Location to, 129-31, 133; Gandhiji writes to inform, of outbreak of plague in Johannesburg, 149
Portuguese East Africa, 445 *f.n.*
Potchefstroom, 155, 162, 246, 253, 324, 355, 378, 474, 480; Gandhiji on cancellation of fire insurance policies of Indian traders in, 330; Gandhiji on charges against Indians made in anti-Asiatic meeting at, 327-9; Gandhiji on continued restrictions on Indians during plague in, 166-7; Gandhiji on European opposition to building of mosque in, 350, and on anti-Asiatic demonstrations for same reason, 378-9; Gandhiji on fire at Indian store in, 269-70; Gandhiji on Indian contribution for a fire-brigade in, 341-2; Gandhiji on Potchefstroom Vigilants and their anti-Indian activities, 321-2; Gandhiji on segregation of British Indians at Location in, 260-1
Potchefstroom Budget, The, 350, 378
Potchefstroom Chamber of Commerce, 7
Potchefstroom Indian Association, 264
Potchefstroom Town Council, 260-1; a "political medical" report on Indian dwellings by Medical Officer of, 371-2
Potchefstroom Vigilance Association, 268, 270, 291, 379, 391
Potchefstroom Vigilants, 263, 321-2
Powell, Edmund, 382, 395 *f.n.*, 396
Prarthana Samaj Hall, 107-8
Pretoria Town Council, Gandhiji on demand to control Native Locations by, 174-5; Gandhiji on disagreement about foot-path bye-laws between Government and, 206, 209-10
Price, Mr., 292
Prince of Wales, 300, 442
Prisk, Mr., Gandhiji on death of, 262-3
Proclamation of 1858, 56, 450
Progressive Party, 114; Gandhiji on its victory in Cape elections, 137
Prosperous British India, 285 *f.n.*
Protector of Indian Immigrants, Gandhiji on annual report for 1903 of, 203-5; his department in Natal, powers of, 23; 70; on suicide among indentured Indians, 204-5
Protestantism, 369
Punjab, 407, 461; plague in, 460; Government report on liquor, 338

Q

QUEENSTOWN, 169
Quinn, Mr., 2, 3, 10, 68, 69, 302, 303, 347, 353; Gandhiji answers his charge of insanitation against Indians, 279

R

RAHMAN, ABDOOL, 264, 341
Raitt, Mr., 100, 246, 363
Railway travel, conditions of, in India, 119; discrimination between Transvaal Europeans and Natives in matter of, 292-3; Gandhiji on demand by *Transvaal Leader* that Natives be prohibited from travelling first class,

30-1; Gandhiji on Mr. Loveday's statement about conditions in India in matter of, 106
Rajkot, 463
Rajputana, 431
Rama, 467; on Truth, 392
Ramayana, on Truth, 393
Rand Daily Mail, The, 5, 87, 265, 304; Letter to, 165-6 481-2
Rand Pioneers, 292
Rand Plague Committee, 232, 233; Gandhiji on compensation claimed from it by Indians for property destroyed during plague, 306-8, 309-10; Gandhiji on its neglect of duty in death of two Johannesburg Europeans from plague, 187; Letter to, 218
Rand Ratepayers' Review, 355-6, Gandhiji congratulates, on its independence of thought, 322-3
Ranjitsinghji, *see* VIBHAJI Ranjitsinghji
Refugees, *see* INDIAN licences and traders
Reitz, F. W., 122
Renewal, of pre-war trade licences, in Transvaal, Gandhiji on, 71-2, 74, 158-9
Revenue reforms, in Baroda State, 457
Review of Reviews, 424
Rhodes, Mr., 351
Rietfontein, 187, 288
Ripon, Lord, 50, 258, 337, 422
Ritch, L. W., 155, 162; Gandhiji introduces him to Dadabhai Naoroji, 375; Gandhiji's tribute to, at farewell meeting, 370
Roberts, Countess Edwina, 293, 294
Roberts, Lord, 216, 290, 298; address by Indians to, 293-4
Robinson, Sir John, 290, 380, 411; Gandhiji on death of, 38-9; Gandhiji on virtues of, 202-3;
Rockey, Mr., 347, 353
Rose, Edward B., 420
Rosebery, Lord, 372
Rosemead, Lord, 251
Roy, J., 159-60
Roy, Ram Mohan, 377, 408
Rubie, Mr., 124-5
Rugbeer, Mr., 420
Ruskin, John, 290, 320, 326 *f.n.*
Russia, 55, 431, 476, *f.n.*, 477
Russia and Japan, 466-7
Russian Zemstvos, A Comparison of, with Indian National Congress, 343-4
Russo-Japanese War, 477; Gandhiji on, 374, 466-7
Rustenburg, 45, 81
Rustomji, Parsee, 409, 426, 432, 433 *f.n.*, 434, 437, 444 *f.n.*, 445, 448, 479; Letter to, 434, 436 471, 484-5,

S

SACRIFICE, Gandhiji on, as a founding principle of society, and need for, by British Indians in S. Africa, 115-7, 121-2; Gandhiji on Self-sacrifice, 112-3, 277
Saheb, Sufi, 99
Sai, General, 14
Salisbury, Lord, 329
Sam (Govindaswami), 432, 432 *f.n.*
Samarkand, 57
Sama Veda, The, on truth, 392
Samy, Vangad, 483
Sampson, Mr., 329; Gandhiji on his reply to Indian deputation on Cape Dealers' Licences Bill, 382-3, 395-6;
San Francisco, 9
Sanitation, Gandhiji on advice to Indians on, 175-6; Gandhiji on, in Johannesburg Indian Location, 129-31, 145-7, 156-7, 160, 363; Gandhiji on, of Indians, 359-61
Saraswati, Dayananda, *see* DAYANANDA
Sardhar, 463
Sardinia, 476 *f.n.*
Saunders, Mr., 411
Scholarships for Indian students, 458
Schopenhauer, Arthur, 369
Schreiner, Mr., T. L., 261, 427, 428
Scott, Rev. Jas., 290
Sebastapol, 476

Seedat, Letter to Mahomed, and other Islami trustees, 454
Seivwright, Mr., Charles Francis, 18; Gandhiji on his good work for British Indians in Australia, 125-6
Seivwright, Mr. Marcus, 18
Selborne, Lord, 435, 438; Address to Lord, 454-5; and the Indians, 464-5; on British duties of trusteeship in Colonies, 425
Sen, Keshub Chunder, 377, 408
Sen, N., 433
Sergius, Duke of, 477
Shah, Mr., 410, 420, 421
Sheridan, Mr., 124
Shone, Mr., 462
Sidhpur, 458 *f.n.*
Sikhism, Gandhiji on, 377, 407
Simon, Mr., 420
Singapore, 240, 251, 466
Singh, Colonel Sir Pertab, 329
Singh, Prabhu, 252; Gandhiji on his services to Ladysmith and its inhabitants, 24, 368-9
Skinner, H. Ross, Gandhiji's comment on his report on Chinese labour, 19; on Chinese labour, 8-10
Skrine, Mr., Gandhiji on his lecture on government of Asiatics by England and Russia, 55-8
Sleeman, Colonel., 335
Smallpox in Johannesburg, 453, 459; precautions and remedies, 453
Smith, Harry, 439; Gandhiji on Immigration Restriction Report by, 140-2
Smith, Reverend Mr., 99, 236, 439
Smith, Samuel, his *Times* article on India, 459-60
Smith, Sir, Willaim, 451
Smuts, General, Gandhiji's suggestion to him as to legalisation of marriages contracted under Hindu rites, 161-2
Soharab, 436
Solomon, Mr. H., 93-4, 222
Solomon, Sir Richards, 10, 93-4, 100-1, 106, 182, 255; on duties of Great Britain to Empire, 92; replies to Mr. Burke on railway travel in India, 119
Somaliland, 14, 469
Somnath, case of, 138; invasion of, 407
Soomar, Issa Haji, Letter to, 437-8, 455
Sorab, 471
Soudan, expedition for, 14
South African Guardian, Gandhiji quotes, 144-5
South African League, 2
Spanish Armada, 466
Sparks, Mr. D., 23-4
Speech *see* under GANDHIJI
Spelonken, 58; Indian licences in, 30
Spencer, Earl, 372
Spencer, Herbert, 94, 95, 458
Spink, Dr., on sanitary habits of Indians, 246-7
Spion Kop, 295
Sprigg, Sir Gordon, Gandhiji on his efforts to seek re-election from East-London, 131-2
Stands [in Location], Gandhiji on allotment of, to Indians, 26-8, 110; in Pretoria, 69-70; Gandhiji on expropriation of Stand-owners in Johannesburg Insanitary Area and on undervaluation of their, 10-2;
Star, The, 5, 180, 199, 226, 229, 240, 252, 263, 308, 310, 316-7, 324, 327, 330, 345, 351, 405, 413; Gandhiji on despatch on position of Indians in Lourenco Marques by special correspondent of, 234; interviews Gandhiji on outbreak of plague, 150-1; Letter to, 252-3, 308-9, 316-9, 472-3, 480-1; reports Gandhiji's lectures on Hinduism, 368-70, 375-8
Stead, Mr., 424, 425
Stuart, Mr., Gandhiji on his judgment in Hoondamal's Case, 284, 312-3
Stuart, James, 94 *f.n.*; Gandhiji's letter asking him to write for *Indian Opinion*, 340-1
Suakin, expedition for, 14

Suhrawdy, Abdulla Al-Mahmun, 458
Suicide, Gandhiji on, among indentured Indians, 203-5; 223, 229-31, 241-2
Suliman, Ismail, & Co., 122
Sunni Bohras, 458 *f.n.*
Supreme Court, in Transvaal, 450, 451; in Natal, 480; Gandhiji on defiance by Boksburg Vigilants of, 227
Suramsamy, 483
Sutton, Sir G. M., 411
Sydney, 442

T

TAGORE, DEVENDRANATH, 408
Taittiriya Upanishad, on Truth, 392
Tarbutt, Mr., 60
Tata, tributes to the late, 441-2
Taylor, Mr. Dan, Gandhiji on his sudden reversal of attitude regarding Coloured labour for Natal, 201-2
Tayob v. *Leyds*, 182
Tayob, Amod Haji, 294
Telegram *see* under GANDHIJI
Tennyson, Lord, 216
Test Case [*Habib Motan* v. *The Transvaal Government*], 217, 244, 261, 273, 294, 324; Gandhiji on, 144, 183-5, 188-9, 190-1; Gandhiji praises British Constitution for judgment in, 190; Gandhiji on comment of *The East Rand Express* on, 200-1; on organised agitation by East Rand Vigilants against judgment in, 194; on Volksrust reaction to decision in, 208
Theosophical Society, 368, 370 *f.n.*, 408 *f.n.*; Gandhiji lectures on Hindu religion under the auspices of, 405-9
Theosophy, 377
Thorburn, G., 17
Thorne, Sir William, 382, 395 *f.n.*
Thurston, M. H., Letter to, 462
Tibet (Thibet), 369; Gandhiji on bravery of Tibetans against Thibetan mission, 164-5
Tilak, Mr. B. G., 369; on Vedas, 406
Times, The (London), 269, 273, 301, 459
Times of India, The, 397, 442
Times of Natal, The, 31-2
Togo, Admiral, 466
Tolstoy, 320
Tomlinson, Mr., 163
Town Clerk, Letter to, 470-1
Town Council, Dundee, 19
Town Council, Durban, 475
Town Council, Johannesburg, *see* JOHANNESBURG Town Council
Tramway Committee, 470-1
Transkei, 325
Trans-Siberian Railway, 477
Transvaal, Indian store-keeper in, 26; Gandhiji on position of Indians in, 324; Locations for Indians in, 27-8; plague restrictions in, 29
Transvaal Bazaar, Gandhiji on 46-9
Transvaal Constitution, 452; Gandhiji on, 421-3
Transvaal Critic, The, 326 *f.n.*
Transvaal *Government Gazette*, 15, 192-3
Transvaal Leader, 9, 12, 13, 30-1, 50, 215, 264; Gandhiji on anti-Native agitation encouraged by, 148; on fire in Indian store at Potchefstroom, 270
Transvaal White League, 268
Trinidad, 212-3
Truth, according to Hinduism, 392; *Bhagvatpurana* on, 399; *Bhagwat Gita* on, 393; Bhishma on, 393; Brahma as essence of, 392; *Ethics of Buddhism* on, 394; *Hitopadesh* on, 394; Kabir on, 394; Shri Krishna on, 393; *Mahabharata* on, 392-3; *Mahanarayan Upanishad* on, 392; Manu on, 393-4; *Mundaka Upanishad* on, 392; Rama on, 392; *Ramayana* on 393; *Sama Veda* on, 392; *Taittiriya Upanishad* on, 392
Tugela, 151
Turkey, 476 *f.n.*
Turner, Dr., 94, 207, 239, 287, 363; Gandhiji on his reply in Legislative Council to charges of insanitary habits

CWMG-IV

against Indians, 222-3; Gandhiji on his views on plague in Johannesburg, 168; suggestions for measures to eradicate plague in India by, 468-9; holds authorities responsible for outbreak of plague in Johannesburg Indian Location, 233
Tyabji, Badruddin, 442

U

Uitlander, 117, 209, 234, 323, 352, 381
Uitlander Committee, 72, 86-87
Umbulwana, 252
Umbulwana Hill, 24
Umgeni, 126, 151, 211
Umtali, 201, 228
United Provinces, plague in, 460
Unto This Last, 326 *f.n.*

V

Van Der Berg, 148
Vandithumu, 483
Vavda, Mr., 430-1
Veale, Dr., 246-7
Vedas, place in Indian scriptures of, 405
Verasamy, 483
Vereeniging, 263
Verulam, 411
Vibhaji, Ranjit singhji, 112
Victoria Day, 449
Victoria, Queen, tribute to, 449-50; her love of India, 450
Vienna Convention, 307
Vinden, Mrs., 192
Volksrust, 29, 197-8, 208
Vrededorp, commission to draft law for acquiring lands in, 417
Vryheid, 385

W

Walters E. A., Gandhiji's complaint to Incorporated Law Society against, 470; Letter to, 447
Ward, Mr., 182
Watt, 431
Wedderburn, Sir William, 336, 456, 457, 460
Weenen, Gandhiji on licences to Indian traders in, 158-9
West, Ada Miss, 150, 325 *f.n.*
West, Albert, 340 *f.n.*, 410, 420, 433; Gandhiji on his services to *Indian Opinion*, 325-6
Western Transvaal Advertiser, The, 20
Western Vlei, 359-60
White, Sir George, 14, 252, 369; Gandhiji quotes him against charge of Asiatic influx into Ladysmith, 24
White League, 93, 95, 237; Gandhiji on its meeting about Asiatic immigration into the Colony, 40-1; of Pietersburg, 270; opposition to Indian traders by, 135
Whiteside, Mr., 2; Gandhiji on his minority report, 68-9
Wilson, H. F., 4
Willson, Mr., 19
Wiltshire, Mr., 423
Winberg, 213-4
Windsorton, 447, 470
Witwatersrand, 171, 191
Woolfson, J. S., 137
Wragg, Sir Walter, 25, 192
Wyberg Mr., his evidence before Labour Commission, 2-3;
Wyllie, Mr., 358

Y

Youth Smoking Prevention Bill, Gandhiji on, 427-8

Z

Zambesi, 351
Zanzibar, 478
Zaveri, Omar Haji Amod, Letter to, 426, 438, 448, 462-3; welcomed by Gandhiji

CWMG - IV

on return from tour, 271
Zeerust, 20
Zeerust Express, The, 20
Zoutpansberg, 237
Zoutpansburg Review, 132; and *Mining Journal*, 236
Zulu [language], 283
Zululand, 415

CWMG - IV

CWMG - VOLUME - IV - CORRIGENDA – NEW

Vol. IV	References to CWMG Volume - III	
	Edition - 1960	Edition - 1979
PAGE	PAGE No.s	PAGE No.s
* 1	361-62, 397	436-7, 478-9
* 7	376	453
* 14	382	460
* 20	292	352-3
* 35	271	325
* 39	136, 160	161, 193-4
* 62	213-5	252-5
* 95	284	343
* 96	301	364
* 98	318	384
* 132	273, 288-9	327, 347-8
138	2	2
* 146	63 *et seq.*	72 *et seq.*
* 182	10	9
192	9	9
* 201	57	63-6
* 228	57	63-6
* 241	313	377
* 246	403-8	487-92
* 295	129	153
* 340	453-4	549-50
* 356	129	153
* 369	168	202
* 399	1, 7, 10	1, 7, 9
	---	
* 33	423-4	511-2
* 64	265, 344	317, 415
* 118	1-2, 13-17	1-2, 13-16
* 238	292	352-3

* Due correction made

NOTE TO THE READER
FOR REFERENCES TO CWMG VOLUMES I AND II, PLEASE TURN TO THE NEXT PAGE

CWMG - IV

CWMG - VOLUME - IV - CORRIGENDA – NEW

Vol. IV — References to CWMG Volume - **II**

PAGE	FOR PAGE No.s Edition - 1959	READ PAGE No.s Edition - 1976
19	343-5	277-8
62	373	301
112	376	29
117	382	80
201	207	159
227	186 *et seq.*	141 *et seq.*
331	320	258-9
389	345-6	279-80
487	369	299

Vol. IV — References to CWMG Volume - **I**

PAGE	FOR PAGE No.s Edition - 1958	READ PAGE No.s Edition - 1969
17	380	232
35	383	197
38	312	312
49	384	139
118	189	202-3
122	382	198
123	383	358
233	384	183
238	384	139
334	142-63, 157-8	170-88, 183-4
336	161	186
487	349, 349, 349	341, 341, 341

CWMG - IV