THE COLLECTED WORKS OF MAHATMA GANDHI

VIII

(1908)

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THE COLLECTED WORKS OF MAHATMA GANDHI

VOLUME EIGHT



THE PUBLICATIONS DIVISION

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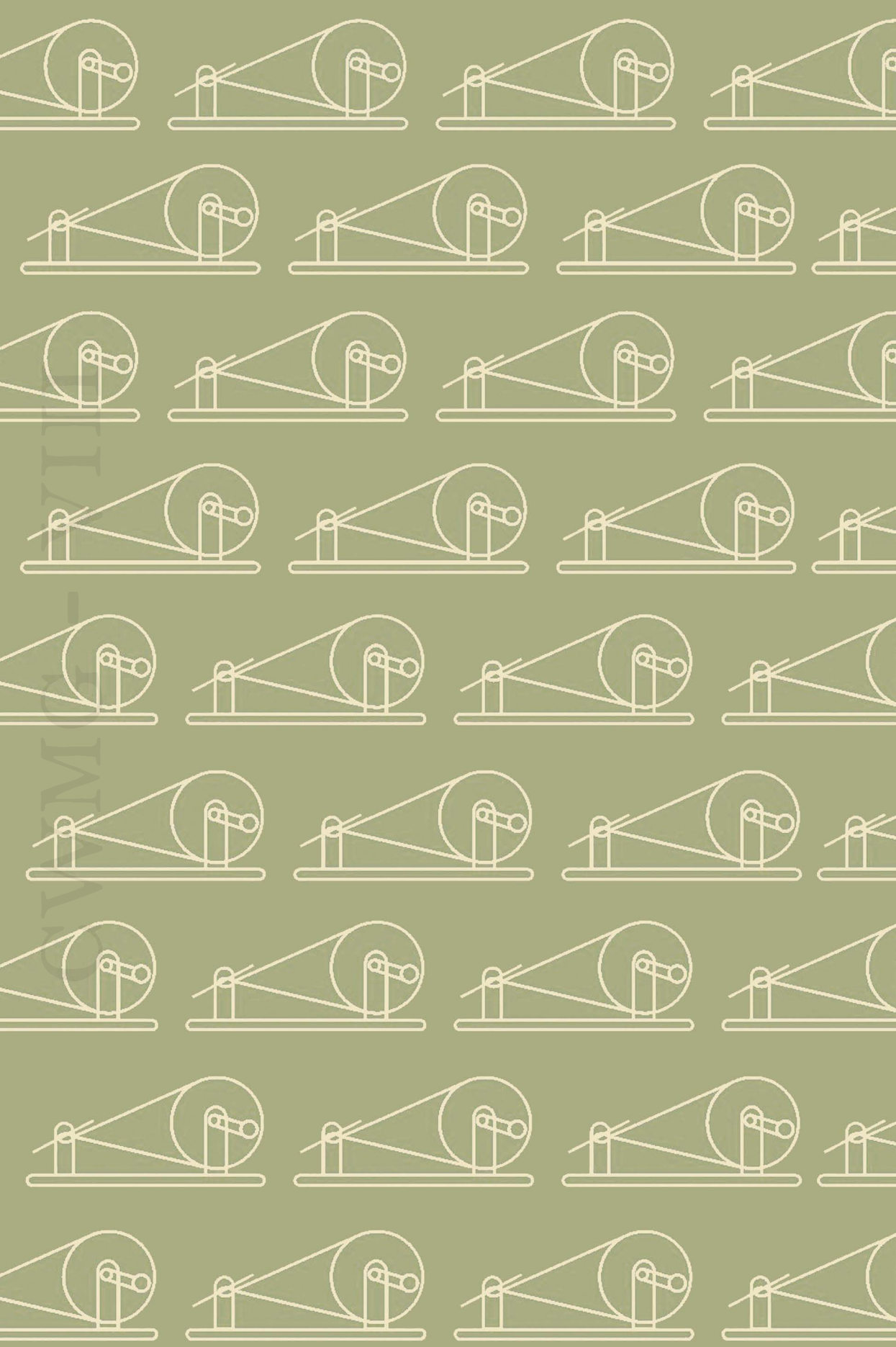
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PHOTOGRAPH BY REV. J. J. DOKE IN WHOSE HOUSE GANDHIJI WAS CONVALESCING AFTER THE ASSAULT

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VIII

(January-August 1908)

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PREFACE

This volume, which covers the first eight months of 1908, begins and ends on a note of protest. Well before the Transvaal had become self-governing and the Dutch Party came to power, Indians had with awesome unanimity declared, in their mass meeting of September 1906, that they would never consent to remain pass-bearing helots among the white Spartans. This is the volume of Gandhiji's first satyagraha, and its principal challenge for the reader is: why did the compact so earnestly arrived at between the Government and the Asiatic communities fail? The compromise aroused hopes without fulfilling them and the volume dramatically ends with a bonfire of Asiatic passes—a poignant gesture of peaceful defiance by an unenfranchised community. Indians were far from becoming Lord Ampthill's "partners in the Empire". Shocked as he was by what he called Smuts' "breach of the compromise", Gandhiji still speaks with a righteous and conciliatory voice that is not afraid to hope. Until the last he is appealing "from the new to the old Liberals", from Elgin and Morley to Ampthill, Chamberlain and Rhodes, from those who saw Liberalism as a procedure rather than a principle and were thus inhibited from altering the course of Colonial events by an illusory regard for the freedom of the self-governing colonies to others for whom Imperialism was still a mission of raising subject races to the level of their rulers. In this philosophy, Gandhiji still saw hope and a belief in the possibility of human growth and improvement. Liberalism had been fouled by a misreading of Bentham and by his "greatest good of the greatest number" which militated against racial minorities. In South Africa it had resulted only in the sanctification of popular prejudice and in mandatory democracy. Thus it fell to a believer to show not only—as Mr. Pollock touchingly observed—what true Imperialism meant (p. 150), but that Liberalism had lost its nerve.

On December 28, 1907, Gandhiji was sentenced to leave the Colony within 48 hours, as he had refused to register under the hateful Asiatic Registration Act. Like much else that happens in this volume, there was nothing fortuitous about the punishment that the Government chose for this "ring leader" of the Indians. Under the Immigrants' Restriction Act for which temporizing Royal assent had been skilfully obtained, Smuts had already armed himself with the power of deportation which no British Government in the Transvaal had ever possessed. Moreover, the Act could be used, in conjunction with the Asiatic Act, to exclude educated Indians in

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whom Smuts saw the source of disaffection. Many of the apparent contradictions in Smuts' speech and action become resolved in the view that he acted consistently on the belief that satyagraha was a contrived campaign of agitation without basis in felt grievances. In the last resort, deportation of the ring leaders was the decisive solution to the Indian problem and, if the resident Indians could be made to endorse this remedy, Smuts would have been glad to "fob them off with trinkets". In fact, he declared at Richmond that he had entered into the compact only to reduce the Asiatic population in the Colony (p.505). Seen thus his intention acquires a unity. Yet the issue of educated Asiatics did not come to a head till June 22, 1908. The image of the Colonial Secretary that emerges from these pages is that of a cautious person, determined of purpose and misleadingly reticent. Cautious because he was yet new to power and unsure of an Imperial Government which had fought a war ostensibly in defence of British Indians' rights; he knew the hazards of politics in a plural society and had to pick his way gingerly among many rival claims and interests. His reticence was that of a mind made up which revealed itself only through action. And for his determination of purpose, this volume is valuable testimony.

On January 10, Gandhiji, Thambi Naidoo and Leung Quinn were sentenced to two months' imprisonment for having disobeyed the earlier order of the Court. And many vital spirits followed them there. In jail, Gandhiji was reading Carlyle and Ruskin amidst the discomforts of prison life and his political anxieties; he saw something of himself in Socrates whose life had been a long satyagraha against a society entrenched in error and prejudice. On January 21, Mr. Cartwright, the "angel of peace", who had himself gone to prison earlier for the sake of conscience, came to visit Gandhiji in jail and to discuss proposals for a compromise. Cartwright belonged to that wing of the Progressive Party which was disposed to take the responsibilities of Imperialism seriously. And he brought a draft letter which had been approved if not drafted by General Smuts.

Gandhiji's changes in the draft letter (pp. 40-2) evidence an astute and far-seeing intelligence that also made for accord. The compromise letter had been so drawn up as "not to shock the whites" and oral promises—such as the repeal of the Asiatic Registration Act — were unrecorded. He sought in the main to secure the domiciliary rights of Indians then outside the Transvaal: many of these were refugees who had left the Colony during the Boer War and persons, both within and without, holding £3 Dutch certificates as their title of residence. He also asked for the exemption of children from voluntary registration and above all insisted that voluntary registrants should be

exempt not only from the "penalties of the Act" but the Act itself. If these changes were not acceded to, Gandhiji and his co-satyagrahis were willing to continue in jail. For honour was "a state of mind that does not countenance the loss of a right" and so was satyagraha.

Gandhiji met Smuts on January 30 and again on February 3, and made sure (1) that voluntary registration would not be validated under the Asiatic Registration Act but by amendment of the Immigrants' Restriction Act instead or by other acceptable means and (2) that the Asiatic Registration Act would be repealed "during the next session" of Parliament. This private promise was publicly confirmed by Smuts in his speech of February 6 at Richmond (pp. 504-5). In fact, Gandhiji drew up a notice at Chamney's instance in the Indian and Chinese languages, promising repeal of the Act "if the Asiatic communities carried out their compact" (p. 437). This was from his sick-bed in Doke's house where he was convalescing after an assault on him.

Voluntary registration, which Indians offered as a body for the first time on September 11, 1906 and again on March 29, 1907, would secure the legitimate objectives of the Government — the identification, in particular, of all Asiatics lawfully resident in the Colony. This offer was in return for the repeal of the Asiatic Registration Act which rested on an unproven charge that the bulk of Indians in the Transvaal had entered the Colony by fraudulent means. It was thus implicatory legislation and cast a slur on the community as a whole. The Transvaal Government had held out against the Indians' offer for over a year; that it was eventually accepted shows the magnitude of the Indian achievement which the compromise represented. But Indians must not become overweening, for it was not their triumph but a victory for truth. In their finest hour, therefore, Gandhiji tirelessly enjoined humility on fellow-Indians and himself practised it in order to save General Smuts embarrassment in the eyes of his white electorate.

Writing on May 9, however, the happy healer allows himself a paean of joy, confident that the clean wound he has made will soon mend: "... almost every Asiatic ... has allowed himself to be identified afresh. Of the eight thousand odd applications made, six thousand have already been approved and passed. This is a creditable record on either side.... It now remains for the Government ... to repeal the Asiatic Act, and to legalize voluntary registration in a manner acceptable.... The Colonial principle [of restricting entry of new-comers] has been accepted by the Indian community. There need, therefore, be no further cause for friction." (p. 222.) But General Smuts wanted more.

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The weeks wore on, and meanwhile the compromise remained an unredeemed promise. The Indians and the Chinese had unilaterally fulfilled their undertaking but they had neither the power nor the means to make the Government do likewise. Whether or not Smuts wilfully broke a promise rightly forms the subject-matter of *Satyagraha in South Africa.* "He has wrecked," Gandhiji says, "a whole compromise to avoid the possible accession... of two thousand Asiatics...." In fact, Smuts went one better; he was prepared to let the 2,000 Asiatics outside the Colony come in if only he could get the resident Indians to barter away the rights of those whom they did not represent and collaborate with the Government in keeping out a handful of educated Asiatics. He sought not merely, as he claimed, to limit and reduce the Asiatic population of the Colony but to deprive it, as Gandhiji argued, of the leadership necessary for its "organic growth". On the other hand, Gandhiji was importunate in his entreaties with the Colonial Secretary and unremitting in his advice to his own countrymen. In either case he spoke in cadences of utter earnestness and, indeed, to some his advice must have sounded harsh, touched as it was with a self-denying ability to see the other point of view. "A Dialogue on the Compromise" (pp. 76-86) is a model of political persuasion and it was laughably absurd to have called this "humble interpreter" an instigator. It was in the implementation of the laconic compromise letter that Smuts' reservations became progressively manifest. The refugees who left the Colony before the Boer War might come in; the five hundred with Dutch certificates might stay on and the thousand without might come in too. Asiatics might even have recourse to courts of law against Chamney's decisions on the domiciliary claims of voluntary registrants. But, on the question of educated Asiatics, General Smuts was unrelenting. He would not repeal the Asiatic Registration Act unless the Indians agreed to his interpretation of the Immigrants' Restriction Act and thereby endorsed the complete exclusion, in future, of their educated countrymen from the Colony. The failure of the compromise was announced on June 22. And Asiatics were now worse off than they were before voluntary registration.

Meanwhile the spectre of the obnoxious law had been revived. On May 12, the redoubtable Mr. Chamney declared that Asiatics entering the Colony after May 9 had to register under it. Smuts confirmed on May 22 that the Act was to be retained on the Statute-book and, on July 7, Mr. Chamney warned that Asiatic traders would have to comply with the Act and affix their thumb-impressions on their licence applications. And satyagraha was resumed. A technique of jail-going was evolved by which every consenting member of the

community would embark on a state of "self-imposed suffering" so that their genuine needs could be tested and measured through such suffering. Even the "blacklegs" were asked to contribute their mite so that they could feel a healing sense of participation. Voluntary registrants, who had trading licences issued to them up to December 31, 1908, refused to produce them on demand, and were arrested. Others whose licences expired on June 30 refused to affix thumb-impressions on their applications for renewal of the licences. Essop Mia and other respectable Indians led the way by taking to unlicensed hawking as a means of courting arrest. Yet others crossed the border and refused identification while re-entering the Colony, in order to defy the law. Finally, when the good offices of European mediators had proved unavailing and the negotiations broke down, Asiatics assembled at the mass meetings of August 16 and 23 to burn their voluntary certificates and thus invalidate them. There was an impressive unanimity about this act of corporate "dis-registering" which showed conclusively that the campaign against the Asiatic Registration Act was not "manufactured".

The rhetoric and logic of satyagraha are never allowed to exceed its empirical mood. For instance the technique of jail-going was designed as much to register a protest as to show up the anomalies of the law against which satyagraha had all along been directed. For instance there was to be a law for incoming Asiatics and another for voluntary registrants. Again, the Government demanded thumb-impressions from traders after having secured fuller identification. At each stage of *satyagraha* then the emphasis was on argument rather than on agitation.

Satyagraha is at once a burnished sword "whetted with our hearts" and a refulgent light which dazzles the enemy into submission to Truth which "is superior to General Smuts . . . and me". It chastens without humbling. It is a communing state of goodness in which it is given to one to feel purified by suffering for others. The sequel to the assault admirably vivifies that state. There is a transparent sincerity, which is altogether without affectation, about Gandhiji's message from his sick-bed in which he hastens to announce his forgiveness of his assailants. After all, he had all but anticipated "my reward" (pp. 93-7). "If violence is to be used against anyone, let it be first used against me." (p. 55.) Also, satyagraha calls for a transcendence of fear which is the cause of much human depravity. The satyagrahi must in his action achieve fidelity to what is ineffably felt in the centre of his being. It becomes one's duty and right to strive for equality for there can be no love or friendship except among equals. When the higher courage of satyagraha fails or is wholly wanting, and the compelling

challenge of force or injustice has to be faced, one must prefer violence to timidity. (p. 280.) "One must be prepared to die in order to be able to live. And in order to win one's rights, one must do one's duty." (p. 302.) Truth, courage and satyagraha are thus all aspects of a total attitude. Accordingly, the Asiatic Registration Act was "contrary to my independence ... and my conscience". The gentle restraints which Gandhiji's humane morality prescribes must be understood therefore in relation to a passionately held concept of duty. Approval is thus not wholly denied to necessary military achievement. "When Japan's brave heroes forced the Russians to bite the dust of the battle-field, the sun rose in the East. And it now shines on all the nations of Asia. The people of the East will never, never again submit to insult from the insolent whites." (p. 324.) But truth soon recalls him to moderation: "East and West are no more than names.... There is no people to whom the moral life is a special mission." (p. 211.)

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NOTE TO THE READER

The petitions and representations addressed to various authorities, communications to the Press, and resolutions adopted at meetings, which are included in this Volume, are attributed to Gandhiji on grounds similar to those explained in the Preface to Volume I. Where there are special reasons for the inclusion of particular items, these have been set out in footnotes. Gandhiji's unsigned writings in *Indian Opinion* have been identified on the strength of his general testimony in his autobiographical writings, the opinion of his associates, Chhaganlal Gandhi and H. S. L. Polak, and other available evidence.

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

Matter in square brackets has been supplied by the Editors. Quoted passages, where these are in English, have been set up in small type and printed with an indent. Reports of speeches and Court proceedings in indirect speech and passages which are not by Gandhiji have been set up in small type.

While translating from the Gujarati, efforts have been made to achieve fidelity and also readability as English. While translating Gandhiji's Gujarati renderings, the English original, whenever available, has been consulted.

The date of an item has been indicated at the top right-hand corner; if the original is undated, the inferred date is printed within square brackets, giving reasons where necessary. The date given at the end of an item alongside of the source is that of publication.

References to Volume I of this series are to the August, 1958 edition. References to *An Autobiography or The Story of My Experiments with Truth* and *Satyagraha in South Africa* cite only the Part and Chapter in view of the varying pagination in different editions.

In the source-line, the symbol S. N. stands for documents available in the Sabarmati Sangrahalaya, Ahmedabad; C. W. denotes letters secured by the Collected Works of Mahatma Gandhi.

The Appendices provide extraneous material relevant to the text. A list of sources and a chronology for the period covered by the Volume are also provided at the end.

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For research and reference facilities, we owe thanks to the All-India Congress Committee Library, the Gandhi Smarak Sangrahalaya, 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; Shri Pyarelal Nayyar, New Delhi; the Public Library, Johannesburg; and the British Museum, London.

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1. TRIAL OF EX-SOLDIERS[1]

[JOHANNESBURG,
January 3, 1908]

...two Indians, whose cases were postponed when Mr. Gandhi and the others were dealt with first, were brought up and charged with contravening the Asiatic Registration Ordinance by not being in possession of a certificate of registration.... Something like a thousand or 1,500 of Mr. Gandhi's compatriots assembled in and around the Court, and a subdued murmur of many voices, perfectly audible in Court, testified to the interest taken in the proceedings.

...Nawab Khan[2], an ex-soldier of the Indian Army, was charged.

...Mr. Gandhi did not ask any questions, and he put the accused in the witness-box. He examined him as follows:

[GANDHIJI:] You are a Jamadar?

[ACCUSED:] Yes.

You came to the Transvaal at the time of the War?

Yes, during the War.

Attached to the transport corps?

Yes.

What expeditions have you served in?

Burmah, Chitral, Black Hill, Tirah Expedition (1897), and the Transvaal War.

And you were wounded three times?

Twice I was shot, and once I was cut over the eye.

Your father was attached to Lord Roberts'[3] staff when he went to Kandahar?

Yes, he was Subadar Major.

Witness said he was in charge of the Native police on the C.S.A. Railways[4].

The Magistrate said the evidence did not affect the position.

MR. GANDHI: You have refused to take out a registration certificate under the new Act?

[1] These cases had been postponed on December 28, 1907, when Gandhiji and some other Indians were tried. *Vide* Vol. VII, pp. 463-8.

[2] For his petition to the High Commissioner, *vide* Vol. VII, pp. 385-6.

[3] Frederick Sleigh Roberts of Kandahar, Pretoria and Waterford (1832-1914); Field Marshal and Commander-in-Chief, India, 1885-93; C-in-C, South Africa, 1899-1900; Colonel-in-Chief, Overseas and Indian Forces in Europe, during World War I, 1914; author of *Forty-one Years in India*. During the Boer War, Gandhiji's Natal Indian Ambulance Corps carried his son's body from the field; *vide Autobiography*, Part III, Ch. X. After the War, Roberts was in charge of the occupation forces in the Transvaal; Gandhiji mentions his pro-Indian sympathies during this period; *vide* Vol. III, p. 365. For message of congratulations on his relief of Kimberley, *vide* Vol. III, pp. 162-3.

[4] Central South African Railways

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I will not take it out under the new Act.

Will you explain your reasons?

[ACCUSED:] Because it would ruin me altogether if I did so.

Mr. Jordan, in giving his decision, said the accused was not registered, and he must register. Since the hearing of the last cases on the 28th he had been approached by both Indians and Chinese, and they had informed him that this question of the finger-prints had nothing at all to do with their religion, absolutely nothing.... Mr. Jordan added that the accused was a different class of man to the ordinary coolies, the basketwallahs, and he ought to know better than to refuse to register; he ought to register. Accused would have to leave the Colony within 14 days.

Accused, in reply to what the Magistrate had said as to his being a different class to some of his compatriots, said in this matter they were all united. They would leave the country and go to gaol together.

CAME WITH LORD ROBERTS

Sumandar Khan, a Pathan, an ex-soldier of the Indian Army, who had also at least one wound to show, was next charged with the same offence.

...In reply to questions by Mr. Gandhi, Sumandar Khan said he came to this Colony with Lord Roberts. He had previously served 30 years in the Indian Army. He was present at the engagement at Paardekop and received a bullet wound in the right thigh. He was orderly at the Asiatic Office at Pretoria.

[GANDHIJI:] You don't want to submit to this Act?

[ACCUSED:] No.

Have you been frightened by anyone?

No, who will frighten me? If I am even hanged I won't register.

You have just paid a visit to India?

Yes.

And have just returned?

Yes, about two weeks.

MR. JORDAN: Can you write?

[ACCUSED:] No.

How did you get your pay in India?

I used to make a mark.

Did you not put your finger-print?

No.

This concluded the evidence.

Mr. Gandhi said the remarks that had fallen from the Bench came as somewhat of a surprise to him. His Worship had stated that some Indians and Chinese had approached him and stated they were afraid to register. Fortunately, or unfortunately, the Court had before it two soldiers who were not likely to be frightened by anybody at all, and in fact the last witness had said that he was not likely to be frightened.

MAGISTRATE: You know perfectly well, Mr. Gandhi, there is a great deal of difference between the plain tribes and hill tribes; this man belongs to the hill tribes.

Mr. Gandhi said there was a very great difference, but there was no question of

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fright at all, and if there were any question of fright the arm of the law was long enough and strong enough to protect the meanest subject in the country.

MR. JORDAN: I have no doubt it will be.

Mr. Gandhi said he did think it was futile to suggest that anyone had been frightened into not taking out a registration certificate and, as one of the witnesses had said, there was absolutely no question of thumb-impression or finger-prints. It was a question that touched the vitals of the community. It was a question of compulsion or a voluntary act.

Mr. Jordan said if Mr. Gandhi liked to hold a meeting outside, he could do so.

MR. GANDHI: The Bench has led the way or otherwise I would have held my peace.

MR. JORDAN: I won't allow any more. It has nothing to do with the case.

MR. GANDHI: I do not wish the public to leave the Court under the impression that the whole of this fight is in connection with the thumb and finger-impressions. The whole of the fight is a struggle for liberty.

Mr. Jordan said that both Indians and Chinese had come to him and alleged they were intimidated and were frightened to go and register by a number of people and that was the reason they have for not registering.

An order was made that the accused should leave the Colony within 14 days.

Indian Opinion, 11-1-1908

2. *RAM SUNDAR "PUNDIT"*

Ram Sundar is no longer a "pundit", and so we have had that part of his name set up in smaller type. "Pundit" was a title he himself had assumed. But now that he has lost the qualities of one, he should no longer be known by that name.

We apologize to our readers for earlier having showered praises on Ram Sundar in this journal, for having used grand epithets to describe him and held up his attitude to the law as an example.[1] We are guiltless for we were misled; we were unaware of the facts. We have a saying that no one can divine what lies in the heart of a man or in the hollow of a drum. We could not peer into Ram Sundar's heart. We believed his professions and thought him brave. We will continue to do so with others in future. That is the only way for man to live in society. It will be to claim omniscience to suspect one who is apparently sincere, or to shun his company. God alone knows the hearts of men. We can only know people through their actions. We admired Ram Sundar's conduct, and it was our duty to hold it up before the people. Now that the hypocrite has been unmasked, we have no hesitation in exposing him to our readers. That is our way of atoning for an unwitting error. As far as the community is concerned, Ram Sundar

[1] *Vide* Vol. VII, pp. 363, 378 & 415-6.

is dead as from today. He lives to no purpose. He has poisoned himself by his own hand. Physical death is to be preferred to such social death. He would have enjoyed undying fame if he had been killed in an accident at Germiston before the critical moment when he entrained for Natal. But fate decreed otherwise. Having meanly betrayed the people of Germiston, his community, himself and his family, he has fled like a coward in fear of imprisonment. Even now we pray to God to show him the right path.

We have used bitter words, but in our heart there is compassion for him. It would be cruel to hide his fault. There would have been no need to publicize his faults if we had not extolled his virtues.

We still need to retain the image of Ram Sundar before our eyes. With that image before us, we should pray constantly, 'O Khuda-Ishwar, save us from Ram Sundar's fate. Do not give us only the semblance of courage. Keep us on the right path till the end.' Whenever anyone has unworthy thoughts, let the memory of Ram Sundar startle him into self-contempt and let him turn to God in prayer. We frighten children saying, "Look! Demon!" We should think of Ram Sundar as a demon, and guard ourselves against being possessed by it.

Indians have a long way to go yet. It has been given to us to witness the farce by Ram Sundar early in the campaign. We ought to be grateful to him for that.

[From Gujarati]
Indian Opinion, 4-1-1908

3. *THE DYE HAS SET*[1]

In the Transvaal the campaign has now begun. So far the two sides have only been storing up ammunition. The bugle has sounded, calling Indians to wake up and mount a ceaseless vigil. This is a struggle which the gods themselves may well come down to watch. For we believe the Indian cause to be God's own, and the Government's that of the Devil. Ramchandraji could defeat the ten-headed Ravan with an army of monkeys because he had right on his side. The Indians are in the right; we therefore pledge our word that they will defeat the many-headed monster which the Government is, provided, of course, they remain truthful, courageous and united.

Only cowards will take fright at the thought of what will happen because the Imperial Government has approved the Immigration Act. We had hoped, it is true, for support from the Imperial Government.

[1] A literal rendering of the Gujarati expression which would here mean that events are poised for a climax

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In fact, we may still do so. But our prayer is to God alone. Let us see if He forsakes us. History provides no instance of God having ever forsaken anyone; we need not then fear any such contingency.

Does it matter that the Immigration Bill has been passed? [The penalty of] deportation has been added to [that of] imprisonment. The two are first cousins. If one is prepared to stay in gaol for any length of time, will one not be deported? In prison, one is confined within four walls and feels like a caged lion. On deportation, the roaring lion can fill the wilderness with his roars. It is not as if God dwelt only in the Transvaal prisons. He is with us everywhere. Why, then, fear? We have grown used to the idea of going to gaol. We have overcome fear in that measure. When we become used to the idea of deportation, we shall find it preferable [to imprisonment].

There are people who are afraid that the Government may even recover the cost of deportation from those deported. This argument betrays a lack of understanding. If we accept loss in money by going to gaol, why not by deportation? We have accepted such loss as inevitable. We cannot make the best of both worlds. Honour and money, spiritual well-being and [the pleasures of] the body, happiness and misery are the opposite of each other. The Indian community is out to accomplish a formidable task; we hope therefore that the question of money will not enter into its calculations.

The Indians of Johannesburg, Pretoria and Pietersburg were arrested about the time when news of the Immigration Bill having been passed came in. It was a happy augury. The persons who were arrested had been hand-picked [earlier], most of them being fearless individuals who put up a stiff fight against the law. We offer them all our congratulations. We want them to remain unyielding till the last, and keep in view the [admonitory] image of Ram Sundar[1]. Let them face imprisonment. Let them face deportation. By the time this appears in print, they will very likely have been enthroned in gaol already.

Everything depends on a satisfactory answer to the question as to what the others will do. General Smuts deserves to be congratulated on the step that he has taken [of arresting the leaders]. We shall face our real test now. If people at all set any store by their pledge, if their honour is dear to them, there can be no greater misfortune for them than submission to the new law. We should have nothing to do with it whatever happens.

[From Gujarati]
Indian Opinion, 4-1-1908

[1] *Vide* the preceding item.

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4. LETTER TO RECEIVER OF REVENUES[1]

[JOHANNESBURG,
January 4, 1908][2]

[F. C. BIGGAR, ESQ.
THE RECEIVER OF REVENUES
JOHANNESBURG]

SIR,

My Association has seen the notice in the *Gazette* to the effect that trading licences will not be issued to British Indians unless they can produce registration certificates under the Asiatic Law Amendment Act No. 2 of 1907, and undergo certain other formalities.

My Association understands, too, that several British Indians have applied for licences and formally tendered the licence fee, but that their licences have not been granted, because of the above notice.

On behalf of my Association, therefore, I beg formally to inform you that, as the large majority of British Indians have for conscientious reasons declined to submit to the Asiatic Law Amendment Act, and as it is not possible for Indian traders or hawkers to earn their living otherwise than as traders or hawkers, they are reluctantly compelled to continue their trade without proper licences. I may further add that, should the notice regarding licences be withdrawn, and should you be pleased to grant licences, on a notification from you, the licence fee will be immediately paid and licences taken out by British Indian traders and hawkers.

I have etc.,
[ESSOP MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

The Star, 6-1-1908
Indian Opinion, 11-1-1908

[1] This was very likely drafted by Gandhiji.

[2] The date of this letter is mentioned in the reply sent by the Receiver of Revenues, who said: "In reply I beg to point out to you that Indian traders who are disposed to contravene the law in the manner indicated render themselves liable to the provisions of the Revenue Licence Ordinance, 1905, which imposes heavy penalties on any persons carrying on any trade or business without being in possession of a licence, irrespective of whether the persons are offenders against the requirements of any other statute or not.

"The Press notice on the subject of renewal of licences, 1908, is not of a statutory character, but merely an advisory notice inserted in the papers for the information

5. *REPLY TO "THE STAR"*

[JOHANNESBURG]

[THE EDITOR
THE STAR
JOHANNESBURG]

SIR,

In your survey of the Asiatic question you say:

> It is the possible effect on the native races, who live under differential legislation themselves which makes it impossible in our opinion for the Government to yield to agitation without loss of prestige now that things have gone as far as they have.

May one infer from this that "if things had not gone as far as they have" the Asiatic case would, in your opinion, be strong enough to require reconsideration? However, whether the inference is justified or not, with your permission, I would merely deal with the religious aspect of the question.

I beg to remind you that the matter wore a religious aspect at the first mass meeting[1], at the old Empire Theatre, in the September of 1906, when the now famous solemn covenant not to submit to the Asiatic Act was, after due deliberation, made by British Indians. The disqualification against Turkish Mahomedans on the ground of religion was then present in the Bill and has always been pointed out as a ground of complaint.[2] In my humble opinion, the solemn obligation by itself constitutes sufficient religious objection against the Act. And a State that overbears such an objection on the part of its inhabitants fails to fulfil its primary duty to respect conscientious scruples.

I shall now endeavour to place before the public the general religious objection. A and B are resident in the same state. B is charged with having committed a fraud. Although both A and B have demanded a public inquiry into the charges, the fraud has never been proved; yet A and his children over the age of eight years, in common with B, are called upon to submit to a punitive measure on account of B's alleged fraud. If A accept that measure, and, for that matter even

---

and guidance of the business community. Its publication or withdrawal has no force or effect on the question at issue.

"I need scarcely reiterate what is now so well understood, namely, that my action in refusing to issue licences to Asiatic traders without production of their certificates of registration is governed by the Asiatic Law Amendment Act, 1907, Section 13."

[1] *Vide* Vol. V, pp. 419-23.

[2] *Vide* Vol. VI, pp. 183 & 212.

B, either does violence to his religion, because he surrenders his manhood and his conscience through fear of personal inconvenience or loss. The position of A and B is that of every Asiatic in the Colony. This would be the essential religious objection, even if there were no binding oath and no discrimination against a particular religion.

If it be true that Asiatic feeling has been intensely roused, a concession to that feeling instead of producing an injurious effect on the Native mind, would produce a reassuring effect, in that, if the sentiments of one unrepresented class are respected, those of another such class also, it will be argued, are likely to be respected. Prestige is a high horse which, under conceivable circumstances, may bring down the rider, if he do not take care.

I am etc.,
M. K. GANDHI

The Star, 4-1-1908

6. *INTERVIEW TO "THE STAR"*[1]

[JOHANNESBURG,
January 6, 1908]

Mr. Gandhi, interviewed by a *Star* representative this morning on the situation in general and on the statement made by the Colonial Secretary at Pretoria in particular, said :[2]

Probably General Smuts has no notion of how difficult it made the position of Indians like myself who want to serve both the local Government and the Indian community, when he talks of all Asiatics as coolies. Instead of trying to bridge the gulf, by such language he is only widening it.

LAW 3 OF 1885 AND PEACE PRESERVATION ORDINANCE

General Smuts has evidently mixed up Law No. 3 of 1885 with the Peace Preservation Ordinance. Law 3 of 1885 never stopped the immigration of Asiatics; it merely penalized Indian traders to the extent of £3. If I may go into history a bit, originally this tax upon Indian traders was to be prohibitive, that is to say, £25. Lord Derby protested against it, and it was reduced to £3 in the amending law. This showed that the late Mr. Kruger's Government never aimed at prohibition of Asiatic immigration. As a matter of fact, I well remember the late President having told an Indian traders' deputation that he did not mind Indians coming into the country so long as they helped his farmers

[1] This and the following item are both reports of the same interview.
[2] *Vide* "General Smuts' Speech", pp. 20-1.

to sell their produce; and he did not want Indians to remain in the country on a basis of equality.

First Attempt at Restriction

The restriction of immigration was only thought of after the British Government was established and the Peace Preservation Ordinance, which was designed only to cope with disloyal people and criminals, was adroitly and effectively used to restrict Indian immigration. It is necessary to bear this distinction in mind because the Asiatic Registration Act is improperly called an amendment of Law 3 of 1885. It inaugurates a new policy altogether so far as British Colonies are concerned and particularly the Transvaal. Before the introduction of the Registration Act there was no question of identification at all except in the Peace Preservation Ordinance. If the identification under the Peace Preservation Ordinance was incomplete a more complete system could have been devised without any new legislation at all as was done by Captain Hamilton Fowle[1], but when there was talk of having a more systematic identification a suggestion was made that the Peace Preservation Ordinance should be amended, and a draft Bill was actually sent by Mr. Duncan[2] to Lord Elgin. That Bill appears in the last Asiatic Blue book. To that no one took any exception at all.

Inception of Registration Act

Subsequently it appears Mr. Lionel Curtis[3] came on the scene, and he rejected the amendment of the Peace Preservation Ordinance, and drafted the present Registration Bill, which deals with the Asiatics as such, and treats them as a class apart. It is this which has so irritated the Indian community. It is perfectly true that there has been some class legislation before, but never of such a drastic type.

Alleged Influx of Asiatics

As regards the influx of British Indians we have always denied it so far as any organized illegal influx is concerned. A little knowledge of the working of the Asiatic Offices ought to show that the forging of permits, after the permits adopted by Captain Fowle came into operation,

[1] Permit Officer

[2] Patrick Duncan, former Colonial Secretary in the Transvaal Government; member of the Legislative Council

[3] Town Clerk of Johannesburg, 1902-3; Assistant Colonial Secretary for Urban Affairs in the Transvaal, 1903-6 and later nominated member of new Transvaal Legislative Council; a pioneer of the Closer Union Movement; had a passion for "scientific method" and "is now known to fame as the missionary for diarchy in India"; *vide Satyagraha in South Africa*, Ch. X; "sole author" of Asiatic Law Amendment Ordinance, designed because equality, according to him, was impossible as between whites and Indians; *vide* Vol. VI, p. 469. *The Progressive Weekly* described him as "one of the rising hopes of the stern and unbending Progressives".

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was well nigh impossible. What actually happened was that sometimes wrong men received permits, because they successfully bribed the Asiatic officers in Johannesburg. It was after the British Indian Association had repeatedly brought this corruption to the notice of Sir Arthur Lawley[1] that these officers were removed. When I speak of wrong men I do not mean men who were not entitled to permits, but men who had not the prior right. I know several old refugees who were obliged to make these payments before they could get their permits. All the same such documents were *bona-fide* documents and held by the persons described in them. It was the touts of these officers who handled the enormous sums of money.

A Denial

I do deny that "thousands of Indians" who had no right to enter the country have so entered.

The interviewer drew Mr. Gandhi's attention to Mr. Smuts' statement that 5,000 Indians had gone out of the country rather than register, and the latter replied that the majority of these had every right to remain—their right could not be questioned—but they were not strong enough to face the trouble.

The prosecutions, numbering 1,500 during a period of five years, go to show that the Indian contention is correct, namely, that whenever an attempt has been made the Peace Preservation Ordinance has been sufficient to cope with it. It should also be remembered that most of these prosecutions were at the border in connection with men who were trying to enter but failed. It may be as well to mention that 563 convictions took place between November 15, 1902, and February 28, 1903. It should be within the recollection of the public that immediately after peace was declared, although there was a Peace Preservation Ordinance, people came in freely. So did Indians and they were not molested at all. When a large number of refugees began to pour in instructions were sent that no Indians should be allowed to enter without permits. This accounts for the prosecutions during that period. It is quite apparent therefore that there was no fraud but mere ignorance on the part of poor Indians. In any case the number of Indians resident before the war was 15,000. Thirteen thousand permits have been issued under the Peace Preservation Ordinance to British Indians, so we have not reached the number who were in the country before the war.

The Finger-prints

Asked had he any further remarks to make on the finger-print, Mr. Gandhi said: General Smuts has been less than unfair in his allusion to the system. He knew that the finger-prints had never been an essential objection. All digit-impressions will undoubtedly form a bone of contention, because,

[1] Sometime Lieut-Governor of the Transvaal

according to Henry's book, on which General Smuts has relied, digit-impressions are required only from criminals who continually hid[e] their identity, and, therefore, necessitate classification. As is clearly shown in the book, thumb-impressions are quite enough to identify. An Indian, if he dared to hide his identity, would immediately be a prohibited immigrant, because his name will not appear in the immigrants' list. It is to the advantage of the immigrant to afford every facility to show that he is the proper person.

The Chief Objections

The chief objections to the Act are that it is based on an unproved charge. It is an attempt to have class legislation of a degrading type, and the Indian community have rightly or wrongly, after the utmost deliberation, bound themselves by a solemn oath[1] not to submit to it. All these things clearly show that there is a complete misunderstanding between the Government and the community affected by the Registration Act. We deny the charges made against us. We have often humbly approached the Government for a judicial inquiry.[2] Surely even now it is not too late to prove the charges if they are capable of being substantiated. Why, for instance, should not a Judge of the High Court or the Chief Magistrate of Johannesburg be appointed to take evidence on the following points: (1) Has there been a surreptitious entry on an organized scale? (2) Is the Peace Preservation Ordinance sufficient to meet any attempt at fraud? (3) Are ten finger-prints required for complete identification? (4) Is it not possible to have a complete identification by slightly amending the Immigration Restriction Act?

With regard to the fourth point, he pointed out that they could not have the Peace Preservation Ordinance permanently on the Statute-book, but the Immigration Restriction Act could be easily amended so as to enable the Government to issue certificates of domicile to all Asiatics, who would otherwise be prohibited immigrants. Such an amendment would avoid the sting of compulsion and unnecessary class legislation and would certainly be considered protective legislation.

Intimidation

Continuing, Mr. Gandhi said:

With regard to intimidation, I can only say that there has been no physical violence whatsoever; ostracism and boycotting, yes! But so long as the Indians remain passive resisters I see no escape from such a course. I speak from personal experience when I state that even Indians who have registered have done so because they have not been able to rise superior to their desire to remain in the Colony at any cost, and

[1] The reference is to Resolution IV passed at mass meeting of September, 1906; *vide* Vol. V, p. 423.

[2] *Vide* Vol. VI, pp. 1, 3, 5, 53-4, 120, etc.

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it is not because they like the Act that they have registered. One of the first registrants has written a long letter to *Indian Opinion* regretting that he had to register, and encouraging the community in general to go on with the struggle, and wishing it success. I hold several of such letters privately written by those who have already registered, and in boycotting have we not taken a leaf out of the Boer book? I do not think we have gone so far as the Boers did in connection with the National Scouts.

General Smuts' Statement

Mr. Gandhi further said:

With regard to the leaders having deceived the community, I regret that General Smuts has made such a statement. I can say without fear of contradiction that the law has been [ac]curately and widely distributed among the people. That translation by itself has proved a most powerful argument. Every attempt has been made to place before the British Indians what the leaders have considered a true statement regarding the law. If by urging the people to rely on Imperial protection, we have misled, I plead guilty; but I fear that I shall always ask my countrymen to rely on that protection until Lord Elgin proves by actual action that when our handful of British Indians cry for protection against an indignity made in the name of the King and Emperor they are to be thrown overboard without a finger being lifted in order to save them. It may be superstition, but I propose to cherish it. My idea—and even in bringing this statement before my countrymen I have always coupled it with another—is that our ultimate reliance should be on God. It may be that I have misread my countrymen. I certainly welcome the prosecution against some of the leaders of the movement. It will show General Smuts, the public, and even myself whether the opposition to the law is general or whether it is continued only through the influence of two or three Indians. The Indians do not want victory for the sake of it. No matter what may be said against them, they simply call themselves a law-abiding people. All they want is that their solemn covenant should be respected. They want to help the Government, and they would still humbly approach the Government, if only the Government would have more regard for their sentiments.

The Star, 6-1-1908

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7. *INTERVIEW TO "THE TRANSVAAL LEADER"*

[JOHANNESBURG,
January 6, 1908]

A representative of *The Leader* waited upon Mr. Gandhi yesterday and sought from him an expression of opinion upon General Smuts' speech at Mayville on Saturday last[1].

Mr. Gandhi in expressing his willingness to discuss the matter, said:

I wish to make it clear that Indians have no desire to oppose General Smuts or any Colonist, or to place any obstacles in the way of an honourable compromise. The Indians recognize that the only condition on which they can remain in the country is to work smoothly and amicably, and to understand their limitations also. They have always, I venture to think, worked on that basis, and, no matter what may be now said to the contrary, they still remain law-abiding residents of the Transvaal.

[INTERVIEWER:] How does that agree with their present attitude of 'passive resistance'?

[GANDHIJI:] Passive resistance is merely a respectable protest against what they, rightly or wrongly, consider to be a degradation and an offence to religious feeling. The whole speech of General Smuts unfortunately shows that there is absolutely no desire on his part to consult or to reconcile Indian sentiment. I say without hesitation that he has not mastered his facts. For instance, he talks of the oft-denied influx of Asiatics into the country on an organized scale. Speaking for British Indians, I deny it *in toto*. This does not mean that some Indians have not surreptitiously entered this country, but all these can be effectively dealt with, even today, under the Peace Preservation Ordinance. Those who remain in the country without permits, or with

[1] January 4, 1908. General Smuts had made the following points among others: (1) Mr. Gandhi had argued that the Asiatic Act was class legislation "but the whole subject had been dealt with as class legislation since 1885, and the Indians had submitted to it"; (2) "the law had not been passed for chasing the Asiatics out of the country who had been there for 10, 15 or 20 years" but "to recognize all Asiatics who were in the country before the war" and to "stop further immigration"; (3) "no parliament in the country was capable of repealing the Act"; (4) they had the British Government with them and he saw no reason why it should not continue to assist the Transvaal; (5) if the Indians did not submit to the law they must take the consequences. They could be refused licences, placed in prison (about 9,500 of them) which would not be very effectual, or put over the border. The Indians had been misled by their leaders and the Government had arrested these. If they came forward not as individuals but as a whole to be registered then the opportunity would be given them. However, he was not expressing the opinion of the Government but his own.

false permits, can only be hiding themselves in nooks and corners, and those will never be reached by the Asiatic Law Amendment Act. It is not likely that those who have no permits or those who hold documents which are not permits at all, will go to the Registrar in order to receive notice to quit.

The Surreptitious Influx

The allegation as to the surreptitious entering is based on the report[1] that was published last year. That report condemns itself, and, if anything, proves the contrary; 1,500 prosecutions during five years show the effective working of the Peace Preservation Ordinance, and that was the deduction drawn from it by Captain Hamilton Fowle in his report to Lord Milner. Any Indian found without a permit in the Colony can be almost summarily removed, and, if he does not leave the Colony, soon finds himself in gaol. Most of the prosecutions, however, were in connection with Indians who were trying to enter the country, who were successfully prevented from so doing by strict inspection at the border towns. Nor were those Indians necessarily endeavouring to enter fraudulently. They were, in the initial stages, trying to do so under the false belief, shared by many Europeans, that under the British flag there could be no difficulty in them [*sic*] entering, or rather re-entering, the Transvaal, for most of those were Indian refugees waiting at the coast towns for an opportunity of re-entering.

General Smuts talks of forged permits, and in the same breath says it is difficult to say when a permit is forged and when it is genuine. This is preposterous. The permit officials always had counterfoils containing the same numbers as given on the permits issued to applicants, so that a forgery could always be detected. I know that a few months ago an official from the present Registrar's Office circulated some documents which he called permits. The dupes were never able to use those documents at all. They not only lost their money, but their honour. That official is now no longer in the country, but, I believe, left it after he had sufficiently fleeced the people, and after he saw that the fraud was likely to be found out. There never was an office either in Bombay or Delagoa Bay, or in any other place, where the traffic alleged by General Smuts could possibly take place. Touts there undoubtedly were, not in India, but in South Africa, who gave real permits from the Asiatic Office in Johannesburg to refugees, and, in some instances, others who wanted to enter the country.

The Permit Fraud

The fraud was committed in this way. The Asiatic officials in Johannesburg submitted the names to the Colonial Secretary as proper

[1] *Vide* Vol. VI, pp. 413 & 417-8.

applicants for permits. The Colonial Secretary sanctioned the granting of such permits. These names, however, were often faked, though the permits were properly issued and bore proper thumb-impressions, or signatures. In such manner men who were entitled to enter the country had to pay large sums before they could come in, or before their claims were considered. This was three times brought to the notice of Sir Arthur Lawley, who, at last, ordered a prosecution, which proved abortive, but the officials concerned were dismissed, because the charge was proved against them, so far as the department was concerned. But these things show how effective the Peace Preservation Ordinance was. It confuses the issue to talk about Law 3 of 1885 in connection with the influx, and to describe it as inadequate. That law was never intended to control Asiatic immigration. It simply says, "Those who settle in the Republic for the purpose of carrying on any trade or otherwise shall be bound to have their names entered in a register." Thus it was merely to exact a poll-tax from those who wished to trade in the Transvaal, for Indians were not even bound to register or pay anything. Asiatic immigration was as free as European immigration. The question of restricting such immigration was raised after peace was declared, and the Peace Preservation Ordinance was then utilized, quite improperly, to check Asiatic entry. For some reason or other it was suggested that the Peace Preservation Ordinance should be amended. The Draft Amendment appears at page 9 of the Blue book, *Legislation affecting Asiatics in the Transvaal*, published last[1] year. That would have been quite proper, and British Indians could not have complained. A Draft Amendment of Law 3 of 1885 was also suggested at the same time.

Policy Suddenly Changed

It was quite of a mild type, but suddenly the whole thing was changed, and I believe it was Mr. Lionel Curtis who, after all, changed the whole scope and tenor of such legislation, and who sprung upon the community the draft of the Asiatic Amendment Ordinance, now sanctioned as an Act. It is a misnomer to call it an Amendment of Law 3 of 1885; it really makes a change in the whole Asiatic policy. Class legislation affecting Asiatics has been passed before now, and not much has been heard against it, but the Asiatic Registration Act is absolutely a novel thing, and, based as it is on the false charge above referred to, can never be accepted by the Indian community, more so as the community is bound by a solemn declaration.

It is surprising to me that General Smuts has persistently ignored these things, and asked British Indians to violate their consciences. One would have thought that he, as representing a very strong Government

[1] Actually, it was published in January 1908; *vide* "Blue Book", pp. 104-6.

and an overwhelmingly large number of Europeans, would have sufficient grace and condescension to respect Indian sentiment, so long as he got the essential thing—viz., identification of every Indian or Asiatic residing in the Colony. These he could have had six months ago, and can have even now.

But, Mr. Gandhi, the assertions of General Smuts are very different from yours.

Quite so. I may be told that mine are merely counter-assertions, and that General Smuts must be saying what he knows to be true. I do not ask that the assertions made by the Indian community should be, *ipso facto*, accepted, but I do say that what I have stated above furnishes sufficient ground for a judicial and open enquiry. No reasonable Colonist can take exception to it, and if in the course of that enquiry, it is found that the charges of an influx and statements as to the inadequacy of the Peace Preservation Ordinance are proved there will be something to be said for the Asiatic Registration Act. If, however, the finding of such a commission is in favour of the Indian contention, why should not a strong Government, which also claims to deal with British Indians fairly and justly, acknowledge its mistake and retrace its steps?

Finger-prints

In reply to a question as to what was the real objection to finger-prints, Mr. Gandhi remarked that a lot of good ink and paper had been devoted to this subject, but it had never formed an impossible barrier. As a matter of fact, thumb-impressions have been given voluntarily.

There is, however, a very serious objection to simultaneous digit-impressions, because they have the ring of criminality. According to E. R. Henry's book, simultaneous digit-impressions are required only for classifying criminals; thumb-prints are asked for from illiterates in several departments in India. But the deadlock is created by the Asiatic Act itself. Objections were raised before the regulations were published and promulgated.

Asked to give a statement upon General Smuts' references to intimidation, Mr. Gandhi said the intimidation simply resolved itself into social ostracism against those Indians who had taken out registration certificates, and he very much feared that such ostracism could not be prevented. Asiatics who had registered themselves had acknowledged more than once that they had done an improper act. It was fear that dictated the course, and not their respect for the law.

General Smuts' remark as to deception by the leaders was unfortunate. So far as I am aware, no leader has misled any Indians. The Asiatic law has been translated and distributed broadcast. The protection of the Imperial Government has certainly been placed before the Indian community, and so long as I retain my faith in the Imperial Government and British justice, I shall continue to place it before my countrymen until I find that the whole of the Indian community has been entirely

abandoned by the King-Emperor, in spite of previous promises to the contrary. General Smuts has seen fit to describe our respectable community as a community of coolies. It must not be supposed that Indians do not know these things, or that they do not feel them. Every word that General Smuts has said has been greedily devoured by British Indians, and those who could not read have listened to the translations.[1] Needless to say, those remarks naturally offended them, and so long as he holds British Indians so cheap and denies them the full status of British subjects, so far as their possible freedom and personal movements are concerned, so long must Indians rest content with imprisonment or deportation.

The Leaders

I cannot help congratulating him upon having laid his hands upon the leaders. He will then find out for himself whether the Indian opposition is real or false. The question is: Will he do justice after he finds out the guilty, or will he then put forth the enormous strength he possesses in order to crush a handful of Indians who have never done any harm to any portion of the Transvaal community? Talking of leaders, I must deny that all those who have been arrested have taken a leading part in the agitation. Some of them have never been known to have done anything in connection with the Act, and why should those who are in the employ of the Government be intimidated into registering, on pain of being dismissed[?] I am proud to say that most of the Indian employees of the Government—some of them of long standing—have accepted dismissal rather than register. But if it is true that the agitation has been kept up only by the leaders, why has this extreme procedure been adopted of dismissing even the Indian labourers working on the railways?

The "Irrevocable Law"

Mr. Gandhi then drew attention to General Smuts' concluding remarks, and said he had there laid down a proposition which, if it were to hold good generally, would mean the end of all agitation, healthy or otherwise. General Smuts [had] said that no law could be altered owing to agitation.

Without taking into consideration general laws, affecting all communities, I can cite the instance of the Natal Franchise Law having to be altered on reasonable opposition by the Indian community and on representations by the then Colonial Secretary, and this after Natal received self-government. The Natal Municipal Act still awaits Imperial sanction.[2] In my humble opinion the real strength of the British Empire lies in honourable compromise and in paying regard to the rights and complaints

[1] *Vide* "General Smuts' Speech", pp. 20-1.
[2] *Vide* Vol. VI, p. 338.

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of minorities, especially when those minorities are weak or unrepresented. At the time of introducing the Transvaal Municipal Ordinance, Sir Richard Solomon cited the instance of the Coloured people having rejected the Pass Law. That law, so far as I am aware, has never been enforced against them.

What of the numerous interviews the leaders of the Indian community have had with General Smuts? Could you come to no friendly understanding?

There have not been numerous interviews, so far as I am aware. I only know of one[1], but I do know that he has repeatedly rejected all advances from British Indians. It is perfectly true that each time an approach has been made it has been with a view to a repeal of the Asiatic Act. There can be no other course possible for Indians who believe in God, and who are bound by their solemn declaration taken after having had everything placed before them.

The Way out

Is there no honourable way out of the present difficulty?

Yes, Indians have always offered to fulfil the essential object of the Act, viz., to give every facility to the Government for complete identification of British Indians entitled to remain in the Colony. This could have been done voluntarily under the Peace Preservation Ordinance. Now that that Ordinance is virtually repealed, and must be totally repealed if the Asiatic Act is also repealed, the only practical way out of the difficulty is to amend, during the next session of Parliament, the Immigration Restriction Act, so as to embody the necessary clauses for identification, regard being had to the statements always made by the Indian community with reference to minors under 16, and with reference to those who can pass the education test under the Act, which is severe enough.

Asked to elaborate his proposal, Mr. Gandhi said the Immigration Restriction Act, which contains the drastic power of deportation under the hand of the Minister, is ample for every purpose. Let the Asiatic Law Amendment Act of 1907 be entirely withdrawn, and the Immigration Restriction Act be slightly amended so that every Asiatic would become a "prohibited immigrant". That was to say, he would then have to prove that he was entitled to remain in the Colony. If he could produce his certificate issued to him under the Peace Preservation Ordinance, or under Law 3 of 1885, he would be given a certificate of domicile, which would take the place of his former certificate, and other documents at present held, and this new certificate of domicile should contain ample proofs of the identity of the holder. Children under the age of 16 should not be required to take out certificates of domicile, but a complete enumeration of such children would be detailed, together with their names, on the certificates of domicile issued to their parents and guardians. The Immigration Act

[1] *Vide* Vol. VI, pp. 416-7.

already contains sufficiently drastic provisions against trafficking in these certificates of domicile. This scheme, Mr. Gandhi contended, would give the Government all that they reasonably required—viz., it would prevent any further immigration of Asiatics, and would ensure complete identification and registration of all Indians and Asiatics entitled to remain here. Thus the wishes of the Government and the people of the Transvaal would be fully met without putting any unnecessary affront upon the Indians.

It has been often said that the Transvaal, being an inland Colony, cannot have an Immigration Act like the Cape or Natal. That, in my opinion, is a mistake. What is meant is that the Immigration Act of the Transvaal should provide for stricter identification than the Natal Act. According to the Natal Act, any Indian can at any time prove his domicile and demand entry. Under the amendment suggested by me, every Indian would have to prove his domicile, or his right of residence in the Transvaal, within a stipulated time, after which he would be for ever stopped. Surely nothing more than this can be required?

The Transvaal Leader, 7-1-1908

8. *INTERVIEW TO REUTER*[1]

[JOHANNESBURG,
January 8, 1908]

Mr. Gandhi declared today that he would undertake, if the operation of the Asiatic Registration Act were suspended, that every Indian in the country would be registered in a month's time, in accordance with a form to be mutually agreed upon. The Act would then be unnecessary, and could be withdrawn.

If his promise were not faithfully carried out, he would undertake to assist the Government in the strict enforcement of the present Act. The main object of the Indian leaders was to eliminate the element of compulsion. The compromise suggested was the only one the Indians were prepared to accept, and an effort would probably be made to arrange for a discussion of its terms with the Government. The Indian community considered that his suggestion that a High Court Judge should hold an enquiry into the surreptitious entry of Indians into the Transvaal and the question of identification would give the Government an opportunity of reviewing the situation.

India, 10-1-1908

[1] This was published under the title "Mr. Gandhi Suggests A Compromise".

9. *GENERAL SMUTS' SPEECH*[1]

[Before *January 10, 1908*][2]

General Smuts has spoken at length. *The Star* and [*The Transvaal*] *Leader* have published an interview[3] with Mr. Gandhi by way of a reply. We print elsewhere a translation of that reply. It is a remarkable speech. The aggressive spirit that General Smuts showed four months ago has now disappeared. In the course of the speech, he asks at one point how thousands of Indians can be imprisoned. Where are the gaols [in requisite number]—he asks—and how can so many persons be deported either? At another place, he asserts that, if the Indians do not register, the Government may even adopt the measure [of deporting them] as a last resort. General Smuts is not sure whether the Imperial Government will continue to be as obliging as it has been. He adds, however, that these are his personal views. He does not know what the Colonial Government will do. A speech such as this is merely the raving of a madman. General Smuts is an angry man. Not being in his right mind, he says whatever comes into his head.

He shows open contempt for the Indians, referring to them as "coolies". He says that we are British subjects "only to a certain extent". This is something new. Till today we were British subjects, but now we are British subjects only to a certain extent. He declares, furthermore, that till now the Imperial Government had stood in the way of our being relegated to Locations. Now he hopes that it will be easier to send Indians to Locations. And he adds that, after Mr. Gandhi's arrest[4], many Indians told him that they were prepared to take out registers [under the law].

What does all this mean ? It is evident that the Indian community has given General Smuts a few surprises. The gentleman admits that he had not imagined in March last that the Indian community would offer such determined resistance as it has done. He still believes that the community has been misled by a handful of leaders. The leaders are of course prepared for imprisonment. But will the Indian community be unmanned? If Indians do not give way to fear, that is, if they show courage, he who runs may read[5] that there is nothing General Smuts

[1] His Mayville speech of January 4; *vide* footnote 1, p. 13.

[2] This article and the two others that follow were written clearly before January 10, when Gandhiji was tried and sentenced.

[3] *Vide* "Interview to *The Star*", pp. 8-12 and "Interview to *The Transvaal Leader*", pp. 13-9.

[4] On December 27, 1907; *vide* Vol. VII, footnote 1, p. 449.

[5] Literally, "the blind can see and the deaf can hear".

can do. He himself adds that the remedy lies in the hands of the Indians. That is indeed true—with this difference: according to Mr. Smuts, the remedy lies in our accepting the bonds of our slavery forthwith, whereas in our view the Indians can don the fragrant garland strung together with freedom, honour, good name, independence and fear of Khuda-Ishwar. Lakshmi is at our doorstep ready to mark our foreheads with the sign of her grace.[1] How can Indians avert their faces? This is the point. No one should even dream of registration, or fight shy of trading without licences. If, in consequence, we are imprisoned, that should be welcome; even deportation should be welcome. If we take up this attitude, we need fear neither of the two evils. In any case, it is better to face out one of these than be haunted by the spectre of registration.

[From Gujarati]
Indian Opinion, 11-1-1908

10. RAM SUNDAR[2]

[Before *January 10, 1908*]

We hear many things said about the honour once accorded to Ram Sundar. We have even received some letters on the subject. Some people say that he was an indentured labourer, others that he has cheated a number of people. There are those who argue that, because such respect was lavished on a person like him, the Indian community is unlikely to listen to any of its leaders again. It was, they argue, a great mistake to have closed their shops for a man of his type, and no one should now expect shops to be closed for any Indian, whoever he may be. There are yet others who have been eagerly waiting for an opportunity to drive a wedge between Hindus and Muslims. We think all these people are in the wrong. If Ram Sundar was an indentured labourer and if, knowing this, the Indian community had eulogized him for his genuine courage, that would have been all the more creditable. Poverty is nothing to be ashamed of, nor is indenture. Indians ought especially to be proud of an indentured labourer who shows great courage. For that may lead to better placed persons coming forward to display greater courage. In any case, the community had no information about Ram Sundar having been an indentured labourer or about his debts. At that time the community gave no thought to the matter.

[1] A Gujarati saying. This image is based on the Indian custom of applying a *tilak* of vermilion on the forehead. Lakshmi is the Hindu goddess of wealth.

[2] *Vide* "Ram Sundar 'Pundit' ", pp. 3-4.

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The work that he did and the speeches that he made invited praise. It was not Ram Sundar who was honoured in royal fashion, but the person who suffered a month's imprisonment. The shops were closed not for the sake of Ram Sundar, but tangibly to show that we were grieved at the wrongful imprisonment of an Indian and to bring home to the others the fact of our unity. The Indian community has already reaped the benefits of the closing of shops and of the homage [done to Ram Sundar]. What Ram Sundar gained, he has thrown away. The honour that we accorded was not to an individual, but to the qualities of truth and courage which we attributed to him. What happened in Ram Sundar's case was only fit and proper. Now that we have seen through his duplicity, we pour scorn on him. That again is natural. Such has always been the way of the world. Mr. Arbuthnot[1] of Madras was held in esteem both by the Government and people so long as he was thought to be honest. On being exposed as a fraud, he had to face prosecution and imprisonment. If people are to think well of us, we must always distinguish between truth and falsehood in every matter. If we do so, we shall carry our point every time. We do not want to say anything further on the question of Hindu-Muslim differences that has been raised in this context. There is not the slightest doubt, however, that the question has been raised through sheer want of sense. It altogether passes our understanding why people should talk of Hindu-Muslim differences over questions of common interest which do not involve any religious issues.

[From Gujarati]
Indian Opinion, 11-1-1908

11. JOHANNESBURG LETTER[2]

[Before *January 10, 1908*]

Passive Resistance

The editor had invited [suggestions from readers for] a Gujarati equivalent for "passive resistance".[3] I have received one which is not

[1] Sir George Arbuthnot; prominent banker, six times a member of the Legislative Council at Fort St. George and seven times elected chairman of the Madras Chamber of Commerce; filed an insolvency petition after his bank had crashed. Early in May, 1907, he was charged with cheating and breach of trust.

[2] Literally, the title reads "News-letter". These despatches were published weekly in *Indian Opinion* as "From Our Johannesburg Representative". The first despatch appeared on March 3, 1906; *vide* Vol. V, pp. 206-7.

[3] *Vide* Vol. VII, p. 455.

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bad, though it does not render the original in its full connotation. I shall, however, use it for the present. The word is *sadagraha*. I think *satyagraha* is better than *sadagraha*. "Resistance" means determined opposition to anything. The correspondent has rendered it as *agraha*[1]. *Agraha* in a right cause is *sat* or *satya*[2] *agraha*. The correspondent therefore has rendered "passive resistance" as firmness in a good cause. Though the phrase does not exhaust the connotation of the word "passive", we shall use *satyagraha* till a word is available which deserves the prize.

Satyagraha, then, is at high tide at present. The Indian *satyagrahi*[3] is getting world-wide publicity. Not only that; we also find everyone speaking out in our favour. It has been said that the question affects the whole of the British Empire. In South Africa, newspapers such as *The Friend* of Bloemfontein, *The Transvaal Leader*, *Pretoria News*, *The Cape Times*, *The Natal Mercury*, etc., advise the Government in plain words that it ought to amend the law and arrive at a settlement with the Indians. They all assert that, if the Government does not reach a settlement, it will do injury to the British Empire and rouse Indians. The word "rouse" may startle Indians. That India will be roused is, however, beyond any doubt—if the [Transvaal] Indian community can bear the final burden.

Newspapers like *The Star* which were hostile to us at the outset are now taking a middle course. They respect the courage of the Indians, acknowledging in them unsuspected qualities of shining worth.

One after another, correspondents come out in our favour in the readers' columns of Johannesburg newspapers. Among them are prominent people who assert that the local Government is bound to seek a settlement. There is a growing feeling among clergymen that the religious sentiments of the Indians ought not to be hurt.

In England

How can opinion in England be less favourable? Almost every newspaper has advocated the Indian cause. Mr. Ritch has kindled enthusiasm all over England. The views expressed there are cabled here by Reuter. *The Times* calls upon the Imperial Government to do everything in its power to secure justice for the Indians. Such is the miraculous power of *satya agraha*. As I write this, I seem to hear it whispered in my ear that God is always the friend and protector of truth. Our success in bringing this campaign to this stage is a triumph for truth. If we were to fail now, that would in no way detract from the power of truth. It is only because of our untruth, insincerity and disunity

[1] Firmness, insistence
[2] Truth
[3] One who offers satyagraha

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that we may lose, if at all. The present indications, however, do not point to defeat. The Indian community is displaying fine strength. Meetings are being held one after another. Hundreds of people, who attend them, go on reiterating that they will face imprisonment and deportation, but will not submit to the Act. I cannot believe that all these men are just acting a part as Ram Sundar was.

Huge Mass Meeting

The huge mass meeting which took place on the 1st was attended by at least 2,500 persons. They were all full of enthusiasm. The editor will publish a full report of the meeting elsewhere. I shall only mention that Mr. David Pollock[1] (not to be mistaken for our editor), the assistant editor of *Rand Daily Mail*, their cartoonist and a few other Europeans who were present at the meeting went there especially to watch the proceedings. There were also many Indians from outside [the Transvaal].

Miss Schlesin's Speech

Miss Schlesin[2] is an unmarried girl of twenty. Very few Indians know how hard she has worked for the community. She works indeed not for a salary, but because of her deep sympathy [for the Indian cause]. She attends cheerfully to everything that is entrusted to her. She asked to speak at the recent mass meeting. What follows is a translation of her thoughts. She had obtained her parents' permission for making a speech. This girl has passed her matriculation examination, and she can be said to have had an excellent education. Her speech was read out by Mr. Gandhi:[3]

> Now that the struggle has reached its culminating point, I, who have followed it with the closest attention almost from its inception, would fain say a few words of sympathy, of heartfelt sympathy, in the sufferings which you have already undergone, in the sufferings still before you, of which the former are but a foretaste. But I implore you not to flinch from the hardships which now confront you, not to falter at the shoals ahead, but to continue steadfast

[1] Reporter of London *Daily Telegraph* and a J.P. of the Transvaal; an active sympathizer of the Indian cause; sometime Secretary for Lands in the Transvaal; Honorary Secretary, Native Affairs Society, Transvaal

[2] Sonja Schlesin; a Jewish girl with "a character as clear as crystal and courage that would shame a warrior"; joined Gandhiji as a steno-typist at the age of 16; made herself very useful to *Indian Opinion;* was ardently interested in the Indian cause. "Thousands of stalwart Indians looked up to her for guidance. When during the satyagraha days almost everyone was in jail, she led the movement single-handed. She had the management of thousands, a tremendous amount of correspondence, and *Indian Opinion* on her hands, but she never wearied." *Vide* also *Satyagraha in South Africa*, Ch. XXIII, and *Autobiography*, Part IV, Ch. XII.

[3] What follows here is the English version of Miss Schlesin's speech taken from *Indian Opinion*, 11-1-1908.

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> in your heroic resolve to give up all, aye very life itself, for the noble cause of country and religion. Let me remind you of a similar crusade now being waged by my sisters in England. I refer to the suffragettes. For the sake of a principle, they are prepared to lose their all, to brave innumerable trials. Many have already suffered imprisonment, more are ready, nay eager, to do so. If delicately nurtured women can do this, will hardy men, inured to toil, do less? Do not swerve from the course upon which you have entered, be true to the ideal before you; and 'heart within and God o'erhead', proceed to conquer or to die. And, if you do that, if you adhere to your solemn covenant with God, if you prove yourselves resolute in deed, as you have already shown yourselves gentle in method, then it will not be to die! Success then is assured, victory is yours, is ours.

It is a young girl who addresses this sincere exhortation to us. If, after all this, we accept loss of face out of a cowardly fear of gaol, we are sure to repent it much.

Deportation Impossible

The Immigrants' Act provided good fun for a day. It is being admitted on all hands that no one can be deported. This is not only Mr. Leonard's[1] opinion; a correspondent writing specially for [*Rand*] *Daily Mail* has advanced several arguments to show that deportation of Indians would be unlawful. If that is so, the Royal assent given to the Immigrants' Act only shows that the Imperial Government is reluctant to throw in its weight on our side. But was there any reason to expect anything else ? For some of us write anonymous letters to the Registrar to inform him that they are prepared to register but that they hold back only for fear of public opinion, and request the Registrar to note their names. It is again our own people who write to the Registrar to defame Ram Sundar. However unworthy Ram Sundar may be, writing anonymous letters to run him down demeans us in the eyes of others. We show ourselves to be cowards. These anonymous letters damage our cause by undoing the good impression that our courage has created. For these letters would be confidentially forwarded to Lord Elgin. He would take them into his reckoning; and why indeed should he not? Mixed with a grain of truth that such letters may contain, there must be a great proportion of falsehood which will gain wider currency. As a result we are bound to be treated as bad cowrie. When we gain acceptance as good cowrie, when our bones softened by long years of slavery grow strong again, when we desist from dark, furtive dealings, we shall certainly get our due from the Imperial Government, however imperial it may be. When we ourselves lack courage, how can we blame the Imperial Government?

[1] A well-known Johannesburg barrister

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Cowardly Stuff

As soon as the Immigration Bill was signed, people at Pietersburg sent telegrams to say that they were leaving at once to report at the registration office. And these doughty persons arrived in Pretoria forthwith. Then they paid court to "His Lordship" Chamney. He said he was unable to grant them the title-deed of their slavery, and wanted them to produce an order from a magistrate. They then approached the Magistrate at Pretoria, who told them that he had no authority to act in the matter. Now (before Sunday), the right royal procession has returned to Pietersburg. When they receive an order from the Magistrate there, they will again troop off to Pretoria. I know the names of these brave ones. I am not sure whether the foregoing account is correct or whether slavery has not already been conferred on them. I am only reporting what I have been told.

Appeal to the Brave

I hear that even the few brave Memons at Pietersburg who have, along with the Suratis and Hindus of that town, shown great determination so far, are beginning to lose heart; they have caught the infection from the "black-faced" ones and are trembling with fear. If this is so, they have my fullest sympathy. Where cowards are in a majority, even the assurance of the courageous is likely to be shaken. However, I appeal to them all, and especially to the Memons, not to allow the ship to go down just when we are about to sight land. If all the Memons become deserters, that will be a blot on Porbandar, Bhanvad and Ranavav. We may be able to ignore the cowards, or succeed, later, in infusing courage into them. But the entire community would go down in dishonour if there was not even one Memon who remained truthful. If even one of them survives, he will save the others. Let me therefore earnestly appeal to Mr. Abdool Latief and others who have really held out. To Suratis and Hindus I say only: 'Please, in the name of God, do not let yourselves drown. If only you will show a little courage, the fight is easy enough. You should not lose heart because so many persons from Pietersburg have deserted. Indians all over the Transvaal are courageously holding out. And those in Pietersburg who remain unyielding till the last will deserve to be complimented for genuine courage. For there is more at stake there.'

Traitors in Delagoa Bay

A letter has been addressed to the Registrar concerning two treacherous and self-seeking Indians at Delagoa Bay. The Registrar has asked for their names; these, however, cannot be supplied. For I have been informed that one of them has been arrested and the other has disappeared. There was a white person with them who posed as

Registrar. When shall we be rid of such enemies of Indians? It appears that some persons cannot find other means of making money. If that is what it is, the only thing to do is for us to keep our distance from such evil men. I hope that at Delagoa Bay and elsewhere Indians will warn everyone [against such persons]. In this big battle we must not tolerate falsehood anywhere. We must try to improve ourselves. We ought not merely to act a part, as Ram Sundar did.

Sympathy from Whites

The struggle has assumed impressive proportions and has evoked expressions of sympathy from many whites. The meeting[1] held in front of the Court and the one in front of Mr. Gandhi's office were both attended by nearly a hundred whites. Apparently all of them sympathized with the Indian cause. Mr. Hosken[2], who earlier used to advise us to accept the title-deed of slavery, has now begun to offer us encouragement. Such is the fruit of truth and courage.

Trade Licences

Since store-keepers and hawkers are to carry on trade without licences and risk imprisonment, Mr. Essop Mia has addressed a letter[3] to the Receiver [of Revenues] to inform him that the Indian community will rather carry on business without licences than take out registers. They will willingly face all incidental risks. Indians, he has said, will, however, be prepared to pay the licence fee if the Government is disposed to accept it.

The Receiver has said in reply that under the Asiatic [Registration] Act licences cannot be issued to Indians without registers, and that those who carry on trade without licences will incur penalties under the Revenue Licence Ordinance. No Indian is likely to be frightened now by the words "incur penalties". The store-keepers and hawkers are prepared to carry on their business at the risk of such penalties. The Association has addressed in all 72 letters to various persons in different towns suggesting that they should carry on trade without licences. It no longer makes any difference [to the traders]. The courage shown by Indians, however, does make a difference. Business must go on meanwhile; and in the event of prosecution for unlicensed

[1] Held on December 28, 1907; *vide* Vol. VII, p. 468.

[2] William Hosken; rich and prominent member of Transvaal Legislative Assembly; chairman of Committee of European Sympathizers which mediated between the satyagrahis and the Government in the 1908 campaign; had subsequently to give up his political career because of "his negrophile tendencies". *Vide Satyagraha in South Africa,* Ch. XIII and XVI, and Vol. VII, pp. 150-1.

[3] *Vide* "Letter to Receiver of Revenues", p. 6; and for his reply, *vide* footnote 2 on pp. 6-7.

trade, one should submit to imprisonment rather than pay the fine. The assistants who stay behind will be free to run the shops. They cannot be prosecuted, and the Government has no authority forcibly to close down businesses.

Hindus and Muslims

I find occasional references made to the Hindu-Muslim question in connection with Ram Sundar's case.[1] And now there are telegrams from Natal reporting that a pointed reference has been made to it in the *Mercury*. Mr. Dawad Mahomed[2] and Mr. Peeran Mahomed have issued an effective rejoinder which more than meets the point. However, I must say that the person responsible for the report in the *Mercury* is an enemy of the community. At a time when the Indian community is engaged in a gigantic task, anyone suggesting that differences exist between Hindus and Muslims is lying to serve his own ends. I would advise people to shun these traitors to community and country like poison. It is obvious that neither of the communities stands to gain anything from an insistence on differences.

Cartoon in "The Sunday Times"

Though the editor of *The Sunday Times* writes against Indians, their cartoonist is doing a great service to the cause.[3] He has portrayed the Indian community as an elephant, with its feet firmly planted on the ground. Mr. Smuts is forcing him forward with a steam-roller from the rear. The elephant remarks: "Stop your tickling, Jan!" The point of the cartoon is that the steam-roller has been unable to budge the elephant. In the event, the cartoon has only served to publicize our cause widely and has occasioned some merriment at General Smuts' expense.

Cartoon in "Rand Daily Mail"

Daily Mail presents Mr. Gandhi in the guise of a martyr of olden times.[4] He is tied to a stake, surrounded by stacks of hay. There are three drums full of oil above, labelled "The Permit Act", "The Asiatic Registration Act" and "The Immigration Act". Oil is dripping from all the three drums on to the stacks of hay. Mr. Smuts is holding a lighted torch. [Protruding] from underneath his dress can be seen the point of his scabbard with a sword in it. "St." Gandhi is saying, "You

[1] *Vide* also "Ram Sundar", pp. 21-2.

[2] Chairman, Natal Indian Congress. An old Transvaal resident, he crossed over into the Colony in July 1908 and refused to give his thumb-impression at the border under Act 2 of 1907. He thus courted arrest to establish the right of entry of old Transvaal Indian residents which Smuts was later to question.

[3] *Vide* illustration facing p. 32.

[4] *Vide* illustration facing p. 33.

certainly look fierce. And you are taking very long. Why don't you apply the torch? Be quick and have done with it." But General Smuts is standing with his back turned, afraid to light the fire.

POTCHEFSTROOM INDIANS

The Potchefstroom Indians were accused of having lost their nerve. They have replied to this through *The Star* asserting that they all remain firm and that only a few Memons have disgraced themselves. Mr. Abdool Rehman, the Secretary, has also been accused of having registered himself. He has written a letter to deny this, offering to pay £50 to charities if anyone can prove the allegation.

MEETING ON SUNDAY

Another meeting was held in front of the Mosque last Sunday. Many speeches were made and it was resolved that store-keepers and hawkers should carry on trade without licences. There is much enthusiasm in evidence at the moment.

COMMENTS IN "THE [TRANSVAAL] LEADER"

Commenting on General Smuts' speech, *The Transvaal Leader* writes as follows:[1]

> General Smuts' latest speech appears more statesmanlike than his previous utterances. He has hinted at the reasons for the change in his attitude. It would have been better if he had stated at the same time whether he desired the Opposition to join him in achieving the end that he had in view. If the Government wishes them to give an assurance that they are not opposed to the modification, it is for the Government to say so. It is not easy to understand how it is that officials can state that 5,000 Asiatics have crossed the border and yet are unable to check the Asiatic influx along that border. Mr. Smuts dismisses the plan of sending [everyone] to gaol as a waste of effort. It cannot be argued that the continued stay of the Asiatics in the Transvaal will put the Government to as much expense as the adoption of this course would. Even if the Government has the necessary authority, deporting [Indians] does not appear to be a practicable course. The Colonial Secretary has therefore decided to deal vigorously with the leaders, certain that this will end the trouble. The argument that a whole community is held by two or three men in the hollow of their hand is one that we distrust, but time and events will prove whether it is applicable. The action of the

[1] The translation here has been collated and brought in line with the English text in *Indian Opinion*, 11-1-1908.

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Chinese in declining to register, despite disapproval by the Chinese Consul, does not bear out General Smuts' contention. General Smuts seems to fear the effect upon the Kaffirs of the success of a campaign of passive resistance. But how is it that laws were modified before? And, after all, is it not something to the good that Kaffirs should feel that, in any differences with the white race, there are milder arguments than the rifle and assegai?

More Blacklegs

...[1][1] from Potchefstroom
...[3] from Pietersburg
...[3] from Pretoria.

Maulvi Saheb Ahmed Mukhtiar

The Maulvi Saheb was informed by the Registrar that his permit would be extended provided he gave his word that he would leave on the expiry of the extended time-limit. He has pointed out in reply that the Registrar had promised to extend the permits every six months, once in the presence of Mr. Hajee Habib and again in the presence of Mr. Nagadi and Mr. Munga. It was on the strength of this promise that he had started the work in connection with the Madrasah while continuing his duties at the Mosque and his work for the Hamidia Society. He also has, he says, to tell the people about the religious aspect of the law. This was his duty, and he meant to continue doing so.

Cases at Pretoria

The cases of Mr. Tulsi and Mr. Sheth came up for hearing on the 7th. Mr. Sheth was served with a notice to leave before the 21st and Mr. Tulsi before the 12th.

Sympathy from Coloured Persons

A resolution expressing sympathy for the Indians was passed at a conference of the African Political Organization. A telegram was sent to the Association to this effect by Dr. Abdurrahman.

[From Gujarati]
Indian Opinion, 11-1-1908

[1] The names are not reproduced here and the figures in square brackets indicate the number of persons from each town.

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12. INTERVIEW TO "THE STAR"

[JOHANNESBURG,
January 10, 1908]

Mr. Gandhi insisted upon the elimination of the element of compulsion of the Act and the consequent withdrawal of the notices regarding the issue of licences and registration. In return he undertook that every Indian in the country would be registered in a month's time according to a form to be mutually agreed upon which would be issued to those Indians entitled to remain in the Colony or who were otherwise approved.

If voluntary registration were faithfully carried out, the Registration Act would become useless, and the Indian community would look for its withdrawal during the next session of Parliament. If on the other hand the undertaking of the leaders were not fulfilled, Mr. Gandhi said he would welcome the enforcement of the Act against those who had not complied.

He was prepared to go further, evidently with the view of meeting the prejudice against the Indian trader, and was anxious that the Government and the various municipalities should frame by-laws governing the issue of trading licences, so that only Indians with suitable premises and with the means of keeping a proper system of accounts should be licensed to trade.

Indian Opinion, 18-1-1908

13. LAST MESSAGE TO SOUTH AFRICAN INDIANS

[JOHANNESBURG,
January 10, 1908]

TO TRANSVAAL INDIANS

It must be borne in mind that success in the struggle will depend on what the Transvaal Indians do while those arrested remain in gaol. It is well therefore that the Government has arrested some persons. It will be a testing time for the others.

Cowards will spread panic. Blacklegs will say all manner of things. It is my appeal to all my brave fellow-countrymen to remain undaunted by these, and be ever mindful of their pledge and keep up their courage.

At the very beginning of the campaign we had resolved not to compromise our honour by submitting to the obnoxious law, whatever the cost. We find hundreds of examples, among the British, of persons sacrificing their all for honour and country. It is only when we do likewise that we shall become esteemed men and retain that esteem. I therefore

take it that Indians will remain unshaken, whether or not they get licences, whether or not they are allowed credit, and that they will only become confirmed in their resolve to endure imprisonment or deportation. If only they will prepare themselves in their own minds, they will find that gaol is not something to be frightened of.

Let no one look to the others; let each depend on his own strength, so that even if in fear a few Indians submit to the outrageous law, the others will not be tempted to do likewise.

You will, in this manner, serve your interests as well as those of the country. If you make the mistake of registering, you will throw away success just as it has come within reach.

Not only does this righteous campaign call for courage; but it is also based on truth. Large numbers [of Indians] must be faced with the prospect of starvation. It will be necessary to provide for their relief. This will call for honesty of the highest degree. Contributions will be received from various towns, and these will have to be utilized to good purpose. Let no one ask for aid unless in need. Those in charge of distributing aid should act with the utmost scrupulousness in utilizing whatever funds or food-grains are placed at their disposal.

This struggle will test the strength of all the elements of character and lay bare all our weaknesses. Let us be careful, then, after sending so many people to gaol not to throw away this opportunity by panicking and submitting to the law.

We should bear no grudge against those who have taken out registers or may do so hereafter. If you are convinced that their action is not right, you will not feel the slightest temptation to follow their example. Those who have the courage to fight till the last will be able to earn a livelihood anywhere in the world.

To Other Indians in South Africa

The Transvaal Indians put up with hardships of every description—physical, mental, financial. You are asked to make sacrifices only of money. Do not therefore fall behind. Money will be needed in plenty. Your congratulations are welcome; they are of some use. But they will have meaning only if you follow them up with financial aid. This is a campaign that concerns not only the Transvaal Indians, but the entire Indian community. Your interests, too, are at stake. It is in your power to give financial aid; equally, you can help by holding meetings and passing resolutions.

To All Indians

Success will never be ours if we do not at all costs keep Hindu-Muslim differences out of matters of common interest. Let everyone accept this as a guiding principle. We shall succeed only when we

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INDIAN
COMMUNITY

A MODERN MARTYRDOM.



GANDHI, THE MARTYR:—He certainly looks very fierce, but I wish he would hurry up and do something.

feel a strong urge that all of us, Hindus and Muslims alike, belong to the same land and are children of the same mother.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 18-1-1908

14. SPEECH AT NEWTOWN MOSQUE[1]

[JOHANNESBURG,
January 10, 1908]

There was considerable commotion among the Indian community this morning, says *The Star* (Johannesburg) of Saturday last, when it became known that Mr. Gandhi and the other Indians and Chinese who were ordered to leave the Colony within 48 hours a fortnight ago were called upon to attend Court for sentence. There was a large gathering outside B Court at ten o'clock, and before the doors were opened word was circulated that the proceedings against the defaulters would not be taken until the afternoon. Mr. Gandhi availed himself of the opportunity the few hours' postponement allowed to address his countrymen. It was to be a valedictory exhortation to the rank and file of the Indians to stand firm during the incarceration of the leaders of the passive resisters' movement. The meeting was held in the Mosque grounds, Newtown, at 11 o'clock, and despite the short notice of the meeting there was a large gathering. For the purpose of such [a] meeting a platform had been erected in the grounds, and seating accommodation was provided by means of the serviceable paraffin tins which were strewn about in thousands. On the platform were Essop Ismail Mia, Chairman of the British Indian Association, an Indian priest in an artistic Oriental garb, and Mr. Gandhi. A few introductory remarks were made by Mr. Mia, and then Mr. Gandhi spoke. He was listened to with the greatest intentness. Every eye was fixed upon the slim central figure of Mr. Gandhi, and the meeting gave an indication of the hold he has upon his countrymen.

After his speech[2] in Hindustani Mr. Gandhi spoke in English. He said he could not detain them for any length of time. The telephone message he had received that morning was that those who were under notice and whose period of notice had expired had to appear before the Court at 10 o'clock. Just as they were about to leave for the Court, Superintendent Vernon came to inform them that they were to appear at two o'clock. He believed that those who had to go to gaol today were not at all afraid. On the contrary, they considered that it was a fit opportunity given them by the Government to serve their country and to show that they were men, not dogs. All

[1] This is the *Star* report as reproduced in *Indian Opinion* under the title "Mr. Gandhi's Valediction: Leaders Imprisoned".
[2] This is not available.

the same, he was superstitious enough to believe that when these things were postponed from time to time, even though they might ultimately happen, they showed which way the wind was blowing, and they showed also that God was with them.

Free Hospitality

He thought he would not have had that opportunity of addressing his countrymen before accepting the free hospitality of His Majesty. But God had willed otherwise, and he was there to give them the last word probably for a month, it might be for two months, it might be for six months, and the word he had to place before them was "Do not deceive yourselves; do not deceive the Government; do not deceive your humble servant." He believed sincerely that that struggle had been undertaken at their desire; that when he placed before them the true position of the law, all of them said that it was not possible for them to submit to the law—that rather than submit to a law of that nature they would suffer imprisonment, be banished from the country, lose everything that they possessed, rather than submit to the law.

The Sting of the Act

That law, he repeated for the thousandth time, was not a question of giving a wife's name or a mother's name, or giving one thumb-impression or ten digit-impressions, although all those things were undoubtedly to be considered when they were compelled to give these things, but the sting lay in the spirit itself. Jesus Christ had said that no man had seen God because He was a spirit. Similarly it was not possible to describe in words the underlying spirit of the Act. Every Indian felt that spirit, and having felt it shunned it as he would shun Satan. The law was based upon the condemnation of the whole of the Indian community, and it did not matter a bit whether General Smuts said that he wished to treat them justly and fairly. Judgment should be pronounced upon his acts and not upon his words. What they saw was that by reason of false dignity the Government would not have what they wanted to give freely, but wanted to compel them to give as if they were slaves. Compulsion was possible in a matter of personal freedom only when it was slaves who were to be dealt with.

The Dog's Collar

He well recalled an incident that happened when with Mr. Ally he went to England as their servant. A gentleman on board said, "I see you are going to London in order to get rid of the dog's collar." Precisely; it was because they did not want to wear a dog's collar that they had put up that fight. They were willing to sacrifice everything for sentiment, but it was a noble sentiment. It was a sentiment that had to be cherished as a religious sentiment. It was a sentiment that bound people together; it was a sentiment that bound creatures to the Creator. That was the sentiment for which he had asked them, advised them, if necessary, to die. Their action would be reflected throughout the British dominions, through the length and breadth of India, and they were now upon their trial.

General Smuts' Action

He did consider General Smuts had performed an honourable action in arresting them and wishing to lodge them in gaol. He (General Smuts) was quite justified in believing, because of the reports he had read, that the whole of this agitation depended upon a few Indians. If it depended upon a few Indians only, and if the whole of his countrymen had not been acting together throughout the past sixteen months, then he thought they had proved that they deserved the Act. But if, after he and his colleagues were safely out of harm's way, they remained firm, stuck together, and were prepared to suffer every inconvenience and to lose all, then he had not the slightest doubt that they would gain all, gain the estimation of all the reasonable Colonists whose estimation was worth prizing. If they submitted to the Act it was true that they would be able to live a dog's life, and had [*sic*] earned the Colonists' kicks. The gates of the Registration Office [—] it was highly probable [—] would be flung open once more immediately he and his colleagues had retired from the scene, but he did hope that whatever they had said in public, whatever they had prayed for in secrecy before their God, they would carry out to the bitter end. He hoped that no terrorism, no intimidation, no amount of meetings held by their fellow-subjects, if he might call them so, held by European British subjects would deter them from the action that they had embarked upon. There was no terror and no fear for a man who believed in God.

"A Struggle for Religious Liberty"

No matter what might be said he would always repeat that that was a struggle for religious liberty. By religion he did not mean formal religion, or customary religion, but that religion which underlay all religions, which brought them face to face with their Maker. If they ceased to be men, if on taking a deliberate vow they broke that vow in order that they might remain in the Transvaal without physical inconvenience, they undoubtedly forsook their God. To repeat again the words of the Jew of Nazareth, those who would follow God had to leave the world, and he had called upon his countrymen in that particular instance to leave the world and cling to God as a child would cling to the mother's breast. If they did that he had not the slightest doubt that this struggle could have but one issue.

A Month Hence

It did not matter what General Smuts thought today, but it would matter what he thought a month hence, when they had shown, every one of them, that they were men. He had not the slightest doubt that General Smuts had sufficient humanity in him to recognize the sincerity of purpose, the real feeling that underlay the community, and if they showed to him that the majority of Indians were not going to accept the Act, but would rather suffer imprisonment and degradation, forfeiture of all their goods, then General Smuts, without anybody going to him, would say, 'Yes, these are the people I shall prize as my citizens; these are the people whom I shall prize as fellow-citizens with me and who will be of service to the State.' But if they did not take up that position, then General Smuts would certainly also say, 'Yes, 10,000 Indians may remain in the Colony. We can keep them as dogs and allow them to die their natural

death.' Their natural deaths they would die far outside the Transvaal, wherever there was a piece of earth given them, but if they would die a noble death, a man's death, there was only one course open to them. If, perchance, even after they had taken that course it came to pass that every one of them had to leave the Transvaal, then was it not better that they should leave as men than remain as cowards who had gone back upon their sacred resolution taken at the old Empire Theatre? He thought the whole of the Colony would rise and tell General Smuts, if the Colony was convinced that they were sincere, willing to suffer for their cause and country, religion and honour, then the Colonists would tell General Smuts he had not received a mandate to expel these people from the country. They did not want future immigration; they did not want to remain there and set up undue competition with white people. People who were capable of putting up a fight like that would not offer undue competition, but would fall in with any legislation that might be devised for the common good of all, but certainly not for the good of only a handful of store-keepers. If it were necessary that stores should be regulated for the common good of the country, why, they had offered it times without number. They did not want to flood the Colony with Indians, but the handful of Indians who had a right to remain in the Transvaal should be allowed to remain as worthy citizens of a mighty Empire, but should not remain as beasts so long as he could help it. (Applause.)

Indian Opinion, 18-1-1908

15. TRIAL AT JOHANNESBURG[1]

[JOHANNESBURG,
January 10, 1908]

The eastern side of Government Square presented an extraordinary scene of excitement this afternoon. All through the lunch hour there was a big gathering of Indians, and at two o'clock precisely a continuous stream of Indians indicated the approach of the leaders. Mr. Gandhi was the first to appear. It was drizzling, and his ardent admirers sheltered him with umbrellas as he walked along slowly reading the first edition of *The Star*. The Indians kept pouring on to the Square, and the public entrance to the Court was blocked. The Magistrate, Mr. Jordan, was seen walking through the crowd, and of course he attracted considerable attention. At ten minutes past two the lock was heard in the door, and the press outside became greater. The doors were flung open and the crowd was met by Captain Potter, Superintendent Vernon, and two police. The officer ordered the entrance to be cleared and considerable confusion followed. The dense mass swayed backward, and when it was possible for

[1] In October 1908, the Rev. Joseph J. Doke wrote about this occasion of Gandhiji's first imprisonment as follows: "There is the trial in the B Criminal Court, a great mass of the excited Asiatics crushed in at the door, and spreading to a great crowd outside. The cynical Magistrate with his face flushed, presiding at the Bench; the horse-shoe of legal offices below". *Vide M.K. Gandhi: An Indian Patriot in South Africa.*

egress to be obtained by a few people at a time, people were allowed to pass in. The Indians continued to force their way, and attempted to rush the police at the door. The Commissioner of Police, who was in the Court, saw that the force at the door was strengthened, and the entrance was again cleared. Another disturbance occurred and the police made three arrests. When the part of the Court reserved for the public was filled, further admission was denied, and a few minutes afterwards the Magistrate entered the Court.

"Silence" was called, and M. K. Gandhi was called.

A regular cordon of police was formed by mounted and foot police around the entrance to the Court.

Mr. M. K. Gandhi was first called,[1] and he pleaded guilty to the charge, which was one of disobeying the order of the Court to leave the Colony within 48 hours.

Mr. Fred Klette, clerk in B Court, went into the witness-box and produced the records in the case *Rex* v. *Gandhi* heard in that Court on the 28th of December. Defendant was on that occasion ordered to leave the Colony within 48 hours.[2] Witness served a written order personally on the accused.

On being asked by the Magistrate if he had any questions to ask, Mr. Gandhi replied:

No, Sir.

Superintendent Vernon, B Division, said that at 2 p.m. that afternoon he arrested the accused for failing to comply with the order. He had seen the accused repeatedly from the date the order was made until today.

Mr. Gandhi had again no questions to ask.

Mr. Schuurman intimated that this was the case.

Mr. Gandhi asked leave to make a short statement, and, having obtained it, he said he thought there should be a distinction made between his case and those who [*sic*] were to follow. He had just received a message from Pretoria stating that his compatriots had been tried there and had been sentenced to three months' imprisonment with hard labour; and they had been fined a heavy amount, in lieu of payment of which they would receive a further period of three months' hard labour. If these men had committed an offence, he had committed a greater offence, and he asked the Magistrate to impose upon him the heaviest penalty.

MR. JORDAN: You asked for the heaviest penalty which the law authorizes?

MR. GANDHI: Yes, Sir.

MR. JORDAN: I must say I do not feel inclined to accede to your request of passing the heaviest sentence, which is six months' hard labour with a fine of £500. That appears to me to be totally out of proportion to the offence which you have committed. The offence practically is contempt of Court in having disobeyed the order of December 28. This is more or less a political offence, and if it had not been for the defiance set

[1] *Rand Daily Mail* in its account of the trial also mentions John Fortoen, C. M. Pillay, P. K. Naidoo, M. Easton and M. E. Cadwa [Karwa], who were charged along with Gandhiji under the Asiatic Registration Act.

[2] *Vide* Vol. VII, pp. 463-4.

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to the law I should have thought it my duty to pass the lowest sentence which I am authorized by the Act. Under the circumstances, I think a fair sentence to meet the case would be two months' imprisonment without hard labour.

Mr. Gandhi was then removed in custody.[1]

Indian Opinion, 18-1-1908

16. MESSAGE TO "RAND DAILY MAIL"

[JOHANNESBURG,
January 10, 1908]

Asked for a final message previous to his incarceration, Mr. Gandhi gave the following to a *Rand Daily Mail* representative:

I have undertaken this struggle prayerfully and in all humility believing in the entire righteousness of the cause, and I hope that one day the Colonists will do justice to my countrymen. So far as my countrymen are concerned, I can only hope that they will remain firm in their sacred and solemn resolution. By doing so they have nothing to lose. Even though they may have to lose their all they can only gain in the esteem of their fellow-men by being resolute. I sincerely state that in effecting my arrest General Smuts has done a very honourable act. He believes that my countrymen have been misled by me. I am not conscious of having done so, but I may have been misled myself. In any case removing me from the arena will show whether the position is real or unreal. The position therefore is absolutely in our own hands.

Rand Daily Mail, 11-1-1908

[1] Gandhiji was "somewhat agitated", as he recorded some years later; being alone in custody, he "fell into deep thought". "Home, the Courts where I practised, the public meeting,—all these passed away like a dream, and I was now a prisoner." If the people failed to fill the prisons, "two months would be as tedious as an age". But these thoughts soon filled him with "shame". And he recalled how he had asked people to look upon prisons as "His Majesty's hotels". "This second train of thought acted upon" him as "a bracing tonic". *Vide Satyagraha in South Africa*, Ch. XX.

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17. PETITION TO DIRECTOR OF PRISONS[1]

[JOHANNESBURG GAOL,
January 21, 1908][2]

THE PETITION OF THE UNDERSIGNED BEING AT PRESENT PRISONERS IN HIS MAJESTY'S GAOL AT JOHANNESBURG

HUMBLY SHEWETH THAT

The Petitioners are all Asiatics, in all twenty-one. Eighteen of the Petitioners are British Indians and three are Chinese. The eighteen British Indians get mealie meal for breakfast. Of the other fourteen meals seven consist of rice and ghee, three of beans and four of mealie meal. On Saturdays potatoes and on Sundays vegetables are added to the mealie meal. For religious reasons all the above are vegetarians—some only because they cannot get religiously killed meat or proper meat. The Chinese get whole mealies and fat in place of rice and ghee. All the Petitioners have been either in the habit of taking European food or mostly so—their staple consisting either of bread or some preparation of flour. None of your Petitioners has been used to taking mealie meal. They are most of them suffering from constipation, probably due to the eating of mealie meal. Seven of the Petitioners have gone without breakfast ever since their incarceration except that some Chinese witnesses, knowing their plight, once parted with one loaf which was divided among them. This was only brought to the notice of the Governor, who said the witnesses ought not to have done so. In the Petitioners' humble opinion, the diet above referred to is totally unsuitable for them. The Petitioners, therefore, humbly pray that the diet according to European scale with the exception of mealie meal may be prescribed for them, or such other diet as may be considered suitable to keep body and soul together and may be consistent with their national habits, or habits formed by prolonged residence in South Africa.

As the matter is one of extreme emergency, the Petitioners crave a telegraphic reply. Since writing above, about seventy more men

[1] This is taken from "My Gaol Experiences[-II]", pp. 145-6 and was drafted by Gandhiji; *vide* p. 153.

[2] This petition was drafted and sent on the day on which the 76 new-comers joined Gandhiji and his fellow-satyagrahis in jail that is, on January 21, 1908; *vide* "My Experience in Gaol[-II]", p. 142 and "My Experience in Gaol[-III]", p. 153.

have come in. They have not taken any breakfast at all and have strong objection to taking it.

[*We are,*
Yours etc.,
M. K. GANDHI
AND OTHERS]

Indian Opinion, 21-3-1908

18. LETTER TO COLONIAL SECRETARY[1]

JOHANNESBURG GAOL,
January 28, 1908[2]

TO
THE HON'BLE THE COLONIAL SECRETARY OF THE TRANSVAAL

SIR,

As representatives of the Indian and the Chinese communities[3] who have taken a prominent part in the opposition to the Asiatic Registration Amendment Act, we have the honour to lay the following considerations before you:

Our opposition has never been directed so much against the finger-print requirements of the Regulations under the Act—in so far as such finger-prints were deemed necessary for the identification of Asiatics who could not very well be otherwise identified—as against the element of compulsion contained in the Act itself. On that ground we have repeatedly offered to undergo voluntary registration if the Act were repealed. And even now at this late hour we would urge on the Government the adoption as far as possible of the course more than once proposed by us.

We recognize that it is not possible during the Parliamentary recess to repeal the Act, and we have noted your repeated public declarations that there is no likelihood of the Act being repealed. We would however point out that the periods fixed for registration under the Act by the various Government Notices have expired and that therefore any

[1] This letter as well as the draft Cartwright brought to Gandhiji in jail were published in *Indian Opinion*, 11-7-1908. The draft was either prepared or approved by General Smuts; *vide Satyagraha in South Africa*, Ch. XXI and "Johannesburg Letter", p. 66. There exist four sources for this letter: the Pretoria Archives; the records of the Colonial Office to whom a copy of this letter was sent by the Transvaal Government; an office copy of the Cartwright draft together with handwritten changes made at Gandhiji's instance (S. N. 4907); and *Indian Opinion*.

[2] The *Indian Opinion* version, however, is dated January 29, 1908.

[3] The Cartwright draft has only "the Indian community".

"B" COURT

No. B 75

190 8.

L.D. 18.

In the Court of the Resident Magistrate

for the District of WITWATERSRAND.

Holden at JOHANNESBURG.

H. A. Jordan before

Esquire, Resident Magistrate

for the said District, on the 10th day of January 1908

versus

Rex

A219 Mohandas Karamchand Ghandi

Indian solicitor 37

Charged with the Crime of Con Sec 7 Act 36 of 1903.

in that upon (or about) the 9th day of January 1908

and at (or near) JOHANNESBURG.

in the said District, the said accused, after having been ordered

~~did wrongfully and unlawfully~~

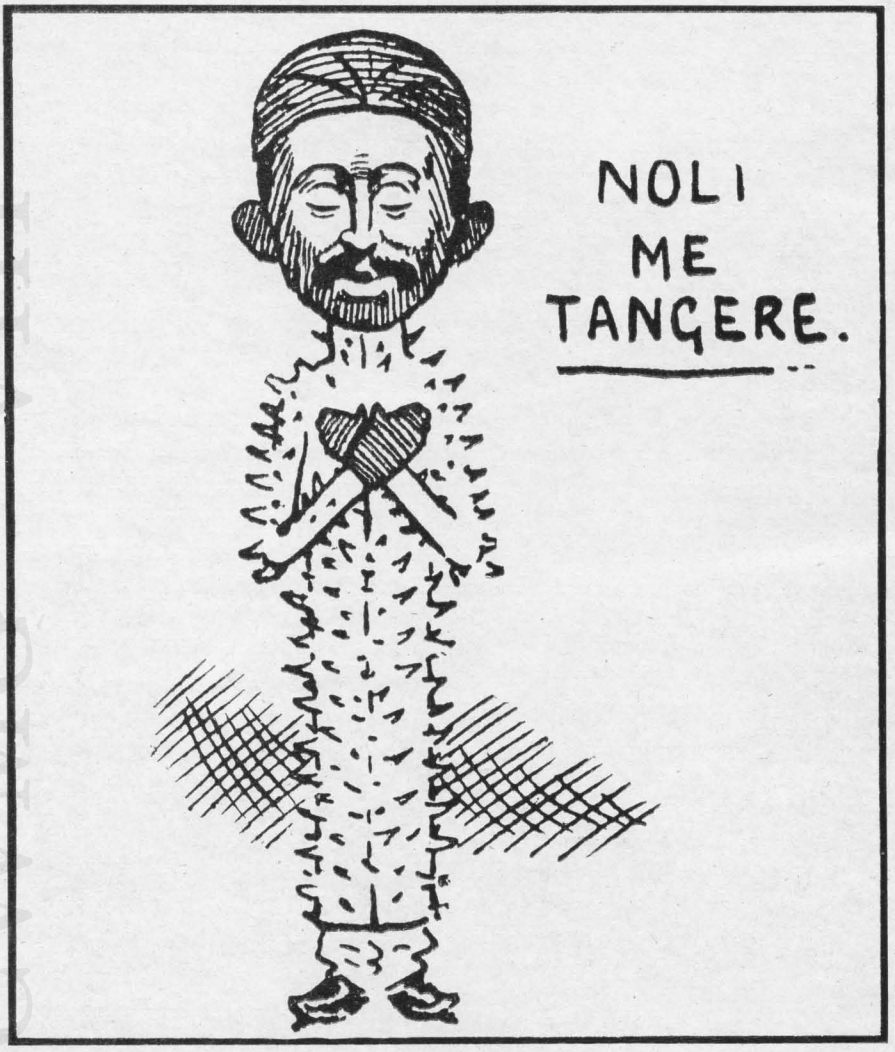
to leave this Colony within 48 hours by the Assistant Resident Magistrate "B" Court, Johannesburg on the 28th December, 1907. under Section 7 Sub Section 3 Act 36 of 1903 did wrongfully and unlawfully fail to do so within the time specified in the order.

The prisoner being arraigned, pleaded guilty

Judgment: guilty

Sentence: Two months imprisonment without H. L.

THE SENTENCE



"TOUCH ME NOT": A CONTEMPORARY CARTOON

registration at present would necessarily have to be of that voluntary nature which we originally prayed the Government to concede[1].

Under these circumstances we would once more respectfully suggest to the Government that all Asiatics over the age of sixteen years[2] should be allowed within a certain limited period, say three months, to register themselves, and that to all who so register, the Act[3] be not applied, and that the Government take whatever steps they deem advisable to legalize such registration. Such mode of registration should apply to those also who being out of the Colony may return and otherwise possess the rights of re-entry.[4]

In taking the registration of Asiatics we do not object that the requirements of the Act and the regulations be as nearly as possible[5] complied with, provided the registration officials do not press for any information which offends the religious sense of the applicants, and receive discretion to dispense with the finger-print requirement in the case of those applicants who by reason of their education or property or public character are well known or can be easily identified otherwise. In those cases we urge that the officials should have discretion to accept the signature of the applicant as a sufficient identification.

Should the Government agree to these suggestions and accept[6] registration on these terms, we assume that all further prosecutions or punishments under the Act will be suspended during the period set aside for registration. We on our part again would undertake to use all our influence to induce our compatriots to register and withdraw all countenance from those who refuse to register or are not legally entitled to register.

We put forward the above suggestions because we are sincerely anxious to prove to the Government that we are loyal and law-abiding, and that we are willing to adopt any course which will lead out of the

[1] The offer of voluntary registration, which was an alternative to compulsory registration of all Asiatics envisaged by the Asiatic Law Amendment Ordinance, was first made at the Transvaal Indian mass meeting of March 29, 1907. *Vide* Vol. VI, pp. 401 & 404.

[2] The words "over the age of sixteen years" do not occur in Cartwright's draft. Gandhiji added the words "over the age of 16". The additional word "years" found in the Pretoria Archives version would suggest that the Cartwright draft together with Gandhiji's substantial emendations on it (S. N. 4907) was re-typed and minor changes of a purely verbal character made on a subsequent draft which is not available.

[3] The draft has "the penalties of the Act be not applied" from which Gandhiji deleted the words "penalties of the".

[4] This sentence does not exist in the draft and was added by Gandhiji.

[5] Underlined in the Pretoria Archives version but not in the draft nor in the *Indian Opinion* version

[6] "reopen" in draft instead of "accept"

present difficulty without violating our consciences[1], inflicting any indignity or casting[2] any stigma on us.

We have the honour to be,
Sir,
Your obedient servants,
M. K. GANDHI
LEUNG QUINN[3]
T. NAIDOO[4]

Pretoria Archives; also a photostat of the typewritten office copy with hand-written changes: S. N. 4907 and Colonial Office Records: 291/127

19. *INTERVIEW TO "RAND DAILY MAIL"*

[JOHANNESBURG,
January 30, 1908]

Mr. Gandhi on his return [from Pretoria] was seen by a *Mail* representative...

Many questions regarding the compromise were immediately levelled at his head....

[REPORTER:] Honourable to both sides, Mr. Gandhi?

[GANDHIJI:] Perfectly. The honour of the Colony has not been affected in the least, while the feelings and scruples of the Asiatics have received the fullest consideration.

Then it is no climb-down?

Absolutely not. We have merely made an arrangement by which the whole question has been satisfactorily settled—satisfactory to all parties concerned.

Anything more?

Mr. Gandhi drew the line here and intimated that the time was not opportune to say anything further regarding the negotiations.

Our representative then noticed that Mr. Gandhi's head was closely cropped and that his moustache was cut. He was asked whether he had been subjected to the regulations usually applied to criminals.

[1] "violating our consciences" added by Gandhiji. The Pretoria Archives version has, however, "conscience" in the singular.

[2] The draft had "cast" which Gandhiji changed to "casting".

[3] "Leader of the Chinese residents of Johannesburg"; chairman of the Chinese Association and the Cantonese Club.

[4] Thambi Naidoo; a Tamil businessman from Mauritius whom Gandhiji described as "lion-like"; who but for his rashness of temper would have "assumed leadership of the Transvaal Indian community"; had a flair for languages and cooking; passive resister and later chairman of the Tamil Benefit Society. *Vide* also *Satyagraha in South Africa*, Ch. XX.

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No, this is all my own doing. As you know prisoners are not allowed the use of combs and brushes, so from hygienic motives I applied to the Governor of the Fort to be allowed to have myself cropped. He demurred at first but finally consented and—now look at me.

How were you treated while in the Fort?

With as much consideration as the Governor could possibly allow me under the regulations. I must express my appreciation of the manner in which we were treated by the officials there, but their powers in this direction are limited.

And the food?

The usual diet.

In what part of the prison were you placed?

In the Native section.

This was all the conversation that could be had during the short journey to the Mosque at Fordsburg. At the latter gathering place Mr. Gandhi met a number of his compatriots—although the hour was past midnight. To these faithful henchmen he briefly explained what had led to his release.

The impression gained during the conversation given above was that Mr. Gandhi was in no way inclined to consider his release from gaol as a victory to the participants in the passive resistance movement. On the other hand he seemed keenly pleased that a settlement had been come to by which neither side had suffered in honour, integrity or prestige.

The remaining Asiatics will be liberated from the Fort this morning.

Rand Daily Mail, 31-1-1908

20. *INTERVIEW TO "THE TRANSVAAL LEADER"*[1]

[JOHANNESBURG,
January 30, 1908]

Yesterday morning some Indian hawkers saw, as they believed, Mr. Gandhi proceed to the Railway Station in company with another gentleman, who proved to be Superintendent Vernon, who is in charge of the Fordsburg Police Station. There was, however, no certainty that it was Mr. Gandhi, and the fact of his having been seen was the basis of an interesting rumour only. As a fact, the Indians referred to were quite correct in their conjecture, for about a quarter past eleven Mr. Gandhi left the Fort for Park Station, whither he proceeded with Superintendent Vernon to Pretoria. But Mr. Gandhi's release—it technically takes place only today—came as a great surprise to his compatriots last night. Mr. Gandhi returned from Pretoria at 10 o'clock, and there was no one to meet him except the Chairman of the British Indian Association—Mr. Essop Mia—so well had the secret of the whole position been kept. A *Leader*

[1] This was republished with minor variations in *Indian Opinion*, 8-2-1908.

representative sought an interview with Mr. Gandhi after his arrival. In general health he seemed none the worse for his recent experiences, and was quite cheerful.

Prison Treatment

Asked as to the treatment meted out to him in prison, Mr. Gandhi replied that he and his fellow-prisoners could not be sufficiently grateful to the Governor and all the other officials for the kindness and consideration shown to them within the four corners of the prison regulations. But he added there was much to be said with respect to those regulations, and the accommodation and diet provided for Asiatics, who, to all intents and purposes, with one or two exceptions, were classed with Natives. Mr. Gandhi, however, preferred to explain the position more fully at a later stage.

The Compromise

Replying to questions on the larger issue, Mr. Gandhi remarked:

The compromise arrived at is largely the same that was offered by the Asiatic communities before proceedings under the Registration Act were commenced. This compromise will give complete identification of every Asiatic over the age of 16 years in the Colony, and those who may be entitled to remain in or re-enter it. The main distinction between the Act and the identification under the offer will consist in the sting of compulsion being removed. The compromise puts Asiatics on their honour and responsibility, and if it is not carried out faithfully by my countrymen I have no doubt that our position will deservedly be worse than it would have been under the Act. But I do not anticipate any difficulty. With reference to the wholesale arrests that have taken place during the last three weeks, I do not think that Asiatics can have any cause to grumble; that procedure was necessary in order to test the intensity—as also the reality—of our feeling about the Act. I may state that we who were at the Fort were allowed to petition the Government offering once more voluntary registration, and the course adopted by the Government was in response to that petition[1]. In my humble opinion the Government have shown real strength in acceding to the request. I would further and at this stage say that the leaders of the Asiatic communities, so far as I am aware, will loyally abide by the decision of the Colonists to avoid further immigration of Asiatics not entitled to enter by reason of previous domicile.

Prisons to Be Emptied Today

Last night a representative of the *Leader* gathered that today the incarcerated Indians, numbering some 220, will be set at liberty. As far as Johannesburg is concerned, there is no intention of holding anything in the nature of a demonstration, and the next few days will be devoted by the leaders of the Asiatics to the quiet instruction of

[1] *Vide* "Letter to Colonial Secretary", pp. 40-2.

their compatriots as to the new position of affairs. The leaders have every confidence that the compromise will be faithfully carried out.

The Transvaal Leader, 31-1-1908

21. LETTER TO "INDIAN OPINION"[1]

[JOHANNESBURG,
After *January 30, 1908*]

THE EDITOR,
INDIAN OPINION

SIR,

My fellow-prisoners and I have been inundated with telegrams of congratulation on what the senders have considered a victory for the Indian cause. We can only consider it a victory for Truth. In any case may I on behalf of my associates and myself, through the columns of this journal, thank the numerous senders of wires and writers of letters for their kindly thought. It has not been possible to write to individuals, for which omission, being unavoidable, I trust they will excuse us.

I hope and pray to the Almighty that, should the occasion arise again, we will all be prepared to undergo imprisonment or any other hardship —if such it may be called—for the sake of Truth, Honour and Self-respect.

I am etc.,
M. K. GANDHI

Indian Opinion, 15-2-1908

22. SPEECH AT MEETING OF BRITISH INDIAN ASSOCIATION[2]

[JOHANNESBURG,
January 31, 1908]

It is God in whom I placed my trust while launching on this struggle and advising the people to do likewise; it is He who has given us this unexpected victory, and it is to Him therefore that we must give our

[1] The Gujarati version of this letter (p. 55) is dated February 2, 1908. The English letter was presumably written between January 30 and February 2, 1908.

[2] On the evening of the day of his release, Gandhiji explained the terms of "the compromise" to fellow-Indians at a public meeting held under the auspices of the British Indian Association. The text of this speech was published only in the Gujarati section under the title "The Settlement Explained".

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thanks. It is because I have always believed that God helps the cause of truth that I started this movement in His name. The success we have achieved is there for all of us to see. What has made the Government remit the sentences and open the prison gates and let the people out? Surely our truthfulness and strength. I used to say that, if we scrupulously followed the path of truth, the white Colonists themselves would veer to our side, and that is exactly what has happened. We are also thankful to the whites for the pains they took to further our just cause. They did so because they were inspired by God within to have sympathy for His oppressed devotees, and to fight on their behalf.

I need not refer to the remark General Smuts made in the course of a speech[1] that it was impossible to send everyone to gaol. All these things indicate that, if the [Indian] community remains united, it will always win through. We will now register voluntarily for purposes of identification and the scrutiny [of our rights of domicile] and the Government has accepted this [offer]. That means that the obnoxious law will die altogether. The stigma that attached to us under the law will now disappear. Under the proposed arrangement, the Government will accept signatures by educated persons and by owners of property, but unlettered people have to give ten finger-prints on the application forms. Though I am against this myself and will strive with the Government to the best of my ability to have the requirement waived, I see nothing wrong in having to give finger-impressions if the Government does not come round. For after all we shall be giving them of our own free choice. They must not be given if they are made compulsory. And the Government has allowed us a period of three months for the matter to be settled. I will therefore strive to obtain the best [terms] that I can for the Indian community.

Under the law, the Government wanted the compulsory registration of children, and this [provision] too, has now been dropped. The question of amending the law suitably will be taken up when Parliament meets in Pretoria. For the present, however, the sentences of imprisonment against us have been set aside, and it is now up to us to prove that we are honourable men. It will be no use having anything in writing from the Government, since the final authority is that of Parliament. We have thus to depend only on what Parliament does. Just as Lord Roberts and others used to make promises to us on behalf of the Imperial Parliament, so has the Colonial Secretary set us free in anticipation of Parliament's approval. When Parliament meets, we shall be delivered from this law[2]. That is, the Act will be repealed

[1] His Mayville speech; *vide* footnote on p. 13.
[2] Asiatic Registration Act

and the Immigration Bill will be suitably amended. The object of the Government will thus be secured, and we shall get the freedom that we have been demanding.

The reason why we have won is that people went to gaol,—150 from Johannesburg, 25 from Pretoria and many persons from other towns as well. Women did their true duty. The pickets in particular displayed unsurpassed skill which even the Government could not help admiring; the selfsame Government [which had resisted our demands earlier] came round clearly because it perceived the strength of the community. A campaign that is carried on in the name of God cannot but end in success. I am hopeful that I shall succeed in the matter of finger-prints also.

We have, however, no reason to feel triumphant over the measure of success that we have achieved, neither have the whites any cause to complain against the Government. Even God is won over by humility. It is, therefore, humility which will ensure our success in a just struggle. We must not play foul with the Government; rather, by adopting the highest standard of conduct for ourselves, we must convince the Government and the white Colonists that we do respect laws which uphold our dignity. If, through an oversight on the part of the Government, the door is left open and there is scope for some kind of fraud, our duty will be to shut that door. The Government will see for itself that we do not practise deception. When we have thus created a [favourable] impression on the minds of the Colonists by acquitting ourselves as befits us, the redress of our grievances is bound to follow.

Equally, the Government will be unable to go back on its commitment to us, for we have the great weapon of passive resistance. That was the weapon with which we brought the Government to its senses. Whatever the Government does now, it will do with the consent of our people. As long as we are ready to go to gaol and fight on, we shall wield sufficient power over the Government to make it do the right thing.

Whatever we plan to do now must be kept wholly confidential. Should anyone among us be found carrying information to the Government or some other party, he will have proved himself a veritable traitor. Nothing can be gained by playing the spy to the Government; on the contrary, it will be of advantage to remain with the community. Even those who have taken out registers[1] under the new law may gain their freedom if they take out registers under the proposed arrangement. We must also prove ourselves to be as good as our word, and thus furnish an earnest of our sincerity. As soon as Parliament meets, the [Asiatic

[1] In the Gujarati Gandhiji uses "register" for "registration certificate".

Registration] Act will be repealed and the immigration law amended. That is to say, domicile certificates will be issued as they are in Durban.

We have to thank those who gave us real help. We should pass a resolution expressing our gratitude to Mr. Polak[1], Mr. Ritch[2], and Mr. Cartwright[3], the editor of *The* [*Transvaal*] *Leader*, as also to the others who joined the struggle.

[From Gujarati]

Indian Opinion, 8-2-1908

23. INTERVIEW TO REUTER

JOHANNESBURG,
January 31, 1908

Mr. Gandhi interviewed said that those who proved their right to a domicile should not only be left in the Colony unmolested, but should be given every encouragement, so that instead of remaining a festering sore, they might as far as possible be assimilated and form part of the future South African nation. The dominant race should look forward to the time when the lower races should be raised higher in the scale of civilization. Mr. Gandhi agreed with General Smuts that the system of indentured labour in Natal should be stopped at any sacrifice.

India, 7-2-1908

[1] Harry Solomon Leon Polak; assistant editor of *The Transvaal Critic* who joined *Indian Opinion* (Vol. IV, p. 326) after Gandhiji had struck up a "casual" acquaintance with him in the Johannesburg vegetarian restaurant; "had a wonderful faculty of translating into practice anything that appealed to his intellect"; he took to life in Phœnix "like a duck takes to water" and "we began to live like blood brothers", says Gandhiji who was also best man at his wedding. Became Editor, *Indian Opinion* in 1906 during Gandhiji's absence in England and a full-fledged attorney in 1908 after having served an apprenticeship with Gandhiji; was arrested after the "Great March" into the Transvaal in 1913; visited India and England to help African Indian cause. *Vide Autobiography*, Part IV, Ch. XVIII, XXI & XXII and *Satyagraha in South Africa*, Ch. XXIII & XLV.

[2] L. W. Ritch; Theosophist and manager of a Johannesburg commercial firm before he joined Gandhiji as an articled clerk; passed his Bar examination in London (*vide* Vol. VI, pp. 67 & 86); Secretary, South Africa British Indian Committee (Vol. VI, p. 228) of which he eventually became the "moving spirit". *Vide Autobiography*, Part IV, Ch. IV & XIII and *Satyagraha in South Africa*, Ch. XIV & XXIII. For his pamphlet on British Indians in South Africa, *vide* Vol. VII, Appendix.

[3] Albert Cartwright; editor of *The Transvaal Leader*; was "as broad-minded as he was able" and "always supported the Indian cause in his columns"; the "Angel of Peace" who mediated between Transvaal Indians and Smuts in the controversy regarding the Asiatic Registration Act. Gandhiji describes him as "deeply shocked" at Smuts' failure to keep his promise. *Vide Satyagraha in South Africa*, Ch. XXI & XXV.

24. CABLE TO S.A.B.I. COMMITTEE[1]

[JOHANNESBURG,]
February 1, 1908

[AFRICALIA[2]
LONDON]

COMPROMISE CONTEMPLATES REPEAL ACT AND SAME AS VOLUNTARY OFFER BEFORE.

[GANDHI]

India Office, Judicial and Public Records: 3722/08

25. EXTRACT FROM LETTER TO S.A.B.I. COMMITTEE[3]

February 1, 1908

...At the end of three months if the registration is not satisfactory, the law can be made to apply against those who have not registered. On the other hand, it is understood that if we fulfil our contract the law will be repealed by amending legislation. A Bill will be introduced at the next session of Parliament legalizing what has been done. . . .

India Office, Judicial and Public Records: 3722/08

26. LETTER TO GENERAL SMUTS[4]

JOHANNESBURG,
February 1, 1908

DEAR MR. SMUTS,

After the conversation that Mr. Chamney had with me on Thursday, I sought an interview with you again, and Mr. Lane[5] told me that

[1] This is extracted from a precis of events in the Transvaal sent by Ritch to the Colonial Office, which was subsequently printed. The cable was republished in *Indian Opinion*, 7-11-1908.

[2] Telegraphic address of the South Africa British Indian Committee, London

[3] This is part of a precis of events in the Transvaal Ritch enclosed with his letter to the Colonial Office, dated October 6, 1908.

[4] The entire Gandhi-Smuts correspondence between February 1, 1908 and June 13, 1908 was reproduced in *Indian Opinion* under the title "Was Repeal Promised? Complete Correspondence". A copy of this letter was sent by Ritch as an annexure to his letter of July 27, 1908 to the Colonial Office.

[5] Smuts' Private Secretary

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I would be able to see you before I went. I was not, however, fortunate enough to do so.

The conversation with Mr. Chamney made me a little uncomfortable, because he still harped away on the Asiatic Act. Indeed, from him I gathered that the registration that will now proceed will be legalized under that Act. At the interview with you, I did not understand any such thing at all, and the joint letter[1] of Messrs Quinn, Naidoo and myself, too, makes it clear. I am most anxious to see this business finished without the slightest difficulty and with perfect satisfaction to yourself. I am, therefore, naturally most anxious to avoid any misunderstanding. Pray believe me also when I say that I shall leave no stone unturned to remove the difficulties in your path owing to the clamour of anti-Asiatic agitators. May I, therefore, ask you to be good enough to re-assure me on the point? To legalize voluntary registration under the Asiatic Act would be to re-open the question at the sorest point. You were good enough to tell me that the method of legalization[2] will be discussed later on as between us. I have already suggested that the best way to do so would be under the Immigrants' Restriction Act by amending it in so far as may be necessary.

I take it, too, that the form of application and registration will be settled in consultation with the leaders of the community, and that this will be done as quickly as possible, so that registration may proceed.

I left a message, too, with Mr. Lane with reference to the ten finger-prints. I discussed this with Mr. Chamney, and he could show absolutely no justification for the ten finger-prints. Indeed he admitted that, for identification, one thumb-impression was quite sufficient. While to me, personally, it is immaterial whether thumb-prints or digit-impressions be given, there are many amongst the Asiatics to whom the latter present an impassable difficulty, and, as I know you want only effective identification, I do hope you will accept thumb-impressions. In answer to my inquiry, I have now received telegrams from the Protector of Indentured Immigrants and the Principal Immigration Restriction Officer in Natal. The Protector says:

> The system of taking ten finger-impressions from indentured Indians on arrival commenced in April 1903, on being found desirable.

The Immigration Restriction Officer who controls the immigration of free Asiatics has replied as follows:

> Referring yours of date both thumb-impressions only required for certificates issued in this Department.

You will now see that the information given to you by Captain (?) Clarke is incorrect. The distinction observed by the Immigration

[1] *Vide* "Letter to Colonial Secretary", pp. 40-2.

[2] The version available in India Office Records has "legislation".

Department and the Protector's Department, too, is most valuable testimony in favour of my contention. The Protector has to deal with a class of Asiatics who have every temptation to hide their identity. Classification in their case is, therefore, necessary. The Immigration Department has to deal with a class of Asiatics and others who have always to prove their identity in order to make good their claim to enter or remain in Natal. Hence that Department requires only thumb-impressions. Does not this show conclusively that you do not need digit-impressions at all? And, as my expert adviser tells me, the system of classification, besides being totally unnecessary, is costly compared to the system of identification merely. At the Cape, too, only thumb-prints are required. And, in this connection, I do wish to impress upon you the fact that the question of discretion is an element which will lead to favouritism and even fraud ultimately. A man who may be perfectly wealthy, I need hardly point out, is not necessarily an honest man, and yet, because he may be known otherwise, his signature alone will be accepted. To my mind, the only exception that should be made should be in the case of those who may be able to pass the education test prescribed by the Immigration Act. These, of course, carry identification on their own persons, but with reference to the others, speaking from experience, I urge that the discretion be dropped; but if you insist on ten finger-prints there will be applications wholesale for the exercise of discretion, and I am positive, armed as I am with expert opinion on finger-impressions, that you do not need ten finger-prints for identification.

I also venture to suggest that the open permission to Indians to trade without licences will give rise to bickerings amongst the Colonists. Do you not think it will be better either to issue licences or to take from them deposit of licence fee against provisional receipts?

I hope I have done the proper thing in adopting a familiar tone in writing this letter, which is purely personal and confidential, and your reply will be also so treated. If in any of the public statements I have been making you think that I have been at all indiscreet, pray correct me.

I am,
Yours truly,
M. K. GANDHI

GENERAL J. C. SMUTS
PRETORIA

Indian Opinion, 4-7-1908

Also India Office, Judicial and Public Records: 2896/08

27. LETTER TO THE VOGLS

JOHANNESBURG,
February 1, 1908

DEAR MR. AND MRS. VOGL[1],

Kindly accept my thanks for your congratulations[2]. I do indeed believe that your good wishes are an expression of the heart and not merely a formal one.

Mahomed Khan[3] told me yesterday that Mrs. Vogl was keeping indifferent health. I was sorry to hear it. I wish I could come over to see her as also to thank you both personally, but just at present I must know no rest. The work of destruction is finished, that of construction has commenced—a far more difficult one, but, seeing that I have not relied upon my own strength but on the strength of Truth, otherwise spelt God, I am quite at ease.

Yours sincerely,
M. K. GANDHI

From the typewritten original : C. W. 4407. Courtesy : Arun Gandhi

28. INTERVIEW TO THE PRESS[4]

[JOHANNESBURG,
February 1, 1908]

...This campaign has undoubtedly shown one thing, if it has shown anything—that Indians in the Transvaal are deserving of self-respect and of being classed as men. The charge has often been brought against them that they are incapable of acting in concert for the common good. I think I can fairly claim for my countrymen that they have shown unexampled self-sacrifice. Hundreds of poor hawkers, rather than pay the small fines that were inflicted on them by the magistrate, underwent the hardships of prison life, simply for the sake of principle. In the course of my practice I have not noticed many clients who have been willing to go to gaol when there has been the option of a fine. They have been willing to pay the heaviest fines if thereby they could avoid

[1] Vogl was a draper. He and his wife sympathized with the Indian campaign. Mrs. Vogl took a keen interest in Indian women and conducted classes for them.

[2] On Gandhiji's release from jail

[3] An employee of Gandhiji, and a satyagrahi

[4] This was published in *Indian Opinion* under the title "Mr. Gandhi Interviewed: Playing the Game". As for the date of the interview, *vide* footnote on p. 54.

imprisonment. I must say that, to a certain extent, the cohesion that has been shown by the poorest Indians in the Colony has been an eye-opener even to me, and I have no doubt it has been to the Colonists. I think it might also, therefore, be claimed that if the compromise that has now been arrived at is honourable to Indians, as it undoubtedly is to the Government, Indians have figuratively bled for it. It is not possible to give an adequate idea of the sacrifice made by hundreds of Indians, and in this category I include those Indians who left the Colony because they did not consider themselves strong enough to brave the struggle. Merchants with large stocks in the Colony were perfectly resigned to any consequences, but they would not submit to a law which in their estimation degraded them. It was necessary, I think, for British Indians to show as much as they have, before they could claim to be trusted, and in accepting the petition the Government have done nothing more than give British Indians three months' grace. We are now put upon our mettle. To my mind the real work commences only now. We have to play the game.

We have to show to the Government and to the Colonists that Indians as a body have nothing to do with surreptitious entry—that although there is no legal obligation we recognize a moral obligation to give the Government complete identification of every Asiatic who is entitled to remain in the Colony or to re-enter it, and if we succeed in doing that I think that the bitterest opponent of British Indians will have to admit that those who prove their right to domicile and give the Government full particulars as to identification should not only be left in the Colony unmolested, but that they should have every encouragement, so that instead of remaining in the Colony as a festering sore they may so far as possible be assimilated and form part of the future South African nation. I do think that the highest statesmanship in South Africa consists not in treating any class of its inhabitants as almost animals or pariahs, but it consists in treating them as men, and raising them to a higher level. The question of unfair competition and such other questions crop up only because sometimes one notices cases of unfair competition, but all these matters can certainly be remedied if the different races living in South Africa were to be educated up to a proper sense of citizenship. By proper citizenship I don't for one moment claim that all the races should be clothed with the franchise, but I do claim that the dominant race should look forward to a time when those lower races will be raised higher in the scale. Looking at the whole question in that light, I for one have no hesitation in agreeing entirely with General Smuts' remarks with reference to the indentured Indians in Natal. As a matter of fact, the British Indian population there has always submitted that indentured labour should be stopped, no matter at what sacrifice. Indians—that is, free Indians—have never

countenanced nor wanted the system of indentured labour, and I admit that, but for the system of indentured labour in Natal, the Asiatic question would not have caused the trouble it has. I certainly believe that, so long as Natal continues to import indentured labour, so long will there be some trouble or other in connection with Asiatics. But I don't wish, in making this statement, to be understood as saying that indentured Indians, after regaining their freedom, have been flooding the Transvaal. I know such statements have been made before now, but I am positive there is absolutely no foundation for them, if only for the reason that the supervision over indentured Indians is very strict, and no Indian from India is allowed to leave the Colony unless he has received his free pass. The Immigration Department of Natal is practically in a position to trace every indentured Indian.

Questioned with regard to his experiences in the Fort, Mr. Gandhi said: So far as the gaol authorities are concerned, they could not have been more considerate. The Governor and all other officials were most kind and courteous. The Governor paid a visit every day, and regularly enquired whether we had any complaints or requests to make, and, if there were any, they were promptly remedied. Any request that could be granted within the regulations was immediately granted. Facilities were given for taking out books from the Prison Library and for receiving books from outside.

Mr. Gandhi added that, lest a remark in yesterday's *Transvaal Leader*[1] should be misunderstood, he desired to state that the gaol premises, so far as he was concerned, were kept scrupulously clean, the only exception being a place where prisoners who could not be sent to their respective cells had to wait. This place was full of bugs, which came, however, from the woodwork, and its condition was not the fault of the gaol officials, but was due to the cramped space at their disposal.

Indian Opinion, 8-2-1908

[1] This is presumably a reference to the following in a *Transvaal Leader* news-item announcing Gandhiji's release and the terms of the settlement between the British Indians and General Smuts. "...The relief with which the Asiatics themselves will once more breathe free air will scarcely exceed that of the prison officials at getting rid of involuntary guests who, owing to their number, the peculiarities of their diet and their non-criminal character have tried the resources of several of the public gaols to their utmost. The sufferings of the prisoners have been acute. In one little yard in the Johannesburg Prison, the capacity of which is 45, over 150 men had to pass their days during this trying weather. Two of the Indians dropped down in the ranks, fainting on account of the heat. The Asiatics complain bitterly that the room at the Johannesburg Prison, in which they were taken to have their clothing changed on entering the prison, had its roof and sides so full of vermin that it was impossible to keep their clothes or hair free from the pest—a state of things due to the age and rottenness of the wood...." This news-item appeared in *The Transvaal Leader*, 31-1-1908 and this interview therefore took place on February 1, 1908.

29. LETTER TO "INDIAN OPINION"

JOHANNESBURG,
February 2, 1908

THE EDITOR
INDIAN OPINION

SIR,

The Association, my fellow-prisoners and I have been flooded with telegrams of congratulations. Many letters have also been received. There is no time to send individual replies. May I, therefore, on behalf of my associates and myself convey, through the columns of this journal, our thanks to all those who sent telegrams and letters. I request to be excused for not sending individual replies. Moreover, I hope and pray to the Almighty that, should the occasion arise again, the Indians who went to prison this time, as also other Indians, will do what the former did for the sake of Truth and for the sake of our motherland.

I remain etc.,
MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 8-2-1908

30. SPEECH AT MEETING OF BRITISH INDIAN ASSOCIATION[1]

[JOHANNESBURG]

I have worked and will continue to work as a passive resister, which means that I must fear no one but God. Some persons are threatening to resort to violence if the community agrees to give the ten finger-prints. I must tell these persons that I myself gave my finger-prints twice while in gaol. If violence is to be used against anyone, let it be first used against me. I will not lodge a complaint with the magistrate on that score. Rather, I shall thank the person who assaults me, grateful for the blow from one of my brethren and feel honoured by it. The responsibility for whatever has happened is mine as it will be for whatever happens in the future. No one therefore but myself is to be blamed for any of the things [that have happened]. I wish not to be proud of being the leader of the community nor do I claim any credit for that; I wish only to remain a servant. I shall feel joy in rendering whatever service I can to the community. It is my duty to make public the true

[1] Held at Johannesburg on February 2, 1908 with Essop Mia in the chair

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state of affairs; that is what I have always done. If, under the new law, I were asked to take out the register by only signing my name, I would have refused to do so. Once the new law is withdrawn, I hold that it will be in keeping with our dignity to take out the register voluntarily. Our pledge has been honoured and the demand that we insisted upon has been conceded which means that we shall be treated as men. No one else knows about the law as much as I do and can explain it as well as I. I do not say this out of pride; only because whatever explanation I give will be correct to the best of my judgment. I am thoroughly familiar with all that has happened since 1903. There is only one task we have accomplished through the fight, and that is to have prepared the ground. What remains now is to construct a building on it. We have now to decide what kind of a building we shall construct and how. It is not yet settled that digit-impressions will have to be given. However, it is only through our own free choice that we will give them, if at all. I am doing my best in this matter as I said on an earlier occasion as well. I wish to repeat that whatever we do now is to be kept private; we must not make a fuss in public about all this. We stand to lose to the extent that we do. We must behave with the utmost humility. The courage we have shown in joining the movement against the Government is bound to be rewarded. And we must continue to act with the same courage. I am doing nothing for the community for the sake of reward or fame. Everything I do is as a matter of duty, and I shall continue to do so in future. If anyone wants legal advice, my office is always open. And I shall give the best advice I can. You may accept or reject it as you think best. I am always with the community. I have explained the question about the law, but further elucidation will appear in the *Opinion*, which may be referred to.

[From Gujarati]
Indian Opinion, 8-2-1908

31. LETTER TO MAGANLAL GANDHI[1]

JOHANNESBURG,
February 5, 1908

MY DEAR MAGANLAL,

I had intended to write to you in Gujarati, but I cannot. I have seen your letter. It was good that you sent a full account. It was your duty. [These] things cannot affect me, at any rate seriously, as they will affect you, for two reasons: (1) because I am [much inured] and

[1] This letter is damaged at places.

seasoned; (2) because being at a distance I can take a proper perspective. The discontent in Durban does not affect me or disturb me in the slightest degree. I did not expect it in such vehe[mence]; but neither is it unexpected, if you could perceive the difference between the two expressions. I am fully prepared for it, for the simple and sole reason that, while I have utilized all the help received and promised, I have never placed unflinching reliance on any such helps. At best, I have treated them as so many instruments through which God, otherwise Truth, has worked. Have I not noticed times without number that particular men have been [faithful] only in so far as it was necessary for them to serve Truth unconsciously [for] not having had it in them they have fallen away as scales do from trees as soon as their protective [function is] finished. In so far as you al[low] these events to beat you to the extent [they] have, you have not assimil[ated them] and you have not understood [the chasten]ing effect of suffering.

What does it matter...to me if even the few who un[derstand] the real struggle were to turn round... I not say[1] on the establishment... settlement that a time might come when every vestige of support might [be] withdrawn from us? Even then, we [will] continue to do our duty unflinchingly, undismayed, and without being morose. That time has not come, but those who are prepared for the worst can always philosophically take the intermediate stages. You should, therefore, hear these things and let them pass away from your minds as water from a duck's back. I know you do not need replies to several of these questions raised by the people there. [There is] not one which I have not cons[idered] which I did not provide for to the [best of] my ability. I hope this will [find you all] right.

I wish I could pay a visit to Phœnix and see you all, but that cannot be yet. However, I might be able to do so in a month's time.

Never omit to give me full details of everything that may go on there even if it may be simple.

Yours sincerely,
MOHANDAS

[PS.]

Share this letter with the others. Ask me about what you cannot follow.

From the handwritten original signed by Gandhiji with a Gujarati postscript in his hand: S.N. 4794. Courtesy: Chhaganlal Gandhi

[1] "and not stay"?

32. *HUMILITY*

There is an Indian proverb that "the more the mango tree flourishes, the more it droops". There can be no gainsaying the fact that Indians in the Transvaal have come out of their struggle with honour, and, what is more, without their sacred resolution having been broken. The suffering that they have gone through must be taken as a necessary process of purification.

The compromise contemplates the ultimate repeal of the Act, which was the soul of the objection. The voluntary registration which has been offered often has now been accepted, and the condition stated in the dignified, yet humble, letter written by Messrs Gandhi, Quinn and Naidoo is that the Act is not to apply to those who voluntarily register themselves. The Government receive all they wanted in the way of identification, so that each party gets the substance it was striving for. Looked at in that light, the compromise reflects credit alike on the Government and on the Indian community. The Government have shown their strength in having even at the eleventh hour recognized the necessity of consulting Indian sentiment. The much-discussed finger-prints remain, though in an elastic manner, and their acceptance by the Indian community shows not only its prudence, but it shows that the Indian objection has never centred round finger-prints.

We must decline to call this compromise a victory for Indians. That were an abuse of terms, but, if it be at all applicable in this connection, the victory is for Truth. Indians have always stated, and rightly so, that this was a religious fight. People who only give a superficial meaning to the word religion, have failed to see any in the Indian struggle, but Indians themselves have thought otherwise. They undertook it in the name of God, and they have to humble themselves before Him for having received sufficient strength to come through the ordeal.

Moreover, Indians have little reason to glory over the compromise, but every incentive to walk humbly, because the work of a different and higher type has only just commenced. The community has, of its own asking, been put upon its trial. Instead of the law requiring it on pain of suffering the penalties, they have incurred a moral and, therefore, a higher obligation by offering the Government every facility for identifying all Indians entitled to reside in the Transvaal. It is, therefore, now constructive work, and, whilst the community has proved itself capable of carrying on in an orderly, peaceful and perfectly courteous manner, the necessary work of destruction, it has now to show that it is capable of solid and substantial constructive work. When it

has proved itself worthy of the confidence reposed in it, the Indian community may have reason to congratulate itself, and will certainly have risen very high indeed in the estimation of all thoughtful men.

Indian Opinion, 8-2-1908

33. VOLUNTARY REGISTRATION

We have been informed that the work of voluntary registration for all the Indians in the Transvaal and which has been accepted by the Government commences in right earnest on Monday next, the 10th instant, at Johannesburg, in the Old Dutch Church, Von Brandis Square, from 9 o'clock in the morning, except on the first day, when it will be from 10 o'clock. Due information will be given with reference to registration in other places, and it is stated that, except in Pretoria and Johannesburg, the receiving of applications will be left in the hands of the magistrates in the different parts.

The form of registration certificate and the form of application have been considerably changed, in order to suit the new situation. Every adult male Indian should present himself for registration, and all those who are entitled to receive the certificate will be registered. Roughly, those who are in possession of permits *bona fide* issued to them, and those who are in possession of old Dutch registration certificates, being their property, and all children who entered the country openly when they were under the age of 16 years will be registered. The following may be, to all intents and purposes, laid down as the rule regarding the methods of identification:

(a) At the discretion of the Registrar, signatures, that is to say signatures well formed, bearing the impress of the signatory and not a mere tracing of letters, will be accepted in place of finger-prints from those who may possess property qualifications, or may be otherwise known as residents of the Transvaal.

(b) Signatures in place of finger-prints will be accepted from those who possess educational qualification sufficient to satisfy the test under the Immigrants' Restriction Act.

(c) Those who have any real or conscientious objections to giving ten finger-prints, and who do not fall under either of the above clauses, may be allowed to give thumb-prints instead of digit-impressions.

Whilst all these are very liberal concessions, in our opinion, it will be more becoming of the Indian community not to take advantage of them. The main point having been secured, we are of opinion that everyone should give digit-impressions without the slightest hesitation. In any case, the leaders who have a right not to give finger-prints should be the first to waive it and offer to give those impressions, so as to facilitate

the work of identification, and make the process easier for the Government. We believe that the Indian community will show its real dignity by making as limited a use of the concession as possible. We understand that Messrs Essop Mia, Gandhi, and others who have been closely identified with the struggle, have decided not to claim the concession.

Indian Opinion, 8-2-1908

34. TRIUMPH OF TRUTH

"With an even mind face happiness and unhappiness, gain and loss, victory and defeat, and so join battle, thou son of Prithu; thou shalt incur no sin thereby."[1]

The Transvaal Indians, we believe, have emerged completely victorious. They struggled for 16 months. All the sections [of the Indian community] have become united. Indians all over South Africa were roused. Their pledge about gaol-going has been fulfilled. And the settlement followed with unexpected speed. It is a miracle that the prison doors opened before the term of imprisonment had expired. We shall not come across many instances of this kind in world history. The Government has placed great confidence in the Indian community and an equally heavy measure of responsibility. The demand of the Indian community has been accepted, namely, that the law should not apply to them. The words, "the law should not apply to them", need to be carefully understood. An oath was taken in September 1906 not to submit to the law. Submission to the law was the only issue at that time. The regulations made under it in July [1907] did not then exist.[2] The Government has now promised not to apply the law to Indians on the condition that the objective of the law should be secured by the Indians themselves acting of their free will, that is, without the compulsion of that law. This condition means voluntary registration. The Indian community has time and again offered to register on its own. The Government has now at last accepted the proposal and agreed not to apply the new law to those who register voluntarily. This means that the law will remain valid only for the blacklegs; alternatively there may be another law applicable to all.

When the movement started, there were quite a few weak-minded Indians who argued, "The laws of the State are inviolable"; "It is like running one's head against a wall"; "It will do if the Government makes a few changes in the law"; "It is madness to resist the Government" and so on. Those who argued in this manner showed little faith in Khuda-Ishwar, swayed as they were by greed for money or other unworthy

[1] *Bhagavad Gita*, Ch. II, *v.* 38
[2] *Vide* Vol. VII, pp. 82-4.

temptations. The selfsame law is now about to fall apart. It has not gone yet, but the Indians who were imprisoned have been released with the assurance that it will go. All the newspapers, without an exception, are astonished. The whites are dumbfounded and wonder how all this came about.

We consider this a victory for truth. We do not claim that every Indian adhered to truth in the course of the struggle. Nor do we claim that no one thought of his own interests during the campaign. We do, however, assert that this was a fight on behalf of truth, and that most of the leaders fought with scrupulous regard for truth. That is why there has been such a wonderful result. Truth is God, or God is nothing but Truth. We come across this idea in every religion. It is a divine law that he who serves that Truth—that God—will never suffer defeat. Sometimes men of truth appear to have failed, but that is no more than a fleeting appearance. In reality they are not defeated. When the result is not as we wanted it to be, we tend to think we have failed. But that which appears a defeat to us is often but victory itself. There are thousands of such instances [in history]. If, with some measure of truth on our side, we strive for a certain result and fail, the blame does not lie with truth but with us. If a particular result does not serve our good, God will not grant it, however much we may desire it. That is why we quote above a verse from the *Gita*, which says that we must fight on, with an equal mind, through happiness and unhappiness, gain and loss. If we do so, we shall incur no sin. This is a time-honoured solution. With that key, we shall be able to open the most unyielding of locks. He who fights in this manner will fight only in the name of God. He will give no thought to success or failure. He is pledged only to the great task of serving Truth, doing his duty in the name of God. The outcome itself is in the hands of the Lord Almighty.

If this is a victory for truth, it is also a victory for satyagraha. Every Indian should by now be convinced that satyagraha, or passive resistance, is an infallible remedy. It can cure the most dangerous of ailments. Our success should lead at least to one result, namely, that we make full use of satyagraha. Only it should be used on proper occasions, and the people should remain united. It must also be realized that there are evils to which satyagraha cannot be applied. It can be effective only in situations where we are required to act positively. For instance, if the Government does not allow us to acquire land, satyagraha will be of no avail. If, however, it forbids us from walking along a certain foot-path, or asks us to shift to Locations, or seeks to prevent us from carrying on trade, we can resort to satyagraha. That is, if we are required to do anything which violates our religion or insults our manhood, we can administer the invaluable physic of satyagraha. There is one

condition, however, to be observed, if the remedy is to be effective: we should be prepared collectively to accept hardships.

Some persons may well feel that all this is empty talk. What victory has there been to talk about? Here we are yielding on the question of giving digit-impressions. I am afraid that those who argue like this do not know the true position. This was not a struggle against digit-impressions. Once the law is gone, there is no harm in our having to give the ten finger-prints. The giving of finger-prints is not in itself a disgraceful thing. But under the new law giving anything whatever is objectionable. There is no humiliation in polishing a friend's shoes as a gesture or of our free will. But polishing shoes out of fear, when ordered to do so, would amount to demeaning ourselves as menials. In other words, whether a particular thing is good or bad depends on the context. We know that there are many Indians who have mistakenly assumed that our campaign is against the giving of ten finger-prints. But such Indians should realize that there is no humiliation in giving ten finger-prints when not compelled by the law. Doing so certainly does not amount to a violation of our pledge. At the moment of writing it is not finally settled that the digit-impressions will be asked for. Every effort is being made to ensure that they will not be. But it is our duty to place the matter before the people in the proper perspective. Digit-impressions whether or not they are required should not lead to any difficulty. It is essential to present a correct idea of the object of this campaign.

[From Gujarati]
Indian Opinion, 8-2-1908

35. TO THOSE WHO SUBMITTED TO THE OBNOXIOUS LAW

We have been describing blacklegs as black-faced people. That was done deliberately and without anger. It was our duty to do so. We did not, however, use that description with any ill-will, only we felt grieved because of our love for them.

The time to call anyone a black-faced person is now over. It was necessary to draw public attention to their conduct by way of warning. Now that the struggle is at an end, it will be improper to use any such description. We shall therefore stop writing in that manner and also advise the people who remained free not to feel angry with those who submitted to the outrageous law, and, forgetting their lapse, to put an end to the estrangement that has grown. They are brothers of other Indians, belong to the same land and have the same blood as other Indians have. [A block of] water cannot be cloven asunder by the stroke of a stick; similarly we cannot be separated from one another.

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To those who accepted the outrageous law, we would suggest that they admit their mistake in all humility and be reconciled with the community. They should pray to God to forgive them their mistake, and should such an occasion recur, act with strength.

The suggestion about building a Federation Hall has been revived. If such a hall is built, these persons can offer much help. While the whole community has suffered hardships and heavy losses, those who submitted to the outrageous law have made money. In any case, they submitted to the law for the sake of money. It is therefore only proper that they should offer a large and adequate subscription towards the cost of the Federation Hall.

This suggestion of ours is not to be forced on them. That will not bring about any sincere repentance. Their donation will have grace only if they offer it with sincere concern for the benefit of the community or the country. We hope that the Memons who behaved with courage and upheld the honour of the community and the Memons from outside the Transvaal will explain to others who have submitted to the law what their duty is; and similarly persons belonging to the other communities who took out the registers [under the compulsion of the law] should also be approached by members of their respective communities as also by other Indians.

[From Gujarati]
Indian Opinion, 8-2-1908

36. RITCH'S GREAT ACHIEVEMENT

It is impossible to evaluate Mr. Ritch's services, but it can be asserted that we would not have been successful but for his help and that of others. We suggest that the Indian community should adequately express its appreciation of his work. Indeed it is the duty of the community to do so. At the present moment Mr. Ritch's duty is really by Mrs. Ritch's bedside. He has instead remained at his post without a moment's respite. The value of such self-sacrifice cannot be exaggerated. Mr. Ritch being a poor person, we think the best way would be to offer him a cash present.

[From Gujarati]
Indian Opinion, 8-2-1908

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37. *WHY NOT IN GOLDEN LETTERS?*

We earlier commented on a letter from "Rasik" saying that, when Indians returned from their pilgrimage to the "gaol-palace" and success had been won, we would think of printing *Indian Opinion* in golden letters. Now the question has been raised again by some of our readers, [but] we do not think that our victory is yet complete. From one point of view, of course, it has been a real victory. That is, the conditions of satyagraha have been fulfilled, the gaol gates have opened and an agreement has been reached for registration outside the framework of the law, which, if carried out, would mean the end of the law. Two things therefore remain for the future. We need not be unduly flattered by the fact that the Government has trusted us; the real victory will be ours when Indians prove themselves worthy of the trust. We have done good spade-work, namely, the clearing of the ground and the digging for the foundations. It remains to be seen what kind of superstructure we can build. The Government has placed in our hands the key to the repeal of the law. We shall have achieved complete success when we use that key and when the law has in fact been repealed. It is only now that we are faced with the really difficult work. It will call for strenuous effort. There will be need for greater patience and the utmost honesty. Let us see whether or not we are capable of these. Some Indians ask whether the Government may not in spite of all refuse to repeal the law even after we have registered ourselves voluntarily. We think this doubt needless. For, what if Indians do not honour their word? That is in fact the more important question to ask. We have to go through voluntary registration in the manner prescribed by the rules. Everyone should think, not of self-interest, but the interests of the community as a whole, and register as quickly as possible. Furthermore, only those who are really entitled to do so should take out registers. No one should attempt to gain any illegitimate advantage [out of the situation]. We sincerely wish to see that no Indian is proved dishonest and that all the applications for registration are passed without exception. The glorious success that Indians will achieve then, the hosts of heaven will come down to watch. The law will then automatically stand cancelled, and that will be the time to accept the suggestion for printing *Indian Opinion* in golden letters.

[From Gujarati]

Indian Opinion, 8-2-1908

38. JOHANNESBURG LETTER[1]

What Does Compromise Mean?

On January 29, Mr. Gandhi, Mr. Naidoo and Mr. Quinn addressed a letter[2] to General Smuts from the Johannesburg Gaol.

Reply from General Smuts[3]

Pretoria,
January 30, 1908

GENTLEMEN,

I have the honour to acknowledge the receipt of your letter of yesterday's date addressed to the Colonial Secretary in which you tender voluntary registration of all Indians and Chinese legally resident in the Transvaal and entitled to register. The Colonial Secretary instructs me to say that he appreciates the wisdom of the step you have taken in response to his repeated public declarations that if the Asiatics in the Transvaal volunteer to register in a body an opportunity for registration should be given them. You have correctly set out the legal position in your letter and in default of registration under the Act which is no longer possible after the expiration of the notices the Colonial Secretary can only accept registration in a form similar to that prescribed by the Act and subject, as regards the regulations, to the small alterations you mention, and lay the matter before Parliament at its next session. In the meantime the penalties of the Act will not be enforced against those who do register, and the Colonial Secretary accepts your assurance that you will use your influence with your compatriots to make this registration effective and final.

I have the honour to be, Gentlemen,
Your obedient servant,
E. M. Gorges,
Acting Assistant Colonial Secretary

What Letters Mean

Both of them are political documents. It was due to the efforts of Mr. Cartwright, editor of *The Transvaal Leader* [that these letters were exchanged]. Mr. Cartwright has himself suffered imprisonment for reasons of conscience. That is why he has since remained indefatigable in his support of the Indian cause. He obtained special permission

[1] Two items under this title dated January 18 and 25, 1908 are not by Gandhiji, as he was in jail during the period, and these have not been reproduced in the volume.
[2] For the English text of the letter, *vide* "Letter to Colonial Secretary", pp. 40-2.
[3] This is reproduced from the English section of *Indian Opinion*, 11-7-1908.

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from the Government to meet Mr. Gandhi in gaol and visited him twice. The first meeting took place on Tuesday, the 21st. In the course of that meeting it was agreed between the two that the new law should be repealed during the following session of Parliament and that the Indian community should immediately take out registers voluntarily. The agreement was also put down in writing. Mr. Cartwright then met the leaders of the Progressive Party. While accepting the suggestion, they asked that the Indians should write a letter from gaol volunteering to register. Mr. Cartwright himself drafted a letter to that effect and brought it to gaol on the 28th.[1] The draft petition did not, however, say categorically that the new law would not apply to those who registered voluntarily, and it was moreover on behalf of the Indians alone. It did not furthermore safeguard the interests of those who are outside the Transvaal at present, and included children under the age of sixteen [for purposes of voluntary registration]. Mr. Gandhi therefore proposed changes on both these points. On Mr. Cartwright appearing hesitant, Mr. Gandhi told him that, if these were not accepted, Indians would prefer to continue in gaol. Visibly touched, Mr. Cartwright said, "Well, you must make whatever changes you want. You are fighting for truth. The changes you propose are reasonable, and necessary for your self-respect. If Mr. Smuts does not accept them, I shall myself oppose him, and I also hope to turn the Progressive Party against him." After these changes had been made, Mr. Quinn and Mr. Naidoo, who had done excellent work [for the campaign], were called in. They both approved the letter[2] and signed it. It was signed at 12-30 p.m. Mr. Cartwright left with the letter for Pretoria by the 2-30 train on the same day. At five in the afternoon he rang up to say that General Smuts had accepted [the terms of] the letter. He had asked for permission to alter one word, which was given. It seemed obvious then that Indians would be released soon.

Other Conditions

There are some things that can be put down in writing, and for others one has to rely on oral understanding. That is what has happened in regard to this compromise. It was conveyed to the Government through Mr. Cartwright that efforts should be made to reinstate all the Indians who had been relieved of their posts in the Government and that the Indian community should be consulted about the form of the new registration certificate. Mr. Cartwright informed us over the telephone that General Smuts would not commit himself on the question

[1] Cf. *Satyagraha in South Africa*, Ch. XXI, where Gandhiji says that the compromise letter was either "drafted or approved of by General Smuts".

[2] *Vide* "Letter to Colonial Secretary", pp. 40-2.

of [reinstating] the Government servants but that he had agreed to do his best; as for the form of the register, he agreed to consult [the Indian community]. The proposed registration would not be under the law, and the Indian community would also be consulted as to how it should be legalized.

Visit to Pretoria

On Thursday, the 30th, the Governor of the prison received an order to arrange for Mr. Gandhi to be taken to Pretoria. He was accordingly escorted to Pretoria by Superintendent Vernon. The Government had made the necessary arrangement for his meal on the way. Everything was to be confidential. The train was therefore stopped before it actually reached Pretoria for Mr. Gandhi to alight lest he should be noticed by the ever-vigilant pickets at Pretoria. Mr. Gandhi went to the Colonial Office, accompanied by Mr. Lane and Superintendent Bates. It should be remembered that he was still a prisoner. The meeting with General Smuts took place exactly at 12 noon. General Smuts said: "Personally I have nothing against the Indian community. The demands you have made in your letter are rather excessive, but the Government proposes to accept them. What the form of the registration certificate should be and how the registration should be legalized will be considered later. Of course, this registration will be outside the new law. But I suggest that your people do not discuss this matter in public. If you do, you yourself will stand to lose. For my people will turn against me." When Mr. Gandhi referred to the question of finger-impressions, he said: "If finger-impressions are found necessary, you will have to give them. You have already said that your resistance is not directed against these. However, of this too, we shall talk later." He then added: "My second suggestion is that you should not harass the blacklegs." Mr. Gandhi replied: "It should not be necessary for you to make any recommendation on this point. We are convinced that they have made a mistake; however, they are our brethren, our own flesh and blood. It cannot be the wish of any decent Indian to harass them. [On the contrary] it will be the duty of every thoughtful Indian to restrain those who are over-enthusiastic in this regard." There were other things that were discussed besides, but these need not be reported here. A meeting of the Cabinet was then called, and the draft reply reproduced above in translation was given to Mr. Gandhi after it had been approved by the Cabinet, and Mr. Gandhi was then set free.

Implication

This compromise implies that the offer of voluntary registration made by the Indian community has been accepted in full. This

registration will not be under the law; it will be outside that law, which will therefore not apply to such registration. There is no need to withdraw the *Gazette* notice regarding the registration for, since the time-limit is over, the notice is already invalid.

What about Licences?

The notice about licences stands, and it has therefore been agreed that, except the blacklegs, all Indians may carry on trade without licences for the time being. They will get licences after the new registration is legalized, and meanwhile no one will be prosecuted for trading without a licence.

What about Finger-impressions?

"Ten impressions if you give, humbled will your manhood be." Will Mr. Gandhi, forgetting the songs that were then sung, now advise the giving of finger-impressions? Mr. Gandhi has answered this, and repeats the reply, "Yes, I do give such advice. Our campaign is not against finger-prints but against the law. It is enough that we will not have to submit to the law. It will be disgraceful to give signatures under the law, but as long as we do not submit to it, we may give finger-prints, and more, without disgrace. The song above was about the law. Finger-impressions and suchlike were only symbols of that law. A prisoner is recognized by the dress he wears. In a ditty about that prisoner we may describe his shirt; but the same dress, donned by a gentleman because he chooses to or by an Englishman at a fancy-dress ball, does not make either of them a prisoner."

Mr. Gandhi and other Indians deserve credit for having given 18 digit-impressions while in gaol. They did no wrong in giving them. In fact, it would have been wrong of them to have refused to give them. The paper on which the impressions were given, if available, would be worth framing. For going to gaol amounted to opening the door for the eventual freedom of Indians. Whatever happened in gaol should therefore be welcomed, if it was otherwise reasonable.

A silken cord can be used to hang a man. When it is so used it will become an object of fear. But the same cord can be used for stringing a necklace, and then it becomes an ornament.

It is not yet finally settled that ten finger-prints will have to be given. The matter is still under discussion. If, however, we are required to give them in return for the repeal of the law, it would be childish to fight against the provision. It would be like running after a fire-fly in preference to the sun.

Moreover, [the system of] ten finger-prints has now been introduced for the whites also under the immigration law, and one cannot stress the point. It should normally have been needless to go into all this.

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But then the matter is being discussed by several persons. Hence these detailed explanations.

EDUCATED PERSONS AND PERSONS OF STANDING

The discretion vested in officials to accept signatures by educated persons and persons of standing, such as businessmen, is an additional point about [this system of] voluntary registration. This was not added at Mr. Gandhi's instance, but was included in the draft put before him. As it was not considered desirable to forgo this [benefit], it was allowed to remain. It appears reasonable that educated persons should be allowed to sign their names [for purposes of identification]; because the decision as to who is educated cannot be made at the discretion of the official. But allowing a man of standing to sign, even if he is uneducated, is quite improper. The fact that the decision as to who is a man of standing will be made by the official carries with it a suggestion of slavery. I therefore advise people not to avail themselves of this concession. Whatever we get as a matter of right is welcome, but it is wrong to accept anything as a favour. I do not mean to say that there should be no distinction between good and bad, between the poor and the rich, but such distinctions should not be left to the discretion of an official.

THE END

On leaving the Colonial Office, Mr. Gandhi was allowed to go to Johannesburg. The watchful pickets, having come to know of this, had surrounded the Colonial Office. They were told by Superintendent Bates that Mr. Gandhi had left. But they refused to believe that Mr. Gandhi could have left without their knowledge, for they had been guarding all the exits. And thus it happened that Mr. Gandhi met the pickets as soon as he came out. He informed them that every Indian would be set free on Friday and asked them to convey the information to the others.

MIDNIGHT MEETING

Mr. Abdulla sent a telegram to Mr. Essop Mia asking him and Mr. Polak to receive Mr. Gandhi who was arriving at Park Station by the last train. Only Mr. Essop Mia and Mr. Aswat were there to receive him, most of the other Indians having gone to the Indian mosque. A meeting was held in the precincts at midnight attended by about a thousand people. Mr. Gandhi told them to go about their work quietly without noisy demonstrations or processions. The reporter of the *Leader*, who was present, promised not to publish a report of the meeting. Everyone agreed that they were only concerned with the result, and that there was no need for any celebrations. People felt extremely happy.

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Prison Gates Open

The prison gates opened at 12 noon on Friday. All over the Transvaal, Indians who had been arrested in connection with the law or for carrying on trade without licences have been released. Almost all that happened was reported in the newspapers. Everyone was surprised and the whites, too, were happy. Telegrams were sent to the Association congratulating the [released] prisoners. There must have been more than a hundred of them. There is no need to reproduce their names here. In any case, there is hardly any space for them. These telegrams included one each from Porbandar, Aden and England. Some of these were from whites, and a large number of them called in person at the Office [of the Association] to offer congratulations to the Indian community.

Consent of Progressive Party

Before accepting this compromise, Mr. Smuts had obtained the consent of the Progressive Party. He wrote the following letter[1] to Sir George Farrar[2] on the 27th:

Dear Sir George Farrar,

Will you kindly consult your friends to see whether there would be any objection to registration being re-opened for Asiatics and the chance being given them to register voluntarily, as they desire to do, and to dispense with finger-prints in the case of educated or well-known Indians? It is probable that Parliamentary ratification of such registration will have to take place, and in the meantime the penalties under the Act will not be enforced against those who register voluntarily. I understand that Asiatics may be willing to make such an offer to Government, and before closing with it we should like to have your concurrence in so doing.

Yours sincerely,
J. C. Smuts

In reply, Sir George Farrar wrote on the 30th as follows:[3]

Dear Mr. Smuts,

I am in receipt of your letter of January 27, and have communicated its contents to my friends.

From it we extract certain questions or suggestions, which I append together with our replies.

question no. 1: Is there any objection to Registration being re-opened for

[1] & [3] Both the letter and the reply are reproduced from the English section of *Indian Opinion*, 8-2-1908.

[2] Sir George Herbert Farrar (1859-1915); Chairman, East Rand Proprietary Mines; Member of the Transvaal Legislative Council both before and after Responsible Government

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Asiatics and the chance being given them to register voluntarily as they desire to do?

ANSWER: No, provided time is limited.

QUESTION NO. 2: Is there any objection to dispense with finger-prints in the case of educated or well-known Indians?

ANSWER: No, provided that other adequate evidence of identity be forthcoming.

QUESTION NO. 3: Is there any objection to the penalties not being enforced in the meantime against those who voluntarily register?

ANSWER: No.

Am I to understand from the concluding sentence of your letter that the Government do not intend to make the above concessions unless they are satisfied that the Asiatic community is prepared to accept the new position?

I desire to make our position in this matter perfectly clear.

We agreed to the law and adhere to it, and its objects must be secured. We would, however, point out that as the present regulations were not submitted to us before promulgation the Government must accept all responsibility in regard to them.

We feel it essential to success that the law be administered with the least possible friction, and as far as possible, with due consideration for the responsibilities and difficulties of the Imperial Government. Believe me,

Yours sincerely,
GEORGE FARRAR

MEANING OF THESE LETTERS

These letters show that the Progressive Party is not opposed to us. If one argues that some of these letters do not say categorically that the new law would be repealed or that it would not apply to those who volunteer to take out registers, one would not be wholly wrong. But then the letters have been so drafted as not to shock the whites. However, the question has been raised as to what would happen if the Government were to play foul and retain the law in its present form. The question is easily answered. It is obvious that we are not taking out new registers under the law. We shall not therefore be bound by it in any way if the Government does not repeal it. And if it is not repealed, we shall fight afresh, and the strength that we shall have gained over these three months will stand us in good stead. Besides, the Government will be further disgraced, and in that measure our case will gain in strength. This is the marvellous beauty of voluntary registration and satyagraha; the initiative rests with us instead of with the Government.

COMPLETE UNDERSTANDING

After the foregoing account of the compromise had been written, there took place another meeting with General Smuts at which all points were satisfactorily settled.

1. If the Indian community takes out registers voluntarily, the new law will be repealed.

2. Voluntary registration will be legalized by a new Bill.

3. Voluntary registration will not apply to children under sixteen years of age.

4. There will be new forms of application for voluntary registration and for registration certificates. The register will mention the names of husband, wife and children and their respective ages.

In the application form for voluntary registration the name of the mother need not be mentioned but those of children and minors will be necessary. Children under sixteen years of age will accompany their parents [to the Registration Office] if they can, so that their ages and facial marks of identification can be noted down. Those whose children are outside the Transvaal need only furnish the name and age of each. If parents ask for separate registers also for their children under sixteen years of age, these will be granted. It should be remembered therefore that children who are in the Transvaal must accompany their parents, if they possibly can, when the latter go to apply for registers.

Concerning Finger-prints

(i) Those who know English well will not be required to give either finger-prints or thumb-impressions.

(ii) Men of standing and those who own property can be exempted from the giving of finger-prints or thumb-impressions.

(iii) Those who strongly object [on grounds of conscience] to giving ten finger-prints will be allowed to give thumb-impressions.

(iv) The rest will have to give the ten finger-impressions.

These concessions appear satisfactory. To ask for more will seem unworthy of the Indian community. Always the respect that a man enjoys depends on his self-restraint. Even if a thoughtless demand is conceded, it would be better not to accept the concession. I therefore advise every Indian not to avail himself of the exemption allowed on grounds of education or ownership of property. Within reasonable limits, whatever we do under [this scheme of] voluntary registration will be a sign of our goodness rather than of disgrace. For instance, we will be helping the Government to ensure identification of Indians; we will be giving all the requisite information and more. We can be sure that by doing so, we shall rise in the esteem of others. That being so, Mr. Essop Mia, Mr. Gandhi and other *satyagrahis* have decided to give digit-impressions. By doing so they will not forfeit their rights; a right can be kept in reserve. There are rights which, if not enjoyed, add grace like jewellery, but prove harmful when exercised. A perfect analogy occurs to me, which I mention here to explain the object of our struggle. The secret of the law, that is, its essence, can be described

as its soul. The regulations prescribing finger-prints, etc., can be compared to its body. The soul of the law being evil, we have been struggling for months to destroy it. We have succeeded in achieving that result. That the body survives does not concern us. If the same body be dwelt in by a good soul instead of an evil one, we shall not oppose it. Now that the body is to be inhabited by a good soul in the form of voluntary registration, we shall have no quarrel with the body. More, we shall even honour that body. The writer (of this article) means this comparison seriously. This analogy leads to other thoughts besides. By further elaborating it we can prove beyond doubt that ours was in fact a holy and religious movement, and a thoughtful person will easily see that we have achieved full success with unexpected speed.

Who Can Be Registered?

(i) Those who possess valid permits, that is, those whose permits bear their own thumb-impressions.

(ii) Those who were in the Transvaal on May 31, 1902, whether or not they hold permits.

(iii) Those who hold the Dutch Register obtained by payment of the £3-tax and who reside at present in the Transvaal.

(iv) All children who entered the country lawfully when they were under the age of sixteen.

Persons possessing proofs in respect of these will find no difficulty in obtaining voluntary registers.

Warning

I have just read two letters published in *The Star* which are very critical of the Government. One of them is by one Phillip Hammond. He says that the Government has yielded to the Indian community on every point, and therefore Mr. Smuts has no claim to be called a strong man. Mr. Hammond believes that Indians ought to have been kept in gaol long enough [to break down their resistance]. The other person, a white named Mr. Hyman Levy, claims that he cast his vote for candidates from Mr. Smuts' party. Angered by the settlement of the Indian question, he has criticized Mr. Smuts in very strong language. These letters suggest that, when Parliament meets, Mr. Smuts will find himself in an awkward position. It would be well for the Indian community to give careful thought to all this and go through the registration as quickly as possible in order to convince everyone that we are playing the game. What the condition of the community will be in future depends on what they do during the ensuing three months. I therefore hope that every Indian will think of the interests of the community as a whole and not only of his own.

When Will Office Open?

An office will be opened for voluntary registration on Monday next in Old Church in Von Brandis Square. Those who want to take out registers voluntarily should present themselves there with the utmost despatch. It is our duty to finish this operation with speed. It has been arranged that there would be no *Gazette* notice about this, since it was thought that that would be more in keeping with our dignity. It is likely that in all the towns except Pretoria registration will be carried out through magistrates. We have been given three months, but it will be better if we finish it within a month-and-a-half.

Shower of Telegrams

There has been a veritable shower of telegrams about the release of prisoners. Telegrams have been received from every part of South Africa. In all, 150 of them appear to have been received. On Friday and Saturday, it was observed that the messenger came with a telegram every five minutes. Telegrams also arrived from Aden and India: from Mr. Kekobad at Aden, from Mr. Hajee Ismail Zaveri at Porbandar, and from the Bombay Presidency Association under the signature of Sir Pherozeshah Mehta. Sir Pherozeshah has sent a long telegram, offering his warmest congratulations to the community and expressing admiration of its patience, courage and capacity for self-sacrifice.

Help from Whites

The help received from whites in the Transvaal campaign has been beyond all expectations. Valuable help was given by prominent whites, such as Mr. Cartwright, Mr. David Pollock, Mr. Phillips[1], Mr. Doke[2] and Mr. Stent, editor of *Pretoria News*. Some of them were prepared to go with us to the very end. There were hundreds of other whites who wanted to help, though we did not hear anything of them. The increased support for our cause in England shows that there were persons in that country also, who were prepared to fight for truth. The Indian community must bear this in mind and give up its anger against the whites. We are often thoughtless enough to say that the whites can have nothing good in them. But this is patent folly. Mankind is one, and even if a few whites make the mistake of considering themselves different from us, we must not follow them in that error.

[1] Rev. Charles Phillips; Congregational minister. *Vide Satyagraha in South Africa*, Ch. XXIII.

[2] Rev. Joseph J. Doke (1861-1913); minister of Johannesburg Baptist Church; was willing to resign if his pro-Indian sympathies were unacceptable to his congregation; edited *Indian Opinion* during Gandhiji's and Polak's absence in jail in 1911; "died in the pursuit of his holy calling in Rhodesia". *Vide Satyagraha in South Africa*, Ch. XXII.

FEDERATION HALL

A meeting of the [British Indian] Association was held on Wednesday and it was resolved to raise a fund for meeting the cost of the Federation Hall and for other expenditure. It was decided to print tickets of ten shillings each and to request everyone to contribute at least that much. Those who can afford it should of course give more. I shall write of this at greater length next week. I hope that everyone will help as best he can.

CARTOON ON VICTORY

In our issue of the 11th, we reproduced a cartoon from the *Sunday Times* representing the Transvaal Government as a steam-roller which was up against an elephant—the Indian community.[1] The paper has now published a sequel[2] showing the wrecked steam-roller, and General Smuts, lying on the ground amidst the ruins of his chair, miserable, looking unhappily at the elephant. He is wearing a convict's cap. The elephant seems pleased with himself as he surveys the wreckage and, with his trunk raised to General Smuts, inquires, "Everybody happy?" Mr. Gandhi, as *mahout*, has his digits extended fan-wise at the extremity of his nose, as much as to ask General Smuts, "So you have had a taste of digit-impressions?" Underneath the cartoon is the caption: "Picture of Colonial Secretary Receiving Mr. Gandhi's Digit-impressions".

[From Gujarati]
Indian Opinion, 8-2-1908

39. LETTER TO FRIENDS

JOHANNESBURG,
February 10, 1908

MY DEAR FRIENDS,

I am well in the brotherly and sisterly hands of Mr. and Mrs. Doke. I hope to take up my duty shortly.

Those who have committed the act did not know what they were doing. They thought that I was doing what was wrong. They have had their redress in the only manner they know. I, therefore, request that no steps be taken against them.

Seeing that the assault was committed by a Mahomedan or Mahomedans, the Hindus might probably feel hurt. If so, they would

[1] *Vide* illustration facing p. 32.
[2] *Vide* illustration facing p. 80.

put themselves in the wrong before the world and their Maker. Rather let the blood spilt today cement the two communities indissolubly—such is my heartfelt prayer. May God grant it.

Assault or no assault, my advice remains the same. The large majority of Asiatics ought to give finger-prints. Those who have real conscientious scruples will be exempted by the Government. To ask for more would be to show ourselves as children.

The spirit of passive resistance, rightly understood, should make the people fear none and nothing but God—no cowardly fear, therefore, should deter the vast majority of sober-minded Indians from doing their duty. The promise of repeal of the Act against voluntary registration having been given, it is the sacred duty of every good Indian to help the Government and the Colony to the uttermost.

I am,
Your faithful friend and servant,
M. K. GANDHI

Indian Opinion, 15-2-1908

40. A DIALOGUE ON THE COMPROMISE

We find many questions being asked about the compromise that has been arrived at. People are saying all kinds of things and some ignorant persons even refer to what is obviously a triumph as if it were a defeat. It is our considered opinion that the Transvaal Indians' victory goes so deep that every Indian should understand its real significance. We therefore answer most of the questions [sent to us] in the form of a dialogue. There are two kinds of readers: first, those who pretend to be asleep, that is to say, those who read not indeed to be enlightened but with malicious intent and in order to pick holes; the other kind are those who really fail to see the point and are therefore truly asleep. This dialogue is addressed only to the second kind. We can wake up those who are asleep. As for the others who feign sleep nothing can be done. The imaginary dialogue is between a reader and the editor. We advise every reader to read through it carefully several times over.

PREFACE

READER: Mr. Editor, I want to ask you some questions about your articles on the compromise. May I?

EDITOR: By all means, do. It is our duty to instruct and enlighten our readers to the best of our understanding. Our object is to serve the community, and this we can do only if we clear up readers' doubts to their satisfaction.

I should like to remind you of one thing before you ask any questions. An answer, they say, has no meaning except for one who is equipped to understand it. For instance, if anyone asks a question about multiplication and division while knowing nothing of addition and subtraction, he is not equipped to understand the answer. In the same way, you should have the following qualifications for asking questions: you should ask them in the presence of God, with sincere and patriotic intention. If you do, you will have no difficulty in following the answers. This condition applies to us no less. In fact, ours is the greater responsibility, and we are obliged to observe those conditions the more scrupulously. That is, whatever you ask us we will answer sincerely with a patriotic regard for the country's welfare and in the presence of God. Now you may ask your questions.

How Can It Be Called Victory?

READER: You say that the Transvaal Indians have won a complete victory and also that they have got more than they demanded. I do not follow this very well.

EDITOR: You will have to go through some of the back numbers of *Indian Opinion*. If you look into them carefully, you will find that the Indians demanded the annulment of the law and, in return, offered voluntarily to register themselves. The monster petition which carried five thousand[1] signatures put forward the same condition. There was no question at any time of setting our face against voluntary registration even if it were to take the form prescribed under the law. Now the Government has accepted the offer of voluntary registration in writing, saying that the law will be repealed if we register on our own initiative. We feel that this, by itself, would have been a complete victory for us. According to the terms of the compromise, however, due account will be taken of the status of educated persons and of men of standing who register on their own. Moreover, [the right to] voluntary registration will also be allowed to future Indian immigrants into the Transvaal. And finally, those who have been relieved of their posts in the Government will most probably be reinstated.

Voluntary versus Compulsory Registration

READER: I am still confused about the difference between voluntary and compulsory registration. And I know that there are also others who see no difference. Do please explain.

EDITOR: I am not surprised at your being unable to understand this. The law brought compulsion to bear on us to make us register;

[1] Actually the number was 4,522. *Vide* Vol. VII, p. 320.

that was humiliating. So much for compulsory registration. But if we take out the same kind of register of our own free will, that will save us the dishonour and even show that we are magnanimous. To take an example. If, by way of service to a friend, I wash his feet or carry his bed-pan, that will strengthen our friendship, give me an inner satisfaction and win for me the good opinion of others. Another, although he dislikes such work and thinks it derogatory, may yet do the same thing either under duress or for the sake of money. We shall think him base [for that reason] and regard him as a slave. We shall call him mean. He will himself feel ashamed of his job. If anyone finds him engaged in that work, he will try to hide himself. He is in reality a sinner and will never feel happy in himself. The difference between voluntary and compulsory registration is much the same.

READER: I see the point now, though only partly. For I still think that your analogy does not quite hold because it appears that the law will be enforced if we do not take out registers on our own. That is to say, we shall be taking out the registers voluntarily under an inducement. What you call voluntary therefore appears to me to be tainted both with compulsion and self-interest.

EDITOR: I think you are wrong. It is true that, if we do not take out registers voluntarily, we shall be subjected to the [process of the] law. But there is no compulsion here. If the Government were to say to us, 'Either you take out the registers, or we shall enforce the law', that would certainly be compulsion. But in this case it is we who offered to take out the registers and told the Government that they could enforce the law if we did not. We do not make this offer in fear of the sanction [of the law] but as an earnest of our sincerity and because we do not think there is any humiliation in voluntary registration. Moreover, being respectable people, we want, through voluntary registration, to dispel the suspicion that the Government harbours about us. There is thus no question here of any compulsion. If we had been moved at any time by fear, we could not have held out against the Government for 16 months[1] as we have done. Afraid of our power—the power of our truth—the Government has accepted [our offer of] voluntary registration.

Furthermore, your view that our offer is tainted with self-interest is rather ill-considered. In fact, every act is motivated by some kind of self-interest. Even in my example, there is an element of self-interest in the service which I render to a friend. My self-interest lies in the inner happiness which I seek. It is the will of God that I should work for such happiness. Knowing this as I do, whatever I do to obey that command is in fact inspired by self-interest, if of the best kind. If I did it so that

[1] September 1906 to January 1908

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my friend might love me the more, that also would be self-interest, albeit of a lower kind. In voluntary registration, there is undoubtedly such an element of self-interest. If a man living as a servant of God devotes himself wholly to the service of men or of all living creatures, he is also impelled by self-interest in seeking to be in the presence of God, [that is] to work for *nirvana*. We revere such a man. If there were many such in this world, we should find in it holiness, prosperity, peace, happiness and unity instead of the wickedness, suffering, misery, starvation and disease which we see in it today.

TEN FINGER[-IMPRESSION]S

READER: I think I now understand the difference between voluntary and compulsory registration. But I see that in any case we are condemned to give the ten finger-impressions. It appears that the educated and the rich have had their interests protected at the expense of the poor. If you accept [the system of] finger-impressions now, why did you earlier write so much against them?

EDITOR: This is indeed a good question, although, if you have really grasped the distinction, the answer to your question is contained in [an earlier] answer. However, let us consider your question afresh.

First, it is not true to say that finger-impressions have been retained. Under the law the finger-impressions were to be given by all the members of the community and that meant we were being stigmatized because of the colour of our skin. Now the finger-impressions remain only as marks of identification.

Secondly, it is not true to say that the educated and the rich have got off easily. Educated persons and men of means and standing can be identified by the knowledge they possess and by their appearance. It is humiliating to them even to be asked to give finger-impressions. Looking at it thus, it does not appear wrong that illiterate persons who are not otherwise known should have to give their finger-impressions. On the contrary these would ensure the fullest protection for them. For instance, not everyone in Durban has to take out domicile certificates. Men of standing can leave Durban without taking out such certificates. But an illiterate person or one otherwise not known would come to grief by following their example. He would find it difficult to return.

Thirdly, it was essential in the past to write all that much against the system of finger-impressions. We were therefore very glad of it when, after nine months of struggle,[1] we had definite information in June about finger-impressions.[2] We read everything available

[1] September 1906 to June 1907

[2] *Vide* Vol. VII, p. 67.

on the subject and placed it before the community. We were glad that the Satanic, death-like law had acquired a body—the regulations prescribing finger-impressions, etc. We knew then that people would be able to see the law for what it was, and that is exactly what happened. It was only after the regulations were published that the struggle became really exciting. We told the people that in India finger-prints were taken only of criminals.

We published rousing songs about them. Verses, such as

> Of fingers ten,
> Those who give impressions
> Forsaking their pledge to God,

still echo in our ears.

We do not withdraw anything we said then. We would still use these verses against those who agreed even to sign their names under the law, let alone give their finger-prints.

READER: Well, a thumb-impression is one thing, but you now advise that finger-impressions be given. What about that?

EDITOR: Because we were against finger-impressions only so long as they were a body inhabited by that Satanic law. Now that the Satanic soul has left the body, we have no particular quarrel with it, that is, the finger-impressions. We think it is honourable, not dishonourable, now to give our finger-impressions.

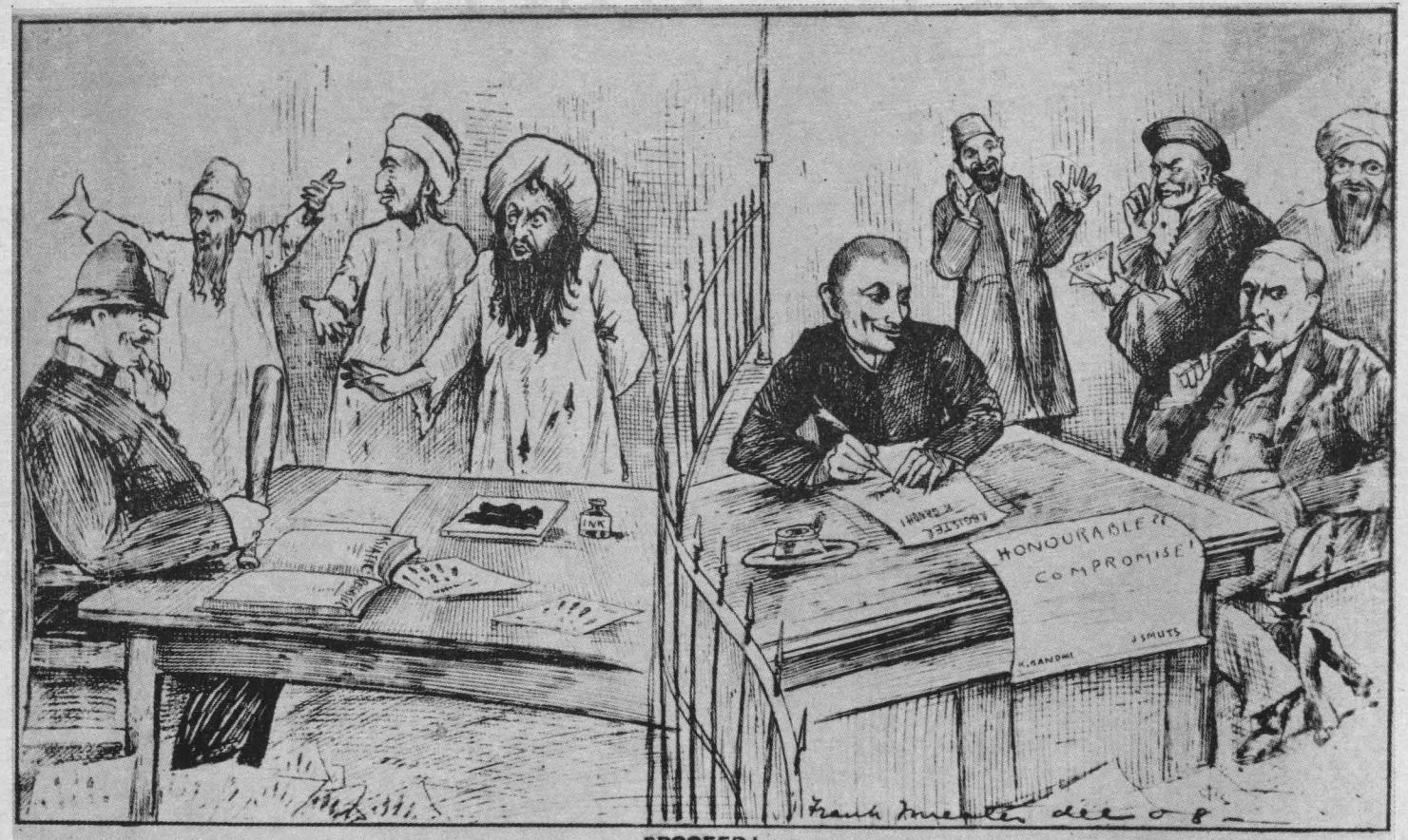
READER: I am afraid I am getting confused. It is too much to believe that finger-impressions, which were objectionable before, have suddenly become acceptable. I need more light.

EDITOR: It is only natural that you should feel confused. We have given a great deal of thought to this question, so that everything appears quite simple to us. You are confronted with these ideas for the first time, and they are bound to sound abstruse. The illustration that we gave earlier of friendship and slavery is relevant here also. Let us take another example. In this country we wear jackets, which is not thought undignified. But in India, it would be undignified if we wore short jackets leaving the lower part of the body uncovered by them. That means that there are things that may be proper at one place but improper at another. In India, it is under compulsion that criminals give their ten finger-impressions. Here, the same was true of all of us [law-abiding Asiatics] under the outrageous law. Now we are to give them on our own and not under compulsion. This point should be carefully noted, for we have been advising people to do this [as a voluntary act] all the time, and will continue to do so in future. It will reflect credit on our judgment if we appreciate this distinction. When it was proposed in the Transvaal that people should be obliged to produce their photographs, the community did right in opposing the proposal. Hindus and Muslims do get themselves photographed

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INDIAN
COMMUNITY
EVERYBODY
HAPPY ?

CWMG - VIII



SPOOFED!

[but that is] to please themselves or for other reasons. You will therefore see that many things are undignified or dignified according to the object in view.

READER: I think I see your point. But I feel like asking whether all things are like this, good at one time and bad at another.

EDITOR: No, that certainly cannot be so. What is true of our campaign is not true of everything else. There are things which are always and everywhere bad or good. It is good always and everywhere to pray to God. Adultery is always and everywhere bad. Generally, the above rule can apply only to things which are not in themselves wicked or evil.

READER: I can see that from our own point of view there is nothing objectionable about the finger-impressions. But the whites jeer at us saying: 'Well, what about finger-impressions now?' 'You don't mind playing on the piano now, do you?'[1] 'You talked so big about religion. What has happened to all that now?' They ply us with mocking questions. [*The Transvaal*] *Critic* has even published a cartoon[2]. Educated persons and businessmen are shown as having been spared offence to their religious susceptibilities, but not so the rest. It represents Mr. Gandhi seated on a chair in great dignity and signing his name, while other Indians, miserable creatures, keep standing as they give their finger-impressions with large drops of black ink dripping from their fingers. How can one bear this? How are we to face this?

EDITOR: This question is a sign of false pride. We shall not lose our honour because of the whites' taunts. We placed our trust in God so that we need only think of what He will say to us. There are many whites who have not understood the significance of our campaign. Many of them still do not understand that the law which we opposed will be repealed if we honour our pledge. Their eyes will be opened when that time comes. Moreover, not every white says these things. Newspapers all over England pay us compliments and describe this as a victory for us. *Rand Daily Mail* of Johannesburg has in fact taken the Government to task for having given in on every point to the Indians. *The Sunday Times* has published a cartoon[3] in which a steam-roller driven by General Smuts has been reduced to a mere wreckage, and the Indian elephant is turning on him with a threatening look. Many thoughtful whites, and almost everyone outside the Transvaal, have hailed the victory of the Indians. Even if this had not been so, we should

[1] Those who did not join in the satyagraha campaign, that is, the "blacklegs", who went to the Registration Office for affixing their finger-impressions on their applications for fresh registration certificates under the new law, had earlier been satirized by the satyagrahis. The blacklegs had gone to the Registration Office, they mocked, "to play on the piano".

[2] *Vide* illustration opposite.

[3] *Vide* illustration facing p. 80.

remember that we have our interests to look after. Let others say what they like. Let us recall the saying that the person whose self-interest is at stake will find the truth hidden inside a small dish, but the neighbour will not notice it even if it were all over the wide sky.

TEN FINGERS VERSUS TWO THUMBS

READER: It is now clear why there should be no objection to finger-impressions. But as I see it, it was still unnecessary to have agreed to finger-impressions at all. How did it come about that thumb-impressions were not thought sufficient?

EDITOR: That is worth considering. Generally we observe in the world that those who are really brave and noble, fight only for a chosen objective, give their lives for it. When they have achieved their purpose, they give in on other points. They thus rise in the estimation of others. The [stem of the] castor oil plant becomes hollow inside as it grows and will break as soon as it begins to bend a little. A banyan tree on the other hand becomes stronger as it grows, and throws out branches groundward, which root themselves and spread out in all directions. No one goes to a castor oil plant looking for shelter. But thousands of persons can and do find shelter under the banyan tree. The Indian community has acted in this manner in accepting the compromise. The target of the struggle was the law. Now that it has gone, it will be magnanimous of us to yield on the other points. The Government argues: 'You were not fighting against finger-impressions. Why then are you so obstinate?' We have really no answer to this question. A person like Mr. Essop Mia will rise in stature by giving his ten finger-impressions. Mr. Smuts said as much in a public speech. Besides, there is much we have to get from the Government yet. We should not conclude that we have got all we wanted because the law is gone. We need not fawn upon the Government, but it is our duty to keep it in good humour if we can do so without loss of self-esteem. The law will go of course, but what will take its place? What will be the nature of future laws? This depends on how the Indians conduct themselves during the three months to come. For this reason, it will be wise to give the ten finger-impressions. It will not be necessary for everyone to do so. Even those who do not will be able to take out registers if they are *bona-fide* residents. But in this context honour consists in giving them. We have accordingly advised people to do so. We even go to the extent of saying that Indians who obstinately refuse to give the ten finger-impressions will, in the eyes of others, lack common sense. In fact, under the immigration law, women will have to give finger-impressions. That being so, we shall only fall in the estimation of others by going on arguing about thumb-impressions and finger-prints. Already we are being thought childish.

READER: That sounds all right. But Indians outside the Transvaal, who have done much to help us, complain that we have secured our own interests without realizing that finger-impressions might be introduced in other Colonies where no one had so far thought of them.[1] When a man like Mr. Gandhi, they argue, gives his finger-impressions readily, how can anyone else expect his protest to be taken seriously? The Transvaal Indians, they assert, have brought total ruin on the others. How shall we answer these charges?

EDITOR: It is altogether wrong of people outside the Transvaal to complain in this manner. They ought to have understood the nature of the campaign. Look at it like this: if the Transvaal Indians give finger-impressions of their own accord, why should they become compulsory elsewhere? Are people outside the Transvaal women wearing bangles that they could be compelled to give finger-impressions? On the contrary, by fighting against the law, the Transvaal has helped the cause of the weak not only in South Africa but all over the world, and thus given them strength.

The [*Natal*] *Mercury* says:[2] All that has been decided is the principle of respecting the rights and feelings of an unenfranchised section of the population, and paying regard to Imperial responsibilities.

This is [all but] literally true. The Indian people who hitherto had no franchise have now, so to speak, been enfranchised. To argue that, following this, finger-prints may be introduced in other Colonies is as ridiculous as to complain about a side-dish in the menu and ignore the excellence of the main course.

Let us also add that finger-impressions are likely to be introduced everywhere sooner or later. For, from a scientific point of view, they are the most effective means of identification. They cannot offend anyone's religious susceptibilities. This method of identification was introduced in Natal in 1903 for indentured labourers. It applies to a large number of whites in the Transvaal. There is therefore no harm in giving finger-impressions of our own free choice as we have agreed to do; on the contrary there are a number of advantages to be gained by doing so.

It must be borne in mind that at other places, such as the Cape, Delagoa Bay, etc., photographs are required, compared to which finger-impressions are a thousand times better.[3] Please also remember that, in the Transvaal, the finger-prints will figure in the application form and not in the certificate.

[1] In fact, this happened in Rhodesia.

[2] This passage is taken from the English version of *The Natal Mercury*'s comment.

[3] *Vide* Vol. VI, pp. 346 & 349.

WHY CLASS DISTINCTIONS?

READER: I shall not say anything more on the question of finger-prints; but I must say that I do not understand why *Indian Opinion*, which was till now opposed to any class distinctions, writes in favour of those that have now been made. I have not forgotten the harsh things you said when the Pretoria Memons requested in their petition that men of standing be exempted from giving finger-impressions. Now you argue that class distinctions may be accepted. Will you explain this inconsistency?

EDITOR: That is a good question. Strictly speaking the question of inconsistency would have arisen if this demand had been made by Mr. Gandhi. What happened was that the suggestion about this matter came as it were from the Government. It would have been improper to reject what in effect the Government offered us as a right. There is a great deal of difference between our asking for special privileges for men of standing and the Government offering them on its own.

Moreover, the distinction that has been made as between classes will also favour educated persons. We have never opposed any distinction being made in their favour. For education—true education—will always enjoy respect. If even educated persons are required to give finger-impressions for purposes of identification, then they cease to be a means of identification and take on a racial aspect. Distinctions based on education are nothing unusual.

There are natural distinctions of class which no one can oppose. Our fight is against artificial class distinctions. If a distinction is made on grounds which leave the official the sole judge, we feel such a distinction spells slavery for us. It is true that the class distinction that has been accepted as part of the compromise will leave something to the discretion of the officer. But the distinction will remain valid only for a temporary period, and we therefore see no objection to it, provided, of course, that the leaders do not avail themselves of the concession. As long as resort is not had to the concession, it will retain the dignity of an ornament. We think it will become useless, positively harmful, if a large number of Indians avail themselves of it.

The distinction that the Memons had asked for was of a different nature. Having agreed to submit to the law, they asked for a trivial distinction to be made in respect of finger-impressions. Besides, it is not as if this demand was made at the instance of the Government. That is why they went down on their knees, and were repulsed. It will thus be clear that there is a great difference between their request and the distinction that is to be made now. If the leaders behave sensibly, this distinction will redound to the advantage of the poor. The im-

portant thing is that well-placed persons should regard themselves as trustees of the poor.

Why Were People not Consulted?

READER: I think all my doubts have been answered, though, of course, I shall have to think again. But one thing continues to trouble me. Why did Mr. Gandhi and Mr. Naidoo sign on their own authority? They are said to be prudent men, but was it wise on their part to have committed the community without consulting it? If they had left things to the community, I might not have even thought of the points I have raised. How can we be sure that they have not made a mistake?

EDITOR: That this doubt should occur to you is itself an indication that you have not fully understood our answers. We told you at the outset that the community was already agreed on voluntary registration. As the Government agreed to the same thing, there was nothing left to consult the community about.

READER: But surely the community had not agreed to the giving of finger-impressions?

EDITOR: Are you raising the question of finger-impressions all over again? It is these which appear to worry you. Why do you forget that the struggle was not against finger-impressions? Why should there be any need to consult [the community] on a point that was not at issue? Moreover, how can you argue that finger-impressions have now been accepted? They [Mr. Gandhi and Mr. Naidoo] have not accepted finger-impressions in the manner envisaged by the law. Instead they have left it to the community to give the finger-impressions of its own accord. Those who insist on giving only two thumb-impressions can still do so and have the register. Mr. Gandhi and Mr. Naidoo merely suggest to the community that it will be a magnanimous gesture if Indians give their finger-impressions on their own and add that they themselves will do so.

You will agree moreover that those who are accepted as leaders must have a certain freedom [of action] in crises. We do not admit having availed ourselves of any such freedom in arriving at this compromise but on an occasion like this we would be justified in saying a few words on people's duty to the leaders. Great care should be exercised in choosing leaders. But once they are chosen, it may prove harmful if on occasion they are not allowed any freedom of action. If they are required to consult the others every now and again, that will suggest lack of confidence in them. In the absence of such confidence work will suffer. Confidence in the leaders is a sign of unity, of generosity and of an unflagging spirit among the people. No people can progress if its leaders are not honest and if they are not trusted. Leaders do

sometimes make honest mistakes. They are not to be blamed on that account. There is only one test—that of sincerity. And the best way is that those who are sincere should be trusted.

Conclusion

READER: I cannot think of any more questions now. What do you think will be the outcome of this campaign ?

EDITOR: We hope and pray to God that you and the others who may read the replies will profit by them. The final result depends on us. If we always show the courage that we have done this time, there will be no obnoxious laws directed against us in future. Everyone knows that the Indian community has risen considerably in public esteem. That is the important thing. Our object in this campaign was to win increased respect for ourselves. If we do no more than gather in our gains, that should be good enough. Satyagraha should become a common practice; the Indian community can then be assured of success in all fields.

Nothing can detract from the perfect success of our satyagraha campaign [regardless even of] whether or not the Indian community conducts itself well in the coming three months, whether or not it keeps its word about voluntary registration. Even supposing that giving in on the question of finger-impressions was a mistake, satyagraha remains unsullied. Its success is complete. You may, if you wish, blame those who gave in on the question of finger-impressions. But truth has emerged victorious. Let there be no doubt of that.

[From Gujarati]
Indian Opinion, 15-2-1908

41. NATAL LICENCES

No trading licences have been issued in Estcourt. Mr. Kazi's store in Stanger has come in for trouble. There will be similar trouble at other places as well. How will the Indian store-keepers be able to carry on business in Natal under these conditions?

There are two ways. One is to take the matter to the court, as the late Mr. Labistour advised. That will mean filing a suit against one of the municipalities and going to a great deal of expense and trouble. Besides, there is no assurance of success.

The other way is at once easy and difficult, depending on how one looks at it. This is the way of satyagraha. [It is easy because] in this case satyagraha will not involve going to gaol. Those who carry on trade without licences can only be fined, and in default [the penalty] will be, not imprisonment, but the auctioning of goods. It also follows

that anyone whose goods have been once auctioned will not be able to carry on business for the rest of the year. There can be repeated auctioning of goods. That will mean ruin. But every great task is bound to involve a heavy sacrifice. As a devotee has said, "to live a life of constant devotion to God one must pledge one's life; so difficult is the journey ahead of us". Satyagraha does call for devotion—devotion to one's country. It does require us to pledge our life [to the cause]. It can be resorted to only for the common good, not for mere self-advancement.

Traders in Natal may find such a struggle a little more difficult than those in the Transvaal had found it. It should be, truly speaking, easy. It is difficult, because people can take cover behind the argument that they are prepared for imprisonment but not for the loss of goods. Moreover, the entire community will not be able to join in the struggle, so that it will be left to a few individuals only to fight it out. It should [on the contrary], be easy for the reason that, in our experience, Indians, and other communities as well, generally fight shy of going to gaol but do not much mind auctioning of their goods. Besides, no great risk is involved in allowing the goods to be auctioned. A clever man can hold out against [the Government] through skilful tactics. The main thing is for everyone to carry on trade without a licence, if a single person is refused a licence without valid reasons. If the Government cannot throw everyone into prison, it cannot possibly auction everyone's goods either. Unity is absolutely essential. We do not mean to suggest that all businessmen—all over Natal, that is—should trade without licences; only the businessmen of the town or division concerned need do so.

Licences may well be refused to some individuals after they have been issued to all the others. In that case, those traders who do not get licences can continue their business and let the Government do its worst. This will require intelligence and presence of mind. Another way out is to rent premises for the store furnished with the landlord's benches, etc. The store should be stocked light so that the saleable goods may be disposed of from day to day or transferred to another person at short notice. If we follow these tactics the Government's policy of imposing a fine each time will be defeated. When a fine is imposed, a meeting should be called to make it known to the Government that the entire community approves of the person concerned carrying on unlicensed trade. This will tire out the Government. But this [course] is only for the brave and patriotic. Those who live merely for themselves are no better than stone. They cannot muster the kind of courage which comes only when one fights for the rights of all. It is simple for hawkers to hold out against the Government, which will then proceed to amend the law of its own accord. Let there be no

mistake about this: the Transvaal campaign has won more respect for Indians, and the Government is bound to feel alarmed.

This step should only be taken publicly; that is why meetings should be held for the purpose; resolutions should be forwarded to the Government, and then alone should the actual campaign be begun. All the steps taken in the Transvaal should be followed, beginning with the first.

There are precedents for this kind of action. Englishmen let their goods be auctioned rather than pay the education cess. Now no one troubles them. The late Mr. Bradlaugh[1] had his own way of making himself feared by the entire British nation. How he did that we shall explain another time.

Let the gentlemen in Natal, if they wish to start a campaign, call a big meeting for the purpose; let them, standing united, embark on this course cool-headedly with God as witness. They should note that, once the first step is taken, there must be no turning back. It may be wise in the first instance not to make a beginning. Wisdom consists in not retreating once a beginning has been made.

[From Gujarati]
Indian Opinion, 15-2-1908

42. *FUND FOR RITCH*[2]

We wrote about Mr. Ritch last week. Everyone, we think, feels that something should be done for Mr. Ritch as a mark of our appreciation of his work. He has worked for all South Africa and is still doing so. We therefore believe that every Indian should join in the effort. No sum that we collect can be too large. It would not be extravagant even if we engaged Mr. Ritch at £1,000 per annum. We have been paying him just enough for his bare needs. Ever since we heard of Mrs. Ritch's illness, he has been allowed to draw enough money to meet his needs at home. Formerly, he was paid only £15 per month. That is, we have not paid him more than £25 a month on an average. We do not think it would be too much if we presented him a purse of, say, £300 at the least. It would certainly not be wrong to send

[1] Charles Bradlaugh (1833-91); English free-thinker and politician; for many years associate of Annie Besant and editor of *National Reformer*. In 1880, he was elected M.P. from Northampton but could enter Parliament only in 1886 after six years of wrangling over oath-taking which he wanted to do by affirming under the Parliamentary Oaths Act and not on the Bible. An atheist and "iconoclast", he was a natural leader in causes which had society against them.

[2] *Vide* "Ritch's Great Achievement", p. 63.

more. By honouring Mr. Ritch we honour ourselves. Doing this may also win others over to our side. Not, certainly, that people will be attracted by money, but because they will realize that we have [a tradition of] nobility. If someone offers to help in hope of profit, he should be kept at arm's length. As for Mr. Ritch, he does not even dream of monetary gain. He will cease to be useful the moment he begins to think of such gain. We are starting a collection for this purpose, and hope that a large number of Indians will contribute to it. That will be a handsome [gesture] and no one individual will feel the burden. If our readers, several hundreds of them, make up their minds, the collections can be concluded soon. All contributions will be acknowledged in *Indian Opinion*. Let everyone remember that contributions for Dr. Booth[1] came mostly from the poor. A sum of £100 was collected then and Dr. Booth was presented with a purse and an address. We can say, without meaning to slight Dr. Booth, that we have rarely come across a white the equal of Mr. Ritch.

[From Gujarati]
Indian Opinion, 15-2-1908

43. JOHANNESBURG LETTER

British Indian Association

The British Indian Association of the Transvaal has started collections for a large fund. It has been decided not to accept less than 10s from anyone and that everyone should pay the most he can. The main object of the collection is to build a large hall in Johannesburg. There is no building anywhere in South Africa that would do credit to the Indian community. This is a drawback. Surely it would be a good idea to put up such a building in Johannesburg. Every prominent community has a hall similar to the one proposed. That we do not have one is a matter for shame. Truly speaking, there should be a hall of this kind in every city, such as Cape Town, Durban, Maritzburg, etc. It is a sign of our backwardness that there is not one. People in the Transvaal have therefore decided to build such a hall in Johannesburg.

[1] Rev. Canon Booth; Dean of St. John's in Durban; managed the Indian section of the Church of England Mission for the education of children of indentured Indians; also Medical Officer to Natal Indian Ambulance Corps; worked in honorary capacity in the Indian Hospital in Durban. The fund was really not for Dr. Booth but for this hospital. *Vide* Vol. III, p. 174; also *Autobiography*, Part III, Ch. X, & Part IV, Ch. XXIV.

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It is also intended to present handsome addresses to Lord Ampthill[1] and Sir Muncherjee Bhownaggree[2] for the invaluable work they have done. There is also a proposal to express, in a concrete form, our appreciation of the services rendered by Mr. Polak, Miss Schlesin who has taxed herself to her utmost by labouring day and night, and other whites who have put themselves out equally. The expenditure on all these things is to be met from the fund that is now being raised.

The ten-shilling receipts bear Mr. Essop Mia's signature reproduced [in facsimile]. On the left there is space for the signature of the person who receives the contribution. Receipt books have been despatched to a number of towns. Everyone must pass on the money, as soon as it is collected, to the Secretary of the Association. On the counterfoil the name of the donor should be entered in full, and no contributor should pay except against a receipt. The collections should be concluded and the amounts forwarded as soon as possible. I advise everyone to preserve the receipt as a memento of the campaign. Also, it can be shown to others who may come asking for contributions. If a large number of persons take up the work of collection, it can be finished before the voluntary registration is over.

[From Gujarati]
Indian Opinion, 15-2-1908

44. EXTRACT FROM LETTER TO S.A.B.I. COMMITTEE[3]

February 15, 1908

. . .The repeal of the Act was the fixed goal undertaken in the name of God; so far as I am aware, in making for that goal we have never swerved from that path, and have we not reached the goal in the least possible time and with the fewest scratches?. . .

India Office, Judicial and Public Records: 3722/08

[1] Arthur Oliver Villiers Russell, Second Baron of Ampthill (1869-1935); a founder of the National Party, 1918; Governor of Madras, 1899-1906; Viceroy and Governor-General of India (*pro tem.*), 1904; wrote foreword to Doke's biography of Gandhiji.

[2] Sir Muncherjee Merwanjee Bhownaggree (1851-1933); Parsi barrister settled in England. As a Member of Parliament for over ten years, elected on the Unionist Party ticket, and as a member of the British Committee of the Indian National Congress in London, he helped considerably in educating public opinion in England in regard to the grievances of Indians in South Africa.

[3] This is taken from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

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45. SECRET OF SATYAGRAHA

There appears to have been a good deal of misunderstanding following the Transvaal Indians' failure to comprehend the secret of satyagraha. It is therefore necessary to give a little more thought to satyagraha in the context of our victory against the obnoxious law. Those who know the real meaning of satyagraha should not have the slightest doubt as to what the victory means.

A satyagrahi enjoys a degree of freedom not possible for others, for he becomes a truly fearless person. Once his mind is rid of fear, he will never agree to be another's slave. Having achieved this state of mind, he will never submit to any arbitrary action.

Such satyagraha can be, ought to be, practised not only against a Government but against society as well [if need be]. It can often happen that a society is as wrong as a government. It becomes one's duty then to use satyagraha against society. The late Mr. Thoreau, whose book[1] we have already summarized, thought that his countrymen did wrong in carrying on slave-trade. He therefore ranged himself against his people. The great Luther defied his people single-handed and it is thanks to him that Germany enjoys freedom today. And there was Galileo who opposed society. The people were resolved to kill him. Undaunted, he told them that they could kill him if they wanted to, but that it was nevertheless true that the earth revolved [round the sun]. Today, we all know that the earth is round and that it rotates round its axis once every 24 hours. Columbus acted like a true satyagrahi when facing his sailors. Exhausted [by the long voyage], they declared, "We will never get to America. Let us turn back, else we will kill you." Unperturbed, Columbus answered, "I am not afraid of being killed, but I think we ought to go on for a few days more." They did discover America, and Columbus won everlasting fame.

Such a wonderful remedy is this satyagraha. When we ask in fear what will happen if the Government does not repeal the Act, we only betray the deficiency of our satyagraha or talk as if we had been unmanned, having lost the weapon of satyagraha. But our satyagraha prompts us to become free and feel independent. We have therefore nothing to fear. 'All this is idle talk. Whatever you do, you cannot start the campaign again. Once has been quite enough.' There are persons who talk thus. If it is true that we cannot resume the struggle, it will have been in vain that we started it at all.

[1] The reference is to Thoreau's essay on "The Duty of Civil Disobedience". *Vide* "Duty of Disobeying Laws", Vol. VII, pp. 217-8 & 228-30.

Let us justify this view of ours. It is a matter of common observation that what we have won can be retained only by the same means through which it was got. What is won by force can be retained by force alone. A tiger seizes its prey by force, and retains it through force. Those who are forcibly locked up in gaol are kept there by force. The territories acquired by emperors by use of force are retained by force. In the same manner, what is gained by love can be retained only by love. The mother feels great love for the child in her womb and rears it with the same love afterwards. Its punishment while yet a child should not be interpreted as use of force. There are also instances where a mother has lost a child altogether because she stopped loving it for some reason. Similarly what we have gained by satyagraha can be retained only through satyagraha. When satyagraha is given up, we may be sure that the gains will also be lost. Moreover, it is unlikely that one will succeed in retaining through physical force what one gained by satyagraha. Suppose Indians wish to retain by force the fruits of victory won through satyagraha. Even a child can see that, if Indians resort to force, they can be crushed within the minute. Likewise, if we abandon satyagraha and go on as we did before, what we have gained may be lost.

These examples serve to show that satyagraha is really an attitude of mind. He who has attained to the satyagrahic state of mind will remain ever victorious, at all times and places and under all conditions irrespective of whether it is a government or a people that he opposes, whether they be strangers, friends or relatives.

It is only because we do not appreciate the marvel of satyagraha that we live in India as a poor and cowardly race, not only in our relations with the Government but in our personal relations as well. Certain customs which are palpably evil are kept alive in our country mainly because we lack in [the spirit of] satyagraha. Though well aware that certain customs are bad, we do very little to end them either because of fear, laziness or undue regard for others.

Before concluding, let me refer to the latest instance. When the whites held an anti-Indian meeting in Pretoria Town Hall, there were only four whites to speak in our favour. They were thus four against a thousand. But the four were brave enough to express their views in the face of a chorus of abuse from the crowd. In the event, their satyagraha considerably detracted from the importance of the meeting and turned it into a menagerie.

We urge every Indian to follow these ideas carefully. Those who do will learn the true nature of our success and find themselves equal to the tasks which the Indian community has to face.

[From Gujarati]

Indian Opinion, 22-2-1908

46. MY REWARD[1]

Beginning

For my part, I am not in the least surprised that I was assaulted. I had declared even on the 9th that, in view of the promise about the repeal of the law, I did not see any dishonour in giving finger-impressions outside the law. On the contrary, I thought it was honourable to give them. When, in the meeting in front of the Mosque, there was strong opposition to the idea of Indians voluntarily giving their finger-impressions, I asked myself what I would do if I had the real spirit of satyagraha in me, and then I declared my resolution that, if I was alive on Monday, I would positively give my finger-impressions. I still do not regret having done so; rather, I think that I did my duty to my God and my community. When at a quarter to ten on Monday morning I set out towards the Registration Office in the company of Mr. Essop Mia, Mr. Naidoo and a few other Indians, I did feel that there might be an attack on me. In fact, I had spotted two of the assailants near the office. They walked alongside of us. I then became surer. But I decided that I should not, as I had declared earlier, mind being assaulted by my own brethren.

Some way ahead, one of the men asked, "Where are you all going?" Mr. Essop Mia was about to answer, when I interrupted saying, "I am going [to the Registration Office] to give my finger-impressions. The others, too, will do the same. If you want to give your thumb-impressions [only], you can do that." My only recollection of what followed is that I received very severe blows.

I took severe blows on my left ribs. Even now I find breathing difficult. My upper lip has a cut on one side. I have a bruise above the left eye and a wound on the forehead. In addition, there are minor injuries on my right hand and left knee. I do not remember the manner of the assault, but people say that I fell down unconscious with the first blow which was delivered with a stick. Then my assailants struck me with an iron pipe and a stick, and they also kicked me. Thinking me dead, they stopped. I only remember having been beaten up. I have an impression that, as the blows started, I uttered the words '*He Rama!*'. Mr. Thambi Naidoo and Mr. Essop Mia intervened. Mr. Naidoo was hit as a result and injured on the ear. Mr. Essop Mia received a slight injury on a finger. As I came to, I got up with a

[1] This was published as "From Mr. Gandhi".

smile. In my mind there was not the slightest anger or hatred for the assailants.

On reflection, I feel that we fear death needlessly. I believe that I have not known such fear for a long time now. And I have grown more fearless after this incident. If I had not regained consciousness, I would not have felt the suffering that I went through later. We can thus see that there is suffering only as long as the soul is in intimate union with the body. I became aware of the suffering only when the soul's union with the body was restored.

No One to Blame

I do not blame anyone for the assault.[1] Those who attacked me would have at one time greeted me and welcomed me enthusiastically. When they assaulted me, it was in the belief that I had done them and the community harm. Some people thought I had sold the community by having agreed to [the system of] finger-impressions [in our compromise] with the Government. If that is what they thought, is it surprising that they attacked me? If they had had some education, they would, instead of assaulting me, have adopted other means of venting their dislike of me. In either case, they would have had the same reason. Experience tells me that some people know of only one way of expressing disapproval. For them physical strength is the one supreme thing. How then could I be angry? What point would there be in having them prosecuted? My real duty consists in disproving their charge against me. That will take time. Meanwhile, as is the way of the world, people will persist in the methods of violence. In this situation, the duty of the wise man is only to bear the suffering in patience. I think of myself as a wise person. I have therefore no choice but to endure the suffering inflicted on me. My religion teaches me to have no fear save of God. If I had any such fear, I should be violating a divine command. Why then should I be afraid of suffering? I therefore ask of God that I may remain fearless till the last. I ask my well-wishers to say the same prayer.

Nursing

When I came to somewhat, I was taken to Mr. Gibson's office, opposite which I had been attacked. I was attended to by Mr. Lew[2] and Mr. Gibson Junior. A doctor washed the wounds. They were thinking of removing me to hospital. Mr. Doke, a clergyman, who did a great deal of work for us during the later stages [of our campaign], hurried

[1] Gandhiji in fact wired to the Attorney-General to say that his assailants were not guilty; *vide Satyagraha in South Africa*, Ch. XXII. The telegram itself, however, is not available.

[2] Yuk Lin Lew; Chinese Consul-General in the Transvaal; *vide* also Vol. VI, p. 14.

to the spot on hearing news of the assault; he suggested that I should be taken to his place. After some deliberation, I agreed to his suggestion. Mr. Doke is a Baptist and nearly forty-six years old. He has travelled widely in New Zealand, India, Wellestown[1] and other countries. He came here from Grahamstown three months ago. Judging from the way he looked after me and from his nature and that of his family, he must be a godly person indeed. He is not exactly a friend. I had met him barely three or four times before then, and that in connection with the campaign in order to explain the position to him. It was thus a stranger whom he took into his house. All the members of his family remained in constant attendance on me. His son's room was put at my disposal, and the son himself slept on the floor in the library. While I was ill, Mr. Doke would not allow the slightest noise anywhere in the house. Even the children moved about very quietly. Mr. Doke took the sanitary part of the duties on himself, while I looked helplessly on. The work of bandaging me, of washing the bandages, etc., was taken on by Mrs. Doke. They would not allow me to do even what I could have well done myself. Both husband and wife sat up [at my bedside] through the first night. They came into the room every now and again to see if I wanted anything. In the mornings Mr. Doke was busy receiving people who came to inquire after me. Every day nearly 50 Indians called. So long as he was in the house, he would take every Indian, whether he appeared clean or otherwise, into his drawing-room, offer him a seat and then bring him to me. He would also gently remind everyone that I should not be disturbed much. This is how he looked after me. He did more than attend on me and attend to all those who came to see me. He also did whatever he could about the difficulties of the community. Besides, he would call on Mr. Cartwright, Mr. Phillips and others, carry messages from me and do of his own accord whatever appeared necessary.

It is small wonder that a nation which produces such men should march forward. And how can one say that a religion to which such gentle, kind-hearted and really noble persons belong is false in any way? His only object in doing all this was to please God. He also, as was his wont, prayed nightly sitting by my bed. In his daily life, too, he always said grace before and after a meal. His children were also made to take turns at reading from the Bible. I at any rate could see no selfish motive in him; in his conduct and in the education of the children, all that one could see was truth. I saw no touch of insincerity in anything that he did, neither did I feel that anything was done to please others. It is not often we come across such single-mindedness and nobility in Hindu or Muslim priests and

[1] This appears to be an error for Palestine.

grihasthas[1]. These are not common even in Englishmen. Some nations have more of these [qualities], others have less. Without entering into a discussion of that point, I would only pray that there might be hundreds of Indian families like Mr. Doke's.

TREATMENT

Both the blows and the injuries I received were severe, but in the opinion of the doctor not many patients were known to recover as speedily as I did. Though I was under the care of a physician, the treatment consisted entirely of home-cure methods. For the first two days I had nothing to eat or drink. That had the effect of keeping the fever down. On the third day I had no temperature. I started on a diet of a quarter pound of milk, and gradually added to it grapes, pears and other fruit. Then I began taking bread dunked in milk once a day. I am still on that diet. On account of an injury to three of the upper teeth, I shall not be able to eat anything hard for several days to come. Apart from the wounds, my mouth was swollen and so was my forehead. A poultice of clean earth was put on these, and the swelling has now subsided. I had been badly hit in the ribs, and here again the recovery is nearly complete thanks to a large poultice of earth. The doctor was afraid that the application of earthen poultice on wounds might cause sepsis. But I had them put on on my own responsibility. The doctor is now, however, convinced that the earthen poultice has done much good. Normally wounds which have to be stitched up rarely escape becoming septic. I am emphatically of the view that with an earthen poultice wounds heal without becoming septic. And that is what has happened. I have used many remedies involving the use of earth. I think, if earth is judiciously used, it can be a useful remedy in many ailments. I hope later to be able to tell readers of *Indian Opinion* [more about] my experiences.

LESSON

My object in writing this account is not merely to tell a story or to fill the pages of this journal, but only that my experience may be of use to others. The lesson that every servant of India is to draw from the assault is this: if anyone wants to serve the community, and always do the right by it, he must be prepared for physical assaults. If we do not take these things to heart, we shall have more peace of mind and happiness and, to that extent, more strength to serve the community. Such assaults should really be looked upon as rewards. Mr. Doke's conduct shows us all the path of goodness and the home

[1] Householders

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remedies described here are worth noting. Mr. Doke received nearly 40 telegrams of thanks from different parts [of the Colony] and some Indians sent him fruits and other gifts as a mark of their gratitude.

[From Gujarati]
Indian Opinion, 22-2-1908

47. JOHANNESBURG LETTER

Drew's Letter

Mr. Drew[1], who is the editor of *The Friend* of Bloemfontein and a Member of Parliament in the Orange River Colony, says in a letter:

> I thought it was an easy victory you had achieved with a brief term of imprisonment. But I see now that you were not to be let off so lightly. However, I hope that your community will accept the very excellent and honourable compromise that has been reached. If it does not, the Indians will not retain the sympathies even of a single European.

Mr. Drew's words deserve to be pondered over. Readers of *Indian Opinion* know that, when others were against us, Mr. Drew's sympathies were with us. He has also been of great help in a private capacity. When a person like him writes in this manner, we should infer that things have come to a pretty pass indeed.

How Long Will Registration Office Remain Open?

Many persons have asked this question. The reply is, "As long as necessary". There can be no exact time-limit to voluntary registration. But, since about a thousand people register every week and assuming the population [of Indians in Johannesburg] to be five thousand, it appears probable that [the Office] will remain open for five weeks.

Will Police Demand [Registers] ?

The person asking this question has not understood the compromise. Those who take out registers voluntarily will not be subject in any way to the obnoxious law or to the regulations made under it. There exists a written assurance to that effect. The question above does not therefore arise. I do not mean by this that the police will never question anyone. After registers have been taken out voluntarily, there is bound to be a new law of some kind. It will contain some sections providing for interrogation [by the police]. What these sections

[1] Rev. Dewdney Drew. In *Satyagraha in South Africa*, Gandhiji describes him as "one of the best speakers in South Africa". He supported the Indian cause in the teeth of European opposition. Earlier, he had given up orders to take up the editorship of *The Friend*.

will be and what form the new law will take depends on how the Indian community conducts itself during the next three months. By refusing to understand a very minor point and by their childish insistence [on not giving finger-impressions], the Pathans have created an unfavourable impression on the Government. If, in spite of this, the Government is convinced that the other members of the Indian community are sensible, honest and well behaved, the law that is to be enacted may well be worthy of such a people. Let it be noted, therefore, that every Indian now bears a heavy responsibility. We will have to deal with the local authorities at every step. The Imperial Government will not interfere in these dealings. Indeed, it cannot. Bearing in mind then, that, in matters which do not detract from our self-esteem, we must exercise judgment and care in dealing with the Government, I give below some rules [for the readers' guidance] during the next three months and indeed for all time:

1. Every Indian should disregard self-interest and think only in terms of the interests of the community as a whole.
2. No one should use a false permit or encourage another to do so.
3. No one should even think of arranging illegal entry for his relatives and friends.
4. Correct particulars about names and ages of children should be furnished.
5. The temptation to see a large number of Indians come in should be resisted.
6. One must not be rude to the officials. Not that we need flatter, but we must show respect.
7. We should assume that all Indians will take out registers promptly.
8. Most of the Indians should give their finger-impressions in the conviction that there is no disgrace in doing so.

If these rules are observed, I make bold to say that whatever law is enacted will be mild and bearable enough and will be in keeping with our dignity.

[From Gujarati]

Indian Opinion, 22-2-1908

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48. A BRIEF EXPLANATION[1]

Everyone knows that this paper contains a good deal of my writing though a reader will normally be unable to say which articles are mine and which are by others. I print this one under my signature so that the views put forward here may be specifically known to be mine.

The controversy over the compromise with the Government has now largely subsided. There is a better appreciation of it among the people and, to that extent, they appear to have been pacified. However, controversies continue. I have received some deprecatory letters from Natal. Some of them pour abuse on me, and this only shows the pitiable state we are in. The abuse has not had the slightest effect on my mind, but it indicates the extent to which feelings have been roused.

I also see that the objections some persons have to the compromise are only a pretext, their real intention being to set the Hindus and the Muslims at variance with each other. I believe I have equal regard for the two communities. In public service, Hindus and Muslims have stood together as a united people. It is not, I have noticed, the Hindus who have blamed me; they are presumably satisfied that the compromise is a reasonable one. The condemnatory letters that I have received are all from Muslims. It is necessary to go into the reason. I am reluctant even to write of this matter, but it would not be proper to keep back [from the readers] what is on the lips of many and has become a subject of talk. Not only that; it may prove positively harmful to suppress the incident.

When the passive resistance movement was at its height, Mr. Ally[2] could not continue to trust me fully because I was a Hindu. He there-

[1] This was published in *Indian Opinion* under the title "A Letter from Mr. Gandhi".

[2] Haji Ojeer Ally; born in Mauritius in 1853 of Indian and Malay parents; spoke Dutch, English and Hindustani fluently (*vide Satyagraha in South Africa*, Ch. XIV); came to South Africa in 1884 and devoted himself whole-heartedly to the Indian cause; took notable part in the agitation against Cape Franchise Law Amendment Act; elected Chairman, Cape Coloured People's Organization in 1892; founder-President, Hamidia Islamic Society and member, along with Gandhiji, of the Transvaal Indian Deputation to England in 1906 (*vide* Vol. VI). Unable to join satyagraha campaign and unwilling, at the same time, to submit to the Asiatic Registration Act, he left the Transvaal in 1907, leaving behind large interests; *vide* Vol. VII, p. 204.

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fore sent a telegram to Ameer Ali[1]. On this occasion, a few Muslims thought of sending a telegram to Mr. Jinnah, and the Pathans eventually sent one. I do not blame Mr. Ally for what he did. Again, I do not blame the Pathans for what they have done now. I have known Mr. Ameer Ali. I asked for his help on behalf of the community and it was given. I have also known Mr. Jinnah. I regard them both with respect. I do not therefore write to complain but only to point to these things as symptoms of our mental state.

The symptom is this: I occasionally observe some lack of trust [in me] though I have worked hard to bring the two communities together. This is a sign of our weakness. It makes me unhappy. I have heard some Muslim brethren say in arguments about the compromise, "Gandhi has totally ruined the Muslims and has been doing so for the last fifteen years." It is most regrettable that any Indian should utter these words. I am sure those who say this themselves know that I have never even dreamt of harming anyone.

The entire campaign was intended to preserve the status of the well-to-do Indians. Muslims are better placed in South Africa and it was chiefly a businessmen's campaign. Had it not been for the massive effort of the Hamidia Islamic Society, we would never have won. Also, had not a large number of Muslims worked hard for it, there would have been no victory. How can it be said then that I have brought utter ruin on the Muslims?

I know that there are only a few persons who say these things. Most of the Muslims realize that in South Africa Hindus and Muslims make up a single [community] and ought to live together as one. If I have done anyone harm, it must be to the community as a whole and not to the Muslims alone. And I do not see that any harm has been done. Yet people go on arguing. I therefore wish to warn my Muslim brethren against those who are out to set people at variance with each other by saying these things; they ought to be treated as enemies of the community, and no one should take any notice of what they say.

I would tell those who take pleasure in creating dissensions that they bring ruin not only upon themselves, but on the whole community. They must stop this. Let them give up considerations of mere self-interest and turn their minds to doing good.

[1] Syed Ameer Ali (1849-1928); Member, Judicial Committee of the Privy Council; Judge of Calcutta High Court, 1890-1904; author of *Islam* and books on Mahomedan Law, etc. In July 1907, H.O. Ally wrote a letter to Ameer Ali, a member also of the South Africa British Indian Committee, expressing his opposition to Gandhiji's continued campaign against the Asiatic Registration Act, for, he said, that would ruin "thousands of my co-religionists who are all traders while the Hindus are mostly hawkers". He sought the intervention of the Committee against the satyagraha movement. *Vide* also Vol. VII, pp. 123-4.

To the Hindu brethren I would say that all of us must live together as one people, regardless of the things a few Muslims who are enemies of the community may say. Looking at the matter in that light, they should give no thought to others' mistakes. They must not answer back. There can be no quarrel unless both the sides are at fault. Let them be careful, therefore, not to be in the wrong even partly.

In South Africa, I have only one duty: to bring the Hindus and the Muslims together and serve them as a single community. Some questions have arisen in this connection. We shall consider them next week. Meanwhile I request every Indian to read this patiently several times over.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 22-2-1908

49. LETTER TO GENERAL SMUTS[1]

JOHANNESBURG,
February 22, 1908

DEAR MR. SMUTS,

In accordance with the permission given by you, I now take the opportunity of sending you a draft Bill[2] to amend Immigration Restriction Act No. 15 of 1907. The draft, in my opinion, meets the situation entirely. The time is ripe for me to submit it, inasmuch as there is every evidence now of the Asiatics loyally accepting the compromise.

You will see that some of the rights given by the Asiatic Act have not been availed of by the draft; for instance, Asiatics who were in the Transvaal on the 31st day of May, 1902 are, under the Act to be repealed, entitled to registration, whereas, under the draft now submitted, they are not. I have omitted them advisedly, because it exposes Asiatics to temptation. I have assumed that those who were in the Colony on the 31st day of May, 1902 must have by the time voluntary registration is completed availed themselves of it. There could not be many outside the Colony who were in it on that day and have not yet returned. If, however, there are any exceptional cases, they can be dealt with under the last clause of the amendment of Paragraph g. On

[1] A copy of this letter to Smuts was also sent by Ritch as an annexure to his letter of July 27 to the Colonial Office. In his reply dated March 12 (S. N. 4798), Lane wrote that General Smuts had his "hands pretty full of other matters" just then and had "not yet had time to go into the question".

[2] *Vide* enclosure, pp. 103-4.

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the other hand, I have ventured to specifically protect Asiatics who paid £3 to the old Government before the war, because, although they are not mentioned in Act 2 of 1907, it always was the intention to protect them, and holders of such certificates who are without the Colony cannot now number more than one hundred.

The clause about temporary permits has been taken over from Act 2 of 1907. I have ventured to import into the draft Bill a section dealing with the Church Street property[1] held by the late Aboobaker Amod. As you are aware, the section in Act 2 of 1907 proved abortive. A section of that description may not appear in its place in an Immigration Bill but, as the law repeals the Asiatic Law Amendment Act, the relief sought to be granted under that Act might well be granted in a repealing Bill. I am sure that you would be pleased to restore to the heirs ownership of their inheritance. As you may be aware, the property is leased to a European firm and is being entirely used by Europeans and the building thereon is in every way a credit to the principal street of Pretoria.

I have omitted to take over from the Asiatic Act the section supposed to give relief with reference to liquor. I, personally, think that it is perfectly useless and should never have formed part of the Act.[2]

I know that you are going to amend Section 6 also of the Immigration Restriction Act[3]. I was almost going to submit a draft amendment, but, on second thoughts, I considered that it was not my place to do so. May I, however, suggest that the power of removal be changed into authority to the Magistrate to convict persons who may disobey the order to leave and to imprison them until they would leave the Colony of their own accord and at their own expense. I think that that is the utmost that a civilized Government can possibly do. If Section 6 is amended in the manner above indicated, Section 11 and Sub-Section f of Section 15 will require corresponding amendment.

There now remains for me to point out that, according to my reading of the Immigration Restriction Act, Malays and Cape Coloured people become prohibited immigrants. I hardly think that such was the intention of the Government. I should imagine that they would be protected the same as descendants of the aboriginal races of Africa, as per clause h of Section 2.

In my opinion, no further amendments would be necessary in order to carry out the main purpose of the Asiatic Act in the way of inspection and in the way of restriction of licences only to those who

[1] *Vide* Vol. V, pp. 267-8 & Vol. VI, p. 118.

[2] *Vide* Vol. VI, p. 118.

[3] For provisions of Immigration Restriction Bill, *vide* Vol. VII, pp. 492-6 and for the Immigrants' Restriction Act, *vide* Appendix I of this Volume.

are not prohibited immigrants, because both these are already more than provided for under the Immigration Restriction Act. Every person applying for a licence will have to prove that he is not a prohibited immigrant and the officers appointed under the Immigration Restriction Act will have the power to put to proof any person suspected of being a prohibited immigrant.

If there are any Asiatics who do not avail themselves of the voluntary offer, I do not think, in view of the amendment suggested by me, that you require the use of the Asiatic Act to deal with them, because they will *ipso facto* become prohibited immigrants and would, therefore, be liable to an expulsion order. Those who are outside the Colony and are because of their former domicile entitled to re-enter, although they may not possess educational qualifications, are, as you will notice, under the draft submitted by me, required to take out a registration certificate according to the voluntary form within seven days of their arrival.

I remain,
Yours truly,
M. K. GANDHI

GENERAL J. C. SMUTS
COLONIAL OFFICE
PRETORIA

[ENCLOSURE]

DRAFT IMMIGRATION RESTRICTION BILL TO AMEND ACT NO. 15 OF 1907

1. Section one of said Act is hereby repealed and replaced as follows: "The Peace Preservation Ordinance, 1903, the Asiatic Law Amendment Act No. 2 of 1907, and Sub-Section (c) of Article two of Law No. 3 of 1885 as amended by Volksraad Resolutions Article 1419 of the 12th day of August, 1886, and Article 128 of the 16th day of May, 1890 are hereby repealed, provided that nothing done under the said Ordinance, Act, or Law, before such repeal shall be affected by such repeal."

2. Paragraph (g) of Sub-Section one of Section two is hereby repealed and replaced by the following: "Any Asiatic who has obtained a certificate of registration under the Asiatic Law Amendment Act, 1907, or any Asiatic who has obtained before the . . . day of . . . a certificate as per form hereto attached and described in Schedule A, or any Asiatic who, not being within the Colony, is in possession of a permit or registration certificate lawfully issued to him and of which he

is proved to the satisfaction of the Immigration Officer to be the lawful possessor and who shall within seven days after entering the Colony apply for a certificate as per Schedule A, or any Asiatic who is considered by the Minister as eligible for such certificate and who does not come within the scope of Sub-Sections 3, 4, 5, 6, 7, or 8 of the definition of 'prohibited immigrant' as in the said Act 15 of 1907."

3. The Minister shall have the power from time to time to issue temporary permits to enter and remain in the Colony to any "prohibited immigrant".

4. Portion of Erf No. 373 Church Street, Pretoria, which was registered in the name of the late Aboobaker Amod and which is at present registered in the name of Henry Solomon Leon Polak may be transferred in favour of the heirs of the late Aboobaker Amod notwithstanding anything to the contrary in Law 3 of 1885 as amended by Volksraad Resolutions Article 1419 of the 12th day of August, 1886 and without payment of further transfer duty.

Indian Opinion, 4-7-1908

Also India Office, Judicial and Public Records: 2896/08

50. BLUE BOOK

The Blue book published by Lord Elgin[1] in January is now available in South Africa. It is called a Blue book, though it should really be called a black book. Anyone who reads this Blue book and follows it will soon realize that the Indians' success was in spite of the Imperial Government, which had ranged itself on the other side; it was won entirely on the strength of truth. It appears that, until January 10, the attitude of the Imperial Government was a feeble one. We have seen how it changed after that date. But we do not have to be grateful to the Imperial Government for that. For them it was a good deed done under the stress [of circumstances]. We see from the Blue book that, if the Immigrants' [Restriction] Act remains in its present form, sub-section 4 of section 2 of the Act[2], as interpreted by the Government, will preclude the entry of any Indian residing outside the Transvaal. If this interpretation of the Act is correct, it is all the more clear how valuable has

[1] Lord Elgin (1849-1917); Viceroy of India, 1894-99; nominated, on his return, chairman of a Royal Commission to investigate the conduct of the South African War; became in 1905 Secretary of State for the Colonies in Sir Henry Campbell-Bannerman's Cabinet. For report of his interview to Transvaal Indian Deputation, *vide* Vol. VI, pp. 113-26.

[2] *Vide* Vol. VII, p. 493.

been our success. At the same time we must realize that, if the Government's interpretation of the immigration Act is correct, even Indians who pass the education test cannot enter. If the Indian community acquits itself well during the [next] three months, this fear will very likely prove to have been without basis. For the present, however, the first comment we have to make on the Blue book is this: though the immigration Act admitted of this insidious interpretation, Lord Elgin acquiesced in it. Likewise, he also acquiesced in section 6, which provides for the deportation of Indians on the plea of the Asiatic [Registration] Act having received Royal assent. The Colonial Government should, therefore, be granted the powers required to enforce that Act and to deport the satyagrahis. Mr. Morley[1], too, acquiesced in this after some hesitation, being satisfied with Mr. Smuts' assurance given him and Lord Elgin that [Indian] Princes and other [dignitaries] would be given the necessary permits for visits. The whole affair is as much a disgrace to the Indian community as it is to the British Empire. The British rulers take us to be so lowly and ignorant that they assume that, like the Kaffirs who can be pleased with toys and pins, we can also be fobbed off with trinkets. It is a tribute to the marvellous power of truth—be it noted by the Indians—that our rulers who thought us despicable were forced to change their opinion when they saw 200 Indians in gaol. We also learn from the same Blue book that the Chinese Consul, having raised the question of finger-impressions, found it necessary to withdraw it in view of the petition by the Chinese Association, and to tell Sir Edward Grey later that the [Chinese] objection was really to the Act itself [and not just to the finger-impressions]. We earnestly hope that the Indian community will not throw away, through a mistaken step or sheer thoughtlessness, the success that has been gained after such strenuous effort. When we have more time, we shall place before our readers the translations of relevant portions of this Blue book so that they may have the same picture of it as we have in our mind. Meanwhile, the only request we make is that they should remember that the movement has a long way to go yet and that these three months have been granted to us for finalizing our preparations and sharpening our weapons. If we make the mistake of supposing that we cannot again put up the same kind of fight, we shall to our regret lose even that which we have gained. Those who wish India well must ponder over this. They ought not

[1] John Morley (1838-1923); English statesman, writer and philosopher; ardent advocate of Home Rule for Ireland; Secretary for Ireland in Gladstone's Cabinet; Secretary of State for India, 1905-10; became Viscount Morley of Blackburn in 1908 and Member of the House of Lords; later devoted himself to introducing representative element in Indian Government. For report of his interview to Transvaal Indian Deputation, *vide* Vol. VI, pp. 208-17.

to allow their character—patience, endurance, generosity, industriousness, etc.—to desert them.

[From Gujarati]
Indian Opinion, 29-2-1908

51. RITCH'S WORK : AN APPRECIATION[1]

We must do something for Mr. Ritch without losing time. He has done invaluable work. We think it will be a great sin if the community fails in doing its duty by him. There are very few [persons] to be found even among Indians, let alone the whites, who have Mr. Ritch's perseverance and single-mindedness. We hope both the poor and the rich will contribute to the best of their means. We will publish the name of every contributor. No one should take cover behind what another does. We must not wait for another to make a beginning. In matters like these everyone should be ready to make a beginning himself. Nowadays we do not publish translations of letters from Mr. Ritch often enough—although they are now particularly long. We already know the results of the developments he mentions. Attaching as we do more importance to other current matters, we either omit his letters or abridge them.

[From Gujarati]
Indian Opinion, 29-2-1908

52. BAD HABIT

A reader from Durban writes to say that many of us are in the habit of referring to Indians from Calcutta or Madras, in public as well as in private, as "coolya" or "coolie". The complaint appears to be justified. We have often heard well-bred Indians use such terms. We are annoyed when Mr. Smuts or other whites use the word "coolie", but ourselves frequently use the same word deliberately or unwittingly, referring to persons from Calcutta or Madras who may not be labourers. The correspondent informs us that he once heard an Indian businessman refer to a person from Calcutta as a "coolie" in the presence of a lawyer. We hope that every Indian who has this habit will give it up, if only because such behaviour stands in the way of bringing all the Indians together.

[From Gujarati]
Indian Opinion, 29-2-1908

[1] *Vide* "Ritch's Great Achievement", p. 63 and "Fund for Ritch", pp. 88-9.

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53. *JOHANNESBURG LETTER*

Registration

Registration is going on apace. The officials are not able to attend to all the Indians who turn up. They cannot manage more than 200 applications a day. Since all the officials are fully occupied in Johannesburg, it has not been possible to move the office to other towns. But it is likely that by the middle of March the office will have visited all the other towns.

The Chinese

There arose a further misunderstanding about registration certificates for the Chinese. Mr. Chamney told Mr. Quinn that it was not right that all the Chinese should give their thumb-impressions only. Mr. Gandhi then found it necessary to intervene, and it was eventually agreed that the Chinese who reported might give their thumb-impressions only. The more the Chinese persist in such childish obstinacy, the more they lose their good name. The Indians readily go to the Office and furnish their finger-impressions, and this wins for them an increasing appreciation of their nobility and gentleness. About 95 per cent. of the Indians have already given their finger-impressions. About five per cent. probably gave only their thumb-impressions. True bravery implies humility and gentleness. We find the most fearless persons appear calm and gentle. The famous General Gordon[1] was ordinarily mild as a lamb, kind-hearted and gentle in his dealings, and altogether without a trace of rudeness about him. Even children could talk to him freely. The same person roared like a lion when his honour was at stake.

Story of Finger-impressions

I feel ashamed for the community that I should still have to write about finger-impressions. The point is so simple that it is difficult to understand why it is still being argued. But the late Professor Max Muller said that as long as truth is not effectively impressed on the mind of the other, there is nothing wrong in repeating the same thing over and over again in different words. It is indeed necessary to do so. Besides, there are some mischief-mongers among us who want

[1] Charles George Gordon (1833-85); British soldier and administrator; served in the Crimean War and later with distinction in China (hence "Chinese Gordon") and Egypt; was Governor-General of the Sudan; died defending Khartoum against the Mahdi's forces.

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to see trouble in the community. In order to counter the arguments of such persons from time to time and thus prevent sincere but simple-minded Indians from wavering, it is necessary to put down every idea that occurs to one. I can see indications that in the end digit-impressions will be introduced all over South Africa—maybe ten, maybe eighteen of them—although, of course, I do not see why that should frighten us. The immigration Act has been in force in the Transvaal since January 1. It has not yet been possible to enforce it against Indians, for their campaign has been directed against registration itself. Under that law, there are four different kinds of passes to be taken out.

In the first place, under the law, even a person who, by virtue of being an old resident, is entitled to return to the Colony [after temporary absence] is required to have a pass; he may, however, find it difficult to return for want of proficiency in a European language. Such passes will rarely be necessary for Indians as they will have their registration certificates with them. But they will be required of whites —Jews and others—belonging to the working class, for it may happen that they do not know English and that some of them do not have £20 in cash. On one side this pass will carry particulars about the holder, such as his name, address, and on the other his ten finger-impressions. That is, the position is for them the same as that obtaining for Indians today. The only difference is that the Indians have to affix their finger-impressions on the application only, not on their passes. But the [other kind of] passes referred to earlier will bear the ten finger-impressions [of the holder] and will have to be produced often.

The second kind of pass is meant for new immigrants under the same law. It is intended mostly for Jews, for they will not be able to take the test at Volksrust easily. Moreover, there are no Yiddish-knowing officials at the border. Arrangements have been made for issuing passes to such persons at the port or in England itself. This pass, like the first, will bear impressions of all the ten fingers.

The third kind of pass is in the nature of a permit which may be issued to anyone for a limited period. It will also bear ten finger-impressions.

The fourth is meant for witnesses who may be allowed into the Transvaal but who cannot take the test. This will also bear ten finger-impressions.

There are thus four kinds of passes [to be had against] varying fees, of which two categories are such as will most likely apply only to the whites. [The system of] finger-impressions has been introduced for these passes. How can the Indian community then protest against finger-impressions? It is to be observed moreover that the whites do not oppose these regulations at all. The reason is worth noting. The whites are free and independent. They do not get scared unnecessarily,

neither do they see humiliation where in fact there is none. And for the same reason they do not feel that finger-impressions by themselves imply criminality. The fact is that for the identification [of pass-holders] and for the prevention of fraud, digit-impressions offer a simple, effective and scientific means. It is true that this method was at first applied only to criminals. That is the reason why, when the method was sought to be applied particularly to Indians under compulsion, we opposed it and were justified in doing so. But there is no reason to oppose it now. Many reforms have been adopted after they were first tried out on criminals; for instance, vaccination with cow-pox serum. When Mr. Jenner discovered this method of vaccination, he first tried it on prisoners. It was introduced among the rest of the population after the experiment had proved successful. No one could argue that the free population was thereby humiliated.

If anyone wants to know why all these arguments were not advanced earlier, it is easy to answer the question. Formerly, finger-prints were a part of an enslaving law and therefore a symbol of our slavery. It was thus our duty to draw attention to the humiliating aspect of [giving] finger-impressions. It was then no part of this journal's intention to help [the Government] to dress the Indian community in a cloak of slavery by arguing that finger-impressions were bound to be introduced in the end, or that the method had advantages from a scientific point of view. There was no need, therefore, at that time to argue that in a certain context it would become necessary to give finger-impressions, or that there should be no objection to [giving] them. That was at a time when it was necessary to present a strong case against the law. All the arguments advanced at that time either in my news-letters or elsewhere in this paper were valid. Even today, given an identical situation, they would be absolutely valid. If anywhere in the world they should introduce the [system of] compulsory finger-impressions, or even a thumb-impression for the Indian community alone, with the object of stigmatizing it for the colour of its skin, this journal will again take up the banner and repeat the arguments used in the past. Besides, everyone must know that we have always said that our campaign was not directed against finger-impressions as such but against the law. The repeal of the law being assured, the Indian sword returned, on its own as it were, to the scabbard.

About Licences

For a variety of reasons it has now been arranged that those who have taken out registration certificates of their own accord should have licences issued to them even before a new law is passed. It will be stated on the licences that they are being issued subject to the approval by Parliament of [the principle of] voluntary registration. This is a

more satisfactory arrangement than the issuing of conditional receipts, and is an earnest of the Government's intention fully to honour its commitment to the Indian community.

MAY 31, 1902

Questions have often been raised about the column in the application form calling for information about the applicant's whereabouts on May 31 [1902]. It is in the interests of the Indian community that this information is sought, for those who were in the Transvaal on May 31, 1902 can be registered even in the absence of a permit or other similar evidence.[1]

WILL VOLUNTARY REGISTRANTS BE SUBJECT TO EXISTING LAW?

There should have been no need to ask this question. There exists a written understanding with General Smuts that those who take out registers of their own accord will not be subject to the law, even if there should be a few such Indians.

NEW ENTRANTS

A question has also been asked whether fresh entrants into the Transvaal will be allowed in. I think those who pass the education test under the immigration law should be able to come in. However, the Blue book received from England recently shows that, according to the interpretation put upon sub-section 4 of section 2 of the immigration Act, even educated people cannot enter.[2] I do not myself accept this view, neither does Mr. Gregorowski[3]. If the proposed law incorporates amendments which I should like, it will no longer be possible to argue that sub-section 4 admits of two interpretations. Whatever the correct interpretation, I would strongly advise the intending Indian immigrants and permitless refugee Indians not to think of entering the Transvaal for the present. The first duty of the Indian community is to prove its worth and its honesty within three months. We shall see about the other things afterwards. If any educated persons or refugees want to enter the Transvaal at present, I am sure that it will only harm [the cause of] the community. Durban has been of great help in this struggle, and I hope that it will continue working hard for some time more to prevent the entry of permitless Indians into the Transvaal.

VOLKSRUST INDIANS

In January, the Volksrust Committee sent the Association a sum of £7 telegraphically which was made up of contributions from the

[1] *Vide* also "Letter to General Smuts", pp. 101-3.
[2] *Vide* Vol. VII, p. 103.
[3] A Johannesburg barrister

following persons: Mr. Mahomed Suleman, £3; Messrs Hoosen Suleman & Co. (Parakh) £2; Messrs Suleman Moosaji Mungera, Ebrahim Mahomed Jadavat and Moosa Suleman, 10s each; Messrs Asmal Ahmed of Kanam and Ahmed Ebrahim Hasrod, 5s each; total £7. This should have been reported earlier, and I am sorry that it could not be.

New Register

The new registration certificate will contain the following particulars: name, community, age, height, external mark of identification, the Registrar's signature, date of [issue of] the certificate, signature of the person registered, and the right thumb-impression. Then follow below name of wife, address, and the names, ages, address and relationship [to applicant] of children under sixteen years of age and of minors of the same age. This register is altogether different from the one issued under the new law. The wife's name found a place in the old register[1], and harassment of women can be obviated if the name is mentioned. This register makes no reference to the new law. Registers taken out voluntarily will be numbered serially beginning with one.

Finger-prints from Women

It is reported from Volksrust that officials demand thumb-impressions of Indian women, and the latter give these. What is more, the women give thumb-impressions and refuse to lodge complaints. We have thus lost many rights through fear. For myself I would rather that women were not subjected to such harassment. Even white women have to give their finger-impressions, to say nothing of thumb-impressions. There is good reason for this: a large number of white women of questionable reputation come in. No such charge has been made against Indian women in the Transvaal. I believe, therefore, that, if the Indian community shows some pluck in dealing with the matter, Indian women may be spared the harassment of interrogation. I hope that this point will be borne in mind and that all such cases will be reported without fail to the Association.

Pietersburg Gaol

Writing about the experiences of Indians who went to gaol in Pietersburg in connection with the law, Mr. Khanderia tells us that they were all kept together in gaol. The arrangements were good. The meals consisted of pulses, rice, vegetables and ghee. The Magistrate being very kind, the prisoners were permitted to write letters. Once a week they could also have a visitor [each] in connection with

[1] Issued under Law 3 of 1885

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their business. The gaoler, too, was kind. Mr. Bhayat's manager and Mr. Abdool Latief visited the gaol once.

I had always thought that Indians would not have difficulties in mofussil gaols, for the freedom that one has in a village gaol can never be had in city gaols, such as those in Johannesburg, Pretoria, etc. If we hope to achieve much in the future, we shall have frequent occasions to go to gaol. It is therefore necessary to note such facts.

Meeting of Association

A meeting of the British Indian Association took place on Friday, the 21st. A large number of Indians were present. After some discussion, it was resolved, at the instance of Mr. Imam Abdool Kadir, who was supported by Mr. Thambi Naidoo, to try and send Mr. Ritch a sum of £300 at the least as a mark of our appreciation for his work, and if necessary, to draw upon the funds of the Association for this purpose to the extent of £100.[1] [It was further resolved] to send addresses to Lord Ampthill and Sir Muncherjee Bhownaggree at a cost of up to £25, to give a gift of about £50 in value to Mr. Polak, £10 or more to Miss Schlesin, £10 to Mr. Isaac[2], £10 to Mr. Curtis and also [send gifts] to others who had rendered appreciable help in furthering the movement. It was also decided at the same meeting to give a dinner to Mr. Cartwright, Mr. Phillips, Mr. Doke and a few others. Tickets priced at two guineas each will be issued for the dinner. It is hoped that about 30 Indians will buy tickets. The proceeds will be spent on the dinner, to which 20 whites will be invited. If the idea works, this will perhaps be the first instance in South Africa of so many Indians and whites coming together at a party.

In passing the resolution about expressing, in concrete terms, our appreciation [of the help received], I think the Indian community has only done its duty. The whites who helped did so sincerely, without any expectation of reward. The Chinese Association, too, will pass a similar resolution. As for Mr. Ritch, I hope that a tidy amount will be collected exclusively for him and that the reserve fund of the Association will not have to be drawn upon. Mr. Ritch's services have been such that no Indian should hesitate to contribute his mite.

Suggestion

At present there is such heavy pressure on the Registration Office from the Johannesburg Indians alone that preferably only those Indians

[1] *Vide* pp. 63, 88-9 & 106.

[2] Gabriel I. Isaac; English Jew and jeweller; a practising vegetarian associated with the Johannesburg vegetarian restaurant; sometime member of Phœnix Settlement, travelled collecting subscriptions and advertisements for *Indian Opinion* and was ever ready to be of use to the journal and to Gandhiji; later became a satyagrahi.

from outside the city, who are in a hurry to leave for India, should come here [for purposes of registration]; the rest will have time enough later.

HAWKERS AND PEDLARS

Many of them do not understand the difference between a hawker and a pedlar, and needlessly pay more money to take out a hawker's licence. Anyone who plies his goods in a horse-drawn carriage is a hawker and anyone who uses a barrow or a basket is a pedlar. The pedlar's licence costs only £3, whereas a hawker's licence costs £5.

[From Gujarati]
Indian Opinion, 29-2-1908

54. FURTHER CONSIDERATIONS[1]

I wrote last week of the real issues underlying the controversy that is raging over the compromise.[2] I promised then to write again. Even an emperor cannot bring round those who are bent on mischief directed against the community. How then can I, a poor man, hope to do so? My effort is directed only towards those who harbour no mischievous intent, but who are likely to be misled by others.

WHY DID I NOT CONSULT OTHERS?

This question is often raised, and I have already answered it. The letter[3] which I am said to have signed without consulting others was not explicit on the question of finger-impressions. My meeting with General Smuts was followed by a largely attended meeting[4] of Indians at midnight. I put the question of finger-prints before the meeting, and all the Indian leaders who were present authorized me to agree to the proposal. Shahji was the only one who opposed it. When I met Mr. Smuts the following Monday, I was thus fully aware of the people's views. I had also in mind the messages I had received from the leaders while I was in gaol. I had kept myself fully informed of the real difficulties of the people and the state of their mind.

I DID NOT SHOW PATIENCE

Some persons believe that since I was in gaol I was not posted with the developments in England. It would have been, they argue, a very good thing if I had waited a little longer. This again is not true. While in gaol I was kept posted with all the information. Even if I had not

[1] This was published under the title "Another Letter from Mr. Gandhi".
[2] *Vide* "Letter to Friends", pp. 75-6 and "A Brief Explanation", pp. 99-101.
[3] *Vide* "Letter to Colonial Secretary", pp. 40-2.
[4] The Press refrained, at the instance of the conveners, from publishing reports of this meeting.

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been, I had already predicted what would happen in England. I have not therefore acted in ignorance. We stood to gain nothing by waiting longer than we did, for it is not as if we had agreed to finger-impressions under pressure. It was because of our offer of voluntary registration that we received support in England. If I had lost any time when the offer came from the Government, it would have cost us the sympathy we got in England. Let us remember that there were elderly and respectable businessmen who were to go to gaol the day following that of the compromise. The thought was gnawing at my heart. I saw that it was my duty to prevent this from happening if I could. It is therefore wrong to speak of undue haste on my part.

Moreover, those who followed me to gaol had rather discouraging reports to give. They told me that people were losing courage. The hawkers, they told me, had stopped going their rounds. They wanted me to bring about a compromise as early as possible. Those who went to gaol lost their nerve in a few days, and some of them hinted that they would not go to gaol again. General Smuts told me much the same thing when I met him: that I did not have the slightest idea of the number of people who had wanted to submit to the law. A few people had already sent applications to him in secret. I even know the names of some of them. All these things could not just be ignored by a person who had been deeply involved in the struggle for 16 months. However, if I had seen any objection to finger-impressions, or if I had even known that Indians in the Transvaal would be extremely unhappy about having to give their finger-impressions, there would perhaps have been some reason for further deliberation. But, as far as I could judge, there was no objection to the voluntary provision of finger-impressions just as there was none to voluntary registration; and I knew that sensible persons in the Transvaal were not opposed to the idea, for they had no objection to finger-impressions as such, but only to the manner in which they were [required] to give them under the law. Since that situation no longer obtained, finger-impressions in themselves had become innocuous.

Did I Lose Courage in Gaol?

People who accuse me [thus] do not know me at all. If there was one person who enjoyed being in gaol, it was I. I did not find anyone else as content to be in gaol as I was. I should welcome gaol again if the occasion demanded it; so sure am I of myself.

Point in Giving Finger-impressions

Some people want to know what I mean when I say that it is advantageous for us to give our finger-impressions. Let me mention some of the reasons.

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1. By agreeing to give our finger-impressions we have only shown our good sense and proved that the campaign was not against these.

2. I thought it wise to satisfy the Government on a matter such as this. Experience has confirmed the view.

3. If we had not agreed now to give the finger-impressions, we would have later been compelled to give them. Whether or not we would have given them then is another question.

4. Several clauses of the immigration Act provide for the taking of whites' finger-impressions.

5. I think I acted honestly in giving my finger-impressions. I have therefore made good my pledge and shown that I was not cowed down by the Pathans' assault. I have also forestalled the charge that I had so contrived things as not to have to give my own finger-impressions.

6. This [arrangement] safeguards the interests of many poor people.

7. It has added to the prestige of the Indian community, and several whites have now become ardent friends of the community.

How Chinese Managed to Escape

Some people argue that the Chinese fought and so managed things that they had to give no more than a thumb-impression. This is a mistaken view. It is the British Indian Association that is responsible for having had them exempted. I intervened in the matter and sent a message to Mr. Smuts from bed. It is therefore a part of the compromise that the Chinese will give their thumb-impressions only. We could have done what the Chinese have done. But, by their obstinacy, the Chinese have lost their good name with the Government, whereas we have retained ours. Not only that; a situation has arisen in which, if the Indian community wanted it, the Government might single out the Chinese [for differential treatment]. We are not the people to attempt anything of the kind. The thoughtful among the Chinese realize this, and that is why they have been voluntarily giving their finger-impressions. Mr. Quinn has already given his.

Voluntary versus Compulsory

In this connection, a patriotic worker has cited an excellent analogy for the benefit of our Muslim brethren. According to the Koran it is permissible to eat the flesh of an animal slaughtered in the name of God, but not otherwise. Similarly, it is legitimate to give finger-impressions voluntarily, but it was not so when they were compulsory.

Have Educated Found It Profitable Arrangement?

This question can only come from sheer lack of understanding. Those who are really educated are bound always to have an advantage

over others. If that were not so, there should be no need of education. Those who have not themselves had any education should realize that, if the educated prosper, the entire community stands to gain. It may be that the educated persons do not always prove themselves worthy. Besides, what do we mean when we speak of a "profitable arrangement"? What special advantage is to be had from either giving or not giving finger-impressions? The educated persons may sign their names while the uneducated only put a cross. What is the special advantage in either arrangement? In fact our object should be to safeguard the rights of as many as possible. It is degrading to feel envious without cause; indeed it is cowardly. Let us remember that only if there is water in the well will there be any in the trough, and in that belief, we should encourage education. [Instead of envying others,] we should aspire for the same thing for ourselves. We should realize the value of education and help it to spread.

Real Significance of Law

What is the really objectionable feature of the law? If someone asked me this question, I should first say that it was a mystery which could not be easily explained. We feel the air through its effects but cannot see it. We smell the fragrance of flowers, but cannot see it. Having called on someone, I can only say whether I was treated courteously or discourteously, but often cannot point to anything specific indicating either. There may be two pearls, one genuine and the other false. Only an expert can tell between the two, and we would respect his judgment. I think experience has made me something of an expert about laws. When I read this outrageous law, my hair stood on end, and I felt there was something wrong about it. The law was so drafted as to make slaves of us. It was to be the harbinger of other disabilities to come. If the law had come to stay, it would have ruined us everywhere. They passed the law in spite of our protest, treating the entire community as criminally inclined. Even if we had stood to gain hundreds of thousands of rupees by deferring to the law, it would have been contemptible of us to have taken the money. If people outside this country read the law, they would suppose that those who submitted to it were slaves. The law would have made cowards of us all. It would have put an especial affront upon our religion. It also sought to stigmatize our children. If it had been enforced, we would have been doomed to Locations for ever. There is no reference anywhere in these arguments to finger-impressions. There are bound to be some who, I know, will despair of this enigma. But having lived in enslavement for so many years, we cannot recognize freedom when we see it. When, after a long period of confinement in a dark room,

La Touche [?][1] was taken out, he was dazzled by sunlight and [asked] to be sent back to his cell. In the same way, having remained in a dark room for so long, we cannot bear the light.

WILL FINGER-IMPRESSIONS BE INTRODUCED ELSEWHERE?

For my part, I believe that finger-impressions will be introduced in many Colonies. Nor do I see anything objectionable in this. It all depends upon the manner in which they are introduced. Shall I refuse to act out of my free choice for fear that the action may be made compulsory in future? Would it be wrong to serve a friend who is ill, fearing that in future he might exact this service from me? While in gaol I cleaned latrines of my own accord. That did not lead anyone to force me [to do so again]. If the officials had tried to, they would have got a ready retort. I take it to be cowardice to refuse to do something good in itself for fear that it might become compulsory in future.

This should be enough. All these arguments have been advanced earlier, if not in this form, in some other form. They should be studied closely, and we must resolve in our own minds that Hindus and Muslims will always stick together. They ought not always to be suspicious [of one another]. We will take every step warily. We will not be foolhardy. Only if we conduct ourselves in this manner shall we become a single people, and go forward; otherwise we shall be blown apart, like a cloud, by the gentlest breath of wind.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 29-2-1908

55. LETTER TO "INDIAN OPINION"[2]

JOHANNESBURG,
March 3, 1908

THE EDITOR,
INDIAN OPINION

SIR,

The honour of the Indian community has been vindicated and a great victory won. It has earned the admiration of the world and gained more prestige. During the early stages of the struggle the white population of the Transvaal and South Africa laughed at the community, and it was only after the movement had gathered momentum that those

[1] લાટૂસ in original
[2] Judging from the contents, it appears likely that Gandhiji drafted this.

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among the whites who valued truth and were men of conscience came forward to help us. In England, the brave Ritch, neglecting his dear, bed-ridden wife and his children, rushed about working like a convict under a sentence of hard labour. He roused public opinion throughout England. His impassioned eloquence touched every heart [and evoked] the sympathy of the nobility, the rich and the poor alike. The spark [that he struck] broke forth into a warm burning flame in the hearts of the Transvaal Ministers. Indian prisoners were set free as a result and their offer of [voluntary registration] was accepted. Indeed, God has saved the community's honour.

The Indians' success is the first example of its kind. Its value cannot be exaggerated. Every Indian ought to be proud of it. If one adheres to truth, succour from God or His servants will follow inevitably. If we are to keep alive the memory of that divine succour in the minds of our descendants, every Indian will agree that the Federation Hall is a necessity. All those who have Indian blood in their veins will work sincerely to promote the cause in every possible manner. Since the hall will serve as a memorial, both the poor and the rich must help in every way, financial and other.

It has been decided to build the hall in Johannesburg. The collection will start in a few days. Every Transvaal Indian must pay 10 s at the least and a receipt will be issued to him under the signature of the Chairman of the British Indian Association. Businessmen, property-owners and other well-placed Indians must contribute more than 10 s each—the most they can. Any Indian who misleads the people on this issue or indulges in scheming will be an enemy to the country and truth. I want to make a special appeal to every Indian to keep clear of the net that such persons may spread for us and, holding God and truth dear, to come forward and help in every way possible. It is hoped that the rich will contribute anything between £50 and £100 at the least. Those who have registered under the old law are in no way distinct from us. Here is an occasion for them to do their duty and make themselves really useful.[1] We hope that they will contribute a handsome amount.

It is especially needful on this occasion to express our appreciation of Mr. Ritch, the brave man who has worked tirelessly in England as the truest soldier of this campaign at all stages. The Association has resolved to offer him only £300 on behalf of [Indians in] South Africa—a paltry amount indeed since, owing to other pressing demands, it will be unable to send a larger sum just now. It is essential that this money be raised as quickly as possible. Indian leaders all over the South African

[1] *Vide* also "To Those Who Submitted to the Obnoxious Law", p. 63.

Colonies should collect contributions and send them in time to the British Indian Association at Johannesburg.

Yours etc.,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

[From Gujarati]
Indian Opinion, 14-3-1908

56. *MY GAOL EXPERIENCES[–I]*[1]

Many friends have asked me to reduce to writing my experiences of the gaol life, all too brief though it was. There were certain things that came under my observation which might be of advantage if they were put in a more or less permanent form. Believing as I do firmly that incarceration may often be the means of opening the gateway to freedom, liberty, and reform, the experiences I am about to relate may not be profitless to those who do not mind, for the sake of a principle, suffering some inconvenience, or, at any rate, restraint on their personal liberty.

It was on the 10th of January, 1908, in the afternoon of a Friday, that Messrs P. K. Naidoo, C. M. Pillay, Karwa, Easton and Fortoen (the latter two Chinese) and I were sentenced to be imprisoned for two months, without hard labour, for the crime of not having taken out our registration certificates under the Asiatic Law Amendment Act[2]. I was the first to be tried at Johannesburg, and, after receiving my sentence, and after having been detained for a few minutes at the prisoners' yard attached to the Magistrate's Court, I was asked to get into a cab, to which I was stealthily taken in order to evade the enormous crowd that was waiting outside the Court House, and was quickly driven to the Fort. Many were the thoughts that came surging through my mind as I was being driven. Was I to be specially treated as a purely political prisoner? Was I to be separated from my fellow-prisoners? Was I to be taken to the Johannesburg gaol at all? To my very great relief I was soon disillusioned. I was not to be separated from Mr. Naidoo and others who were tried with me, nor were we to receive any special treatment. At the same time I was a little unprepared for what followed. We were all first taken to the reception room, as the room which is used for measuring and dressing prisoners is called. There we were weighed and totally undressed. We were given non-labour clothes to wear,

[1] This appeared in two instalments in the English section under Gandhiji's name as "Special to Indian Opinion".

[2] Asiatic Registration Act

consisting of trousers, shirt, jumper, cap, socks, and a pair of closed sandals. We were all required to give our digit-impressions, and at about four o'clock marched to our cell with eight ounces of bread for our evening meal.

Classification of Asiatics with Natives

The cell was situated in the Native quarters and we were housed in one that was labelled "For Coloured Debtors". It was this experience for which we were perhaps all unprepared. We had fondly imagined that we would have suitable quarters apart from the Natives. As it was, perhaps, it was well that we were classed with the Natives. We would now be able to study the life of Native prisoners, their customs and manners. I felt, too, that passive resistance had not been undertaken too soon by the Indian community. Degradation underlay the classing of Indians with Natives. The Asiatic Act seemed to me to be the summit of our degradation. It did appear to me, as I think it would appear to any unprejudiced reader, that it would have been simple humanity if we were given special quarters. The fault did not lie with the gaol authorities. It was the fault of the law that has made no provision for the special treatment of Asiatic prisoners. Indeed, the Governor of the gaol tried to make us as comfortable as he could within the regulations. The chief warder, as also the head warder, who was in immediate charge of us, completely fell in with the spirit that actuated the Governor. But he was powerless to accommodate us beyond the horrible din and the yells of the Native prisoners throughout the day and partly at night also. Many of the Native prisoners are only one degree removed from the animal and often created rows and fought among themselves in their cells. The Governor could not separate the very few Indian prisoners (It speaks volumes for Indians that among several hundred there were hardly half a dozen Indian prisoners.) from the cells occupied by the Native prisoners. And yet it is quite clear that separation is a physical necessity. So much was the classification of Indians and other Asiatics with the Natives insisted upon that our jumpers, which being new were not fully marked, had to be labelled "N", meaning Natives. How this thoughtless classification has resulted in the Indians being partly starved will be clearer when we come to consider the question of food.

Description of the Cell

The cell in which we were placed was legally capable of holding thirteen prisoners, so that there was, naturally, sufficient accommodation to start with. It was a novel sensation to be locked up at half-past five. The cell was a galvanized-iron construction, fairly strong, though none too strong for prisoners bent on escaping. There was, perhaps, fair ventilation. But two small windows at the top, half open, and apertures in the opposite wall hardly reach modern requirements, though

I was assured that these cells were the best ventilated of all the prisons in the Transvaal. There was electric light in the cell, but the only lamp in it was not strong enough to do any reading with any degree of comfort. The light was switched off at eight o'clock in the evening and was spasmodically switched on and off during the night. A bucket of water and a tin tumbler was our ration of water for the night. For natural convenience a bucket in a tray with disinfectant fluid in it was placed in a corner. Our bedding consisted of wooden planks fixed to three-inch legs, two blankets, an apology for a pillow, and matting. At our request the Governor ordered a table and two benches to be placed in the room for writing purposes.

THE MEALS

The cell was opened at six o'clock, and with the day began our first meal. For the first week we were served with twelve ounces of mealie pap. Most of us had more of the spoon than of the porridge for the first breakfast. Neither the Chinese nor the Indians were at all in the habit of taking mealie porridge, especially as it was without any milk or sugar. The following is the scale for non-labour Native prisoners for the first week: breakfast daily, twelve ounces of mealie porridge; dinner, Monday, Wednesday and Friday, twelve ounces of beans; Tuesday, Thursday, Saturday and Sunday, one quart of mealie porridge; supper daily, four ounces of crushed mealies and one ounce of fat. Indian prisoners, however, get instead of crushed mealies, four ounces of rice and one ounce of ghee (clarified butter). This diet was hardly satisfactory not because it was not palatable but because it was not a diet at all suitable for the Asiatic constitution. The Chinese fared worse because they had the entire Native scale and therefore no rice. For the first few days, for most of us, it meant practically starvation. Even when we got over the natural repugnance, it was a diet that constipated some of us and gave diarrhoea to the others; but we were determined to go through it and not to ask for any favours or concessions. We felt that it was for the Governor to move and see that a more suitable diet was issued to us. When, therefore, the Governor enquired whether we had anything to say regarding diet, we simply stated that we did not wish to ask for any concessions, though the diet was not suitable. For the second week the scale was a little relieved by the addition of eight ounces of potatoes or vegetables to the dinner when it consisted of mealie porridge, and on Sunday twelve ounces of meat were also added; but, as most of us were either vegetarians or could not take the meat as it was not religiously cut, we had one pound of vegetables. This diet, however, did not last long.

Indian Opinion, 7-3-1908

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57. EXTRACTS FROM BLUE BOOK

"Heavenly" means "blue" and it also means "that which is above". The book from which we promised last time to publish extracts is called a Blue book,[1] but it has no reference to the [heaven] above. We have therefore called it a black book, and it has a hellish look. It runs into 88 pages of foolscap size. The first letter in it is dated April 4, 1907. We shall omit most of the letters sent by the Indian community from time to time and the letters and representations addressed [to the Imperial Government] by the South Africa British Indian Committee. The document contains [the text of] the "obnoxious Act", the immigration Act and other similar [legislation]; we shall omit these also.

In a cablegram dated July 11, Lord Selborne requested Lord Elgin to issue telegraphic advice of [Royal] assent to the Immigration Bill which the Transvaal Parliament wanted to pass; the cable also contained the substance of the Bill. Lord Elgin replied on July 16, saying that "it does not appear possible to deal with it by telegraph". He had realized from experience that cabling the sanction to such laws led to difficulties [later].

Lord Selborne's Letter

Replying to Lord Elgin on the question of the Asiatic [Registration] Act, Lord Selborne wrote on July 27:

> The Colonial Government are not in a position to accept Your Lordship's suggestion about the finger-impressions. Mr. Henry's book has revealed that finger-impressions have been in extensive use in India. I am surprised to see that Sir Lepel Griffin[2], who has had experience of conditions in India, has taken exception to them. For my part, I am convinced that the Asiatics who are lawfully settled in the Transvaal will not object to finger-impressions. It is certain, however, that those who have been carrying on a traffic in faked permits or have made huge profits by helping illegal immigration will go out of business. Similarly, in view of the requirement regarding finger-impressions, Indians who have entered unlawfully will find it impossible to stay on [in the Transvaal]. The magnitude of the traffic, the size of the profits made and the extent of the corruption can be judged from the enclosed documents.

[1] *Vide* "Blue Book", pp. 104-6.

[2] Sir Lepel Henry Griffin (1838-1908); Anglo-Indian administrator, generally sympathetic to Indians; vigorously espoused their cause in the Transvaal and elsewhere in South Africa; headed the Transvaal Indian Deputation which met Lord Elgin and Morley in connection with the grievances of South African Indians. *Vide* Vol. VI.

Your Lordship may please note that only those cases have been included in the accompanying notes of which the Transvaal Government has had definite information. But there must have been many more instances which never came to the notice of the Transvaal Government. I wish the officials to keep clear of the kind of temptations which were held out to Superintendent Vernon and Constable Harris by an Indian named Lala. The only reason why some Indians have protested against the new Act is that it puts an end to their lucrative business and to the ease with which they have carried it on.

Chamney's Note

Mr. Chamney's report covers more than seven pages of the Blue book. All of this long report is taken up with factual accounts of cases of faked permits, illicit immigration, corruption, substitution of thumb-impressions on permits, furnishing wrong information about age and other fraudulent practices relating to permits. About 100 persons are stated to have been arrested for one or the other of these offences between February 1906 and June 24, 1907. About ten of these were Chinamen and the rest Indians. The facts in some of these cases are reported by Mr. Chamney as under.

In May 1907, an Indian named Fateh Mahomed obtained the address of Mr. Cody of the Asiatic Office through a Sikh servant. He went to Mr. Cody's place and offered a bribe of £50 for permits for two boys from Delagoa Bay.

In May 1906, a man named Shivabux approached the Asiatic Office with the request that his son, Chandman, be expelled from the Transvaal. It transpired later that Chandman was not his son, but had been brought in fraudulently. Chandman wanted later to murder Shivabux; hence the latter's request.

In April 1906, two Indians at Delagoa Bay applied for permits. Before the permits were issued, they entered [the Transvaal] with faked permits. It transpired during the trial that they had obtained these permits in Delagoa Bay. A notebook found on one of these individuals contained information on questions usually put to the applicants for permits when they are examined [by the permit authority]: for example, English, Kaffir and Dutch words in commercial use, a brief description of Johannesburg with particulars of the Indian Location, the Post Office, the Magistrate's Court, the railway station, etc. The men also stated that 13 others had entered Johannesburg in the same manner.

A Chinaman had applied for a permit. When he was examined, it was found that he had entered the Transvaal under three

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different names at different times and had been thrice convicted for felony and deported.

In August, 1906, one Arabi Isa was sentenced to six months' hard labour for attempting to bribe [the authorities] in Komatipoort to secure the release of a prisoner.

In the same month, Dahyabhai Shankarbhai, an Indian, offered to help Sergeant MacDougal earn between £100 and 150 every month if the latter would abet unauthorized immigration.

A Portuguese detective in the employ of the British Consul at Delagoa Bay wrote in December 1906 that a person named Lala had offered him a bribe of £17 for smuggling two boys into the Transvaal.

In January 1907, a Chinaman named He yi-yang was arrested for erasing the thumb-impression on a permit and affixing another in its place. He declared on oath in the Court that he had bought that permit in Delagoa Bay for £40 and that there were 18 other Chinese who had done the same thing.

In May 1907, one Morar Lala, who had applied for a permit, was arrested. At a searching cross-examination, he broke into tears and admitted that his name was Zina Lala, and that Morar Lala was his brother who had died after returning to India.

In March 1907, four Indians entered the Transvaal. Their thumb-impressions closely resembled those on [their] permits. On investigation it was found that the duplicates of four permits had been missing from the [Permit] Office, and that these four persons had erased the thumb-impressions and affixed their own instead. They are absconding, and the police are still trying to trace them.

Other cases are on record of persons who were subsequently found to have entered on faked permits but whose whereabouts are still unknown to the police.

[Two] Indians named Dulabh and Jivan Govind stated in May 1907 that they had bought permits from an Indian and a white respectively for £22 each at Delagoa Bay.

Some time around June 1907, one Lala Bava stated that he had paid £30 for a permit.

In Johannesburg, in June 1907, one Kaka Hira said that he had purchased a permit from a person named Kanji Morar for £30.

A letter addressed by one Indian to another fell into the hands of the police. It said: 'My respects to you. This is to inform you that eight to ten Indians have arrived in Johannesburg. If permits can be secured for all of them, I will pay £15 per head. This is a fine opportunity for you to earn some money, if you know how to use it.'

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Some time in March 1907, an application for a permit was received from one Shaikh Ahmed. [While investigating his claim] Superintendent Vernon discovered that an Indian had offered another £75 for making a false deposition to secure the entry of three Indians.

In May 1907, a person named M. Lala was produced in a court of law. He had offered £8 to Superintendent Vernon for every person who was allowed to enter the Colony with a faked permit. He added that if Superintendent Vernon took up this business, he could make £400 a month and Constable Harris another £200.[1]

Land Rights

On August 17, Lord Elgin told the Transvaal Government that, as suggested by Mr. Cox[2], Indians should be given the right to own land at their places of business, to which the Transvaal Government gave a firm reply in the negative.

De Villiers's Note on Immigration Act

Mr. De Villiers, Attorney-General of the Transvaal, comments as follows :[3]

Till now, the restrictions on the entry of persons [into the Transvaal] were enforced by means of the permit system [under the Peace Preservation Ordinance] which was administered through the office of the High Commissioner. After the granting of self-rule to the Transvaal, the High Commissioner refused to carry on with the administration of the Ordinance. The need was felt therefore of passing an immigration Act on the lines of the Acts of Natal and the Cape Colony. The term 'prohibited immigrants' includes those Indians to whom the Asiatic Registration Act is also applicable, that is, even those who possess knowledge of a European language. In the same manner, those Asiatics who have temporarily left the Colony in order to evade compliance with that Act are also covered by the term 'prohibited immigrants'. That means that only those Asiatics who are in the Colony and who have complied with the provisions of the new Asiatic Act can remain in the Transvaal. Besides, section 6 confers authority [on the Government] to deport those Indians who refuse to obey the law. It

[1] *Vide* Vol. VII, pp. 12-3.

[2] Harold Cox (1859-1936); Professor of Mathematics, Mohammedan Anglo-Oriental College, Aligarh, 1885-7; economist and journalist; Member of Parliament, 1906-9. *Vide* also Vol. VI.

[3] The translation that follows has been collated with the English original in *Indian Opinion*, 7-3-1908.

is considered necessary to confer such authority, for the Asiatic population has openly declared its intention of defying the law. It is the Government's intention therefore to deport, at any rate, the ringleaders of the agitation, and so avoid the expense and inconvenience incurred in maintaining them in the prisons of the Colony. The power conferred will be used by the Government with great discretion.

Lord Elgin's Letter to Morley

Lord Elgin shows little concern for the interests of Indians whom he treats as cowardly, timid and deserving of slavery. Forwarding a letter from the South Africa British Indian Committee to Mr. Morley, he writes:[1]

> Lord Elgin requests to be favoured with the views of Mr. Morley with regard to section 2(4) and section 6(c). The practical effect of section 2(4) will be to prevent further immigration into the Transvaal of British Indian or other Asiatics. As Mr. Morley is aware, His Majesty's Government have practically limited themselves to endeavouring to secure more favourable treatment for those Asiatics who have already acquired a right to reside in the Colony, and have not raised objections to similar legislation in other Colonies. He wishes to draw Mr. Morley's attention to Mr. Lyttelton's earlier despatch and adds that he does not therefore propose to raise any objection to that section [2(4)].[2] Section 6(c) must be considered in connection with the recent Asiatic Law Amendment Act. Under that Act, Asiatics failing to register may be ordered to leave the Colony; and failure to comply with such an order is punishable by imprisonment. The object of this section is to enable the Government to deport Asiatics who fail to register under the Asiatic Registration Act. While the Colonial Secretary feels that the free exercise of so drastic a power is greatly to be deprecated, he doubts whether His Majesty's Government can consistently object to a provision the object of which is to enable the Colonial Government to enforce the observance of the Asiatic Registration Act, which His Majesty's Government have allowed to become law, and to which the British Indian community appears at present to be disposed to offer an organized resistance. He therefore proposes, subject to any representation which Mr. Morley may wish to make, to accept this provision also. Lord Elgin feels that

[1] The translation that follows has been collated with the English original in *Indian Opinion*, 7-3-1908.

[2] "Because," the English original goes on to say, "in the interests of the British Indians themselves, it is probably desirable, in view of the state of Colonial feeling, that further immigration should be restricted".

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it will be necessary to press for some amendment of section 6(b) of the Act (which does not especially concern British Indian subjects) and he is accordingly communicating with the Foreign Office.

What This Means

Lord Elgin's letter is a very disappointing one. His interpretation of the Act makes it much harsher than the Acts of the Cape Colony or Natal. Under the Acts of the Cape Colony and Natal, Indians with some knowledge of English are considered eligible, but under the Transvaal Act there is an implied restriction on [the immigration of] such Indians. In spite of this, Lord Elgin asserts that there is nothing new in the Act. Besides, section 6(c) relates to deportation of Indians in particular, and this also Lord Elgin appears to approve. It follows from this that, if Indians refused to obey a particular law, Lord Elgin would assent to any measure, including the death penalty, to enforce submission to that law. Where there is a question of complications with foreign governments, Lord Elgin wants amendment of the section concerned, and he has already obtained an assurance from General Smuts about this amendment. How can anyone assert, after reading Lord Elgin's letter, that the Indian community would not have been utterly ruined if it had not put up a fight, relying on God and its own strength. Look at the concern he feels for subjects of foreign governments. There is a saying among us, "Where there is no fear, there is no love". We do not believe that this is true on all occasions, but it is certainly true in Lord Elgin's case.

Lord Elgin's Letter to Foreign Office

Lord Elgin requests to be favoured with the views of Sir Edward Grey with regard to section 6(b). This sub-section empowers the Colonial Government to remove from the Colony any person whom it deems dangerous to the peace, order and good government of the Colony. It appears to confer a dangerously wide power over British subjects as well as over foreign subjects. It is true that such power has been conferred in British Bechuanaland and elsewhere, where the laws in question were passed under abnormal conditions and at the end of a war. No precedent exists for such legislation in a Colony under responsible government. The Privy Council has also objected strongly to such measures. Also, the Peace Preservation Ordinance did not confer powers for summary expulsion of anyone. Furthermore, the late President Kruger's Government had passed a law for the expulsion of aliens, which His Majesty's Government got repealed. Lord Elgin is therefore disposed to make the non-disallowance of the Act conditional on the amendment of this section.

Comment

What a difference between this letter and the one addressed to Mr. Morley! If Lord Elgin had been afraid of the Indian community, he would have advanced much stronger arguments in its favour. For example, if it is true that the Imperial Government had protested against President Kruger's law of 1896, it protested even more vigorously about the status of the Indian community [under that regime]. How, then, can the Government now enact laws which it could not do in President Kruger's time? The reply to this has been given above. Since the Indian community is without any influence, why should Lord Elgin care for it?

Morley's Reply[1]

Mr. Morley regrets that he does not agree with the view that the Act in question is similar to the legislation in other Colonies. He does not object to education tests which obtain in other Colonies. But section 2(4) introduces a principle to which no parallel can be found in previous legislation. This clause perpetuates an arrangement introduced in very special circumstances and will debar from entry into the Transvaal even such Indians as have received education in Europe. Furthermore, British Indians who had before 1902 acquired domicile in the Transvaal may also be debarred. But they[2] recognize that the Imperial Government must decide the question by considerations other than the interests of British Indian subjects. If the Asiatic Registration Act of 1907 preserves the rights possessed by Indians under the Peace Preservation Ordinance, 1903, they do not desire to offer criticism on the details of the Immigrants' Restriction Bill. In view of the earlier history of the question, Mr. Morley considers it necessary to accept the sub-sections of sections 2 and 6. Since the Asiatic Registration Act has received [Royal] sanction, the Transvaal Government must be granted the additional powers it requires to enforce that Act. But the effect of section 4[3] will be to exclude perpetually all British Indian subjects, however high their social status or educational attainments. The Act is therefore harsher than similar laws in other Colonies. It is true that under the Act of 1907 temporary permits may be granted. Mr. Morley presumes that this power will be used to facilitate the entry of prominent

[1] This is in reply to Lord Elgin's letter above.

[2] The Government of India, whose views on the question are quoted in the letter for Lord Elgin's information

[3] This is an error for "2(4)".

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Indians. But he thinks it necessary to obtain a definite assurance from the Transvaal Government on this point. It is unnecessary to point out to Lord Elgin the unfortunate effect upon public opinion in India which must be produced by the present Bill. When the Act of 1907 was sanctioned, Mr. Morley had not imagined that it would be a permanent measure. He therefore trusts that Lord Elgin will write strongly to the Transvaal Government about subsection 4.

COMMENT

On this Lord Elgin wrote to General Smuts that the Bill would be sanctioned if an assurance was given that permits would be granted to [Indian] chiefs and other [prominent] persons and if the section dealing with the deportation of aliens was suitably amended. The Transvaal Government agreed to this, and Lord Elgin put his signature on the Bill.

The Blue book gives a full account of the case of Ram Sundar. As for land rights, the Transvaal Government told Lord Elgin plainly that no such rights would be granted. However, we are equally emphatic that the Indian community will enjoy land rights as well in a few years if Indians do not prove to be self-seeking and conduct themselves in a manner worthy of their tradition.

[From Gujarati]
Indian Opinion, 7-3-1908

58. WHEREIN LIES VICTORY

We have been assured that the law will be annulled, and [the principle of] voluntary registration has been accepted. That this is a victory, everyone will grant. But in this article we want to approach the question from a rather different point of view. On reflection we find that in this world what people take to be success is in most cases not real success. Sometimes that may signify failure rather than success. We do not exaggerate when we say this. If someone sets out from home with the intention of committing a robbery, and after much effort gains his end, it may be a success from his point of view. On second thoughts we realize that his success was in fact a defeat for him. If he had failed, that would have been true success. This is an obvious example, for it is easy to understand in this context. There are hundreds of occasions in a man's life when he is unable to distinguish easily between right and wrong. It is therefore difficult to determine whether the achievement of one's aim is truly failure or triumph. It follows from this that success and failure do not essentially depend on the result. Besides, the result is not in one's hands. Whenever success makes a man

vain, he behaves like the fly on the wheel which imagines that it is making the wheel go round. Man's duty is to do the best he can in a given situation. What he achieves then will, in fact, be true success. The physician's duty is not to save the patient, for that does not lie in his hands, but to use all his skill in a sincere effort to save him. If he does that, he will have succeeded well enough. What happens to the patient —whether he lives or dies—will not detract from, or add to, the physician's success.

We are certain that, if we could have had the law repealed without much effort, that would have satisfied us. But then there would have been no question of victory or defeat. There would have been no occasion for us to take out a procession [in celebration], neither would the Indians' victory be hailed as it is today the world over. This would suggest that the Indians' victory does not lie so much in the expectations that the law will be annulled as in their exertions to bring about that result. Even if the repeal of the law had not come about, the Indians' courage would have been admired in every home. We can call many similar instances to mind. A well-known example occurs to me just now. A handful of Spartans once stood guarding the pass at Thermopylæ and defended it against the enemy to the last man.[1] In the end the pass was taken by the enemy. But the world knows today that it was the brave Spartans who won. Even today, if anyone in Europe shows great courage, it is referred to as Spartan courage. As for the Indians, though we cannot claim that they did all they ought to have done, they nevertheless did much. They did exert themselves and to that extent we look upon the result, such as it has been, as a triumph. The Indian community, it must be noted, will have to go on fighting indefinitely in this spirit. For we here want a great many things. We want [to own] land; we want to be free to ride in carriages. To achieve all this, we shall have to exert ourselves as strenuously as we did on this occasion. If we do, it is easy to see that every step forward is in itself a victory. For we will be doing our duty at every turn. No one will be inflated with success if he looks at it in this light. He will never make a mistake and will not even be concerned about the outcome of his labours, for he will not assume the responsibility [for the result]. The Creator alone must bear that responsibility. It is therefore sheer ignorance for one to be impatient to do things like the dog [under a moving cart] who fancied he was drawing the cart.

[From Gujarati]
Indian Opinion, 7-3-1908

[1] The mention of Thermopylæ soon after he had proposed the building of a Federation Hall (p. 118) is significant. This monument to Spartan courage bears an inscription of Leonidas's famous order, "Breakfast here; supper in Hades".

59. GUJARATI EQUIVALENTS FOR PASSIVE RESISTANCE, ETC.

In response to our offer[1] of a prize for the best Gujarati equivalents for certain English words, we have received some entries, almost all of which, we are sorry to say, are useless. Only four persons took the trouble of sending in suggestions, and it would thus appear that our readers take little interest in the language used in *Indian Opinion* or in Gujarati. One of them says that "passive resistance" can be rendered as *pratyupaya*. He explains the word as connoting [the state of] being passive to whatever happens and taking all possible remedial measures. The word and the explanation are both worthless. *Pratyupaya* means counter-measure. Opposing good to evil will then be *pratyupaya*, but so will be the use of force to solve a problem. Passive resistance means resistance of evil with inner force instead of physical force. The explanation offered betrays ignorance. A passive resister cannot remain passive to everything that happens. In other words, he will always pit his inner strength against everything evil. Another equivalent that has been received is *kashtadhin prativartan*[2]. Here the word *prati* is superfluous and suggestive of antipathy. It betrays an ignorance of language. *Kashtadhin vartan* has in it a suggestion of the significance of passive resistance. But it is a big word and does not convey the full meaning. The third term is *dridha pratipaksha*[3]. Like *pratyupaya*, this too cannot be used to convey the meaning we attach to passive resistance. The person who sent in that word has also sent us an equivalent for "civil disobedience". It appears to have been sent in without much thought. The word suggested is *satyanadar*. The meaning here is the contrary. It means "disobedience to truth", that is, resistance to truth.[4] Civil disobedience is disobedience to untruth, and it becomes "civil" if it is "truthful" in its manner. The word [civil] also includes the meaning of passive. We have therefore only one word available to us for the present, and that is *satyagraha*. The person[5] who suggested this word would not like his name published, neither does he want the prize. Not that he means any slight to the

[1] *Vide* Vol. VII, p. 455.

[2] *Prativartan* = resistance; *kashtadhin prativartan* = resistance through submission to hardship

[3] *Dridha pratipaksha* = firmness in resistance

[4] The correspondent may have intended it to mean "truthful disregard" of laws, using સત્ય as an adjective. Literally, however, it could mean, as Gandhiji assumed, "disobedience to truth".

[5] This was Maganlal Gandhi; he had suggested *Sadagraha* as an equivalent for passive resistance, which Gandhiji changed into satyagraha. *Vide Satyagraha in South Africa*, Ch. XII.

prize, but being in a way connected with this paper, he does not want it awarded to himself.

We have made these comments with a purpose. Those who sent in suggestions for the competition ought to have given careful thought to the meanings of the words they coined. It was also necessary for them to understand the meaning of passive resistance. To suggest any word that comes into one's head is an insult to one's language; it is to invite ridicule upon oneself. Moreover by thus acting [thoughtlessly] in this matter of finding an equivalent for passive resistance, we violate the very principle underlying the movement which we have called satyagraha. How can we put up with that? We hope that in future these three competitors, and our other readers as well, will take more pains in their ventures and win recognition both for themselves and for the tasks they undertake.

[From Gujarati]
Indian Opinion, 7-3-1908

60. JOHANNESBURG LETTER

Registration

The Permit Office does not have a moment's respite. No one now hesitates to give his finger-impressions. The number [of registered persons] has already exceeded 4,000. We can confidently hope then that everything will be over soon.

The Pathans have started registering. If they could do that today, they could have as well done it earlier. However, late as it is, they are to be congratulated on having shown wisdom.

Some Letters from England

When the details of the compromise were published in London, the South Africa British Indian Committee was flooded with letters and telegrams. Mr. Ritch has sent us some of these and we think it worth while to summarize them here.

Sir Charles Bruce[1] writes to say that he was happy to read the cables. The courage and restraint shown by the Indian community deserved admiration. It is rarely, he says, that one comes across anything like this in modern history.

Sir Lepel Griffin congratulates Mr. Ritch and others who stood by the community on the compromise about registration. He refers to the

[1] (1836-1920); Colonial Secretary, Mauritius, 1882; later Governor, 1897-1904; also Lt.-Governor, British Guiana, 1885-93; author of several books on the Empire and Imperial policy

discussion in the House of Lords and points out that the question of equal rights for Indians is pending. In course of time, he believes, the Colonists will realize that the Indian community will not be denied its rights any longer. Meanwhile, he advises Indians to go to East Africa, Uganda, Borneo, New Guinea, Jamaica, Burma and other countries, where they would be welcome.

Dr. Thornton[1], a former judge of the Punjab, says that the wonderful outcome is the result of the Indians' firmness and humility in the face of heavy odds; of the powerful but restrained writing in *Indian Opinion*, of the Indians conducting the campaign in the same spirit [which is in evidence in their writings]. He offers [us all] warm congratulations.

Sir Roper Lethbridge[2], who is the proprietor of the well-known Calcutta paper, *The Englishman*, sent the following telegram: "My warmest congratulations. Compromise reached is honourable to Indian community,"

Mr. M. Shakir Ali, Secretary of the London Indian Society, writes :[3]

> The London Indian Society compliments you on what you and your co-workers have achieved in the Transvaal. The people of India will never forget the invaluable work that you have been doing for your fellow-countrymen or the satyagraha movement that you have conducted against the law in the Transvaal. The commendable courage shown by you and your co-workers, the manner in which you have faced hardships and the excellent example that you set by yourself going to gaol are all exceedingly admirable. You have proved that you were fighting for truth and convinced the Imperial Government that, whenever the honour of Indians is at stake, they will fight as one man, however weak and helpless they may otherwise be. Please convey these sentiments of the Society to your fellow-sufferers.

To Intending Immigrants into the Transvaal

I have heard that there are some Indians who are trying, as though they were India's enemies, to enter the Transvaal by unfair means. It is thanks mostly to persons such as these that the Indian community has had to submit to all these tribulations over the past 16 months, and it is such men who will injure the interests of the community again. I urge every thinking person to take notice of all such attempts at unlawful entry into the Transvaal and reason with the persons concerned

[1] Thomas Henry Thornton, C.S.I., (1832-1913); Chief Secretary to the Punjab Government, 1864-76; Acting Foreign Secretary to the Government of India, 1876-7; author of books on India; *vide* also Vol. VI.

[2] *Vide* Vol. VI, p. 149.

[3] The letter was presumably addressed to Gandhiji.

and dissuade them from their evil design. We must remember that we have bound ourselves with the Government to do all this.

A Piece of News

I have been informed that those who have already received new registers will get their licences very soon. The persons concerned should act immediately in the matter. Efforts are being made to see that licences are issued to all traders, whether or not they hold registers. I hope to have more news on the subject next week.

[From Gujarati]
Indian Opinion, 7-3-1908

61. MY EXPERIENCE IN GAOL [-I][1]

Though the imprisonment that the Indian [satyagrahis] and I suffered for a righteous cause was all too brief, I propose to describe my gaol experiences in these columns, having been asked to do so by a number of persons. Also, I think it may be useful to others. It is also my belief that there are many [other] rights that the Indian community is yet to win by courting imprisonment. It is therefore necessary for everyone to have an idea of the hardships of gaol life. Often we imagine hardships where in fact there are none. Clearly, nothing but good can result from a knowledge of the true state of affairs.

After two [earlier] attempts by the Government to arrest and imprison me it happened at last at 2 p.m. on January 10. Before my colleagues and I received our sentences a telegram was received from Pretoria, which reported that the Indians arrested there for not complying with the Act had received [sentences of] three months' hard labour and fines in addition, with a further term of three months' hard labour in default of payment. I was upset by the news, and asked the Magistrate to give me the maximum penalty, but this was not done.[2]

And so we were all awarded two months' simple imprisonment each. Messrs P. K. Naidoo, C. M. Pillay, Karwa, Easton and Fortoen were my fellow-prisoners. The two last named are from China. After the sentence I was detained for a few minutes in the Prisoners' Yard behind the Court. Then I was secretly led to a cab. Many were the thoughts that surged in my mind. Was I to be given a separate cell and treated as a political prisoner? Was I to be isolated from my fellow-prisoners? Was I to be taken out of Johannesburg? These were the

[1] This and the subsequent articles in this series were published as "From Mr. Gandhi".

[2] *Vide* "Trial at Johannesburg", pp. 36-8.

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thoughts running through my mind. I was accompanied by a detective, who was apologetic. I told him that he had no reason to be, as he was only doing his duty in taking me to gaol.

All that I had imagined was soon falsified. I was taken to where all prisoners are kept, and was soon joined by my fellow-prisoners. First, all of us were weighed. Then we were asked to give our finger-impressions. After being stripped we were given prison uniforms to wear, consisting of black trousers, a shirt, a jumper, a cap and socks. We were given a bag each to pack away our own clothes in. Before being led off to our ward, we were each given eight ounces of bread. We were then marched off to a prison intended for Kaffirs.

INDIANS ON PAR WITH KAFFIRS

There, our garments were stamped with the letter "N", which meant that we were being classed with the Natives. We were all prepared for hardships, but not quite for this experience. We could understand not being classed with the whites, but to be placed on the same level with the Natives seemed too much to put up with. I then felt that Indians had not launched on passive resistance too soon. Here was further proof that the obnoxious law was intended to emasculate the Indians.

It was, however, as well that we were classed with the Natives. It was a welcome opportunity to study the treatment meted out to Natives, their conditions [of life in gaol] and their habits. Looked at from another point of view, it did not seem right to feel bad about being bracketed with them. At the same time, it is indubitably right that Indians should have separate cells. The cells for Kaffirs were adjacent to ours. They used to make a frightful din in their cells as also in the adjoining yard. We were given a separate ward because we were sentenced to simple imprisonment; otherwise we would have been in the same ward [with the Kaffirs]. Indians sentenced to hard labour are in fact kept with the Kaffirs.

Apart from whether or not this implies degradation, I must say it is rather dangerous. Kaffirs are as a rule uncivilized—the convicts even more so. They are troublesome, very dirty and live almost like animals. Each ward contains nearly 50 to 60 of them. They often started rows and fought among themselves. The reader can easily imagine the plight of the poor Indian thrown into such company!

OTHER INDIAN PRISONERS

Apart from us, there were hardly three or four Indian prisoners in the whole gaol. They were locked up with the Kaffirs and, to that extent, they were worse off than we. However, I noticed that they were quite cheerful and enjoyed better health than when they were outside.

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They had earned the favour of the Chief Warder. Being quick at their work and well informed, as compared with the Kaffirs, they were given respectable work to do inside the gaol. That is, they supervised the work on the machines in the store or did similar jobs which were not strenuous or did not seem unclean. They were particularly helpful to us.

WARD

We were kept in a ward[1] which had room for 13 persons. It was labelled "For Coloured Debtors"; that is, for the most part it was used for Coloured persons who were imprisoned for civil offences. For ventilation, the ward had two small windows with a strong iron grilling which, I thought, did not let in enough air. Galvanized iron sheets served for walls with glazed apertures at three places, half an inch in diameter, through which the gaolers could watch the prisoners while remaining unobserved themselves. The ward next to ours had Kaffir prisoners in it. In the wards beyond, there were Kaffirs, Chinese and Cape Boys—all witnesses—who had been locked up in gaol lest they should abscond.

[From Gujarati]
Indian Opinion, 7-3-1908

62. *THE LATE DR. POPE*

The late Dr. G. U. Pope[2], whose biography in *The Times* we reproduce elsewhere, was one of the few Anglo-Indians carrying forward today the traditions of fifty years ago. His erudition and scholarship need no other outward token than the monument of works with which his name will always be associated. There have been few Englishmen for whom the people of Madras should bear greater reverence and deeper respect than Dr. Pope. His example is a shining light to the educated classes of Madras leading them along the path of investigation and explanation so that the world may know something of that great past which only recently was sunk in oblivion, that the treasures of literature, philology, philosophy, and theology may be brought to light, and that the people may receive some indication of their line of growth

[1] It is not clear whether કોટડી, used in this series of articles, refers, in any given context, to a cell or a ward. It would, however, appear that the satyagrahis, about 50 of them, were lodged together in a large room.

[2] George Uglow Pope (1820-1908); did missionary work in South India, 1839-81, and took holy orders in Madras in 1845; University lecturer in Tamil and Telugu at Oxford, 1884-96; author of *First Lessons in Tamil*, *A Handbook of the Ordinary Dialect of the Tamil Language*, *A Textbook of Indian History*, and translations of *Kural* and *Tiruwachagam*.

for the future. The demise of Dr. Pope is a loss to Indian and European scholarship alike. His memory will be ever dear to all who love India and those who have worked for India's enlightenment in a spirit of sympathy for the people among whom they have spent a lifetime of toil.

Indian Opinion, 14-3-1908

63. *THE LATE SIR LEPEL GRIFFIN*

The death of Sir Lepel Henry Griffin removes from the Anglo-Indian world a most interesting figure. Sir Lepel was a long[-] and well-tried administrator. He was a learned man and a good financier. He never broke off his relations with India, and as President of the East India Association, he often appeared before the public in connection with Indian affairs. Sir Lepel rendered the Indian community in South Africa great help by heading the deputation that waited on Lord Elgin. And Sir Lepel never ceased to take interest in the Indian struggle to the end. He allowed himself to be nominated as Vice-President of the South Africa British Indian Committee, and, as such, gave the Committee the benefit of his advice and guidance. We tender to Sir Lepel's family our respectful condolences.

Indian Opinion, 14-3-1908

64. *LICENCES AT ESTCOURT*

The Estcourt appeal deserves to be noted and pondered over.[1] We think the decision of the Court is like rat-bite, which does not disturb

[1] On March 2 and 3, 1908, the Estcourt Local Board met to consider appeals from five Indians against the decision of the Licensing Officer refusing the renewal of their licences for 1908. The Licensing Officer's objections to the renewal of A. M. Patel's licence were that (a) his books had been kept in an unsatisfactory manner and that individual entries were incorrect and (b) the books were not of first entry but were written up from verbal information given by the applicant to the book-keeper. On cross-examination of the Licensing Officer by Colonel Greene, it transpired that (a) he had renewed the appellant's licence the previous year although the books had been kept in an identical manner and (b) he had not given any notice to the applicant that they were to be kept any differently in the future. The alleged errors in accounting, it was also discovered, were those of G.R. Beattie, a European accountant employed by the appellant. Appearing as a witness, Beattie, the Accountant, testified that Hellet, a European shopkeeper, also employed him as book-keeper and that he kept books for him in much the same manner. By a majority of five to one the Board, however, decided that after a notice period of six months Patel was to liquidate his business.

Colonel Greene, counsel for appellants then addressed the Board, "...the [other] shopkeepers kept note of their transactions in Gujarati and their book-keeper

one in sleep. By granting a little respite, however, it is likely to lull the Indians into a false sense of security. If that should be the result, the decision of the Court will prove harmful to the interests of the Indian community. On the other hand, it is possible that this same decision may turn out to be advantageous to us. The community must avail itself of the interregnum to press forward with its efforts to meet the situation. The time will then have been put to good use. Colonel Greene's powerful address had no effect on the Court, which shows that the object of the Court is to see the Indians driven out of Estcourt, bag and baggage. His address to the Court leads one to expect that he will also help the Indian cause in Parliament. Whether or not he does so, the duty of the Indian community is clear. It is necessary that this question should be taken up for strong agitation in England. A petition should be addressed to the Imperial Government. The speeches of Lord Ampthill and Lord Curzon[1] in the House of Lords, which we summarized last week, show that they have grasped the point of the Transvaal campaign. It was hinted that the situation resulting from this should be turned to account for finding a solution of the Natal problem; the hint ought to be followed up. If in the result we get no redress, we should decide to resort to satyagraha.

[From Gujarati]
Indian Opinion, 14-3-1908

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ascertained from them their cash sales and counted up their totals for each day. The books were perfectly well kept, indeed remarkably well kept." He added that they were satisfied that the rough books which were kept in Gujarati were not part of the usual books of account kept by a merchant, and they came to this decision after hearing the expert evidence of two well-known accountants. They were further satisfied that the Gujarati books had been kept at the special instigation of the previous Licensing Officer and that he had been satisfied with their method of keeping these books. Under those circumstances he thought the appeals should very properly be allowed.

Colonel Greene had concluded an earlier address to the Board saying, "It had never been intended by the law that any dirty work of this sort should be done by a Local Board of this sort and upon my soul if you refuse this application, I think it will make us all feel like worms." The Local Board ordered the conditional renewal of two of the five licences.

[1] George Nathaniel Curzon of Kedleston, 1st Marquess (1859-1925); Under-Secretary of State for India, 1891-2; Viceroy and Governor-General of India, 1899-1905; Secretary of State for Foreign Affairs, 1919-24; author of *British Government in India*, *Problems of the Far East* and other books

65. MY EXPERIENCE IN GAOL[-II]

In front of the cell[s] there was a small yard in which we could move about during the day. It was [however] too small for the purpose. There is a rule that prisoners in this ward may not go out of the enclosed space without permission, since the bath, urinals and latrines are all located within the yard. For bathing there were two large stone basins and two spouts which served for a shower. There were buckets for defecation and two more for urine. There was no provision for privacy in the bath or latrine. Also, the Gaol Regulations forbade the provision of separate latrines which would allow the prisoners privacy. It often happened, therefore, that two or three prisoners sat down in a row. The arrangements for bathing were similar. The buckets for urine, too, stood in the open. This may well cause a feeling of revulsion; some would be offended by it. But on reflection one realizes that a gaol cannot provide for privacy and that no feeling of shame should attach to the performing of these functions in public. It is, therefore, necessary patiently to form the required habits without being squeamish or annoyed at the public nature of these arrangements.

For sleeping, there were hard wooden planks [mounted on] legs only three inches high. Each prisoner had two rugs, a small pillow and a coir mat large enough to roll them up in. Sometimes three rugs were allowed to a prisoner but only as a favour. Some were put out at the thought of [sleeping on] a hard bench. Those used to soft mattresses cannot easily take to hard bedding. According to medical science, hard bedding is to be preferred. If we, therefore, adopt the practice of using hard bedding at home, we will not find it difficult to get used to the kind of bedding available in gaol. A bucket of water was provided in the cell, and another bucket placed on a large tray served for a chamber-pot, for no prisoner was allowed to leave the cell at night. Everyone was provided, according to his needs, with a little soap, a homespun towel and a wooden spoon.

Sanitation

I must say that sanitation in the gaol was excellent. Every day, the floor of the cell was washed with a disinfectant and the edges of the floor [skirting the wall] lime-washed. The cell therefore always looked fresh. The bathroom and the commodes were also washed with soap and disinfectant. I believe, I am myself very particular about sanitation. Therefore, when, towards the end, a large number of our people joined us, I myself used to wash the commodes with disinfectant

fluid. To remove the stool, a few Chinese prisoners turned up every morning at nine o'clock. Afterwards, whenever it was necessary to clean up or wash, we had to do it ourselves. The planks of the beds were washed every day with sand and water. The only inconvenience was that, as it happened, the pillows and rugs changed hands among the hundreds of prisoners. Though there was a rule that required the rugs to be aired in the sun every day, it was hardly ever observed.

Some Rules

There are some gaol rules which everyone should know. The prisoners are locked up at half-past five in the afternoon. They read or converse in the cell up to eight in the evening. At eight, everyone must go to bed, meaning that even if one cannot sleep, one must get into bed. Talking among prisoners after eight constitutes a breach of Gaol Regulations. The Kaffir prisoners do not observe this rule too strictly. The warders on night duty, therefore, try to silence them by knocking against the walls with their truncheons and shouting, "*Thula! thula!*" Prisoners are strictly forbidden to smoke—a rule which is enforced scrupulously. But I saw that the confirmed smokers among the prisoners broke the rule on the sly. A bell is rung at half-past five in the morning to wake up the prisoners. Everyone must then get up, roll up his bedding and wash. The door of the cell is opened at six when each prisoner must stand up with his arms crossed and his bedding rolled up beside him. A sentry then calls the roll. By a similar rule, every prisoner is required to stand beside his bed, while he is being locked up [at night]. The prisoners may not have anything else in their possession except what is given them by the gaol authorities. Except clothes, they are forbidden to keep anything without the Governor's permission. One of the buttons on every prisoner's shirt has sewn on to it a small pocket which contains a card bearing his number, his name, the particulars of his sentence, etc. Normally the prisoners may not stay in the cell during the day. Those sentenced to hard labour cannot do so in any case, since they are engaged in their work, but even the others are not allowed to stay in. They must remain in the yard outside the cell. The Governor had allowed us a table and two benches in the ward, and these were very useful.

There is a rule that every prisoner sentenced to two months [or more] must have his hair cropped close and the moustache shaved off. In the case of Indians the rule is not enforced rigorously. Should a prisoner object, his moustache is spared. In this connection I had an amusing experience. I knew very well that prisoners had to have their hair cropped. I also knew that the rule about having the prisoner's hair and moustache removed was really for his own convenience and not to humiliate him. Personally, I believe that it is a very useful rule.

CWMG-VII

In gaol there are no combs or other means for keeping the hair tidy. If the hair is not groomed, there is the risk of scabies. On hot days, hair makes one feel extremely uncomfortable. Moreover, the prisoners are not given a looking-glass. There is the danger, therefore, of the moustache remaining unclean. As there is no serviette for use at meals and the wooden spoon is rather awkward to handle, food is apt to stick in the moustache. It was my intention to go through all the experiences of a prisoner. I therefore asked the Chief Warder to have my hair cropped and my moustache shaved off. He told me the Governor had strictly forbidden that. I said, I knew that he did not wish to force me [to observe this rule], but that I myself wanted it. He suggested that I might apply to the Governor. The next day, permission was received from him. But he said that, since two days out of my two-month period had elapsed, he had now no right to order the cropping of my hair and moustache. I said, I knew the rule but wanted this of my own free will and for my own convenience. He smilingly demurred. I learnt later that the Governor had felt a little apprehensive. So I offered to state in writing that I had myself requested the cropping [of my hair]. This allayed the Governor's suspicion, and he ordered the Chief Warder to give me clippers and a pair of scissors. My fellow-prisoner, Mr. P. K. Naidoo, was a master of the tonsorial art. I, too, know something of it. When the others saw me cropping my hair and moustache, they saw the point of it, and followed suit. Some of them had only their hair cropped. Mr. Naidoo and I, between us, spent two hours each day clipping the Indians' hair. I believe, this made for better health and convenience. The prisoners looked the smarter for it. The use of the razor is strictly forbidden in gaol. Only clippers and scissors are allowed.

Inspection

When the officials come to inspect the prisoners, the latter have all to line up. As the official approaches, they must take off their caps and salute him. All the prisoners wore caps, and it was not difficult to take them off, for there was a rule that they must be taken off, and this was only proper. The order to line up was given by shouting the command "fall in" whenever an official came. The words "fall in" therefore became our daily diet. They meant that the prisoners should fall in line and stand to attention. This happened four or five times a day. One of these officials, who bore the designation of Assistant Chief Warder, was somewhat strict. The Indian prisoners therefore nicknamed him "General Smuts". He often came early in the morning, and sometimes in the afternoon as well. The doctor came at half-past nine. He appeared to be a kind and well-meaning person. He made

solicitous inquiries about our health. Under the Gaol Regulations, every prisoner must undress himself in public for examination by the doctor. But the doctor did not insist on the observance of this rule. Moreover, when the number of Indian prisoners increased, he asked them if anyone had eczema or similar infection, so that he might examine the person in private. The Governor and the Chief Warder used to come at half-past ten or eleven. The Governor appeared to be firm, fair-minded and quiet-tempered. He always had the same questions to ask: "Are you all well? Is there anything you want? Have you any complaints?" He listened to a request or a complaint patiently and granted every request which was reasonable; if there was a [genuine] grievance, he set matters right. I shall discuss some of the complaints and demands later. The Deputy Governor also came sometimes. He, too, was a kindly person. But the kindest among them all, the most gentle and sympathetic, was the official known as the Chief Warder, who was especially charged with looking after us. He is a very devout man; we were not the only ones to whom he was nice and courteous in every way; [for] the other prisoners were also very warm in their praises of him. He was anxious to respect prisoners' rights. He would condone any minor offence on their part. He was particularly kind to us because he thought that we had not really committed any offence. Often he talked with us and even expressed sympathy.

Prisoners Increase

I mentioned earlier that we were five satyagrahi prisoners to begin with. On Tuesday, January 14, we were joined by Mr. Thambi Naidoo, the Chief Picket, and Mr. Quinn, Chairman of the Chinese Association. All of us were happy to see them. On January 16, 14 others came, Samunder Khan being one of them. He had been sentenced to a two-month term. The remaining 13 included Madrasis, Kanamias and Gujarati Hindus. All of them had been arrested for hawking without licences and fined £2 each with 14 days' imprisonment in default of payment. They had had courage enough to refuse payment of the fine and to prefer imprisonment. On Tuesday, January 21, another 76 persons joined us. Among them, only Nawab Khan had been sentenced to two months, the rest having been fined £2 each with 14 days' imprisonment in default of payment. Most of them were Gujarati Hindus, the rest Kanamias and Madrasis. On Wednesday, January 22, there was a further addition of 35 persons. On the 23rd, three more arrived, one on the 24th, two on the 25th, six on the 28th, and, on the evening of the same day, four more. On the 29th, there were again four arrivals, all of them Kanamias. That made a total of 155 up to January 29. On Thursday, that is, on the 30th, I was

taken to Pretoria. But I remember, on that day also, five or six more prisoners arrived.

[From Gujarati]
Indian Opinion, 14-3-1908

66. *JOHANNESBURG LETTER*

Registration is in progress. There are, however, some persons who appear to be bent on working against the community's interests; they recognize only self-interest. They furnish false information in their applications. All this will do us harm. There are others who imagine that, as a result of the movement, it should be possible to save even those who have no right to be here. It is difficult to understand how a movement conducted in defence of right can also serve wrong. If the sun shines by virtue of the truth of the truthful, it warms the untruthful as well; so it may also be possible legitimately to safeguard the interests of a few persons living here unlawfully, provided a majority of the Indians are truthful. We may then be able to request the Government not to harass those who are here without permits. They have, however, undeniably committed an offence in law. But theirs is not an offence calling for rigorous punishment. If these persons argue their case properly and tell the Government how they came in, I believe it will overlook [their offence] and order registration certificates to be issued to them. But before this can be done, the Indian community must get over its eagerness to have all that it wants. It is essential to furnish correct information in the applications, and one must think twice about bringing new persons in [unlawfully]. One should bear in mind that greed always begets sin.

Dinner to Friends of Indians

Mr. Cartwright, [Rev.] Mr. Phillips, Mr. Doke and other eminent Englishmen who have helped us a great deal have been invited to a dinner on Saturday; some Indians will also be present. We can claim that this is perhaps the first occasion of its kind in South Africa. I shall send a detailed report next week.

Sir Lepel Griffin

The British Indian Association has sent, through the South Africa British Indian Committee, a telegram of condolence to the late Sir Lepel Griffin's family.[1]

[From Gujarati]
Indian Opinion, 14-3-1908

[1] *Vide* also "The Late Sir Lepel Griffin", p. 137.

67. LETTER TO F. H. TATHAM

[JOHANNESBURG,]
March 14, 1908

F. H. TATHAM, ESQ.
ADVOCATE
PIETERMARITZBURG

DEAR SIR,

I understand that you have been retained by Mr. Labistour in connection with a certain case pending before the Supreme Court against Budrea and others. Mr. Budrea is an old client of mine. I held his General Power of Attorney also during his absence, and he wanted me to explain the case to him. I shall, therefore, be obliged if you will kindly let me have the papers[1], so that I may know what the case is about. I shall return the papers immediately after perusal.

Yours faithfully,

From the typewritten office copy: S. N. 4799

68. LETTER TO C. A. DE R. LABISTOUR

[JOHANNESBURG,]
March 18, 1908

C. A. DE R. LABISTOUR, ESQ.
SOLICITOR
DUNDEE

SIR,

Re. Budrea and Others and Vawda & Co.

I have to thank you for the telegram you were good enough to send me at Phœnix regarding this matter. I applied to Mr. Tatham for a loan of the papers in this matter, as I want to explain the position to Budrea, whose General Power of Attorney, as you know, I held during his absence. Mr. Tatham, as you will see from the letter herewith, refers me to you. Will you kindly, therefore, let me have the papers, which I shall return immediately after perusal.

Yours faithfully,

From the typewritten office copy: S. N. 4800

[1] Plaint and defendant's plea; *vide* S.N. 4797.

69. *MY GAOL EXPERIENCES* [*–II*]

Change in the Diet

On the 14th of January came Messrs Thambi Naidoo and Quinn. That, however, did not affect the situation much, as they were quite willing to rough it, but on the 18th, fourteen more came. With the exception of one, these were hawkers who were sentenced to pay two pounds' fine or to suffer fourteen days' imprisonment. It was not possible to expect these men to accommodate themselves all of a sudden to a diet to which they were never used. Consequently it was a matter of grave anxiety. It was duly brought to the notice of the Governor who professed helplessness by regulation. He was quite willing to respect any religious objections but where it was a matter merely of likes and dislikes, he could not help. Prison life was prison life and people's tastes could not be respected. All this would be true, if it were merely a matter of tastes. Unfortunately it was a matter of habit. And the scale having been fixed without due regard for national habits of Asiatics, the system broke down under the stress. Just as it would be foolish for Indians to expect national food adjuncts, such as curries, etc., it was foolish for the authorities to have prescribed a diet—however nutritious it might be medically—that was unsuitable for Indians. Boiled beef or mutton would be just as useless for Indians as mealie pap. They could live on wheaten and rice preparations, no matter how simple they might be. But they could not live on what might be African delicacies. So that the new batch of prisoners faced starvation. They went without breakfast. And rice they received for dinner, i.e., four ounces with one ounce of ghee—insufficient as it was even with the breakfast—was much more so for people who broke their fast on the above quantity of rice.

A Petition in Prison

The following petition[1] was, therefore, forwarded through the Governor to the Director of Prisons.

Owing to the arrival, as stated at the foot of the petition, of about seventy more passive resisters, I requested the Governor either to telegraph or to telephone its contents and to apply for prompt instructions. This he kindly did and orders were given immediately, pending further consideration, to replace mealie pap for breakfast by four ounces of bread and to do the same thing for supper by issuing eight ounces of

[1] For the text, *vide* "Petition to Director of Prisons", pp. 39-40.

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bread. Whilst the matter was being further considered, the compromise supervened and we were all discharged.

A Contrast

Yet it must be clear to the reader that this question of food for Asiatic prisoners is too important to be given up. It is only because there are ordinarily very few Indian prisoners in the Transvaal gaols that the matter has not attracted attention before now. The change ordered by the Director removed the most pressing grievance. But four ounces of bread even for non-labour prisoners is a mere morsel. And although the medical officer stated that the addition of cocoa or butter or *dholl* would be considered a relish and therefore not allowed as a prison diet, I venture to think that some such addition is absolutely necessary to make bread eatable. Now let us for a moment glance at the scale for non-labour European prisoners. They get for breakfast one pint of porridge and four ounces of bread; for dinner eight ounces of bread daily, together with meat or soup or beans, potatoes or vegetables; for supper they get eight ounces of bread and one pint of porridge. I understand that they also get cocoa or some such drink. Now it does not seem clear why the Europeans should get porridge *and* four ounces of bread whereas Indians should get four ounces of bread *in place of* porridge. Have the former a greater appetite than Indians? Then again, why should Indians get only twelve ounces of beans when Europeans get the same quantity of beans *and* eight ounces of bread? This is an anomaly which is most difficult to understand. It may be possible to reconcile oneself to the Europeans getting a greater variety of superior or more expensive food; but it is not possible to do so with regard to the quantity of foods. It is obvious, therefore, that the Indian dietary needs a great deal of modification. Then again, the fact that the Colonial Secretary never troubled himself about the food provided for men who could not be classed as ordinary prisoners betrays in my opinion callous contempt for the Indian community. In view of the compromise effected, one does not wish to say much on this painful phase of the question.

Indian Opinion, 21-3-1908

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70. *SOUTH AFRICA BRITISH INDIAN COMMITTEE*

Mr. Ritch continues to write his weekly letters, though we do not think there is need to publish them at present. Most of his news, since we already know of it from cables, appears old. In his last letter, however, he has inquired if the Committee is to be continued. We reproduce below a portion of the letter:

> At the meeting on Tuesday, the Committee discussed the question of its future. Lord Ampthill was present. Others who attended were Sir Muncherjee, Mr. T.J. Bennett[1], Sir William Wedderburn[2], Dr. Thornton and Mr. [J. H.] Polak[3].
>
> Lord Ampthill told the Committee that its work had only just begun. Others were also of the view that it would be wrong to wind up the Committee. You must have noticed how Lord Ampthill still persists in his efforts. Some of the members are so enthusiastic about the Committee's work that they want the work continued at any cost. I have been asked by the Committee to ascertain your views in the matter. I need not tell the Association anything about the members and the work they have been doing. Everyone will admit that, once the Committee ceases to function, it will be difficult to revive it. Again, I need not say anything about the problems of the Transvaal and Natal which still await solution. There was a communication from the Natal [Indian] Congress about the harassment of Indians under the [Dealers'] Licenses Act. This is a question of great importance. If it is to be taken up for agitation, the Indian community there, it is hoped, will not mind the spending of some money.
>
> In view of Mrs. Ritch's illness, it is necessary for me to stay on here for at least a few months. She has had to be operated upon a second time. She has been reduced to a state in which she has to have two nurses to attend on her. In the circumstances, I am unable to leave this place. If I can start my own practice here, the Committee will have less to spend on my account. If, in addition, I can have an office for myself, that will save the Committee rent. These are the lines along which I have been thinking.

[1] Of Bennett Coleman & Co., publishers of *The Times of India*, and member of the South Africa British Indian Committee

[2] Member of the Bombay Civil Service; became on retirement Member of Parliament; Chairman of British Committee of Indian National Congress, 1893; President of the Congress, 1910.

[3] Henry Polak's father who took a prominent part in the formation of the South Africa British Indian Committee in London, of which he was also member; *vide* Vol. VI.

Mr. Jinnah, Bar-at-Law, showed me a telegram from Mr. Mahomed Shah of President Street, which says that about 700 Muslims are displeased with the compromise and that they are determined not to apply for registration. I have suggested to Mr. Jinnah to say in reply that he was happy to learn from the cables that all the people [in the Transvaal] were united. Kindly let me know the correct position.

It is for the Indian community to decide what it wants to do about the Committee. The need to continue the Committee is obvious. Had it not been for Mrs. Ritch's illness, the Committee's expenses would have been much less. It is, however, a matter for some satisfaction that the Committee was able to function as economically as it has done. We believe therefore that all [branch] Associations and individual Indians will try and ensure that the Committee is enabled to continue its work. This will be easy if a large number of persons interest themselves in the question. We hope that every Indian will help in every possible way and all the Associations will express their views.

[From Gujarati]
Indian Opinion, 21-3-1908

71. JOHANNESBURG LETTER

Indians' Dinner to Europeans

The Indian community fulfilled one of its many obligations on Saturday last, the 14th. Some Europeans have helped us a great deal in the satyagraha movement. It was but proper that the community should do something to show its regard for them. It was eventually decided to arrange a banquet and to issue tickets for the purpose. The tickets were to be priced and the proceeds spent on meeting the expenses of the banquet. This would show whether or not the Indian leaders were willing to loosen their purse-strings. The Association would not have to bear the expense, and we would be enabled to come into closer contact with the whites. The suggestion was approved by all. A date was fixed for the banquet. The Masonic Hall was secured through the good offices of Mr. Kallenbach[1], and the Secretary of the Hall

[1] Herman Kallenbach; a prosperous German architect of Johannesburg with "a vein of other-worldliness" who, when challenged to a duel by a Volksrust European for his Indian sympathies, declined, saying that he had "accepted the religion of peace"; himself a satyagrahi, he gave his 1100-acre "Tolstoy Farm" near Johannesburg for the maintenance of satyagrahis' families; taught on his farm carpentry, gardening and sandal-making, the last of which he had learnt at a Trappist monastery; associated in dietetic experiments with Gandhiji who describes him as "a man of strong feelings, wide sympathies and childlike simplicity". *Vide* also *Satyagraha in South Africa* and *Autobiography*.

volunteered to make the necessary arrangements for the banquet. The tickets were priced at two guineas each. The management of the Masonic Hall charged us ten shillings per head, and some money was spent on the printing of cards, etc. The whites invited were Mr. Hosken, Member of Transvaal Parliament, Mr. and Mrs. Phillips, Mr. and Mrs. Doke, Mr. Cartwright, editor of *The* [*Transvaal*] *Leader*, Mr. David Pollock, Mr. and Mrs. Vogl, Mr. Isaac, Mr. Brittlebank, the Rev. Mr. Perry[1], Mr. Kallenbach, Mr. McIntyre[2], Miss Schlesin, Mr. and Mrs. Polak, Mr. Brown[3] and Mr. Proctor, the Reuter agent. Mr. Stent, editor of *Pretoria News*, Mr. Edwards, Mr. Lichtenstein[4], Mr. Lewis, Mr. Hofmeyr[5], and Mr. Howard Pim were among the other invitees. They did not attend, but most of them sent their good wishes for the occasion. Mr. Stent sent a telegram. Mr. Pim, in a letter, expressed regret at not being able to attend owing to other engagements. It was his sincere hope, he added, that our problem would be satisfactorily solved and that the goodwill that existed between the Government and the Indian community would endure. The President of the Chinese Association, Mr. Quinn, was present. There were about 40 Indians at the function.

Mr. Essop Mia presided. Mr. Mia, Mr. Imam Abdool Kadir, Mr. Cama and Mr. Gandhi thanked the whites who had been of help. They were followed by Mr. Hosken, who replied on behalf of the whites. In the course of his speech he said :[6]

> I feel ashamed now to think that in July [1907] I had advised the Indian community to accept the law. I meant well. I felt it would prove to be futile to resist the Boer Government. But Mr. Gandhi told me that they did not depend on human help for their movement. They depended on divine aid. They were sure of help from Him in Whose name they had embarked on the movement. I see his words have come true. The courage shown by the Indian community has won for it increased sympathy from the whites. The Indian community has taught the whites a great deal. I was glad to receive your invitation. Whites and Coloured persons ought to live together amicably. The Indian community deserves praise for the unity, patience and humility it has shown.

Mr. Cartwright said that he was sorry he had not been able to do more. The Indian community, he thought, had gained immensely

[1] Baptist Minister and Pastor of Troyville Baptist Church, Johannesburg

[2] J. W. McIntyre; Scottish Theosophist and solicitor's clerk articled to Gandhiji

[3] F. H. Brown; representative of *The Times of India* in London and a member of the deputations which met Lord Elgin and Morley in connection with Transvaal Asiatic Law Amendment Ordinance in 1906; *vide* Vol. VI.

[4] A Johannesburg lawyer

[5] A Johannesburg lawyer

[6] What follows, however, appears to be a free summary.

in respect through its courage. The example it had set was well worth following.

Mr. Phillips said:

> I associate myself with what Mr. Hosken has said. The Asiatics have shown true faith in God. The Chinese have set a worthy example by donating £105 to an association in aid of the poor among the whites. It is no small matter for the Chinese to have helped the same Association that refuses help to any Coloured person and the very whites who have harassed them so much. I am indeed glad that we have assembled here today in this manner. There are some persons who are afraid that the Government may play foul, but it will be unable to do so now. If it does, a large number of whites will come forward to oppose it.

Mr. Doke said in his speech that satyagraha was a true battle that the Indians had fought. He hoped that they would preserve the good name that they had earned.

Mr. Proctor said:

> Reuter's duty is no more than to disseminate news. If Mr. Polak had not supplied the required information, Reuter would not have been able to do what it did.

He was followed by Mr. D. Pollock who said:

> The Indian community has opened the gates of freedom to the entire Coloured population. It has taught what true Imperialism means. It has, by its work, brought the blacks and the whites closer together.

There was then a brief speech by Mr. Polak, which was followed by *God Save the King*. The meeting then dispersed at 11 p.m.

The menu-card had the following printed on it: "This dinner is arranged as an expression of gratitude to those whites who fought for truth and justice during the satyagraha campaign."

The menu consisted of 24 dishes. Meat being excluded, the courses were so chosen that they would be acceptable to everyone and could be liked equally by the whites and our people. The drinks served were lime juice, soda-water, etc.

It is said that this was the first gathering of its kind in South Africa. The dinner was not publicized so as to avoid needless provocation to the feelings of any whites. It was kept strictly private.

Dinner by Chinese

The Chinese have arranged a meeting on Friday to present addresses, and on the same day, to give a dinner, similar to ours. I shall report it next week.

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REGISTRATION OFFICE

Registration will come to an end here and in Pretoria on Friday next. More than 5,000 applications were received in Johannesburg. No one appears to have been left out. The office will open in Pietersburg on the 30th. Some persons have registered at Spelonken. In Germiston, the office will open on the 23rd. Offices have already been set up at Zeerust, Lichtenburg, and Vereeniging. In Zeerust and Lichtenburg the officials, through some misunderstanding, insisted on everyone giving his digit-impressions or filing an affidavit. The Association sent telegrams immediately with the result that proper arrangements have now been made.

LICENCES

Licences are now available without difficulty. Many persons have already got them.

TREACHERY

There are Indians who still furnish wrong information to the Registrar. Names of children are either mis-stated or more names are furnished than there are children. All this will redound to their disadvantage. They should be mindful of what they do.

WOMEN'S FINGER-IMPRESSIONS

In Volksrust, women were asked to give their finger-impressions. However, the matter has now been settled to our satisfaction and finger-impressions of Indian women are no longer asked for.

SUGGESTION ABOUT LICENCES

The Receiver of Revenues has issued a special announcement that Indians will now be granted licences. It is unnecessary even to produce the permit. In spite of this, there are very few traders who have taken out licences. Anyone who does not now take out a licence immediately will be prosecuted for trading without one. It is therefore essential for all Indian businessmen and hawkers to get their licences.

JUSTICE AMEER ALI

The members of the British Indian Association have resolved to send an address to Mr. Justice Ameer Ali, and it will be sent simultaneously with a similar one to Lord Ampthill.

Also, the Hamidia Islamic Society has decided to send addresses by post to persons in all outlying places, who participated in the campaign. I expect to publish the names of persons to whom such letters are sent.

[From Gujarati]

Indian Opinion, 21-3-1908

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72. *MY EXPERIENCE IN GAOL [–III]*

Diet is a subject which most of us have to think about some time or other in our lives. In particular, prisoners' food requires the most careful consideration. Their well-being depends a great deal on a good diet. The rule about food in gaol is that one must accept what is offered and take nothing from any other source. Soldiers, too, must eat what is given them. But there is a great difference between soldiers and prisoners. Friends may send gifts of food to soldiers, which they may accept. Prisoners, on the other hand, are forbidden to accept [gifts of] food. Difficulty in regard to food is one important feature of prison life. Even in casual conversation we hear gaol authorities saying that there can be no question of preferences in gaol. When I met the gaol doctor, I asked that bread should be served with tea or ghee. He replied: "You want to indulge your taste. That is not possible in gaol."

Let us now consider the regulation food in gaol. Indians get the following items of food during the first week: in the morning, twelve ounces of mealie pap without sugar or ghee; for the midday meal, four ounces of rice with an ounce of ghee; in the evening, twelve ounces of mealie pap on four days and boiled beans with salt on three days.

This scale is drawn up on the basis of what the Kaffir prisoners get, with this difference that the Kaffirs are given pounded maize and fat in the evening, instead of which Indians get rice [for their midday meal]. From the second week onward, along with mealie meal, they get boiled potatoes on two days and vegetables, such as cabbage, pumpkin, on the other two. To those who eat it, meat is also served with vegetables every Sunday from the second week onward.

The prisoners who were the first to arrive had decided not to ask for any favours from the Government but to make do with whatever food was allowed them, provided it was acceptable [from the religious standpoint]. In point of fact, the scale described above was neither adequate for Indians nor suited to them. It may be that dietetically the food was sufficiently nutritious. Mealie meal is the staple of Kaffir diet, so that this scale suits them very well and they thrive on it. But nothing except rice is acceptable to Indians; hardly any of them eat mealie pap. Indians are not used to eating beans as a course in itself and do not find the vegetarian dishes [cooked in gaol] agreeable. The vegetables are not washed, neither are they dressed with spices. Moreover, the vegetables served to the Kaffir prisoners consist mostly of the left-overs and peelings from the vegetables cooked for the whites. Nothing except salt is allowed by way of condiment. Of sugar one may not

even dream. Everyone was therefore bothered by the problem of food. Even so, we resolved that as satyagrahis we should not ask for anything from the gaol authorities nor seek a favour. So we carried on with the food described above.

When the Governor enquired [about the amenities], we told him that our food was unsatisfactory, but that we did not wish to ask for a favour from the Government. It was for the Government to consider whether they should make changes. Otherwise, we would make do with whatever the regulations allowed.

This attitude could not be kept up for long. When others joined us, we agreed that it would not be proper for us to compel them to accept this inconvenience as we did. That they had come to gaol was [sacrifice] enough. It would be proper, we thought, to demand from the Government special treatment for these people. To that end we broached the subject with the Governor. We told him that, though we accepted whatever was given to us, those who came after us would not be able to do so. The Governor thought the matter over and answered that he could [permit] cooking to meet any religious scruples, but that the food itself should remain the same. It was not within his power to effect any changes in it.

Meanwhile, as mentioned earlier,[1] 14 other Indians joined us. Some of them plainly refused to eat mealie pap. They starved. I went through the gaol regulations, and discovered that a petition on this subject could be addressed to the Director of Prisons. We therefore asked for the Governor's permission to address a petition, and the following petition[2] was forwarded.

This petition was signed by 21 of us. After it had been signed and was about to be submitted, we were joined by another 76 Indians, who also disliked mealie pap. We therefore added at the end of the petition that the 76 persons who had come in also felt the same difficulty, and that immediate orders should therefore be issued. I requested the Governor to telegraph the contents of this petition. He consented and, after obtaining the permission of the Director on telephone, ordered mealie pap to be replaced by four ounces of bread [for each prisoner]. All of us were happy. From the 22nd, therefore, we got four ounces of bread in the morning, as also in the evening, [that is,] on mealie-pap days. In the evening eight ounces of bread was provided, that is, half a loaf. This arrangement was only provisional, pending further orders. The Governor had meanwhile appointed a committee to go into this

[1] *Vide* "My Experience in Gaol [–II]", p. 142.

[2] This has not been re-translated; for English text, *vide* "Petition to Director of Prisons", pp. 39-40. The last two sentences from it are, however, missing in the Gujarati translation.

question. In the end, it was proposed to allow us flour, ghee, rice and pulses. Nothing further happened and we were released soon after.

When, in the beginning, we were only eight, none of us did any cooking. The rice was not well cooked and in their turn, the green vegetables, too, were cooked badly. Therefore, we also obtained permission to cook our own meals. On the first day, Mr. Karwa offered to cook. He was then replaced by Mr. Thambi Naidoo and Mr. Jivan. During the last few days they cooked for 150 persons and had to cook once a day. Two days in the week, however, that is, on the green-vegetable days, they had to go twice a day [to cook]. Mr. Thambi Naidoo did an admirable job of work, and I looked after the serving.

The readers will observe from the foregoing petition that it is drafted so as to present a case not for preferential treatment for ourselves alone, but for a modification of the food scale for all Indian prisoners. It was in the same light that the matter was placed before the Governor, and he concurred. There is still hope that the ration for Indian prisoners in gaols will be modified.

Moreover, the three Chinese were given something else in place of the rice that we got and were thus the only ones to be refused rice. This caused some heart-burning. It appeared as though the Chinese were being discriminated against as a class inferior to us. I therefore wrote out a petition[1] on their behalf to the Governor and to Mr. Playford. The order was finally passed that the Chinese should get the same food as the Indians.

While on the subject of food, it will be instructive to compare [the Indian] with the European scale. For breakfast, they get porridge with eight ounces of bread. For dinner, again, bread, together with soup or meat with potatoes or green vegetables, and for supper, bread and porridge. That is, Europeans get bread thrice a day, so that it makes no difference whether or not they get porridge. Moreover, they are served either meat or soup as an additional item every day. Over and above these they are given tea or cocoa every afternoon. It is thus clear that both Kaffirs and Europeans get food suited to their tastes. The poor Indians—nobody bothers about them! They cannot get the food they want. If they are given European diet, the whites will feel insulted. In any case, why should the gaol authorities bother to find out the normal Indian fare? There is nothing for it but to let ourselves be classed with the Kaffirs and starve.

That this state of affairs has gone on till today points, in my view, to a deficiency in our satyagraha. Some Indian prisoners get extra food from without surreptitiously. They, therefore, suffer no inconvenience on this account. There are other Indian prisoners who make

[1] Not available

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do with whatever they are given, and [afterwards] feel ashamed of mentioning their misfortunes or do not care enough for others [to take up the issue]. People outside remain in the dark [about what happens in gaol]. If we were all devoted to truth and remonstrated whenever there was injustice, we would never have to suffer these inconveniences. If we think more of others than of ourselves, it will be easy to find solutions for these problems.

If it is necessary to find remedies for these problems, it is also necessary to bear another consideration in mind. A prisoner must submit to certain hardships. If there were no hardships, what would be the point of being imprisoned? Those who can control their minds can find happiness even amidst hardships and enjoy being in gaol. Such persons, however, will not forget the hardships [of gaol life], and, for the sake of others, they ought not to. Moreover, we should give up clinging so tenaciously to our customs and habits. Everyone has heard of the saying, "As the country, so the attire". Since we live in South Africa we must accustom ourselves to whatever is wholesome in the food of the people here. Mealie pap, like wheat, is good, simple and cheap food. Neither can it be said to be tasteless. In fact, for some purposes, mealie pap is better than wheat. I also believe that, out of regard for the country in which we live, we must accept the food grown in the soil of that country, provided of course it is not unwholesome. Many whites have mealie pap for breakfast every day because they like it. With milk, sugar or ghee, it can be made palatable. Bearing these considerations in mind, and also because there may be many occasions yet for us to go to gaol, we should all get used to mealie pap. If we do that, eating mealie pap with only salt will not appear so much of an ordeal. There are some habits of ours which we must not hesitate to give up in the interests of our country. The nations which have progressed are those which have given in on inessential matters. The members of the Salvation Army win over the hearts of the people among whom they work by adopting their customs, dress, etc.

[From Gujarati]
Indian Opinion, 21-3-1908

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73. LETTER TO MAGANLAL GANDHI

[JOHANNESBURG,]
March 26, 1908

MY DEAR MAGANLAL[1],

I have your letter. I hope you will keep in constant touch with Mr. Polak. I should like to see the cuttings from the Indian newspapers in connection with the compromise. I hope you gave Hassan a treat before he left.[2]

Please tell Mr. Budrea that the money has been rediposited [*sic*], and that the interest has been placed to his credit. I have received the papers regarding the Danhauser property from Mr. Labistour and I am now going through them.[3] I shall then write to Mr. Budrea further in the matter. I do not quite understand what you mean with reference to the £21. Was it received by the Press from Mr. Budrea?

Yours sincerely,

From the typewritten office copy: S. N. 4804

74. FIVE CRORES STARVING

Cables from India report Lord Minto as having said in a speech that, owing to the famine in Central India, five crores of people were faced with the prospect of starvation, and that if no relief was provided, they would simply die off [for want of food-grains]. Is there any Indian who did not shudder at this news or whose heart did not cry out? However, some of us may have felt that there is nothing that we can do from this distance. Others may have thought that, in a situation such as this, they could not have helped matters much even if they had been in India. Since the calamity is the result of a goddess's wrath, they feel helpless. There must also be some who blame this on the British Government. We think that all these persons are wrong. It is a common habit to point to the faults of others and not to see one's

[1] Maganlal Gandhi (1883-1928); second son of Khushalchand Gandhi, Gandhiji's cousin; manager of the Phœnix settlement after Chhaganlal Gandhi's departure for India on his way to England, and later of the Satyagraha Ashram at Sabarmati

[2] The reference is to a farewell party given to Hassan Mia, son of Dawad Mahomed, President of Natal Indian Congress, on the eve of his departure for England. Hassan Mia was leaving for England to study for the bar.

[3] *Vide* "Letter to C. A. De R. Labistour", p. 144.

own. Others' mistakes attract ready attention. Let us, however, go deeper into the question.

We are convinced that, though this condition is undoubtedly the result of divine will, the blame lies with us, our chief fault being that we have very little truth in us. It is generally from experience that the whites accuse us of untruthfulness. Not all of them accuse us out of malice. We are annoyed by the charge. If, instead of feeling annoyed, we look at the matter in the right perspective and ponder over it, we may derive much profit.

The Indians here are not very different from those at home. If we take examples from the Transvaal or Natal, we shall find that untruthfulness is spreading among us. This untruthfulness does us damage. Instead of getting rid of the habit, we fight the Government and inveigh against it. When the Government adopts extreme measures, we are admittedly left with no choice but to fight. But fighting the Government will not by itself bring us happiness.

It is necessary that we fight ourselves. We must overcome this habit of deceitfulness. In our private lives we behave as we do with the Government. The result is that we become cowardly and, in order to cover up our cowardice, we resort to deception and hypocrisy at every turn.

In Natal, we spend any amount of money to obtain trading licences by underhand means, but we will not observe cleanliness, which is the thing necessary. There are very few Indians who deserve trading licences on merits.

In the Transvaal everyone thinks only of self-interest. They must have a permit by fair means or foul. As many children as possible must be brought into the Colony. This avidity [to have all one wants] is, to be sure, a source of evil. These are examples which are easy to follow. Many other instances of falsehood can be cited.

Some readers may wonder what the connection is between fraudulent practice in relation to permits in the Transvaal and trading licences in Natal on the one hand and famine on the other. That we do not perceive this connection is in itself an error.

Our examples are only symptoms of a chronic disease within us. We are sure that, as long as they remain addicted to cheating and deception, Indians will never be rid of their troubles. It would be a great and true help indeed if, instead of sending money from here or being useful in some other way, we reformed ourselves and learnt to be truthful. If the Indians here observe truth in word and deed and behave with courage, that cannot but have some effect in India. Pain in any part of the body is felt by the mind. The healthy condition of a part has a benign effect [on the whole]. Similarly, good or bad actions of individuals have a corresponding effect on a whole people. We believe

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this to be a divine law, and if our readers agree that it is so, we think the only real help the kind-hearted among the Indians can render to their country is to take the path of truthfulness immediately after reading the heart-rending account of starvation among five crores of Indians. This is admittedly a difficult step to take. But it is also a very effective one. After a little reflection, anyone will realize that this is the only solution.

[From Gujarati]
Indian Opinion, 28-3-1908

75. MY EXPERIENCE IN GAOL [–IV]

Patients

It would have been surprising if not one among 150 of us had been taken ill. The first casualty was Samunder Khan. He was ill even when he came to gaol, and so was removed to hospital the day after his arrival. Mr. Karwa had an attack of rheumatism. For some days the doctor treated him with ointment, etc., in the gaol. But later, he, too, was admitted to hospital. Two other prisoners fell sick and were removed to hospital. Since it was hot and the prisoners were exposed to the sun outside, some of them fell sick occasionally. They were treated as well as they could be [in gaol]. Towards the end, Mr. Nawab Khan was also taken ill and, on the day of his release, he had to be helped to walk. He improved after the doctor permitted him to drink milk. However, on the whole, the satyagrahi prisoners kept well.

Lack of Space

I mentioned earlier that our ward could accommodate 51 prisoners. The yard in front had the same capacity. When, towards the end, our number increased beyond 151, we experienced acute inconvenience. The Governor ordered tents to be pitched outside, and some of us were shifted to these. During the last few days, a hundred prisoners had to sleep outside. But they were brought back every morning, with the result that the yard turned out to be too small, and it was with great difficulty that room could be found for all the prisoners. On top of this, when we indulged in our vice of spitting everywhere, there was danger of the place becoming dirty and infected. Fortunately, people were amenable to persuasion and helped keep the yard clean. That is how they managed to avoid illness. Anyone will admit that it was the Government's fault that so many prisoners were confined in so small a space. If the space was insufficient

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the Government ought not to have sent so many prisoners [to this gaol]. Had the movement continued, the Government would have found it impossible to accommodate any more.

READING

I mentioned earlier that the Governor had allowed us a table.[1] We were also given pens and an ink-pot. The gaol has a library which lends books to prisoners. I borrowed some of Carlyle's works and the Bible. From a Chinese interpreter who used to visit the place I borrowed a copy of the Koran in English, Huxley's lectures, Carlyle's biographies of Burns, Johnson and Scott, and Bacon's essays on civil and moral counsel. I also had some books of my own; these included an edition of the *Gita* with a commentary by Manilal Nabhubhai[2], some Tamil books, an Urdu book presented by Maulvi Saheb, the writings of Tolstoy, Ruskin and Socrates[3]. Most of these books I either read [for the first time] or re-read during my stay in gaol. I used to study Tamil regularly. In the morning I read the *Gita* and in the afternoon portions of the Koran. In the evening I used to explain the Bible to Mr. Fortoen, a Chinese Christian. As he wished to learn English, I taught it to him through the Bible. If I was going to serve my full term of two months in gaol, I had intended to complete the translation of one of Carlyle's books and another[4] of Ruskin. I believe these books would have kept me wholly occupied. If I had been awarded an even longer term, not only would I not have found it irksome, but I could have added usefully to my knowledge. I would have been quite contented. I believe that anyone who enjoys reading good books can easily bear to be alone anywhere.

Among my fellow-prisoners, Mr. C. M. Pillay, Mr. Naidoo and a few Chinese were in the habit of reading. Both the Naidoos had started learning Gujarati. During the last days a few books of Gujarati songs arrived, and many of us read these. But I do not call this reading.

DRILL

In gaol we cannot spend the whole day reading. Even if it were possible, we know that it is harmful in the long run. We therefore managed, with some difficulty, to obtain the Governor's permission to

[1] *Vide* "My Experience in Gaol [-II]", p. 140.

[2] Manilal Nabhubhai Dwivedi (1858-98); Sanskrit scholar, Gujarati poet, writer and journalist; author of several books on Indian philosophy; attended the Parliament of Religions along with Vivekananda.

[3] Plato's Dialogues evidently, for it must have been about this time that Gandhiji started writing his Gujarati series, "Story of a Soldier of Truth".

[4] *Unto This Last*

learn the [P. T.] drill from the warder. A very kind man, he was only too happy to drill us morning and evening. It did us a lot of good too. If we could have continued it sufficiently long, it would have done us all good. But the warder's work increased with the increase in the number of Indians, and the yard proved too small for the purpose. The drill was, therefore, given up. However, we had Nawab Khan with us, and a drill of sorts was continued under his direction.

We also obtained the Governor's permission to work on the sewing machine. We tried to learn sewing pockets on to prisoners' [uniforms]. Mr. T. Naidoo and Mr. Easton, as they had an aptitude for the work, learnt it very quickly. It took me longer to pick it up. Before I had learnt it properly, there was a sudden increase in the number of prisoners and I had to leave off. The reader can thus see that given the will anyone can transform [even] a desert into a paradise. [Had our imprisonment continued,] we could have thus kept ourselves occupied with some work or the other, and no prisoner would have found his confinement irksome; on the contrary, he would have come out a better-informed and abler man. There have been instances of conscientious men who achieved great things while in gaol. John Bunyan bore up with prison life and wrote *The Pilgrim's Progress*, which proved an immortal work. The British rank it next to the Bible. Mr. Tilak wrote his *Orion* during his nine-month imprisonment in Bombay. Whether we are happy or miserable, whether we become good or bad in gaol or elsewhere depends entirely on our own mental attitudes.

Visitors

Some Englishmen came to visit us in gaol. As a general rule, no prisoner is allowed visitors during the first month. Thereafter, each prisoner is allowed a visitor once a month, who must come on a Sunday.[1] The rule is relaxable in special circumstances. Mr. Phillips took advantage of this provision. The day after our arrival, he sought, and was granted, permission to visit Mr. Fortoen, the Chinese Christian. He also met the rest of us. He spoke a word of cheer to each of us, and then prayed, as was his wont. He managed to see us thrice. Another clergyman, Rev. Davis, also took advantage of the same provision to visit us.

By special permission Mr. Polak and Mr. Cohen[2], too, came to see us once. He[3] was permitted to come only about [my] office work. The

[1] It is not clear from the Gujarati whether a prisoner was allowed only one visitor a month or whether it was the visitor who might not meet more than one prisoner during a visit.

[2] Ritch's father-in-law

[3] Polak

warder is always present during a visit and all conversation must take place in his presence.

Mr. Cartwright, the editor of *The Transvaal Leader*, came thrice—by special permission each time. He came only with the object of bringing about a settlement. He was therefore permitted to see us in private [that is, without the warder being present]. At his first meeting he formed an impression of what the Indian community would accept. On the next occasion he brought with him the draft which he and other prominent Englishmen had prepared. After some alterations, it was signed by Mr. Quinn, Mr. Naidoo and myself. This letter and the compromise having been dealt with at length elsewhere,[1] no more need be said about them here.

The Chief Magistrate, Mr. Playford, also visited us once. He was entitled to come at will. And it was not especially to see us that he came. But it is believed that he found time to come because we were all in gaol.

Religious Instruction

It is now the practice in all western countries to provide religious instruction for prisoners. Accordingly, the Johannesburg Gaol has a chapel for Christians. But only white prisoners are allowed to worship there. I asked for special permission for myself and Mr. Fortoen, but I was told by the Governor that the church was open only to white Christians. They go to church every Sunday. They listen to sermons from clergymen of different denominations by turns. Some clergymen obtain special permission to preach to the Kaffirs too. They have, however, no chapel of their own. They therefore sit in the gaol compound. The Jews have a rabbi to visit them.

But there is no corresponding arrangement for Hindus or Muslims. But then, there are not many Indian prisoners. All the same, it is rather humiliating that the religious needs of the Indian community should be ignored in gaol. Leaders of the two communities should give thought to this matter and arrange for instruction in both religions even if there should be only one Indian [in gaol]. The Maulvis and Hindu priests chosen for this work should be sincere men, otherwise their instruction is likely to be something of an infliction.

Conclusion

Much of what is worth knowing [about gaol life] has been discussed. It is necessary to give further thought to the fact of Indians being classed with Kaffirs in gaol. White prisoners are given a small bed each, a tooth-brush and, in addition to a towel, a handkerchief.

[1] *Vide* "Johannesburg Letter", pp. 65-75.

We must ask to know why Indian prisoners also may not have these things.

One should not feel that these things are not worth bothering about. As the saying goes, drop by drop the lake fills. Similarly little things enhance or lower our prestige in the eyes of others. We read in the book *Arab Wisdom* that he who enjoys no respect has no religion.[1] It is by defending their honour over a long period of time that nations achieve greatness. Honour does not mean arrogance; real honour consists in a state of mind that does not countenance the loss of a right, and in action flowing from such a state of mind. He alone can attain to such honour who really trusts—depends on—God. I am convinced that it is impossible for a man without sincere faith to discern the truth in every situation and act on it.

[From Gujarati]

Indian Opinion, 28-3-1908

76. JOHANNESBURG LETTER

Chinese Meeting

The Chinese have done something remarkable. They have surpassed us in unity, cleanliness, culture and generosity.

On Friday, the 20th, they sent out two sorts of invitations. One was to a function where addresses were to be presented to those who had helped their cause. The other was to a dinner. The [first] function was scheduled for three o'clock. It was in their own hall. Invitations were sent to Englishmen and a few Indians. Their hall is incomparably superior to ours. It was elegantly decorated. At the function a noble tribute was paid to Mr. Phillips in an address which carried beautiful drawings. It thanked him for his exertions.

Another address was presented to Mr. Doke. He was thanked for his work and for looking after Mr. Gandhi. Mrs. Doke was presented with a beautiful oaken desk, also for looking after Mr. Gandhi. Mr. Cartwright was given a gold watch costing £27. Mr. David Pollock was given a purse of £20. Mr. Polak was presented with an address in which he was thanked for the excellent work he had done for the community. It said:

> We cannot measure your work in terms of money. Though you consider the satisfaction your derive to be sufficient reward, we hope you will accept what we think is our duty to offer you and to Mrs. Polak.

[1] *Vide* also Vol. VII, p. 458.

Mrs. Polak was given a gold necklace and a cutlery set costing about £28, and Mr. Polak was given a purse of £50.

The address sent to Mr. Ritch in England was read out at the meeting. It said:

> But for your unremitting efforts, this excellent settlement would have been impossible. There is admiration all round for what you have done. It was entirely due to your efforts that a strong fight was put up in England. We shall never forget your good work.

Along with this they sent Mr. Ritch a purse of £60. To Miss Schlesin, a gold watch costing £10 was given as a gift.

Mr. Gandhi was presented with an address which said:

> It was thanks to your political acumen that this excellent settlement was effected. You were the only one who could have achieved this, and we are very grateful to you for what you have done. But for you, we would have lost. But we revere you especially for your good qualities of character, which, we believe, ennobled our campaign, with the result that Asiatic communities are treated today with respect. You combine courage with courtesy and humility, on account of which all of us bear you love and want to seek your guidance.

Mr. Hosken was present at the banquet. He made an excellent speech.

At the dinner table covers were laid for 92 persons. Thirty of them were guests and the remaining 62 Chinese. There was a band in attendance. There were three Chinese ladies at the dinner and the Chinese Consul was present. Dinner over, Mr. Quinn proposed a toast to the [Chinese] Emperor and said in the course of a speech:

> We are able to live in freedom in the British Empire, and therefore wish it prosperity. We are Chinese subjects, and it is accordingly our duty to wish prosperity to the Chinese Emperor.

The Secretary of the Chinese Association said in his speech:

> European gentlemen helped the Indian cause because Indians are British subjects. They have no such bond with us, yet they helped us and this could only be ascribed to their sense of justice. It is in appreciation of that that we give this dinner, although it is not very much.

Mr. Hosken then rose to reply. He said:

> There is very little I have done. I make no distinction between Coloured persons and whites. The Asiatics have taught us a lesson. I think both your courage and your success are worthy of the highest admiration.

Mr. Phillips said:

> Everything that has been said about the courage of the Asiatics is true. I shall certainly continue to do all I can.

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Mr. Doke spoke in the same strain. He was followed by Mr. Cartwright and Mr. Polak. Mr. Polak said:

> This struggle has been profitable to every Asiatic. I think the credit for defeating the Boer Government should really go to the Asiatics.

Mr. Gandhi said:

> It would be a good thing for the Asiatics not to be flattered by these compliments. There are yet many tasks ahead. If we fail in these, there will be a set-back. It is necessary we maintain the utmost courtesy, humility and truth. We cannot do so unless we are pure in our hearts.

Mr. Essop Mia said in his speech:

> The Chinese have outdone the Indians. In many respects they have excelled them. It was a good thing that the Indians and the Chinese presented a united front during the campaign. I was very near being disillusioned with British rule. But I see now that justice is done under it, if those who want justice are diligent and have a genuine case.

The meeting dispersed at eleven after *God Save the King*.

Education in Krugersdorp

In Krugersdorp there is a school for Coloured children to which some Cape Coloureds go. Indians do not either go to this school at all, or very few of them do. In view of this, there is a danger of the Government closing it down. Indian parents who have children of school-going age should therefore send them there. I advise Indian parents to avail themselves of the facilities provided by it, following the [Gujarati] maxim: "It is better to have an uncle who squints than none at all." I am told that some Madrasi boys go to this school.

About Licences

I wrote about licences last time. The Association has since received a telegram from the Receiver at Pretoria, saying that so far very few Indians have taken out licences and that, if they do not do so immediately, those without licences will be prosecuted. Because of our success in the campaign, some Indians appear to think that nothing can happen to them now. If there are really any persons who argue in this manner they make a great mistake and will do the community harm. Whatever we are able to do now is in virtue of our good reputation. Once we lose that reputation, we shall lose all that we have won. Those who wish well to the community ought to bear this in mind and to explain it to others. Even about thumb-impressions, the complaints continue. Some people appear to think that they can be exempted

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from giving their finger-impressions without their having to give any reasons. This is an erroneous idea. It should be remembered that one can be exempted from giving one's finger-impressions only on the ground of education, status or religious [or conscientious] objection. It is not enough, then, just to go to the Registrar and inform him that you do not wish to give your finger-impressions. I earnestly hope that Indians will remember these points about licences and finger-impressions.

Roodepoort Indians

At Roodepoort the whites are becoming envious of the Indians. They have discovered that there are some Indians in the town who buy land in the names of whites and themselves enjoy the rights of ownership. They have complained to the Colonial Secretary and have suggested that the law should be so amended as to make it impossible for whites to hold land for Indians and for Indians to accept any land bonds from the whites. Indians should take note of this warning and realize that the whites have not yet sheathed their swords. If meanwhile the Indians, out of overweening pride at their success or for any other reason, forfeit the good name that they have earned for themselves, they will regret it later.

Bailey's Speech

Mr. Abe Bailey is a leading member of the Transvaal Parliament. He is a leading member of the Progressive Party and a mine-owner. Last Saturday in Krugersdorp he made a speech in which he referred to the obnoxious law.[1] (We print this speech elsewhere). There are two points to be noted in Mr. Bailey's speech. First, whatever the Indians may believe, the whites at least know that the Government has lost and has had to climb down. And secondly, it may still be necessary for us to put up a fight against the whites. The Indian community therefore must ever remain vigilant. If we are caught napping, we shall be ruined. Truth and unity, our two weapons, must ever lie ready to hand.

Federation Hall

Mr. Essop Mia has received the following letter:

Sir,

We have read the appeal published in Gujarati under your signature in the issue of the 14th in connection with the Federation

[1] Abe Bailey spoke sneeringly of the "climb-down" by General Smuts on the subject of the Asiatic Registration Act under pressure from the Imperial Government. He noted with pleasure the continued awareness of the Asiatic issue among the Krugersdorp whites and the anti-Asiatic campaign of the White Hawkers' League. He also appealed to all the whites in the town, particularly the women, for their support —presumably in the boycott of Indian hawkers—in order to ensure success.

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Hall Fund. Your words 'All those who have Indian blood in their veins will sincerely promote this cause' are so true and have stirred us. Be kind enough to accept these small amounts: Manaji Nathubhai Ghelani, £1; Vithaldas Manaji, 10s; and Mohanlal Manaji, 10s; total £2.

[From Gujarati]

Indian Opinion, 28-3-1908

77. *EGYPT'S FAMOUS LEADER* [–*I*]

The Late Mustafa Kamal Pasha

Mustafa Kamal Pasha, the famous leader, died in February last in Cairo at the early age of 33. We publish below his life-sketch culled from Egyptian newspapers.

He was born in 1874. His education started at the age of six. After a few years' study [at home], he joined a school in Cairo, established in the memory of the well-known Abbas Pasha. His father, Ali Effendi Mahomed, who was Chief Engineer to the Government, died about this time. Mustafa Kamal Pasha passed the primary school examination at the age of ten, standing first. Four years later, he passed the secondary school examination, distinguishing himself as a gifted and intelligent student. At the age of 15, he started studying law and French. The seeds of his political career were sown about this time. Soon after, he went to France for further studies, and obtained a degree in law at the age of 19.

On the strength of his knowledge of law, he bravely plunged into politics, young as he was, and started a great movement, doing his utmost for it by way of speech and writing till his death. He was associated with several public bodies in Cairo, and by his speeches inspired their members to political activity. The letter which he addressed to the French Chamber at Toulouse in France was the first notable step in his political career. In that letter he described Egypt's problems and difficulties. This courageous and far-sighted act gave him his first opportunity for a political speech in public. He was then invited to address prominent leaders in Toulouse.

Only those who have heard Mustafa Kamal Pasha can have an idea of the powerful impression he could make on the audience by his command of language. People were delighted to hear him talk, both in private and in public, especially on the conditions in his country. His orations, imbued as they were with patriotic fervour, could rouse people almost to a frenzy and endeared him to them. His political philosophy was highly nationalistic like that of the extremists in India. People from

all classes of society, from prince to pauper, thronged to hear him speak; and Mustafa Kamal Pasha preached brotherhood to them all. He made a number of speeches to the people of Cairo and Alexandria between 1895 and 1907. These speeches were prepared with great thought and skill and always went down very well.

People looked upon Mustafa Kamal Pasha as their guardian and saviour. There are many touching stories of their love for him. Whenever any section of society had a grievance against the [British] Government, they would besiege the offices of *Luwa* (Mustafa Kamal Pasha's paper) and clamour for his intervention or guidance. The Pasha would tell them what to do and advise them to act with firmness and courage and to adhere unflinchingly to truth and duty. He became well known for these virtues of his.

The Pasha used proudly to narrate an instance of how much the people loved him. Once, he hired an *arbagi* to carry him to the hall where he was to speak, and detained the driver there for more than an hour. When, on his return, he offered the driver his fare, the latter emphatically refused it, saying that he was happy and proud to have been of service to the nation's leader. There are many other instances which show the hold he had over the hearts of the people. His words inspired them to fanatical zeal in facing their tasks and serving the cause of Egypt's progress.

[From Gujarati]
Indian Opinion, 28-3-1908

78. LETTER TO C. A. DE R. LABISTOUR[1]

[JOHANNESBURG,]
March 28, 1908

C. A. DE R. LABISTOUR, ESQ.
DUNDEE

DEAR SIR,

Re. Budrea and Others

I have gone through all the papers in this matter. If the averments in the plea, in paragraphs 6 and 7, are true, that is to say, if the land sought to be transferred to Vawda is not the land contemplated by the contract, the case is easily ours; but it seems to me to be too good to be true, because it would be almost fraudulent for Vawda. I therefore hope that you have made yourself absolutely certain of the

[1] *Vide* "Letter to C. A. De R. Labistour", p. 144.

facts and not merely relied upon what Goordeen might have had to say, because, in his enthusiasm, he might have made some mis-statements.

Yours faithfully,

From the typewritten office copy: S.N. 4805

79. LETTER TO MAGANLAL GANDHI

[JOHANNESBURG,]
March 28, 1908

MY DEAR MAGANLAL,

Please tell Mr. Budrea I have gone through his papers most carefully. I have read the agreement that was signed by Mr. Anderson from Newcastle. I have read the reply to Vawda's summons. There are two things which certainly should give Mr. Budrea complete success. Paragraphs 6 and 7 of the reply state that the land wanted by Vawda is not the land described in the contract, and that the land surveyed by the surveyor includes land which is not covered by the contract, according to which the summons is issued. If these two things can be proved, Mr. Budrea must win, but I am very much afraid that there may be some mistake in the reply given. He must, therefore, be very careful, because, if he loses, the action in the Supreme Court will cost him probably £100 or more. The Solicitor at Dundee, Mr. Labistour, has sent me the papers. He is very hopeful, but I should myself like to be absolutely certain that the land required by Vawda is not the land described in the contract. You must therefore have every emphatic and conclusive evidence regarding it. You should explain this letter to Mr. Budrea thoroughly. If he wants to put more questions, I am in a position now to answer them, because I have all the papers, I think, before me and, what is more, I have studied them. Please also tell Mr. Budrea that after the last account that was rendered to him and about which he said something, I have not charged any fees at all, and I am not charging any fees without his concurrence with reference to the work I am now doing. Please ask him what his own opinion is in the matter, and whether I should charge a fee. Tell him, that although it is not the usual thing, I wish to be guided entirely by him in the matter of fees, as he has reposed so complete [a] trust in me.

You may leave this letter at Mr. Jitanmia's, if you do not find Mr. Budrea.

Yours sincerely,

From the typewritten office copy: S.N. 4806

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80. LORD SELBORNE'S VIEW

Lord Selborne's speech at Klerksdorp on the Indian question deserves to be pondered by every Indian. We print a translation of it elsewhere.

The burden of Lord Selborne's speech is that Indians and other Asiatic races should be kept out from areas reserved for whites. They may settle in districts to be specially set apart for them. As to how they can be prevented from settling in areas reserved for whites, he suggests that, since Indians are British subjects and a cowardly [people], they can be treated as one pleases. But there remain the Japanese and the Chinese. The British Navy ought to be strengthened to keep these out.

Among countries to be reserved for the whites, Lord Selborne mentions South Africa, Australia, America, New Zealand, etc. He concedes that the Indians should be allowed facilities for colonization, and suggests that Colonies in East Africa may be set apart for them.[1] On reflection we see that this would mean perpetual slavery for Indians, for, if Indians settle in regions such as East Africa, even there the whites will have the upper hand. The whites will have found a new training-ground or stepping-stone. Moreover, Indians are incapable of settling by themselves in a country and developing it along modern lines. The suggestion therefore that certain areas be earmarked for Indians is without point altogether. Lord Selborne's speech also implies that no regions where the climate is congenial to white settlers should be reserved for Indians. In other words, Indians should only be allotted swampy and malarial regions. Lord Selborne will not mind Indians languishing in these areas.

We regard Lord Selborne's speech as utterly selfish and dangerous. If he had his way, not a single Indian would be left in South Africa. He believes that East and West can never meet. If this view is correct, India can have a place in the British Empire only as a subject country. No other way is open to her. We do not subscribe to this view. If it is proved that the British people share this view and that there can be no alternative to it, we shall be compelled to raise our banner against British rule. It will then be necessary to adopt, and to help others adopt, the means to free India totally from British rule. But we believe that we can still enjoy freedom by continuing to live under the British flag. The Boers live under the British flag, and are none the less free for that.

[1] Lionel Curtis made a similar suggestion in 1906; *vide* Vol. VI, pp. 454-5.

We should therefore consider what measures to be adopted to counter [the influence of] Lord Selborne's ideas. The remedy, we believe, lies in our own hands. We find that in this world we generally get what we demand and deserve. If we really want to settle in diverse regions of the world and prosper, we shall find the necessary means. Three measures appear imperative: (1) that every Indian should faithfully follow his religion; (2) that Hindus and Muslims should remain united; and (3) that Indians should acquire the right kind of education.

If the first condition is realized, the remaining two will be fulfilled as a matter of course. We believe all the great religions of the world to be true. If, therefore, every community follows its religion diligently, it will come to have faith in and consequently to cherish nothing but truth. If we practise our own religion in its proper spirit, we shall not squabble among ourselves, but remain united. Furthermore, those who would follow the path of religion sincerely cannot choose to remain uneducated and ignorant. They will find it impossible to remain idle and, if there is no idleness, everyone, whether child or adult, will be busy learning.

We invite the attention of every Indian to these thoughts. We are living through times which enjoin us to be alert and wide awake.

[From Gujarati]
Indian Opinion, 4-4-1908

81. NATAL INDIANS

An attack on the Natal Indians is imminent. There are some who want that no trading licences should be given them, and others who would that every Indian was expelled from Natal. The Colonial Secretary, Dr. Gubbins, has now granted an interview to *The* [*Natal*] *Mercury*. Apparently, the Government intends to introduce legislation to control the immigration of indentured Indian labour and withhold issue of trading licences to Indians. They intend to prohibit the immigration of indentured labour after a fixed date. With that end in view, the Agency at Calcutta has been closed. The issue of trading licences is to be stopped after ten years, and if any Indian traders still remain, it is proposed to force them to close down their businesses and compensate them for the loss.

The proposal to stop immigration of indentured labour deserves our support. So long as such immigration continues, the Indian community will have no peace.

We cannot say much about the Bill in regard to trading licences till it is published. But there will be no scope for comment if they pass a law allowing for a time-limit of ten years and providing for payment

of compensation thereafter. Indians, however, must not think of accepting compensation and running away. Those Indians who have settled in Natal must learn to look upon the Colony as their second home and settle there. If anyone wants to drive them out of Natal, they must not oblige. Indians must learn to feel that Natal is as much their country as it is of the whites, and be proud of working for its prosperity. We should not therefore approve of the proposal to fix a time-limit of ten years. On the other hand, it may not be possible for us to prevent such legislation. But during the period of ten years we can so enhance our power and status that the whites themselves will think in terms of retaining us rather than driving us out. It is within the power of Indians to bring this about.

[From Gujarati]
Indian Opinion, 4-4-1908

82. HASSAN MIA'S DEPARTURE

Mr. Hassan Mia, Mr. Dawad Mahomed's son, whose going to England for further studies had been under discussion for some time past, left for that country last week. This shows that people rejoice when they see something good being done and commend it. Hassan Mia is young. He has yet to see and learn a great deal. We wish him long life, health and prosperity. He is the first Natal Indian of his social position to go to England. We congratulate Mr. Dawad Mahomed on his courage.

The Indian community has a moral to learn from this case. Without the right kind of education, the community will not only remain backward, but become increasingly so. Education in England, the study of English, world history and of the sciences—all these are essential in the world of today. Without them one is crippled. It is also necessary to learn how to put the knowledge thus acquired to proper use. In itself knowledge is only a means. It can be employed for good, for making money, and in the service of public causes. Knowledge is justified only when it is put to good use and employed in the public cause. Otherwise, as we pointed out once earlier and as everyone will readily admit, it is like poison.

We hope that Mr. Hassan Mia's[1] spirit of adventure will be emulated by other parents.

[From Gujarati]
Indian Opinion, 4-4-1908

[1] This is clearly an error for "Dawad Mahomed's".

83. TO OUR CORRESPONDENTS

We have published several comments on the settlement. In an earlier issue we published a great deal in favour of it. In the current issue we publish as much as we can from the unfavourable comments which we have received. We think it is time we gave up arguing about the settlement. The community must turn to other tasks and enterprises. It is not yet in a position to sit back. Those who are anxious always to march forward do not think of sitting back. Now on we shall not publish comments on the settlement from local correspondents, whether for or against. We shall only publish communications from India or England for [our] future guidance. Many of the correspondents whose views we publish in this issue appear to us to be palpably wrong. But so much has already been said on this subject by us and by others that we see no need of writing further or correcting any misconceptions. In every movement there is bound to occur—and remain—a certain amount of misunderstanding. It is not always possible to clear this up. Time finds answers for all. We therefore appeal to our readers to forget all about the controversy regarding the settlement. It will be enough if they bear in mind that the glory of satyagraha, which we have witnessed, cannot be dimmed.

[From Gujarati]
Indian Opinion, 4-4-1908

84. STORY OF A SOLDIER OF TRUTH[–I]

Preface

The heroic Socrates, an extraordinary person with a fine moral character, was born in 471 B.C. A Greek, he lived a virtuous and benevolent life. Unable to bear his moral excellence and his virtue, some envious persons made false accusations against him. Socrates lived in fear of God[1] and cared little for the obloquy of men. He had no fear of death. A reformer, he strove to cleanse Athens, the capital of Greece [*sic*], of the evil which had entered its [political] life and thus came in contact with a large number of persons. He made a powerful impression on the minds of the young who followed him about in crowds.

[1] Gandhiji's Gujarati summaries of important works had often a contemporary relevance or practical purpose and were not intended to be historical. Here, for example, he renders the Greek "gods" as Khuda in Gujarati. Elsewhere he refers to God as Khuda-Ishwar.

[Socrates' teaching] had the result of putting an end to the unconscionable gains made by persons [with predatory tendencies]. It came in the way of those who lived by exploiting others.

In Athens it was an offence to disregard the traditional religion of the *polis* or encourage others to do so. The offence, if proved, was punishable with death. Socrates adhered to the traditional religion, but called upon the people to fight the corrupt elements [associated with its observance]. He himself would have nothing to do with them.

Under the law of Athens, such offences were tried before a popular assembly. Socrates was charged with violating the religion of the state and teaching others to do likewise and was tried before an assembly of elders. Many members of the assembly had suffered as a result of Socrates' teaching. Because of this, they bore him a grudge. They wrongfully declared him guilty and condemned him to die by taking poison. A prisoner sentenced might be put to death in any one of a number of ways. Socrates was condemned to death by poisoning.

This brave man took poison by his own hand and died. On the day of his death he discoursed to his friend and companion on the perishable nature of the human body and the immortality of the soul. It is said that up to the very last moment Socrates showed no fear, and that he took the poison smilingly. As he finished the last sentence of his discourse, he drank the poison from the cup as eagerly as we might drink sherbet from a glass.

Today the world cherishes Socrates' memory. His teaching has benefited millions. His accusers and his judges stand condemned by the world. Socrates has gained immortality and Greece stands in high esteem because of him and others like him.

Socrates' speech in his own defence was committed to writing by his companion, the celebrated Plato. It has been translated into many languages. The defence is excellent and imbued with moral fervour. We, therefore, wish to translate it, but rather than render it literally, we print only a summary of it.

We have much to struggle for, not only in South Africa but in India as well. Only when we succeed in these [tasks] can India be rid of its many afflictions. We must learn to live and die like Socrates. He was, moreover, a great satyagrahi. He adopted satyagraha against his own people. As a result the Greeks became a great people. If, through cowardice or fear of dishonour or death, we fail to realize or examine our shortcomings and fail to draw the people's attention to them, we shall do no good to India's cause, notwithstanding the number of external remedies we may adopt, notwithstanding the Congress sessions [we may hold], not even by becoming extremists. India's good does not lie along that direction. When the disease is diagnosed and its true nature revealed in public, and when, through suitable

remedies, the body [politic] of India is cured and cleansed both within and without, it will become immune to the germs of the disease, that is, to the oppression by the British and the others. If, however, the body itself is in a state of decay, then if we destroy one kind of germs, it will be attacked by another, and this will ruin the body [politic]—India herself.

We argued thus and saw in the words of a great soul like Socrates the qualities of an elixir. We wanted our readers, therefore, to imbibe a deep draught of it, so that they might be able to fight—and to help others fight—the disease. It is with this objective in mind that we summarize Socrates's speech.

[From Gujarati]
Indian Opinion, 4-4-1908

85. EGYPT'S FAMOUS LEADER [–II]

The Pasha enjoyed extraordinary popularity among students. It was once noted by a scholar that all students were his supporters. When he returned from Europe, the students and the common people took out a long procession in his honour such as had never been seen before in honour of another Egyptian.

Besides being a great orator, Mustafa Kamal Pasha was a great writer. According to the *Daily News* of England, he was one of the world's ablest Muslim journalists. While still in school, he wrote a book entitled *Roman Slavery* and another called *The Life of Nations*. Besides some poetry, he wrote *The Conquest of Andalusia*, a historical novel. He possessed an unflagging imagination and an infinite capacity for taking pains. While yet under twenty, he started *Al Madresa*, a magazine which became famous for its trenchant and original writing. In 1900 he started the journal *Luwa*. Earlier he had written for Egyptian and foreign periodicals. Thanks to his perfect mastery of French, he found invaluable opportunities for placing the Egyptian case before the European peoples. Later in life, notwithstanding the pressure of work, which had increased considerably, he found time to write a book on Japan.

Most of his European friends were Frenchmen, who are bound to be shocked to hear of the Pasha's death. His fine qualities of character had won him a large number of friends. People found his manners and his gentle speech irresistible, and joined his (Nationalist) Party. Madame Juliet Adam, who was a lifelong friend, writes in the foreword to the French edition of his speeches that "in the course of his extensive travels in Europe he had made many friends among statesmen and

journalists''. These friendships stood him in good stead in his work for the country's welfare.

Mustafa Kamal Pasha's efforts were addressed to the task of stemming the tide of blind contempt for Egyptians, which had risen in the wake of British rule. His success in this endeavour was unquestionable. If today the French have a high opinion of the Egyptians in every field and are sympathetically inclined towards them, it is because of Mustafa Kamal Pasha's great campaign. His speeches, his conversation, his writings, all showed that he spared no effort to ensure the progress of his country. His writings and speeches appear to be inspired by the principles of the great Italian patriot, Mazzini. We often notice in them a conviction, similar to Mazzini's, that truth and justice will triumph in the end. The evils of apathy, lack of patriotism and cowardice, he considered to be the arch enemies of his country and in his attempt to rid Egypt of them became involved in serious conflict.

He was convinced that Egypt could not make any real progress in the absence of intellectual resources like those that the West commanded. He missed no opportunity of emphasizing the need for more intimate contacts between the peoples of the West and the East. He remained, however, a faithful follower of Islam. He had unbounded enthusiasm for religious reform. His connection with Turkey was well known. Piqued by it, some whites called him a Turkophile. It was one of his political convictions that Turkey would not stand in the way of Egypt's independence. His political views won him the Sultan's respect and he was awarded the titles of ''Majidia of the Second Order'' and ''Ratba-ul-Saftani''.

His activities during the closing years of his life were widely known throughout Egypt. Each year he undertook more and more work. He was a fearless man and would not give up his campaign. The occupation of the Sudan by the British and other similar events dealt a cruel blow to [the hopes of] Egyptian independence. But the Pasha remained undaunted. As his supporters forsook him in increasing numbers and timid friends gave up their advocacy of [the cause of] Egypt, Mustafa Kamal Pasha became the bolder and exerted himself all the more.

His last great act was the founding of the Nationalist Party of Egypt in the December of 1906. Thousands of people were moved to a high pitch of enthusiasm when he stepped out from his death-bed to make a speech; they acclaimed it with thunderous applause, and the pledge that they took on the occasion to adhere to the principles of the Nationalist Party will be remembered as Mustafa Kamal Pasha's legacy to his compatriots.

His delicate health was undermined by the severe strain of the work he did in connection with the founding of his party, so much so that he was never himself again. He continued to work for the movement

from his death-bed, and wrote to the Prime Minister [of England] and to Sir Edward Grey in reply to the charge that Egyptians lacked ability and did not deserve an independent government. On February 10, the sixth day after this, his earthly career came to an end, and he gave up his mortal body.

[From Gujarati]
Indian Opinion, 4-4-1908

86. JOHANNESBURG LETTER

Hamidia Society's Letter

The Hamidia [Islamic] Society has sent an address of thanks to several persons abroad who helped in the struggle against the law. The address is printed in gold, red and yellow on thick card of superior quality with the edges trimmed decoratively. About 200 copies will be posted. It is signed by Imam Abdool Kadir, Mr. Fancy and Mr. Coovadia. Here is a translation of the address[1]:

DEAR SIR,

On behalf of the Hamidia Islamic Society, we beg to tender you our best thanks for the very warm interest you have taken in the British Indian cause in the Transvaal, and for the prompt response you have always made to our Society's appeal for help. We have no doubt that your advocacy contributed materially to the happy issue of the struggle which taxed the utmost resources of the community. The Asiatic Act specially affected the Mahomedan community in that it deliberately insulted Islam by distinguishing against Turkish Mahomedans and in favour of other Turkish subjects. It was, therefore, natural that this Society should have made a special effort to secure the repeal of the Act, and it has been to our Society a matter of very great satisfaction that our appeal made to Mahomedans and others has been so favourably received.

Three Addresses

The addresses to Lord Ampthill, Syed Ameer Ali and Sir Muncherjee Bhownaggree are ready. They will be posted to Mr. Ritch next week. He will present them in person to the three gentlemen on behalf of the community. The addresses express our thanks to them.

"The Gold Law"

The Government has published a draft Bill for a law about mines in the Transvaal. The law is commonly known as "The Gold Law". The Government intends to get it passed during the next session of Parliament. The draft Bill has reference to the existing Gold Law but

[1] The English text is from *Indian Opinion*, 18-4-1908.

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some of the sections bearing on Coloured persons, which were ambiguous, will now bear a construction unfavourable to them. The Government had, under the present law, refused to issue licences in Johannesburg and other cities. The readers of *Indian Opinion* may recall the case at Roodepoort. Owing to the ambiguity [in the law] the Government did not persist in its stand. If the draft Bill referred to above is passed, it will prevent Indians not only from obtaining licences in mining areas but also from residing in them. That is to say, in the mining areas, Indians and other Coloured races can live only in the Locations. There are other noteworthy sections in the Bill. I am sending a summary for the English section.[1] But the point most worthy of note is the one I have mentioned. It will be necessary for the Indian community to put up a stiff fight against this law. A journal in England has already come out in our favour. But the opposition [to the law] will inspire respect only when we do all that is required of us. The Indian community will continue to be the target of such attacks. The more we fight back the more shall we succeed and the stronger shall we become.

Perfect Justice

Some Kaffirs have bought land in their own names in Sophiatown and settled there. The sites are situated within municipal limits. According to the municipal regulations, no Kaffir can live outside the Location without permission. These Kaffirs were prosecuted by the municipality under the regulations. The Magistrate fined them. The Kaffirs went in appeal, and won. The Supreme Court has held that it is *ultra vires* of the municipality to frame a regulation for Kaffirs.[2] In the course of his judgment, Justice Wessels condemned the action of the municipality as tyrannical and stated that in a civilized country vested rights ought not to be disturbed. It is a happy thought that the Supreme Court has always dispensed perfect justice, as it has on this occasion.

Registration

Registration is going on. In Pretoria, Mr. Chamney had refused to consider the objection raised by several Indians who were strongly opposed to giving finger-prints. The question has now been settled. The office at Pretoria will be kept open to enable these persons in particular to register. It will also open in Johannesburg for a short

[1] *Vide* Appendix II.

[2] In fact, one of the judges remarked that, while the law might be on the side of the municipality, the equities were all on the side of the appellants. The Court, however, gave no ruling on this point and set aside the conviction on the ground that "the resolution fixing the date was never promulgated by publication in the *Gazette* or in any other way".

period with a view to giving another chance to those who had not applied earlier. At the moment, it is going round Pietersburg, Potchefstroom and other towns and it is expected that, by April 10, the submission of applications will have been completed. It is assumed that it will then take about a month to issue the registers.

Impatient Indians

We find that many Indians outside are impatient to enter the Transvaal. Some of them manage to get in surreptitiously. I must warn all such Indians that they do the community great harm. There is no objection to the entry of those who hold valid permits obtained after the war, but others would do well to wait for the present.

White Hawkers

The white hawkers have been much emboldened by Mr. Bailey's speech[1] at Krugersdorp. They have asked for help to the tune of £200, of which Mr. Bailey has promised to give £50. They want to compete with the Indian hawkers and beat them at their trade. The movement does not appear to be particularly strong. At the same time, however, there can be no doubt that, if such a movement is kept alive and we do nothing about it, we shall suffer. Let the Indian community remember that it has to deal with an enemy who is not likely to give in without a struggle. He is brave and will return to the attack again and again. Indian hawkers should be especially careful to keep their wares clean, be honest in their dealings and avoid being rude.

Oudtshoorn Indians

The Association received a telegram from Oudtshoorn (Cape Colony) in which the Chairman, Mr. Mahomed Khan, has stated that a meeting attended by about 40 Indians was held at which a fund was raised to help the Association in its work. The proceeds, he said, would be forwarded [to the Association] during the following week. The week is out and the money is expected any moment now.

Late News about Registration

Up to March 30, 7,262 applications for registration had been made, and 4,096 certificates passed and signed. The office has visited all the places in the Colony, and everywhere people have begun registering.

[From Gujarati]

Indian Opinion, 4-4-1908

[1] *Vide* footnote on p. 165.

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87. THE NATAL DIRECT-LINE INDIAN ROUTE

We are publishing in our Gujarati columns abstracts[1] from two letters from correspondents complaining of inadequate accommodation and other inconveniences on the Natal Direct liners bound for India. The passengers complain that latrines are bad and insanitary, deck space is limited and uncomfortable, the holds too small to contain the passengers accepted. There are other complaints into which we need not enter at present. We draw the attention of the agents and the owners of these vessels to the facts alleged, and trust that the complaints of the deck-passengers will be thoroughly investigated and relief granted, if the complaints are found to be true.

Indian Opinion, 11-4-1908

88. LEPERS' BLESSINGS

Let us not assume that the British are happy only because they rule. There are many other reasons for concluding that the British are happy. We have often discussed why they are happy and why they rule.[2] We have again been led to give thought to this question by an account we have received of a lepers' hospital. India has a large number of lepers. We usually shun them, and keep them at a distance. There may be some who do not behave in this way. But we do not hear of anyone from among us coming forward to give them medical treatment or to build hospitals for them. The task of bringing medical aid to these people appears to have been left to the whites. The Hindus have among them a whole class of people whom they may not even touch. Members of this class are subjected to severe privations and hardly ever treated as human beings. Here again, it is the Europeans who go to their rescue.

There is a place called Chandkuri in India. There, Christian missionaries have established a lepers' hospital to which they admit any Indian leper. According to pre-1900 census figures, there were at least 100,000 lepers in India. Missionaries have established 50 hospitals in which they not only treat them, but also educate them and look after their children, providing them food and clothing. They also arrange for their schooling. Europeans go out from various countries to take up this work, giving up their own pursuits. They are convinced that this is the best way of serving humanity. They

[1] Not reproduced here

[2] *Vide* Vol. V, pp. 469-70 & 472 and Vol. VI, pp. 421-2.

look upon it as holy work, which will bring prosperity to them and their people. Mr. Anderson, a Canadian millionaire, has gone to work in these hospitals.

How are these hospitals financed? If anyone wants to know, he will find the information in the pamphlet from which we have taken the foregoing. The expenses are met from funds raised in England. We in India pay only a small part of the expenditure.

What is the object behind this work? The question is simply answered. Their aim is, undoubtedly, to convert to Christianity the victims of the disease who go to them. But no one is sent away for refusing to be converted. Their constant objective is to treat these people, whatever happens.

Is there any reason why people, who so nobly serve humanity and from among whom thousands come forward for such work, should not prosper? Why indeed should they not rule?

How can Indians expect to prosper if they refuse to shoulder their own burdens of this sort and forsake what is clearly their own duty? How can they expect to have *swaraj*? And what will they gain from *swaraj*? It is not as if there were no lepers in England, or other deserving causes [for their money]. But the British do not depend on others for such work. They attend to their tasks themselves. We do not accept our own responsibilities, let alone help others.

We must give thought to these matters. We look at the question only superficially, curse the British for denying us our rights and feel triumphant when we have started an agitation to drive them out. But this way we only do ourselves harm. We forget the real cause.

It may well be that the British preside over an empire and prosper because of the blessings of these lepers while we live in misery because of their curses.

[From Gujarati]
Indian Opinion, 11-4-1908

89. CAPE TOWN INDIANS

The Cape Argus of Cape Town writes as follows:

> At a time when hundreds of whites are leaving South Africa owing to the lack of employment opportunities, it behoves the authorities to check further immigration. It would be highly absurd if, while there was a continuous exodus of white men, there should also be a corresponding influx of Asiatics. It appears from a letter we have received that there is ground at least for suspicion that the Act is not being implemented with the necessary thoroughness. This may be due to defects in the law. Our correspondent

states that 200 Asiatics have landed claiming to be under sixteen; they say that their fathers are here but that their mothers are in India. This is too significant to be passed over.

These remarks of *The Cape Argus* should be taken seriously. It should be remembered that *The Cape Argus* is not normally hostile to Indians. How is it then that it writes in this vein? Can it be that we have been at fault? When anything is said or done against us, it is a golden rule first to look for faults in ourselves.

We do not know whether any unlawful practices are employed in connection with the immigration of Indians. We have no personal experience to go by. But we can infer from what is happening in Natal and elsewhere that, to some extent, we must be at fault. If there is any truth in the above allegation, it should give the Cape Indians food for thought. The present situation in South Africa does not conduce to the immigration of Indians in large numbers. It is essential that such immigration should not be allowed to go on.

Similar complaints are being received from the Transvaal also. It is said that people have been entering the country surreptitiously.

How can this be prevented? It is a difficult question to answer. But it must be realized that the honour of the Indian community depends on a solution being found for this problem.

[From Gujarati]
Indian Opinion, 11-4-1908

90. LICENCE CASE AT DUNDEE

The refusal of a licence to Mr. Cassim Ghulam in Dundee is a grave injustice. It is stated that the ground for this refusal is that he has thrice compromised with his creditors. Even if a person seeks settlement with his creditors thirty times, why should that create any difficulty about issuing a licence to him? Only those devoid of any sense of justice would give such a judgment. When the lion in the fable wanted to kill the lamb, he charged him with muddying the water in the river. The hapless lamb replied that he was drinking down stream while the lion was up stream. The prince of a lion roared, "If not you, your father must have done that," saying which he ate up the lamb. Some of the licensing officers and the Licensing Board itself have been behaving in much the same manner. When the Indians cease to be lambs and become lions, the licensing officers will have a hard time of it. For, as usually happens, the pupil will go one better than the teacher. Will the Indian lion wake up?

[From Gujarati]
Indian Opinion, 11-4-1908

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91. HARDSHIPS ON STEAMERS[1]

In this issue we publish two letters which complain of severe hardships to passengers on Natal Direct Line steamers. The letters do give the impression that the inconveniences are real. We take it to be a good sign that Indian passengers have begun to complain about them. The only reason why white passengers get so many facilities on steamers is that they do not put up with inconveniences without demur. We draw the attention of the agents of the Line to the two letters. It is their duty to investigate the complaints thoroughly and set matters right.

[From Gujarati]
Indian Opinion, 11-4-1908

92. JOHANNESBURG LETTER

Dishonesty at Border

There is a rumour that permitless Indians are crossing over into the Transvaal from all directions. If there are any Indians thus entering the Transvaal unlawfully, they will doubtless suffer in the end and other Indians along with them. Those who want to come in unlawfully had better be careful of what they do. If, earlier, there had been no dishonesty in this matter, the Asiatic Act would never have been called into existence. Since, however, the leaders are not behind such activities and do not want to play foul with the Government, the Acting Chairman, Mr. Coovadia, has sent the following letter to the Government:

> My Association has received information that a few Asiatics enter the Transvaal without permits, some of them on foot. My Association does not know what checks exist at the border. But since it is my Association's intention to assist the Government in preventing the entry of unauthorized persons, it suggests that strict watch be kept at the border and on the trains. My Association believes that this can be done without being harsh on anyone. Prosecution of those entering the Transvaal without permits or similar authority will not imply any breach of the compromise. My Association believes that these persons can be prosecuted under the immigration Act.

[1] *Vide* also "The Natal Direct-Line Indian Route", p. 179.

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Asiatic Bazaar

The Klerksdorp Chamber has resolved to send the Asiatics to Locations and to confine their trade within those Locations. The Chamber wrote to the Potchefstroom Chamber seeking its support on this question, but the latter did not endorse the resolution, arguing that the Indians could not be sent to Locations unless they were paid compensation. The [Potchefstroom] Chamber has accordingly refused to write to the Government.

Freedom for Blacks to Drink

There is a movement in Pretoria against prohibition among Coloured persons. According to newspaper reports, there is a person named Cassim who plays a leading part in this movement. Meetings have been held at Pretoria on this question. A petition to the Transvaal Government has been drafted. The petition argues that Coloured persons can get liquor despite the prohibition. A large number of whites exploit the situation to fleece the people. Since Coloured persons do in any case drink on the sly, it would be better to let them do so openly. Being obliged to drink surreptitiously, they gulp down whatever they can lay hands on and get drunk. The petitioners argue that, instead of allowing this to continue, everyone may be permitted to drink. A large number of signatures are being obtained from Coloured persons. They cannot get any Indians to sign it, and I hope that no Indian will. I see the hand of whites behind this petition. The Dutch rulers are inclined to allow the Coloured persons some freedom to drink.[1] If there had been no agitation in England against such a move, a Bill to this effect would have been passed during the last session of Parliament. I know that some Indians buy liquor illegally, and drink it too. Even those who drink know that it is a bad habit, but they do not give it up. They think it is a habit which cannot be broken. They do not realize that they show little spirit in holding on to this belief. If they take their courage in both hands and get rid of the habit, they will do themselves as well as their community a lot of good.

Concealed Knife

Not only does the Government attack us with unsheathed swords, but it also has concealed knives in its armoury. Last year a law was passed about the keeping of dogs as pets. Normally one would not read such a law. I did not read it myself. It is only when they enforce the law that we discover that it subjects us to further harassment. Some Indians residing outside the municipal limits keep dogs. The Government says that they should pay ten shillings a year for keeping one.

[1] They did not have this freedom at the time of writing.

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The whites can register their dogs without paying a fee, while Indians and other Coloured persons are required to pay it. Indians in mofussil areas are seriously concerned as to what they should do about it. Some of them are preparing to take the matter to court. I think this law cannot be enforced, for it does not contain any clause about Royal assent. It is necessary for all laws entailing racial discrimination to have such a clause. Mr. Nagadi has taken up the question. Further information can be had from him.

Admiration for Indians

Pretoria News has a long article on registration which says that the Indians and the Chinese have assisted the authorities and have behaved satisfactorily. Registration has so far gone on without difficulty. There have been very few cases in which objections could be raised.

Advocate Polak

The editor of this journal, Mr. Polak, was enrolled as an Attorney last Monday. The reader will recall that Mr. Polak has been busy with his legal studies during the last three years. He has taken the London Matriculation Examination and passed other examinations as well. He knows French nearly as well as he does English. In the course of the last three years, he passed the law examinations in the Transvaal. Having completed three years with Mr. Gandhi on March 1 last, he became entitled to apply for enrolment as an Attorney. The Supreme Court received and accepted his application last Monday.

Licence

Indians who have not taken out licences had better do so expeditiously. Those who hold new registers will get a licence for the whole year on the production of their registers. Those who do not have the registers will get licences [which will be valid] up to June 30. But applications for these should be made before the 30th of this month. Anyone who fails to do so is likely to be prosecuted in May. It is therefore essential that every Indian [trader] hurries up and gets himself a licence.

Registration

The total number of applications made up to the 8th is 7,607, and the number of certificates issued up to that date is 4,590. For the moment, applications are being received in Warmbaths and Lydenburg. In Benoni, applications will be received on the 13th, 14th and 15th; in Volksrust, on the 13th and 14th; in Potchefstroom and Krugersdorp, on the 16th, 17th and 18th.

[From Gujarati]

Indian Opinion, 11-4-1908

CWMG-VIII

93. STORY OF A SOLDIER OF TRUTH [–II]

"I cannot tell, O Athenians, how far you have been carried away by my accusers' words. For my own part, they nearly made me forget who I was, so plausible were they. But I say that their arguments are a lie. Among their falsehoods there was one which astonished me most. They asked you not to be misled by my eloquence. It is they who are rhetorical. I have no skill in the art of speaking. If by rhetoric they mean truth, I admit that I possess it. However, if they allow that I am a truthful person, I am not an orator in their sense of the word. For they have spoken with dazzling effect, but there is nothing of truth in their words. For my part, I shall place before you the whole truth and nothing but the truth. I have not come to you with a prepared speech. I am an old man. It is not for me to speak before you eloquently or in brilliant words. Do not be surprised, therefore, if I speak as simply as I am used to. I am now more than seventy years old, and this is my first experience of a law court. I am thus a stranger to the dignified ways of a court and to the manner of speech appropriate to it. Do not therefore mind my style. As judges, your duty is to consider whether or not what I say is just. My duty is to place before you nothing but the truth.

"My accusers are many in number. One of the charges is that I inquire into all things and make the worse appear the better reason, and so mislead the people. Those who accuse me thus are powerful persons. They say that I do not adhere to the religion of our forefathers. Moreover, they made these accusations when I was not there and it was therefore impossible for me to defend myself. I hope that your hearts will be freed from the bias created by their malicious or cunning reports. Nevertheless, I know that my task is a difficult one. I shall say what is needful, be the issue as God wills it.

"I mentioned a while ago the substance of their charge against me. They also lampoon me in plays[1] and show me as trying to walk on air. I have not even thought about these things. I do not mean to suggest that it is impossible to walk on air. If anyone can do so, let him try by all means. For my part I have no knowledge of these matters, yet Meletus has made a charge against me to that effect. Many of you here in this assembly have known me for a long time. You may consult among yourselves and find out whether I have ever talked to

[1] In Aristophanes's play, *Clouds*, Socrates was made out to be a subverter of the *polis*. He "walked on air, contemplated the sun, . . . paddled about the streets of Athens like a waterfowl" and ran "a thinking-school".

anyone on these matters. If all of you agree that I have not, you will see that the other charges against me must be equally false.

"My accusers say, moreover, that I undertake to educate men and demand payment of money in return. This, again, is false. Even if it were true, I see nothing wrong in it. There are many teachers among us who ask to be paid for their work. If they do their teaching well and are paid for it, I see no dishonour in that. If we owned an animal, we would engage a man to train it and pay him for his work. Why then should we not teach our children to be good, to do their duty as citizens? And if we found a teacher who might lead them along the right path, why should we not pay him? But, speaking for myself, I have not had the opportunity to be such a teacher.

"You may well ask me, 'If you have no faults, why is it that so many accusations are brought against you? If you have done nothing to mislead the people why are these accusations made against you and not against someone else?' This would not be an unfair question to ask. I shall endeavour to show why these charges have been brought against me. Perhaps you think that I am jesting. Be assured, however, that I speak nothing but the truth. The reason for their accusations is that I possess a certain wisdom. If you ask, 'What kind of wisdom?' I can only say that, although it be but human wisdom, even the oracle[1] has said that I have more of it than others.

"Though these are the words of the oracle, I did not readily believe them. Accordingly, I went to one reputed to be the wisest among us. I asked him a few questions and discovered that his was only a pretence to knowledge. I make no such claim. To that extent, therefore, I must be wiser than he is. For he who knows the extent of his own ignorance is wiser than another who does not. But when I proved his ignorance to that learned man, he came to bear me a grudge. Then I went to another person of learning. He also laid claim to knowledge which was only a cover for his ignorance. I proved the truth to him and thus made an enemy of him. I approached a large number of men in this manner, and all of them tried to shield their ignorance. I showed to each one of them how ignorant he was and so incurred his displeasure. I observed that the greater the pretence to knowledge the greater in fact the darkness. I also came to realize that true knowledge consists in being aware of how utterly ignorant one is.

"I went to many a poet and many an artisan. I found that a large number of poets could not explain the meaning of their compositions. The artisans were certainly superior [to me] in virtue of their skill, but out of pride in their skill, they assumed themselves to be wiser than others in other matters as well. All of them are really steeped in

[1] Of Delphi

ignorance without knowing it. I learnt that I was more fully aware than any of them of the true state of our ignorance."

[From Gujarati]
Indian Opinion, 11-4-1908

94. EGYPT'S FAMOUS LEADER [–III]

The following account appeared in the Egyptian Press of the people's grief at the death of Mustafa Kamal Pasha.

As the news spread of Mustafa Kamal Pasha's death a deep gloom fell [over Cairo] and people collected in large numbers in front of the offices of *Luwa*. Old men broke into wails of childlike grief. The young and the middle-aged cried aloud. It was an altogether mournful scene, such that even a heart of stone could not but be moved.

All through the day crowds thronged in front of the offices of *Luwa*. A tent which had been put up there was filled to overflowing with people overcome with grief. The lamentation that rose when the bier left Mustafa Kamal Pasha's house is impossible to describe. Tears flowed freely from the eyes of [even] the most self-controlled of men. The air became thick with the cries of women and others. The bier was covered with the Egyptian flag. On reaching the high road, people formed a procession and followed [the bier] solemnly. At the head were the students of Mustafa Kamal Pasha's school. The students of the Khedive's schools of law and medicine carried black flags. Students of other schools, too, joined the procession, all carrying different symbols of mourning. Along with the other mourners, the procession was more than a hundred thousand strong. It is said that this huge procession extended over three miles.

Because of the crowds, vehicular traffic had been suspended on the roads along the route of the procession. At some places the crowds were so dense that people found it difficult even to walk. There were tears in the eyes of the policemen who patrolled [the roads] to prevent accidents and maintain law and order. Along the route, every window, every terrace was crowded with humanity and all round one saw men, women and children weeping bitterly for their beloved leader. It was an agonizing scene.

Moving slowly, the procession first made for the Casoun Mosque, from where it resumed its course after a twenty minutes' prayer. As it approached its destination, one could see wave upon wave of grief-stricken humanity advancing from all directions. For some time the people could not bring themselves to lower the coffin into the grave. The burial took place to the accompaniment of a dirge composed by

Ismail Pasha Sabri, Head of the Department of Justice. People were so deeply moved by the dirge that their grief found vent in bitter sobbing. The following are some of the verses from the dirge.

> O grave, offer respectful welcome to your guest. The Egyptian people had put their hopes in him.
>
> That a great patriot like you, with a heart so noble, should have passed away in the prime of his life, is a grief too heavy to bear. You showed us the path of success. We shall defend the edifice of national progress that you have raised. You never encouraged indulgence in tears of grief, but permit us this day to drown in grief. From the morrow, firm as a rock, we shall resume the work that you have left behind.

The funeral was attended by a large number of prominent persons.

February 10 was a day of mourning for those who aspire for a free Egypt. In the entire history of Cairo, there had been no instance of such deep mourning. It is said that those who were in the funeral procession will not forget the day for a long time to come.

[From Gujarati]
Indian Opinion, 11-4-1908

95. BRITISH WOMEN AS SATYAGRAHIS

We have always compared the Indian satyagraha movement with that of the British suffragettes.[1] The brave women of England are continuing their campaign. They started their movement earlier than we did ours, and no one can say when it will end. But their courage and their capacity for suffering are inexhaustible. Many women have been to gaol for their rights. One of them has narrated her experiences in a newspaper and these ought to shame us and inspire us to greater courage. Our sufferings are as nothing compared to what she has had to go through. She writes:

> After we were led out of the quadrangle where we were first detained, we were asked to give our names, ages, addresses, etc. We look upon these questions as a form of popular welcome to those who have arrived to enjoy the hospitality of gaol. After such particulars as our names, etc., had been noted, we went in to don our prison uniforms of coarse cloth. First, we were required to stand barefooted, with just a kind of gown over each of us, while they made an inventory of our personal clothes, jewellery, etc. After we had been weighed, our hair was undone and examined

[1] *Vide* Vol. VI, pp. 29-30, 86-7, 335-6 & 385.

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for infection. For a few minutes, we were required to immerse our feet in warm water, after which we put on the rest of the prison uniform. Over the dress was a belt with the prisoner's number on it. A piece of cloth was given to each of us for handkerchief. There being no pockets, it was loosely pinned on to the dress. We were not permitted to wash it oftener than once in eight days, no allowance being made for the possibility of the public guest (the prisoner) catching cold.

We were given stockings similar to cycling stockings, which did not reach up to the knees. There were no garters either, and when we were taken out on a walk round the gaol lasting half an hour, the stockings would slip down, which was very embarrassing. The shoes provided were made of the coarsest hide. What with numerous patches and stitches, they had become very heavy. The nails from the soles protruded so much that soon our feet and stockings were heavily pierced. When we complained about this to the wardress, she dumped a pile of old shoes before us and asked us to choose the pairs with the fewest nails protruding.

At night, we were locked up in our basement [cell]. We slept on wooden boards covered with coir mattresses and were given a thin blanket each to cover ourselves with. Sleep, of course, there was none. At six on winter mornings, when it was still dark, a bell was sounded to call us out of bed. Sometimes, after getting up, I put on the day-clothing over the night-dress. I was compelled to do this as the nights were very cold. We then washed in a tin basin and did our hair as well as we could without a looking-glass. It would be time by then for the doors to open, and we were asked to go and fetch water.

We then had bread and cocoa—I do not know what the latter tastes like, never having taken it myself—after which we washed the cell. This practice, which appeared to me to be altogether absurd and foolish, has come down from old times.

After we had washed the cell and had replaced the wooden spoons and prayer-books on the shelves, we were called upon to sew canvas bags for use in post-offices. Then we said our prayers for half-an-hour—30 to 40 of us together—with the wardress in front watching lest we should talk among ourselves.

After half-an-hour's exercise, we were locked up in the cell for the day, everyone being set some very hard task. Lunch came to the accompaniment of jingling of keys and creaking of doors. The few courses included potato, which was the only thing I ate.

For dinner, we had bread with tea or cocoa. They would then take away the scissors which had been given us for cutting the

strong string used in sewing the mail-bags, the object being, probably, to leave no means to tempt anyone to commit suicide because of the extreme cold at night. I was told later that garters were not supplied for the same reason.

Prisoners are not allowed to receive letters, nor to send out any. If a letter arrived for any prisoner the authorities read it and returned it to the sender with the remark that prisoners were not entitled to receive letters.

[From Gujarati]
Indian Opinion, 11-4-1908

96. NATAL GOVERNOR AND INDIANS

For the first time after assuming office the Natal Governor has spoken on the Indian question. Speaking at the annual conference of the Natal Agricultural Union, he suggested that they should depend more on Kaffir than on Indian labour; otherwise, he added, it would not be possible to treat the Asiatics already in the country with that fairness which it was in the white man's nature to extend to other, weaker races.

This speech gives rise to two thoughts. Examining its implications we see that [ultimately] it is in the interests of the Indians that the Governor has spoken. He has warned the whites that, if the Indian immigration continues, Natal will eventually come to be dominated by them. Let us thank Sir Mathew Nathan for wanting to do justice by the Indians.

But duty demands that we look at both sides of a question, the good and the bad, and weigh the two. We must not be elated and swept off our feet by the good that we may expect to find. Equally, we must not give way to despair and anger. Looking at the Indian question from this point of view, we find that the concluding words of the Governor's speech are not justified by facts. He says that it is in the nature of the whites to deal fairly with other, weaker races. This implies that Indians are weak and will remain so, at least for some time to come. The whites have always done justice and will go on doing it, for the present at any rate. We shall not blame him for assuming the Indians to be weak, for we have become weak and are content to remain so. People are bound to point their [accusing] finger at us. But the Governor had no right to place such views before the whites. It was unbecoming of him to have done so. We have been further degraded in their eyes. The remedy, however, is in our own hands. We were weak but are not so any longer, and even if we are, we must

resolve not to remain weak. Being strong, we shall fight for our rights and our honour.

When we think in this vein, we must not imagine that strong means "physically strong" or that "fight" means "fight with swords and guns". It is indeed necessary to be physically strong. If the Indians want to learn the use of fire-arms and swords, by all means let them do so. But they will always remain strong if they have the weapon of truth in their hands, and will succeed even against those who have guns at their command. The most important reason why we should not assume that it is because of our frail physique that we are thought weak is that the Kaffirs are thought weak by the whites despite their superior physical strength. They are intellectually backward. They are unlettered and have no arts. We can say that, despite the whites' physical strength, their arts, their industry and their education, we will be able to defeat them if we are truthful. Whatever education and other things are needful will come to us as a matter of course. We can find hundreds of instances of their having come in this manner [to a people].

But we shall soon find that, if we want to be accepted as strong by cultivating truth, we must concur in the Colony's view that there is a large enough population of Indians here for the present. There should be no objection to the entry of those who have a legal right to come in. But we must put an end to the illicit immigration and welcome the prohibition on the immigration of indentured labour. If the Indians already settled here can win the respect and status due to them, other disabilities will disappear.

[From Gujarati]
Indian Opinion, 18-4-1908

97. *DELAGOA BAY INDIANS*

It is essential that the Delagoa Bay Indians wake up and become vigilant. We draw their attention to the regulations for Asiatics which have been published in that Colony. They were published a long time ago. We have already commented on them earlier.[1] We find it necessary to repeat the warning. If the regulations remain in force for any length of time, it will be difficult to challenge them afterwards. Though the Portuguese subjects are fully protected under these regulations, a large number of Indians who are not Portuguese subjects will forfeit their rights. The regulations require that Indians carry a number of passes when they move about. There are many other hardships also.

[1] *Vide* Vol. VII, pp. 451 & 454.

From a telegram we have received we learn that the Chinese are putting up a strong fight against the regulations. It is for this reason that the Chairman of the Chinese [Association in the Transvaal] has left for Delagoa Bay. As we write, a move is afoot to send Mr. Polak with him. We hope that, if Mr. Polak does go, the Indian leaders will help him in doing everything necessary to resist the law. Also, we take it that, even if Mr. Polak is unable to visit the Colony, they will still fight the law.

[From Gujarati]

Indian Opinion, 18-4-1908

98. DUTY OF NATAL CONGRESS

We print elsewhere a heart-rending account of the condition of Lobito Bay Indians.[1] They are in Natal, a stone's throw from Durban. It appears that the Government has put them in quarantine with the intention ultimately of sending them back to India.

It is said that these Indians do not even have any clothes to wear. It is only right that Mr. Dawad Mahomed, Mr. Dada Osman, Mr. Anglia and others start immediate relief measures. The work should be taken up by men like Mr. Parsee Rustomjee, who occupy leading positions but are not office-bearers of the Congress. This is what should be done. With the permission of the authorities, they should meet these people and hear their story. If employment can be found for any of them, a petition should be addressed [to the authorities] with a view to securing permission for them to stay on in Natal. If they do not have food to eat, a fund should be raised for feeding them. If they are without clothes, they should be given clothes to cover themselves with. It is not as if this work was the exclusive responsibility of the Congress. It should

[1] In 1906, an English engineer named Stone recruited some Natal Indians to work on the Benguella Railway at Lobito Bay in Portuguese Africa. According to reports in *Indian Opinion* of that time, the conditions of work were trying. There was no fresh water and only small quantities of foul and oily water were available for drinking. They were given white rice and bad *dhal*, with the result that about half the number of labourers died within three months of their arrival. After about 11 months they started leaving the place in batches—500 arriving in Natal in March, and 429 in April, 1908. The latter were put in quarantine at Bluff before being sent back to India and their condition was miserable indeed. Dawad Mahomed of the Natal Indian Congress visited them at the Bluff Quarantine Camp and in April, the Congress telegraphed the Colonial Secretary at Maritzburg to inquire what arrangements had been made for them in India. Congress officials attempted to see them again but permission was refused. *Vide* also Vol. VI, p. 386 and Vol. VII, p. 111.

be attended to by every Indian who can spare the time. With a little effort one will be able to render a great public service. For the Congress, at any rate, this is a matter of duty. The Congress workers, who are trustees of the Indians, will find that it is only through the blessings of the poor that they will prosper. We hope that there will be no delay in this matter.

[From Gujarati]
Indian Opinion, 18-4-1908

99. IMPORTANT CASE AT THE CAPE

Impelled by the reports in newspapers of the case against four Indian boys in the Cape, we called for a special report through Reuter. The following is the substance of the telegram we have received. We believe our readers will be happy to read this correct version. Often English papers do not report the full news in such cases. Calling for a special message puts us to some extra expense but we thereby discover important facts. We therefore intend in future to follow this practice whenever necessary.

The Reuter message says that the authorities refused the four boys permission to land. Their case was that, since their parents were domiciled in the Cape and since they themselves were under sixteen, they were entitled to be admitted. Four doctors testified that the boys were above sixteen. Seven doctors—Dr. Curry among them—deposed that they were under sixteen. Dr. Curry said in his evidence that he had had a good deal of experience [of conditions] in India. The Mahomedans in the area to which the boys belonged were known to possess a good physique. The doctor therefore concluded that, the boys being Mahomedans, they had the sort of physique one would expect of boys under sixteen. The Supreme Court accepted this evidence and ordered that the boys be permitted to land.

[From Gujarati]
Indian Opinion, 18-4-1908

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100. JOHANNESBURG LETTER

INDIAN SATYAGRAHIS

Mr. Coovadia, Treasurer to the Association, has left for India. He will very probably not return. He has spent a third of his life in South Africa. We can therefore appreciate his desire to spend the rest of his days in India, in prayer and in the promotion of public welfare. The Hamidia Society gave him an excellent farewell party on Sunday. On the same day, Mr. Coovadia also gave a dinner at his place [to friends].

Mr. Coovadia did fine work during the satyagraha campaign. He kept his nerve till the end, persuaded those whom he could to remain firm and kept up enthusiasm among the people through his speeches. Though he had a large business, [and so had more to lose,] he cheerfully risked losses along with other businessmen. He also went round, during the movement, collecting contributions. I pray that he may be granted a long life and be enabled to devote himself to good works.

Like Mr. Coovadia, Mr. Alibhai Akuji and Mr. Alibhai Mahomed played a splendid role in the movement. These two gentlemen are also leaving for India. Had it not been for Mr. Alibhai Akuji's efforts and those of other leaders from Kanam[1], it would have been difficult to persuade the people from that area [to join the movement]. I know that Mr. Alibhai Akuji had wanted for some time to return to India, and also that he stayed behind especially because of the movement. I pray to God that Mr. Alibhai Akuji and Mr. Alibhai Mahomed may be blessed with long life and that they be enabled, too, to devote themselves to the service of the community and other good works.

"TRISUL"

In India the wound inflicted by a trident is believed to be very painful. The Town Council here wants to strike the Indians with just such a weapon. Despite the utter defeat it has suffered in the case against the Kaffirs of Sophiatown, it is shameless.[2] There is a saying among us, however, that the shameless have no face[3] to lose and that appears to be the case with this Town Council. Moreover, they say in English that a municipality has no soul; so how can a soulless thing have self-respect or honour? The Town Council proposes to approach the local Government with three demands [as under]:

[1] In Broach District, Gujarat

[2] *Vide* "Johannesburg Letter", p. 177.

[3] Literally, nose

the introduction of such measures as may secure the enforcement of regulations having the object of preventing Natives and Coloured persons from occupying premises in localities other than those approved by the Council; of prohibiting the acquisition by lease, purchase or otherwise by Natives and Coloured persons of property in localities other than such as may be approved by the Council; and the regulation of the use of streets and sidewalks by Natives.[1]

I do not see any possibility of such powers being granted to the Town Council. All the same, it is remarkable that the biggest Town Council in the Transvaal should in all seriousness entertain such a proposal. Half the battle is won when we know our enemies. We must not therefore lose sight of the Town Council's intentions in this regard. If I say that such a law is impossible, it is because of the confidence I have in our community. A community which has only recently won a great victory, that is to say, which has conducted the satyagraha movement over a period of 16 months, is not likely to shrink from battle. Whatever, therefore, the intentions of the Johannesburg Town Council, they will only remain intentions. A community which has the trident aimed at it had better be on the look-out. That is the path of wisdom for us, and success for us lies along that way.

LICENCE

By the time this article is in the hands of the readers, it will be the 19th or 20th. Indians who have not by that date taken out trade licences will have only 11 days left. I advise them with all the emphasis at my command to take out licences during that period. I cannot assert that under no condition will a licence be issued after that date. But it is our duty faithfully to carry out our part of the bargain. It should be remembered that even those who have not taken out registers voluntarily will be entitled to licences which will be valid up to June 30.

[From Gujarati]
Indian Opinion, 18-4-1908

[1] The English text of the resolution has been taken from *Indian Opinion*, 18-4-1908.

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101. SATYAGRAHA

PRIZE-WINNING ESSAY

PREFACE

During the days of the Transvaal campaign, we invited [entries for a prize] essay on the ethics of passive resistance. The reader will recall that we had offered a prize of £10 for it. There were only four competitors—two whites and two Indians. The decision as to who among them deserved the prize was left to Mr. Doke. He did not know the names [of the competitors] when he read the essays. He decided in favour of Mr. Maurice. Accordingly, a sum of £10 has been sent to him.

We have not so far been able to publish the essay for want of space. We do so now, since we have both the time and the space for it. The reader can read the original essay in the English section. Here, we publish a translation.[1]

We were a little disappointed that not many persons had come forward to write. We do not think Mr. Maurice's essay is a particularly impressive piece of writing, or that it has depth. But his was undoubtedly the best of the four. We can also say that it is on the whole a readable essay. It should make us happy that we have found in South Africa an Indian who could write like that. Being an Indian Christian, it is natural that Mr. Maurice should draw most of his illustrations from Christian sources. We hope that a perusal of Mr. Maurice's essay will stimulate greater interest in satyagraha among the people and make them more familiar with a campaign of this kind.

[From Gujarati]
Indian Opinion, 18-4-1908

102. STORY OF A SOLDIER OF TRUTH [–III]

SOCRATES'S DEFENCE

"You will now understand why I have so many accusers. I have been so busy bringing home to the people how ignorant we are and how very limited our knowledge is that I have taken no part in other public affairs. I have neglected my own affairs and have remained very poor. But I thought that I was serving God by opening the eyes of men to

[1] Here follows the Gujarati translation of the essay. For the English text, *vide* Appendix III.

their own ignorance. It is because I chose to do this that people are enraged.

"Some young men who have little work to do follow me about and imitate me in cross-examining half-baked persons. The persons who are thus cross-examined and exposed as frauds become angry with me. Being unable to bring any other charge against me, they say that I look into things far too closely, that I disbelieve in the gods and make the worse appear the better reason. Intent on covering up their own ignorance, they fill your ears with calumnies against me. Such are Meletus and a few others. Meletus says that I corrupt the youth of Athens. I shall now examine Meletus himself."

SOCRATES: Meletus, do you not think that young men should be trained to be virtuous in every possible manner?

MELETUS: I do.

S: Who is it then who makes them virtuous?

M: The laws.

S: That is not the answer to my question. What I asked was, 'Which man improves them?'

M: It is the judges who do so.

S: Do you mean to say that those who occupy the seats of justice are able to teach them virtue?

M: Certainly.

S: All of them? Or only some of them?

M: All of them.

S: That is well said. Now I ask you whether the listeners here can [also] improve the young or not.

M: They can, too.

S: You mean then that all the Athenians can instruct them in virtue while I alone corrupt them.

M: Most certainly, you do. Yes, that is what I mean.

S: You have made a serious charge against me. What you say probably holds good in the case of horses, too. Will you say that one man does them harm and everyone else improves them? On the contrary, is it not that only a very few are skilled in the art of training horses and the rest are ignorant? Surely you will admit that the same rule applies in the case of other animals? I think you cannot help doing so, for, of course, it does. And in saying that the case stands differently with men, you have given no thought, as far as I can see, to your charge against me. Besides, won't you admit that those who spend much time in the company of bad persons come under their evil influence?

M: I must admit that it is true.

S: Would you then say that anyone would want to injure himself intentionally?

M: That I cannot say.

S: Now tell me, do I corrupt the young intentionally or unintentionally?

M: I say you corrupt them intentionally.

S: How can you say that? You are young. I am an old man. Do you really believe that I do not realize how, by corrupting others, I would myself become the worse for it? You have yourself admitted that this is what would happen. For we saw that those who keep company with the bad themselves become bad.[1] No one will believe it likely that I want to be hurt. If my argument is correct, your charge that I corrupt the young intentionally falls to the ground. Now let us suppose that I corrupt them unintentionally. In that case, it was your duty to show me how I did this. You have not even tried to correct my error. You would have nothing to do with me. You only brought me up [here] for punishment.[2] It is thus clear from what Meletus has said that he has never given the slightest thought to any serious matter. Now let us consider how I corrupt the young. Meletus, you say that I corrupt them by teaching them not to believe in the gods of the city?

M: Yes, most certainly, I mean that.

S: What do you imply by that? Do I teach [them] to disbelieve in the gods of the city, or to believe in some other gods?

M: I mean that you do not believe in any gods at all.

S: Bravo Meletus! You say that I believe neither the sun nor the moon to be a god, as the rest of the city does.

M: Yes, I do say that you believe the sun to be stone and the moon to be earth.

S: Who will believe you? No one will believe your charge. If I tried to teach any such thing, everyone would know that there was nothing new in that. These are others' ideas.[3] I myself do not believe in what they say. However, since you accuse me thus about the sun and the moon, you will also say, I suppose, that I wholly disbelieve in the existence of God.

M: I do most certainly assert that you deny the existence of God.

S: You are then deliberately asserting something impossible. How can I say that there is no God? Can anyone assert the existence of man's attributes but deny the existence of man? Or assert the existence of things pertaining to horses but deny the existence of horses? Or assert the existence of things pertaining to angels but deny the existence of angels?

[1] Socrates had argued earlier that "bad citizens do their neighbours harm", and from this he drew the conclusion that "if I make any of my companions a rogue, he will probably injure me in some way". This step in the argument is omitted in Gandhiji's summary.

[2] What follows was addressed to the Assembly.

[3] Thales of Miletus and, in particular, Anaxagoras

M: The existence of what pertains to a thing implies the existence of the thing itself.

S: You admit that I talk of things pertaining to gods; you must admit therefore that I grant the existence of gods.

[From Gujarati]

Indian Opinion, 18-4-1908

103. EGYPT'S FAMOUS LEADER [–IV]

Here are some of the facts about the Nationalist Party founded by Mustafa Kamal Pasha.

A huge meeting was held in December last, attended by about a thousand sympathizers, to found the Nationalist Party. Of the resolutions passed at the meeting, the first appointed Mustafa Kamal Pasha the leader of the party during his lifetime. Provision was made for a meeting to be held within ten days of his death for the purpose of electing a new leader. Also a congress of the members of the Nationalist Party was to be held annually, at which an executive committee was to be elected. A sub-committee of eight members elected from it was to meet weekly.

The Party's views have spread throughout the Nile valley thanks to newspapers and speeches. The more well-to-do members of the Party have started schools at their own expense, which widely disseminate the party's principles. The object of the Party is to secure the establishment of an Egyptian Parliament. It will continue to hold a general congress every year till this object is achieved and will moreover do all it can to enable the people to defend their rights and to advance themselves.

The British Government cannot stop the Nationalist Party because the party is wise enough not to encourage acts of violence.

Addressing a 6,000-strong meeting Mustafa Kamal Pasha declared that his party would work to open the eyes of the Egyptian people to their present conditions, foster political consciousness in them and promote peace and unity between the two sections of Egyptian society. The main object of the Nationalist Party was to see that the administration was entrusted to the people's representatives, who would be responsible to a sovereign parliament constituted on the European model; also, Egypt should enjoy complete freedom (from British control) in its internal administration.

[From Gujarati]

Indian Opinion, 18-4-1908

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104. LETTER TO COLONIAL SECRETARY[1]

[JOHANNESBURG,
Before *April 25, 1908*]

THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

I have been desired by the Committee of my Association to approach the Government regarding the Draft Gold Law which the Government intend to introduce during the forthcoming session of Parliament.

In the humble opinion of my Committee, the Draft [law] imposes on British Indians disabilities graver than those found in the existing law. My Committee had hoped, as it still hopes, that the legal disabilities of the community represented by it would be lightened by the Government instead of their being increased.

My Committee desired me specifically to draw the attention of the Government to the following:

1. The Draft retains in the definition of the term "Coloured person" the word "coolie" which, as applied to the present Indian population of the Colony, is an offensive term, there being in the Transvaal very few, if any, coolies in the proper sense of the term. Moreover, the bracketing together African natives and Asiatics, British subjects and non-British subjects[2], is to ignore the peculiar position occupied by British Indians.

2. The retention of the original law as to dealing in unwrought gold, in so far as it specially affects Coloured people besides their coming under the general prohibitions of the law, assumes that Coloured people are the greater offenders in respect of dealing in unwrought gold, whereas in the opinion of my Association the contrary is the fact in so far as British Indians are concerned.

3. Moreover, the definition of unwrought gold probably prevents Indian goldsmiths from carrying on their business of manufacturing jewellery even out of gold bars prepared in and imported from England. This, it will be readily admitted, is a grievous hardship for the goldsmiths in question.

[1] This letter was republished in *Indian Opinion*, 25-4-1908, under the title "The Draft Gold Law of the Transvaal: An Important Letter of Protest".

[2] Residents of the Transvaal who were not subjects of the British Empire

4. Section 127 of the draft law is, it is submitted, rather vague and seems to contemplate entire prohibition of acquisition by Coloured people of any rights under it. The prohibition, under the same section, to holders of rights acquired previous to the draft law, to transfer or sub-let such right[s] to a Coloured person makes the law retrospective in its effect.

5. Finally, section 128 which contemplates the compulsory segregation of Coloured people residing within proclaimed areas, would, if carried, make it impossible for a large majority of British Indians even to remain in the country.

In this connection, my Committee begs respectfully to remind the Government that my Association represents a people who claim to belong to a cultured stock in the human family, and trading and other interests which are sufficiently large to warrant the statement that the segregation of the Indian community means utter ruination to it from sheer inability to protect those interests in Bazaars, Locations or Compounds.

My Committee further reminds the Government that the majority of British Indians domiciled in the Transvaal live within the mining areas.

My Committee therefore respectfully trusts that the clauses complained of will be withdrawn by the Government or will be so amended as to give the desired relief to the British Indian community residing in the Transvaal.

I [am] etc.,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Pretoria Archives; also Colonial Office Records: 291/132

105. FINE ON INDIANS

On an earlier occasion we wrote about the Report[1] of the Natal Immigration Department. We now have with us a copy of the full report. As we read it, other thoughts occur to us.

Last year, Indians paid a sum of £2,666·1·0 to the Natal Treasury [as fees] for domicile certificates, etc. Of this amount, £979·10·0 was for domicile passes, £631 for visiting passes and £1,036 for embarkation passes. In addition, £120 was forfeited for breach of the conditions under which visiting passes are issued. Last year a large amount was collected in this manner from a small number of Indians. Most of the

[1] For a summary of the Report, *vide* Appendix IV.

passes cost £1 each. We may therefore take it that this sum was realized from about 2,500 Indians.

What can we do to avoid such loss of money? It is important that we ask ourselves this question and try to find a solution. One way out is for Indians to be bold enough to disregard the laws and do without passes altogether. This course is open only to those domiciled [in Natal]. What about those who want to come in for a temporary stay? This question is rather more difficult to answer. But human ingenuity can find a way out of any difficulty. It is necessary to keep on at the Government about this subject. The Government should be told that a large enough revenue accrues to it from the railways on account of the immigrants. Next, businessmen may begin educating themselves as well as they can. If they become conversant with the English language, they will gradually be able to spare themselves the expense discussed above. And lastly, the practice of cheating the Government should be given up. This last remedy is the most honest and efficacious.

The Report also reveals that 3,236 Asiatics were refused permission to land and compelled to return. Not all of them had arrived by the sea route [from India]. Some of them came through the Transvaal. Much money, therefore, must have been wasted in trying to enter the Transvaal. The remedy for this state of affairs at any rate lies in our hands alone. If we spend on education even a tenth of what we spend on questionable transactions, the prejudice that we find in South Africa against the black skin will disappear.

[From Gujarati]
Indian Opinion, 25-4-1908

106. INDIAN LABOURERS IN LOBITO BAY

We wrote about these unfortunate Indians last week.[1] We congratulate the [Natal] Congress leaders for having moved in the matter and paid them a visit. It is gratifying to learn that they are all well cared for and properly fed. It is, however, regrettable that the poor men are being sent back to India. We think it might have been possible to arrange for them to stay on in Natal if action had been taken earlier.

We can think of something that can still be done. The Natal Government should be asked to state what arrangements it has made for these people when they arrive in India. At the same time, a

[1] *Vide* "Duty of Natal Congress", pp. 192-3; also Vol. VI, p. 386 and Vol. VII, p. 111.

telegram should be sent to the South Africa British Indian Committee requesting it to enquire what steps the Imperial Government proposes to take in the matter. It will bring them some relief if they are provided for in India in some manner or the other. We must remember that in this world success comes to those who succour the dumb—those too dumb even to express gratitude. This is as true of institutions as of individuals.

[From Gujarati]
Indian Opinion, 25-4-1908

107. NATAL FARMERS

A heated controversy is raging among the Natal farmers over the question of ending immigration of indentured Indian labour. The white farmers are agitated over the attitude of the Durban whites who are opposed to such immigration. The farmers have passed a resolution at a conference which they held recently, saying that the supply of indentured Indian labour should not be stopped until Native labour becomes available. Let us see what attitude the Natal Government will take up in this tug-of-war. We must be on our guard and make sure that this contest between two buffaloes, that is, the Durban whites and the white farmers, does not uproot the Indian tree.[1]

One of the farmers also argued at the conference that it was not the indentured labourers with whom the Durban whites were aggrieved. They only wanted to stop the Indian trader, but they could not differentiate between the traders and indentured Indians. These pronouncements show that it is not because the white farmers are enamoured of Indian labourers that they prefer them. Theirs is an attachment arising only from self-interest. We should note that, in the pursuit of their common interests, the white traders and the white farmers will not hesitate to ruin the Indian trader. By fighting the system of indenture, the Indian community will serve the Indian trader and ensure, at the same time, freedom from slavery for indentured labourers. We must not acquiesce in the coming of Indians to work as slaves.

[From Gujarati]
Indian Opinion, 25-4-1908

[1] A Gujarati saying has it that, when two buffaloes fight, it is the tree that gets uprooted.

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108. CAPE IMMIGRATION ACT[1]

Last week we wrote on the case in the Cape. We have now received a full report of it, which we publish in the English section. Another case, a more important one, under the Immigration Act, was also heard in the same Court. In the first case the Court did not give its ruling on the point of law [that was raised]. In the second it did, and its judgment applies to all Indians in the Cape. The following is a summary [of the case].

An Indian[2] was prohibited from disembarking and he moved the Supreme Court. Under the Immigration Act of 1902, Indians domiciled in South Africa were free to enter the Cape; this Indian came under that category. Under the Act of 1906, however, only those Indians who are domiciled in the Cape can settle there. On the other hand, whites anywhere from South Africa are free [to enter]. But there is a loop-hole in the Act of 1906, namely, that an Indian who leaves the Cape must, if he is entitled to return, carry with him a pass for exit and re-entry.[3] It was the contention of the prosecution that the Indian in question had not taken out such a pass and had accordingly forfeited his right. The contention was accepted by the Supreme Court. While delivering the judgment, the Court expressed sympathy with the Indian and recommended that the Government deal with the case leniently for the reason that he had failed to take out the pass for re-entry out of ignorance and that the lapse might therefore be condoned.[4] The consideration shown by the Court is to be welcomed. However, what the Indian community wants is not leniency under an unjust law; the leniency should be incorporated in the law itself. [No,] it is not even lenient laws that the community asks for; it will suffice if the laws are just.

It is imperative that the law should be amended. It will be well if the Cape leaders take this stand and work accordingly. We are sure that, if the leaders wrote to the South Africa British Indian Committee in England, they would receive excellent help. The Committee cannot exert itself with any effect unless it is approached [for help]. The

[1] *Vide* "Important Case at the Cape", p. 193.

[2] Bapu

[3] *Vide* Vol. VI, p. 346.

[4] The original judgment says: "But this seems to be a case in which the Minister might well consider whether some indulgence might not be granted on the ground of misunderstanding, or negligence through illness on the part of the applicant."

Committee['s action] can carry weight only if it acts at our instance. We hope the Cape Indians will take immediate steps in this matter.

[From Gujarati]
Indian Opinion, 25-4-1908

109. SUGGESTIONS TO CAPE INDIANS

The South African News has published a report of a meeting of the Cape Town British Indian League.[1] We find someone has sent us a cutting for publication in the English [section]. We have decided not to publish it, for we do not see that its publication will be of any advantage to the community. We know that the English section is read by a large number of decent whites. That report is not likely to make a very good impression on their minds. The headline under which the League report is published in *The South African News* says that it is not the journal's own report, but was sent to it by someone and was being published at his request. The report deals with an attack [by the League] on the South Africa British Indian Association. We have no knowledge of how the affairs of the Association are conducted, whether or not there is anything wrong with it. The discussion at the League meeting may or may not have any basis in fact. The point we wish to make is that by publicizing these matters in English journals we shall not promote the interests of the community but shall only create bad blood. They also create a misleading impression in the minds of those who are prejudiced against the Indians, and serve to strengthen their prejudice. Indians have no time for bickering among themselves. The task before the community is to fight its permanent enemy, and to bend all its energies to that end.

It is to be welcomed that the League has taken steps against the immigration law. It is the League's duty to do all that needs to be done in this matter. But in doing so it will not be proper for the League to make public attacks on the Association there or on other bodies.

We have received a special report[2] of the League meeting in Gujarati which we publish elsewhere.

[From Gujarati]
Indian Opinion, 25-4-1908

[1] The meeting, held on April 12, was called to consider the complaints of some Kanamia Muslims who were dissatisfied with the affairs of the South Africa British Indian Association in the Cape. The Association had asked that Urdu be recognized as the only language for the purposes of the Cape Immigration Act. The League advocated the recognition of Urdu, Tamil, Bengali and Gujarati for this purpose.

[2] Not reproduced here

110. INDIANS IN CANADA

The condition of Indians in Canada deserves notice. There is no special legislation in that country designed to drive them out. Most of the Indians there are Punjabis, who are all referred to as Sikhs[1]. But from our experience here we can infer that it is unlikely that they should all be Sikhs. Most of the Indians domiciled there are workers. For the time being the authorities have resorted to some lacuna in the law to refuse admission to some [Indians] who came *via* Hong Kong, on the ground that they did not come directly from India.[2] Canada has allowed Japanese to settle there, but is doing its utmost to keep Indians out. What is the reason? First, the Japanese settled in that country are brave people. The whites who tried to intimidate them were beaten back.[3] The Japanese moreover have an independent government [at home] which protects its citizens' interests. Their Government is free because the people have an independent disposition. As against this, the Indians in Canada shut themselves up in their rooms when there was a riot in that country. Also, India can do nothing effective. It has no government which can fight for the interests of the country [and its nationals abroad]. Indians are a subject people. The reason for this state of affairs does not lie in British rule or the British flag. We are the reason for that rule. We do not, of course, see any advantage in bringing that rule to an end. We can, however, change the ways of the present Government. We are the subjects of others because we do not have the spirit of independence. If we can regain that spirit and then demand justice, we shall get it for the asking. Among the numerous Indians in Canada, we do not find a single well-educated person.

[1] Discussing the Indian immigrants in a newspaper article about the same time, Rudyard Kipling points out that they were mostly Sikhs, Muzbis and Jats from the Punjab who worked in the lumber mills and were found useful.

[2] On January 8, 146 Hindus, the majority of whom had arrived from the Orient by the steamer *Monteagle*, were ordered to be deported by an Order-in-Council of the Dominion Government because they had not come directly by continuous passage from the land of their birth. They were, however, released on March 24 on writs of *habeas corpus* after the Supreme Court had pronounced their deportation altogether illegal.

[3] The Colonists' objection was really to the Japanese who had monopolized the local fishing trade at Vancouver. Again, Kipling says, "When attacked, the Japanese defend themselves with asperity... The Indians are not understood of course; but they are not hated...." On this occasion "the Japanese barricaded their quarters and flocked out, a broken bottle held by the neck in either hand which they jabbed in the faces of the demonstrators. It is perhaps easier to haze and hammer bewildered Hindus and Tamils as is being done across the Border than to stampede the men of the Yalu..."

We must look upon these hardships caused by the movement against the Coloured persons in Canada and elsewhere as being beneficial [to us in the long run]. We are being trained [to resist injustice] and the eyes of the British are being opened.

[From Gujarati]
Indian Opinion, 25-4-1908

111. SIR HENRY CAMPBELL-BANNERMAN

Newspapers have reported the death of Sir Henry Campbell-Bannerman, one-time Prime Minister of Britain. Only a few days ago, we read the news of his resignation from office due to illness. He never recovered from it.

Sir Henry was a prominent businessman in Glasgow. But, while in business, he also educated himself. Anxious to devote himself to public service instead of spending all his time in business, he entered politics. Many Englishmen do this. Mr. Chamberlain has been a businessman, and still is.

Sir Henry was a man of kind nature and noble mind. His sympathies were not confined to his own people. Wherever he saw oppression, his heart brimmed over with sympathy [for the victims]. Even while he held office as Prime Minister, he did not hesitate to express himself in strong terms in favour of the Russian people and against the Czar.

His policies have always been sound. When he saw the Boers being wantonly attacked, he did not hesitate to declare himself against his own people. He made a very strong speech at the time against the British soldiery. Soon after he became Prime Minister, he granted self-government to the Transvaal.

When the [Transvaal] Indian deputation visited England in connection with the campaign against the law, he was very sympathetic [to the Indian case]. It is said that he had played some part in bringing pressure on Lord Elgin [to veto the Asiatic Law Amendment Ordinance].[1]

Sir Henry was nearly seventy-two. Despite his age, he suffered from no weakness of body or mind. Even at that ripe old age, he chose to continue in office and work for the public good. We ought to learn from his example. People in India do not enjoy such longevity, and even those who live long will not give their time for public service till the end. We think we are old at forty; if meanwhile we have done anything worth while, we become conceited, and imagine that there is

[1] *Vide* Vol. VI, p. 257.

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no more to be done, and spend the rest of our days in ease and luxury. [If we looked around,] we would find hundreds of such instances. Yet we often express our resentment at not being granted self-government. When India comes to have hundreds of men like Sir Henry, she will gain her freedom in no time. It will then matter little which flag flies over the palace.

[From Gujarati]
Indian Opinion, 25-4-1908

112. JOHANNESBURG LETTER

Gold Law

The following letter[1] about the Gold Law has been sent to the Colonial Secretary on behalf of the Association.

The draft Gold Law which is to be introduced during the forthcoming session of Parliament imposes on British Indians disabilities graver than those found in the existing law. The Committee had hoped, as it still does, that the disabilities of the Indian community would be lightened [by the Government] instead of being increased. My Committee draws the attention of the Government to the following.

In the draft [Law] the definition of the term 'Coloured person' contains the word 'coolie' which is offensive to the Indian community as there are in the Transvaal very few, if any, coolies in the proper sense of the word. Moreover, to bracket together African Natives and Asiatics, British subjects and others who are not British subjects is to ignore the fact of Indians being British subjects.

The retention of the original law as to dealing in unwrought gold, in so far as it affects Coloured persons, not only brings them under the general prohibitions of the law, but assumes that in dealings in unwrought gold Coloured persons are the greater offenders, whereas in my Association's view the very opposite is the case [at least] in so far as British Indians are concerned.

Moreover, the definition of unwrought gold is likely to prove defective. It will probably prevent Indian goldsmiths from carrying on their business of making jewellery even from gold bars made in and imported from England.

Section 127 of the draft Law is vague and would seem completely to bar acquisition by Coloured persons of any rights whatever. The section also prohibits holders of rights acquired

[1] *Vide* "Letter to Colonial Secretary", pp. 200-1.

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previous to the draft law from transferring or sub-letting such rights to a Coloured person. A law should have effect from the date of the draft, but according to this section the draft law will be retroactive.

The last objection is to the provision in Section 128 for the removal of Coloured persons from the mining areas, proclaimed as such, to Locations. If carried, the section will make it impossible for a large majority of British Indians to continue in the country. In this connection, my Association begs to remind the Government that the Indians are a cultured people, with trading and other interests sufficiently large to warrant the statement that the segregation of the community in Locations will result in its utter ruin as it will be unable to protect those interests in Bazaars, Locations or Compounds.

My Association further reminds the Government that the majority of British Indians domiciled in the Transvaal live in mining areas. My Association therefore trusts that the clauses complained of will be withdrawn by the Government or will be so amended as to give the desired relief to the British Indian community residing in the Transvaal.

What Is Voluntary [Registration] ?

Some Indians are still in a quandary about voluntary and compulsory [registration], with the Permit Office adding to their confusion. A correspondent informs us that officials insist on 18 digit-impressions. My advice to everyone concerned is, "Give them". Since the giving of finger-impressions is voluntary, I see nothing wrong in doing so. But those whose objections are genuine need not. They can still refuse. When the giving of finger-impressions was compulsory, anyone refusing to do so would have been liable to prosecution. Now that it is voluntary, one need not be concerned if the official refuses to entertain one's application. Those who object to the finger-impressions need not give them, regardless of what the officials say. It is our duty to apply for registration of our own accord. If difficulties are created in the performance of that duty, we cannot then be brought within the scope of the law. Only those who supply wrong information or those whose permits are not valid will have reason for fear. The fear, moreover, will only be of being refused permits, for they will not be prosecuted. The best course for anyone who objects to finger-impressions is to refuse to give them and then inform the Secretary of the Association. Having done so, he may set his mind at rest. But he must not panic and go back to offer his finger-impressions. Only those who feel that the satyagraha campaign has transformed them from lambs into lions can lay claim to success.

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Roodepoort Chamber

The Roodepoort Chamber [of Commerce] wants an end to the practice of Indians holding land in the names of whites. Indians [it thinks] should be sent to Locations and the municipalities should have the power to refuse them licences. The Chamber has addressed a long letter to General Smuts to place this demand before him. The South African whites will allow Indians no rest. They are bent on keeping us on our mettle all the time. This, I think, is excellent training [for us]. We shall discover that, if we do not fear our enemy and do not show temper with him, he becomes our friend, for he then serves us like one. Our vigilance will serve India well. If we do become vigilant, that will be thanks to the likes of Roodepoort whites.

New Anti-Indian Party

A new party called the South Africa Forward Party has been formed in Johannesburg. It has published its manifesto. Its object is [to secure] the reservation of South Africa exclusively for white settlers. With that end in view, it has proposed the political and territorial segregation of Coloured persons. It also wants that they should never be given the franchise, that their immigration into South Africa should be prohibited altogether and that those who are already there be progressively driven out. There is no reason to expect that this party can achieve anything. All the same, persons with such ideas carry on a campaign against Coloured persons. We have to exert ourselves far more vigorously than they do if we are to retain our foothold in South Africa.

Limit of Selfishness

While on the one hand, the whites demand the expulsion of Indians from South Africa, on the other, they also want to exploit Indians as much as they can. Mr. Wall, the Chief Engineer of Railways in the Transvaal, thinks that the Transvaal has a surplus of coal and suggests that it be dumped on India. It does not occur to him that, if any such attempt is made, the Indians may want to put forward their own terms. He assumes that Indians are cowards who can do nothing, as though they were born only to carry the burdens of others.

Wicked Civilization

Australia has recently furnished a wicked instance of the extreme selfishness that I mentioned earlier. There, they are after the Chinese. Chinese sometimes manage to stow away to Australia. A ship is like a small settlement. It is often difficult to find a person [hiding] in the hold. To ensure that no one remains undetected, the Australian

Government has ordered the hold of every steamer to be sulphurated so that the Chinese stowaway is forced to come out or choke to death. Several persons have already died in this manner. The shameless and hard-hearted officials, blinded by selfishness, instead of being moved to pity by these things, gloat over them and pat themselves on the back for having so cleverly hunted out the Chinese. If anyone suggests that fumigation with sulphur be discontinued, it is not because they are anxious to save innocent lives, but because they are concerned at possible damage to the cargo. How can we accept these things about the West as civilized? Such incidents have set many whites thinking. They ask themselves whether the western peoples are in fact more civilized than those in the East. It is only right that they should ponder over this question. We, on our part, ought to resist the fascination that western civilization has for us in view of these features that we observe. At the same time we should remember that eastern peoples have not been free from comparable cruelty. In fact, we find in the East examples of greater cruelty than in the West. The only lesson to be learnt is that East and West are no more than names. Human beings are the same everywhere.[1] He who wants to will conduct himself with decency. There is no people to whom the moral life is a special mission. Everything depends on the individual himself. One can pursue the principles of morality at any place, in any environment or condition of life.

Sir Percy Fitzpatrick[2]

This gentleman is one of the leaders of the Progressive Party. He has declared in a speech that, since South Africa is a preserve of the whites, Asiatics ought to be denied any share in it. He would be happier still if something could be done about the Kaffirs too. If we ask him whether India, too, is a preserve of the whites, what will he have to say in reply? Instead of asking Sir Percy this, however, if every Indian put that question to himself, all his difficulties would vanish in no time. Last year's campaign was calculated to test our mettle, and if we have stood the test, I have no doubt in my mind that we shall be able to live on [here] in freedom and with self-respect, whatever Sir Percy may say. But we can retain our freedom and self-esteem only if we are in the right and speak the truth. If our only anxiety is to see as many Indians as possible admitted into South Africa by fair means or foul, then good-bye to self-respect and honour!

[1] Literally, "the *chula* is made of earth everywhere"—a Gujarati saying.

[2] Sir James Percy Fitzpatrick (1862-1931); President, Witwatersrand Chamber of Mines; Member for Pretoria East in Union Parliament, 1910-20; author of several books on South Africa

Boycott by Chinese

We gather from the newspapers here that the Chinese want to use the weapon of boycott against the Japanese. It appears that Japanese officials tyrannize over the Chinese in Korea. The Chinese feel that they are not strong enough for an armed encounter, but they know that Japan cannot stay on in Korea or anywhere in China except with their help. Japan has a large trade with China, and that gives the Chinese immense power. Conscious of that power, they have decided to boycott Japanese goods if Japan does not behave, and have already proceeded to act on the decision. This has frightened Japan. Such is the power of boycott, and boycott is only one aspect of satyagraha. If by itself it can be so much stronger than hundreds of guns, what may we not expect of satyagraha ? India, too, recently provided a fine example of boycott. The telegraph operators went on strike in desperation and created a scare in one day. Lord Minto sent telegraphic instructions that a compromise should be reached with the telegraph operators. Some foolish persons suggested that white operators alone should be employed without realizing that thousands of men cannot thus be replaced at a moment's notice.

Driving Coloured Persons to Locations: Discussion

At the annual meeting of Het Volk, a Dutch society in the Transvaal, General Smuts declared that a municipal Bill, which, he hoped, would solve the question of Coloured persons living among whites, would be introduced during the next session of Parliament. He did not elaborate the point further. The others, too, did not argue further about the question. True satyagrahis need not be frightened at such moves; only, they must remain vigilant. This should serve as a warning particularly to those who feel that satyagraha once has been enough.

[From Gujarati]
Indian Opinion, 25-4-1908

113. STORY OF A SOLDIER OF TRUTH [–IV]

"I have nothing more to say about Meletus's charge. I believe, moreover, that most of the people here are opposed to me. You will condemn me not on the basis of what Meletus and others say, but because of the prejudice and suspicion of the multitude. But many a good man has suffered in this way and many more will suffer thus in future.

"Someone may well ask: 'Are you not ashamed, Socrates, of pursuing studies which are likely to lead to your death?' I should answer such a man with perfect justice: 'You are wrong. Even a man of slight worth

must be prepared for death. He must think only of one thing when embarking on any course of action, namely, whether he is acting rightly or wrongly, whether the action is worthy of a good man or not.' If, as you imply, an act which involves the risk of death is a bad act, all the great warriors who fell in the battle at Troy, while doing their duty, must be deemed very bad men indeed. Patroclus was warned by his mother that, if he killed Hector, his own death would follow close upon Hector's.[1] Patroclus replied that it was a thousand times to be preferred that he should die for killing Hector to that he should live on as a coward. Patroclus was not frightened of death. The right thing for a man is not to desert his post, even if he has to run the risk of being killed or any other risk, whether he has chosen the post of his own will or has been put there by a superior.

"Consider, moreover, that when I was in the service of this State, I remained at the post where my commander had placed me and ran the risk of death. How strange would it be if, when my heart bade me seek a certain wisdom, I did not follow its bidding or failed to speak out for fear of death? If I should fear death, that would be contrary to my belief that I am an ignorant man. If I think myself wise, without being wise, I would certainly deserve to be brought to trial. To fear death is to presume knowledge. For who has discovered for certain that death is a thing to be afraid of? Why should we not believe that death is the greatest good that can happen to men? Men fear it as though they knew very well that it was the greatest of evils! What greater ignorance can there be than this, of assuming that we know what we do not know? On these matters I think differently from others. If I have any wisdom, it is this: I claim to know nothing about death, and therefore make no attempt to conceal my ignorance. But I do well know that it is evil to do wrong and to disobey my superior. I will therefore never shrink in fear from what I hold to be right. If you were, therefore, to say to me without listening to my accusers' argument, 'Socrates, this time we will spare you, but on the condition that you cease this quest of yours; if you are found engaged in these pursuits again, you shall die,' I should say in reply, 'Athenians, I hold you in the highest regard and love; but I will obey God rather than you. As long as I have breath and strength, I will not give up philosophy, or exhorting everyone I meet and those who would listen to me, saying, "O excellent Athenians! You are citizens of a famous city. You are known to be men of strength and wisdom. Yet you are so keen on making money that you give little thought to the means you employ for the purpose. You are eager for positions of honour and for

[1] The warning was given not to Patroclus, but to his comrade, who was eager to kill Hector and avenge the death of Patroclus.

reputation. Are you not ashamed of these things? You show little concern for your soul, for wisdom and truth. You take no thought for the perfection of your soul.'' ' If, in reply, someone were to say that he did care for his soul and sought truth, I would not let it go at that. I would ask him in what way he cared for all these things. I would test him before I let him go. If in the course of the enquiry I found that he had no truth in him, I would reproach him with setting the lower value on the more important things and the higher value on those that are of less account. This I should do with everyone—citizen or stranger, young or old—but more especially with you, since I am better known among you and more nearly akin to you. Be assured that it is the command of God that I should speak thus. I even go so far as to claim that the commands of God are very dear to me and that this fact is in itself conducive to the highest good of the city.[1] I have only one interest. To all, the young and the old, I say only one thing, namely, that you should care less for wealth and more for the soul; that you should strive for its perfection. Virtue does not come from wealth, but wealth, and all other things of this world, will come to you if you have virtue. If anyone says that I corrupt the people of this city by teaching them this, it would mean that virtue is vice. But if any man says that I teach anything else, he is trying to mislead you.''

[From Gujarati]
Indian Opinion, 25-4-1908

114. LICENCES IN NATAL

Indian traders have been debating on what to do about the Natal Dealers' [Licenses] Act. Everyone agrees that something must be done. Everyone believes that, if effective action is not taken, the Indian trader will lose his foothold in Natal. The whites are out to ruin the Indians. They want gradually to eliminate the Indians altogether.

All the Indians know this. They ought to, at any rate. It is more difficult, however, to devise a remedy. We can think of only one. All the misfortunes of the Indian community are due primarily to the fact that the community has ceased to be respected. It is necessary for it to act with courage; only then will it command the respect of the Government. What is to be done? Two courses are open to the Indians. One is to fight with the sword. Our sword of steel has lost

[1] An English version has, ''And I think that no better piece of fortune has ever befallen you in Athens than my service to God.''

its edge through rust. It is well that it should ever remain so. For that which is gained by the sword can be retained only by the sword.[1] The other course is to fight with the sword of satyagraha. This sword never rusts. There is no need of a whetstone to sharpen it. It is whetted with our hearts and burnished bright. To be tempered it does not need to be heated. It acquires its finish when tempered in the fire of truth—a finish so perfect that it is never lost and the sword shines the brighter the longer it is used. To fight with that sword is the second course—the right one.

How to set about it? It is easily done. When even a single trader, who has the right to a licence is refused it, all the others should stand by him, refuse to accept licences and tell the Government so, proclaiming this refusal from the roof-tops. All traders must take an oath that they will swim or sink together.

If this is done, we make bold to say that the Dealers' [Licenses] Act will be repealed, or suitably amended.

We attach the greatest importance to the Estcourt case.[2] There is a similar case at Stanger against Mr. Kazi.[3] These cases, we feel, can be made the test cases for the entire movement, but then sacrifices will be necessary. We will have to dash to pieces the bangles that we have been wearing.[4] We must gird up our loins like brave men. Will the Natal Indians do this? They will reap as they sow. We shall give further attention to this question later. Meanwhile, we advise India's well-wishers to give these suggestions due consideration.

[From Gujarati]
Indian Opinion, 2-5-1908

115. EDUCATION AMONG INDIANS

We find Indians' enthusiasm for education increasing. This is to be welcomed. We have to announce that, like Mr. Hassan Mia,[5] another young man is now preparing to go abroad for studies. We are glad of this. At the same time, we must warn parents that it is no good making every Indian a bar-at-law or a lawyer. There are many other professions, and young Indians must train for these too. We have a sufficient number of barristers. We give little thought to

[1] For the same idea dealt with at length, *vide* "Secret of Satyagraha", p. 92.
[2] *Vide* "Licences at Estcourt", pp. 137-8.
[3] *Vide* "Natal Licences", p. 86.
[4] The reference is to a popular Indian saying which describes an effeminate or cowardly man as wearing bangles. Cf. Vol. VII, pp. 7-8.
[5] *Vide* "Hassan Mia's Departure", p. 171.

industries and crafts. It is essential, we think, to turn our attention to these.

[From Gujarati]
Indian Opinion, 2-5-1908

116. INDENTURED LABOURERS IN DELAGOA BAY

A move is afoot to import indentured Indian labour into Delagoa Bay and other parts of the Province of Mozambique. It is urgently necessary to oppose this move. Delagoa Bay Indians need to be vigilant. Else, it is possible that they will be reduced to a sorry plight. There should be a public body in Delagoa Bay to take up such questions.

[From Gujarati]
Indian Opinion, 2-5-1908

117. JOHANNESBURG LETTER

"HAPPY ARE THOSE WHO ARE EVER AWAKE"[1]

This saying has a striking relevance to Indians. At the meeting of one of the Chambers it was proposed that Indians should be made to leave South Africa and be sent away to those parts of East Africa which are unsuitable for the whites to settle in. After some fruitless discussion, the matter was dropped. But the fact that such proposals are put forward again and again should serve as a serious warning to us. Even in England newspapers are being misled by these ideas. We ought to explain [the matter] properly to them. I observe that Mr. Ritch is doing his best not to let such views, when they are published in newspapers, go unchallenged.

TRUE!

An Indian resident of Durban points out that the accounts of the British Indian Association show a sum of £50 as [contribution] from Natal, and that this may be interpreted by an outsider to mean that Natal had contributed £50 only. This will bring Natal discredit. He draws attention to the fact that Natal sent the British Indian Committee more than £250, and that this should be noticed [in the accounts]. This is correct. Even for the satyagraha campaign, Natal's contribution has been invaluable. How can one forget that, besides the amounts remitted to the Committee, it spent money like water on telegrams and other things?

[1] A Gujarati saying

REGISTRATION

Voluntary registration continues. There has been some difficulty at Krugersdorp and Standerton. In these towns the authorities have demanded ten finger-impressions, and this has annoyed people. There is no reason to be annoyed. Anyone who wants to can claim exemption from the ten finger-impressions after stating his reasons. He cannot get into trouble for that, and he may therefore rest secure on that account. But no one should imagine, on the other hand, that he can avoid giving the ten impressions without reason. He must state the reason, such as religious scruple or [his right to] exemption on grounds of education or status.

There are others who are reluctant to give even the thumb-impressions. This is improper. I think the thumb-impressions must be given, if demanded. I, however, advise those who have raised a sincere objection against the ten impressions to remain firm.

WHITE HAWKER'S RIGHT

A white hawker was making his rounds in the Germiston Location, which is where he lives. According to a by-law in force in Germiston, no white can live in the Location or do business in it as a hawker. He challenged this by-law and the case went to a court. The Magistrate fined him. An appeal was then preferred in the Supreme Court which ruled that the municipality was authorized to make such a regulation, and accordingly upheld the sentence. This is an important decision. There are many points about it which deserve to be noted.

[From Gujarati]
Indian Opinion, 2-5-1908

118. STORY OF A SOLDIER OF TRUTH [–V]

"And therefore I say to you: whether or not you believe the accusation, whether or not you acquit me, be sure that I will not forsake the path I have chosen for myself even if I have to die for it many times.

"Please do not be angry with me for what I say. Pay heed to my words. I think you will profit by them. What I am about to say now will perhaps make you angry. But listen carefully without anger. Since I am what I am, if you put me to death, you will do more harm to yourselves than to me. Meletus and others can do me no harm for it is not in their power to do so. *It is impossible that a good man can be injured by a lesser person.* As a consequence of his charge against me, I may be put to death, or exiled, or deprived of my rights as a citizen.

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You imagine that these things will be a great punishment for me. But I do not think of them as such. Rather, a person who tries to put another to death unjustly only harms himself. Do not therefore feel that I am arguing in my defence. I stand here to tell you what is in your own interest. I want to save you from the wrong of violating the divine command. If you put me to death, you will not easily find another man to fill my place. It is, of course, not for me to say this, but I cannot help pointing it out. As a strong horse needs reins, you need reins.[1] Since you are also strong, I think it is the will of God that I should serve as your reins, and if you take my advice, you will spare me. But it is likely that you will thoughtlessly order my death, being vexed with me as one sleeping is vexed with another who wakes him from his sleep and rushes at him ready to strike. And then you will drop off to sleep again, unless you have another man to fill my place. I strive for your good, having been sent by God for that purpose. You can see that I have neglected my own affairs, busying myself unceasingly for your good, counselling each one of you like a father or an elder brother and striving to lead you along the right path. You would have had some reason to doubt me if I had asked to be paid for what I was doing or made money thereby. But my accusers have not charged me with demanding money. And I have, in my poverty, the most convincing evidence that I have not accepted or demanded any payment of money.

"Perhaps you will ask me, why, if I go on exhorting people to virtue, moving from house to house, I do not take part in the political affairs of the city and strive for its welfare. I have often given my reason for that. I think I hear a divine voice whispering into my ear, telling me not to take part in politics. And I think it well that this has been so. If I had attempted to take part in politics, I should have perished long ago, without doing either you or myself any good. Do not be angry with me for speaking the truth. No man would be free from danger to his life, if he opposed the misrule prevailing in the city and tried to prevent injustice. He who would approach every question from the standpoint of justice had better stay out of the bother and bustle of politics.

"Let me give examples to prove this. You will see then that even the fear of death cannot force me to do what I consider to be wrong. But you will also see from them that, if I had busied myself in political affairs, I would have perished long ago. You may perhaps find that what I am about to tell you interests you but little. Nevertheless, it is true. I was at one time a member of our Assembly.[2] It happened once that

[1] An English translation uses a different simile. Athens is compared to a sluggish horse "which needs to be aroused by a gad-fly" and, Socrates says, "I think I am the gad-fly that God has sent to the city to arouse it."

[2] Socrates was a member of the Commission of Thirty.

you resolved to sentence ten generals to death. I alone of all the members[1] opposed the proposal. All of you then cried out for my death. But I stood firm; I thought that I ought to face death or imprisonment rather than join you in your unjust proposal. This happened in the days of democracy.

"When democracy had yielded place to oligarchy in this city, a person named Lyson[2] was ordered to be brought over, so that he could be put to death as sentenced. I was among those who received this order. I knew that the sentence of death against Lyson had been passed unjustly.[3] I ran the risk of death if I refused to go and bring him over. I did not fear death; I refused to go. If that Government had not been overthrown soon afterwards,[4] I would certainly have been put to death.

"You will now see that if I had taken part in public affairs and had always upheld the cause of justice, (Justice being the breath of my life, I could not have done otherwise.) I could not have remained alive all these years. Throughout my whole life I have done no one an injustice, in private or in public; I have never acted in violation of justice. I have never presumed to be a teacher. But I never refused to answer anyone's questions, if he sought me out to learn from me. Moreover, I pay the same attention to the questions of both the poor and the rich, answering each one to the best of my ability. If, in spite of this, anyone has failed to learn goodness from my words, I am not to be blamed. If anyone among you asserts that I taught one thing to one man and something else to another, be sure he does not speak the truth.

"It has been asked why so many persons want to spend their time in my company; you know the reason why. If there are persons who think that they are wise while they are not, other persons delight to hear them cross-examined. It is certainly very amusing to listen to that. I think it is a duty enjoined upon me by a god that I should examine people. I have done nothing wrong thereby. If it is true that I have corrupted the young by my teaching, those of them who are now grown up and are in a position to understand their true interests would have come forward to accuse me in your presence. Or even if they did not do so, their kinsmen would have come forward to do so. I see some of these young men and their kinsmen here in this assembly. Why has Meletus not called any of them as witnesses? If he and my other

[1] An English translation has "presidents".

[2] An English translation has "Leon".

[3] This incident, which marked the beginning of Plato's disillusionment, is discussed in his Seventh Letter.

[4] This refers to the resumption of democratic government in Athens after a succession of oligarchies.

accusers have forgotten to summon them, I would permit them to do so even now. Let their evidence be taken. Instead of deposing against me, they will testify that their children have benefited by my company. They will have no reason, save a love of justice, to speak in my favour, and they have nothing to gain by so doing.

"I have said most of what I had to say in my defence. It generally happens that the relatives of the accused come to the Court and entreat the judges for mercy, and the prisoner himself sheds tears. I have done none of these things, neither have I any intention of doing them. This again will perhaps make some of you angry. I have kinsmen too. I have three sons—one of them is grown up and the other two are still small. But I do not want to bring any of them before you. If I refrain from doing so, it is not because I mean to slight you. Do not impute it to my arrogance either. Let us [also] put on one side the fact that I have no fear of death. But I think it would be a discredit to me, and to you, if, at this age and with my reputation, such as it is, I had my kinsmen to shed tears before you. It would be unworthy of me. Everyone admits that in some way Socrates is different from the mass of mankind. If there should be among you any persons who excel the others and if they were to be prosecuted as I am being prosecuted, it would be shameful of them, from fear of death, to make anyone cry before you. If death were a misfortune, or if it were true that having once escaped death one would become immortal, an appeal to the sentiments of pity through one's relatives could possibly be justified. When our eminent men, although virtuous, begin to entertain such fear of death, foreigners are bound to scoff at us. They will say: 'Even those Athenians who are chosen for high office because of their superior virtue behave no better than women. How poor in spirit then must the other Athenians be!' I believe therefore that no good man should enact such a farce. If anyone attempts it, you ought to disallow it for the sake of the city's reputation. Whatever your sentence, it is the duty of the persons concerned to endure it in patience. And your duty is to despise those who give way to such pitiful melodrama.

"But, leaving aside all talk of credit or discredit, I do not think it is proper for the accused to plead for mercy. His duty is to ask for justice and to do so by stating facts and arguing from them. The duty of the judge is not to show favour but to dispense justice impartially. And therefore it behoves you and us that we should none of us forswear ourselves.

"If I were to entreat you to break your oath, it would amount to proving Meletus's charge against me, namely, that I do not believe in God. If anyone who believes in God teaches someone to violate his oath, then that will amount to teaching him to disobey God. Such a person does not believe in God. But I believe in God more firmly than

anyone among you is ever likely to, and therefore, trusting in Him, I leave my case in your hands without fear."

[From Gujarati]
Indian Opinion, 2-5-1908

119. NATAL BILLS

The "Indian" Bills foreshadowed by the Colonial Secretary are now a gazetted fact, and, if the Bills go through, after the 30th June, 1911, there should be no more indentured Indians introduced into Natal. The second Bill will put a stop to any new "Indian or Arab" licences after the 31st December, 1908. The third Bill provides for the total extinction of Indian licences after 10 years, subject to compensation being paid to the extent of three years' purchase on the profits of the business.

The first Bill will be welcomed by every Indian in the Colony, and we trust that it will pass the two Houses unanimously. The pity is that indenture cannot be stopped even earlier. The other two Bills will spread consternation amongst Indian traders. The Bills are as ignorant as they are tyrannical. Those who are responsible for drafting them still talk of "Indians or Arabs", forgetting that there are no "Arabs" in Natal who are not also Indians, and that the term "Arab" is an exploded myth, so far as the Indians are concerned. If the first of these two Bills becomes law and receives the Royal sanction, it does not require a particularly shrewd man to see that the second Bill is not even necessary. In ten years' time, there will be no Indian traders to compensate; for, we fancy that new trading licences include transfer from one person to another, as also from one place to another. What are Indians, who are born traders, who have been traders before, but who are today either in partnership with some other Indians or in the service of such Indians, to do? Why should they not receive trading licences in common with other Indians? Why should the mere fact of one Indian having taken out a trading licence and another serving him and, in fact, carrying on the trade, prevent that other from doing an independent business? And, in ten years' time, is there to be no Indian trader to trade even among Indians? We do not advocate an indiscriminate issue of licences, but we do maintain that those who are traders by instinct should have every facility given to them for carrying on their trade; and that is the only way in which any country can take the best out of its inhabitants. To many Indians, there are only two courses open—honest trade or dishonesty and fraud. Surely the Natal Ministers do not wish to manufacture fraud and dishonesty in the Colony. Moreover, we think that

they are mistaken if they consider that the Indian community will have nothing to say in the matter, or that it will allow itself to be extinguished without making a supreme effort.

Indian Opinion, 9-5-1908

120. VOLUNTARY REGISTRATION IN THE TRANSVAAL

The period for voluntary registration of Asiatics in the Transvaal closes today[1]. Roughly speaking, almost every Asiatic has applied for voluntary registration; in other words, he has allowed himself to be identified afresh. Of the eight thousand odd applications made, six thousand have already been approved and passed. This is a creditable record on either side. The Asiatics have, therefore, fulfilled their obligation, both in the spirit and the letter. It now remains for the Government to complete the performance of its duty, namely, to repeal the Asiatic Act, and to legalize voluntary registration in a manner acceptable to the Asiatics and satisfactory from the Colonial standpoint, which is to restrict the authorized influx of new-comers. The Colonial principle has been accepted by the Indian community. There need, therefore, be no further cause for friction.

Indian Opinion, 9-5-1908

121. THREE NATAL BILLS

Dr. Gubbins has been as good as his word. Three Bills have been published in the *Government Gazette*. One of them seeks to prohibit the importation of indentured Indian labour after June 30, 1911. This should be welcomed by every Indian. There is not much difference between indenture and slavery. We think it is far better that Indians do not come here at all than that they should come under these conditions.

The other two Bills are directed against the Indian trader. According to one of them, no Indian businessman will get a new licence next year onward and, according to the other, an Indian will not get a licence at all after ten years. After ten years, Indians who are still here will receive compensation to the extent of three years' profits.

The first of the two Bills is really the more objectionable, for it means that, beginning from next year, no Indian can sell his business to another or shift his shop. That being the case, how many Indians will be left here after ten years to claim compensation? Moreover,

[1] May 9; *vide*, however, "Johannesburg Letter", p. 226.

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paying three years' profits as compensation is paying no compensation at all. The Indian's business will be ruined, and he will be swept out of existence.

Bills of this kind are unlikely to go through. But one must not rest complacent on this assumption. It is essential to try and bring pressure on the Natal Government so that it does not even entertain such proposals.

We have already mentioned the remedies,[1] and later we shall have more to say about them. It is imperative that every Indian should be extremely vigilant.

It is not easy for one who has been in business to take to other work. If business is undermined, dishonesty will increase. It is the duty of every Indian to prevent this turn of events.

[From Gujarati]
Indian Opinion, 9-5-1908

122. TURMOIL IN INDIA

India, it would appear, is in turmoil these days. We learn from the cablegrams which we have translated that there has been a revolt of no small magnitude in the [North-west] Frontier [Province]. It appears, 20,000 Afghans have taken the field. At the same time, the unrest is spreading all over India. A white woman was killed by an explosion. The cablegram suggests that the intention [of the assailant] was to kill a magistrate. But an error on his part led to the death of an innocent woman.[2]

That two persons should have been killed is a horrifying thought, but it is nothing extraordinary in India's history. Rather, it is the lesson to be drawn from this incident that is frightening. We have no reason to rejoice at the introduction of Russian methods in India. The Indian people will not win their freedom through these methods. We have no reason to believe that what is effective in Russia will be efficacious for India too.

It is likely that these incidents will distract people from their duty; the easy and straightforward methods of campaigning for one's rights will be gradually eschewed and, in the end, the methods which we

[1] *Vide* "Natal Licences", pp. 86-8 and "Licences in Natal", pp. 214-5.

[2] At Muzaffarpur, on April 30, 1908, Khudiram Bose flung a bomb at Kingsford, the District Judge, as an act of political reprisal. The bomb, however, hit a coach carrying two Englishwomen, Mrs. and Miss Kennedy. Both the women and the syce were fatally wounded. Khudiram Bose was subsequently sentenced to death.

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imagine we would use only against foreigners will be used against ourselves. This has ever been so.

There is therefore not the slightest reason for Indians to gloat over this incident. At the same time, the Government, too, cannot be absolved wholly from blame. Had there been no oppression, the people would not have even dreamt of using dynamite.

[From Gujarati]
Indian Opinion, 9-5-1908

123. INDIANS IN CANADA[1]

In Canada Indians have raised a storm of protest which deserves attention. We learn from newspapers sent us by a friend from Winnipeg that Indians abroad are becoming more public-spirited everywhere. Those who held the [protest] meeting were not concerned with any grievance of their own. Some Indians reached [Canada] by way of Hong Kong. They were not allowed to land by the Canadian Government, and this led to a [protest] meeting by Indian settlers in Canada. Most of the participants were Sikhs[2]. They met in a Sikh temple and showed great spirit [in the meeting that ensued]. The meeting passed a resolution asserting that it would injure the cause of the British Empire if these Indians were forced to return. They also argued that this would encourage those who opposed British rule [in India]. Resolutions [to that effect] were then passed. The newspaper correspondent adds that fiery speeches were made at the meeting.[3]

Such meetings and this unity emerging among Indians [abroad] augur well for India's future.

The British Government is in a difficult situation. It will have to act with great circumspection. On the one hand, it has to please the Colony; on the other, it must protect Indian rights. Mr. Morley is being put to a severe test.

[From Gujarati]
Indian Opinion, 9-5-1908

[1] *Vide* "Indians in Canada", pp. 206-7 and also "Rhodesia Indians", pp. 265-6.

[2] According to the Winnipeg *Free Press* report, the 500 persons who held the meeting were Hindus.

[3] The meeting also sent a cable to John Morley, Secretary of State for India, seeking the protection of the Imperial Government and pointing out that its neglect of this problem would cause resentment in India.

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124. CAPE IMMIGRATION ACT

The Cape Supreme Court has ruled in a case against a white that there is no provision in the Cape [Immigration] Act for deporting anyone. Accordingly the order of deportation has been cancelled and the man set free. The decision is not of great importance, but is worth noting all the same. It can be inferred from the judgment of the Court that fresh [enabling] laws will be passed.

[From Gujarati]
Indian Opinion, 9-5-1908

125. HAMID GOOL

Mr. Hamid Gool, son of Mr. Yusuf Gool of Cape Town, has been pursuing medical studies in England for some time now. It would appear he has put his time to good use. We gather from his latest letters that he has passed the examination with distinction and has been awarded a prize of £10. We offer our congratulations to both the Gools.

[From Gujarati]
Indian Opinion, 9-5-1908

126. SUGGESTION FOR INTRODUCTION OF REGISTRATION IN DELAGOA BAY[1]

We understand that the Portuguese Government has withdrawn the provisional regulations regarding Asiatics in the Province of Mozambique which had been notified [in the *Gazette*] earlier. It is also understood that an attempt will be made shortly to introduce fresh legislation for the registration of Asiatics which will make provision for the payment of an annual fee [by the registrant]. We once again advise the Delagoa Bay Indians, as we have so often done in the past, to remain vigilant.

[From Gujarati]
Indian Opinion, 9-5-1908

[1] *Vide* Vol. VII, pp. 451 & 454 and "Delagoa Bay Indians", pp. 191-2.

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127. JOHANNESBURG LETTER

Registration

This is the last week for voluntary registration. Those intending to apply [for registration certificates] will have done so before the 9th. It does not appear likely that applications will be accepted after that date. It seems the Registrar has also sent round notices to that effect. Every Indian, therefore, who considers himself eligible, must apply without delay. This paper will probably not reach the readers before Monday. By then the time-limit will have expired. However, I give this warning in the belief that Monday may really be the last day.

About 8,700 applications for registration have been made and 6,000 applicants have already received their certificates. The remaining applications are still under consideration. Apparently, they include applications on behalf of children, applications of persons holding the old Dutch registers and those of others about whose thumb-impressions there may be some doubt. What happens to the applications of persons holding Dutch registers will depend on the number of cases in which the thumb-impressions are suspect. The remaining 2,000 also include a large number of *bona-fide* certificate-holders. Further information is likely to become available in a week or two.

Inter-Colonial Conference

A conference of all South African Colonies designated as above is now in session in Pretoria, with Mr. Moore, a Natal Minister[1], as President. Among many others, the Asiatic question finds a place on the agenda. It is likely to be discussed at length. According to reports, the sessions are to be held *in camera.*

A very important resolution was passed at the Inter-Colonial Conference. It has been resolved, on a proposal from Mr. Smuts, seconded by Mr. Merriman[2], that steps be taken by all concerned to bring about a union of all the Colonies. Commenting on this, newspapers favouring the Progressive Party point out that the Dutch are in a dominant position at present, especially because they are in power in the Orange River Colony, the Transvaal and the Cape; that is why

[1] Moore was then Prime Minister of Natal.

[2] Rt. Hon. John Xavier Merriman (1841-1926); Privy Councillor; surveyor and farmer; Member of Cape Parliament; joined Molteno ministry, 1875-8; Prime Minister and Treasurer-General, 1908-10; Member of Union Legislative Assembly, 1910-19; described in *Indian Opinion* as "a consistent champion of fair play to Indians"

they are disposed to talk of unification. They want thereby to weaken the influence of British settlers in the Colonies.

[From Gujarati]
Indian Opinion, 9-5-1908

128. STORY OF A SOLDIER OF TRUTH [-VI]

It was by mistake, we [the editor] announced last week that this series was concluded. Socrates ended his defence. He was then found guilty by a majority vote. Socrates spoke as follows on the question of the punishment to be awarded to him:[1]

> I am not vexed at your finding me guilty. Your decision is not an unexpected one. I am surprised rather at the large number of votes in my favour. I had thought the majority against me would be an overwhelming one. Instead, I find the margin is narrow. If three[2] more had voted in my favour, I would have escaped [punishment]. I find, moreover, that I have been absolved of the charge of not believing in the gods.
>
> You can now sentence me to death. What can I say about it? What do I deserve to pay or suffer for having given up offices and political appointments and gone from house to house to teach virtue ? If in the gymnasium someone keeps you amused and gives you the illusion of happiness, you will maintain him at public expense. I taught you the way to real happiness, not merely to the semblance of it. If, therefore, I am entitled to ask for anything, it is that in my old age you should maintain me at public expense.
>
> Perhaps you will think me arrogant for talking in this way after having been pronounced guilty, for demanding a reward instead of punishment. But it would not be true. Though you have found me guilty, I believe myself innocent. I have wronged no one. You have not been able to understand this, for my examination lasted only a day. How much can I explain to you in so short a time? If I had had more time with you, perhaps, I could have persuaded

[1] "If the offence was one for which the law laid down no precise penalty, then ...the prosecutor, if he won his case, proposed one penalty, the accused proposed an alternative, and the jury [a section of the Assembly, since there were no judges] had to choose one of the two. . .When Socrates had been condemned, the prosecution demanded the death penalty, but Socrates, first suggesting the Freedom of the City as the alternative, formally proposed, not exile, which the jury would gladly have accepted, but an almost derisory fine." H. D. F. Kitto: *The Greeks*. It was Plato who persuaded Socrates to raise the fine he was to propose from one to thirty minae.

[2] This should be "thirty".

you to better effect. Since I am innocent, I do not propose any penalty for myself. Shall I propose imprisonment? That will not be right. Shall I pay a fine? I do not have the money for it. Shall I propose exile? How can I do that? I do not hold my life so dear as to want to pass the rest of my days wandering from place to place, continually haunted by fear.

Someone may well suggest that I should retire into solitude and hold my peace. I cannot do that either. I believe I am commanded by the gods to discourse to people on what I hold to be virtue. I am also commanded by the gods to look unceasingly for principles of moral conduct. I do not think these are matters which you understand. But that is no reason why I should hold my peace.

Socrates was then awarded the death penalty by the Court. Unperturbed, the great Socrates immediately addressed the assembly as follows:

In any case, I have only a few years left to live. You could not be troubled to wait and you have earned an evil name for yourselves by condemning an innocent man to death. If you had waited a while, I would have died in the course of nature, for I am an old man, far advanced in years. If I had used ignoble arguments before you and adopted the course common on such occasions, I would have escaped the death penalty. But that would have been inconsistent with my duty. I am sure a free man will never do anything unworthy of himself to save himself from death or other danger. One ought not to try to save oneself from death by any and every means. In battle, a man can save himself by laying down his arms and surrendering to the enemy. But we think such a man a coward. In the same way, anyone who resorts to unscrupulous means to save himself from death is an unworthy person. I think it is more difficult to save oneself from wickedness than from death, for wickedness is swifter than death. Being impatient and rash, you have taken a step which spells wickedness—wickedness which is so swift in its advance. You have sentenced me to death. I shall now leave this world. My opponents will be looked upon as men who betrayed truth and perpetrated an injustice. I will suffer my punishment. But they will [also] suffer the penalty for their [evil] deeds. This is what always happens. Perhaps it is just as well that it should be so.

And now, before I die, I wish to address a few words to you. I am sure that after I die you will come to suffer greatly. You must not believe that, by getting rid of me, you will be able to go your wicked ways undisturbed. Do not assume that there will be no one

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to reproach you. Before I am taken to the place of execution, I shall address a few remarks to those who trust my words. So, those who wish to hear what I have to say may please stay on. I want to explain to you the meaning of death as I see it. Believe that what has happened to me is a good thing and that those who believe that death is an evil must be mistaken. Death may mean one of two things. Either the dead man wholly ceases to be and loses all sensation or the soul migrates to another abode. If the first belief is true and there is an end to all sensation, death is but the highest form of sleep. We look upon sleep as a blessing. If that is so, death, being the highest kind of sleep, must be a still greater blessing. If, on the other hand, we believe that death is a journey to another place, I shall only join those who have preceded me. In their presence, I shall get pure justice. There is no evil in this. If I have to go where Homer has gone, and other great souls with him, I shall deem it a great good fortune. I count it a high honour that I should join the souls of those who were victims of unjust punishment.

Believe it as a truth that no good man can come by evil either in life or after death. Such a man is never forsaken by God. And you may be sure that the man of truth is always happy. Therefore I am not unhappy that I am to die today and be released from these mortal coils. And so I am not angry with the judges or with my accusers. If they have wanted to do me evil, they deserve to be censured for that, but their intention can have no evil effect on me.

Now my last request: if, when my sons grow up, they begin to care for riches or for any other thing before virtue, if they think they are something when they are nothing at all, warn them, censure them, punish them just in the same manner as I have warned you against these things and reproached you with the love of them. If you can do this, I shall consider that you have been kind to me and my sons.

Now the time has come, and we must go hence: I to die, and you to live. God alone can tell which is the better state, mine or yours.

This is a historical event, that is, an event that actually occurred. We pray to God, and want our readers also to pray, that they, and we too, may have the moral strength which enabled Socrates to follow virtue to the end and to embrace death as if it were his beloved. We advise everyone to turn his mind again and again to Socrates's words and conduct.

[From Gujarati]
Indian Opinion, 9-5-1908

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129. LETTER TO GENERAL SMUTS[1]

JOHANNESBURG,
May 12, 1908

DEAR MR. SMUTS,

I ventured to send a telephone message to you with reference to a telegram I have received from Mr. Chamney saying that all Asiatics who at the time of the compromise were outside the Colony and who are now coming in and who have arrived after the 9th instant should apply under the Act. I am sure you do not mean this at all, in the face of[2] the clear statement in the letter addressed by me from the jail. It has created almost a panic. I venture to hope that the necessary instructions will be issued, and that voluntary registration will be accepted from those who may now come in.

Yours truly,
M. K. GANDHI

GENERAL J. C. SMUTS
COLONIAL OFFICE
PRETORIA

India Office, Judicial and Public Records: 2896/08; also a photostat of the typewritten office copy: S. N. 4811

130. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
May 14, 1908

Personal

DEAR MR. CARTWRIGHT,

Perhaps the Angel of Peace will again have to be requisitioned. The accompanying copies[3] will tell their own tale. I do not think it is necessary for you to move just yet, but the situation that has arisen shows the danger of trusting suspiciously. The letter[4] you brought was

[1] This letter was published in *Indian Opinion*, 4-7-1908, and a copy of it was sent by Ritch as an annexure to his letter of July 27, 1908 to the Colonial Office.

[2] The words "the face of" do not occur in the office copy and were presumably added in the letter.

[3] Of the correspondence with General Smuts

[4] *Vide* "Letter to Colonial Secretary", pp. 40-2.

after the style of Delphic oracles. You will recollect I expressed my views then, and told you that a document of that nature I could only sign because you were in it.

I am,
Yours sincerely,

A. CARTWRIGHT, ESQ.
JOHANNESBURG

From a photostat of the typewritten office copy: S. N. 4814

131. LETTER TO E.F.C. LANE[1]

JOHANNESBURG,
May 14, 1908

DEAR MR. LANE,

I have your letter of the 13th instant, for which I beg to tender my thanks to Mr. Smuts. The letter, in my opinion, raises a tremendous question, and gives rise to a very great misunderstanding. When the negotiations were going on, I could never have dreamed of accepting a compromise which would mean a differential treatment of Asiatics entering after the period of three months.[2] Had such been the understanding, steps would certainly have been then taken to inform Indians even in India and that could only have been done by cablegrams, in order to enable the people to return to the Transvaal within three months, and even then I do not know that it would have been at all a just thing to expect Indians from India within that period in order to exchange their documents. The limitation only applied to those who were then resident in the Transvaal. General Smuts will, on a perusal of the letter signed by me and my fellow-prisoners, see that the sentence "Such mode of registration should apply to those also who, being out of the Colony, may return and otherwise possess the right of re-entry" was added by me to the letter brought by Mr. Cartwright, as were certain other words. It was never contemplated that to such Asiatics the tentative period of three months should apply. Nor was the alternative course of keeping voluntary registration open for an indefinite period

[1] This letter was published in *Indian Opinion*, 4-7-1908, and a copy of it was sent by Ritch as an annexure to his letter of July 27, 1908, to the Colonial Office.

[2] In Lane's letter of May 13, 1908, General Smuts had argued that the same "mode of registration" was to apply to this category of persons as to all other Asiatic residents in the Transvaal who were to register voluntarily within the three-month period. That is to say, those returning to the Colony after May 9 would be treated under the law in exactly the same way as those Asiatics in the Colony who had refused to register voluntarily. *Vide* S.N. 4812.

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ever thought of by me, and I do not suggest any such course now. But the essence of the compromise is that, the undertaking of the Indian community being fulfilled, as I claim it has been, the Act should be repealed. Voluntary registration should go on in connection with those who may arrive until the Act is repealed. As will be noticed from the Draft submitted by me, provision is made for the identification of those who may arrive after the passing of the Draft Bill. So that there is no question of keeping voluntary registration open for an indefinite period.

Of course, if it is desired by General Smuts that no registration should take place now, but that it should await the passing of the new legislation, I do not mind; but to require Indians who may enter now to come under the Act will only accentuate the suspicion that is still lurking in the minds of some of my countrymen. In order to make good my word, as also to assist the Government, it is within the General's knowledge that I very nearly lost my life, and this arose because, in the opinion of some of my countrymen, I had sold them, by reason of having agreed to the principle of ten finger-prints. Were the proposed registration under the Act of new arrivals persisted in, not only will suspicion be accentuated, but it will be justified, and I cannot help saying that those who may feel irritated against me will be entitled to my life. I should consider myself totally unworthy of the trust reposed in me by my countrymen, and to hold the position that they have allowed me to hold for such a long time, were I ever to consent to the Act being applied to new-comers. If the Act was bad, as I respectfully contend it was, it was so for all, except for those who, owing to their fraud or obstinacy, would not voluntarily provide facility to the Government for their identification. I am, therefore, sure that General Smuts will reconsider the matter, and not only not ask me to use whatever influence I may possess with my countrymen in the direction desired by him, but that he will assist me to make good my word to them, by either accepting voluntary registration of new arrivals or informing them that they need not be identified until after the passing of the new legislation, especially as the purpose of identification is equally well served under the compromise.

As the matter is exceedingly urgent, may I ask that a telegraphic reply be sent to me?

Yours truly,

India Office, Judicial and Public Records: 2896/08; also a photostat of the typewritten office copy: S. N. 4813

132. LETTER TO MEGHJIBHAI GANDHI AND KHUSHALCHAND GANDHI[1]

[JOHANNESBURG,]
May 14, 1908

RESPECTED MEGHJIBHAI[2] AND KHUSHALBHAI[3],

Your letter to hand. I have given expression to some of my thoughts in my letter[4] to Raliatbehn[5], which is enclosed herewith. Please read it yourself, ponder over it and also read it out to her. If she is staying with Karsandas[6], please forward it to her and let me know her state of mind [after her bereavement[7]].

Gokaldas is gone. We are helpless. Our relations were such that I feel like crying even as I write this; but the ideas that I have been excogitating for a long time have now become stronger and more emphatic at this moment. I find that we are all engrossed overmuch in the affairs of this world. I see that the whole country is in the same predicament in which our family finds itself. I express here only those ideas which are now uppermost in my mind.

Out of a false sense of prestige or mistaken notions of affection, we think of marrying off our boys and girls at a very early age. We spend a lot of money doing so and then look on sadly at the young widows. I do not suggest that people should not marry at all. But surely we should observe some limits. We marry off little boys and girls and make them miserable. They have children and get into difficulties. Sexual intercourse is allowed by our *shastras* only for the purpose of progeny. For the rest it is sheer indulgence.

I do not see that we follow this path in the least. If what I say is true, by marrying off our children as early as we ourselves were married, we only make them sensual; and thus the tree of lust flourishes. I do not think this is religion whatever others may say.

I shall say no more. You have given me the news from your end, but what answer can I give you ? I only express these thoughts as they occur to me, and, though younger than you, place them before the entire family through you. This is the service I can render to the family. If

[1] The first paragraph of this letter and the first two sentences of the last have been translated from the Hindi version as they are missing in the Gujarati source.

[2] & [3] Gandhiji's cousins, the former the son of a paternal aunt

[4] Not available

[5] Gandhiji's sister

[6] Gandhiji's brother

[7] The death had occurred of her son, Gokaldas, who spent a few years with Gandhiji in South Africa; *vide* also Vol. VI.

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you consider this presumptuous, please forgive me. I put these thoughts of mine before you on this occasion after fourteen years of study and contemplation and seven years of practice.

Respects from
MOHANDAS

From the Gujarati: *Mahatma Gandhijina Patro*, ed. by D. M. Patel, Sevak Karyalaya, Ahmedabad; 1921, and from the Hindi: Prabhudas Gandhi: *Jivan-Prabhat*; Sasta Sahitya Mandal, New Delhi; 1954

133. INTERVIEW TO "THE STAR"

[JOHANNESBURG,
Before *May 16, 1908*]

As the leading member of the community most concerned, Mr. M. K. Gandhi, the Johannesburg lawyer, is entitled to a very considerable audience on the subject of the legislation which Natal proposes regarding its Indians....

With reference to the first Bill that is to stop indentured immigration, so far as I am aware every Indian will welcome it. The only regret will be that the stopping did not come sooner, and that it is still not to come for two years. Had indentured labour from India not been imported, there would have been no Indian question in South Africa. Of course, the reason for Indian satisfaction may not be, and is not, the same as that for European satisfaction. Indians consider that the system of indentures is of little, if any, benefit to India as a whole or to the Indians concerned. It does not tend to the elevation or progress of the indentured people, and in the words of the late Sir William Wilson Hunter[1], the official historian of India, it is a state of semi-slavery.

As to the two other Bills, they are open to very serious objection. I have never heard of such legislation in any British Colony. The first of these two licensing Bills contemplates the stopping of all new licences in Natal. This means the stopping of the removal of the same business from one place to another, because as soon as a trader removes to another place, it is considered to be a new business and a further licence is necessary. This Bill, if it becomes law, must mean ruin, practically, to Indian traders. Why should not the partner of a man who holds a licence in his own name, as soon as he severs his connection with the partnership, be able to take out a licence for himself? And yet prohibition to trade will be the effect of this Bill. There are many other

[1] (1840-1900); wrote a number of books on India and the Empire, including *Indian Empire*; compiled the *Imperial Gazetteer of India* in 14 volumes; member of the Viceroy's Legislative Council, 1881-7; on retirement, became member of the British Committee of the Indian National Congress in London, and from 1890, contributed to *The Times* on Indian affairs.

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points in the Bill which must strike at decent Indian existence in Natal.

Some of the Indians, who are born traders, cannot take up any other employment or pursuit. To them, Natal is their home. What are they to do if they may not trade? It will be simply encouragement for fraud if the Bill is persisted in. It is perfectly true that the position of the Indian trader under the present licensing law is not much better. He is always in a state of uncertainty, but that does not mean that the present Bill can be justified. Moreover, even with reference to the existing licensing law, the position has become very critical and during my last visit to Natal I noticed that Indian traders had become very uncomfortable and were considering what could be done to obtain amelioration. The recent cable from Home also shows that the Colonial Office is still reasoning with the Natal Government with a view to the amendment or repeal of the Dealers' Licenses Act of Natal. The second licensing Bill is, in truth, a confiscation of what rights there may be left after the full effect has been produced by the operation of the first Bill. Thus the second Bill gives ten years' notice to the Indian traders to quit. If there are any left at the end of that period, they are to receive compensation on a basis of three years' profits. This is ridiculous. How can such compensation be an adequate return for confiscating a growing business? This compensation can never enable the Indian to live on the interest thereof for the rest of his lifetime. I assume of course that such an Indian will not, except in rare cases, carry on his trade elsewhere.

I know that an attempt has been made to justify the second Bill by comparing it with the liquor licensing legislation at Home. The two, however, can hardly be compared. In the other case the restriction of the liquor trade is necessary for the moral well-being of the whole community. No such argument can be advanced in connection with the Indian traders. Whatever their defects may be, no one has been able to impute more dishonesty to them than to other traders, and Indian trade, *per se*, is not held to be harmful as the liquor trade undoubtedly is.

I do not anticipate that such legislation will be passed, but the very fact that responsible Ministers in South Africa can contemplate with equanimity the passing of such legislation is a most deplorable one, and saps the foundations of Imperial statesmanship and Imperial federation. Many Imperialists in England include India also as part of Imperial federation and I do not know that it is possible to have at all a British Empire, leaving India out, seeing that, according to Lord Curzon, India is the dome of the Imperial edifice and that it is India which makes the term Empire possible.

Indian Opinion, 16-5-1908

134. NATAL BILLS

The more one examines the Natal Licensing Bills, the greater is the feeling of dissatisfaction over them. The Bills are an open challenge to the Imperial Government. They frankly and openly attack Indians, not Asiatics generally. They attack not Coloured people but Indians only. A Chinaman may, therefore, freely trade in Natal, save for the restrictions provided by Act 18 of 1896, but an Indian may not. The Zulu, very properly, we think, is unhampered, but the Indian, whether born in Natal or not, must not trade after a certain date. The *Mercury* pertinently asks whether an Indian may carry on the trade of a barber. And if he may, why should the European grocer and the general dealer alone be protected?

But to examine the details of the proposed legislation is not to understand it. In order to understand it properly, it is necessary to look beneath the surface. The Natal Government, then, by bringing forward the Bills, state their Indian policy. In their opinion, the Colony has a perfect right to drive away Indians, not to recognize them as British subjects and to do as they choose with them without regard to Imperial obligations. In Kipling's words, the Servant is to be the Master. It is not enough that Natal is to be Mistress in her own, but it is to dictate terms to the Imperial Government. For we brush aside the idea that the proposed treatment of Indians can ever be part of the powers of self-governing colonies. And what Natal wishes to do is, after all, what most British Colonies would also like to copy.

What will India do ? The Indian Government, if they would faithfully discharge their trust, have a clear duty before them. They cannot see Indian emigrants being ruined and sacrificed on the altar of prejudice. But whether they realize their duty or not, it is clearly for the people of India to wake up and assert their right of protecting the interests of their "cousins across the sea". Every hamlet in India should express its abhorrence of the cruel injustice that is dealt out to their brethren who have emigrated to the Colonies.

Indian Opinion, 16-5-1908

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135. *NEW NATAL BILLS*

The more closely one examines the Natal Government's new licensing Bills, the more wicked one finds them—so wicked indeed that most South African newspapers have denounced them. In Natal, the *Mercury* and *The Times of Natal* have opposed the Bills. Among the Johannesburg newspapers, even *The Star* has been writing strongly against them. The *Leader*, too, has spoken out. *Rand Daily Mail* alone appears to be favourably disposed towards the Government.

That the Bills have been condemned in this manner does not mean that the Indian community may look on, a silent spectator. Though many of the newspapers have condemned the Bills, they approve of their object. They would be happy to see Indian trade ruined. They are convinced that the presence of the Indians in South Africa does not conduce to the Colony's interests. They only point out that such Bills are without precedent in British rule, and that the Imperial Government may not assent to them. If the whites could give up all pretence to decency or had no fear of the Imperial Government, all of them in South Africa would jump at the first chance of throwing the Indians out with the utmost despatch.

As long as the whites entertain such ideas, the Indians in South Africa, or in the other Colonies for that matter, cannot afford to be complacent. That the local newspapers have taken up a favourable attitude should not give rise to any illusions. The lamb will not feel secure merely because the lion is in the cage and can do him no harm. He will ever go about cautiously and in fear of the lion. We are in the same plight as the lamb. It is not that the common whites here are in love with us. They merely desist from acting to our detriment in matters in which they are helpless. They have the lion's nature which they cannot transform into that of a lamb. We are lambs who must, however, become lions. When we succeed in that, mutual regard will come as a matter of course. It is the law of this world—not a divine law—that there can be love or friendship only among equals. Princes befriend princes. In a king there can be nothing but condescension towards his subjects. That is why some persons want republics. There is no love lost between master and servant. This is found to be true in every sphere. Wherever we find a relationship contrary to this rule—that is, friendship even in the absence of equality—we know that the superior party is actuated by some self-interest, or that he is an exceptionally good person. The whites look upon us as a subject race. As long as they persist in this attitude there can be no mutual regard.

In the absence of mutual regard, the cause of Indian discontent is bound to remain. The Indian community will therefore be able to exercise its rights only when it develops a lion-like nature.

The beauty of the Natal Bills is that they do not apply to the Chinese, let alone the Kaffirs. If the Bills are passed, it will make out Indians to be the lowliest [among the Coloured persons]. We believe the Natal Government's object in bringing forward these Bills is to ascertain white reaction and test Indian strength. They seem to think that, if the Indian community does not protest in this case or does so only perfunctorily, it may be possible to bring greater pressure to bear on it on future occasions.

It will not be enough, therefore, that the Natal Indians merely resist these Bills; they should challenge the very principle underlying them. They must wake up from their sleep. No one, whether businessman or not, should imagine that trade is all that matters; it is also necessary to acquire true education. Having acquired that for oneself, one must educate one's children. It is only when the Indian community thus cultivates its talents in every way that it will learn to be vigilant. He who becomes vigilant may become leonine. The remedy is in our hands. "[But then,] you cannot sell your berries unless you shout your wares."[1]

[From Gujarati]
Indian Opinion, 16-5-1908

136. JOHANNESBURG LETTER

Inter-Colonial Conference[2]

A number of resolutions are believed to have been passed at this conference, though its proceedings were kept strictly confidential. It is believed, moreover, that this was done at the instance of the Natal politicians, who did not want the question of federation to be discussed in public for the time being. There are also reports of a serious rift among the Council members on the question of customs duties.

Registration

Voluntary registration ended on the 9th. New applications are not accepted any longer. That is to say, those who have not so far applied [for registration certificates] will be left out. Indians with permits are now entitled to enter the Transvaal and also voluntarily to apply for registration. In spite of this, Mr. Chamney has issued an

[1] A Gujarati saying which means that one cannot attract attention unless one speaks out.

[2] *Vide* "Johannesburg Letter", pp. 226-7.

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order that since the time-limit for voluntary registration has expired, new-comers have perforce to take out registers under the law. This order shows two things: first that voluntary registration is of great value; secondly, that the Registration Office has erred again—as it has so often in the past—in issuing this order. General Smuts is seized of the matter, and there has been an exchange of messages by telegraph and over the telephone. The final decision can only be that the new entrants into the Transvaal are entitled to seek registration voluntarily and that such persons will also be exempt from the law. Eligible Indians who enter the Transvaal from now on must be patient and remain unconcerned. It is probable that by the time this letter goes into print this order will have been withdrawn. If, however, it is not, the foregoing suggestion should be kept in mind. If the officials violate the terms of the settlement, it will be possible to set matters right. Because the officials act contrary to its terms, the compromise itself should not be blamed.

"EXPEL THE INDIAN!"

The cry continues to be heard here and all over South Africa. Captain Cooke, who some time ago sponsored a resolution for the expulsion of Indians at a meeting of the Progressive Party and whose resolution was rejected, has now written a letter to *The Star*. He points out that the proposed legislation for this purpose in Natal is unnecessary. What is needed is to find a colony for Indians which is climatically unsuitable for white settlement. Captain Cooke suggests that Indians be settled there and adds that there would be justice in such a course.[1] *The Star* has supported the proposal to some extent, but this journal has been writing strongly against the projected Natal legislation.

[From Gujarati]
Indian Opinion, 16-5-1908

137. SARVODAYA[–I][2]

PREFACE

People in the West generally hold that it is man's duty to promote the happiness—prosperity, that is—of the greatest number.[3] Happiness is taken to mean material happiness exclusively, that is, economic

[1] *Vide* also "Lord Selborne's View", pp. 169-70 and "Johannesburg Letter", p. 216.
[2] The Advancement of All
[3] The reference is to Bentham's maxim of "the greatest good of the greatest number". Gandhiji opposed it on moral grounds; *vide* Vol. IV, p. 237. Ruskin, too, criticized the construction of a "science" of economics on the Newtonain model from which "social affections" had been wholly abstracted. Ruskin argued that the greatest art or science was that which aroused "the greatest number of the greatest ideas".

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prosperity. If, in the pursuit of this happiness, moral laws are violated, it does not matter much. Again, as the object is the happiness of the greatest number, people in the West do not believe it to be wrong if it is secured at the cost of the minority. The consequences of this attitude are in evidence in all western countries.

The exclusive quest for the physical and material happiness of the majority has no sanction in divine law. In fact, some thoughtful persons in the West have pointed out that it is contrary to divine law to pursue happiness in violation of moral principles. The late John Ruskin[1] was foremost among these. He was an Englishman of great learning. He has written numerous books on art and crafts. He has also written a great deal on ethical questions. One of these books, a small one, Ruskin himself believed to be his best. It is read widely wherever English is spoken. In the book, he has effectively countered these arguments and shown that the well-being of the people at large consists in conforming to the moral law.

We in India are much given nowadays to imitation of the West. We do grant that it is necessary to imitate the West in certain respects. At the same time there is no doubt that many western ideas are wrong. It will be admitted on all hands that what is bad must be eschewed. The condition of Indians in South Africa is pitiable. We go out to distant lands to make money. We are so taken up with this that we become oblivious of morality and of God. We become engrossed in the pursuit of self-interest. In the sequel, we find that going abroad does us more harm than good, or does not profit us as much as it ought to. All religions presuppose the moral law, but even if we disregard religion as such, its observance is necessary on grounds of common sense also. Our happiness consists in observing it. This is what John Ruskin has established. He has opened the eyes of the western people to this, and today, we see a large number of Europeans modelling their conduct on his teaching. In order that Indians may profit by his ideas, we have decided to present extracts from his book, in a manner intelligible to Indians who do not know English.

[1] (1819-1900); a Scotsman and author of many books on architecture, painting, social and industrial problems, the place of women in society, etc; Slade Professor of Art in Oxford for some time; later became opposed to vivisection and usury and interested in workers' education and co-operative industrial settlements. Together with *Munera Pulveris*, *Unto This Last*, which was published as a series of articles in *Cornhill Magazine*, expounds Ruskin's social utopia. Gandhiji describes Ruskin as "one of the three moderns...who made a deep impress on me". *Unto This Last* "brought about an instantaneous and practical transformation....I arose with the dawn, ready to reduce these principles to practice". Polak commended this book to Gandhiji who read it on the train journey between Johannesburg and Durban. *Vide Autobiography*, Part IV, Ch. XVIII.

Socrates gave us some idea of man's duty. He practised his precepts. It can be argued that Ruskin's ideas are an elaboration of Socrates's. Ruskin has described vividly how one who wants to live by Socrates's ideas should acquit himself in the different vocations. The summary of his work which we offer here is not really a translation. If we translated it, the common reader might be unable to follow some of the Biblical allusions, etc. We present therefore only the substance of Ruskin's work. We do not even explain what the title of the book means, for it can be understood only by a person who has read the Bible in English.[1] But since the object which the book works towards is the welfare of all—that is, the advancement of all and not merely of the greatest number—we have entitled these articles "Sarvodaya".

Roots of Truth[2]

Man suffers from many delusions; but none so great as his attempt to formulate laws for the conduct of other men disregarding the effects of social affection, as if they were only machines at work. That we cherish such an illusion does us no credit. Like other forms of error, the laws of political economy also contain an element of plausibility. Political economists assert that social affections are to be looked upon as accidental and disturbing elements in human nature; but avarice and the desire for progress are constant elements. Let us eliminate the inconstants and, considering man merely as a money-making machine, examine by what laws of labour, purchase and sale, the greatest amount of wealth can be accumulated. Those laws once determined, it will be for each individual afterwards to introduce as much of the disturbing affectional elements as he chooses.

This would be a convincing argument if the social affections were of the same nature as the laws of demand and supply. Man's affections constitute an inner force. The laws of demand and supply are formulations concerning the external world. The two, therefore, are not of the same nature. If a moving body is acted upon by a constant force from one direction and a varying force from another, we would first measure the constant force and then the inconstant. We will be able to determine the velocity of the body by comparing the two forces. We can do this because the constant and the inconstant forces are of the same kind. But in social dealings the constant force of the laws of demand and supply and the accidental force of social affection are forces that differ in kind. Affection has a different kind of effect on man and acts in a different manner. It changes man's nature, so that we cannot measure its effect with the help of laws of addition and subtraction, as we can the effects of different for-

[1] *Vide* the parable of the Labourers in the Vineyard, *St. Matthew*, Ch. XX, *v.* 14. "I will give unto this last, even as unto thee."

[2] "Roots of Honour" in *Unto This Last*

ces on the velocity of a body. A knowledge of the laws of exchange is of no help in determining the effects of man's social affections.

[From Gujarati]
Indian Opinion, 16-5-1908

138. SPEECH AT Y.M.C.A.

[JOHANNESBURG,
May 18, 1908]

The following address was given by Mr. M. K. Gandhi, Bar-at-Law, before the Y.M.C.A., Johannesburg, in moving the negative in a debate on the question, "Are Asiatics and the Coloured races a menace to the Empire?"

It seems to me somewhat remarkable that a question of this description should arise at all, or that there should be any debate whatsoever as to whether Coloured races are a menace to the Empire. I think that a question of that description could arise only in the Colonies or, better still, only in some of the Colonies. In a well-ordered society industrious and intelligent men can never be a menace. If they have any defects, the very order of the society corrects them. At the same time, we, as practical men and women living in this very practical age, have to face facts as they are and, seeing that questions of this description arise in the Colonies, it is undoubtedly well that we should discuss them and debate upon them; and, to my mind, it is a very happy augury for the future that your humble servant can be called upon to give his views on the question before an audience like this, and I think it is also a happy augury that this hall is so well filled, showing the keen interest taken in the subject.

By the term "Coloured people" generally, I think we understand only offspring of mixed marriages, but in connection with the question before us this evening, the term "Coloured people" has been taken more comprehensively, and has been made to include the Coloured people proper—the Africans and the Asiatics. My own observations and experience, as you know, are confined very largely to British Indians, my own fellow-countrymen, but in studying the Indian question, I have endeavoured to study the question as it affects the Africans and the Chinese. It seems to me that both the Africans and the Asiatics have advanced the Empire as a whole; we can hardly think of South Africa without the African races. And who can think of the British Empire without India? South Africa would probably be a howling wilderness without the Africans. I do not think that the white man would have come to South Africa at all if there had been no Native races.

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This brings me to the White Man's Burden as Kipling has called it. His writings, to my mind, have been very much misunderstood. We know now also that he himself has very considerably, with extended experience, revised his views, and he no longer thinks that the Coloured people are a menace to the Empire, or that the white man may not co-exist with the Coloured man. Be that as it may, he has certainly shown in some of his writings that it was really a responsibility thrown on the white people, more particularly on the British people, to act as trustees for the Coloured races. But have the white people acted as trustees? Would you consider that your own wards were a menace to yourselves? The majority of people in South Africa, the majority of people in most of the Colonies, have become impatient of colour, and it behoves every right-minded man and woman to think twice before he or she jumps to the conclusion that the Coloured people are a menace and that, therefore, they ought to be got rid of with the greatest possible despatch.

We hear nowadays a great deal of the segregation policy, as if it were possible to put people in water-tight compartments. Captain Cooke has written to the papers[1] and has taken the trouble of discussing the same question with me, and has propounded a policy of segregation. I had no hesitation in telling him that, in my own opinion, based now on 14 years' observation and study, such a scheme, if it was meant to people some portions of East Africa with Coloured people only or, better still, with Asiatics only, was not possible of fulfilment. How are you going to restrict Asiatics to some parts of the earth only? Will they be content to have those portions of the earth which may be apportioned to them and which are unfit for white occupation? I have certainly never been able to find any justification for the colour-barrier. In the words of Mr. Chamberlain, it is possible to make distinctions on the ground of want of education, on the ground of criminality, or some such ground. Then there will be no cry of segregation. But from the present civilization, or, rather, from western civilization, there flow two propositions which have almost become maxims to live by—I call them fallacious maxims. They are "might is right" and "survival of the fittest". Those who have propounded these two maxims have given a meaning to them. I am not going into the meaning that might be attached in our minds to them, but they have said undoubtedly, by [saying] "might is right", that physical might is right, that physical strength is right and supreme. Some of them have also combined intellectual strength with physical strength, but I would replace both these with heart-strength, and I say that nobody with merely physical might and intellectual might can ever enjoy that strength

[1] *Vide* "Johannesburg Letter", p. 239.

that can proceed from the heart. It never can be that mere intellectual or mere physical strength can ever supersede the heart-strength or, as Ruskin would say, social affections. A quickening and quickened soul responds only to the springs of the heart.

That[1] is the difference between western and eastern civilization? I know that I am treading on very dangerous and delicate ground. We had the distinction given to us by so great an authority as Lord Selborne only a short time ago, and I have very humbly and very respectfully to differ from His Excellency's views.[2] It appears that western civilization is destructive, eastern civilization is constructive. Western civilization is centrifugal, eastern civilization is centripetal. Western civilization, therefore, is naturally disruptive, whereas eastern civilization combines. I believe also that western civilization is without a goal, eastern civilization has always had the goal before it. I do not mix up or confuse western civilization with Christian progress. I decline to believe that it is a symbol of Christian progress that we have covered a large part of the globe with the telegraph system, that we have got telephones and ocean greyhounds, and that we have trains running at a velocity of 50 or even 60 miles per hour. I refuse to believe that all this activity connotes Christian progress, but it does connote western civilization. I think western civilization also represents tremendous activity, eastern civilization represents contemplativeness, but it also sometimes represents lethargy. The people in India, the people in China—I leave Japan for the time being—having been sunk in their contemplative mood, have forgotten the essence of the thing, they have forgotten that, in transferring their activity from one sphere of life to another sphere of life, they had not to be idle, they had not to be lazy. The result is that immediately they find an obstacle in their way, they simply sit down. It is necessary that that civilization should come in contact with that of the West, it is necessary that that civilization should be quickened with the western spirit. Immediately that fact is accomplished, I have no doubt also that the eastern civilization will become predominant, because it has a goal. I think you will see easily that a civilization or a condition in which all the forces fly away from the centre must necessarily be without a goal, whereas those which converge to a point have always a goal. It is then necessary for these two civilizations to meet and we shall have a different force altogether, by no means a menacing force, by no means a force that disunites, but a force that unites. The two forces are undoubtedly opposing forces, but perhaps in the economy of nature both are necessary. Only we, as intelligent human beings with heart and soul, have to see what those forces are, and

[1] Misprint for "What"?

[2] *Vide* "Lord Selborne's View", pp. 169-70.

have to use them, not blindly but intelligently, not anyhow and haphazard, but with a goal in view. Immediately that is done, there is no difficulty whatsoever in [the] two civilizations meeting and meeting for a good purpose.

I have said that the African races have undoubtedly served the Empire, and I believe so have the Asiatic races or, rather, British Indians. Have not the British Indians fought on many a battle-field? A people, moreover, who have religion as the basis of life, cannot be a menace. And how can the African races be a menace? They are still in the history of the world's learners. Able-bodied and intelligent men as they are, they cannot but be an asset to the Empire. I believe with Mr. Creswell that they ought not to be protected. We do not want protection for them in any shape or form, but I do believe this—that they are entitled to justice, a fair field and no favour. Immediately you give that to them, you will find no difficulty. Whilst, therefore, Asiatics and other Coloured people cannot be a menace, Asiatics at least have been made a menace in some Colonies. We have been told that Natal and Mauritius are awful examples to every white man throughout the world. I do not know that they are such awful countries, but I, at the same time, believe that, if what happened in Natal had not happened, it would have been different—whether better or worse, we are not for the present discussing; but, if these countries have been ruined, they have been ruined purposely by white men, or, rather, by a few of them who were in a hurry to get rich. If they had only bided their time and opportunity, no such thing need, would, have happened. They did not hesitate to import indentured labour, which might be called semi-slave labour, from India. Posterity has to pay for it. If, therefore, Natal or Mauritius has suffered, it has suffered not from Asiatics as such, but from a system of labour of which Asiatics happened to form part. Had there been white indentured labour instead, the result would have been the same. It is not the free Indian population that can ever do any harm whatsoever to the Colonies.

But I do also admit that there are some reasonable complaints with reference to British Indians. I venture, however, to submit that these complaints have no real basis. It is complained that they live in dirty hovels. Yes, some of them do. They are said to live very cheaply. But if you were to examine these complaints, I think, you would come to the conclusion that they could be dealt with very easily and very effectively by municipal regulations. There are many complaints against the people living in the East End of London by the people living in the West End, but no one has suggested that, therefore, the people in the East End should be swept away. Sweep away the rack-rent and the conditions prevailing in the East End, and its inhabitants will be just as good as those in the West End. Similarly also, sweep away the condi-

tions under which British Indians are called upon to live, sweep away the condition that they cannot own a patch of land which they can call their own, that they cannot live, and move, and have their being on God's earth in South Africa with any degree of freedom, self-respect and manliness, and they will realize that in Rome they must live as the Romans do, and will respond to every real and reasonable call that can be made upon them by the white man; but I ask you to be patient with them just as you would be patient with any fellow-man. Treat him as a real, live human being, and you will have no such thing as the Indian question in the country. Please do not forget I do not advocate that there should be absolutely free immigration. On the contrary, I have always said, and British Indians admit, that there may be regulation of immigration, but never based on colour. Anyone who is accepted as an immigrant ought to be entitled to all the rights that a man who lives in the country should possess. Whether he should have political rights or not is another question. I am not here today to discuss the political question at all. But there should be no two opinions as to whether he may live freely without being restricted, move freely without being restricted, own land, or trade honestly.[1] British Indians and Englishmen have come together by Divine Providence. I may add, and I believe it is true, that, when the British occupied India, it was not owing to humanitarian grounds, but that the act was selfish and often tinged with dishonesty. But Nature's ways are inscrutable. She often unmakes what man makes and produces good out of evil. Such is, in my opinion, the case with the British connection with India. I believe that the two races, the British and the Indian, have been brought together, not only for their own mutual advantage, but to leave an impress on the history of the world. Believing that, I also believe that it is well for me to be a loyal subject of the Empire, but not I hope a member of a subject race. I trust it is the mission of the English race, even where there are subject races, to raise them to equality with themselves, to give them free institutions and make them absolutely free men. If that be the mission of the Empire, the mission of the British race, then is it not as well that the millions of human beings should be trained for self-government? If we look into the future, is it not a heritage we have to leave to posterity, that all the different races commingle and produce a civilization that perhaps the world has not yet seen? There are difficulties and misunderstandings, but I do believe, in the words of the sacred hymn, "We shall know each other better when the mists have rolled away."

Indian Opinion, 6-6-1908
13-6-1908

[1] *Vide* Vol. VI, p. 251.

139. JOHANNESBURG LETTER

[*May 16, 1908*]

Foul Play

This news-letter deserves serious attention. I said last week that the Government here wants to issue registers to fresh Indian entrants only under the obnoxious law.[1] When I wrote that, I was quite sure that the Government would resile from its earlier position and allow the voluntary registration of Indians who, though they held permits, arrived after the 9th. I find that my calculation has gone wrong. Mr. Gandhi and General Smuts have been in correspondence, General Smuts categorically declaring in the end that Indians arriving after May 9 will be governed by the provisions of the obnoxious Act.

It was Hajee Habib who sent news from Pretoria that they intended to apply the obnoxious law [to fresh Indian entrants also]. Immediately on receipt of the information, a telegram was despatched, to which the following reply was received.

Message from General Smuts

> [I[2] am directed by the Government] to inform you by telegram that, since the persons who entered the Transvaal during the three-month period were allowed to apply for voluntary registration, the terms of the settlement have been fulfilled. Those who arrive after the period of three months will be obliged to take out registers under the law.

Mr. Gandhi then wrote the following letter[3] to General Smuts.

> I sent you a telegram[4] with reference to a telegram from Mr. Chamney. I am sure you will be able to see from the letter addressed to you from gaol[5] that anyone coming in [after the expiry of the period of three months] should be entitled [to apply] for voluntary registration, provided he is otherwise eligible.
>
> Mr. Chamney's refusal to permit voluntary registration [of this category of persons] has created a panic I hope that you will issue the necessary instructions, and permit voluntary registration of those who may now come in.

[1] *Vide* "Johannesburg Letter", pp. 238-9.

[2] Registrar of Asiatics

[3] This has not been translated. For the text, *vide* "Letter to General Smuts", p. 230.

[4] The English original has "telephone message".

[5] *Vide* "Letter to Colonial Secretary", p. 41.

General Smuts' Reply

General Smuts sent the following reply[1] to this:

Your letter was duly received. General Smuts does not agree with your interpretation of the terms of the settlement. Indians who may come in now must apply for registration [under the law]. General Smuts hopes, therefore, that you will use your influence to persuade fresh Indian entrants to apply for registration accordingly.

Reply

In reply to this, Mr. Gandhi wrote as follows:[2]

Further Reply from General Smuts

This is as under:[3]

Your letter was duly received. Even after further consideration, General Smuts is unable to depart from the position he has taken.

This is a frightful reply, and suggests foul play. It is not in itself a serious matter that a score or so of Indians who have recently returned from home are not allowed to take out certificates voluntarily. That would not be a sufficient cause for panic. What causes apprehension is that the roots of this go much deeper. The obnoxious law has to be repealed now. It must be repealed. If it is not, the consequences are likely to be unpleasant. We shall remain where we were. Mr. Gandhi wrote very frankly to General Smuts. The brief reply to this letter merely announced that his demand would not be accepted. Nothing was said about whether or not the law would be repealed.

Interview with Cartwright

Mr. Cartwright has been at every stage associated with the settlement as a mediator, so that there is no need to be apprehensive [on his score]. Since Mr. Cartwright is an honest man, we may depend on his doing his best. What if, in spite of all, General Smuts does not come round? The Transvaal Indians must answer this question to themselves courageously. Mr. Gandhi has had an interview with Mr. Cartwright and the two of them intend to see General Smuts.[4] Everything will depend on the result of the interview.

What Is This Settlement?

If, however, it is established that the Government has in fact played foul, one may ask what kind of a settlement this is. But those who

[1] & [3] These letters were from the Private Secretary to General Smuts.

[2] For text of the letter, *vide* "Letter to E. F. C. Lane", pp. 231-2.

[4] The original here is not clear on whether Cartwright was also to meet General Smuts. In fact, he was not present at the meeting between Gandhiji and General Smuts which took place on June 6, 1908; *vide* "Johannesburg Letter", pp. 284-5.

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understand the meaning of satyagraha have no call to ask such a question. In any settlement, whenever one of the parties proves untrue to its word, the fight has to be resumed. The Indian community may thus have to resume the campaign—with this difference that we have now had three months' respite [before doing that]. I believe we can fight now with increased strength and [therefore] more effectively. The same satyagraha that yielded the settlement can also force its implementation.

Test of Satyagraha

If the struggle is revived, satyagraha will be put to the test [again]. It will be all the more impressive and, if the Indian community proves resolute, a wonderful spectacle to watch.

This is no occasion for cowards, only for the brave. One must be prepared to stake one's life on the campaign. One must not look only to self-interest, but should instead strive for the common good. What do we own? What did we bring with us [when we came into this world] ? What will we take back with us ? I, for one, wish to assert without reservation that we must look at the matter in this light, dedicate our all to truth and draw once again the sword that has been returned to the scabbard. Let us understand this and not blame the compromise. After all, men do repudiate the written word and fight one another. This is what has happened on this occasion. There can be no guarantee against foul play. Nor on that account can it be argued that we must never trust anyone for fear of being betrayed.

Moreover, when the gaol doors were thrown open, we could not have got more than we did.

I place all these thoughts before *Indian Opinion* readers to alert everyone. They will also know the difficulties that are being encountered and at the same time realize the value of voluntary registration. I do not believe it will be necessary to resume the campaign. [I believe] General Smuts will rectify his error and the Act will be repealed. But we must prepare to act in case it is not repealed. Let us note that the first warning has come from General Smuts himself.

The foregoing was written on Saturday. I hope to be able to cover, in this news-letter, further developments up to Wednesday.

[Before *May 20, 1908*]

Regret

Our only regret is that some Indians who have recently arrived from India have already submitted to the new law and taken out registration certificates. They ought not to have been in such a hurry. It is rather disheartening that there are Indians who, even after the big fight that was put up, have not learnt their duty.

Warning

But I hope that no Indian will henceforth go to the Registration Office to take out certificates under the law.

Municipal Bill

The draft Municipal [Consolidation] Bill published in the *Gazette* confers the following powers on municipalities.

1. To lay out Locations for Asiatics, and to transfer them from one site to another as may be deemed fit. In case of such transfer, compensation must be paid for losses on account of buildings.
2. Municipalities may refuse to grant any licence which it is within their power to grant. If a licence is refused, the applicant shall be entitled to appeal to a magistrate. Licences can be withheld if the premises are unsatisfactory or the applicant has been previously convicted [three times within the three years immediately preceding his application].[1]
3. It will be entirely within the discretion of a municipality to grant or refuse a licence to a hawker. In the event of refusal, there shall be no appeal against the decision of the municipality. This means that hawkers will be at the mercy of the municipalities.
4. If this Bill is approved, it will mean the complete elimination of Indians from the Transvaal. The Association intends to make a representation on this question. I hope to give a translation of the petition next week.[2]

Assault on Essop Mia

At 2 P.M. on Sunday, Mr. Essop Mia, Chairman of the British Indian Association, was proceeding to the Location to attend a dinner party when a Pathan struck him on the back with a heavy stick. He turned round and was hit on the face, the blow breaking the bridge of the nose. Blood gushed out. Mr. Essop Mia became unconscious and fell down. Mr. Moosa Ebrahim Patel and Mr. Cachalia tried to seize the Pathan, the former receiving injuries in the attempt. Meanwhile, Mr. Essop Mia got on his feet and took hold of the assailant. Mr. Camay happened to come [on the scene] and whistled for the police, who rushed to the spot and arrested the assailant. The other Pathans, who had struggled free, ran away.

Mr. Essop Mia was in severe pain. He was bleeding. Nevertheless, he went straight to the Police Station and then to Dr. Gilchrist. The doctor bandaged him. The nasal bone has been set, and it is expected that the setting will be successful. The injury on the back, too, is severe. The front teeth are shaky, but there is no reason to fear loss of the teeth.

[1] From the text of the Bill in *Indian Opinion*, 23-5-1908

[2] This does not appear to have been done.

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Mr. Essop Mia has borne his pain with great courage. Because of the injured nose, the upper part of his face is in bandage. The mouth being left uncovered, he can talk a little. A large number of persons called on him on Sunday.

The assault appears to have had something to do with the compromise. The Pathans are believed to have picked on Mr. Essop Mia also for attack on account of the prominent part he played in that regard. It is said, moreover, that the Pathans wished to be revenged on Mr. Essop Mia—and did so—for having given evidence about the attack on Mr. Gandhi.

If this is true, it is very much to be regretted. It shows cowardice on the part of those among the Pathans who are the real instigators, who remain behind the scenes and operate through others. Moreover, attacking a man for giving true evidence in the cause of justice betrays want of manliness.

I hope that all the Pathans do not subscribe to this way of thinking. The wise among them owe it to themselves to pacify those inclined to mischief. I do not think it particularly brave to raise one's hand against an innocent person.

The Pathans are famous as soldiers. They are known for their strong physique. A soldier and a man of strength ought not to attack an unarmed person; on the contrary, he should defend such a one. This much is plain. Pitting oneself against an equal shows courage, but everyone will admit that it is not brave to attack from behind.

If the Pathans believe that they can terrorize the poor Indians, they are mistaken. In the near future, if not today, the Indian community will learn to be courageous and defend itself. It is possible to defend oneself in two ways. The better way is not to defend oneself at all and to accept blows with courage. We see everywhere that the force we exert will be wasted if it does not meet with any resistance at all. We know that, if we [try to] punch at the air, the arm will only feel a wrench. No force is needed to bend a piece of string. If we mistake it for a stick and use the same force as we would to bend the stick, we will only feel some discomfort in the arm. If someone swears at me and I do not swear back, he will soon become silent, having exhausted himself. The same is true of a man who uses violence to attack another. It is my belief that this attitude and [the requisite] endurance cannot be cultivated in a day. I think it requires more courage to bear up with violence to one's person [than to retaliate].

Till one acquires this kind of courage, it is necessary to cultivate the strength to defend oneself. It is not difficult to defend oneself with a stick or in some other suitable fashion. The important thing is to be fearless. One must not live in fear of attack, and if one receives a blow, one must have the strength to strike back in self-defence. This

calls for presence of mind rather than strength. We in India have become cowardly. It is not courage to let ourselves be beaten up because of fear. We do not even dare to raise the stick. This is not right at all, and as long as this cowardice is not overcome, we shall not develop courage. It is therefore my considered advice that, if we can develop real courage, we may suffer assault rather than turn away from our duty out of fear of violence. If, however, such courage is beyond our reach, we must learn to keep the stick with us and be prepared to defend ourselves with it.

This is also part of satyagraha. A satyagrahi will adhere to truth to the last. If we want to be satyagrahis, we must have the courage to range ourselves against the Government or our own community, if necessary, and courage consists in being fearless. We must be fearless about everything. We must have no fear of violence to our person or of loss of money. We may even lose the good opinion of others. We may let everything go. But we must not allow truth to forsake us. This and this alone is fearlessness.

I know for certain that a large number of Pathans do not approve of acts of violence. But they do not declare this in public, holding back again for fear of being themselves assaulted. If these Pathans chance to read what I have written, I suggest to them that they also show true courage and declare in public that they do not approve of these things.

[From Gujarati]
Indian Opinion, 23-5-1908

140. LETTER TO REGISTRAR OF ASIATICS

[JOHANNESBURG,]
May 21, 1908

THE REGISTRAR OF ASIATICS
PRETORIA

SIR,

Re. Mahomed Balim E/7512

These papers have been sent by Mr. Mahomed Balim to me. I see that you have declined to consider the case on the strength of Acts 2 and 15 of 1907. May I, however, venture to place the special circumstances of the case before you. Mr. Mahomed Balim has been trying practically ever since 1905 to get permission to enter the Colony. He is one of the very few British Indians who paid £25 as the price of his residence in the Transvaal before Law 3 of 1885 was amended. He

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is very well known in the Transvaal and he can produce excellent references. Under the circumstances, may I ask you to reconsider this very special case?

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

From the typewritten office copy: S.N. 5561

141. LETTER TO GENERAL SMUTS

[JOHANNESBURG,]
May 21, 1908

DEAR MR. SMUTS,

I understand that you will be leaving for Cape Town on Saturday. I hardly think that you realize the gravity of the situation so far as the Indian community is concerned. Your decision[1] not to register under the compromise those Indians who have been entering the Colony on *bona-fide* permits after the 9th of this month has created a turmoil amongst the Indians. You have heard, I take it, that the Chairman of the Association has been already assaulted.[2] Many more may be assaulted in the near future. I daily receive indignant letters saying that I have entirely misled the people as to the compromise and that the law is not going to be repealed at all. Can I not ask you, for the sake of those who have helped the Government, to do a very simple thing—to announce immediately that the Act will be repealed and that new arrivals may be voluntarily registered?[3]

The most violent member of the Pathan community, who has remained behind the scenes but who has been an active agent in having the assaults committed, has been arrested today on a charge of inspiring to do harm. If it is at all possible, I certainly think that this man should be deported.[4] In my opinion he is more or less a maniac and many

[1] Lane had said that, after full consideration of Gandhiji's request contained in his letter of May 14, Smuts could not agree to it. "...the period of three months granted for voluntary registration having lapsed, further applications can only be received under the law". *Vide* S.N. 4815.

[2] *Vide* "Johannesburg Letter", pp. 250-1 and "Essop Mia", p. 256.

[3] General Smuts did not agree to this; *vide* S. N. 4817.

[4] In his reply (S.N. 4817), Lane said, ". . .for reasons which Mr. Chamney has explained to you it is not possible to deal with him in the way you suggest", and added that General Smuts earnestly hoped that, if Gandhiji feared danger to his person, he should immediately avail himself of police protection.

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dissatisfied Indians simply hang around him. The delay in making the announcement about the repeal of the Act and the decision not to accept voluntary registration have simply strengthened the hands of these men. You will add to the peace of mind of well-behaved Indians by giving the assurance about the Act, accepting voluntary registration from those who now arrive, and by dealing with the fanatic I have mentioned either by way of deportation or by treating him as a prohibited immigrant under the Immigrants' Restriction Act. I believe he possesses no documents.

This letter I have ventured to make very personal and absolutely frank. May I ask you to reciprocate the frankness? I have been naturally talking to Mr. Cartwright, who has acted as the intermediary, and Mr. Cartwright has been passing along messages, but the gravity of the situation makes it imperative that I should make this very personal appeal to you.

Yours etc.,

J. C. SMUTS, ESQ.
COLONIAL SECRETARY
PRETORIA

From a photostat of the handwritten office copy: S. N. 4816

142. LETTER TO MAGANLAL GANDHI

[JOHANNESBURG,]
May 21, 1908

CHI. MAGANLAL,

I have received your letter. You need not worry about me. I think I shall have to sacrifice myself. I do not believe that Smuts can play foul to the end. But it gives an opportunity to those who have reached the limits of their patience and are ready to strike at me. If that should happen, we need not be unhappy. If I have to give my life for a cause which I consider to be good, what better death can there be?

If God found it fit to take away Gokaldas, why should the idea of death make us sorrowful? This world is transient. If, therefore, I leave this world, why should one be worried on that account? It should be enough to wish that nothing improper is done by me as long as I live. We should of course be careful that we do nothing improper even by mistake. True, I have not yet reached the stage when I can attain liberation but I do believe that if I leave this body while treading

the path along which my thoughts are nowadays running, I shall be reborn and speedily attain to *moksha* at the end of that life.

Blessings from
MOHANDAS

From the Gujarati: *Mahatma Gandhijina Patro*, ed. D. M. Patel, Sevak Karyalaya, Ahmedabad; 1921

143. TRANSVAAL MUNICIPAL CONSOLIDATION BILL

The Transvaal Government have published a Draft Bill regulating the Municipalities of the Transvaal. General Smuts has fulfilled the promise he made at a meeting recently held, and to which reference has been made in these columns, that Municipalities will be armed with powers to deal with Asiatic traders. There are sections in the Bill dealing with traders. One section gives authority to the Municipalities to refuse trading licences on the grounds of insanitation, unsuitability of premises, and for other similar reasons, the decision being subject to revision by a Resident Magistrate. Another section empowers Municipalities to refuse, among others, licences to hawkers, the refusal in these cases being in the absolute discretion of the Municipalities, no appeal being allowed. The first section is not open to much objection, and Asiatics must take the consequences of the prevailing prejudices, except in so far as they may be met by appeal to magistrates. But the second section is absolutely unjust, and is aimed at the large number of Asiatic hawkers. Why there should be no appeal to the magistrates with reference to the licences covered by this section, it is difficult to understand. Lord Elgin, when he occupied the position of Colonial Secretary, said that he would not allow the present rights of Asiatics to be infringed. If, however, the Draft Bill goes through, and receives the Royal sanction, Asiatic trade must be ruined. It is well to bear in mind that the livelihood of 5,000 Asiatic hawkers is at stake, as also of over 500 Asiatic store-keepers. Another section gives the Municipalities power to lay out Locations for Asiatics, which may be shifted from time to time, subject to compensation being paid to the residents for improvements made by them. A further section gives the Municipalities power to regulate movement on foot-paths. Thus, the Bill would give the Municipalities a threefold power. Asiatics should ultimately go to Locations. They must not be allowed to walk on foot-paths, and they must not continue their trade unhampered. We trust that the Imperial Government, having had enough experience now during the last 16 months, will not allow such arbitrary powers to rest in the hands of the Transvaal Municipalities.

Indian Opinion, 23-5-1908

144. ESSOP MIA

Indians everywhere in South Africa will be shocked at the brutal assault on Mr. Essop Mia. If we look for the reason for the assault, we find it has hardly any significance. The assailant appears to be an altogether illiterate person. The assault will bring discredit on the Indian community. It proves that we are politically immature. It is a sign of barbarism to resort to force in order to settle accounts.

We extend our sympathy to Mr. Essop Mia. He has rendered the community great service. The assault on him has added to the value of his service. It is not surprising that such things should happen, for we are still novices. We should learn to submit to violence for the sake of the community and truth. We will have to learn even to die for it. There may even be murders in the community. But without such incidents, the community will not develop mettle; it will make no progress. The tie of blood is a strong one indeed. The man who dies for truth does not forsake service [of the cause] even at the moment of death, for it is our firm conviction that even after death his soul continues to serve. It is according to this line of reasoning that we congratulate Mr. Essop Mia on his courage.

As for the misunderstanding that persists among the Pathans, we may point out to them that they have been overdoing things. It will be well if there can be an end to this.

[From Gujarati]
Indian Opinion, 23-5-1908

145. SARVODAYA [–II]

Roots of Truth

I do not doubt the conclusions of the science of economics [if its premises are accepted]. If a gymnast formulated laws on the assumption that man is made only of flesh without a skeleton, those laws might well be valid, but they would not apply to man, since man has a skeleton. In the same way, the laws of political economy may be valid but they cannot apply to man, who is subject to affections. A physical-culture expert may suggest that man's flesh be detached [from the skeleton], rolled into pellets, and then drawn out into cables. He may then say that the re-insertion of the skeleton will cause little inconvenience. We should describe such a man as a mad-cap, for the laws of physical culture cannot be based on the separation

of the skeleton from the flesh. In the same manner, the laws of political economy which exclude human affections are of no use to man. And yet the political economists of today behave exactly like the gymnastic instructor. According to their mode of reasoning, man is a mere body —a machine—and they base their laws on this assumption. Though aware that man has a soul, they do not take it into account. How can such a science apply to man, in whom the soul is the predominant element ?

Every time there is a strike, we have a clean proof that economics is not a science, that it is worse than useless. In such situations, the employers take one view of the matter, the workers another. [Here] we cannot apply the laws of supply and demand. Men rack their brains to prove that the interests of the employers and the employees are identical. These men know nothing of such matters. In fact, it does not always follow that because their worldly interests—economic interests—are at variance men must be antagonistic to each other. Let us suppose that the members of a family are starving. The family consists of a mother and her children. They have only one crust of bread between them. All of them are hungry. Here, the interests of the two—of the mother on the one hand, and the children on the other—are mutually opposed. If the mother eats, the children will starve; if the children are fed, the mother will go hungry. There is no hostility between the mother and the children for that reason; they are not antagonistic to one another. Though the mother is the stronger, she does not eat up the bread. The same is true of men's relations with one another.

Let us suppose that there is no difference between men and animals, and that we must fight like animals in pursuit of our respective interests[1]. Even so we can lay down no general rule either way on whether or not the employer and the employee will always remain hostile to each other. Their attitudes change with circumstances. For instance, it is in the interest of both that work should be well and properly done and a just price obtained for it. But in the division of profits, the gain of the one may or may not be the loss of the other. It does not serve the employer's interests to pay wages so low as to leave his men sickly and depressed. Nor does it serve the worker's interests to demand a high wage irrespective of whether the factory pays its way or not. If the owner does not have enough money to keep the engine-wheels in repair, it will obviously be wrong for the worker to demand full wages or to demand any wages at all.

We can thus see that we are not likely to succeed in constructing a science on the basis of the principle of supply and demand. It was never God's intention that the affairs of men should be conducted on the

[1] The Gujarati has "common interests".

principle of profit and loss. Justice must provide the basis. Man must give up, therefore, all thought of advancing his interests by following expediency regardless of moral considerations. It is not always possible to predict with certainty the outcome of a given line of conduct. But in most cases we can determine whether a certain act is just or unjust. We can also assert that the result of moral conduct is bound to be good. We cannot predict what that result will be, or how it will come about.

Justice includes affection. The relation between master and operative depends on this element of affection. Let us assume that the master wants to exact the utmost amount of work from his servant. He allows him no time for rest, pays him a low wage, and lodges him in a garret. In brief, he pays him a bare subsistence wage. It may be argued that there is no injustice in all this. The servant has placed all his time at the master's disposal in return for a given wage, and the latter avails himself of it. He determines the limits of hardship in exacting work by reference to what others do. If the servant can get a better place, he is free to take it. This is called economics by those who formulate the laws of supply and demand. They assert that it is profitable to the master thus to exact the maximum amount of work for the minimum wage. In the long run, the entire society will benefit by it and, through the society, the servant himself.

But on reflection we find that this is not quite true. This method of calculation would have been valid if the employee were a mere machine which required some kind of force to drive it. But in this case the motive power of the servant is his soul, and soul-force contradicts and falsifies all the calculations of the economists. The machine that is man cannot be driven by the money-fuel to do the maximum amount of work. Man will give of his best only when his affections are brought into play. The master-servant nexus must not be a pecuniary one, but one of love.

[From Gujarati]

Indian Opinion, 23-5-1908

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146. LETTER TO M. CHAMNEY[1]

[JOHANNESBURG,]
May 23, 1908

[M. CHAMNEY, ESQ.
REGISTRAR OF ASIATICS
PRETORIA]

SIR,

I have the honour to acknowledge the receipt of your letter No. E/2698/7 of the 22nd instant with reference to the introduction of minors. If you will be good enough to let me have the names of the persons who have introduced minors, my Association will make careful inquiry and assist the Government to the utmost. But I respectfully beg to point out that in so far as the British Indian community is concerned and in so far as the Asiatic Act quoted by you is concerned, in view of the fact that the part of the compact between the Government and the British Indian community that was applicable to the latter has been fulfilled, the Act is considered a dead letter and the British Indian community will consider it a breach of the compromise if the Act is enforced. This does not mean that my Association wishes to encourage the entry of Asiatic minors who may have no right whatsoever to be in the country. All that my Association respectfully submits is that Act 2 of 1907 cannot operate on the British Indian community, but that a new Act of a general character should cover attempts of the nature described in your letter.

[ESSOP ISMAIL MIA]
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 30-5-1908

[1] Published in *Indian Opinion* under the title "The Registration Act Again: Prompt Repudiation". This was presumably drafted by Gandhiji.

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147. LETTER TO COLONIAL SECRETARY

[JOHANNESBURG,]
May 26, 1908

THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

Mr. Gandhi has just explained to me that it is the intention of the Government to legalize voluntary registration under the Asiatic Act and to make it applicable to Asiatics who have voluntarily registered, save for the penalties for non-registration under it hitherto. I beg to state that Mr. Gandhi, when, after the interviews with you, he explained the compromise to the British Indian community, gave a totally different version. He declared emphatically before vast audiences that, if the community represented by my Association accepted voluntary registration, the Asiatic Act would be repealed. The news now given by Mr. Gandhi, therefore, comes to the British Indian community as a most disagreeable surprise. The documents exchanged between you and Mr. Gandhi, in my humble opinion, also bear out the version given by the latter.

In this connection, I wish to draw the attention of the Government to the fact that the leaders of the Asiatic community, with much personal risk to themselves, endeavoured throughout the last three months unceasingly to help the Government to identify the British Indians resident in the Transvaal. The least, therefore, that my Association had a right to expect was a scrupulous regard for the part of the compact to be carried out by the Government. But, as I understand from Mr. Gandhi, you have irrevocably taken the step and stated that the new legislation that is to be passed will be merely to legalize registration under the Asiatic Act.

It will be the duty of my Association, therefore, again most reluctantly to take up the position that it occupied three months ago. My Association is advising British Indians in the Transvaal to withdraw their applications for voluntary registration and all documents lodged with Mr. Chamney. This was an act done by the community as a matter of grace and in order to show the Government its complete *bona fides*. It is impossible for the community to do otherwise than what I have above indicated, for the simple reason that it was never the intention to submit to an Act which the community was bound by a solemn obligation not to accept and moreover to strive to resist.

In conclusion, I venture respectfully to point out that the departure by the Government from the original intention and undertaking given

to the Asiatic community through Mr. Gandhi and his co-signatories is a most unfortunate event and likely to intensify the feelings of suspicion among the Asiatic races inhabiting the Colony, and, as I deem myself a citizen of this country, it hurts me to think that those who are in authority and who govern this country in my name should have little regard for solemn obligations.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 30-5-1908

148. LETTER TO M. CHAMNEY

P. O. BOX 4736,
JOHANNESBURG,
May 26, 1908

M. CHAMNEY, ESQ.
COLONIAL OFFICE
PRETORIA

DEAR SIR,

I beg to apply formally for a return of my application for voluntary registration and all the papers given by me to you in connection with the matter, for the following reasons.

I have just learnt that it is the definite intention of the Government to legalize voluntary registration under the Asiatic Act making the Act applicable to such Asiatics in every other respect. This I consider to be a distinct breach of the compact arrived at between the Government and the Asiatic communities of the Transvaal.

General Smuts told me at the interview at which you were present that, if the compact on the part of the Asiatic communities was carried out, he would repeal the Act. This, as you are aware, was in answer to my letter[1] of the 1st February last, asking for a definite assurance on the matter. I claim that the Asiatics have more than fulfilled their part of the contract. It was, therefore, the Government's duty to declare their intention to repeal the Act. Moreover, the letter accepted by General Smuts shows clearly that the Act was in no case to apply to those who might be voluntarily registered. The draft letter placed

[1] *Vide* "Letter to General Smuts", pp. 51-2.

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before the prisoners read that "to all who so register the penalties of the Act be not applied".[1] Knowing what I was doing, I deliberately struck off the words "the penalties of" in order that, even if the bulk of the Asiatics did not accept the compromise, those who did so might in any case be exempted from it entirely.[2] In proposing to legalize voluntary registration under the Act, therefore, General Smuts not only departs from the promise made by him to me but also from his acceptance of the letter above quoted.

The decision of the Government not to accept voluntary registration from the domiciled Asiatics now returning from Asia also means, in my opinion, a breach of the spirit of the compromise if not of its letter. This unfortunate decision shows that the General has failed entirely to appreciate the essence of the late struggle now about to be revived. It was never to obtain individual rights but to preserve and assert the communal rights and self-respect of Asiatics.

Under the circumstances, there is no course left open to me but the one I have now adopted. I am once more prepared, as a loyal citizen, to submit to the punishments involved in non-submission to the Asiatic Act. The compromise was never accepted by me or my fellow-workers to escape personal hardships but to show the reasonableness of our struggle. I propose to ask my brother-Asiatics to follow the same course that I have adopted.

You will, I have no doubt, perceive the gravity of the situation and comply with my request on or before Friday next.[3] This gives you time, should you desire it, to consult General Smuts by wire as to my letter. I am sure you will see that you have no legal right to the documents, including the application, possessed by you and which were given to you only as a matter of grace, and not in virtue of any law.

I am,
Yours faithfully,
M. K. GANDHI

Indian Opinion, 30-5-1908

[1] *Vide* "Letter to Colonial Secretary", pp. 40-2.

[2] That is, exempted from Act 2 of 1907 entirely

[3] Chamney did not reply at once. Gandhiji sent Smuts a telegram asking for the immediate return of his registration papers. This, however, is not available. *Vide* "Johannesburg Letter", p. 297.

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149. LETTER TO M. CHAMNEY[1]

[JOHANNESBURG,]
May 26, 1908

M. CHAMNEY, ESQ.
COLONIAL OFFICE
PRETORIA

DEAR SIR,

Mr. Gandhi has informed me that it is the intention of the Government to legalize voluntary registration under the Asiatic Act and to apply that Act to voluntary registrants in every respect, except that they will not be subject to the penalty for not having complied with it hitherto.

That is not how the compromise was explained to me and my Society by Mr. Gandhi. He, on returning from General Smuts on Thursday night, the 30th January last, and on returning from General Smuts on the 3rd February last, emphatically assured huge audiences of Indians that, if the Asiatic communities carried out their part of the contract of voluntarily offering to register, the Asiatic Act would be repealed.[2] I, for one, would never have accepted a compromise on any other basis, much less that of having to submit to the Asiatic Act under any conceivable circumstances. I was bound before the compromise, as I am bound now, by a solemn obligation not to submit to the Act for reasons I need not now go into, except one—that I, as Chairman of the Hamidia Islamic Society, would be totally unworthy to retain that position if I ever accepted an Act which puts an unwarranted affront on Turkish Mahomedans.

I must, therefore, ask you kindly to return to me my voluntary registration application form filled in by me and other documents in your possession. I have read the letter[2] addressed to you by Mr. Gandhi, and I associate myself entirely with the contents thereof. Should the Government at any time wish to carry out both to the letter and in the

[1] This letter as well as Quinn's, which follows, was presumably drafted by Gandhiji.

[2] *Vide* the preceding item.

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spirit the compact with the Asiatic communities, I will be pleased to return the documents.

Till then I propose to keep them myself.

I am,
Yours faithfully,
IMAM A. K. BAWAZEER
CHAIRMAN,
HAMIDIA ISLAMIC SOCIETY

Indian Opinion, 30-5-1908

150. LETTER TO M. CHAMNEY[1]

[JOHANNESBURG,]
May 26, 1908

M. CHAMNEY, ESQ.
COLONIAL OFFICE
PRETORIA

DEAR SIR,

I understand from Mr. Gandhi that it is the intention of the Government not to carry out the contract come to with the Asiatic communities. I am fully aware of the contents of the letter signed by me in conjunction with Messrs Gandhi and Naidoo, and it was explained sufficiently that the Act was never to apply to those who registered themselves voluntarily. The only reason we accepted the compromise was in order to bring about the repeal of the Asiatic Act, and of that I and my fellow-prisoners were sure, because we were sure of the honesty of the community to which I have the honour to belong and, therefore, also that voluntary registration would be gladly accepted by the people.

I have now to ask you to be kind enough to return my voluntary application form as also other documents in your possession; and, should the Government ever intend to carry out the compact come to with the Asiatic communities through General Smuts, I shall be pleased to return the documents. I have read Mr. Gandhi's letter addressed to you, and I associate myself entirely with the sentiments expressed therein.

I am,
Yours faithfully,
LEUNG QUINN
CHAIRMAN,
TRANSVAAL CHINESE ASSOCIATION

Indian Opinion, 30-5-1908

[1] An identical letter, also presumably drafted by Gandhiji, was sent on the same day to Chamney by Naidoo.

CWMG-VIII

151. RHODESIA INDIANS

The reader should think about the letter from Mr. Shakur Ismail of Rhodesia which we published last week.[1] The Colonial Government wants to enact a law similar to the one in the Transvaal. If it does, that will be a frightful thing indeed! The Indians in Rhodesia must offer battle. They are justified in expecting help from other quarters in case they are forced to fight, and we are convinced that, if they resort to satyagraha, they will also get help from all the Colonies [as the Transvaal Indians did]. Let us hope that they will not have to take that step.

However, whether or not a new law is passed, their problems deserve some attention. Even educated persons are refused entry [into that Colony] if they are unemployed. If they can produce evidence of having found employment, the excuse is then advanced that the employment is unsatisfactory. In the result, the Indians are deprived of the benefits under the existing law. It is possible to fight against this [state of affairs] by legal means. To be able to do that, they should consult a good lawyer in Rhodesia.

Apparently, difficulties also exist as regards trading licences. It must be borne in mind, however, that not many Indians will be able to enter [any of the South African] Colonies in the immediate future. Licences will not be issued freely. In the long run, however, Indians may be able to migrate to all the Colonies and also carry on trade. How soon this will happen will depend on Indians settled abroad. For this purpose, it is necessary that they should remain honest and observe sanitary and other regulations. It is also necessary that they hold up their heads as free men and do not submit to anything which may betoken cowardice. Translations[2] of articles, which we publish [this

[1] In his letter to the British Indian Association, Ismail, President of the Association of Rhodesia Indians, appealed for help. The letter mentions the following disabilities of Indians in Southern Rhodesia: (1) Although the immigration rules entitled educated Asiatics who could give satisfactory evidence of employment to enter the Colony, their employment was in practice held unsatisfactory; (2) no legal provision existed to safeguard the rights of those already resident in Rhodesia or those who wished to return after a temporary absence. A deputation to the Administrator at Salisbury failed to secure relief. A draft Ordinance, which was largely similar to the Transvaal legislation and sought to restrict Asiatic immigration, had been published in the *Gazette*. Simultaneously, another Ordinance to regulate the trade of general dealers and hawkers was published. This vested the power to grant licences in municipalities and sanitary boards. Licences could be issued only to those holding certificates under the Registration Ordinance.

[2] Not reproduced here

week] from *Free India*, a journal of recent origin, are relevant in this context. The same harsh treatment that is our lot here is being meted out to Indians in Canada. Most of the Indians who have settled in Canada hail from the Punjab. They have started this journal in order to seek redress of their grievances. Their writings evidence great courage.

Thus, Indians in different parts of the world are waking up. If they cultivate unity, real courage and truthfulness, they may be assured of easy success. However, impatience will not make the mango tree put forth its fruit sooner.[1]

[From Gujarati]
Indian Opinion, 30-5-1908

152. JOHANNESBURG LETTER

Beginning of Satyagraha

I said last week that General Smuts might play foul. It has now been proved that there has been foul play. It is known for certain that he has no intention of repealing the obnoxious Act. The Government has not yet made the news public, but it has spread in the Indian community, and everyone's blood is up. It would appear that the campaign has had a good beginning. We shall now get to know all about voluntary and compulsory [registration]. Mr. Essop Mia has addressed the following letter[2] to the Government.

Letter to Chamney

Mr. Gandhi has written the following letter[3] to Mr. Chamney.

Imam Abdool Kadir's Letter

Mr. Imam Abdool Kadir Bawazeer has written to Mr. Chamney as follows :[4]

> Mr. Gandhi has informed [me] that it is the Government's intention to legalize voluntary registration under the Asiatic [Registration] Act. While explaining the compromise Mr. Gandhi had stated emphatically that, if the Indian community took out registers voluntarily, the Government would repeal the Act. Since the Act will now not be repealed, it is impossible for me to submit to it. If I submit to a law which I am bound by a solemn obligation to

[1] A Gujarati saying
[2] For the English text of the letter, *vide* "Letter to Colonial Secretary", pp. 260-1.
[3] For the English text of this communication, *vide* "Letter to M. Chamney", pp. 261-2.
[4] *Vide* also "Letter to M. Chamney", pp. 263-4.

oppose and which puts an affront upon Turkish Mahomedans, I shall be totally unworthy of the position I hold. Kindly, therefore, return the application form filled in by me immediately along with the other documents. I have read Mr. Gandhi's letter[1] [to you] and I associate myself entirely with its contents.

In addition to this, Mr. Naidoo and Mr. Quinn have supported Mr. Gandhi's stand on the compromise as stated in his letter, and asked for the return of their documents. About a hundred other Indians have also written to Mr. Chamney asking him to return their applications and other documents to the Secretary of the Association.

What This Means

I think this decision to withdraw the [earlier] applications is likely to make a strong impression on Mr. Smuts. If the Government refuses to return the documents, I think it should be possible to take legal action. General Smuts will find it extremely difficult to return the documents. It will not do to refuse them. Equally, to return them will mean loss of face [for the Government]. But this will enable us to realize how much voluntary registration really means. If it had been a case of compulsory registration, it would have been impossible to ask for the applications to be returned.

I feel that the campaign will lead to a decision within a few days. Meanwhile, no Indian must so much as mention the Permit Office—for the present at any rate.

Those who wish to enter the Transvaal should postpone their plans for the present. It may be necessary to hold meetings in other parts of South Africa with a view to helping the Transvaal Indians.

Whether the good offices of Sir George Farrar and other gentlemen should be sought is being considered. This issue is likely to be raised in the English papers next week. We ought to wait for the reply to the notices mentioned above before discussing the subject in public. Now that the struggle has been resumed, every Indian must realize that it is directed against the Act, and that all the emphasis should accordingly be on this point. We use the argument about finger-impressions and thumb-impressions [to explain our campaign], but that only subserves the issue of the law itself. Just now, we should not even affix our signatures even under the law.

What Should We Demand Now?

If the Government gives a non-committal reply to these notices thus nullifying voluntary registration, and if all the Indians take the field again as satyagrahis, in any settlement that may follow, we shall not be bound by anything that we undertook to do earlier. Earlier we

[1] *Vide* "Letter to M. Chamney", pp. 261-2.

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had bound ourselves to register voluntarily. We made the offer of voluntary registration to prove our *bona fides*. Now these have been established for the most part. We can therefore raise our demands when a fresh settlement is negotiated. To my mind we shall be justified in advancing the following demands:

(1) Those who hold valid registers from the Dutch period should be entitled to register voluntarily.

(2) Those who have entered openly, but with permits, and have lived here for some time should be entitled to registration certificates.

(3) Those who can prove to the satisfaction of a court that they are refugees should be permitted to enter.

(4) No laws should be enacted to deprive a subject of his personal liberty exclusively on the basis of the colour of his skin.

(5) Educated Indians should be allowed to come in even if they are fresh entrants.

I do not think our campaign will reach a stage when we will be able to put forward these demands. Be that as it may, the struggle that has now been resumed cannot but be advantageous to the Indian community.

Meeting of British Indian Association Committee

A meeting of the Committee was held on Wednesday. Mr. Gandhi's office was crowded to capacity. Mr. Essop Mia attended the meeting with a gum plaster on his nose and took the chair. Mr. Gandhi explained the position at length.[1] The steps already taken as indicated above were approved. Everyone agreed that the satyagraha campaign should be resumed.

Circular Letter

The following letter has been circulated to all [the Town committees] in the Transvaal.

> It is now certain that the Government will go back on its word about voluntary registration and the new law. Ignoring his written assurance, General Smuts has stated that the proposed Bill will only legalize voluntary registration that has taken place under the new Act. To exploit voluntary registration in this manner is plainly foul play. General Smuts now wants to gull us by putting a wrong construction on the promise which he gave in writing.
>
> We need not be alarmed by this double-crossing. Since our cause is just, we have reason to believe that this double-crossing can only be to our advantage, if anything.

[1] The text of Gandhiji's speech at this meeting is not available.

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It is necessary now to resort to satyagraha. As a first step in the campaign, every Indian should write a letter requesting that the application made by him voluntarily be returned. He should ask for the application and the other documents to be returned to him, or sent to the Association. I attach herewith a specimen letter[1].

Here, everyone is in high spirits and prepared to resume the fight.

Ask everyone there to keep up their courage. For the present, no one must correspond with the Permit Office or even ask for registers[2], etc. Those without licences should continue their business fearlessly after tendering the licence fee.

Those who are prosecuted under the new law will be defended by Mr. Gandhi free of charge, exactly as was done earlier.[3]

It should be assumed that all of us are again without registers.

Essop Mia

Mr. Essop Mia is improving rapidly. He can now sit up in a chair. He has a gum plaster on his nose and the wound troubles him a little. The arm and other parts of the body where he was injured still hurt. A large number of persons call on him every day to ask after his health. He is now able to converse with them fairly comfortably. Mr. Phillips and Mr. Doke have been to see him a few times. He has also been receiving letters of sympathy from a number of towns.

[From Gujarati]

Indian Opinion, 30-5-1908

153. SARVODAYA [–III]

Roots of Truth

It usually happens that, if the master is a man of sense and energy, the servant works hard enough, under pressure; it also happens that, if the master is indolent and weak, the performance of the servant is not of the best in quality or quantity. But the true law is that, if we compare two masters of equal intelligence, the servant of the one who is sympathetically inclined will work better than that of the other who is not so inclined.

It may be argued that this principle does not quite hold, since kindness and indulgence are sometimes rewarded with their opposites. The servant becomes unmanageable. But the argument is neverthe-

[1] This is not available.

[2] The reference here may be to applications for voluntary registration.

[3] Gandhiji first announced his resolve to defend satyagrahis in a court of law free of charge in September, 1906. *Vide* Vol. V, p. 474.

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less invalid. A servant who rewards kindness with negligence will become vengeful when treated harshly. A servant who is dishonest to a liberal master will be injurious to an unjust one.

Therefore, in any case and with any person, this unselfish treatment will yield the most effective return. We are here considering affections only as a motive power. That we should be kind because kindness is good is quite another consideration. We are not thinking of that for the present. We only want to point out here that not only are the ordinary laws of economics, which we considered above, rendered nugatory by the motive power of kindness—sympathy—but also that affection, being a power of an altogether different kind, is inconsonant with the laws of economics and can survive only if those laws are ignored. If the master is a calculating person who shows kindness only in expectation of a return, he will probably be disappointed. Kindness should be exercised for the sake of kindness; the reward will then come unsought. It is said that he who loses his life shall find it, and he who finds it shall lose it.[1]

Let us take the example of a regiment and its commander. If a general seeks to get his troops to work in accordance with the principles of economics, he will fail. There are many instances of generals cultivating direct, personal relations with their men, treating them with kindness, sharing their joys and hardships, ensuring their safety —in brief, treating them with sympathy. A general of this kind will be able to exact the most arduous work from his troops. If we look into history, we shall rarely find a battle won where the troops had no love for their general. Thus the bond of sympathy between the general and his troops is the truest force. Even a band of robbers has the utmost affection for its leader. And yet we find no such intimate relation between the employer and the employees in textile mills and other factories. One reason for this is that, in these factories, the wages of the employees are determined by the laws of supply and demand. Between the employer and the employee there obtains, therefore, the relation of disaffection rather than of affection, and instead of sympathy between them we find antagonism. We have then to consider two questions: one, how far the rate of wages may be so regulated as not to vary with the demand for labour; second, how far workmen can be maintained in factories, without any change in their numbers irrespective of the state of trade, with the same bond [between workmen and employer] as obtains between servants and master in an old family, or between soldiers and their commander.

Let us consider the first question. It is surprising why economists do nothing to make it possible for standards of payment for factory

[1] *St. Matthew*, Ch. X, *v.* 39

workers to be fixed. We see, on the other hand, that the office of the Prime Minister of England is not put up to auction, but that whoever the incumbent, the remuneration remains the same. Nor do we offer the job of a priest to anyone who agrees to accept the lowest salary. With physicians and lawyers, too, we do not generally deal in this manner. Thus we observe that in these instances a certain standard of payment is fixed. It may be asked, however, whether a good workman and a bad one must both be paid the same wage. In fact, that is as it should be. In the result, the rate of wages for all workers being the same, we shall engage only a good bricklayer or carpenter as we go only to a good physician or lawyer—the fees of all physicians or lawyers being the same. That is the proper reward of the good workman—to be chosen. Therefore, the right system respecting all labour is that it should be paid at fixed rates. Where a bad workman finds it possible to deceive employers by accepting a low wage, the eventual outcome cannot but be bad.

Let us now consider the second point. It is that, whatever the state of trade, the factories must maintain the same number of workers in employment. When there is no security of employment, the workers are obliged to ask for higher wages. If, however, they can be assured of continued employment for life, they will be prepared to work for very low wages. It is clear therefore that the employer who assures security of employment to his workers will find it profitable in the long run. The employees also stand to gain if they continue steadily in the same job. Large profits are not possible in factories run on these lines. Big risks cannot be taken. Gambling on a large scale will not be possible. The soldier is ready to lay down his life for the sake of his commander. That is why the work of a soldier is considered more honourable than that of an ordinary worker. The soldier's trade is really, not slaying, but being slain in defence of others. Anyone who enlists as a soldier holds his life at the service of the state. This is true also of the lawyer, the physician and the priest. That is why we look up to them with respect. A lawyer must do justice even at the cost of his life. The physician must treat his patients at the cost of inconvenience to himself. And the clergyman must instruct his congregation and direct it along the right path, regardless of consequences.

[From Gujarati]

Indian Opinion, 30-5-1908

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154. LETTER TO "INDIAN OPINION"[1]

[JOHANNESBURG]

THE EDITOR
INDIAN OPINION

SIR,

Though everyone knows that I write a great deal for the Gujarati section of this journal, it is rarely that I do so under my signature. Here is another occasion for me to write under my name.[2]

When I saw Mr. Cartwright last Saturday, he showed me Mr. Smuts' letter in which he has said that the proposed Bill was intended only to legalize voluntary registration. The Bill will provide for Indians who have taken out registers voluntarily to be exempted from the penalties in the new law for breach of its provisions. For all the other purposes, they too will be subject to that law. This is double-crossing, pure and simple. Though not dead yet, we are as good as dead. This need not be so, however, if our cause is just.

'The law, it was said, was sure to be annulled. What has happened to all that talk? What has come of Mr. Gandhi's words? What will he have to say for himself now? How will he face the Indians?' I hear those questions echoing in my ears.

Even now I say that the law will be repealed, provided the Indian community carries through the satyagraha campaign. I stand by my words. There is no reason for me to feel so ashamed that I cannot face my brethren. I need be ashamed if I myself betray the cause. There is nothing that can be gained through deception. Neither will Mr. Smuts gain anything thereby. It is undoubtedly true, as I said earlier, that there exists a written document.[3] If Mr. Smuts chooses to give a perverse reply about this letter, that does not prove that I was to blame [for having agreed to the compromise in the first instance].

I remember the warning given by a large number of Indians and whites. They told me not to trust General Smuts. I trusted him up to a point. There is nothing else one could have done. That is how political affairs always have been, and will be, conducted. When the two parties to a settlement know their strength, foul play can avail little. I believe the strength of the Indian community consists in its truth. General Smuts' falsehood will prove unavailing in the face of that truth.

[1] This was published under the title "From A Correspondent: Mr. Gandhi's Letter".

[2] For an earlier letter in the same strain, *vide* "A Brief Explanation", pp. 99-101.

[3] *Vide* "Letter to Colonial Secretary", pp. 40-2.

To those who blame me, I have only this to say: 'If you were sincere in your reproaches, you should join the satyagraha movement again. It was because I put my trust [in General Smuts] that I advised voluntary registration. We took a pledge to see to it that the law would be repealed; you and I have fought together to fulfil that pledge and let us now continue to do so. It will suffice if you do this. You deserve to be congratulated in that your suspicions have been justified. If, in the sequel, my trust turns out to have been ill-placed, I do not hold myself responsible, for I had no alternative then. Even if you think otherwise, the Indian community has lost nothing for having trusted [General Smuts]. For we shall gain more now if we stand together.'

To those who were pleased with me on account of the settlement, and who approved of it, I should say: 'If General Smuts is bent on playing foul, it does not follow that the settlement itself deserves to be condemned. It has been nothing if not beneficial. If our strength is real, we will not retreat an inch. On the contrary, the more the other side attempts foul play, the better to advantage will our truth be set off. Diamonds shine the brighter for being strewn among stones. Learn to think of truth in this way.' Whether or not those who have been angry with me or those who approved of my action join the satyagraha campaign, my pledge stands. I will never submit to the obnoxious Act. I will fight it unto death, even if I should be the only one to do so. I hope Khuda-Ishwar will inspire the same thought in every Indian.

I remain your satyagrahi,
MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 30-5-1908

155. LETTER TO E.F.C. LANE

JOHANNESBURG,
May 30, 1908

DEAR MR. LANE,

Will you kindly let me know whether I may publish my letters of the 1st February and the 22nd February last and replies thereto.

With reference to your last note, I wish to state that I never asked for or desired any protection for myself from the Government, nor do I desire any now.[1]

I am,
Yours truly,

From a photostat of the typewritten office copy: S. N. 4818

[1] *Vide* "Letter to General Smuts", p. 253 and footnote 4 on that page.

156. JOHANNESBURG LETTER

[Before *May 30, 1908*]

HAWKERS, LOOK OUT!

There is a journal called *De Transvaaler* published in English and Dutch from Johannesburg. It has attacked Indians hawking vegetables. I give below an extract from the journal's comments:

> White women continue to patronize Indian hawkers selling vegetables. This is detrimental to white interests. Seven Indians were fined in February for storing their vegetables in bedrooms. The municipality did not confiscate the stocks, though it had the right to. In Jubilee Street, there are three latrines in front of Nathanson's house, one of which is used as a urinal, another as a lavatory and the third for stocking vegetables. Will any woman who knows of this and values cleanliness buy these vegetables? Moreover, there are two municipal stables which the coolies use for sleeping in and for storing their vegetables. Inspectors should go round at night to detect the offenders.

This is what the journal says. True, much of it is exaggeration. But it is undoubtedly true that some hawkers live in unclean surroundings, are dirty of person and store the vegetables in dirty places. If they do not improve, it may be taken for granted that in course of time no Indian hawkers will be left in this country. These reports of our uncleanliness come at a time when proposals are being mooted for legislation on hawkers' licences. I have earlier suggested that, if they stop issuing licences to hawkers, the latter can successfully resort to satyagraha. But in satyagraha, it must be remembered, truth must not be forsaken. I think it unfair that the hawkers do not adhere to [proper standards of] cleanliness or that they store vegetables in unclean places; and what is unfair is contrary to truth.

Monday [*June 1, 1908*]

SATYAGRAHA CAMPAIGN

This campaign cannot yet be said to have really started. But it may be claimed the foundations have been laid. In reply to Mr. Gandhi's notice[1], Mr. Chamney wrote that a reply to the request for the return of the applications would be sent after General Smuts' return from the Cape. Mr. Gandhi sent a telegram[2] saying that this was not a matter

[1] *Vide* "Letter to M. Chamney", pp. 261-2.
[2] Not available

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that could wait, and that the documents should be returned without delay. The telegram was despatched on Friday. On Saturday, a telegram was received [in reply] stating that the draft Bill[1] submitted by Mr. Gandhi having been misplaced, another copy should be forwarded. Copies were then sent of Mr. Gandhi's letter[2] of February 22 and the draft of the proposed Bill. On Monday, a telephone message was received to the effect that General Smuts had called a meeting of the Cabinet and that a reply would be sent on Tuesday. This is where matters stand as I write this news-letter on Monday evening.

Cartwright's Efforts

All this while, Mr. Cartwright has been exerting himself a great deal. He arranged [for Mr. Gandhi] to meet Sir Percy Fitzpatrick, Mr. Chaplin and Mr. Lindsay. All these persons admit that the outrageous Act ought not to apply to those who have taken out registers voluntarily or may do so in future. The last word in the matter clearly rests with the Indian community.

Since the negotiations are now going on in private, no other steps are called for, which is why a mass meeting has not been held. If a fight becomes inevitable, it will be necessary to hold one.

It was decided not to publicize the letters sent to the Government, but *Pretoria News* has already reproduced them from *Indian Opinion*.

Notices demanding the return of applications continue to be served on Mr. Chamney. Hopes of a settlement have, however, induced some slackness in this regard. Circular letters [from the British Indian Association] have been sent round to [committees in] all the towns. Everyone will send the notice.[3]

Tuesday [*June 2, 1908*]

Mr. Hosken, Mr. Doke, Mr. Phillips, Mr. Polak, Mr. Perry and others met at Mr. Hosken's office. At this meeting, they reaffirmed their decision to lend assistance to the Indian community. There has been no news so far from Pretoria.

Cemetery

For some time the local Town Council has had an eye on the Muslim section of the cemetery. It is obviously much too large. But it is the view of the Moulvis that, since the place has been used as a Muslim cemetery, non-Muslims may not be buried there. The Hamidia

[1] *Vide* enclosure to "Letter to General Smuts", pp. 103-4.
[2] *Vide* "Letter to General Smuts", pp. 101-3.
[3] *Vide* "Johannesburg Letter", pp. 268-9.

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Islamic Society has accordingly written to say that non-Muslims must not be buried there. On Friday, a deputation in this connection waited on the Chairman of the Park Committee near the cemetery. It consisted of Moulvi Ahmed Mukhtiar, Imam Kamali, Imam Abdool Kadir, Mr. Abdul Gani[1], Mr. Shahabuddin and Mr. Gandhi. The deputation met the Park Committee on Monday at half-past three. This time, it included Mr. Abdul Gani, Imam Kamali, Imam Abdool Kadir and Mr. Gandhi. They placed the whole position before the [entire] Committee and requested it to consider the matter.

Good Use of Gifts

Mr. Polak had received a gift of £50 from the British Indian Association in connection with the last campaign. Instead of spending the money on themselves, Mr. Polak and Mr. Isaac [who received a similar gift] decided to use it for the [benefit of the] Indian community. Accordingly, Mr. Polak has sent the amount as a gift to Joseph[2] who is passing through a difficult time in England and has had to stop his work due to lack of funds. Mr. Isaac decided to spend the sum received by him to further the cause of Indian education, and has done so. I have already referred to the gifts received by Mr. Doke and Mr. David Pollock.[3] They have decided to use them in the cause of Asiatic education. This way of using one's gifts clearly deserves to be admired and emulated.

Wednesday [*June 3, 1908*]

News has been received today that, most probably, General Smuts will repeal the Act. There has so far been no intimation from the Government. But all the white leaders are still discussing the question.

[From Gujarati]
Indian Opinion, 6-6-1908

[1] A businessman who was for some time chairman of the British Indian Association

[2] Joseph Royeppen; born in Natal of indentured Indian parents; barrister-at-law and graduate of Cambridge University; was one of the five student-signatories to a representation to Lord Elgin against the Asiatic Law Amendment Ordinance and generally helped the Transvaal Indian Deputation during its stay in England; *vide* Vol. VI, pp. 78-80 & 259. Later became satyagrahi and went to gaol as unlicensed hawker; *vide Satyagraha in South Africa*, Ch. XXX.

[3] *Vide* "Johannesburg Letter", p. 162.

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157. LETTER TO E. F. C. LANE

JOHANNESBURG,
June 3, 1908

DEAR MR. LANE,

I wrote to you on Saturday,[1] asking for General Smuts' permission[2] to publish correspondence that has passed between us and was marked "confidential" in connection with the Asiatic Act. May I now have a reply?

I am,
Yours truly,

ERNEST F. C. LANE, ESQ.
PRETORIA

From a photostat of the typewritten office copy: S. N. 4819

158. LETTER TO GENERAL SMUTS[3]

[JOHANNESBURG,]
June 6, 1908

[DEAR MR. SMUTS,]

I hope you will pardon me for writing you about the interview[4] that took place today between you and me. While I appreciate your desire to abide by the compromise, I cannot help saying that the interview was not satisfactory. You still hesitate about repeal of the Act, and you are emphatic that, if the Act is not repealed, it is under it that Asiatics who arrived after the 9th ultimo and who had a right to enter the country should be registered. The repeal of the Act, as I have always said, was the goal of the Asiatics, and they have done much

[1] *Vide* "Letter to E. F. C. Lane", p. 273.

[2] Lane wrote to Gandhiji on the 4th refusing this permission on the ground that, since these letters had been confidential and personal, the Colonial Secretary had not replied at any length to, or controverted, statements contained in Gandhiji's letters, and "the publication of this correspondence therefore would throw an incorrect light upon the whole matter". S. N. 4821.

[3] A copy of this letter was sent by Ritch as an annexure to his letter of July 27, 1908 to the Colonial Office.

[4] In a letter written on behalf of General Smuts on June 4, 1908, Lane had asked Gandhiji for an interview to discuss the "draft Asiatic Bill" for the retrospective validation of voluntary registration; *vide* S. N. 4822.

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and surrendered much, in order to reach the goal. I have gathered also that you admit the Asiatic Act to be wholly bad, and that amendment of the Immigrants' Restriction Act is not an undesirable way of solving the problem. I once more remind you of what you told me at the interviews on the subject: that, if the Asiatics carried out their part of the compromise, you would repeal the Act. I know you added also that if there was one recalcitrant Asiatic who obstinately refused to take out a voluntary registration certificate you would enforce the Act against that Asiatic. As a matter of fact, within my knowledge, there is no such recalcitrant Asiatic left. But, if there were, I have taken the above expression to be purely theatrical to emphasize the fact that the vast majority of the Asiatics then resident in the Colony should abide by the compromise. This they have done.

Time is of the essence of the contract at the present moment, and I do hope that you will let me make a definite statement that the Act is to be repealed. Otherwise, I shall be reluctantly compelled to fall back upon my letter[1] to Mr. Chamney as to withdrawal of the application form. I am most anxious to avoid a situation of that character, but it is impossible to wait for the assurance till the first week of the opening of Parliament. If, therefore, you cannot give the assurance, and if you cannot return the application forms to those[2] who have written for their return, an application must be made to the Supreme Court for an order compelling the return of the documents.[3]

In an amendment of the Immigrants' Restriction Act, I venture to suggest that it will not at all satisfy the Asiatics if the question of people to remain in or enter the country is left to the discretion of an Administrative Officer. That, as in every other Colony, should be decided judicially.

The right of those who have paid a £3 fee to the old Dutch Government, I need hardly say, should be respected. There are many such already in the Transvaal with vested interests. They have also applied. These were contemplated, I am sure, by Mr. Patrick Duncan, when he first introduced his Bill, and their claim, in my opinion, ought not to be disregarded.

Mr. Lane wrote to me on Friday[4], saying that the letters of the 1st and 22nd February last addressed by me to you, being confidential, should not be published. As they constitute proof positive of my contention that you promised to repeal the Act, should you withdraw

[1] *Vide* "Letter to M. Chamney", pp. 261-2.

[2] Bawazeer, Quinn, Naidoo and others; *vide* "Letter to M. Chamney", pp. 261-2, 263-4 & 264 and "Johannesburg Letter", pp. 266-7.

[3] This was done on June 23, 1908.

[4] Lane, in fact, wrote on June 4. 1908, which was a Thursday.

from that position, and should you controvert the statement made by me, I hope you will not bind me to one-sided confidence.

[*Yours etc.*,
M. K. GANDHI]

[GENERAL J. C. SMUTS
COLONIAL OFFICE
PRETORIA]

Indian Opinion, 4-7-1908

Also India Office, Judicial and Public Records: 2896/08

159. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
June 6, 1908

DEAR MR. CARTWRIGHT,

Following the precedent you have allowed me to adopt, I send on to you copy of my letter[1] to General Smuts. The interview was both satisfactory and unsatisfactory—unsatisfactory because the situation required consideration *de novo*, and therefore, I had to return without a definite assurance of repeal. But what I have gathered is that if the Progressive Party does not place any obstacles in the way, the Act will be repealed, and what I also gathered was that, if we remain true to our principles to resist, there is absolutely no escape from it. He realizes that he cannot have two laws on the Statute-book for the same purpose. He has departed absolutely from the position that voluntary registrants should have their status defined under the Asiatic Act, so that if we did not remain firm and the Progressive Party put obstacles in this[2] way, we might have the ludicrous position of 6,000 to 7,000 Asiatics practically lawless, shall I say?

I shall take an early opportunity of seeing you. Meantime, may I rely upon you to continue the role of Angel of Peace, and to sufficiently change the Progressive mind in favour of Justice and Righteousness ?

Yours sincerely,

From a photostat of the handwritten office copy: S. N. 4823(a)

[1] The preceding item
[2] An error for "his"?

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160. CRIME WAVE IN NATAL

A correspondent draws our attention to the frequency of the recent murders in Natal. There have been, he says, seven murders within two weeks: one in Tongaat, two in Cato Manor, one in Springfield, one in Northdene and two in Durban. The correspondent adds that only in one of the seven cases have the police been able to apprehend the murderer. And that because the culprit gave himself up. The correspondent also reports an increase in the number of thefts.

This matter deserves attention. A people that aspires to the privileges of freedom must have the strength to defend itself. There are two ways of doing this. The first—a simple and straightforward though difficult way—is to reform ourselves, to avoid the creation of circumstances that occasion murder, not to hoard wealth, and to reform those with criminal propensities. Till the criminal improves, he must be allowed to commit as many murders as he likes. He will give up when he wearies of killing. Clearly, this is at once a divine and a natural law. As a people, however, we are not yet free to follow this course of not punishing a murderer. We shall not assert that a time will never come when all of us acquire enough courage to become indifferent to life and property, but only that it is improbable that this state of affairs will ever come about. History records no instance of this ever having happened among any people. However, instances are known of individuals who have acted in that manner.

If we cannot adopt this course, there is another which we, as a people aspiring to be free, ought to know about—that of countering force with force. We should become strong enough to defend life and property. Of course, protection is provided by the Natal Government. But whites do not look on helplessly [when attacked by anyone]. They equip themselves with the means of self-defence. If anyone counters by saying that we are not allowed to keep arms or that we cannot have them when we need them, those excuses will not be valid. We can defend ourselves without weapons. It is a matter of training one's body and of skill. When we were attacked by the whites in America, we hid ourselves. When they attacked the Japanese, the latter armed themselves with sticks and bottles.[1] Many whites are able to defend themselves without so much as a revolver. Indians must learn to do likewise. This of course cannot happen in a day. 'While a fire is raging, what is the use of advising one ever so wisely that one should start

[1] The incident referred to took place in Canada; *vide* "Indians in Canada", pp. 206-7.

digging a well?' This would be a well-deserved taunt. But we wish to suggest a measure that can be adopted immediately and will forestall this taunt. Primarily our duty is to search out the hidden causes and suggest permanent remedies. It is quackery to apply ointment on a boil; the infection should be traced to its source and effectively treated.

The immediate thing for the Indian community to do is to petition the Government asking for stricter police protection in localities where murders are frequent. There is little possibility of the Government being able to provide such protection in outlying areas. The residents of these localities or regions should act collectively and employ their own watchmen. Alternatively, the people in sparsely populated areas should shift to more thickly populated ones. Acting collectively in these matters is an essential characteristic of nationhood. We are about to become a nation. But Indians must bear in mind that they are not yet a nation in the modern sense of the term. We cannot become something by imagining we are that.

[From Gujarati]
Indian Opinion, 6-6-1908

161. SARVODAYA [–IV]

Roots of Truth

If this can happen in the professions mentioned, why not in trade and commerce? Why is it that trade is always associated with unscrupulousness? We shall see on reflection that it is always assumed that the merchant is moved [solely] by self-interest. Even though he has a socially useful function, we take it for granted that his object is to fill his own coffers. Even the laws are so drafted as to enable the merchant to amass wealth with the utmost speed. It is also accepted as a principle that the buyer must offer the lowest possible price and the seller must demand and accept the highest. The trader has thus been encouraged in this habit, yet the public themselves look down on him for his dishonesty. This principle must be abandoned. It is not right that the merchant should look only to self-interest and amass wealth. This is not trade, but robbery. The soldier lays down his life for the state and the trader ought to suffer [a comparable] loss, ought even to lose his life in the interests of society. In all states the soldier's profession is to defend the people; the pastor's to teach it; the physician's to keep it in health; the lawyer's to enforce pure justice in it; and the merchant's to provide for it. And it is the duty of each on due occasion to die for the people. The soldier must be prepared to die at his post of

duty rather than desert it. During a plague epidemic, the physician must not run away [from his task] but instead attend to the patients even at the risk of infection. The priest must lead people from error to truth even if they should kill him for it. The lawyer must ensure, even at the cost of his life, that justice prevails.[1]

We pointed out above the proper occasions for members of the professions to lay down their lives. What, then, is the proper occasion for the merchant to lay down his life ? This is a question which all, the merchant included, must ask themselves. The man who does not know when to die does not know how to live. We have seen that the merchant's function is to provide for the people. Just as the clergyman's function is not to earn a stipend but to instruct, so the merchant's function is not to make profits but to provide for the people. The clergyman who devotes himself to preaching has his needs provided for, and in the same manner the merchant will have his profits. But neither of them must have an eye only on the main chance. Both have work to do—each a duty to perform—irrespective of whether or not they get the stipend or the profit. If this proposition is true, the merchant deserves the highest honour. For his duty is to procure commodities of high quality and distribute them at a price which people can afford. It also becomes his duty at the same time to ensure the safety and well-being of the hundreds or thousands of men working under him. This requires a great deal of patience, kindness and intelligence. Also, in discharging these several functions he is bound, as others are bound, to give up his life, if need be. Such a trader would not sell adulterated goods or cheat anyone, whatever his difficulties or even if he was going to be reduced to utter poverty. Moreover, he will treat the men under him with the utmost kindness. Very often a young man taking up a situation with a big factory or commercial house travels a long way from home, so that the master has to accept the role of his parents. If the master is indifferent, the young man will be like an orphan. At every step, therefore, the merchant or the master must ask himself this question, 'Do I deal with my servants as I do with my sons?'

Suppose a ship's captain places his son among the common sailors under his command. The captain's duty is to treat all sailors as he would treat his son. In the same manner, a merchant may ask his son to work alongside of those under him. He must always treat the workers as he would then treat his son. This is the true meaning

[1] Ruskin found Beauty in "the appearance of felicitous fulfilment of function in living things, more especially of the joyful and right exertion of perfect life in man". (*Modern Painters*, Vol. II, Part III, Sec. I, Ch. 3.) Gandhiji, too, speaks of the beauty (ખૂબી) of satyagraha, which is "suffering undergone to exemplify Truth". To see Truth is to assent to it, and thus it helps Reason as a means of ordering social relations.

of economics. And as the captain is bound to be the last man to leave his ship in case of shipwreck, so in the event of famine or other calamities, the trader is bound to safeguard the interests of his men before his own. All this may sound strange. But the really strange thing about the modern age is that it should so sound. For anyone who applies his mind to it will be able to see that the true principle is as we have stated it. Any other standard is impossible for a progressive nation. If the British have survived so long, it is not because they have lived up to the maxims of economics, but because they have had many heroes who have questioned them and followed instead these principles of moral conduct. The harm that results from the violation of these principles and the nation's consequent decline from greatness, we shall consider on another occasion.

[From Gujarati]
Indian Opinion, 6-6-1908

162. JOHANNESBURG LETTER

[*Monday, June 8, 1908*]

Was Settlement in Writing?

This question has been raised in many quarters. I therefore give here again a translation of the letters on the basis of which the settlement was reached. I say "again" because these were translated or summarized[1] in February. The genesis of the letter [to Smuts,] written from gaol, must be remembered. Mr. Cartwright met us in gaol on behalf of the Government and presented a letter to Mr. Gandhi for signature. Some alterations were made in the draft, and the amended letter was taken to General Smuts. The following is a translation of the letter[2].

What Were the Changes?

This is the letter that was sent. The original draft Act had the following features:

1. it did not refer to the Chinese;
2. even children under sixteen were to take out registers voluntarily;
3. it was provided that the voluntary registrants should not be subject to the penalties of the Act;
4. no provision was made for Indians who might return to the Colony after the date of the settlement;

[1] They were translated and paraphrased in the process. *Vide* "Johannesburg Letter", pp. 65-75.

[2] This has not been translated; for English text, *vide* pp. 40-2.

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5. the Registration Office was to be re-opened;
6. no reference was made to religious susceptibilities.

In the letter mentioned above,

1. the Chinese were included;
2. it was provided that children under sixteen should not have to take out the new registers even on a voluntary basis;
3. it was provided that the Act would not apply to voluntary registrants; (The reader should note that there is a great deal of difference between "the Act would not apply [to those who register voluntarily]" and "[they] would not be subject to the penalties of the Act".)
4. those who came after the date of the settlement were also given the right to apply for voluntary registration;
5. the "reopening of the Registration Office"[1] was capable of two interpretations. We therefore wrote "[in order] to accept" registration;
6. reference was made to religious susceptibilities to point out that they must be respected.

If now we remember that, since the number of those who have applied for voluntary registration is very large, the Act ceases to have any meaning, it will be noted that the repeal of the Act was implied [in our letter].

Reply from General Smuts

General Smuts sent the following reply to this:[2]

What This Means

In this letter General Smuts accepted unconditionally [the terms contained in] the prisoners' letter. It therefore implied acceptance of the condition that the voluntary registrants would not come within the scope of the law, from which it is clear that, if all the Indians or a majority of them took out these registers, the law would have to be repealed.

Moreover, after his meeting with General Smuts on February 1, Mr. Gandhi wrote to him. He was then invited to [go to] Pretoria on the 3rd. On this occasion, too, the repeal of the Act was discussed and later, on the 22nd, Mr. Gandhi sent a draft Bill[3] in this connection to General Smuts. All this is probably known to the reader. There is no doubt therefore that there exists a written commitment about the repeal of the Act. General Smuts wanted to go back on it, but we

[1] What Gandhiji actually did was to change "reopen registration" into "accept registration"; *vide* footnote 6, p. 41.

[2] As the English text of this letter, which was from the Acting Assistant Colonial Secretary, is reproduced in full earlier (p. 65), it has not been retranslated here.

[3] *Vide* enclosure to "Letter to General Smuts", pp. 103-4.

can see now that he will not be able to do so. Of course, we cannot take it for granted that he will not do so. What he does will depend entirely on our courage.

INTERVIEW WITH GENERAL SMUTS

As a result of the notices sent by Indians withdrawing their applications and the good offices of friends like Mr. Cartwright, a letter was received from General Smuts last Friday [inviting Mr. Gandhi] for a discussion on the proposed Bill. A meeting of the Committee [of the British Indian Association] was immediately held. Mr. Essop Mia also attended. It was resolved at the meeting to send a reply to General Smuts to say that Mr. Gandhi would see him in order to acquaint himself with the nature of the Bill and he would then report to the Committee on the interview. Mr. Gandhi was instructed not to commit himself in any way to General Smuts. He was only to reiterate the demand for the repeal of the outrageous Act.

The interview with General Smuts took place on Saturday. Mr. Mathews, who had drafted the Bill, Mr. Gorges[1] and Mr. Chamney were present at the meeting. In the course of the talk they discussed the question of amending the immigration Act and repealing the [Asiatic Registration] Act. General Smuts admitted that the Asiatic Act served no useful purpose. Mr. Lane's letter to Mr. Cartwright was the result of a mistake. He added that, whatever the nature of the Bill that was ultimately passed, the voluntary registrants would certainly not be subject to the Asiatic Registration Act. No clarification was, however, offered about the status of those who had not taken out registers [voluntarily], neither was any assurance given about the repeal of the Act; it was merely stated that the Bill was yet to be drafted. That is to say, General Smuts means to keep at least one of his three promises, and voluntary registrants will not therefore come within the scope of the law. [But] fulfilling this promise implies the fulfilment of the two others as well. For it cannot happen that one half of the Indian community is governed by one law and the other half by another. That is, the law will be repealed. It has to be. The new Bill must also make provision for those who may enter the Colony hereafter.

LETTER TO SMUTS[2]

But it is felt that General Smuts may do [the Asiatics] justice only because of his fear of satyagraha and because he is afraid that other-

[1] Then Acting Assistant Colonial Secretary, Transvaal

[2] The letter is not reproduced here; *vide* "Letter to General Smuts", pp. 277-9.

wise he will have to return the applications [for voluntary registration]. Mr. Gandhi wrote the following letter to him on Saturday.

That is the position up to Monday evening.

[From Gujarati]

Indian Opinion, 13-6-1908

163. LETTER TO H. L. PAUL

JOHANNESBURG,
June 11, 1908

DEAR MR. PAUL,

Mr. Louis Joseph[1] writes to me that you are now interesting yourself in Joseph Royeppen. If you can make a collection, it will be rather good, because Joseph will certainly want some more money. Collection here is still going on. What is more, if the collection is made, it can be handed to Mr. Polak, because Mr. Polak has not irrevocably given the £50.[2] He expects Joseph to return it, so that the money can be used again for a useful purpose.

Ward Angie[3] has evidently forgotten her guardian entirely. She perhaps thinks she is no longer fit to be a ward, but tell her not to forget that it was not long ago when she had to be carried on the joint arms of Mr. Isaac and myself a good distance.

Yours sincerely,
M. K. GANDHI

H. L. PAUL, ESQ.[4]
CHIEF MAGISTRATE'S OFFICE
DURBAN

From a copy of the original: C.W. 4547. Courtesy: Eugene Joseph Paul, Pietermaritzburg

[1] Brother-in-law of Joseph Royeppen
[2] *Vide* "Johannesburg Letter", p. 276.
[3] The addressee's daughter
[4] An Indian interpreter in Magistrates' Courts in South Africa

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164. *NATAL LICENSING ACT*

We hope that the successful outcome of Mr. Kazi's[1] appeal will not lead any Indian to expect that the trouble about licences is over. All that this case shows is that only those persons whose interests are affected have a right to be heard in an appeal. This appeal should be treated as similar to the case[2] of Somnath Maharaj. As long as the licensing Act continues to be in force and the final authority rests with the [Licensing] Officer, the Indian trader will continue to run a serious risk. What is worse, the threatened legislation is like a red-hot brand held against an already blistered skin.

At a time when the community is faced with these problems, we find some persons engaged in a dispute about the rights of the Main Line Indians. We do not see any conflict between the interests of the Main Line Indians and those of the others, so the question as to who the trustee is does not arise. If the affairs of the Congress are conducted honestly, there is nothing more to be said. Many persons from among the Main Line Indians hold the office of Vice-President. If it is possible for them to visit Durban occasionally, they can also get themselves included in the Managing Committee. This is not impossible. But the work of the Committee should not later have to be held up because these persons do not attend [meetings]. The best course for the Main Line Indians would be to nominate some representatives in Durban, in whom they have confidence, and ask them to attend every meeting.

But compared to the danger that threatens, this is an insignificant dispute. What is needed is for all of us to join hands in opposing the Government. A great flood is approaching; and it must be stemmed. All available hands are needed. How can this [task] be achieved?

[1] On Kazi's behalf, one Hillier filed an appeal in the Natal Supreme Court against a decision of the Licensing Board of the Mapumulo Division, which had refused to confirm a renewal of licence granted him by the Licensing Officer. The ground of appeal was that, since Mr. Carter, a member of the Board who was also a store-keeper in the same Division, was an interested party, he was not a fit and proper person to deal with the case. In his judgment the Chief Justice ruled that Mr. Carter had no such interest that disqualified him from sitting on the Board. As for Mr. Whittaker, who was only an employee in a store and who had appealed before the Board against the renewal of Kazi's licence at the Board hearing, the Chief Justice observed that his interest was not sufficient to justify his opposing the grant of a licence. No person, he said, was entitled to appeal unless he had a direct, personal and substantial interest. The Court quashed the proceedings of the Licensing Board.

[2] *Vide* Vol. VI, p. 422.

Satyagraha provides the proper remedy against both the existing and the proposed legislation, and in satyagraha, unity is imperative. Every Indian must, therefore, don armour in order to join battle.

[From Gujarati]
Indian Opinion, 13-6-1908

165. OBNOXIOUS ACT IN RHODESIA

Dark clouds lour upon the Rhodesia Indians. New laws are about to be passed. For one thing, [there will follow] harassment of the Indian businessman and, for another, a Registration Act similar to the one in the Transvaal [is about to be enacted]. The intention thus seems to be to close in on the Indians from all sides. In Rhodesia also, it is essential that Indians should resort to satyagraha. Whether they can do this will depend upon their relations with the whites in that Colony, the number of Indians settled there,[1] what sort of people they are and other relevant factors.

It is also necessary that the Rhodesia Indians write to the South Africa British Indian Committee and contribute towards its funds. All of us have seen the invaluable work it has been doing.

We have seen a copy of the proposed Bill, which is modelled on the Transvaal measure. It is worse than the Transvaal Act, since it applies to women also. It lays down, moreover, that Indians will only have a period of six months after its promulgation in which to register themselves. We hear that Rhodesia Indians have decided to oppose this Bill. Even copies of a petition are ready. If they bring sufficient pressure to bear [on the authorities], the Bill will never be passed. It is their duty to act firmly.

This instance shows that we did well to fight in the Transvaal and that Indians should persevere in their campaign. The world over, the Asiatic and the European are engaged in a conflict. In this struggle, victory will go to the party that has right on its side. At the moment, truth appears to be on the side of the Asiatic.

[From Gujarati]
Indian Opinion, 13-6-1908

[1] An *Indian Opinion* editorial of the same date estimated this number at less than 500.

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166. SARVODAYA [–V]

Veins of Wealth

Economists may reply in the following manner to what we said earlier concerning "roots of truth": 'It is true that certain advantages flow from social affection. But economists do not take these advantages into their reckoning. The science with which they are concerned is the science of getting rich. Far from being fallacious, it has in experience been found to be effective. Those who follow it do become rich, and those who disregard it become poor. All the millionaires of Europe have acquired their wealth by following the laws of this science. It is futile to seek to controvert this. Every man of the world knows how money is made and how it is lost.'

This is not quite true. Men of business do indeed make money but they do not know whether they make it by fair means and if their money-making contributes to the national weal. Very often they do not even know the meaning of the word "rich". They do not realize that, if there are rich men, there must also be poor men. People sometimes believe, mistakenly, that by following certain precepts it is possible for everybody to become rich. But the true position can be compared to a water-wheel where one [bucket] empties out as another fills. The power of the rupee you possess depends on another going without it. If no one wants it, it will be useless to you. The power it possesses depends on your neighbour's lack of it. There can be wealth only where there is scarcity. This means that, in order to be rich, one must keep another poor.

Political economy consists in the production, preservation and distribution, at the fittest time and place, of useful and pleasurable things. The farmer who reaps his harvest at the right time, the builder who lays bricks properly, the carpenter who attends to woodwork with care, the woman who runs her kitchen efficiently are all true political economists. All of them add to the national income. A science that teaches the opposite of this is not "political". Its only concern is with individuals merely accumulating a certain metal and putting it to profitable use by keeping others in want of it. Those who do this estimate their wealth—the value of their farms and cattle—by the number of rupees they can get for them, rather than the value of their rupees by the number of cattle and farms they can buy with them. Furthermore, men who thus accumulate metal—rupees—think [in terms] of the number of workmen whose services they can command. Let us suppose that a certain individual possesses gold, silver, corn, etc.

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This person will require a servant. And if none of his neighbours is in need of gold, silver or corn, he will find it difficult to get one. He will then have to bake his bread, make his clothes and plough his field all by himself. This man will find his gold to be of no greater value than the yellow pebbles on his estate. His hoard of corn will rot. For he cannot consume more than his neighbour. He must therefore maintain himself by hard labour as other men do. Most people will not want to accumulate gold or silver on these terms. Careful reflection will show that what we really desire through acquisition of wealth is power over other men—[power] to acquire for our advantage the labour of a servant, a tradesman or an artisan. And the power we can thus acquire will be in direct proportion to the poverty of others. If there is only one person [in a position] to employ a carpenter, the latter will accept whatever wage is offered. If there are three or four persons who need his services, he will work for the person who offers him the highest wage. So that growing rich means contriving that as large a number of men as possible shall have less than we have. Economists generally assume that it is of advantage to the nation as a whole if the mass of people are thus kept in want. Equality among men is certainly not possible. But conditions of scarcity, unjustly created, injure the nation. Scarcity and abundance arising naturally make, and keep, the nation happy.

[From Gujarati]
Indian Opinion, 13-6-1908

167. LETTER TO GENERAL SMUTS[1]

JOHANNESBURG,
June 13, 1908

DEAR MR. SMUTS,

With reference to the interview I had with you today, I trust you will excuse my trespassing upon your time and attention yet awhile. Until the Asiatic question, as far as it arises out of the Asiatic Act, is settled, I am obliged to approach you.

You doubt my full representative capacity, or, better still, the full representative character of the views submitted by me. I admit it only in so far as it affects those who, whilst the passive resistance struggle was going on, accepted the Asiatic Act. Even they do not differ from my views, but they, like the national scouts, intend to save their faces. But I hope, with your assistance, to have even them side by

[1] This was republished in *Indian Opinion*, 4-7-1908, and a copy was sent by Ritch as an annexure to his letter of July 27, 1908 to the Colonial Office.

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side with the other members of the community. I clearly consider that they have erred from fear, but every endeavour is being made to win them over, and, should they not—why, they represent but a microscopic minority. Some of them have had many conversations with me, and they are, undoubtedly, as anxious as the rest of the community that the Asiatic Act should be repealed.

With reference to the amendment of the Immigration Act, I wish to make the Asiatic position perfectly clear with reference to the following:

1. No position will ever be accepted by the Asiatic communities that does not put those who have not yet entered the country but are entitled to do so on a level with Asiatics who have voluntarily registered. They will, therefore, exchange their documents under the amended Act, and take out certificates in the same form as the voluntary form.
2. Refugees who have not yet received permits under the Peace Preservation Ordinance should be protected. There will be no objection to defining who may be termed a refugee—I suggest residence in the Transvaal for two years prior to the 11th day of October, 1899—and a period may be fixed within which these applications may be received, say one year, and they should be entitled to prove their claim before a court of law.
3. Those who hold £3 Dutch Registration Certificates should also be protected, the onus being on them to prove that they are *bona-fide* holders thereof.
4. Those who hold Peace Preservation Ordinance permits or permits issued by Asiatic Officers should be protected.
5. Those who possess educational qualifications, whatever the test may be, should be free like the European immigrants.
6. There are applications being made which have not been yet decided by Mr. Chamney, or which he has refused. These should be decided finally before a court of law.

You told me that you did not want to give any rights of domicile beyond those given by the Asiatic Act. You will see that in the above, with the exception of holders of £3 Dutch registration certificates, all are provided for under the Asiatic Act, and I have told you that, in my opinion, and according to Mr. Duncan's speech, even the holders of £3 Dutch registration certificates are protected under the discretionary clause. Only I have suggested that they should be recognized as a matter of right, provided, of course, that they prove their *bona fides*.

I need hardly point out that refugees are protected by the Asiatic Act, because the Peace Preservation Ordinance permits were still to be issued. They have only lately been stopped, under your instructions and by virtue of the Immigrants' Restriction Act, but I am sure you could never have intended that those who are still outside the Colony

and who can be incontestably proved to be old residents should not have their claims considered. The definition of a refugee and the time limit provide against possible frauds.

I ask you to recognize the very great service rendered by the Indian community in giving finger-prints in the face of enormous odds, and to recognize also that the resident portion of the community did not avail themselves of the discretionary clause of the compromise, with reference to education and property qualifications. This was done in order to protect those few who were to come in future, and to show what grace, if I may use the term, Asiatic peoples are capable of. But I may state that they will never accept, so far as I am aware, anything in the nature of compulsion, when they can be otherwise completely identified. The idea is that ignorance or such other thing should be the basis of disqualification, and not race or colour.

The great principle that the Colonists have laid down, namely, that, in future, Asiatic immigration should be limited only to those who possess educational qualifications of a high order has been admitted. But those who are entitled to reside in the country will not accept the bar sinister[1]. And, if the question cannot be satisfactorily settled on the above, as I consider it, most reasonable basis, it is better that it is not settled at all.

I take it that, as you have promised, you will let me see the draft Bill before it is published.

I have informed the Committee of the Association that you have definitely promised to settle the matter next week. The Committee has, therefore, authorized me to postpone the filing of the affidavits[2] in the meanwhile.

I am,
Yours truly,
M. K. GANDHI

GENERAL J. C. SMUTS
PRETORIA

India Office, Judicial and Public Records: 2896/08; also a photostat of the handwritten office copy: S. N. 4827(a)

[1] *Vide* Vol. VI, pp. 215 & 221.
[2] These were filed on June 23, 1908.

168. PETITION TO TRANSVAAL LEGISLATIVE ASSEMBLY[1]

JOHANNESBURG,
June 15, 1908

TO

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

THE PETITION OF ESSOP ISMAIL MIA IN HIS CAPACITY AS CHAIRMAN
OF THE BRITISH INDIAN ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT

1. Your Petitioner has read with alarm Sections 3, 104, 113, 114, 127, 128 of the Bill[2] to amend the Gold Law of the Colony, recently published in the *Government Gazette*.

2. Your Petitioner humbly submits that the above-mentioned Sections, if they are approved by this Hon'ble House, will impose upon British Indians resident in the Transvaal disabilities graver than those contemplated by the existing Gold Law, thereby inflicting grave loss to and threatening with ruin a community admitted to be peaceable and law-abiding.

3. Your Petitioner ventures to draw the attention of this Hon'ble House to the following specific objections[3] on the part of the British Indians resident in this Colony:

(a) The Bill retains in the definition of the term "Coloured person" the word "coolie", which, as this Hon'ble House is doubtless aware, when applied to the present British Indian population of the Colony, is an offensive term, there being in the Transvaal very few, if any, "coolies" in the proper sense of the term. Moreover, the bracketing together of African aboriginal Natives and Asiatics, British subjects and non-British subjects, is to ignore the peculiar position occupied by British Indian subjects of the Crown.

(b) In your Petitioner's humble opinion, the definition of "unwrought gold" is calculated to prevent Indian goldsmiths from plying their trade of manufacturing goldware and jewellery even out of gold bars prepared in and imported from England, and, it is submitted, this would be a grievous hardship for the goldsmiths in question.

[1] This appeared in *Indian Opinion*, 20-6-1908, under the title "Transvaal Gold Law: British Indian Protest".

[2] For the relevant sections of the Draft Gold Law, *vide* Appendix II.

[3] *Vide* also "Letter to Colonial Secretary", pp. 200-1.

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(c) The retention of the original law as to dealing in unwrought gold, in so far as it specially affects Coloured people, besides their coming under the general prohibitions of the law, assumes that Coloured people are the greater offenders in respect of this crime, whereas, in the humble opinion of the petitioning Association, the contrary is the fact, in so far as British Indians are concerned.

(d) Your Petitioner ventures to assert that Section 127 of the Bill is vaguely drawn and seems to contemplate entire prohibition of acquisition by British Indians of any rights under it. The prohibition, under the same Section, to holders of rights acquired previously to the Bill to transfer or sub-let such rights to a Coloured person makes the proposed law retrospective in its effect.

(e) Section 128 contemplates the compulsory segregation of British Indians residing within certain proclaimed areas, to wit, the entire Witwatersrand District, and, if approved by this Hon'ble House, would make it impossible for a very large number of British Indians even to remain in the Colony. Your Petitioner would remind this Hon'ble House that the large majority of British Indians resident in the Transvaal are to be found in the above-mentioned areas, whilst the principle of compulsory segregation of British Indians under penalty is a direct extension of existing disabilities by indirect means, which disabilities the petitioning Association has consistently protested against.

4. Your Petitioner ventures to assert that, inasmuch as these Sections are based upon race and class distinctions, they can never give satisfaction to the British Indian community. Moreover, such distinctions cast an undeserved slur upon the community that your Petitioner has the honour to represent, as they must inevitably raise in the minds of the white Colonists of the Transvaal, feelings of contempt and scorn towards British Indians, thus increasing the difficulties unfortunately standing in the way of a better understanding between the two communities.

5. In your Petitioner's humble opinion, restrictions of the kind above referred to obviously confer absolutely no privileges upon British Indians, but, on the contrary, deprive them of many rights and much esteem that they at present possess.

6. Your Petitioner further ventures to remind this Hon'ble House that the imposition of further disabilities upon the resident British Indian population of the Transvaal will enormously intensify the irritation and bitterness of feeling already existing in the minds of many millions of His Majesty's subjects in India.

7. Wherefore your Petitioner humbly prays that this Hon'ble House will be pleased to reject the provisions hereinbefore referred to,

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or to grant such other relief as to this Hon'ble House may seem meet; and for this act, etc., etc.

ESSOP ISMAIL MIA
[CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

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

169. PETITION TO TRANSVAAL LEGISLATIVE ASSEMBLY[1]

JOHANNESBURG,
June 15, 1908

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

THE PETITION OF ESSOP ISMAIL MIA, IN HIS CAPACITY AS CHAIRMAN OF THE BRITISH INDIAN ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT

1. Your Petitioner has read with grave concern Sections 68, 93, 94 and 172 of the Bill to consolidate and amend the law relating to Municipal Government, recently published in the *Government Gazette* of this Colony.

2. In your Petitioner's humble opinion, the above-mentioned Sections, if they are approved by this Hon'ble House, will impose very great hardship and loss upon the British Indian community resident in the Transvaal, will ruin many peaceable and law-abiding citizens, and break up many an Indian home.

3. Your Petitioner ventures to assert that, inasmuch as these Sections are based upon race and class distinctions, they can never give satisfaction to the British Indian community. Moreover, such distinctions cast an undeserved slur upon the community that your Petitioner has the honour to represent, as they must inevitably raise in the minds of the white Colonists of the Transvaal feelings of contempt and scorn towards British Indians, thus increasing the difficulties unfortunately standing in the way of a better understanding between the two communities.

[1] This was published under the title "Transvaal Municipal Consolidation Bill: British Indian Protest".

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4. In your Petitioner's humble opinion, the above provisions are open to serious objection on the ground that they are restrictive of the liberty of the subject, in that thereby it is sought to empower the municipalities:

(a) to set apart new Asiatic Bazaars, thus reasserting the principle of segregation of British Indians, a principle against which the petitioning Association [has] consistently protested;

(b) to close existing Asiatic Bazaars without consulting the convenience of those who may be thereby affected and without guaranteeing to them fresh sites equally valuable and convenient (such uncertainty of tenure, as this Hon'ble House will easily perceive, cannot but militate seriously against a settled and decent mode of life, and the erection of permanent and solid residential premises, by British Indians);

(c) to arbitrarily refuse certain licences, including hawkers' and pedlars' licences, without the right of appeal from their decisions, thus striking a deadly blow at the long established businesses of Indian merchants, traders, hawkers, pedlars, and others, threatening them with immediate ruin; the licences which come under this last provision, may, under the Bill, be arbitrarily refused to those who, today, have the right of appeal from the adverse decisions of municipalities;

(d) to indicate certain trades and businesses from which British Indians are excluded in any capacity, whether as would-be licensees or as employees, thus restricting their means of earning an honest livelihood;

(e) to frame regulations prohibiting British Indians respectably dressed and well conducted from travelling upon municipal tram-cars, thus imposing humiliation upon a highly civilized community and debasing it to the level of the aboriginal native of the country.

5. In your Petitioner's humble opinion, restrictions of the kind above referred to obviously confer absolutely no privileges upon British Indians, but, on the contrary, deprive them of many rights and much esteem that they at present possess.

6. Your Petitioner further ventures to remind this Hon'ble House that the imposition of further disabilities upon the resident British Indian population of the Transvaal will enormously intensify the irritation and bitterness of feeling already existing in the minds of many millions of His Majesty's subjects in India.

7. Wherefore, your Petitioner humbly prays that this Hon'ble House will be pleased to reject the provisions hereinbefore referred to,

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or to grant such other relief as to this Hon'ble House may seem meet; and for this act, etc., etc.

ESSOP ISMAIL MIA
[CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 20-6-1908

170. JOHANNESBURG LETTER

Sunday [*June 14, 1908*]

GENERAL SMUTS

The collapse of the settlement is drawing nearer each day. But the situation has reached such a critical point that all that I write now may have lost its point or alternatively [my predictions] may have come to pass by the time this is published.

After Mr. Gandhi wrote the letter[1] to General Smuts, an attempt was made to arrange an interview with Mr. Leonard, but he was not available. He is busy in connection with an important commission, so it appears he does not see anyone at present. Having thus waited and received no reply from General Smuts, on Friday the 12th, Mr. Gandhi met Mr. Ward, who is a very able barrister, though not of the same calibre as Mr. Leonard. Mr. Ward took the same view as Mr. Leonard, namely, that the Government had no alternative but to return the applications. Mr. Gandhi then sent a telegram[2] to General Smuts saying that, if no reply was received from him, the case would be taken to the Supreme Court and that this was also the view of an eminent counsel. While, on the one hand, the telegram was being sent, drafts were being prepared on the other for affidavits[3] by Mr. Ebrahim Ismail Aswat, Mr. Essop Mia and Mr. Gandhi, and preparations for the case went ahead. Meanwhile, a telegram was received from Mr. Smuts inviting [Mr. Gandhi] for an interview on Saturday the 13th, at 9-45 a.m. at Winchester House. In view of this, it was decided not to send the affidavits to Pretoria.

At the interview, General Smuts said that the new law would certainly be repealed and the Immigrants' [Restriction] Act amended. But he had still to consult his draftsmen in the legal department. He therefore advised [Mr. Gandhi] to wait for a week. He said, moreover, that the British Indian Association did not represent the entire

[1] *Vide* "Letter to General Smuts", pp. 277-9.

[2] This has not been traced.

[3] *Vide* "Petition to Transvaal Supreme Court", pp. 311-3, and for Essop Mia's and Gandhiji's affidavits, *vide* pp. 313-4 & 314-6.

Indian community, and that he had received a petition from [some] Indians requesting that the law be retained.

The Committee [of the British Indian Association] met on the same day at 11 o'clock. It was resolved at the meeting to wait for a week. The meeting was attended by Mr. Essop Mia, Chairman, and a large number of other Indians. It was also resolved that, if no final reply was received from General Smuts, a meeting should be held on Sunday, to which all the Indian [delegates] from outside Johannesburg should also be invited and that the matter should then be made public.

Letter to Smuts

After the meeting, Mr. Gandhi wrote the following letter to General Smuts.[1]

How many of the demands made in this letter will be conceded depends on the community's courage.

Wednesday [*June 16, 1908*]

Discussion on Act in England

There is a cable in today's papers saying that this question is being discussed in England, and another to the effect that it has been decided to repeal the obnoxious Act, and that committees have been set up in India to work for the protection of rights of Indians abroad. Sir Richard Solomon gave an incomplete reply [to a question] on this subject and said that the Asiatic Act would be amended, not repealed. I, for one, attach no importance to this reply.

The lesson to be drawn from the foregoing cable is that satyagraha has struck deep roots and will daily grow in strength. It also suggests that Mr. Ritch is ever active in England in the service of duty, without a moment's respite.

"Pretoria News"

Pretoria News says:[2]

> We understand that, according to General Smuts' promise to Mr. Gandhi, the Act will be repealed and that voluntary registration will be legalized under the Immigrants' [Restriction] Act. It will also contain a provision for appeal to a court of law. This amendment is to be made in response to suggestions from the Imperial Government.

This paragraph appears in the news columns. Commenting on it, the editor says:[3]

[1] This letter has not been re-translated. For the English text, *vide* "Letter to General Smuts", pp. 290-2.

[2] & [3] The translations that follow have been collated with the English texts in *Indian Opinion*, 20-6-1908.

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The Governor's speech very wisely says little about Asiatics. The surrender by the Government in that connection, as we have shown in another column, is complete; not only are they going to legalize voluntary registration, but they are going to repeal the Asiatic Act and recast the immigration Act. In view of the Colonial Secretary's intention to repeal the Act, we advise Mr. Gandhi not to resume the satyagraha movement. It is very clear that the Indian community has good friends in the Liberal Party.

Sir George Farrar

Speaking in Parliament, Sir George said:

The Progressive Party wants the Government to consult it. There are precedents for that. When the Government had trouble with the Asiatic law, they approached the Progressive Party for its help.[1] They knew what happened in the case of the Indians. Why would not the Government do in the case of the policemen what they did to the Indians? Will they treat the policemen worse than they treated the Indians?

We thus see that the satyagrahis' cases are being referred to on every occasion. The same thing happened at a meeting of the Native Affairs Society on Tuesday evening when they cited the example of the Indian campaign.

Cemetery[2]

It appears that this dispute has been settled—for the present at any rate. There was a telephone message from the Town Clerk that non-Muslims would not be buried in this cemetery. No written reply has, however, been received from the Town Council yet.

Shahji's Case

The case of Shahji and Maulabux came up on Friday. But owing to the pressure of other business, the hearing was adjourned to the 24th. When the case came up, Mr. Jordan said that he had received a threatening anonymous letter.[3] He gave a warning to persons writing such letters. Shahji's lawyer, Mr. Van Diggelen stated that the letter in question was certainly not written by his clients. Some hot-heads among the Pathans were probably the authors. In any case, the writing of anonymous letters is a bad habit and is a sure sign of weakness. If this

[1] *Vide* "Johannesburg Letter", pp. 70-1.

[2] *Vide* "Johannesburg Letter", pp. 275-6.

[3] Shahji was charged before Magistrate Jordan with incitement to commit grievous bodily harm, and the other with committing an assault on Essop Mia. The anonymous letter purported to be from a Pathan who threatened to kill the Magistrate if he gave a judgment adverse to the accused.

finds its way to writers of anonymous letters, let them note that they are bringing disgrace on the Indian community.

HARASSMENT IN VOLKSRUST

Syed Mahomed, an Indian, was returning last week from Durban. He had with him the receipt for his application for voluntary registration. Since it did not have his thumb-impression, he was asked to detrain at Volksrust. Corporal Cameron fixed his bail at £10. But when he was taken to the sergeant, the latter refused him bail. Since it was a holiday, he had to remain in gaol for three days. He was then released. But who is to be held responsible for this harassment for three days? This question has a point for every Indian. The easiest and simplest way out of this is for Indians to take their courage in both hands and protest against every inconvenience they are put to. It is said that there was an Indian behind this ill-treatment meted out to Mr. Syed Mahomed. If this is true, it only bears out the saying that the axe cannot chop wood unless it has a wooden handle.

[From Gujarati]
Indian Opinion, 20-6-1908

171. TELEGRAM TO PRIVATE SECRETARY TO COLONIAL SECRETARY[1]

[JOHANNESBURG,
June 19, 1908]

[PRIVATE SECRETARY TO
COLONIAL SECRETARY
PRETORIA]

YES

[GANDHI]

From a photostat of a draft in Gandhiji's hand: S. N. 4828

172. CAUSE OF MURDERS IN NATAL

Following upon our article[2] on the murders committed among the Natal Indians, a correspondent states that the growing prevalence of adultery among Indians is the cause of these murders. He observes that [the cause of] most of these murders can be traced to women.

[1] This was sent at 7.40 p.m. to Smuts' Private Secretary in reply to the latter's telegram which said: "Can you please be at the Railway offices at 9.40 tomorrow to meet Mr. Smuts for a few minutes."

[2] *Vide* "Crime Wave in Natal", pp. 280-1.

This is regrettable, if true. What we write now is unlikely to fall into the hands of those who are busy committing murders or others who are the cause of them. But the readers of this journal must think [this matter over]. Every thoughtful person can help in solving these problems. If it is true that adultery is on the increase among the Indian youth, that is a sign of our degeneracy.

We are in the habit of comparing our vices with those of the whites and if we have some in common, we take no further notice of them. This attitude reveals how depraved we are. Following that line of thinking, we conclude that the whites are superior to us and that they have attained the acme of virtue. In fact, the whites are generally not superior to us. It is equally false that we cannot become more virtuous.

There is no more fallacious argument than that we may indulge in adultery because the whites do so. Their adultery is a different sort of thing, and even in their case, a strenuous effort is being made by their priests and reformers to eradicate the vice.

But the whites can afford to do what they are doing. We cannot. We have fallen very low indeed. We have to uplift ourselves. We therefore need an enterprising spirit. It is a fact of experience that the habit of adultery daily undermines the strength of people among whom it is widespread. The Indian youth, therefore, need to give this problem their earnest attention.

If we observe [conditions among] whites for purposes of comparison, we shall find that Purity Societies are being set up among them. Their priests are working actively to prevent the young people from going astray. We know that in Bombay the Salvation Army is active. In the Cape, the Orange River Colony and the Transvaal, the Rev. Mr. Myer has been exhorting the young with the same end in view. These societies do not require funds. They only require the services of devoted men, who are virtuous in thought and deed. Let it be remembered that Rome, Greece and the other nations that fell were destroyed mainly because of the prevalence of adultery [in those societies].

[From Gujarati]
Indian Opinion, 20-6-1908

173. LAWS AFFECTING CAPE INDIANS

The Cape Parliament is in session. The Immigration Act and the Cape Licenses Act are oppressive measures. The Cape Indians are in a better position to secure redress in respect of these laws than are the Indians in the other Colonies [in the matter of their grievances]. For they have franchise. If they try hard enough, they can get both

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these Acts amended. The Immigration Regulations have been published again in the *Gazette*. Many of the conditions that the laws stipulate are difficult to fulfil. It is the duty of the Cape Indians to fight against these laws. The same is true of the General Dealers' Act. If the Indian community in South Africa wants to live respectably, it should be prepared for suffering. In order to fight the hardships imposed on it by the Government, it should be prepared to accept [further self-imposed][1] hardships, or if it is content to live in ignorance—and filth—it should then accept oppression by the Government. One must be prepared to die in order to be able to live. And in order to win one's rights, one must do one's duty.

[From Gujarati]
Indian Opinion, 20-6-1908

174. MEMORIAL COLUMN IN JOHANNESBURG

We publish alongside of this, as a supplement to today's issue, a photograph[2] of a memorial column erected in Johannesburg. It was erected by public subscription at the end of the Boer War. At the moment, it is the only symbol in South Africa [that] perpetuates the memory of Indians there.

The first one is a close view of the column and the inscription on it. The second affords a view of the column amidst its surroundings. The photograph thus serves to give an idea of the elevation at which the column is built. Visible at some distance from the column is the boundary of Sir George Farrar's farm.

The column is of carved stone set in cement. It is fenced in with iron palings so as to avoid risk of damage to the inscription on the marble tablet set in it. The column is located near the Johannesburg Observatory (the department which studies atmospheric phenomena). That is to say, it stands atop the highest eminence in Johannesburg—thanks to the concerted efforts of the people.

The large marble slab is set on the eastern face of the column. It carries the following inscription:

> To the sacred memory of British officers and other ranks and Indian sepoys who laid down their lives on the fields of battle in South Africa between 1899-1902.

These lines are inscribed in Hindi, Urdu and English. A marble slab has been set on each of the other three faces of the column. The

[1] Here, a word in the original is indistinct.
[2] This should be "two photographs".

following words are inscribed on them in this order: Mussalman; Christian-Zoroastrian; Hindu-Sikh.

[From Gujarati]
Indian Opinion, 20-6-1908

175. SARVODAYA [–VI]

VEINS OF WEALTH

Thus the circulation of wealth among a people resembles the circulation of blood in the body. When circulation of blood is rapid, it may indicate any of these things: robust health, [effects of] exercise, or a feeling of shame or fever. There is a flush of the body which is indicative of health, and another which is a sign of gangrene. Furthermore, the concentration of blood at one spot is harmful to the body and, similarly, concentration of wealth at one place proves to be the nation's undoing.

Let us suppose that two sailors are shipwrecked on an uninhabited coast. They are then obliged to produce food and other necessaries of life through their own labour. If they both keep good health and work in amity, they may build a good house, till the land and lay by something for the future. All these things would constitute real wealth. If both of them work equally well, they will have equal shares. Therefore, all that [economic] science would have to say about their case is that they had acquired a right to an equal share in the fruits of their labour. Let us suppose now that after a while one of them feels discontented. So they divide the land and each one works on his land by himself and on his own account. Let us suppose that at a critical time one of them falls ill. He would then approach the other for help. The latter might reply: 'I shall do this work for you, but on condition that you do the same amount of work for me when required. You must undertake in writing to work on my field when required for the same number of hours that I work [for you now].' Suppose further that the disabled man's illness continues and that every time he has to give a written promise to the other, healthy person. What will be the position of the two men when the invalid recovers? They will both of them have been reduced to utter poverty. For, during the time that the invalid was laid up, his labour was unavailable. Even assuming that the friend was very hard-working, it is obvious that the time which he devoted to the ailing man's land was at the expense of work on his own. This means that the combined property of the two would be less than it would have been otherwise.

Also, the relation in which the two stood to each other has altered. The sick man becomes a debtor, and can only offer his labour [as pay-

ment towards the debt]. Suppose now that the healthy man decided to make use of the documents in his possession. He would then find it possible wholly to abstain from work—that is, be idle. If he chose, he could exact further pledges[1] from the man who has recovered. No one can attribute any illegality to such a transaction. If now a stranger were to arrive on the scene, he would find that one of the two men had become wealthy and the other had lost his well-being. He would also see one of them passing his days in idle luxury and the other in want, though labouring hard. The reader will note from this that claiming the fruits of another's labour as of right leads to a diminution of real wealth.

Let us consider another illustration. [Suppose that] three men established a kingdom[2] and then they all lived separately. Each of them raised a different crop which the others could also avail themselves of. Suppose, further, that one of them, in order to save the time of all the three, gave up farming and undertook to arrange the transfer of commodities from one to the other, receiving in return a quantity of food-grains. If this man provided the [required] commodity[3] at the right time, all of them would prosper. Now suppose that he kept back some of the grain he was to transfer. Then suppose there set in a period of scarcity, and the middleman offered the stolen corn at an exorbitant price. In this way he could reduce both the farmers to poverty and employ them as labourers.

This would be a case of obvious injustice. This is, however, the way the merchants of today manage their affairs. We can also see that in consequence of this fraudulent practice the wealth of the three, taken collectively, will be less than it would have been if the [middle]man had behaved honestly. The other two farmers have done less work [than they could have]. Because they could not obtain the supplies they wanted, their labour did not fructify to the fullest, and the stolen commodities[4] in the hands of the dishonest middleman were not put to the most effective use.

We can therefore reckon with mathematical accuracy how far the estimate of a nation's wealth depends on the manner in which that wealth has been acquired. We cannot estimate a nation's wealth on the basis of the quantity of cash it possesses. Cash in the hands of an individual may be a token of perseverance, skill and prosperity, or of harmful luxuries, merciless tyranny and chicanery. Our way of estimating wealth not only takes into account the moral attributes [of the

[1] Pledges of bonded labour in return for the provision of the debtor's current needs

[2] "Republic" in *Unto This Last*

[3] Farming implements, seeds, etc.

[4] The food-grains and farming implements withheld by the middleman

different modes of acquiring it] but is also sound mathematically. One stock of money is such that it has created ten times as much in the gathering of it. Another is such that it has annihilated ten times as much in the gathering of it.

To lay down directions for the making of money without regard to moral considerations is therefore a pursuit that bespeaks of man's insolence. There is nothing more disgraceful to man than the principle "buy in the cheapest market and sell in the dearest". Buy in the cheapest market? Yes, but what made your market cheap? Charcoal may be cheap among roof timbers after a fire and the bricks of buildings brought down by an earthquake may be cheap. But no one therefore will make bold to assert that fire and earthquake redound to the nation's benefit. Again, sell in the dearest market? Yes, but what made your market dear? You made good profit today from the sale of your bread. But was it by extorting the last cowrie from a dying man? Or, did you sell it to a rich man who will tomorrow appropriate all that you have? Or did you give it to a bandit on his way to pillaging your bank? Probably you will not be able to answer any of these questions, for you do not know. But there is one question you can answer, namely, whether you sold it justly and at a reasonable price. And justice is all that matters. It is your duty to act so that no one suffers through your actions.

[From Gujarati]
Indian Opinion, 20-6-1908

176. TELEGRAM TO JOHANNESBURG OFFICE

PRETORIA,
June 22, 1908

TO
GANDHI
JOHANNESBURG

INTERVIEW UNSATISFACTORY. IMMIGRATION AMENDMENT DRASTIC. REJECTS EDUCATION TEST OLD DUTCH CERTIFICATES. CALL MEETING FIVE EVENING. GET AFFIDAVITS ASWAT ESSOP MIAN SIGNED BRING MINE STATION.

GANDHI

From a photostat of the original as delivered: S. N. 4829

177. LETTER TO THE PRESS[1]

JOHANNESBURG,
June 22, 1908

Various statements have appeared in the Press regarding the charge of breach by the Colonial Secretary of the compromise between the Government and the Asiatic communities. Hitherto, owing to the delicate nature of the negotiations that were going on between the Government and the Asiatic communities, it has not been possible to state the case before the public.

I am sorry to say that the negotiations came to an abrupt and unsatisfactory end today. I use the term unsatisfactory as applicable not merely to the Asiatics, but to the whole Empire. General Smuts was willing to repeal the offending Asiatic Act, which has cost the Asiatics treasures of money and much trouble, including incarceration of over two hundred innocent Asiatics, mostly British. This shows that General Smuts was, and still is, under promise to repeal the Act.

But if he was willing to carry out the letter of the compromise, he wanted to break the spirit of it. For it will not be argued that the material position of the Asiatics was, under and after the compromise, to be lower than under the Asiatic Act. Yet such was General Smuts' draft which I was today pained to study and, so far as I was concerned, to reject.

The draft measure proposed to treat the following as prohibited immigrants:

(a) Asiatics possessing educational qualifications prescribed by the Immigrants' Restriction Act.

(b) Asiatics, whether in or out of the Colony, holding Dutch registration certificates under Law 3 of 1885, for which they paid £3.

(c) Other Asiatics who were residents of the Transvaal before the war, and who could prove before a court of law their previous domicile.

(d) Those Asiatics whose claims have been rejected by Mr. Chamney. (For these it is contended only that they should have the right to have their claims investigated by a

[1] This was published in *Indian Opinion*, 27-6-1908, under the title "Mr. Gandhi Speaks". It was also published in *The Star* among other papers. The *Star* version is, however, unavailable. Ritch forwarded a copy of the letter to the India Office. He described it as a "circular letter" which set out the "issues between the Transvaal Government and the British Indians".

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judicial tribunal, not finally disposed of by an administrative official.)

In rejecting these claims for consideration and adjudication, not for admission *ipso facto*, General Smuts has misread the passive resistance struggle. It was undertaken, not for selfish purposes, but for the benefit of the Asiatics as a whole, and, shall I add, even the Empire. Moreover, he has wrecked a whole compromise to avoid the possible accession to the Asiatic population of the Colony of two thousand Asiatics as an outside figure. I call these people an "accession", but, in fact, they are already domiciled residents of the Colony, though General Smuts' draft ignored their rights.

The position of the Asiatics is simple. They must revert to the condition that prevailed in January last in this matter, and they have been advised to withdraw their voluntary application forms.[1] General Smuts has declined to return them. If he had the courage to face the passive resisters, he would return them without much ado.

Asiatics were labouring under a cloud of suspicion up to January last. Mr. Duncan had levelled the charge and it was repeated, even in the highest places, that there was an organized illicit entry of Asiatics.[2] The fact that over 7,600 out of 9,000 have already proved their *bona fides* disposes of the charge. It was in order to refute that foul charge that voluntary registration was tendered, and for no other reason. The Asiatics, therefore, approach the public with clean hands. Moreover, they have shown by their sufferings that they have a right to command sympathy from a humanitarian public.

Lastly, they have shown, by some of their leaders being severely assaulted by their own countrymen, that they are just as eager to serve the Government as they are to serve their countrymen.

General Smuts' Act will be that of the Government and the Government's will be the white men's—mostly British. When I explained the compromise to my countrymen, the less thinking among them said: "Do not trust the white man. Repeal of the Act should precede voluntary registration and not succeed it." I told them that that was not a dignified position to take up.

In tampering with the compromise, I venture to say that General Smuts does not know what he is doing. Will the Englishmen in the Colony tolerate the position, when their main intention is granted that future immigration of Asiatics should be effectively controlled ?

Yours etc.,
M. K. GANDHI

India Office, Judicial and Public Records: 2896/08

[1] *Vide* "Johannesburg Letter", p. 269.
[2] *Vide* Vol. VI, pp. 209-10.

178. EXTRACT FROM LETTER TO S. A. B. I. COMMITTEE[1]

June 22, 1908

. . .Smuts will repeal the Act but on conditions I cannot accept. The conditions he makes are:

Dutch certificates not to be recognized.

Pre-war refugees, who have not Peace Preservation certificates, cannot enter.

Those voluntary applications that have been rejected not to be considered by a court of law.

Those possessing educational qualifications are not to be recognized. (Smuts thinks they are disqualified under the present Act. I think that is not the case.)

It is not possible to accept the above conditions because I consider that they miss the spirit of the compromise. . .

India Office, Judicial and Public Records: 3722/08

179. INTERVIEW TO "THE STAR"[2]

[PRETORIA,
June 22, 1908]

We regret to announce that all efforts to avoid a breach of the settlement, arrived at last January between the Government and the Transvaal Asiatics, have proved unsuccessful...

At the request of the Colonial Secretary, Mr. Gandhi waited on him this morning and was permitted to peruse the draft amendment to the Immigration Restriction Act proposed by the Government. General Smuts intimated that it was the intention of the Government to repeal the Asiatic Registration Act.

After perusing the Act, Mr. Gandhi had an interview with the Colonial Secretary, and raised the following points: (a) The position of the Asiatics who had made voluntary application for registration, having given their finger-prints, and who for some reason or other have not received their permits. Mr. Gandhi asked that, in case[s] where permits were refused, an application or appeal should lie from the Registrar of Asiatics to some judicial officer; (b) he also asked that those Indians outside South Africa, who

[1] This is taken from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

[2] This was republished in *Indian Opinion* under the title "The Transvaal Trouble: General Smuts Plays False".

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are in possession of residential passports issued by the Republican Government in return for the registration fee of £3, should be permitted on returning from India to register voluntarily; (c) that the educational exemption should be maintained in the new Act as it was in the old; (d) that genuine refugees domiciled in the Transvaal before the war, now in India or elsewhere, who were in possession of the Republican passport or not, be permitted, on producing evidence, to return and register voluntarily.

With regard to the education exemption, General Smuts argued that they had no exemption under the original law. He declined to make provisions for appeal from the Registrar of Asiatics in cases where voluntary registration had been refused. He also declined to offer facilities for the return of Asiatics at present out of the country, who were genuine refugees, or possessed the Republican residential passport.

The interview was a brief one, and the Colonial Secretary, we understand, intimated to Mr. Gandhi that if he, as leader of the Indian community, was prepared to accept the proposed amendments to the Immigration Restriction Act, the Asiatic Law Amendment Act would be withdrawn. The Colonial Secretary would proceed to introduce a Bill legalizing the registration in the existing Registration Act.[1]

Mr. Gandhi then withdrew, and during the course of an interview gave a representative of this paper authority to make the above statement. He stated that he would immediately apply to the Supreme Court for an order calling on Mr. Chamney (the Registrar) to return the finger-impressions and other documents voluntarily tendered by the Asiatics.[2]

Indian Opinion, 27-6-1908

[1] *Indian Opinion* published the following report of a statement by General Smuts: "In connection with Mr. Gandhi's statement, we have received a statement from the Colonial Secretary to the effect that the repeal of the Asiatic Law Amendment Act was not part of the arrangement with the Asiatics, as was apparent from letters constituting the arrangements. The Colonial Secretary was willing to meet the Indian community and repeal Act 2 of 1907 and to treat Indians in future coming into the Transvaal as prohibited Indians under the Immigrants' Restriction Act if the leaders of the Asiatic community would agree to the amendment of the Act which the Colonial Secretary proposed. These proposed amendments were submitted to Mr. Gandhi, and they did not at all satisfy him for various reasons, which he advanced, and therefore he was informed that nothing remained to be done but to abide by the agreed terms of the compromise, as the Colonial Secretary was unwilling to repeal Act 2 of 1907 and then to find an agitation started afresh against the Immigrants' Act. Voluntary registration would not be legalized under Act 2 of 1907 but under a separate measure, according to the compromise."

[2] In the same issue of *Indian Opinion*, it was reported that Mr. Ebrahim Aswat had applied to the Supreme Court, supported by affidavits from Essop Ismail Mia and Gandhiji (pp. 313-6) for a return of their application forms for voluntary registration. The application had been set down for Friday, July 3, at 11 o'clock.

180. INTERVIEW TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
June 22, 1908]

Mr. Gandhi was seen last night by a representative of *The Transvaal Leader*, and, asked to state what course it is now intended to adopt, Mr. Gandhi said:

Throughout the negotiations the leaders of the Indian community have been kept informed, as also, indeed, the general body of the community, of what was going on. Though, therefore, the decision of General Smuts has come to them as a painful surprise, they have not been taken altogether unawares. When it first became known that there was no likelihood of the Act being repealed, many Indians wrote to Mr. Chamney asking him to return their application forms and other documents filed with him voluntarily. These documents have not been returned. The Supreme Court will be approached immediately, and if the documents are returned, that at once places the Indian community in the position in which it was before the compromise —that is to say, every Indian is liable to be prosecuted, under the Asiatic Act, for non-registration; but if the action were unsuccessful, even then so far as I am aware, it is not the intention of the Asiatics to allow voluntary registration to be legalized anyhow.

Immediately on my return from Pretoria, a meeting of the committee was held, and the members were very enthusiastic. They realized that the whole of the passive resistance will have to be gone through all over again, and they seem to me to be ready for it.

We are holding on Wednesday next at three o'clock, in front of the Hamidia Mosque, a mass meeting of British Indians throughout the Colony.[1] Delegates have been invited by telegram from all parts of the Colony. A series of resolutions will be passed at the meeting.

I cannot help saying that, having yielded on the principle of the repeal of the Act, General Smuts is very unreasonable in refusing to recognize what I consider to be the very moderate and just suggestions.

Indian Opinion, 27-6-1908

[1] *Vide* "Speech at Mass Meeting", pp. 319-22.

181. LETTER TO M. CHAMNEY

JOHANNESBURG,
[Before *June 23, 1908*][1]

M. CHAMNEY, ESQ.
COLONIAL OFFICE
PRETORIA

DEAR SIR,

I have been informed by the British Indian Association that it is the intention of the Government to legalize under the Asiatic Act No. 2 of 1907 the voluntary registration taken out by me. As, when I accepted the compromise with the Government, it never was my intention to accept legalization under the Asiatic Act, I beg to apply for a return of my application and other documents possessed by you. The documents I ask may be sent to the Secretary, British Indian Association, P. O. Box 6522, Johannesburg.

I am, etc.,
EBRAHIM ISMAIL ASWAT

Indian Opinion, 11-7-1908

182. PETITION TO TRANSVAAL SUPREME COURT[2]

[JOHANNESBURG,
June 23, 1908]

PETITION OF EBRAHIM ISMAIL ASWAT OF VEREENIGING FOR THE RETURN OF PAPERS AND DOCUMENTS GIVEN TO MONTFORD CHAMNEY OF PRETORIA

Ebrahim Ismail Aswat of Vereeniging humbly submits to Their Lordships the hon'ble Judges of the Supreme Court that

(1) he is a wholesale and retail Indian trader of Vereeniging;
(2) he has been resident in the Transvaal for the last 19 years;

[1] Clearly, this was written before the following item wherein this letter is cited. It is likely that Gandhiji drafted both the letter and the petition to the Supreme Court for Aswat who was for some time an office-bearer of the British Indian Association.

[2] This was drafted about the same time as Gandhiji's and Essop Mia's affidavits; *vide* "Johannesburg Letter", p. 297. It is likely that Gandhiji himself drafted it after consulting Barrister Ward. In any case, it was filed in the court before that of Gandhiji who mentions it in his affidavit; *vide* "Affidavit", pp. 314-6. It was published in *Indian Opinion* as "specially reported" for that journal.

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(3) he attended some of the meetings[1] of the British Indian Association at Johannesburg held in January and February last;
(4) it was stated at these meetings that a compromise had been arrived at between the Indian community and the Government in regard to the agitation against the Asiatic Law Amendment Act;
(5) the terms of the compromise were explained by Mr. M. K. Gandhi, Honorary Secretary, British Indian Association, as follows:

(a) residents of the Transvaal would apply voluntarily, within a period of three months, for registration certificates in a form to be agreed upon between the leaders of the Indian community and the Government;
(b) those who were outside the Transvaal, but had domiciliary rights in the Colony and possessed the right of re-entry, would also be eligible for voluntary registration;
(c) on the fulfilment by Asiatics of their obligations in accordance with the terms of the compromise, the Government would repeal the Act; and those Asiatics who had registered voluntarily would not in any way be subject to the operation of the Asiatic Registration Act.

(6) As far as he is aware, most Indians had applied for voluntary registration.
(7) In view of the assurances referred to above, he made his application to Mr. Chamney in the month of March, 1908, in the form[2] attached herewith, which bore his signature and his finger-prints.
(8) He, along with hundreds of other Indians, had thus fulfilled all the requirements in the application, ignoring the risk involved in doing so in view of the dissatisfaction that arose among certain Indians following the compromise.
(9) He had done his best to assist the Government to carry out the terms of the compromise in so far as the Indian part of it was concerned.
(10) He is now informed by the Chairman of the British Indian Association that the Government does not intend to introduce any Bill to repeal the Act, nor will it allow those Asiatics who are outside the Colony to apply for voluntary registration.
(11) For these reasons, he does not wish to accept a certificate of voluntary registration and has asked Mr. Chamney to return his application referred to above, the permit issued to him under the Peace Preservation Ordinance and his certificate of registration under the Act of 1885 which he gave to Mr. Chamney when making his application.

[1] *Vide* "Speech at Meeting of British Indian Association", pp. 45-8 & 55-6.
[2] Not reproduced here

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(12) Mr. Chamney has not returned the said application and other documents.

(13) It was not under the Asiatic Law Amendment Act that he had made the application for registration; he had done that of his own free will.

(14) The last date appointed by the Government for receiving applications was November 30, 1907, as can be ascertained by reference to the *Government Gazette* of November 1.

(15) He has not received the certificate of registration as per his application referred to above and in the circumstances stated above he does not wish to accept such certificate.

(16) He therefore prays for an order on Mr. Chamney directing him to return his application, or for any other relief that the hon'ble Court may deem fit to grant.

[From Gujarati]

Indian Opinion, 4-7-1908

183. ESSOP MIA'S AFFIDAVIT[1]

JOHANNESBURG,
June 23, 1908

I, Essop Ismail Mia of Johannesburg, Merchant, do hereby solemnly and sincerely declare as follows:

1. I am Managing Partner of the firm of Suliman Ismail Mia & Co. of Johannesburg, and Chairman of the British Indian Association.

2. I have read the Petition[2] of Ebrahim Ismail Aswat of Vereeniging, dated the 23rd day of June, 1908.

3. At the several meetings of the British Indian Association referred to in the said Petition I presided, and some of these meetings were attended by several thousand Indians.

4. As the British Indian Association has been informed by M. K. Gandhi of Johannesburg, its Honorary Secretary, to the effect that the Government may not repeal the Asiatic Act No. 2 of 1907, the British Indian Association has decided to advise all British Indians to withdraw their voluntary applications for registration and other documents handed to Montford Chamney of Pretoria.

5. I have also applied for the return of my application and documents, but they have not yet been returned.

[1] It is very likely that this was drafted by Gandhiji.
[2] *Vide* the preceding item.

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6. It was at very great personal risk that I and my fellow-countrymen have assisted the Government to carry out the terms of the compromise referred to in the said Petition so far as the Indian part of it was concerned.

7. By reason of so doing I was very severely assaulted on the 17th day of May last. The assault was so severe that I was laid up in bed for nearly a fortnight, and I very nearly lost a portion of my nose.

[ESSOP ISMAIL MIA]

Indian Opinion, 11-7-1908

184. AFFIDAVIT

JOHANNESBURG,
June 23, 1908

I, M. K. Gandhi of Johannesburg, Attorney, [and] Honorary Secretary of the British Indian Association, do hereby solemnly and sincerely declare as follows:

1. I have read the Petition[1] of Ebrahim Ismail Aswat of Vereeniging, dated the 23rd day of June, 1908, and the Affidavit[2] of Essop Ismail Mia, the Chairman of the British Indian Association, dated the 23rd day of June, 1908.

2. The statement made by the said Ebrahim Ismail Aswat, in his Petition, with reference to the compromise, is correct.

3. I was sentenced, together with many other Indians, to be imprisoned for not having complied with the Asiatic Law Amendment Act No. 2 of 1907, which I believed, and do still believe, to be contrary to my independence as a free man, and my conscience.

4. While I was undergoing sentence of imprisonment in the month of January, 1908, negotiations were put forward, I believe by the Government, for a compromise with the Indian community.

5. A letter[3] was placed before me for my signature, copy of which is hereto attached.

6. As that letter was not considered by me to be satisfactory, and as it left the question of the inapplicability of the Asiatic Act to those who voluntarily registered open, I made certain alterations[4]. Copy of the letter as altered by me is also hereto attached. The said letter was then signed by Leung Quinn, Chairman of the Chinese

[1] *Vide* "Petition to Transvaal Supreme Court", pp. 311-3.

[2] *Vide* the preceding item.

[3] & [4] For the draft brought by Cartwright and the alterations made in it by Gandhiji, *vide* "Letter to Colonial Secretary", pp. 40-2.

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Association, and Thambi Naidoo, a British Indian, both of whom were my fellow-prisoners, and myself.

7. On Thursday, the 30th January, I was taken to Pretoria, under escort, to call on the Colonial Secretary.

8. At the interview I had with the Colonial Secretary, the repeal of the Asiatic Law Amendment Act was discussed, and the promise given definitely there and then that, if the Asiatics applied for voluntary registration, the Act would be repealed. At the same time, a formal reply to the said letter was handed to me, copy whereof is hereto attached.

9. After the said interview, my fellow-prisoners and myself were discharged.

10. On the 3rd day of February, I had another interview with the Colonial Secretary, and the repeal of the Act, as well as other matters, was discussed, and the promise made to me and referred to above was repeated; though, at the said interview, the Colonial Secretary, at the time I took leave, added, "Remember, if there is a single recalcitrant Asiatic who does not take out voluntary registration, I shall enforce the Act against that man", or some words to that effect, which I took to mean that the vast majority of the Asiatics then resident in the Colony would have to take out voluntary registration certificates to bring about the repeal of the Act.

11. After that, correspondence passed between the Colonial Secretary and myself confirming the question of repeal.

12. To my surprise, however, I saw a letter[1] signed by the Private Secretary to the Colonial Secretary, stating that even voluntary registrants would be brought under the said Act.

13. I have since ascertained that it is the intention of the Government not to apply the said Act to those who have voluntarily registered, but they decline to give any assurance with reference to the repeal of the Act.

14. This news has created a great commotion amongst the Asiatics, and they have demanded the return of their voluntary applications for registration and documents handed to Montford Chamney of Pretoria.

15. When the compromise was completed, it gave dissatisfaction to a certain section of the Indian community, by reason of my having accepted, under authority of public meetings held at the time, the principle of identification by digit-impressions; and, in my desire to carry out the compact with the Government, I proceeded to the said Montford Chamney, on Monday the 10th February last, to make my

[1] Lane's letter of May 13, 1908; *vide* S. N. 4812.

application, and I was very severely assaulted by those who were dissatisfied with the compromise.

16. It is within my knowledge that many Indians, in order to carry out the compromise and to help the Government, had to suffer much inconvenience and undertook great personal risk.

17. The vast majority of Asiatics have accepted voluntary registration.

[M. K. GANDHI]

Indian Opinion, 11-7-1908

185. JOHANNESBURG LETTER

Tuesday [*June 23, 1908*]

SETTLEMENT ?

"Man proposes, God disposes" should be inscribed in everyone's memory. It was hoped that Monday would see the end of the law. On that very day it was made known that the law would stay—for the present at any rate.

Mr. Smuts told Mr. Gandhi on Saturday: 'Please see me on Monday. One or two minor points remain to be considered. All else is settled.' [*The Transvaal*] *Leader* wrote editorially on Monday that it had been decided to repeal the Act.

Mr. Gandhi met Mr. Smuts on Monday. He was shown a printed draft of the proposed Bill repealing the Act. If the Indian community approved the draft, the Bill would be passed and the Act repealed. The temptation was great. It was an excellent Bill from the point of view of those who had registered voluntarily or might do so in future. It did not contain any of the objectionable provisions of the obnoxious Act. There was, however, a "but" about the Bill. Accepting it meant forgoing rights as under:

(1) Even educated persons would not be allowed to enter [except on a temporary visit].
(2) Even those who hold £3 Dutch registers may not enter.
(3) Other [Asiatic] refugees [from the Boer War] may not enter.
(4) If the applications now being examined by Mr. Chamney are rejected, there is no appeal against his [administrative] decision.[1]

[1] In effect, the points made by Gandhiji in his letter to Smuts of June 13 were not acceded to. Addressing the mass meeting of June 24, Essop Mia, Chairman, made the following points: (a) the evidence about the claims to domicile in the Transvaal should be taken from voluntary registrants in a public and judicial manner, so that the reasons for any official decision could not be kept secret; and (b) they would not sell the rights of would-be educated Indian immigrants in return for some questionable advantages given to Indians already in the Colony.

If we agreed to forgo these rights, the Immigrants' [Restriction] Act would be amended and the obnoxious Act repealed.

The obnoxious law may or may not be repealed; how can we, on that account, agree to forgo anyone's legitimate rights? Mr. Gandhi therefore did not approve of the Bill and all further correspondence towards a final settlement came to a stop. General Smuts said in effect: 'Since you do not accept this Bill, we will not repeal this Act, but will legalize voluntary registration in the manner we think best.' Mr. Gandhi again asked that his application for voluntary registration be returned. Mr. Smuts replied that we could fight out the issue in court. The Pretoria Indians were immediately informed and a telegram[1] was sent to arrange a meeting of the Committee [of the British Indian Association] in Johannesburg.

The meeting was held on Monday afternoon at half-past five. Those present displayed a magnificent spirit. In a "do or die" mood they resolved to put up a fight. It was decided to fight a test case for the withdrawal of an application [for registration]. A mass meeting was fixed for Wednesday.[2] On Tuesday, telegrams were despatched to announce the mass meeting.

White Friends

Mr. Hosken, Mr. Cartwright, Mr. Stent and others have promised to help. [*The Transvaal*] *Leader* has published the report of an interview[3] with Mr. Gandhi. He has also addressed a letter to the Press, which appears in today's papers. It is as under:[4]

Reuter has cabled the news to England. If the community keeps up its present resolve, the law is bound to be repealed and the four points will also be settled to our satisfaction. We have a right to both. It is a legitimate right. Truth always prevails. That is the law of this world.

Aswat's Affidavit

A case for the withdrawal of his application will be filed in the Supreme Court on Mr. Aswat's behalf. If his case and that of Mr. Sorabji are both decided in our favour, the struggle will be over in a short time.

[1] *Vide* "Telegram to Johannesburg Office", p. 305.

[2] For Gandhiji's speech, *vide* "Speech at Mass Meeting", pp. 319-22, and for resolutions passed at the meeting, *vide* Appendix V.

[3] *Vide* "Interview to *The Transvaal Leader*", p. 310.

[4] This is not reproduced here. For the English text, *vide* "Letter to the Press", pp. 306-7.

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Even Otherwise

Even if these two cases are not decided in our favour, what difference will it make? Losing them will not mean defeat for us. The real Supreme Court is within us, and the true judge, God above us all. If we go on striving with faith, fate will never turn against us. Should the two cases be decided against us, no one need be alarmed. Everything will be all right as long as our own courage does not run out. A satyagraha campaign depends on the satyagrahi, not on others.

Test Case

General Smuts claims that even the Immigrants' [Restriction] Act does not guarantee any rights to educated persons. If this is true, we have nothing more to say, neither can we hope ever to obtain these rights. Mr. Gandhi suggested that the matter be left to the Supreme Court for a decision, but Mr. Smuts was not agreeable. A test case has now become inevitable. Mr. Sorabji Shapurji, who has passed several Bombay examinations in English and who lives in Charlestown, has agreed to be the defendant in a test case. He will attempt to enter Volksrust on Wednesday. Mr. Chamney has also been informed telegraphically so that he can stop him if he wishes to. By the time this appears in print, the matter will perhaps have been decided in a magistrate's court.

Wednesday [*June 24, 1908*]

Mr. Sorabji entered the Transvaal on Wednesday. Contrary to expectations, he was not stopped at the border, and he has arrived in Johannesburg. His movements are, however, being watched by the police. This [surveillance] is likely to continue for some time. This shows there is some confusion in the Government ranks. Its legal advisers are possibly of the view that Mr. Sorabji cannot be touched under the immigration Act. Even so, it is likely that he will be arrested soon.

Law-makers of the Transvaal!

General Smuts has given notice in Parliament [of a motion] to withdraw the Transvaal Municipal [Consolidation] Bill. *Indian Opinion* readers will recall the strong protest of the Indian community against the Bill.[1] *The Transvaal Leader* has recently published a report that the Government intends to withdraw the Bill relating to the Gold Law. [According to the report] it was to be replaced by a shorter Bill, but the Government has denied this.

[From Gujarati]
Indian Opinion, 27-6-1908

[1] *Vide* "Petition to Transvaal Legislative Assembly", pp. 295-7.

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186. SPEECH AT MASS MEETING[1]

[JOHANNESBURG,
June 24, 1908]

The receipt of so many telegrams shows the unanimity with which the object of this meeting has been received, but though I have read these telegrams to you, it is due to this meeting, due to the executive of the British Indian Association, and due to the Transvaal public to state also that there is, at this meeting, electricity in the air, and these telegrams by no means demonstrate the whole truth. The whole truth is that there is, even in this meeting, a number of Indians who are seething with discontent over what the leaders have done, and over what especially I myself have done, in connection with the compromise. There is a number of Indians in this meeting who believe, as the Chairman has stated in his speech, that the whole Indian community has been sold for selfish purposes. The Chairman has repudiated the charge, and so do I, but I do not blame my countrymen who bring that charge against me especially.[2]

Some of my countrymen tell me and, perhaps, with some justification, that I did not take them into confidence, when I approached General Smuts on the strength of the letter that was placed before me in the gaol-yard, and it is better that I myself should voice their complaints. I believe that, in seeing General Smuts as I saw him, I acted correctly and in accordance with my conscience, but time has shown that they were right, time has shown also that I need not have gone to General Smuts as I did. What I did was simply and solely to accept voluntary registration that was placed before him for over a year by the whole Indian community. I felt that I was yielding nothing, not a single new principle, not a single concession, in accepting this voluntary compromise. I believed that I had full instructions from my countrymen to do so, but I believed too much. I did not know what

[1] The meeting, which was held under the auspices of the British Indian Association at 3.45 p.m. to discuss the situation arising out of the "breach", by the Transvaal Government, of "the spirit of the compromise" of January 30, 1908, was attended by delegates from all over the Transvaal. For resolutions passed at the meeting, *vide* Appendix V.

[2] The Chairman had said: "They who assaulted the Chairman and the Secretary distrusted the Government. In their opinion, we had misled them, and, when the proper time came, we had sold the community to the Government. Whilst I emphatically repudiate any such suggestion, it is impossible for me to deny that the Government have, by their recent conduct, lent colour to the suspicion and distrust."

was to come after. I did not know that there was to be repudiation of the emphatic promise that was made in connection with the repeal of the Act. I know now that the compromise is not to be respected by the Government.

General Smuts says that he never made any promise of repeal, but there are documents, which the world will see, which will show, at least, that there was a talk and a conversation with reference to the repeal of the Act. There are witnesses also in connection with it, but as the Chairman has rightly said, that is left for the lawyers to decide.[1] The Indian community only knows that the repeal of the Act was the object, and that was the object which was to be gained by undergoing voluntary registration, but today the Indian community finds that voluntary registration has not sufficed [for] the purpose. It finds also that it has become necessary to hold this Mass Meeting again, and it has become necessary again, perchance, if it is the will of God, to undergo the same measure of suffering, only far more bitterly.

If, therefore, you find there is electricity in the air, I do plead guilty. I am responsible for it, responsible because I had too great faith in the statesmanship of General Smuts, in his honesty, and in his integrity. If my countrymen today believe that I have sold them, they have good reason to believe so, although [there is] no justification for it, in my own estimation. They can only judge me by the results obtained. They cannot judge, the world is not today so constituted that it will judge, men by the motives they ascribe to themselves, but by the result of their actions; and they judge me by the result of my action, the result of having foisted the compromise on the whole of the Indian community, and I include also the Chinese community, because although there were two other gentlemen who signed the letter that was addressed to General Smuts, they did so fully believing in my own good faith, fully believing that what I was doing was what they were all working for, namely, the repeal of the Act not only in word but in deed, not, indeed, to secure a revised edition of the Act, but to obliterate the Act and all its consequences, if the Indian community and the Chinese community voluntarily proved that they were capable of being trusted without any legal restraint. If they proved that the large majority of the Asiatics had entered the Transvaal with perfect right, and if they proved that the documents that they held were correct documents and were properly

[1] The Chairman again: "We went to prison to buy liberty of conscience and freedom from molestation and restraint, and we did not come out of the prison gates in order to submit to a law, or a revised edition of it, which was calculated to take away those priceless possessions. We want no bandying of legal phrases and subtleties of lawyers. We, as common-sense men, want our honour to be respected, and it is for that that this great meeting has come to plead."

obtained by them, and were not fraudulent documents, then they undoubtedly believed that the Act would be repealed, that their position was to be much better than it would have been under the Asiatic Act. They believed also that they had fought for 16 months, not merely to secure a nominal repeal of the Act, but to secure recognition for themselves as human beings, to secure a voice in the management of their own affairs, to secure a voice in the legislation that may be passed so far as they are concerned; not a voting paper by any means—a voting paper for the Indians or the Asiatics may not be worth the paper on which the signature might be put—but they wanted a real voting paper, they wanted to be consulted before any legislation was passed.

And what did they find? They found that there was a Gold Law, they found that there was a Municipal Bill, both these Bills still further curtailing the rights of those having a right to remain in this country. Have they not every reason to believe that Gandhi has misled them? Have they not every reason to believe that they have no longer any business to suffer because Gandhi advises them to suffer?

I see before me a warrior, a military man, who was my fellow-prisoner. He tells me "How shall I trust you? You have misled your countrymen, you have given 18 finger-impressions. I have not. I hold my medals, and that is my registration."

Another of his fellow-religionists, or a fellow-Pathan, has assaulted me. He deserves every thanks for having assaulted me, because he believed that I was selling the community. He had no grudge against me, he was my client. He had a perfect right to do what he did, as I find now from the consequences that have been entailed on the whole of the Asiatic communities.

Gentlemen, those who are here and whose influence reaches far beyond the four corners of this building, go away from this meeting knowing full well what the consequence of General Smuts' act will be—General Smuts' act undertaken in the name of the white communities. I may understand, I may distinguish, but, just as my fellow-countrymen could not distinguish and they only had the remedy of assaulting me, another had the remedy of telling me that I had sold my countrymen; similarly it is not possible for them to distinguish between one white man's word and another white man's word, especially when that word happens to be the word of almost the highest man in the State.

I state most emphatically and definitely that General Smuts did promise that he was going to repeal the Act, in the presence of the Registrar of Asiatics, if the Asiatic communities abided fully, frankly, and freely by the terms of the compromise, if the Asiatic communities enabled General Smuts to identify every Asiatic in the country, and if the Asiatic communities enabled General Smuts to see to it that there was

no Asiatic who could surreptitiously enter into the country and not be found out by his Police. These terms the Asiatic communities have fulfilled, and yet we find today, we meet this afternoon to find out, that this Act is not to be repealed as it should be repealed, and that the promise of repeal is hedged in on all sides by such restrictions as could never be accepted by any self-respecting man.

The passive resistance movement has been undertaken only to gain rights for the whole of the Asiatics who have a right to remain in this country and not for a chosen few, and if—there is one man, whom I can recall, who is in Ladysmith, who came to the country in 1885 and paid £25 to the Boer Government for remaining in this country, carried on a trade, and possesses European credentials—if he cannot enter this country, I, for one, do not wish to remain in this country, if my countrymen before that time do not remove this head which seems to have done grievous wrong to them.

Indian Opinion, 4-7-1908

187. REVIVAL OF PASSIVE RESISTANCE

It is a thousand pities that General Smuts has, while yielding on the question of the repeal of the Asiatic Act, taken up an obstinate position on mere matters of detail and of no significance from a Colonial standpoint. General Smuts' attitude savours very much of straining at a gnat and swallowing a camel. He has taken all the grace away from his offer to repeal the Act by robbing it of all advantage to the Asiatics of the Transvaal, and it is hardly to be wondered at that British Indians have summarily rejected an offer which, in effect, places them, as a body, in a worse position than they occupied before the struggle. It is true that the bait was held out by the General in the shape of easing the position of those who were included by him in the repealing Bill. To the credit of the communities, let it be said that they have not taken the bait. As passive resisters, they could not, in order to gain a position for themselves, barter away the rights of others who were just as much entitled to remain in or enter the Transvaal as they themselves. The proceedings of the Mass Meeting show unmistakably that Indians are just as much determined as ever to see the fight to the finish, and this time they will command far greater sympathy and help, and, if General Smuts has the slightest regard for the Empire to which he belongs, he will still, while there is yet time, refrain from unnecessarily wounding Indian feeling.

Indian Opinion, 27-6-1908

188. SATYAGRAHA AGAIN

General Smuts has offered to repeal the [Asiatic Registration] Act, but on certain conditions [which are unacceptable]. That a further battle remained to be fought in the Indian war in the Transvaal has now become clear. In every great war, more than one battle has to be fought. The Russo-Japanese war lasted for over a year. In the course of that war, four or five well-known battles were fought, at Port Arthur, Mukden, etc. The Boer War also lasted for two or three years and came to an end only after several battles had been fought. The war of the Transvaal Indians is not an armed conflict as these were. Save for that, this, too, is a war. For, if we think of the consequences, this war [waged] through satyagraha is no whit less of a war than those fought with [gun and] powder. Victory or defeat in this war will have far-reaching consequences for Indians in other Colonies. No other consequence can be more important than this.[1] Looking at it thus, we can unhesitatingly compare this fight by a handful of Indians in the Transvaal to the great campaigns mentioned above.

A number of battles may be won in the course of a war, but all the gains are wiped out if the final battle is lost. The same is true of the Transvaal Indians' satyagraha. The first battle was fought in 1906.[2] It was waged in the arena of British politics, and the Deputation returned victorious. This was followed by a series of encounters in which the Indian community showed fine mettle; it earned for itself a name as a brave community which, though a mere handful, compelled the Boers to yield by sheer dint of courage and truth. As it happened, however, a large number of Indians were dissatisfied with the settlement, which means that, in their view, the fight had not been carried far enough. General Smuts has now provided the opportunity to complete what was prematurely abandoned. We believe therefore that satyagrahi Indians, instead of feeling unhappy at the resumption of the campaign, will shout back an eager response to the [war] cry. Those who were angry with the leaders for having prematurely called off the campaign have now an opportunity to prove their sincerity. They must make common cause with the others and boldly declare that they are ready to lay down their lives for the sake of the honour and rights of Indians. If the Indian community evinces this spirit for

[1] No other consequence of satyagraha, such as loss of property or personal inconvenience suffered by satyagrahis, can be more important than that which bears on the conditions of Indians everywhere.

[2] The reference is to the Transvaal Indian Deputation that visited England. *Vide* Vol. VI.

the last time—for the present at any rate—we have no doubt that we will win a resounding victory.

This is the last battle in this war we have been talking of, and it must be won. The condition of South African Indians will depend a great deal on the issue of this battle. On the one hand, the clouds are louring upon Natal.[1] On the other, a law regarding registration has already been passed in Rhodesia.[2] A Member of Parliament in that Colony pointed out in passing that the Transvaal law had not yet been repealed. The Transvaal Indians should take a cue from this and carry the dead law to the crematorium and dispose of it properly. They must gird up their loins—for their own sake and for the sake of all South African Indians. Indeed, it appears from a report of the mass meeting that they are thus prepared. We congratulate them on this, and urge them to mount a vigorous attack and, for once, let the enemy have a taste of their strength. The sword of satyagraha is far superior to the steel sword. Truth and justice provide its point; divine help is the hilt that adorns it. One who has the use of this sword has no cause to fear defeat. Therefore, brave Indians, arise, and without ado, draw the sword of satyagraha and fight unto victory! When Japan's brave heroes forced the Russians to bite the dust of the battle-field, the sun rose in the east. And it now shines on all the nations of Asia. The people of the East will never, never again submit to insult from the insolent whites.

[From Gujarati]
Indian Opinion, 27-6-1908

189. SARVODAYA [*–VII*]

Veins of Wealth

We saw that the value of money consists in its power to command the labour of men. If that labour could be had without payment, there should be no further need of money. Instances are known where human labour can be had without payment. We have considered examples which show that moral power is more effective than the power of money. We also saw that man's goodness can do what money cannot do. There exist men in many parts of England who cannot be beguiled with money.

Moreover, if we admit that wealth carries with it the power to direct labour, we shall also see that the more intelligent and moral men are, the greater is the wealth amassed. It may even appear on a fuller

[1] *Vide* "Natal Licensing Act", pp. 287-8.
[2] *Vide* "Rhodesia Indians", pp. 265-6.

consideration that the persons themselves constitute the wealth, not gold and silver. We must search for wealth not in the bowels of the earth, but in the hearts of men. If this is correct, the true law of economics is that men must be maintained in the best possible health, both of body and mind, and in the highest state of honour. A time may also come when England, instead of adorning the turbans of its slaves with diamonds from Golkonda and thus sporting her wealth, may be able to point to her great men of virtue, saying, in the words of a truly eminent Greek, "This is my wealth."

EVEN-HANDED JUSTICE[1]

Some centuries before Christ there lived a Jewish merchant, Solomon[2] by name. He had made a large fortune and earned great fame. His maxims are remembered in Europe even today. He was so beloved of the Venetians that they erected a statue in the city to his memory. Though his maxims are known by rote, very few persons actually practise them. He says: "Those who make money through lies are afflicted with pride, and that is a sign of their death." At another place, he adds: "Treasures of wickedness profit nothing. It is truth which delivers from death."[3] In both these maxims Solomon asserts that death is the outcome of wealth unjustly acquired. Nowadays, people tell lies or perpetrate injustice so cleverly that we cannot find them out. For there are misleading advertisements. Things bear attractive labels, and so on.

Again the wise man says: "He that oppresseth the poor to multiply his riches shall surely come to want." And he adds: "Rob not the poor because he is poor. Oppress not the afflicted in the place of business. For God[4] will corrupt the soul of those that torment them." At present, however, it is the practice in business to administer kicks to those who are already dead. We are eager to take advantage of a needy man. The highwayman robs the rich, but the trader robs the poor.

Solomon says further: "The rich and the poor are equal. God is their maker. God gives them knowledge."[5] The rich and the poor cannot live, the one without the other. They always need each other.

[1] This corresponds to Ruskin's chapter "*Qui Judicatis Terram*". "Ye that be judges of the earth, [love righteousness]."

[2] (993-953 B.C.); believed in Ruskin's day to have been the author of *Proverbs* in the Old Testament

[3] Cf. *Proverbs*, Ch. XXI, *v.* 6 and Ch. X, *v.* 2

[4] The Gujarati has "Khuda".

[5] Cf. *Proverbs*, Ch. XXII, *v.* 2: "The rich and poor meet together: the Lord is the maker of them all" and *Proverbs*, Ch. XXIX, *v.* 13: "The poor and the deceitful man meet together: the Lord lighteneth both their eyes." Ruskin himself used the Vulgate.

Neither of them can be regarded as superior or inferior to the other. But evil consequences follow when the two forget that they are equal, and that God is their light.

[From Gujarati]
Indian Opinion, 27-6-1908

190. MUSTAFA KAMAL PASHA'S SPEECH[1]

Only a few months before Mustafa Kamal Pasha died, he delivered a spirited address in Alexandria. It is a remarkable speech from which all of us can learn something. We therefore print a translation of it here.[2]

The speech was delivered in the Jijinia Theatre on October 22, 1907. It is said that more than 6,000 people heard this address.

[From Gujarati]
Indian Opinion, 27-6-1908

191. FRAGMENT OF A LETTER[3]

[Before *June 29, 1908*][4]

It will take a few days more for complete recovery. You get plenty of exercise and open air there, so I need not suggest these to you.

Do mix freely with Mrs. and Miss Pywell. Please let me know your reactions to them.

The Government have raised an objection about the cremation ground. I consider this very derogatory to the Hindus. You may spread this [information] and discuss it all round. We can put up a good fight over this issue. Many whites, too, are likely to help. See Motilal[5] and find out all the details from him.

Do not worry about matters at this end. In all probability a settlement will be reached without a tussle.

Blessings from
MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S. N. 6084

[1] For a life-sketch of Mustafa Kamal Pasha, *vide* "Egypt's Famous Leader", pp. 166-7 & 174-6.

[2] Not reproduced here

[3] Judging from the contents, it would appear that the letter was addressed to Chhaganlal or Maganlal Gandhi at Phœnix.

[4] Ada Pywell referred to in the letter had just arrived in South Africa and her marriage with West took place on June 29, 1908.

[5] Motilal M. Diwan, a Durban Indian leader

CWMG - VIII

192. E. I. ASWAT'S REPLYING AFFIDAVIT[1]

[JOHANNESBURG,
June 29, 1908]

I, Ebrahim Ismail Aswat of Vereeniging, do hereby solemnly and sincerely declare as follows:

1. I have read the affidavits of Mr. Montford Chamney of Pretoria, dated at Pretoria on the 25th day of June, and on the 26th day of June 1908, and the affidavit of Mr. J. C. Smuts of Pretoria, Colonial Secretary, dated the 26th June, 1908.

2. I attach hereto copy of my letter[2] to the said Montford Chamney for the return of the documents therein mentioned.

3. The said Montford Chamney has never offered to return the permit and registration certificate referred to in Paragraph 4 of his said affidavit.

4. I am willing and prepared to pay the price of the Government paper on which I made my voluntary application, and which it is now my desire to recall.

EBRAHIM ISMAIL ASWAT

Indian Opinion, 11-7-1908

193. REPLYING AFFIDAVIT[3]

[JOHANNESBURG,
June 29, 1908]

I, Mohandas Karamchand Gandhi of Johannesburg, do hereby solemnly and sincerely declare as follows:

1. I have read the affidavits[4] of Mr. Montford Chamney of Pretoria, dated at Pretoria on the 25th day of June and on the 26th day of June 1908, the affidavit of Mr. J. C. Smuts of Pretoria, Colonial Secretary, dated the 26th June, 1908, and the affidavit[5] of Mr. Ebrahim Ismail Aswat of Vereeniging, dated at Johannesburg the 29th day of June, 1908 and copy of the letter[6] addressed by him to Mr. Montford Chamney.

[1] Filed before Harry H. Jordan, Justice of the Peace. This was presumably drafted by Gandhiji.

[2] *Vide* "Letter to M. Chamney", p. 311.

[3] Filed before Harry H. Jordan, Justice of the Peace

[4] *Vide* Appendix VI.

[5] *Vide* the preceding item.

[6] *Vide* "Letter to M. Chamney", p. 311.

2. As Secretary to the British Indian Association, I never received any letter from the said Montford Chamney, offering to return the permit and registration certificate of the said Ebrahim Ismail Aswat.

3. I adhere to my statement that a promise of repeal of Act 2 of 1907 was made by Mr. Smuts, but I am advised that the question of repeal is not germane to the issue before this Hon'ble Court. I, therefore, refrain from adducing further proof in respect of my statement.

M. K. GANDHI

Indian Opinion, 11-7-1908

194. LETTER TO H. L. PAUL

JOHANNESBURG,
July 1, 1908

DEAR MR. PAUL,

I have been, indeed, too busy to write to you in reply to your letter. I do not think Mr. Rustomjee need be troubled at present, because I have collected just enough to pay Joseph's passage[1], and I have authorized Mr. Ritch to pay that amount to him—that is to say, I have £20. If the few pounds that are already collected by Brian Gabriel[2] and Lawrence[3] can be sent him, he will not want anything more. If you could collect a little more, it would ease him a bit, and that is all.

I am glad my ward[4] has not forgotten me entirely. I am glad, too, that she is making such splendid progress in music. I have her, as also your, promise that she is to use her talents for the benefit of Phœnix and, through Phœnix, I take it, of the whole community. It is, therefore, in my opinion, a good asset.

I hope you are all keeping in good health. The struggle here may be prolonged, or it may end in a few days. The result can only be one, if the people remain firm.

Yours sincerely,
M. K. GANDHI

From a typewritten copy of the original: C.W. 4548. Courtesy: E. J. Paul, Pietermaritzburg

[1] Joseph Royeppen's passage to South Africa; *vide* "Letter to H. L. Paul", p. 286.

[2] Photographer; a member of the Phœnix settlement for some time

[3] V. Lawrence; a Durban Indian leader

[4] Angie, the addressee's daughter

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195. *JOHANNESBURG LETTER*

[Before *July 2, 1908*][1]

SATYAGRAHA IN FULL BLOOM

The satyagraha campaign has been revived. Indians have evinced a spirit of sterling worth and everyone appears to be full of courage.

WHAT CAMPAIGN IS ABOUT

It is necessary to understand this well. The fight, then, is not for the repeal of the Act, for General Smuts was quite prepared to do that. The Act is bound to be repealed. It is in any case as good as repealed for those who do not intend to submit to it.

Neither is it a fight against [the giving of] finger-impressions. They are not of the least importance. They will not be insisted upon in Rhodesia,[2] but it will be none the less disgraceful for that. When it is a matter of preserving self-respect and resisting the imposition of slavery, why should there be so much fuss about finger-impressions?

The fight is for [the rights of] those who hold the £3 Dutch registration certificates, for those who are outside the Transvaal at present, but are in a position to prove that they are old residents of the Transvaal. It is also for the sake of the educated Indians. Every Indian must be clear about this.

At the time of the compromise, this issue could not have been settled. The important thing then was to prove the *bona fides* of the Indian community. Till that was done, it was impossible for us to protest. No decision could then be taken about those holding the £3 [registration certificates], about the other refugees and about the educated [Asiatic immigrants]. It was not possible therefore to have the matter settled.

Now that, while repealing the [Asiatic Registration] Act, General Smuts wants to define the position to their disadvantage and to exclude them, the Indians can insist upon their own view of the matter.

One should not blame all this on the compromise. It is because of the compromise, because of the demonstration of its strength by the Indian community that we have got thus far.

[1] This news-letter was drafted before the Supreme Court had pronounced on Aswat's affidavit asking for the return of his application form for voluntary registration. The case was heard on July 2.

[2] *Vide* "Rhodesia Indians", pp. 265-6.

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Remedy

There is only one remedy. And that lies in our hands. We should ignore the Government's law and act as follows:

(1) When necessary, we should burn the certificates of voluntary registration.

(2) We must refuse to affix our finger-impressions or signatures [on any documents] or to give our names when asked for these by the police.

(3) We should tender the licence fee, but if the licence is refused, we should carry on trade without one.

If, as a consequence of any of these actions, we have to suffer imprisonment, we must accept it. If we do that, the day of our freedom will be hastened. Even otherwise, people have so far fought, if only for their own rights. Henceforth, those who have received certificates of voluntary registration will fight especially for the sake of the others referred to above.

And if we refuse to fight, we cannot claim that ours is true satyagraha. It is not as if the sword of satyagraha can be used only once and becomes useless afterwards. If we have discovered its real worth, we can use it each time we have to fight. It is more effective than a sword of steel. All that is required is the capacity to endure suffering. We should not fight shy of imprisonment. We must not imagine that eating mealie pap will do us any harm.

How then Can We Leave Colony?

This question has been raised by a number of persons. If people burn their certificates, what authority will they have for returning to the Transvaal after leaving the Colony once? That the question has at all been asked suggests an inadequacy in our concept of satyagraha. My reply is: a resident of the Transvaal would only need authority if it was necessary for him to have any authority for going to India. Indian residents of the Transvaal should undoubtedly enter [the Colony] even if they are without registers. The only risk in doing so is that one may be put in gaol. Let them imprison [us]. But bail [money] must not be paid. We do not want to be let out on bail. The fine must not be paid either. Even defence which would make a lawyer necessary must not be offered. Whatever defence is needed will be provided by Mr. Gandhi, free of charge as usual, the only condition being that the person concerned should be a true satyagrahi, that he should have a valid case, and that the case should promote the community's interests.

Supreme Court

Those who wish to adopt this course are not in any wise concerned with the case in the Supreme Court. It will be well and good if, as a result of it, application forms [for voluntary registration] are returned.

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The end will come sooner in that case. But if the forms are not returned, that should not matter. What is necessary is that we ourselves should remain strong. If the forms are returned, that would have the effect of instantaneously invalidating the registers. Burning them also comes to the same thing. One should not assume that the registers will remain valid even after the forms have been returned. Registers without applications are like revolvers without cartridges. The only object of asking for the return of application forms is to ensure that the registers are invalidated immediately. Burning them will not quite render them invalid for there are copies with the Government and the applications contain all the particulars.

What we are afraid of is that, even if we do burn the registers, the Government may not prosecute us. We want to go to gaol. The Government does not want to send us to gaol. The best way, therefore, to arrive in gaol is to get our applications back.

Mr. Smuts has said that the Government itself wants to act like a passive resister. I shall not admit this to be satyagraha, for that will be mere unreasonable obstinacy on its part. By refusing to return our applications, the Government wants to avoid being obliged to send us to gaol. Its motives in doing so are unworthy. It is afraid of the 7,000 voluntary registrants, who are full of courage. They are capable of fighting it out. The Government does not wish to do anything which may provoke them.

All this is easy to understand. Let everyone think it over and then ask himself whether it would have been possible to put up such a fight three months ago.

Was the Government afraid of us then? Is there any doubt that if we fight we shall win?

Fake Registers

The community's enemies persist in their mischievous activities. There is a barber named Jaymal who has been arrested for selling faked permits. He is said to have sold a faked permit to a Khoja[1], who paid £20 for it. The Khoja fell into the hands of Mr. Ali Khamisa who had him arrested. The Khoja has now become a Crown witness. (Anyone who, acting as a special witness, supplies information to the Government and helps discover the truth is known as the King's witness or a Crown witness.) The information supplied by him has led to the arrest of Jaymal. If this information which I have received is correct, I congratulate Mr. Ali Khamisa. He has rendered the community a service. Indians like Jaymal are enemies of the community. One should see to it that they are punished. The community has suffered

[1] Member of the Ismaili sect of Muslims

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on their account, and will yet suffer. They will continue so to do harm. Those who buy faked permits only walk into a trap. If, instead of resorting to such questionable methods, they were to adhere to the path of satyagraha, that would sooner or later enable every Indian with a rightful claim, every *bona-fide* refugee—that is, a refugee who was resident in the Transvaal for some length of time—to enter. Intending immigrants who are altogether new to the place should not even entertain any thought of coming in.

General Smuts' Affidavit

General Smuts and Mr. Chamney have submitted affidavits to say that the former never made the promise to repeal the Act. The affidavits were submitted on the day on which the case came up for hearing. The affidavits were not submitted on the first day, which is enough to show that they are not telling the truth. Most of the documents bearing on this matter have been published in the English [section]. In Gujarati [we will publish them] the next time. At the moment, a number of interesting developments are taking place.

Sorabji's Case

They have not laid hands on Mr. Sorabji yet. Mr. Vernon often comes to see him. He was asked to report himself at the police station, and this he has flatly refused to do. Mr. Sorabji is prepared for imprisonment, but will not leave the Transvaal or submit to the obnoxious Act. His case will greatly help the Indian community. He is eagerly waiting for the Government to arrest him.

Hawkers

[A number of] Indian hawkers ask [us] how they are to carry on without licences. They have their permits with them, but not the certificates of voluntary registration, for they entered the Colony after the dispute with the Government had started. They do not want to take out registration certificates which are compulsory under the Asiatic Registration Act. Two such Indians, Mr. Ismail Amod and Mr. Ibrahim Marolia, have started trading without licences. Mr. Gandhi has furnished them with a written statement that they are hawking without a licence on the advice of the Association. They are prepared to go to gaol. If they are arrested, they will be defended by Mr. Gandhi. We hope that other hawkers will have the same courage to carry on the fight. No one need discontinue his business altogether.

Essop Mia's Letter

Mr. Essop Mia has addressed letters to the Government and the Municipality saying that these Indians are not prepared to starve, and

that they must continue business. They will therefore trade without licences, since the Municipality has refused to issue them these. They are still prepared to take them out if the Government agrees to issue them.

The campaign for burning certificates of voluntary registration is gathering way. For one thing, there is the agitation [by way of mass meetings, etc.]. For another, hawkers and others are trading without licences. Thirdly, there is Mr. Sorabji's case. Let us see now if General Smuts can find any way out of this [situation]. I, for one, do not believe that he can bear to behold the light of satyagraha. Everything depends on the spirit of unity among Indians and their courage.

Cape Conference

The Hamidia Islamic Society sent a telegram to the Cape Conference. This has been telegraphically acknowledged with thanks, and the reply states further that a resolution has been passed recommending the merger of all [Indian] Associations.

[From Gujarati]
Indian Opinion, 4-7-1908

196. LETTER TO THE PRESS

Johannesburg,
July 2, 1908

SIR,

The Supreme Court has decided that Asiatics have no right to recall voluntary registration applications.[1] The object of going to Court was for voluntar[il]y registered Asiatics to place themselves on the same footing as their unregistered brethren who, they contend, have a right to be placed on a par with them but who, General Smuts contends, ought to be banished out of the country or, being absent, should not be allowed to return to the country of their domicile.

The questionable victory gained by General Smuts on a highly technical point of law will not thwart the purpose of the Asiatics to become disregistered, provided that they have sufficient courage and spirit of self-sacrifice.

The application to the Supreme Court had to have a legal as also a moral basis. The legal basis consisted in the ability on either side to treat the compromise as a nullity without getting any relief from the

[1] For details of the judgment, *vide* "Johannesburg Letter", pp. 347-8.

Court. The moral basis consisted in showing that Asiatics wished to treat it as a nullity, because of its breach by General Smuts.

The breach is twofold. General Smuts will not repeal the Act without imposing unacceptable conditions, and he will not take voluntary registration in terms of the compromise from those who are now entering the country and who are entitled to enter it. General Smuts denies having promised to repeal the Act, and interprets the compromise to mean that those who entered the country after the lapse of three months after the date of the compromise should register under the Act. Let the public judge the meaning of the following:

> Under these circumstances, we would once more respectfully suggest to the Government that all Asiatics over the age of 16 should be allowed within a certain limited period, say three months, to register themselves, and that to all who so register the Act be not applied, and that the Government take whatever steps they deem advisable to legalize such registration. *Such mode of registration* should apply to those also who being out of the Colony may return and otherwise possess the right of re-entry.[1]

General Smuts says that the men who were out of the Colony should have returned within the three months in order to entitle them to come under the compromise. I ask whether it was possible ever to inform Asiatics throughout the world of the existence of the compromise, or for them to return within that period.

As to the promise of repeal, I beg to ask your indulgence for publication of the enclosed correspondence[2] and to leave it to the public to judge whether the repeal was promised or not. I would draw attention to the fact that, in answer to my letter of the 22nd February detailing the legislation to repeal and replace the Asiatic Act, there is not one word of repudiation of the promised repeal. Of my allusions to the promise in the correspondence that took place after suspicions were roused, there is no repudiation. My pointed questions are evaded. I add to this the statement that, immediately after the assault committed on me, as a result of my acceptance of the compromise, Mr. Chamney saw me at Mr. Doke's house, and he and I drew up a notice for publication in Asiatic languages that, the Asiatics complying with the compromise, the Act would be repealed. This notice Mr. Chamney said would be taken to General Smuts and then published. He returned the next day or the day after and informed me that Asiatics were registering and inquired whether, in view of that fact, it was necessary to publish the notice. I, never dreaming of recantation on General Smuts' part, said it need not be published. I challenge him to produce the original draft, if it is still in existence. I add, further,

[1] *Vide* "Letter to Colonial Secretary", p. 41.

[2] Gandhiji-Smuts correspondence

that Mr. Chamney, not once, but often, told me that General Smuts would keep his promise and repeal the Act, and that, not much over a month ago, I met him by appointment at Winchester House, where he actually discussed the draft submitted by me, and, in the main, approved of it. He has, on oath, denied that General Smuts promised repeal in his presence. He may similarly deny the statements I am now making. But Truth is superior to General Smuts, him, and me.

The path before my countrymen is clear. They must be prepared again to suffer. Through their sufferings the public will see who was right.

Let me reiterate the points of dispute. Though promise of repeal is denied, General Smuts is ready to repeal the Act, if we would submit to the rights of domiciled Asiatics, and educated Asiatics who are entitled under the Immigrants' Restriction Act to enter the country, being taken away.

I am, etc.,
M. K. GANDHI

Indian Opinion, 11-7-1908

197. SELF-SACRIFICE

It is necessary that every Indian should understand the nature of the campaign in the Transvaal. We have earlier explained the meaning of satyagraha through many examples.[1] The time has now come to realize that meaning through action. Satyagraha and self-interest do not go together. Satyagraha always calls for sacrifice of self. The rights of Indians holding permits have been secured; the Government is prepared to exempt them from the obnoxious Act. However, the situation demands that the permit-holders should sacrifice their interests for the sake of those holding the £3 Dutch registration certificates and the educated. We rejoice in this opportunity [for sacrifice] as though it were a nuptial occasion, and want every Indian to do the same. Satyagraha will reveal its real meaning now. The Government is agreeable to the repeal of the Act. But no action is being taken because the Indian community will not accept the conditions for the repeal. This is no mean achievement, for the community is being treated as a worthy opponent by the Government. It was obliged to consult the community in drafting the Bill. It is satyagraha which has brought this about.

Earlier, there was an element of self-interest in the campaign. Every Indian who fought in the Transvaal was defending his rights as well as

[1] *Vide* "Secret of Satyagraha", pp. 91-2, and "Licences in Natal", pp. 214-5.

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those of the community. The Indians who join the campaign now will be defending the rights of their brethren. That is the beauty of it.

The Indian community will achieve an undying name for itself if it succeeds in this selfless task. It will ensure its own happiness and that of others, and thus win the admiration of all India. We hope, therefore, that the Indian community will remain steadfast.

[From Gujarati]
Indian Opinion, 4-7-1908

198. RHODESIA INDIANS[1]

A law similar to the one in the Transvaal has been enacted in Rhodesia. It remains to be seen whether it will receive [Royal] assent. The chances are that it will not. The South Africa British Indian Committee has put up a strong fight on the issue. This has been the subject, too, of Reuter cables. The Rhodesia Indians have acted wisely in submitting a petition. Since they are scattered all over [the Colony], they have not been able to do much. Bhimji Nayak appears to have taken great pains.

There is a point as regards the struggle in Rhodesia that is worth noting. When the Chartered Company[2] in England was approached by Reuter, its agent replied that there was no intention to insult the Indians, but that it was necessary to place restrictions on the community. The finger-print system would not, however, be adopted. As if it was only the finger-print system to which exception was taken! What does it matter if, after imposing slavery on the community in the form of the law, they do or do not ask for finger-prints ? The important thing is that this law should go, instead of which they want to retain the law and add that the finger-prints will not be insisted upon. We suggest to the reader that he should carefully note from this instance the distinction between the law as such and the [system of] finger-impressions. We have no hesitation in advising the Rhodesia Indians to give their finger-impressions if, by doing so, they can have this legislation withdrawn. The law means perpetual slavery. The giving of finger-prints may be a means of avoiding that enslavement. Of course, we do not suggest that they should offer to give their finger-impressions right away. They should wait for the reply from England. But we hope that, if

[1] *Vide* also "Rhodesia Indians", pp. 265-6.

[2] The British South Africa Company, which received its charter in October 1889, administered Rhodesia till September 1923, when the Colony was formally annexed to the British Crown. Cecil Rhodes was general manager and its guiding spirit.

the reply is unfavourable, they will resort to satyagraha and refuse to submit to the law. Also, they should send a petition to England.

[From Gujarati]
Indian Opinion, 4-7-1908

199. SARVODAYA [–VIII]

Wealth is like a river. A river always flows towards the sea, that is, down an incline. So, as a general rule must wealth go where it is needed. But the flow of wealth, like the course of a river, can be regulated. Most of the rivers run out their courses unregulated, their marshy banks poisoning the wind. If dams are built across these rivers to direct the water flow as required, they will irrigate the soil and keep the atmosphere pure. Similarly the uncontrolled use of wealth will multiply vices among men and cause starvation; in brief, such wealth will act like a poison. But the selfsame wealth, if its circulation is regulated and its use controlled, can, like a river whose stream has been properly harnessed, promote prosperity.

The principle of regulating the circulation of wealth is ignored altogether by economists. Theirs is merely the science of getting rich. But there are many different ways of getting rich. There was a time in Europe when people sought to acquire wealth by poisoning owners of large estates and appropriating their possessions. Nowadays, merchants adulterate the food sold to the poor, for example, milk with borax, [wheat] flour with potato flour, coffee with chicory, butter with fat and so on. This is on the same level as getting rich by poisoning others. Can we call this either an art or a science of getting rich?

Let us not, however, assume that by "getting rich" economists merely mean "getting rich by robbing others". They should point out that theirs is a science of getting rich by legal or just means. It happens these days that many things which are legal are not just. The only right way, therefore, to acquire wealth is to do so justly. And if this is true, we must know what is just. It is not enough to live by the laws of demand and supply. Fish, wolves and rats subsist in that manner. Bigger fish prey on smaller ones, rats swallow insects and wolves devour even human beings. That for them is the law [of Nature]; they know no better. But God has endowed man with understanding, with a sense of justice. He must follow these and not think of growing rich by devouring others—by cheating others and reducing them to beggary.

Let us examine what then the laws of justice regarding payment of labour are.

As we stated earlier, a just wage for a worker will be that which will secure him the same labour, when he needs it, as he has put in for

us today. If we give him a lower wage, he will be underpaid, and if more, overpaid.

[Suppose] a man wants to engage a worker. Two persons offer their services. If the man who offers to accept a lower wage is engaged, he will be underpaid. If there is a large number of employers and only one worker, he will get his own terms and will very likely be overpaid. The just wage lies between these two points.

If someone lends me money which I have to repay after a time, I shall pay him interest. Similarly, if someone gives me his labour today, I must return him an identical quantity of labour and something more by way of interest. If someone gives me an hour [of labour] today, I should promise to give him an hour and five minutes or more. This is true of every kind of worker.

If, now, of two men who offer me their services, I engage the one who accepts the lower wage, the result will be that he will be half-starved while the other man will remain unemployed. Even otherwise, if I pay full wages to the workman whom I employ, the other man will be unemployed. But the former will not starve, and I shall have made just use of my money. Starvation really occurs only when the due wages are not paid. If I pay due wages, surplus wealth will not accumulate in my hands. I shall not waste money on luxuries and add to the poverty. The workman whom I pay justly will in turn learn to pay others justly. Thus the stream of justice will not dry up; instead it will gather speed as it flows. And the nation which has such a sense of justice will grow happy and prosper in the right direction.

According to this line of reasoning, economists are found to be wrong. They argue that increased competition means growing prosperity for a nation. This is not true in fact. Competition is desired because it reduces the rate of wages. The rich become richer thereby and the poor poorer. Such competition is likely to ruin a nation in the long run. The right law of demand and supply should ensure the payment of a just wage to a workman according to his worth. This, too, will mean competition, but the result will be that people will be happy and skilful, for, instead of being obliged to underbid one another, they will have to acquire [new] skills to secure employment. It is for this reason that men are drawn to government service. There, salaries are fixed according to the gradation of posts. The competition is only with regard to ability. A candidate does not offer to accept a lower salary but claims that he is abler than others. The same is the case with the Army and the Navy, and that is why there is much less corruption in these services. But only in trade and commerce is there unhealthy competition, as a result of which corrupt practices, such as fraud, chicanery, theft, have increased. Furthermore, goods of poor quality are manufactured. The manufacturer wants a lion's share [of the

price] for himself, the workman to throw dust in the eyes of others and the consumer to exploit the situation to his own advantage. This poisons all human intercourse, there is starvation all round, strikes multiply, manufacturers become rogues and consumers disregard ethical considerations. One injustice leads to numerous others, and in the end the employer, the operative and the customer are all unhappy and meet with ruin. A people among whom these [corrupt] practices prevail comes to grief in the end. Its very wealth acts like a poison.

This is why men of wisdom have held that where Mammon is God, no one worships the true God. Wealth cannot be reconciled with God. God lives only in the homes of the poor. This is what the British profess, but in practice they place wealth above everything else, estimate the prosperity of the nation by the number of its rich, and their economists formulate precepts for everyone to get rich quickly. True economics is the economics of justice. That people alone will be happy which learns how to do justice and be righteous under all conditions of life. All else is vain, a kind of moral perversity that presages doom. To teach the people to get rich at any cost is to teach them an evil lesson.

[From Gujarati]
Indian Opinion, 4-7-1908

200. LETTER TO "THE STAR"[1]

[JOHANNESBURG]

[THE EDITOR
THE STAR
SIR,]

Mr. Duncan's letter with reference to the charge, which, with all deference to him, I must still continue to describe as "foul", as to an organized illicit entry of Asiatics enables me to explain the position more fully to the public.

It is the charge of *organized* illicit entry that Asiatics have always denied, and which only it was in their power to deny. One swallow does not make a summer, nor can isolated cases of unlawful entry be used to condemn a whole community. The charge was threefold:

(1) that Asiatics entered on permits which were not their *bona-fide* property;

(2) that they entered on permits fraudulently obtained;

(3) that they entered on forged permits.

[1] This was published in *Indian Opinion* under the title "Rejoinder to Mr. Duncan".

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And it was in order to test whether the documents held by the Asiatic communities at the time were so tainted or not that the Bill was brought in.

With reference to the 9,000 applications, it is admitted in the Governor's Speech that almost all the Asiatics in the Colony have tendered voluntary registration.[1] I, therefore, assume that, in January last, there were 9,000 Asiatics in the Colony. They have all tendered their documents, and, on the strength thereof, 7,600 have already been proved to have been legitimate residents of the Transvaal. As a matter of fact, the balance of the applications have not yet been rejected. On the contrary, most of them will probably be able to establish their *bona fides*. Their claims are still under consideration only because of the deadlock that has ensued, that is to say, they are holders of Dutch registration certificates, which General Smuts has declined to recognize as sufficient title to residence in the Colony.

I may add that, according to the figures supplied by the Registrar of Asiatics, over 13,000 permits have been issued and are now in circulation. Of these, under voluntary registration, 8,500 (assuming 500 are represented by Dutch registration certificates) have been called in and, if, out of 8,500, 7,000 have established their title, will Mr. Duncan allow me to claim that there was no *organized* illicit entry?

With reference to the 4,500 outstanding permits (and they are outstanding because those Asiatics are outside the Colony) I make bold to say that it will be found that very few of these permits are tainted.

The Indian community has never endeavoured to challenge the statement that there was *some* illicit immigration of Asiatics. All that was stated in 1906, and I make bold to repeat, is that the evidence adduced was not, and is not now, sufficient to establish the charge of *wholesale* fraudulent entry. The Peace Preservation Ordinance was enough to deal with isolated cases. The compulsory measure was brought in because of, and was based upon, the assumption that Asiatics would not voluntarily allow their claims to be examined because they were largely tainted with fraud. Hence the offer of voluntary registration and hence also my statement that the result of voluntary registration has disposed of the foul charge of an organized illicit entry of Asiatics.

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

Indian Opinion, 4-7-1908

[1] In the course of his address to Parliament on June 15, on the occasion of its reopening, the Governor had said, "Practically the whole of the Asiatic population of this Colony to the number of 9,072 have tendered voluntary registration and provisional registration certificates have already been issued to 7,617 Asiatics. . ."

201. LETTER TO "INDIAN OPINION"

JOHANNESBURG,
July 4, 1908

THE EDITOR
INDIAN OPINION

SIR,

The test case brought against Mr. Sorabji, a Parsi gentleman of culture and English education, who has entered the Colony under the Immigrants' Restriction Act, marks another stage in the Asiatic struggle. Mr. Sorabji, who holds splendid testimonials from the Chairman of the Charlestown Local Board and other prominent Europeans, is now to be tried not under the Immigrants' Restriction Act but under the Asiatic Law Amendment Act, for being an Asiatic without registration under the Act. I say nothing with reference to the trial under the Asiatic Act because it is *sub judice*: but the fact of the case being brought under the Asiatic Act proves the point I have ventured to raise before General Smuts that educated Asiatics were free to enter under the Immigrants' Restriction Act. That they become liable to a removal order if they do not accept the Asiatic Act has been known all along, and that was why the petition[1] against the Immigrants' Restriction Act stated that what the Government gave with the one hand, they took away with the other. Could Mr. Sorabji bring himself to accept degradation under the Asiatic Act, he would not be a prohibited immigrant. What General Smuts asks Asiatics to give against repeal of the Asiatic Act is that they should surrender the rights of, say, Sir Mancherji Bhownaggree.

It will now be seen clearly that Asiatics are not asking for anything they are not entitled to by law. The anomalous position before the Colony in view of the arrest of an alleged permit-forger at Pretoria today is that those who are rightful residents and who helped the Government can be kept on tenter-hooks, whereas those Indians who are dishonest and steal into the country, by forgery or otherwise, may remain in it without molestation, because they would never approach the Government officials for identification, licence, or otherwise.

I am, etc.,
M. K. GANDHI

Indian Opinion, 11-7-1908

[1] *Vide* Vol. VII, p. 182.

202. LETTER TO COLONIAL SECRETARY[1]

[JOHANNESBURG,]
July 6, 1908

THE COLONIAL SECRETARY
PRETORIA

SIR,

A mass meeting[2] of over eight hundred British Indians was held yesterday at the Hamidia Mosque to consider the Indian position as it is affected by the Supreme Court decision on the application for the return of the voluntary registration applications. My Association still respectfully trusts that these forms may be returned. The mass meeting decided to hold another next Sunday for the purpose of burning voluntary registration certificates, in order that, in the event of the claims of domiciled British Indians and others not being considered by the Government, they may range themselves alongside of such Indians and suffer with them. My Association is most anxious to avoid such a drastic step and, therefore, once more humbly approaches the Government for assistance.

My Association reminds you of the speech delivered by you at Richmond[3] just after the compromise, and reported in *The Star* of the 6th February last. In that speech, you are reported to have stated as follows: "He had told them, that is the Asiatics, that the law would not be repealed so long as there was an Asiatic in the country who had not registered." And again, "until every Indian in the country had registered, the law would not be repealed". This shows that the only condition of repeal was complete registration. My Association need hardly say that practically every Asiatic in the Colony has made voluntary application in terms of the compromise. But now my Association understands that the Government, in exchange for repeal, ask British Indians to consent to the following:

(a) That British Indians holding Dutch registration certificates, for which they have paid either £3 or £25, should become prohibited immigrants, whether they are within the Colony or outside the Colony.

[1] This appeared in *Indian Opinion* under the title "The Ultimatum" and was part of the precis forwarded by Ritch to the Colonial Office along with his letter of July 22, 1908.

[2] At this meeting, Sorabji Shapurji declared his determination not to submit to the registration law. He also claimed as an educated man free right of entry into the Transvaal.

[3] On February 6, 1908

(b) That pre-war Indian refugees, who have not yet returned to the Transvaal, should become prohibited immigrants.

(c) That the voluntary applications which are now under consideration by the Registrar of Asiatics should be finally decided by the Registrar without the right of appeal to the Supreme Court.

(d) That British Indians who can pass the severe test under the Immigrants' Restriction Act should also be treated as prohibited immigrants.

My Association ventures respectfully to submit that it is highly unfair to ask the British Indian community of the Transvaal to consent to a deprivation of the rights of some, in whose name the community cannot even speak with any effect. It would be one thing for the Government to pass legislation independently of the community affected thereby, and another thing to ask the community to consent to such legislation restrictive of the liberty of a portion of that class.

With reference to (a) and (b), my Association ventures to state that their claims have never been summarily rejected, as it is now proposed, but that pre-war refugees have received more or less consideration and have been granted permits to return. The repeated declarations of responsible officials after British occupation have made it perfectly clear that the domiciliary rights of pre-war Asiatic residents would be respected. In wishing to treat such people now as prohibited immigrants, a most novel and, for British Indians, painful, position is sought to be created. My Association is quite willing that the burden of proving *bona-fide* ownership of registration certificates should be thrown on the holders, and that the claims of those pre-war residents who do not hold registration certificates should be limited to residence for a fixed period of, say, two years, such residence to be proved to the satisfaction of a court of law, always with the right of appeal to the Supreme Court, so as to bring decisions of different lower courts into harmony. My Association further, in order to prevent any possible frauds, is prepared to accept a reasonable period within which all these outstanding claims should be submitted. It is within the knowledge of my Association that at least one Indian is outside the Colony who paid, in 1885, the sum of £25 to purchase his domicile in terms of Law 3 of 1885 before it was amended, and who holds European credentials, and has not yet been allowed to return. There are several such cases, though not of payment of £25 but of £3. My Association invites your attention to the following clause in Law 3 of 1885, which shows clearly that the fee of £3 was imposed to entitle the payer to settlement in the country:

> Those who settle in the Republic for the purpose of carrying on any trade or otherwise shall be bound to have their names entered in a register to be separately kept for the purpose by the Landdrosts of the various districts, in accordance with a form to be prescribed by the Government. On such

registration, which shall be effected within eight days after arrival, a sum of £25 sterling (subsequently £3) shall be paid.

With reference to (c), it would be manifestly unfair to deprive those Indians who have already applied for voluntary registration of the right of having their claims examined judicially, when the claims of those who are entitled to return may be judicially examined. My Association fails to see any reason for such a differential treatment between Indians having similar claims.

With reference to (d), my Association cannot help feeling that the proposal that Indians domiciled in the Transvaal should be consenting parties to the deprivation of the rights of Indians with high educational attainments, professional men, to whom British Indians in general are always prone to look up for assistance, is extraordinary. My Association respectfully contends that the interpretation of the Immigrants' Restriction Act leaves it open for Indians with European education to enter the country, and the fact that Mr. Sorabji, who has entered the country to test such interpretation, is now to be tried under the Asiatic Act for failing to produce a registration certificate, seems to uphold the contention of my Association and to show that the Government have abandoned their interpretation of the Immigrants' Restriction Act. My Association thinks that, so far as the European Colonists are concerned, in this question there is no substantial point involved, whereas it is one of deeply cherished sentiment to British Indians. In effect, the vast majority of even educated Indians will be shut out of the Colony because of the stringency of the test, and my Association does not object to any reasonable stringency, so long as education of a real type is respected and recognized as much in an Indian as in a European. In Natal, where the test is by no means so severe as in the Transvaal, according to the last Immigration Report, only a few Indians[1] entered under the test.[2] Australia, which has also a similar education test, has successfully solved the problem of Asiatic immigration. My Association, therefore, ventures to trust that the Transvaal will not be an exception, and that the Government will be pleased to spare the natural feelings of British Indians in the matter.

My Association, in conclusion, respectfully trusts that the Government will take into serious consideration the above representation, and finally close the Asiatic question so far as it is affected by the Asiatic Law Amendment Act; and thus, not only fulfil its part of the compromise, but give the lawful Asiatic residents of the Colony the rest and peace to which their conduct during the recent trouble has, by universal acknowledgement, entitled them; and, last but not least, to save the

[1] The India Office source mentions the figure 81.
[2] *Vide* "Natal Immigration Department's Report", Appendix IV.

British Indians from the step to which they are committed, as above mentioned, in the event of the Government's unfavourable decision.

I have etc.,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 11-7-1908

Also India Office, Judicial and Public Records: 2896/08

203. TRIAL OF SORABJI SHAPURJI-I

[JOHANNESBURG,
July 8, 1908]

The first case called was that of Sorabji, charged under Act No. 2 of 1907 with being in the Colony without a permit.

THE MAGISTRATE: What do you plead?

ACCUSED: [in a clear voice] I am not guilty.

Superintendent Vernon stated that he arrested the accused on the 4th instant.[1] He called upon him to produce a registration certificate under the Act[2] or his authority to enter or reside in the Colony. He replied: "I have no authority or registration certificate." Witness then charged him under section 8, sub-section 3 of the Act. Accused entered the Colony on June 24 last at 6.09 p.m. He saw accused every day up to the date of his arrest.

[SUPERINTENDENT VERNON:] (Cross-examined by Mr. Gandhi) Accused knows English. He knows it well enough to understand what I said to him.

[GANDHIJI:] And well enough to comply with the Immigration Restriction Act?

[VERNON:] I have nothing to do with that. I cannot give any opinion.

Mr. Chamney, Registrar of Asiatics, said he did not know accused, but a man of the same name applied through the Magistrate's office at Volksrust on April 22, 1908 for a permit. He applied for registration and not for a certificate of registration under the Act. Witness considered the claims of the applicant and found that he was not entitled to registration and he informed the Magistrate of Volksrust accordingly. Witness conveyed the instructions to the police to arrest the accused, though the instructions did not originate with him.

Cross-examined, [he said that] the application made by the defendant was for voluntary registration in accordance with the compromise with the Government.

Witness explained that he did not know how the defendant came to be in Volksrust. The compromise was intended for those in the Colony or those who had

[1] The *Transvaal Leader* version of the trial has "the 3rd July, 1908" while *Indian Opinion* does not mention the date.

[2] Act 2 of 1907

the right to return within three months. Accompanying the application were a number of certificates of character.

Mr. Gandhi asked witness to read the certificates. The Public Prosecutor objected.[1] Mr. Gandhi argued that the papers were part of the record.

THE MAGISTRATE: You want to set up a defence that he is brought under the wrong Act. You want to bring him under the Immigration Ordinance.

MR. GANDHI: I do, Sir.

THE MAGISTRATE: I quite understand.

The Public Prosecutor argued that the documents must be proved in the ordinary way. Mr. Gandhi retorted that he could not prove if the witness did not produce them. They were the property of his client, and he had served notice on witness to produce them. The Public Prosecutor persisted in his objection, and eventually the Magistrate looked at the documents. He said they bore the headline South African Constabulary, and apparently belonged to them.

Mr. Gandhi proceeded with the cross-examination of witness, who stated he was Chief Immigration Officer also. He had received a telegram from Mr. Gandhi telling him that the defendant was to entrain and that he possessed the necessary qualifications under the Immigration Act and had sufficient means.

[GANDHIJI:] Did your officers [at Volksrust] examine the defendant as to his educational abilities?

[CHAMNEY:] No.

Will you admit he has sufficient educational attainments?

I know nothing about it.

Will you admit he has sufficient means?

I know nothing about it. This charge has nothing to do with it.

Did you allow any other Asiatic to pass?

I have.

Unchallenged?

Not unchallenged; he was not unchallenged.[2]

What was done to him?

I am not able to say. I decline absolutely to answer that question. I dare say you will know in full time.

Why was he allowed to pass?

I will not reply to that. He came in here in conflict with the law, and the consequence is he is now there accused.

The Magistrate again intervened and said Mr. Gandhi was referring to the Immigration Act, while the accused was charged under the Asiatic Act.

MR. GANDHI: It is a most unfortunate position you place me in. You have not heard my defence. As Chief Immigration Officer, would

[1] At this stage of the proceedings, Chamney consulted the Crown Prosecutor and again later through Superintendent Vernon—to which Gandhiji objected.

[2] A Gujarati report of the trial in *Indian Opinion*, 18-7-1908, mentions that Chamney admitted to having examined the accused at the time of his entry for purposes of establishing his identity.

you pass an Asiatic who possesses educational attainments under the Immigrants' Restriction Act?

[CHAMNEY:] Certainly not.

Why not?

He is a prohibited immigrant.[1]

This closed the case for the Crown.

A Technical Point

Mr. Gandhi asked for discharge of his client under sub-section 3 of section 8, under which he was charged, on the ground that the sub-section laid down that any Asiatic found in the Colony "after such a date as may be notified in the *Gazette* [etc.]." That notice had not been proved, and the Court had not the notice in the *Gazette* in its possession.[2]

After argument, Mr. Gandhi said he knew it was a technical error, but it paid the defence to take such action.

THE MAGISTRATE: And bring him up again, and give as much trouble as possible.

MR. GANDHI: That's the point.

The Magistrate said he would look up some other cases, and give his decision next morning.[3]

The Star, 8-7-1908

204. JOHANNESBURG LETTER

Tuesday [*July 7, 1908*]

The Campaign

We have lost in the Supreme Court. Mr. Justice Solomon held that Mr. Smuts' application [*sic*] had no relevance to the compromise.[4]

[1] The Gujarati report mentions that, on further cross-examination by Gandhiji, Chamney admitted to having allowed this "prohibited immigrant" to enter.

[2] Gandhiji, according to the Gujarati report, had further argued that oral evidence was not enough to establish that the time-limit of registration had expired.

[3] The following news-item appeared in *Indian Opinion*, 11-7-1908, bearing the date July 9:"Mr. Sorabji Shapurji's case came before the Court today; the Magistrate upheld Mr. Gandhi's contention and discharged the accused, finding him not guilty. Mr. Sorabji immediately received warning to appear before the Court tomorrow (Friday) to answer to a similar charge, on instructions from the Magistrate. . . ."

[4] From the judgment in reported speech:

". . .Certainly no such promise [regarding repeal] was contained in the letters, nor anything to show that such was the intention of the Colonial Secretary. It seemed extremely improbable that the Colonial Secretary would have agreed to repeal the Act, and, in a letter by the Asiatics to the Colonial Secretary, they said: 'We recognize that it is not possible during the Parliamentary recess to repeal the Act, and we have noted your repeated public declarations that there is no likelihood of the

He also observed that the letter addressed [to General Smuts] from gaol and Mr. Smuts' reply to it did not throw any light on the repeal of the Act. The return of the application for voluntary registration could not be demanded since it was a kind of letter. Under the law, a letter belongs to the person to whom it is addressed. By the same token the application belonged to the Government. At the same time the Judge conceded the right to withdraw [the request contained in] the application. Only, the application form itself need not be returned. If one wanted to withdraw one's application, the Judge said, all that one had to do was not to accept the registration certificate. The Government were bound to return the permit and the old register. Since, however, the case had been instituted for the return of the application, the costs were also awarded against the Indian community. Mr. Smuts filed an affidavit to the effect that he had never promised to repeal the Act. Mr. Chamney filed a similar affidavit. Mr. Ward fought hard and advanced a number of well-reasoned arguments. But the Judge had got it into his head that an application is a kind of letter.

The judgment has disheartened many Indians. A satyagrahi can never have reason to lose heart. Khuda is the ultimate court of appeal for a satyagrahi, and in that court false evidence does not avail. Moreover, our object in demanding that the applications be returned was to make certain that we were arrested as early as possible. We must achieve the same object now by burning the registers. This will appear a little difficult, but in fact it can be done easily. Anyone who is sensible enough will see that it is better to burn the register than to have the application returned.

The Act, it appears, is as good as repealed. In a speech[1] on February 6 in Johannesburg, General Smuts said: "I have told the Asiatics that the Act will be repealed if all of them take out registers voluntarily. It will not be repealed unless this is done." The reference to the repeal of the Act cannot be plainer.

The day after the Supreme Court delivered its judgment, the entire correspondence [between General Smuts and] Mr. Gandhi was released to the Press. Along with that, Mr. Gandhi addressed a letter[2] to the Press on the 2nd [of July], to which no one has replied [so far].

Act being repealed,' [cf. pp. 40-2] from which it would appear that they accepted the position that the Act would not be repealed. . . .But, having handed it over to the Registrar of Asiatics, with the intention. . .that the latter should retain the document, . . .and the document then became the property of the Registrar of Asiatics. . . .The application would therefore be refused with costs." *Indian Opinion*, 11-7-1908

[1] *Vide* "Letter to Colonial Secretary", p. 342.

[2] *Vide* "Letter to the Press", pp. 333-5.

HELP FROM WHITES

Meanwhile, the whites[1] who have been helping us have started making fresh efforts [towards a compromise]. General Smuts has let it be known that he is prepared to concede the rights of those who hold the £3 [certificates]. He is also prepared to allow appeals against Mr. Chamney's decisions. He wants Indians to agree only to the exclusion of educated persons [from the Colony in the future]. This the Indians refuse to do. A meeting[2] was accordingly held on Sunday. About 800 persons assembled at the Hamidia Mosque. The meeting was addressed by Messrs Essop Mia, Imam Abdool Kadir, Cama, Gulabbhai, Cachalia, Polak, Gandhi, Khurshedji and others. It was decided in the end to hold a mass meeting the following Sunday and at that meeting to [burn the registration certificates].

BURN REGISTERS

This will be done only if [meanwhile] the Government does not concede all our four demands.

ESSOP MIA'S LETTER

After the meeting [held last Sunday] Mr. Essop Mia wrote to Mr. Smuts, asking him explicitly to declare that the Government did not intend to concede the Indians' demands, if that was in fact its intention, for in that case [the Indian community] had resolved to hold a meeting on the following Sunday and burn the certificates.[3] (This letter will be found elsewhere in this issue.) If a favourable reply is received, and the Government agrees to repeal the Act unconditionally, nothing more will remain to be done, and there will be no need to burn the registers.

DOKE'S LETTER

The Transvaal Leader has published a letter[4] from Mr. Doke. It is a spirited letter, worth reading, in which he has adduced very effective arguments to show that the Indian community is fully justified in its campaign [against the Act]. That letter has won many whites over to our side, and their number is thus increasing daily.

"THE FRIEND" OF BLOEMFONTEIN

The Friend of Bloemfontein has again begun to write in our favour. It advises General Smuts not to carry the dispute further.

Mr. Smuts' fort is thus being beleaguered. The vessel of his sins is about to burst.[5] The end is perhaps not far off. But a satyagrahi must

[1] Cartwright, Hosken and Chaplin
[2] The mass meeting of July 5
[3] *Vide* also "Letter to Colonial Secretary", p. 342.
[4] *Vide* Appendix VII.
[5] A Gujarati saying

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expend no thought on whether the struggle will be a long or a short one. For him his truth is the dearest of all things.

Sorabji's Case

Mr. Sorabji has been arrested, and released without bail. The hearing of the case was fixed for Saturday, but has been adjourned to Wednesday. Mr. Sorabji is now charged not under the Immigrants' Act, but under the obnoxious Act. This shows that no action can be taken against him under the former. Mr. Sorabji does not want to submit to the obnoxious Act nor to leave the Transvaal. If, therefore, he is given notice to leave, he will disregard it and court imprisonment. Mr. Sorabji also addressed the meeting on Sunday, and everyone was happy with his decision to go to gaol.[1] Mr. Gandhi has addressed a letter[2] to the Press regarding Sorabji's case.

Letter to the Press

The following letter[2] from Mr. Gandhi appeared in the Transvaal Press on the 4th.

Jaymal's Case

Jaymal's case is likely to lead to other similar cases. A tailor named Dahya, who came to Johannesburg with a permit obtained from one Jaymal, has been arrested. He is believed to have obtained the permit under a genuine misconception. He is, therefore, likely to be acquitted. Indians must take this case as a warning that any attempt to secure a permit by irregular means is likely to harm the individual himself as also the community.

Wednesday [*July 8, 1908*]

Mr. Sorabji's case was heard in Mr. Jordan's court on Wednesday.[3] Giving evidence, Mr. Chamney admitted that Mr. Sorabji was not, and could not be, arrested under the Immigrants' Act. He said there was an important reason why Mr. Sorabji had not been arrested [earlier]. There was a heated exchange of arguments in the Court. The court room was overflowing with Indians. Mr. Gandhi asked for Mr. Sorabji's discharge on a technical point of law. The Magistrate has promised a ruling on Friday. Be that as it may. That will not decide the fundamental issue. But it is desirable on such occasions to take advantage of other technical flaws of a legal nature [which may not have a direct bearing on the main issue].

[1] *Vide* footnote 2, p. 342.

[2] This is not reproduced here. For the English text, *vide* "Letter to *Indian Opinion*", p. 341.

[3] *Vide* "Trial of Sorabji Shapurji-I", pp. 345-7.

SAD EVENT

On Saturday, July 4, Mr. Suleman Mia, Mr. Essop Mia's younger brother, lost his child, who was a little over ten months old. I feel sad at this unhappy event.

[From Gujarati]
Indian Opinion, 11-7-1908

205. LETTER TO COLONIAL SECRETARY

[JOHANNESBURG,]
July 9, 1908

THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

I have the honour to acknowledge the receipt of your letter of the 6th instant[1] in reply to mine of the 1st instant[2] regarding Asiatic licences. My Association has taken the extreme step after very great and due deliberation, and with much regret, and only when there was no other way possible. My Association is still most anxious to avoid what may develop into a very bitter struggle, and to avoid any defiance of the laws of the land they live in, but, when it becomes a matter of choosing between respect for laws and one's conscience, there can be, in my humble opinion, no hesitation about the choice to be made. My Association is still most willing to advise the people to tender the licence fee.

My Association understands that thumb-impressions under the Asiatic Act are now being asked for from Asiatic applicants for licences. This, again, in my humble opinion, is a breach of the compromise, within the meaning given to it by my Association, namely, that the Act should not apply to those who have made voluntary application for registration.

With reference to the letter[3] of my Association dated the 6th instant, many European friends have advised that the mass meeting for the burning of the voluntary registration certificates should be postponed, pending the final decision of the Government. My Association

[1] In this, Gorges, the Assistant Colonial Secretary, had said that Asiatics failing to produce certificates of registration were not entitled to receive licences. He regretted the Association's extreme step of advising Transvaal Indians to carry on trade in conflict with the law.

[2] Not available

[3] *Vide* "Letter to Colonial Secretary", pp. 342-5.

has also heard that the Government are prepared to waive the first three points mentioned in my letter, but that the education test is the stumbling-block. If so, and if it is not too late, my Association hopes that the difficulty will be overcome by providing for sufficient stringency of the test.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 18-7-1908

206. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 9, 1908

DEAR MR. CARTWRIGHT,

I am very much obliged to you for your note and for the great interest you are taking in the troubles of my countrymen. I would lose much rather than the sympathy of public men in the Transvaal. The burning of the certificates next Sunday will, therefore, be postponed. I take it that you are closely following the development of the struggle.

Mr. Sorabji, as you know, is not now to be tried under the Immigrants' Restriction Act at all.[1] Indeed, to secure conviction under that Act will, in the case of an educated Asiatic, be, I am sure, impossible, without the instrumentality of the Asiatic Act. It just proves my contention. Owing to the stupidity of the Prosecution and the greater stupidity of Mr. Chamney, I was able to take advantage of a flaw in the evidence for the Crown, and Mr. Sorabji was discharged. To show the vindictiveness on the part of Superintendent Vernon and Mr. Chamney, he was re-arrested immediately, Mr. Vernon saying the re-arrest was being effected under instructions from Mr. Chamney. As luck would have it, I went over with Mr. Sorabji to Marshall Square Police Station and saw Deputy Commissioner Potter, who, I believe, perceived the mistake that had been made, and almost immediately after I had seen him, ordered Mr. Sorabji's discharge from custody. I do not know what will happen tomorrow. I am half inclined to think that there will be a bungle again. If so, I propose to take advantage of it and secure a discharge again. Ultimately, of course, Mr. Sorabji,

[1] *Vide* "Trial of Sorabji Shapurji-I", pp. 345-7.

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unless some settlement is arrived at, must pay the penalty for wearing a brown skin and go to gaol. He seems to me to be a determined young man, and wishes to offer himself as a sacrifice on behalf of his educated brethren.

I enclose for your perusal a letter that has been signed by Mr. Hosken, Mr. Phillips, Mr. Doke, Mr. Perry, Mr. David Pollock and Mr. Kallenbach. It will be forwarded to General Smuts today. You have, I dare say, seen the letter[1] addressed by Mr. Essop Mia. Another is being addressed today, informing him of the postponement of the mass meeting of which, too, I send you copy herewith.[2]

I hope you will pardon me for inflicting all this upon you, but, as you are there, amid your many activities, doing the Asiatic work also, I thought I should pass on to you all the information in my possession.

I am,
Yours sincerely,

A. CARTWRIGHT, ESQ.
PRETORIA CLUB
PRETORIA

From a photostat of the typewritten office copy: S. N. 4832

207. LETTER TO "THE TRANSVAAL LEADER"[3]

[JOHANNESBURG,]
July 10, 1908

[THE EDITOR
THE TRANSVAAL LEADER
SIR,]

You advise Asiatics to do nothing rash and to await developments regarding the renewal of the Asiatic struggle. It is, therefore, with much regret that I have to draw your attention to a circular letter addressed to the Town Clerks in the Transvaal, over the signature

[1] *Vide* "Letter to Colonial Secretary", pp. 342-5.
[2] *Vide* "Letter to Colonial Secretary", pp. 351-2.
[3] This was in reply to the *Leader*'s editorial of July 10, 1908, which was reproduced in *Indian Opinion*, 18-7-1908, under the title "The Transvaal Trouble: How Government Promises Are Fulfilled". The *Leader* had expressed the hope that the Asiatics would not "take steps of a sensational nature in pursuance of their contention with the Government" for that might put Parliament, then in session, in its "sternest mood". Adverting to a comment on the situation by *The Friend* of Bloemfontein, the *Leader* further said that the advice that the compromise should be redeemed could be given "to both sides", but urged Asiatics to recognize that in no circumstances would the Colony's Europeans open the door to fresh immigration.

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of the Registrar of Asiatics, and dated as recently as the 7th instant, which runs as follows:

> I have the honour to inform you that it has been decided that Act No. 2 of 1907 is to remain on the Statute-book; consequently all Asiatics applying for licences to trade must be required to produce a registration certificate issued under the Act, or in the form of the voluntary certificate, a specimen of which is attached, and to furnish a clear impression of their right-hand thumb for examination in this Office. Any Asiatic who fails to carry out these requirements is not entitled to the issue or renewal of any trading licence.
>
> The thumb-impression should be forwarded as soon as possible to this office, together with the name of the applicant, and the number of the registration certificate held by him.

You will notice that the circular states the decision of the Government to retain Act 2 of 1907 on the Statute-book, and evidently to legalize voluntary registration under it. If so, can Asiatics have any patience, and can they have any trust in the promise, written or verbal, of the Government? The circular, if it correctly sets forth the Government's decision, is a tremendous eye-opener. However, the mass meeting advertised for the burning of registration certificates remains postponed, and every Asiatic awaits publication of the Government's declarations. The only reason for drawing public attention to the circular which I have been able to secure is to show that, when Asiatics take any irrevocable step, it will not be without the gravest provocation.

[*Yours etc.*,
M. K. GANDHI]

Indian Opinion, 18-7-1908

208. TRIAL OF SORABJI SHAPURJI–II

[JOHANNESBURG,
July 10, 1908]

On Friday, the 10th instant, before Mr. Jordan, in B Court, Mr. Sorabji Shapurji, the Parsi gentleman, who had already been acquitted of a similar charge,[1] was charged, in terms of Section 8, Sub-Section 3 of Act 2 of 1907, with having failed to produce a registration certificate issued under the Act, when the same was demanded of him by Superintendent Vernon, on the 9th instant. Mr. Cramer prosecuted for the Crown, and Mr. Gandhi appeared for the defence.

Before replying generally to the indictment, Mr. Gandhi raised the plea of *autre fois acquit* claiming that the accused had already been discharged in regard to the same offence.

THE MAGISTRATE: It is a continuous offence.

[1] For earlier judgment, *vide* footnote 3 on p. 347.

Mr. Gandhi replied that he was aware of that, but claimed that, although the date in the indictment was given as July 9th, the accused should have been given eight clear days before being again brought before the Court and charged with the same offence. If the acquittal was worth anything to the accused, he should not be called upon to appear before the Court for another week. He did not, for one moment, say that, for the purpose of his case, he required eight days. At the same time, there was that legal defence, and he was not justified in abandoning it. He claimed that the accused should have had a new lease of life from the preceding day, in accordance with the law. As it was, the accused was ruthlessly carried away from the Court. Rude hands had been laid upon him, and he had not even been given the opportunity of leaving the Colony, if he had so desired, on the previous day.

The Magistrate overruled the plea, and said that he would make a note of it.

Superintendent Vernon gave formal evidence of arrest. He produced notices published in the *Government Gazette* containing official notifications by the Colonial Secretary that the time for registration under the Act expired on October 31, 1907, and the extension thereof on November 30, 1907.

Cross-examined

Witness was in Court the previous day, when accused was discharged. He had beckoned to him to come outside, and had arrested him outside the Court. It was a fact that between the time of accused's discharge and his getting to the door of the Court he had not much time.

Montford Chamney stated that he was Registrar of Asiatics. The accused had not applied for a certificate of registration under the Act 2 of 1907, nor had he been granted such a certificate. An application had been made for registration outside the provisions of the Act, but, upon consideration, witness found that accused was not entitled to registration. Witness proceeded that, under the Immigrants' Restriction Act, the accused was not eligible to obtain such a certificate of registration.

Mr. Gandhi objected to this statement on the ground that witness's opinion as to the interpretation of the clause did not go for anything, as he was not a judicial officer but merely an administrative officer. The Magistrate upheld the objection.

Cross-examined, witness stated that he had not examined the accused with reference to his educational qualifications.

This closed the case for the prosecution.

Mr. Gandhi immediately applied for the discharge of the accused, because, although notices had been proved, the proper notice had not been proved. The Notice that should have been proved before the Court was one notifying that persons found within the Colony after a certain date would be called upon to produce registration certificates. The notices produced only referred to application for registration, and had absolutely no bearing whatever on the case. After all, November 30 had already passed, and his client had never applied for registration. The Notice contemplated in the section of the Act on which the charge was based was a notice authorizing the police to demand registration certificates, and it was only under such a notice that registration certificates could be demanded. This had not been proved.

A lengthy argument resulted in Mr. Gandhi producing the required Notice. He would help the prosecution to that extent in regard to the third prosecution of the accused, but not in the present, holding that it was impossible for the Crown to obtain a conviction in the present case. He read the Notice. It set forth that the Government had appointed November 30, 1907 as the date after which any Asiatic over the age of sixteen who was found within the Colony and failed upon demand by any duly authorized person to produce a certificate of registration of which he was the lawful holder might be arrested and dealt with as provided. That Notice had never been put in.

THE MAGISTRATE: The question is whether the putting in of the *Gazette* is not sufficient notice in itself.

Mr. Gandhi said that he felt it very keenly that such an argument should be adduced, after he had shown that his contention was correct. He still argued that the two notices produced by the Crown did not apply to the case at all. It was not his fault that he had over-argued the case. The notice required had not been put in by the Crown and had not even been cited in the indictment.

Mr. Jordan then adjourned the Court for luncheon, and intimated that he would give his decision upon resuming.

When the Court resumed, the Public Prosecutor said that it appeared to be absolutely essential that the *Gazette* containing the notice should be produced in Court. Mr. Gandhi had taken advantage, and rightly so from his point of view, of a purely technical point, and he asked His Worship to allow him also to take advantage of a technicality. He asked His Worship to take it that the production of the *Gazette* and the reading of the notices by Mr. Gandhi was sufficient publication for the purposes of the case.

In reply, Mr. Gandhi contended that he had not put in the *Gazette*. The Notice had never been put in at all. He had simply produced it as he would produce a law-book to carry conviction to the Court as he was in the unfortunate position of not being able to make himself otherwise understood, but it would be unfair to penalize him for having helped the Court. In point of fact, so far as the evidence was concerned, the notice required by the law was not within the judicial cognizance of the Court.

The Magistrate said that he would take judicial notice of Mr. Gandhi's argument, but overruled him.

The accused was then called, and stated, in examination, that he had been in South Africa for six years, in Durban for a year and a half, and in Charlestown for four-and-a-half years. He was book-keeper and manager of the store of Mr. Hajee Hassam, of Charlestown, Natal. He received his English education at the Surat High School in the Bombay Presidency. He had received seven years' education through the medium of the English language, and before that, seven years in the vernacular. He had entered the Transvaal under the Immigrants' Restriction Act.

THE MAGISTRATE: How can he?

Mr. Gandhi said that that was for him to show. It was for him to argue that accused was entitled to enter, after he had put the facts before the Court, but

it was not possible for the Court to decide that question before the facts had been placed before it and properly argued when the right time came.

The Magistrate stated that Mr. Gandhi had to show that his client was one of those exempted.

Mr. Gandhi argued that as his client was educated and had means, he was entitled to enter the Transvaal under the Immigrants' Restriction Act.

THE MAGISTRATE: Do you mean to say that every Asiatic who can read and write in a European language can come into this Colony?

MR. GANDHI: I do, Sir, and I am going to try and argue that before the Court, if I get the opportunity.

Proceeding, witness stated that, when he entered the country, he had sufficient means. He was asked by Sergeant Mansfield of the South African Constabulary, the officer in charge of the Immigration Department at Volksrust, how much money he had. He had made an application for voluntary registration on the 22nd April last, having received written permission from Sergeant Mansfield to enter the Colony and make application. He held several testimonials from prominent townsmen, and some of these had been sent to Mr. Chamney in connection with his application. He had been discharged on the previous day on a similar charge to that whereon he was now brought before the Court.[1] He had no wish to apply under the Registration Act No. 2 of 1907.

CROSS-EXAMINED

He was fully conversant with the provisions of that Act. He knew what steps should be taken for obtaining a registration certificate. He had never applied for registration under the Act, and had no desire to apply. He would never apply or have anything to do with such an un-British and disgraceful Act, and associated himself with his brethren in opposition to the Act. He had not come only for the purpose of making this a test case, but in order to make the Transvaal his home. He had come to reside in the Transvaal. Charlestown was his last place of residence, and he had never resided in the Transvaal before. It was his own intention to come to the Transvaal; he had never come by anyone's advice, but of his own accord. He had, however, asked Mr. Gandhi's opinion in a legal capacity first. The application that he made through the Magistrate's Office at Volksrust had been refused. Since he came to Johannesburg, he lived in the Malay Location with Mr. Cama. It was not a fact that, prior to his entering the Transvaal, he had been in constant communication with the British Indian Association.

Re-examined, he stated that he was a British subject, and a Parsi.

This closed the case for the defence.

Mr. Gandhi argued his case at length. He first submitted that his client was not a prohibited immigrant under the Immigrants' Restriction Act, inasmuch as he had shown that he had sufficient means and educational attainments, and if he chose to apply under the Asiatic Act he would not be a prohibited immigrant. He proceeded to argue that the Asiatic Act referred only to Asiatics who were in the Colony, and

[1] *Vide* "Trial of Sorabji Shapurji-I", pp. 345-7

who resided in the Colony before the Act was passed, and, whatever the intention of the framers of the Immigrants' Restriction Act, it left the door open for Asiatic immigration—undoubtedly of a very modified type.

The Magistrate referred to Mr. Gandhi's argument as very subtle and very able. He dealt with the points raised, and said that the accused had not made application for registration, but he gloried in the fact, and had set the Government at defiance. He ordered him to leave the Colony within seven days.

Indian Opinion, 18-7-1908

209. HINDU CREMATION GROUND

It is known the world over that the Hindus cremate their dead. A request was made to the Government that cremation facilities similar to those available in Durban be provided for the Colony as a whole, and to this Mr. Diwan has received a very discouraging reply. The Government has said, without assigning any reasons, that the arrangements asked for cannot be made. Admittedly, there have been numerous instances of Hindus burying their dead, but we cannot put up with peremptory interference with a religious practice. We may argue that the Hindus themselves are to blame for not having always insisted on cremating their dead because of the inconvenience in doing so or for other reasons. But it was of their own volition that they earlier did not do so. Since it is the Government which now wants to stop the practice, it is imperative that we protest.

A petition signed by all the Hindus should be submitted to the Government. If it is signed by thousands of persons, there is hope of its being looked into. Muslims, Christians, Parsis can all help in this matter. Today one of our religions is under attack; tomorrow it may be the turn of another. We hope therefore that not only will the Hindus take up this issue, but also that the other communities will help.

[From Gujarati]

Indian Opinion, 11-7-1908

210. MURDER IN SYDENHAM

The murder of Mr. Banu and his wife in Sydenham bears out our observations made some time ago.[1] We do not yet know the motive for the murder. It is [of course] necessary to write to the Government regarding police protection in Sydenham and other towns. But the real remedy lies in our own hands. Moreover, the difficulties which were experienced in having Mr. Banu's body buried should be a matter of

[1] *Vide* "Crime Wave in Natal", pp. 280-1 and "Cause of Murders in Natal", pp. 300-1.

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shame to the Government. It was not right that the body was left unburied for two days. It is believed that officials were to blame for this. The Congress did well in writing to the Government about this as well. It is necessary that the Congress should write forcefully to the Government on these matters.

[From Gujarati]
Indian Opinion, 11-7-1908

211. FOR INFORMATION OF NATAL FRUITERERS

Fruiterers of Natal who carry on trade with the Transvaal must be careful when sending fruit such as *nachis*[1] to the Colony. If more than five per cent. of the fruit in a crate has dark spots, the whole crate is rejected by the Transvaal authorities and the entire consignment condemned. The best way is to pack the fruit after careful examination. If this is not done, considerable loss may result.

[From Gujarati]
Indian Opinion, 11-7-1908

212. WOMEN PRISONERS' HAIR

A satisfactory reply has been received from the Natal Government to the representation of the Congress regarding the shearing of women prisoners' hair.

The Government has ordered that their hair shall not be cut in future.

[From Gujarati]
Indian Opinion, 11-7-1908

213. TODAY'S CARTOON

The *Rand Daily Mail* of the 25th has published a cartoon[2] about the movement, which we reproduce in the English section. General Smuts is shown as a snake-charmer and the Indian community as a cobra. The caption in English under the drawing explains that the snake-charmer is playing hard on his flute to charm the cobra. But the cobra remains undeceived.

[From Gujarati]
Indian Opinion, 11-7-1908

[1] A citrus fruit with a tight jacket
[2] *Vide* illustration facing p. 360.

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214. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 11, 1908

DEAR MR. CARTWRIGHT,

I am sending you the questions[1] as promised. I am not framing any further questions at all. After I left you, I saw Mr. Hosken, and Mr. Hosken, too, has promised to see General Smuts, because in a letter addressed to Mr. Hosken it is stated that those who have ta[ken][2] out voluntary registration certificates will not have their certificates legalized under the Act. This letter is written in General Smuts' own handwriting, so that there can be no mistake about it. However, perhaps both you and Mr. Hosken will be able to obtain some definite information on Monday. If you do, may I ask you kindly to telephone ? My number is 1635.

I am,
Yours truly,

[Enclosure]

A. CARTWRIGHT, ESQ.
JOHANNESBURG

[ENCLOSURE]

DRAFT QUESTIONS ON ASIATIC REGISTRATION ACT

[*July 11, 1908*]

1. Reading the letter addressed from the gaol on the compromise, by itself, the Act is not to apply to those who are voluntarily registered. What, then, is the meaning of the circular[3], dated the 7th instant, purporting to have been addressed by Mr. Chamney to the Municipalities, and published in the *Leader*?
2. Is there any truth in the rumour that the Government are willing to recognize the domiciliary rights of *bona-fide* holders of £3 registration certificates, whether within or without the Colony, and refugees who do not possess certificates but who can establish their claim to pre-War domicile?
3. Is there any truth in the statement generally made that the Government are willing to concede the right of appeal to the Supreme

[1] *Vide* Enclosure.
[2] Illegible
[3] *Vide* p. 354.

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A GROUP (1908?)


INDIAN
COMMUNITY

Court of those whose applications for voluntary registration are rejected by Mr. Chamney?

From photostats of the typewritten office copies: S. N. 4835 & 4836

215. LETTER TO A. CARTWRIGHT[1]

[JOHANNESBURG,]
July 14, 1908

DEAR MR. CARTWRIGHT,

This is what I have understood from the telephonic conversation you had with me this morning. General Smuts is willing to recognize the validity of Dutch £3 registration certificates, provided that proof is otherwise given to substantiate the *bona-fide* ownership of such certificates, and that this proof should, if possible, be European proof. General Smuts thinks that there may be 15,000 registration certificates. These cannot be accepted on mere production. With reference to this matter, I have always contended that the burden of proving ownership should rest upon the person producing the certificate. Proof will have to be given to the satisfaction of a court of law, unless the Registrar is satisfied therewith. The same thing will apply to those who do not hold registration certificates, but are *bona-fide* refugees of standing. It is impossible to vouch for European proof in each case. I am positive that there are not 15,000[2] registration certificates out. If there were, it will be open to General Smuts to bring forward new legislation to stop any such influx. What with the refugees apart from certificate-holders and certificate-holders themselves, I do not think that, at the outside, there can possibly be more than a thousand immigrants. Proof of the pudding will be in the eating. I have suggested that a limited period be fixed within which all such applications should be made; so that there need be no difficulty at all about this. The right of appeal is restricted to the Magistrates' court in connection with any such men. . .[3] I had the conversation with General Smuts. . .[4] same treatment. . .[5] Hindus, Mahomedans, Christians. . .[6]

Now I come to the question. . .[7] point, so far as I can see it, from the Government's standpoint, of utter insignificance, from an Indian standpoint, of paramount importance. I do not quarrel with any

[1] This letter is damaged and indistinct at several places.
[2] The original has "15,00"—obviously an error.
[3] A word here is illegible.
[4] A whole line here is illegible.
[5] & [6] A few words are missing.
[7] Half a line is missing here.

legislation that General Smuts may choose to bring, but I do emphatically protest against Indians being made consenting parties to any such legislation. They must have the right to protest and to carry on any agitation they choose to, in connection with it. If he is willing to concede, as I understood this morning he was, the points referred to above, then the Immigrants' Restriction Amendment Bill shown to me may be brought with the necessary alterations, and he may, if he chooses, insert a clause prohibiting the immigration of educated Asiatics. The result will be a petition to Parliament against that clause, a petition to the Imperial Government, and, if I can carry my countrymen with me, undoubtedly passive resistance. Whether I can carry them with me or not I am not in a position yet to tell you definitely. My endeavour is undoubtedly, as it must be, to persuade them to do so. I told you through the telephone that I found Mr. Essop Mia, last night, to be weak on the question. He thought that, if the three points were yielded, we should be satisfied. I ventured to differ from him. When your message was received, he was at the office, and I discussed the point with him. He now stands aghast at his opinion, and he thinks that the handful of Indians in the Transvaal will merit the curse of the whole of India, if they *consented* to the educational disqualifications. I repeat again: it is the *consent* that [is] all, and not independent legislation that General Smuts may choose to bring. He must not only [*sic*] before us and say. . .[1] repealing the Act, that was placed before me, he will notice my query also against this section; but I am quite satisfied that appeal to the Supreme Court should be on questions of law and not on questions of fact.

The appeal, however, that I have asked for is from Mr. Chamney's decision, in connection with pending applications. That was what General Smuts refused at the interview. I take it that now he is willing to concede the right. The matter is, to my mind, self-evident.

General Smuts mentioned that I had received from Mahomedans £2 apiece per voluntary registration certificate. This I stigmatized as a damnable lie, and I repeat it. It has been propagated, evidently, by some enemy of the Indian community. What I have done is to charge a fee of two guineas for legal work done for voluntary registration applications, whether I made them on behalf of Hindus or Mahomedans. I asked the book-keeper to give me the number of such applications made by me, and it does not exceed 235. These applications involve more than two guineas worth of work. I had to examine the case of each individual applicant, then to fill in the form, to send a clerk with the man, and, in many cases to carry on voluminous correspondence with the Registration Office. This was work strictly within my province,

[1] Three lines are missing here.

and I have worked like any other Attorney. But, as I held the office of Secretary of the British Indian Association also, I informed Mr. Chamney that, if individual Indians came to me and wanted me to prosecute their claims before him, I charged a fee of two guineas, and asked him to convey that information to General Smuts also. This, you will see, is totally different from his statement. . .[1] that I have charged £2 from every Mahomedan for a voluntary registration certificate. . .[2] application question, passive resistance may prove a farce [*sic*] can only speak for myself and say that I should deserve severest condemnation even from General Smuts and all my European friends, if I, a barrister having received a liberal education, were to say that my fellow-barristers should not enter the Transvaal or any other Colony, because they were Indians. Let the education test be as severe as General Smuts chooses to make it. I, for one, would today undertake to see Mr. Sorabji away and accept a test that would admit professional men, but a racial test I can never accept. What my countrymen will do in the Transvaal may be known tomorrow, or as time passes. This is the position as it stands at half past four today. I have done nothing else than discussed this question with most prominent Asiatics, and I can conclude by hoping that General Smuts will show sufficient statesmanship by not making this matter a stumbling-block. A unified South Africa is an admirable dream, but dis. . .[3] Empire, without India, is, in my opinion, an abomination, if the policy of excluding British Indian[s] from South Africa at any cost is persisted in, it can only end in disaster.

May I ask you please to read this letter carefully. If I am vague on any point, kindly ask me to explain. If you think that my presence is needed, wire for me. I [believe] that you and Mr. Hosken can bring this difficult question to a satisfactory end.

If I can [make] my meaning absolutely clear, I need not offer any apology for the length of this [letter].

I remain,
Yours truly,

A. Cartwright, Esq.
Pretoria Club
Pretoria

From the typewritten office copy: S. N. 4842

[1] A word is missing here.
[2] Two lines missing
[3] Some words missing

216. REPLY TO "THE STAR"[1]

[JOHANNESBURG,]
July 16, 1908

THE EDITOR
THE STAR

SIR,

You published in your notes yesterday the statement that a settlement of the Asiatic question is probable, and you state very properly that the point (that is, of education) would not appear to be essential to the general principles involved, as educated Indians could not, outside of their own community, make an adequate pittance. I hope that the news published by you is correct.

What, however, I understand to be the situation is that, whilst the Government are willing now to repeal the Act and recognize the rights of Asiatics domiciled in the Colony before the war, they insist upon British Indians accepting total prohibition of the entry of Indians, no matter what educational attainments they may possess. This is not in the law today, as Mr. Sorabji's case has made clear. In asking us, therefore, to accept the above disqualification, the Government ask us to commit communal suicide. If the resident Asiatic population is to be fully protected, and is to be allowed to remain in the country in a becoming manner, it must be apparent to every Colonist that they will need the assistance and guidance of their educated brethren. By education I do not mean a mere knowledge of the elements of the English or any other European language, but I mean a very high degree of culture. Does anyone suppose that Indians in the Colony, the majority of whom are traders, can live with any degree of comfort, if they have not amongst them such men as I have described above ? There is not a British Colony in the world, with a resident Asiatic population, which has legislation of the kind to which our consent is now required as a condition precedent to the granting of simple justice to pre-war Indians. If the Government think that they can carry their drastic policy of exclusion, let them do so and let them at the same time recognize the other rights. If justice is on our side on the question of education, and if we have sufficient strength in us, we will win.

But, as the position stands at present, it seems to me that I and other Indians have armed ourselves with voluntary registration certi-

[1] This appeared in *Indian Opinion*, 25-7-1908, under the title "Mr. Essop Mia's Explanation".

ficates and also yearly licences, and have placed ourselves in a better position than our other countrymen who have an equal right with us to live and trade in this Colony; and, as their position is in jeopardy, in view of the entire disregard by General Smuts of the solemn obligations undertaken by him, I feel I have erred in having been the first to take out my voluntary registration certificate and my annual licence. I, as well as other British Indians, who have taken a prominent part hitherto in the passive resistance campaign and since the compromise, have helped the Government to the best of our ability, have therefore decided, by way of protest and penance, ourselves to become hawkers and give ourselves the privilege of hawking without a licence. If, therefore, the people of Johannesburg see strange Indian faces with baskets of fruit and vegetables, they should understand that they have become unlicensed hawkers by way of protest against injustice. In taking this step with deliberation, my compatriots have no desire willingly to defy the laws of the land. It is because we have so great a respect for the laws of the country in which we live that we have undertaken to break certain statutes, which are miscalled laws, but which can be more properly described as engines of tyranny. It is nobody's duty to submit to tyranny. The step that has now been taken is, therefore, I hold, a perfectly lawful and just one.

I am, etc.,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

The Star, 18-7-1908

217. WHAT WAS, AND IS, THE CAMPAIGN ABOUT?

The Transvaal campaign is likely to teach the Indians a great many lessons. It did not, and does not, aim merely at securing the repeal of the Act. It is possible to get the Act repealed. But there exist loopholes which present difficulties, so that though General Smuts is prepared to repeal the Act we are unable to give our consent.

The movement was never directed against finger-impressions as such.[1] Now, when they demand the thumb-impression on [traders'] licences, under the law, the community refuses to give them. It says to the Government: "We will not agree to anything under compulsion." It would not agree even to names being signed on the applications for licences under the obnoxious Act.

[1] *Vide* "A Dialogue on the Compromise", pp. 79-83.

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What, then, does disobedience of the obnoxious law mean? That is exactly what needs to be understood. If the law is repealed and replaced by another even worse, we shall have gained nothing. The point is that the obnoxious law puts us in fetters, and they must be broken. It fetters us because if we submit to it, we must endure all manner of harassment by the Government. How can we put up with that? Once the fetters are broken, the Government will cease enacting unwanted laws affecting us, and will consult us beforehand. Does it bind itself so to consult us? Both yes and no. It will undertake to consult us—it has done so before—so long as we are prepared to fight against it with the sword of satyagraha. It will cease to remain so bound the moment we abandon satyagraha.

The Government is prepared to safeguard the rights of those who hold the £3 registers. It also offers the right of appeal to the Supreme Court.

But it will not allow educated Indians to enter. What does this mean? Many people imagine that the term "educated Indians" denotes clerks. This is a mistake. Whether or not clerks are able to come in is another question. But forbidding the entry of lawyers, physicians, etc., is an intolerable situation. The true significance of all this is that the authorities first want to please the Indians by repealing the Act and then to finish them off.

A lawyer or a physician is not worth more than a businessman or a farmer. But a trader is concerned with trade. A lawyer's duty is to fight and help others fight. There is no country in the world where the people have progressed without lawyers or physicians. Businessmen, landlords and farmers are like the torso, but lawyers and other [professional men] are like the arms of the community. The torso is the main thing. But it will be useless without the arms. The question of educated Indians, therefore, deserves serious attention. It can be asserted that the campaign that is to follow [will be launched] only on their account. That is so, indeed. How can the community ever assure the Government that it will give up the fight if educated Indians are kept out? If the community made such a mistake, it would invite scorn from India. If, on the other hand, it fights out that issue, it will win the admiration of all Indians.

This struggle is thus not aimed merely at securing the repeal of the Act. It is a conflict between the whites and the Coloured persons. The whites want to ride roughshod over us, to keep us down always as slaves. We want to be their equals.

This is the significance of the campaign and satyagraha will prove equal to its name only when every Indian has it impressed deep in his mind. The sword of satyagraha is not to be used for cutting dung cakes which is what the domiciliary rights of a handful of

Transvaal Indians really are, but to pierce the violent, rock-like hatred in the hearts of the whites. This is a task which cannot be achieved without courage. Even if the Transvaal throws up a few brave Indians, they will fulfil this task and cover themselves with undying glory.

[From Gujarati]
Indian Opinion, 18-7-1908

218. JOHANNESBURG LETTER

Ebb and Flow

The fortunes of the movement are sometimes at high tide; at others they ebb. Good news alternates with bad. One moment we hear of an impending settlement, the next that nothing will happen after all. On Friday last, it was reported that the Government had decided to enforce the obnoxious law. Mr. Gandhi therefore wrote the following letter[1] to the *Leader*.

Mr. Chamney's notice suggests that the Government wants to bring the voluntary registrants also within the scope of the law.

If that is done, all the conditions of the compromise will be violated. Both the written agreement and the oral understanding will be undone. Alarmed at the prospect, Mr. Cartwright and Mr. Hosken have had an interview with General Smuts. It is gathered from what transpired at the interview that the rights of those who hold the £3 [Dutch registration certificates] and the other refugees[2] can be saved. The right of appeal may also be allowed, but the rights of educated persons cannot be saved. The obnoxious Act will not apply to voluntary registrants. This is what has been reported. But one need not base any hopes on this report. All we can depend on ultimately is our own strength. *The* [*Transvaal*] *Leader* of Monday reported that, since the law was to be enforced, the municipalities had been asked to send to the Colonial Secretary the names of traders or hawkers who were doing business without licences, so that these persons might be prosecuted.

This threw the Indians into a panic and they swarmed to the municipal office like locusts. Thumb-impressions were asked for, and they gave these readily. They felt so exultant when they received the licences that one would have thought they had achieved something really remarkable. Their pledge not to submit to the Act was completely forgotten. For the thumb-impressions were given under the

[1] This is not reproduced here; for the English text of the letter, *vide* "Letter to *The Transvaal Leader*", pp. 353-4.

[2] Should refer only to those who left the Colony during the Boer War and later wanted to return, for not all holders of £3 Dutch registration certificates were refugees.

Act. In reply to arguments by the pickets at the gate they said: "Gandhi made the people give 18 digit-impressions; what is wrong with our giving two thumb-impressions?" For there were now 16 impressions less! Many persons reasoned with these men, but to no avail. Thus were [at once] exemplified the ignorance about and the beauty of satyagraha. Ignorance, because people compared the giving of 18 digit-impressions voluntarily with the giving of two thumb-impressions [compulsorily] under the law. Beauty, because satyagraha can be waged continuously. That some persons have abandoned it should not come in the way of the others who have not forsaken it. Though many Indians have given their thumb-impressions, there are many others who are unyielding. They know that it is wrong to give thumb-impressions. Even [one's] signature should not be given under the law. In fact, many persons, having gone to the municipality, returned [without giving thumb-impressions]. A number of them continue boldly to trade without licences, holding themselves in readiness for gaol [life].

Thus those who are now ready to go to gaol are true satyagrahis for it is in the interests of others that they are offering satyagraha.

And who are these others? (1) Those who are in possession of £3 registers; (2) refugees; (3) those whose applications Chamney is still holding up; and (4) educated Indians.

Educated Indians

The fight now is really on behalf of the educated Indians. And it is a just cause to fight for. It is General Smuts' intention to reduce the Indians to slavery by keeping out the educated among them. How can this be allowed? How can the Indian community agree to this wrongful denial of the rights of educated [Asiatics to enter the Colony]? Everyone assents to this argument and admits that it would be a dishonour for the Indians to do so.

The proposed movement can be carried on even if Indians do not join it in their thousands. If 500 Indians of true mettle, prepared for the worst, take the field, Indian honour will be vindicated. There was a suggestion that Mr. Jinnah, Bar-at-Law, be invited to join [the campaign]. Should the Indian community now agree [to the Act], as he may not be allowed to come? Mr. Dawad Mahomed's son is in England for his studies. Should he not be able to return after completing them? Must it only be through Mr. Smuts' grace that he should be able to come back? Mr. Joseph Royeppen is due to return in a few days. He was born in South Africa but he cannot come in either. How can the Indian community countenance all this? It should be borne in mind that it is being asked to assent to all these restrictions. It would be a different matter if they were to pass a law to this effect on their own. We could then fight against it,

if possible. But what Indian can say that he will not mind, that he is agreeable to, the enactment of such a law?

INDIANS' ENEMIES

But why is it that such difficulties arise constantly? The answer is that there are certain Indians who have become enemies of the community. They tell General Smuts that the Indian community has no fight left in it, that everyone will submit to the Act, that the talk of burning [the registers] is mere bragging, that everyone will take out licences and give thumb-impressions, that it is Mr. Gandhi and a few other Indians who are the cause of the mischief, that the others have no grievances. These reports are welcome to General Smuts; he believes them, with the result that Indians suffer. If all the Indians are in fact prepared to submit to the Act, it is only right that the law should apply to them.

But I believe that there are only a few Indians who accept the Act. Letters continue to come in from many towns, such as Barberton, Christiana, Volksrust, Vereeniging, Nylstroom, Heidelberg, Germiston, to say that Indians are steadfast and will fight for these rights. There are many Indians in these towns who have not taken out licences and do not mean to. So long as this spirit persists, Indians will not suffer defeat. What is reported to General Smuts, and by whom, will make no difference.

SORABJI

Sorabji has been wonderful. He has come all the way from Charlestown just to go to gaol. By the time people have a copy of this paper he may already have been installed in gaol. Let every Indian understand that, after sending him to gaol, the Indian community should not forgo any of the rights we have discussed above.

MASS MEETING

A mass meeting will be held on Sunday. Registers will not be burnt at this meeting, not yet. Many rumours are current, so that the wisest course will be to wait till General Smuts publishes his draft Bill and then to burn the registers, and meanwhile to prepare for any eventuality. There is no reason to fear that he will play foul if we wait. That is not how deceit is practised. For double-crossing can have no effect on a satyagrahi, as he does not depend on others in his fight. After the draft Bill is published, we can make a bonfire of the certificates and warm ourselves by it. The Bill has first to appear in the *Gazette*, be discussed in Parliament and receive Royal assent in England before it can come into force. In the meantime, we can try and cope with the situation. But all those Indians

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who are firm in their determination [to resist the Act] had better send in their registers immediately to the British Indian Association.

Lack of Funds

This movement does not require much money. But a small sum will certainly be necessary. The Association's reserves have been badly depleted, with the result that cables cannot be sent to England or India as often as desired. It is, therefore, necessary for every Committee and every Indian to send in as much money as possible. Barberton Indians have sent letters and telegrams of encouragement and also remitted £10 by draft.

Essop Mia as Hawker

On Tuesday evening, Mr. Essop Mia called a meeting, asking Mr. Gandhi to stay away. It was attended by nearly 200 Indians. The meeting decided most emphatically that Indians should never agree to the exclusion of educated Indians from the Transvaal. Mr. Essop Mia applied for a hawker's licence to give a stimulus to the movement and to forgo the protection afforded him by his voluntary registration certificate and trade licence. Since he refused to give thumb-impressions, he was not issued the licence he had asked for. Mr. Essop Mia will now make his rounds as a hawker without a licence and visit the houses of prominent whites to sell them fruit. He will carry a small basket with him. He thus wants to challenge the Government to arrest him. His spirit has infected numerous other Indians. The Chairman of the Hamidia Islamic Society and other Indian leaders will follow suit. Some educated Indians have also decided to do the same. If the spirit is maintained, the fight will have an early end. A community that has such brave men will never have to give in. A new spirit is abroad in the community, and the great significance of the movement is being realized in increasing measure.

Pickets Ready Again

The following Indians have volunteered to picket and dissuade people from going to the municipality to take out licences after giving their thumb-impressions: Messrs Bhaiji Ebrahim, Ali Ismail, Mulji G. Patel, Ali Umar, Ranchhod Mitha, Bagas Bapu and others.

Late News

The Star has reported that the Government will seek a settlement even in regard to educated persons.

[From Gujarati]

Indian Opinion, 18-7-1908

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219. SARVODAYA [*-IX*]

WHAT IS JUST?

We saw in the three preceding chapters that the generally accepted principles of economics are invalid. If acted upon, they will make individuals and nations unhappy. The poor will become poorer and the rich richer; neither will be any the happier for it.

Economists do not take men's conduct into account but estimate prosperity from the amount of wealth accumulated and so conclude that the happiness of nations depends upon their wealth alone. Hence they advocate greater accumulation of wealth through more and more work in factories. In England and elsewhere factories have multiplied because of the spread of these ideas. Large numbers of men leave their farms and concentrate in cities. They give up the pure and fresh air of the countryside and feel happy breathing the foul air of factories. As a result, the nation grows weaker, and avarice and immorality increase, and if someone suggests measures for eradicating vice, the so-called wise men argue that vice cannot be eliminated, that the ignorant cannot be educated all at once and that it is best to let things alone. While advancing this argument, they forget that it is the rich who are responsible for the immorality of the poor. The wretched workers slave for them day and night so that they may be kept supplied with their luxuries. They have not a moment to themselves for self-improvement. Thinking about the rich, they also want to be rich. When they fail in this, they become angry and resentful. They then forget themselves [in their anger], and having failed to gather wealth by honest means, turn in desperation to fraud. Both wealth and labour are thus wasted, else they are utilized for promoting fraud.

Labour, in the real sense of the term, is that which produces useful articles. Useful articles are those which support human life. Supporting human life means provision of food, clothing, etc., so as to enable men to live a moral life and to do good while they live. For this purpose, large-scale industrial undertakings would appear to be useless. To seek to acquire wealth by establishing big factories is likely to lead to sin. Many people amass wealth but few make good use of it. If the making of money is likely to lead a nation to its destruction, that money is useless. On the contrary, present-day capitalists are responsible for widespread and unjust wars. Most of the wars of our times spring from greed for money.

We hear people say that it is impossible to educate others so as to improve them, and the best course would be to live as well as one could

and accumulate wealth. Those who hold these views show little concern for ethical principles. For the person who values ethical principles and does not yield to avarice has a disciplined mind; he does not stray from the right path, and influences others merely by his example. If the individuals who constitute a nation do not observe moral principles of conduct, how can the nation become moral? If we behave as we choose and then point the accusing finger at an errant neighbour, how can the result [of our actions] be good?

We thus see that money is no more than a means which may make for happiness or misery. In the hands of a good man, it can be used for cultivating land and raising crops. Cultivators will find contentment in innocent labour and the nation will be happy. In the hands of bad men, it is used for the production, say, of gun-powder, and bringing utter ruin on the people. Both those who manufacture gun-powder and those who fall victims to it suffer in consequence. We thus see that there is no wealth besides life. That nation is wealthy which is moral. This is not the time for self-indulgence. Everyone must work according to his ability. As we saw in the illustrations earlier, if one man remains idle another has to labour twice as hard.[1] This is at the root of the starvation prevalent in England. There are men who do little useful work themselves because of the wealth that has accumulated in their hands, and so force others to labour for them. This kind of labour, being unproductive, is not beneficial to the workers. In consequence, the national income suffers diminution. Though all men appear to be employed, we find on closer scrutiny that a large number are idle perforce. Moreover, envy is aroused, discontent takes root and, in the end, the rich and the poor, the employer and the workman violate the bounds of decency [in their mutual relations]. As the cat and the mouse are always at variance with each other, so the rich and the poor, the employer and the workman become hostile to one another, and man, ceasing to be man, is reduced to the level of beasts.

Conclusion

Our summary of the great Ruskin's book is now concluded. Though some may have been bored by it, we advise those who have read the articles once to read them again. It will be too much to expect that all the readers of *Indian Opinion* will ponder over them and act on them. But even if a few readers make a careful study of the summary and grasp the central idea, we shall deem our labour to have been amply rewarded. Even if that does not happen, the reward [of labour], as Ruskin says in the last chapter, consists in having done one's duty and that should satisfy one.

[1] *Vide* "Sarvodaya [-VI]", pp. 303-4.

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What Ruskin wrote for his countrymen, the British, is a thousand times more applicable to Indians. New ideas are spreading in India. The advent of a new spirit among the young who have received western education is of course to be welcomed. But the outcome will be beneficial only if that spirit is canalized properly; if it is not, it is bound to be harmful. From one side we hear the cry for swarajya; from another, for the quick accumulation of wealth by setting up factories like those in Britain.

Our people hardly understand what swarajya means. Natal enjoys swarajya, but we would say that, if we were to imitate Natal, swarajya would be no better than hell. [The Natal whites] tyrannize over the Kaffirs, hound out the Indians, and in their blindness give free rein to selfishness. If, by chance, Kaffirs and Indians were to leave Natal, they would destroy themselves in a civil war.

Shall we, then, hanker after the kind of swarajya which obtains in the Transvaal? General Smuts is one of their leading figures. He does not keep any promise, oral or written. He says one thing, does another. The British are disgusted with him. Under the guise of effecting economy, he has deprived British soldiers of livelihood and has been replacing them with Dutchmen. We do not believe that in the long run this will make even the Dutch happy. Those who serve only their own interests will be ready to rob their own people after they have done with robbing others.

If we observe happenings all over the world, we shall be able to see that what people call swarajya is not enough [to secure] the nation's prosperity and happiness. We can perceive this by means of a simple example. All of us can visualize what would happen if a band of robbers were to enjoy swarajya. In the long run they would be happy only if they were placed under the control of men who were not themselves robbers. America, France and England are all great States. But there is no reason to think that they are really happy.

Real swarajya consists in restraint. He alone is capable of this who leads a moral life, does not cheat anyone, does not forsake truth and does his duty to his parents, his wife, his children, his servant and his neighbour. Such a man will enjoy swarajya wherever he may happen to live. A nation that has many such men always enjoys swarajya.

It is wrong normally for one nation to rule over another. British rule in India is an evil but we need not believe that any very great advantage would accrue to the Indians if the British were to leave India. The reason why they rule over us is to be found in ourselves; that reason is our disunity, our immorality and our ignorance.[1]

[1] *Vide* also Vol. V, p. 469.

If these three things were to disappear, not only would the British leave India without the rustling of a leaf, but it would be real swarajya that we would enjoy.

Many people exult at the explosion of bombs.[1] This only shows ignorance and lack of understanding. If all the British were to be killed, those who kill them would become the masters of India, and as a result India would continue in a state of slavery. The bombs with which the British will have been killed will fall on India after the British leave. The man who killed the President of the French Republic was himself a Frenchman and the assassin of President Cleveland of America was an American.[2] We ought to be careful, therefore, not to be hasty and thoughtlessly to imitate the people of the West.

Just as we cannot achieve real swarajya by following the path of evil—that is by killing the British—so also will it not be possible for us to achieve it by establishing big factories in India. Accumulation of gold and silver will not bring swarajya. This has been convincingly proved by Ruskin.

Let it be remembered that western civilization is only a hundred years old, or to be more precise, fifty. Within this short span the western people appear to have been reduced to a state of cultural anarchy. We pray that India may never be reduced to the same state as Europe. The western nations are impatient to fall upon one another, and are restrained only by the accumulation of armaments all round. When [the situation] flares up, we will witness a veritable hell let loose in Europe. All [white] nations look upon the black races as their legitimate prey. This is inevitable when money is the only thing that matters. Wherever they find any territory, they swoop down on it like crows upon carrion. There are reasons to suggest that this is the outcome of their large industrial undertakings.

To conclude, the demand of swarajya is the demand of every Indian, and it is a just demand. But swarajya is to be achieved by righteous means. It must be real swarajya. It cannot be achieved by violent methods or by setting up factories. We must have industry, but of the right kind. India was once looked upon as a golden land, because Indians then were people of sterling worth. The land is still the same but the people have changed and that is why it has become arid. To transform it into a golden land again we must transmute ourselves into gold by leading a life of virtue. The philosophers' stone which can bring this about consists of two syllables: *satya*. If, therefore,

[1] Gandhiji may have been thinking of the Muzaffarpur bomb incident; *vide* "Turmoil in India", pp. 223-4.

[2] President Cleveland died a natural death. Gandhiji may have had Lincoln in mind; *vide* Vol. V, p. 52.

every Indian makes it a point to follow truth always, India will achieve swarajya as a matter of course.

This is the substance of Ruskin's book.

[From Gujarati]
Indian Opinion, 18-7-1908

220. LETTER TO "THE STAR"[1]

JOHANNESBURG,
July 18, 1908

THE EDITOR,
THE STAR

SIR,

With your informant, who states that the Mahomedans of the Transvaal will not, in order to revive the Asiatic struggle, follow the advice that may be tendered to destroy or refrain from using trading licences already issued, in common with others of their compatriots, the wish seems to have been father to the thought.

I have the honour to represent the Hamidia Islamic Society of the Transvaal, and I am not aware of a Mahomedan dissentient. They hold the honour of India and their educated countrymen just as dearly as any Indian. In point of fact, my co-religionists have stronger objections to the Asiatic Act than the other Indians, for the simple reason that it constitutes a direct attack on Mahomedanism, and offers a deliberate insult to the Caliph of the Faithful, His Imperial Majesty the Sultan of Turkey, who is the spiritual head of Islam, as His Majesty the King-Emperor is the temporal head of the citizens of the British Empire.

That three Mahomedans gave thumb-impressions to the Licensing Officer means nothing, except that they did not know what they were doing. The Government have not sufficiently appreciated the service rendered by the Indian community when they gave finger-impressions voluntarily; and now the people take time before they understand that the giving of thumb-impressions to the Licensing Officer is not the same thing as giving finger-impressions under the voluntary arrangement. The act performed before the Licensing Officer is a symbol of the Act which we have forsworn. And it is because we wish to lodge a tangible protest against the Government's action in dealing dishonestly with us, that I, as well as others of my countrymen, whether

[1] This was presumably drafted by Gandhiji and was republished in *Indian Opinion*, 25-7-1908, under the title "The Mahomedans' Position".

Mahomedans, Hindus, or Christians, have taken up hawking without licences as a privilege, unused though we are to the occupation.

I am, etc.,
IMAM A. K. BAWAZEER
CHAIRMAN,
HAMIDIA ISLAMIC SOCIETY

The Star, 18-7-1908

221. EXTRACT FROM LETTER TO CHAPLIN[1]

July 20, 1908

. . .The Indians did not ask for anything new at all under the Immigrants' Restriction Act. Indians with educational attainments can enter not as a matter of form, but as a matter of right. It is General Smuts who now asks Indians to consent to an alteration of that law so as to make such Indians prohibited immigrants. . .

India Office, Judicial and Public Records: 3722/08

222. TRIAL OF SORABJI SHAPURJI–III

[JOHANNESBURG,
July 20, 1908]

In B Court, on Monday last, the 20th instant, before Mr. H. H. Jordan, Mr. Sorabji Shapurji appeared charged with failing to obey the Magistrate's order to leave the Colony within seven days of the 10th instant, under Section 7 of the Peace Preservation Ordinance. Mr. Cramer prosecuted, and Mr. M. K. Gandhi appeared for the defence. The accused pleaded not guilty. . . .

Superintendent J. G. Vernon stated that he arrested the accused at 7 a.m. on the 20th instant in the Malay Location. He arrested him for not producing a certificate or authority to reside in the Colony after the warning received from the Court to leave within seven days from the 10th instant. The accused replied that he did not intend to leave. Witness handed in a number of copies of the *Gazette* containing the Asiatic Law Amendment Act, the regulations thereunder, and notices regarding its enforcement.

Cross-examined, [he said that] a letter had been sent by Mr. Gandhi to the Deputy Commissioner of Police stating that the accused was prepared to attend the Court at any time his presence was required. Asked why then accused had been arrested, witness replied that he did not accept instructions from anyone except his superior officers. He had received instructions to arrest the accused and had used

[1] This is taken from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

his own discretion in arresting him that morning at 7 a.m., which was the time most convenient to witness. Accused had been kept in custody ever since. This closed the case for the Crown.

The accused, giving evidence on his own behalf, stated that, after receiving the notice to leave the Colony, he had remained in the Colony and had told Superintendent Vernon that it was not his desire to leave. He did not now wish to leave the Colony, and he was there to suffer the penalties for disobeying the order of the Court. He was a British subject, and as long as he shared the full responsibility as a subject of the British Empire he considered that he had every right to remain in the Transvaal.

Cross-examined [he said] he had disobeyed the order of the Court, and all along intended to disobey it.

This closed the case for the defence.

Addressing the Court, Mr. Gandhi said he wished to draw His Worship's attention to the fact that that was going to be a very terrible struggle for British Indians in the Transvaal, and in connection with that trial several Indians who were waiting outside to enter the Court House were hustled about and were assaulted also.[1]

THE MAGISTRATE: I know nothing about that, and I cannot take an *ex parte* statement. There are quite enough in the Court now to make it uncomfortable.

MR. GANDHI: That is so, but there are a lot outside.

THE MAGISTRATE: The Court can only hold a certain number.

MR. GANDHI: It is a question of handling the thing properly. The Court House is within Your Worship's jurisdiction, and I think I might be allowed to make a statement about the matter.

THE MAGISTRATE: All I can say is that the Court is uncomfortably full.

Mr. Gandhi then proceeded to refer to the case, which, he stated, was very simple. (THE MAGISTRATE: "Very simple.") He only wished to draw His Worship's attention to the fact that his client, rightly or wrongly, believed that it was a matter of principle to remain in the Colony, and he claimed his right to remain in the Colony under the Immigrants' Restriction Act. His client had felt aggrieved that he had been called upon to accept the Asiatic Amendment Act. He had failed to leave the Colony, and he had told the Court that he could not possibly obey an order that was issued under the Asiatic Amendment Act. The accused wished to suffer for the sake of principle. He had chosen between his conscience and the order of the Court, and he had chosen by his conscience.

THE MAGISTRATE: One month with hard labour.

Indian Opinion, 25-7-1908

[1] Indians wishing to enter the Court were brutally ill-treated by the Police "without any provocation", according to a special report in *Indian Opinion*, 25-7-1908. A constable, whose name was being taken down by G. K. Desai, struck the latter a heavy blow on the face. Affidavits about the Police assault were filed with the Police Commissioner by H. S. L. Polak, Attorney of the Supreme Court, among others.

223. SPEECH IN JOHANNESBURG

[*July 20, 1908*]

. . .At the conclusion of the Court proceedings[1], Mr. Gandhi addressed the crowd outside his office.

Mr. Sorabji, he pointed out, had gone to gaol because of a principle and not to open the gates of the Transvaal to the unrestricted immigration of Asiatics. He had come in under the Immigration Act in order to pass the educational test of that Act which made no distinction as to race, class or colour. He had studied English for seven years, but he now found that all his English was of no avail, notwithstanding that the Immigration Act was general in its application and that he was a British subject in a British Colony.

The next step, continued Mr. Gandhi, was for those Indians who possessed licences to return them and stand the consequence of being arrested for trading without licences and going to gaol; also for them to return their certificates. It was only by showing that they were willing to undergo communal suffering and not to avail themselves of any present privileges that they could bring conviction to the minds of the European community that they were fighting for principle. He repeated that the Colonial Secretary had promised unconditionally to repeal the Asiatic Act provided the Asiatics registered voluntarily, but this promise had not been kept.

Before the Indians broke up, some handed over their trading licences and several their registration certificates, and it is expected that this example will be largely followed. The Indians, we understand, are indignant at the manner in which the police cleared them away from the entrance to the Police Court during the afternoon, and also at the sentence passed on Mr. Sorabji, contending that hard labour should not have been given for what they consider a political offence.

Indian Opinion, 25-7-1908

224. CABLE TO S.A.B.I. COMMITTEE

JOHANNESBURG,
July 20, 1908

[AFRICALIA
LONDON]

SORABJI SHAPURJI SENTENCED MONTH HARD LABOUR DISOBEYING ORDER LEAVE COLONY. ENTERED UNDER IMMIGRATION ACT HAVING EDUCATIONAL QUALIFICATIONS. CHARGED NOT REGISTERING UNDER ASIATIC ACT. WAS WILLING VOLUNTARILY

[1] In the case of Sorabji Shapurji earlier in the afternoon

REGISTER. COMMUNITY CONSIDERS PROCEEDINGS HARSH REACTIONARY. HAWKERS ARRESTED TRADING WITHOUT LICENSES WHICH COULD NOT GET BECAUSE WOULD NOT ACCEPT ASIATIC ACT. CHAIRMAN ASSOCIATION OTHER PROMINENT INDIANS AS PROTEST NOW HAWKING WITHOUT LICENSES. COMMUNITY REQUIRES NO MORE THAN PROTECTION PRE-WAR REFUGEES AND RECOGNITION HIGHEST EDUCATIONAL QUALIFICATIONS. GOVERNMENT SAY WE SHOULD ABANDON THESE AGAINST REPEAL ACT. INDIANS DETERMINED SUFFER PENALTIES UNTIL REDRESS SECURED.

M. K. GANDHI

Colonial Office Records : 291/132

225. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 20, 1908

DEAR MR. CARTWRIGHT,

This is just to tell you that prosecutions have now started. Mr. Sorabji was sentenced to one month's imprisonment *with hard labour* virtually for non-submission to the Asiatic Act. Several hawkers have been arrested for hawking without licences. They will, so far as I am aware, elect to go to gaol.

I hope you will not resent my troubling you with my letters.

Yours sincerely,

ALBERT CARTWRIGHT, ESQ.
PRETORIA CLUB
PRETORIA

From a photostat of the typewritten office copy : S. N. 4846

226. TRIAL OF EBRAHIM ISMAIL AND SULIMAN BAGAS[1]

[JOHANNESBURG,
July 20, 1908]

On Monday last, Ebrahim Ismail and Suliman Bagas were brought before Mr. P. C. Dalmahoy in D Court, Johannesburg, charged with hawking without licences. Mr. Shaw prosecuted, and Mr. Gandhi appeared for the defence.

The first accused did not appear, and his bail was estreated, though Mr. Gandhi asked that the case might be remanded so that the accused might appear the following day.

[1] This was published in *Indian Opinion* under the title "Hawkers Arrested: They Go to Gaol".

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Suliman Bagas pleaded not guilty. Police evidence was led to the effect that, at 3-30 p.m. on the 18th instant, accused was exposing fruit for sale on the Village Main Reef property. There were several Natives about. Accused was selling fruit from a basket. Witness saw accused sell bananas and oranges. He watched accused for 25 minutes. He asked accused for his licence, and the latter produced one that had expired on June 30, but he did not have one for the current quarter. He was hawking within the municipal area.

Cross-examined, [he said] he had received instructions to arrest all such men. He did not know whether accused had already applied for a licence.

This closed the case for the Prosecution.

Accused, giving evidence on his behalf, stated that he had applied for a renewal of the licence, but he had been asked to give his thumb-impression under the Registration Act, and as he had refused to do so, he had not been able to obtain a licence.

Mr. Gandhi then stated that he wished to give evidence. It would not be political, but would be entirely relevant to the matter before the Court. His client had not received a licence because instructions had been issued to the Municipality that all Asiatics applying for licences should undergo the formalities prescribed under the Asiatic Law Amendment Act. In the month of January there was a settlement arrived at between the Government and the Asiatic communities whereby those who voluntarily registered were not to come under the Asiatic Act. His client had voluntarily registered, and because he had now been called upon to accept the Asiatic Act, under a resolution passed by the British Indian Association, accused, in common with other Indians, had tendered the licence fee but had declined to accept the formalities of the Act.

The Magistrate inquired of the Prosecutor whether he had received any instructions in these cases. Mr. Shaw replied in the negative. There were some, some months ago.

The Magistrate ordered that the case should be put back until Wednesday, pending inquiry.

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227. SPEECH AT MASS MEETING

[JOHANNESBURG,
July 20, 1908]

We have been informed through Mr. Cartwright that the Government will agree to a settlement if we do not insist on the rights of educated [Asiatics]. But all of you resolved at a previous meeting that you would agitate for the cause of the educated. Your decision is commendable. We certainly cannot agree to the abolition of the rights of educated Asiatics. Notices were published by the Government in newspapers to the effect that the [Asiatic Registration] Act would stay,

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and also that those who refused to take out licences would be punished in accordance with that law. We cannot take out licences at this juncture, for the Government demands thumb-impressions from us under the law. If they had been asked for outside the law, that is, on a voluntary basis, I myself would have advised [that they should be given]. But under the law I cannot advise anyone to give even his signature. There are many persons who allege that I have charged a fee of two guineas each from Hindus as well as Muslims. Can anyone at this meeting [come forward and] tell me if I have accepted fees from any of them? The Government blames me for needlessly inciting the people. Whatever the Government may say, my duty is to place the facts as they are before my brethren. So I go on doing my duty, regardless of the Government's accusations. To those who were frightened by the Government notices into taking out licences, I must say that they should not make use of them but court arrest and thereby fill the gaols as they did in January. By doing so they will humble the Government. Many have sought to dissuade the Chairman[1] from going the rounds as a hawker. That was not a nice thing to have done. Those who assume the garb of hawkers—not indeed in the service of self-interest but for the sake of others' interests—ought to be proud rather than ashamed of themselves. I am proud to have such a Chairman. I am sure you are too. We have now no alternative but to go to gaol. The leaders of all communities must go round collecting licences and registers. The burning of registers has been postponed for the time being, but their collection need not be. As for the issue of the educated Asiatics, I must repeat that we must fight it out. If we do not fight for men like Mr. Jinnah, Bar-at-Law, Mr. Justice Ameer Ali or Prince Ranjit Singh, or others equally well educated, we will be at Mr. Chamney's mercy. I leave [the decision in] this matter to your own inclination. This fight requires only courage. Courage by itself constitutes an assurance of victory. All that need be done now is for everyone to take the plunge, armed only with courage. We must thus prove ourselves to be brave men. If we do so, our demands are bound to be conceded.

[From Gujarati]
Indian Opinion, 25-7-1908

[1] Essop Mia

228. TRIAL OF ISMAIL AKOOJEE AND OTHERS

[JOHANNESBURG,
July 21, 1908]

On Tuesday, the 21st instant, in the same Court [before Mr. P. C. Dalmahoy in D Court], Ismail Akoojee was charged with trading without a licence. He pleaded not guilty. Mr. Gandhi appeared for the defence.

J. B. Barret stated that he was a Licensing Inspector under the Johannesburg Municipality. On the previous day, on the Market Square, within the Municipal area, he had seen accused exposing fruit for sale. He had asked accused for his licence, but the latter had replied that he did not have one.

Cross-examined, [he said] he did not know anything about Government instructions.

T. H. Jefferson stated that he was Chief Licensing Inspector of the Municipality of Johannesburg. He produced *Government Gazettes* containing the Asiatic Law Amendment Act, the regulations thereunder, and the notices thereunder authorizing him to prosecute. He had seen a letter addressed to the Town Clerk by the Registrar of Asiatics, dated the 7th instant, stating that the Asiatic Law Amendment Act was to remain on the Statute-book, and that no licences were to be renewed or issued except to Asiatics who produced registration certificates and gave thumb-prints under the Act.

Cross-examined, he recollected that, in January last, several prosecutions took place, and that Asiatics were then sentenced.

In the month of February the Government had issued instructions to him to issue licences to all Asiatics who produced a letter from the Registrar of Asiatics acknowledging having received an application for voluntary registration. Such Asiatics were not called upon to give any thumb-impressions at all. It was competent then for him to give licences for the quarter ended March 31, and afterwards he was authorized to issue licences to the quarter ended June 30. He did not think that any licences had been issued from his Department for the whole year. The instructions contained in the letter of the 7th instant were the revised and most recent ones. He admitted that many Asiatics had produced voluntary registration certificates but had declined to give thumb-impressions.

[MAGISTRATE:] If thumb-impressions are refused?

JEFFERSON: I refuse to give licences. The registration certificate must be produced.

Witness did not think that there had been any refusal to produce registration certificates. Registration certificates had not been produced only by those who had not received them.

In reply to the Magistrate, witness stated that it was unnecessary up to the end of June to give thumb-impressions. There had been no intimation thereafter of that requirement until Asiatics came to apply for licences. There was nothing in the

Gazette as to not giving thumb-marks up to the end of June. That appeared to be an act of grace on the part of the Government.

This closed the case for the Crown.

Accused giving evidence on his own behalf stated that he had applied for a licence during the current month. He had offered the licence-fee. The licence was refused to him because they wanted his thumb-impression under the Act, which he had refused to give. He had the licence up to the end of June and also a voluntary registration certificate.

Cross-examined, [he said] he was not hawking without a licence at the time stated, but was walking along with his fruit in a basket on his way to the fruit store. He was not looking for customers. He admitted, however, that he had been hawking in the morning without a licence. This closed the case for the defence.

Mr. Gandhi, addressing the Court, said that he really had very little more to say than what he had said in evidence the previous afternoon. It appeared that the Government had first issued one set of instructions and afterwards another, and the position was that the Indians did not know where they were. If the Government wished to proceed, they should proceed against those who were the leaders and not against men like the accused.

Accused was sentenced to pay a fine of 10 s or to go to gaol [for] four days with hard labour.

Similar sentences were imposed on Moosa Essop, Hari Bhikha, Dahya Parag, Saleji Bemath, Ismail Ebrahim, Keshav Goolab, and Nagar Morar, who were also defended by Mr. Gandhi.

Ahmed Essop Dowd was also similarly charged, but did not answer to his name when called, and his bail was estreated. A few minutes afterwards he entered the Court and stated that he had not heard his name called. Mr. Gandhi asked that his bail might be refunded, but the Magistrate stated that he did not have the power to do this.

Indian Opinion, 25-7-1908

229. CABLE TO S. A. B. I. COMMITTEE

[JOHANNESBURG,
July 21, 1908][1]

[AFRICALIA
LONDON]

FOUR MAHOMEDAN FOUR HINDU HAWKERS ELECTED TO GO GAOL HARD LABOUR TRADING WITHOUT LICENSES. THESE TENDERED LICENSE FEE BUT REFUSED COMPLY FORMALITIES ASIATIC ACT. CHAIRMAN HAMIDIA SOCIETY FIVE OTHER PROMINENT INDIANS

[1] It was on Tuesday, July 21, 1908, that Bawazeer was arrested. This cable was sent as an annexure to Ritch's letter of July 22, 1908 to the India Office.

ARRESTED SIMILAR CHARGE REFUSED BEING BAILED. CHAIRMAN BELONGS MAHOMEDAN PRIESTLY CLASS. PROFOUND SENSATION.

M. K. GANDHI

India Office, Judicial and Public Records: 2896/08

230. SUMMARY OF LETTER TO GENERAL SMUTS[1]

July 21, 1908

Mr. Gandhi, in a letter to General Smuts, points out that, while so many of the rank and file of the community are suffering imprisonment under the Registration Act, he himself, who has also not taken out a certificate, and is the chief instrument in his countrymen having done what they have, is still at large. He asks, "Is it courageous to leave me alone and to harass poor Indians?" He reasserts his eagerness to serve the people of the Transvaal generally as to serve his own countrymen.

India Office, Judicial and Public Records: 3722/08

231. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 21, 1908

DEAR MR. CARTWRIGHT,

Eight Indian hawkers, four Mahomedans and four Hindus, have gone to gaol today for four days' imprisonment for hawking without licences.[2] The imprisonment was with hard labour. Mr. Imam Abdul Cader, Chairman of the Hamidia Islamic Society, Mr. T. Naidoo, co-signatory with me to the letter sent from the gaol, and four others have also been arrested for hawking without licences. These last are all gentlemen who, in the ordinary walk of life, are not hawkers, but they have taken to it by way of protest. The arrest of Imam Abdul Cader will create a sensation, not only in South Africa, but throughout India. The word "Imam" means "priest". His vocation was, and still is very often, that of priest at the Mosque, and the position of Chairman of the Hamidia Islamic Society is also a very responsible one.

I am,
Yours sincerely,

ALBERT CARTWRIGHT, ESQ.
PRETORIA

From a photostat of the typewritten office copy : S. N. 4853

[1] The passage above is from a precis of events Ritch sent to the Colonial Office as an annexure to his letter of October 6, 1908. The original letter itself is not available.

[2] *Vide* "Trial of Ismail Akoojee and Others", pp. 382-3.

232. TRIAL OF BAWAZEER, NAIDOO AND OTHERS

[JOHANNESBURG,
July 22, 1908]

Early on Tuesday morning Mr. Thambi Naidoo, a member of the Committee of the British Indian Association, and on Tuesday afternoon, Mr. Imam Abdool Cadir Bawazeer, Chairman of the Hamidia Islamic Society, Messrs G. P. Vyas, Mahomed Ebrahim Kunkey, M. G. Patel and G. K. Desai were arrested for hawking without a licence. They refused to be bailed out and were brought before the Court on Wednesday. They were charged with trading without having proper licences.

J. B. Barnett[1], Inspector of Licences, stated he arrested the accused at 2-30 p.m. yesterday[2] at the corner of Market and Simmonds Streets. They stated they had not taken out licences.

Mr. Gandhi, who defended, called Imam Abdool Cadir Bawazeer, who said, in reply to his question, that he was chairman of the Hamidia Islamic Society and the Assistant Priest of the Indian Mosque. He had lately taken to hawking.

[GANDHIJI:] Will you explain to the Court why?

[BAWAZEER :] Because there was a compromise between General Smuts and some of the Indian leaders . . . .

The Crown Prosecutor intervened, and asked if the witness knew this of his own knowledge.

THE MAGISTRATE : Has he got permission from the Colonial Secretary to hawk without a licence?

MR. GANDHI : No.

Continuing, Mr. Gandhi said the reason why he wanted to lead evidence was just the same as that he gave yesterday. The Court had a right to know, he thought, why a gentleman occupying the position of the accused had taken to hawking.

The Magistrate said it was not a matter which concerned the Court.

Mr. Gandhi replied that, if that was not a question of interest, it was a question of justice.

Witness, continuing, said that when the compromise was effected he assisted in fulfilling it, but he now found that the compromise, so far as the Government was concerned, was not being properly fulfilled, and as a protest he took to hawking without a licence.

The Magistrate asked : Was he one of the 14 people exempted?

Mr. Gandhi said he did not know of any exemptions. If there were people exempted, they were in a most fortunate position.

[1] "Barrett"?

[2] July 21, 1908, the day before the trial

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The Crown Prosecutor said there were a certain number of exemptions, and witness would probably know if he was exempt.

Mr. Gandhi said he had not the slightest information of any exemption. His position was that his client felt aggrieved and decided to suffer with his poorer countrymen because they were suddenly called upon to submit to the Asiatic Act, having complied with voluntary registration. They thought they would not be called upon to do so.

THE MAGISTRATE : You took to hawking lately to put yourself in the same position as the hawkers?

ACCUSED : I took to hawking to defend my people.

MR. GANDHI: You are one of the people who assisted the Government in carrying out the compromise?

[ACCUSED :] Yes; I endeavoured to explain to my own people what the compromise was, and I told them if they complied with voluntary registration, they would not be called upon to submit.

[GANDHIJI:] And the members of the Society you represent followed your advice and took out voluntary registration certificates?

[ACCUSED :] Yes.

In further examination, the witness said he had seen a circular in connection with hawkers who did not comply with the Act. He was married and had a wife and children residing in Johannesburg, and he had resided there himself for 13 years.

THE EXEMPTIONS

Mr. T. H. Jefferson, Chief Inspector of Licences, called by Mr. Gandhi, stated he had got a list of names of people who were exempted from having to comply with the terms of the Act. They were not compelled to give thumb-impressions. He could not recall the names and he only got the list yesterday. He did not know if any of the accused were exempt.

Mr. Gandhi, in his address to the Court, said the only point he would deal with was the question of exemptions. He asked the Court to take note of the arbitrary proceedings on the part of the Government. He had absolutely no knowledge that there were any exemptions, but he wished to point out that in the Asiatic Act there was absolutely no authority given to the Government to grant exemptions, and was the Court going to countenance an arbitrary administration of the Act?

The Magistrate said the charge was admitted and that was all he had got to do with it. He sentenced the accused to pay a fine of 10 s or [undergo] imprisonment for four days with hard labour.

Mahomed Ebrahim Kunkey, Moosa Bagas, Mahomed Ebrahim, Ahmed Mahomed Motara and S. Bagas were similarly sentenced after formal evidence.

Thambi Naidoo was also charged with hawking without a licence, and after formal evidence of arrest the accused gave evidence. He stated he was a cartage contractor and had taken to hawking since last Friday. He went to gaol in January last for non-compliance with the Registration Act. He was one of the signatories to

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the letter addressed to General Smuts in connection with the compromise, and in trying to carry out the Indian part of the compromise, he suffered assault.

A similar sentence to [*sic*] the others was passed.

Indian Opinion, 25-7-1908

233. *JOHANNESBURG LETTER*

[*July 21, 1908*]

The Combat Deepens

Mr. Sorabji is in gaol. He got one month's hard labour. It has now become the duty of every Indian to volunteer for imprisonment. Mr. Sorabji was arrested and taken to prison at seven on Monday in the extreme cold of morning. There was no need to have done this. Mr. Gandhi had sent a notice [to the authorities] saying that Mr. Sorabji would present himself whenever required, and this wasignored. Hundreds of Indians had turned up to hear the case. Only a few were allowed to enter. The number of whites admitted was, however, quite large. The Indians who remained outside were treated in a most high-handed fashion. Mr. Gulabbhai Kikabhai [Desai], Mr. Cursetji Desai and others were beaten up. Quite a few were insulted. The matter was reported to the Magistrate, who, however, took no notice.[1]

There was hardly any evidence to be offered in the case. Mr. Sorabji had to choose between two things: his honour and patriotism, and the order of the Court. Mr. Sorabji chose patriotism rather than the order of the Court.

The Magistrate passed the sentence. But Mr. Sorabji welcomed it as though it were a great honour.

The Magistrate will have to answer for his high-handedness. The Association has moved [for action] against the constables who assaulted [the Indians].[2] We are not concerned with whether or not the police or the Court takes cognizance of the complaint.

[1] *Vide* "Trial of Sorabji Shapurji-III", p. 377.

[2] Gulabbhai Kikabhai Desai, Cursetji Hormasji Desai and Polak filed affidavits regarding this incident with the Commissioner of Police, asking that the constables concerned should be proceeded against. According to Polak's affidavit, since only one side of the folding doors of the Court was opened, there was a rush of Indians endeavouring to enter. "Constable B 99 from the open space outside the Court made a rush at the crowd, using his fists and shoulders entirely without provocation. I found Gulabbhai Kikabhai Desai with the right side of his face inflamed and his right eye suffused with blood. He told me that Constable B 60 had just given him a violent blow. Although he remonstrated strongly to Superintendent Vernon, the latter took no notice. . . . "

All this tyranny is the consequence of our being thought an unworthy people. When the authorities realize our strength, they themselves will feel humbled.

Sentences on Hawkers

Messrs Ismail Akoojee, Moosa Essop, Dahya Prag, Hari Bhikha, Saleji Bemat, Ismail Ibrahim, Keshav Gulab, and Nagaji Morar, all hawkers, have been arrested. Their case was heard on Tuesday.[1] After evidence had been tendered in their cases, Mr. Gandhi pointed out that arresting these men amounted to an attack on the poor. They were not criminals. He asked why the Indian leaders who had openly defied the law were not touched. The Government had issued licences independently of the [Asiatic Registration] Act in February. Why did it now insist on issuing them only under the Act ?

The Magistrate sentenced these Indians to a fine of 10s each or, in default, four days' imprisonment. The brave Indians have offered to go to gaol, refusing to pay the fine.

Imam Saheb Arrested

On Tuesday afternoon, Imam Abdool Bawazeer and Messrs Gavarishankar Vyas, Mulji Patel and Gulabbhai Kikabhai Desai were arrested. They were hawking in Market Square. Mr. Thambi Naidoo was arrested on Tuesday morning. He was arrested on the same charge. Mr. Gavarishankar Vyas and Mr. Thambi Naidoo, too, were in gaol in January. All of them refused to bail out. Is there any Indian who does not both weep and smile on reading this? One cannot but weep at the thought of these Indians, used to a life of comfort, undergoing so much suffering for the sake of their motherland. One must smile at the thought that there are men of such rare courage in the Indian community, who will be the means of its deliverance.

Mr. Abdool Kadir Bawazeer is an Imam. He is Chairman of the Hamidia Islamic Society. I would say that, on the day on which he is gaoled, Indians throughout South Africa should go on a strike.

Wednesday [*July 22, 1908*]

After sending off the above report yesterday, I heard that Mr. Ebrahim Kunkey had been arrested.

Mr. Imam Abdool Kadir and others whose names I have already mentioned and Mr. Kunkey refused to offer bail and remained in gaol for the night. Plenty of food was sent to them in gaol. Each of them was given three light blankets for a bedding.

[1] *Vide* "Trial of Ismail Akoojee and Others", pp. 382-3.

Their case came up for hearing today, Wednesday, at eleven o'clock.[1]

Deposing, Imam Saheb said that he had taken to hawking in the interests of others. He had helped the Government with the settlement. He could not bear to think that he was free while his brethren who were obliged to take out trade licences were in gaol. He had therefore decided to hawk without a licence. This is what Imam Saheb said.

Deposing in the same case, Mr. Jefferson, the Chief Inspector of Licences, said that the Government had forwarded to him names of 14 persons of whom thumb-impressions were not to be demanded.

The Magistrate sentenced them to a fine of 10 s each or, in default, to four days' imprisonment. All of them chose to go to gaol.

Other Cases

In addition, the cases of Mr. Moosa Bagas, Mr. Suliman Bagas[2], Mr. Mahomed Ibrahim and Mr. Ahmed Mahomed Motara were also heard. They were also sentenced as above, and have taken up residence in gaol. By Saturday, all of them will have come out free men. I hope that they will all take up the basket again for the sake of their country and start on their rounds, and thus be re-installed in gaol.

Along with Imam Abdool Kadir, Mr. Vyas and Mr. Naidoo have also gone to gaol. These two have already been to gaol once. It is needless, I think, to speak [again] of their services [to the Indian cause].

Mr. Mahomed Ebrahim Kunkey, the other person who has gone to gaol, had closed down his shop and taken to hawking. His courage, too, is boundless. He is a Konkani[3] and has brought credit to his community by thus going to gaol. Mr. Kunkey has also been very active at meetings and has inspired a number of persons with courage.

Mr. Mulji Patel has only recently come from India. He has had experience of [addressing] meetings in Bombay. He, too, volunteered to go to gaol for the sake of the country.

Mr. Gulabbhai Kikabhai Desai has not only gone to gaol but has also suffered the experience of being manhandled near the Court entrance.

That those who have never been hawkers have taken to hawking is a great thing, credit for which must go to Mr. Essop Mia. He was the first to do this. He set out on his rounds with two baskets slung about his neck. At a critical moment, Mr. Essop Mia thus rendered the community great service. He has wealth, intelligence, courage. And he has also a well-trained body. At the moment, he is using all

[1] *Vide* "Trial of Bawazeer, Naidoo and Others", pp. 385-7.
[2] *Vide* "Trial of Ebrahim Ismail and Suliman Bagas", pp. 379-80.
[3] Resident of Konkan in Maharashtra, on the western coast of India

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these in the service of the community. He placed his time at its disposal. He suffered violence to his person. And now he has taken to hawking for the sake of the community. It will not be surprising if he is also sent to gaol in a few days.

Two Indians of Boksburg

One of them, Mr. Adam, and the other, Mr. Mangalsingh, were both arrested for hawking without licences. Mr. Polak went to defend them—I mean to see them off to gaol—Mr. Gandhi being occupied in Johannesburg with the cases mentioned above. Mr. Adam Moosa was sentenced to a fine of £1 or, in default, seven days' simple imprisonment. Mr. Adam Moosa chose gaol. Mr. Mangalsingh proved himself unworthy of his name[1]. Outside the Court [before the trial], he talked big, assuring everyone that he would choose gaol. But in the Court, he faltered even while making his deposition. The Magistrate therefore sentenced him to pay a fine of £2 or, in default, undergo eight days' rigorous imprisonment. Mr. (A)mangalsingh[2] chose to pay the fine rather than go to gaol.

Closing of Shops

After Imam Abdool Kadir had been marched off to prison, a meeting attended by hundreds of Indians was held in an open space near the Court. It was resolved at the meeting that on Thursday all [Indian] shops should be closed and all work suspended [by Indians] all over South Africa, and telegrams to this effect have been sent to all towns.

Reuter Cablegrams

Reuter has reported this by cablegram; the Hamidia Islamic Society and the Association have also sent telegrams [reporting this]. The following is the telegram sent by the Hamidia Islamic Society:[3]

> Chairman Hamidia Islamic Society and priest and other prominent Indians imprisoned hard labour non-compliance Asiatic Act. All Indian businesses South Africa closed symbol mourning. Society fighting India's honour.[4] Government offer repeal Act if we accept prohibition entry eminent Indians. Indians reject this.

This telegram has been sent to the *anjumans*[5] of Calcutta, Madras, the Punjab, Bombay and Lahore and to the All India Muslim League in Aligarh and to Justice Ameer Ali in England.[6]

[1] "Mangal" means "auspicious".
[2] "Amangal" means "inauspicious".
[3] The original English text reproduced from *Indian Opinion*, 25-7-1908
[4] This sentence is missing in the Gujarati version.
[5] Organizations of Muslims
[6] An English news-item in *Indian Opinion* mentions that copies of this telegram were also sent to the Muslim League, Lahore and to His Highness the Aga Khan.

WHO HAVE TAKEN OUT LICENCES?

I have received a report today (an authoritative one) to the effect that out of the 800 Indian hawkers in Johannesburg, 700 have taken out licences. Three hundred have taken them outside the law. The rest have taken them under the law, that is, by giving thumb-impressions. I hope that those who have taken the licences will burn them, or lock them up in a trunk and go to gaol for not producing them [when required]. The remaining 100, I hope, will not take out licences under any circumstances.

[From Gujarati]
Indian Opinion, 25-7-1908

234. SPEECH AT MASS MEETING

[JOHANNESBURG,
July 23, 1908]

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

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

I shall read to you telegrams that have been received from several parts of South Africa in reply to the request of the British Indian Association and the Hamidia Islamic Society that all our brothers throughout South Africa should close all Indian business—stores as well as hawking—out of regard for the Chairman of the Hamidia Islamic Society, who is also the Assistant Priest of this very Mosque under whose shadow we are standing this afternoon. The response received has been most generous, and it shows how well the different portions of the Indian community in South Africa have been knit together. I think we may congratulate and thank the Government upon having, perhaps unconsciously, assisted

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

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us in doing this wonderful thing. I think that a new spirit has been infused into Indians throughout South Africa, and if that spirit continues, I think that we shall have to thank the Government for it. Last January, when we embarked upon the passive resistance struggle in earnest, the ground had been prepared for close upon 16 months, but it was only in the month of January last that General Smuts and his co-Ministers were able to test the reality of the feeling that underlay the whole Indian agitation against the Asiatic Act, which, rightly or wrongly, Indians considered constituted an attack on their self-respect, their honour, and their religion, but perhaps the finishing touch was not put upon the whole thing when the prisoners were suddenly discharged owing to the compromise. That finishing touch, in my opinion, is being placed upon the whole thing on this occasion. Evidently, General Smuts has been informed by some enemies from out of our own camp that the agitation last year and during the month of January was mostly manufactured and that I was principally instrumental in keeping the fire up. I think that General Smuts has now, by this time, come to understand that the agitation was not manufactured, that the movement was absolutely sincere and spontaneous, and, if I had any part in connection with the movement, the part that I played was that of a humble interpreter between the Government and my own countrymen. I was undoubtedly the first man to inform the community of what the Asiatic Act meant. I was the first one undoubtedly to point out that it bristled with objections, religious, and on the score of the community's honour, but, having done that, I claim to have done everything that it was my duty to do. It was the Indians themselves who recognized the importance of the objections that I ventured to place before them, and they decided solemnly and sincerely not to accept the Act. And here we are today in order to emphasize our objections, and we find also that one of the best men in South Africa among our own countrymen, the respected Chairman of the Hamidia Islamic Society, has chosen to go to gaol rather than enjoy the liberty that he had received owing to his having received the voluntary registration certificate. He chose to suffer with his humbler countrymen, the hawkers, and he felt that he himself would place himself in the same category and suffer imprisonment for the sake of the honour of India, for the sake of the hawkers themselves, whom the Government wanted to have in their grip; and we have assembled this afternoon to do honour to that beloved fellow-countryman of ours, as also the others who have gone with him to share the miseries of a gaol life. It is true that the imprisonment is to last only four days—but is it only? Indians, who have not been used to a gaol life, who have never been able to accommodate themselves to the hardships of life, to them even a day's imprisonment is a great thing, and does not sentiment count for something in matters of this

sort ? We and the European Colonists have known all along that Indians would rather pay large sums of money in fines than go to prison. That feeling has been shared universally by the Indians in South Africa, and, yet, today we find the respected Chairman of the Hamidia Islamic Society, we find other prominent Indians, willingly going to gaol, not because there is artificial agitation, but because they think sincerely that India's honour is at stake, they feel that their self-respect is going to be lost, if they do not stand up and give a proper fight, and that fight not a fight with any weapons but the cleanest. The cleanest weapon that we have discovered in self-defence is the weapon of passive resistance, is the acceptance of a gaol life or whatever the Government may choose to impose upon us for a breach of its laws which we cannot, as human beings, accept. The telegrams that the British Indian Association and the Hamidia Islamic Society have received are from Pretoria, Durban, Fortuna, Warmbaths, Volksrust, Ermelo, Potchefstroom, Zeerust, Klerksdorp, Standerton, Middelburg, Salisbury, Christiana, Rustenburg, Kimberley, Nylstroom, Roodepoort, Lichtenburg, Lydenburg, Vereeniging, Pietersburg, Ventersdorp, Heidelberg, Cape Town and Springs. I dare say there are more telegrams still lying at the office. I shall venture to read a few of these telegrams. The purport of all is sympathy and support to the cause of the British Indians, and decision to close all business throughout these places.

[Mr. Gandhi then read the telegrams.]

These telegrams show that the Indians are absolutely unanimous in the Transvaal, and the incarceration of the Chairman shows also that there is absolutely no difference of opinion between Mahomedans and Hindus, that all the different races of India who are in South Africa have met in a common cause and well have they met, seeing that the difficulties that surround one portion of the community surround all the other portions of that community. Gentlemen, our own position is absolutely clear. Our friends have advised us and told us that we should wait, that we should not take strong measures, and that we should not take any step that might be irrevocable. I do not quite understand the meaning of this advice. I do know this, that the question of the burning of the registration certificates should not be definitely decided until we know exactly the legislation that the Government intend to pass. That we have done. Beyond that it is impossible for the Indian community to go. The Government have put a barrier between those who have taken out voluntary registration certificates and those who are now coming into the country, and who are entitled to come in. The Government ask them to submit to the law. It is impossible for these men to do any such thing at all, especially when their rights have been safeguarded under the compromise. What are these men to do? Are they not to trade until they have received their registration

certificates? Are they to live upon the charity of their fellow-countrymen? I think that it is utterly impossible. Then these men must honestly earn their livelihood, and the only advice that it was possible for the British Indian Association to give these men was to trade in spite of the refusal to issue licences on the part of the Licensing Officer.[1] The hawkers and store-keepers whose licences ended on the 30th day of June are also in a similar plight. They are now called upon by the Government to submit to the Asiatic Act so far as licences are concerned, before licences can be issued to them. Are they then to sit still? Are they not to trade until it pleases the Government to bring forward their legislation? It is not we who are waiting, or who can afford to wait. It is utterly impossible for us to take up any such position. We are taking no irrevocable step, but we are taking every step that we must take in self-defence. If we are to live in this country as honest citizens, if we are to earn our livelihood honestly, then it is absolutely necessary that we carry on our usual occupations, and for these occupations are required licences, and, if the Government will not issue these licences, it is necessary for us to trade without them. Some hawkers have already taken out licences. I understand that 300 have had licences issued to them without submission to the Asiatic Act. Four hundred have taken out licences by giving thumb-impressions. They did not know what they were doing. They did not know that they were submitting to the Asiatic Act by giving thumb-impressions. The balance have now come to know what the Government intend to do. Are they, again I ask, to sit still and not carry on their occupation? It is utterly impossible. It might be asked why should prominent Indians go and take up hawking and force matters. The answer is obvious and very simple—it is not possible for these men to sit still and remain in their homes, when they see poor hawkers, who perhaps do not understand the position just as well as the leaders do, suffering. I think that the leaders would have failed in their duty if they had not come forward and taken up hawking for themselves, in order that they might be able to direct their poorer countrymen, in order that they might be able to explain the real position to their poorer countrymen.

I understand that, this afternoon, Superintendent Vernon and a detective went amongst some of the Tamil members of the Indian community. He asked these men to produce their registration certificates, and I understand also that there was hard swearing indulged in by one or other of the officials. I understand that it was Superintendent Vernon who used an expression unbecoming for me even to repeat. I will not repeat that expression. I do say this that, if my countrymen have the

[1] *Vide* "Johannesburg Letter", pp. 332-3.

courage of their convictions, not a single Indian will show his voluntary registration certificate. The British Indian Association has called in all these registration certificates, in order that the poorer, the humbler, members of the community might be protected, and if they have to go to gaol for non-production of registration certificates, I do hope that they will go to gaol, and thus teach a lesson in civility to the police. I shall never forget the scene that was enacted before the Court House when Mr. Sorabji was sentenced to be imprisoned with hard labour for one month. I cannot easily forget the hustling that took place, the assaults that took place in front of the Court House, under the nose of the Magistrate as it were.[1] I cannot easily forget how the constables, without the slightest provocation, without any warning being given to the British Indians, assaulted them, how they roughly handled them, and how they roughly shoved them from the verandah of the Court House. That shows what a bitter struggle is before us. That shows also how cheaply we are held in the estimation of the police, if not in the estimation of the citizens of the Transvaal and of South Africa. It is necessary then for British Indians to show in quiet, in dignity, in perfect calmness, in a perfectly law-abiding spirit, to show that they are not here to suffer such indignities, that they are not here to have their liberties trampled underfoot, and that if all these things are done in the name of His Majesty the King-Emperor, we are here also humbly to protest, and we are here also as British citizens to suffer for it, and to show the whole world what things are possible and done even in the British Empire, even under the British flag. We have been nurtured in British traditions. We have been told that [in the British Empire] even a lamb is free. "The lamb can go with the lion," is a literal translation of a verse I was taught when I was a youth, when I was of school-going age. That verse has not yet been effaced from my memory. I do say here such a thing is not possible, that British Indians, because they are docile, because they are humble, because they do not want to tread upon anybody else's corns, are being spat upon, are being ill-treated, and now we have got the Asiatic Ordinance to fight, which is intended to take away the very last vestige of self-respect from us. It is because we feel these things that we have met here to honour our countrymen who have gone to gaol, that those who are here may also have that courage, may also have sufficient self-respect in them to go to gaol, to suffer the same hardships, and if you do that, as surely as I am standing here today, a day will come when we shall regain our liberty, when we shall regain the full rights attached to British citizenship, when we will be respected

[1] *Vide* "Johannesburg Letter", p. 387, footnote 2 on p. 387 and "Trial of Sorabji Shapurji-III", p. 377.

even in the Transvaal as men, as human beings, and will not be treated as dogs.[1]

Indian Opinion, 1-8-1908

235. LETTER TO "INDIAN OPINION"[2]

JOHANNESBURG,
July 24, 1908

THE EDITOR
INDIAN OPINION
SIR,

I wish to draw public attention to the case of *R. Lalloo* v. *Rex*, reported in the Press.[3] The case, which, fortunately, has been now considered by the Supreme Court, shows most clearly that the Immigrants' Restriction Act does not prohibit the entry of those Asiatics who can comply with the education test. The summons issued against Lalloo charged him with contravening Section 25 of the Immigrants' Restriction Act, in that he, being unable to write in European characters, having insufficient means to support himself, and being the minor child of a prohibited immigrant, was himself a prohibited immigrant. Had he, then, been able to satisfy the education test, assuming that he had sufficient means to support himself, he would not have been prevented from entering the country. Sir William Solomon, in giving judgment, said:

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

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

[1] Following this, Gandhiji made another speech in Gujarati, the text of which is not available.

[2] This was published under the title "The Immigration Question".

[3] *Vide* "Johannesburg Letter", p. 411.

There is, therefore, nothing new in the claim brought forward by the British Indian community in insisting on the retention of the right of entry on the part of educated Asiatics under the Immigrants' Restriction Act. It is General Smuts who demands from British Indians their consent to an abrogation of that right, which Indians are in honour bound to resist.

I am, etc.,
M. K. GANDHI

Indian Opinion, 1-8-1908

236. LETTER TO DIRECTOR OF PRISONS[1]

[JOHANNESBURG,]
July 24, 1908

[THE DIRECTOR OF PRISONS
PRETORIA
SIR,]

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

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

[ESSOP MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 1-8-1908

Also Colonial Office Records : 291/132

[1] This was presumably drafted by Gandhiji.

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237. SORABJI SHAPURJI OF ADAJAN

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

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

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

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

[From Gujarati]
Indian Opinion, 25-7-1908

[1] *Vide* "Trial of Sorabji Shapurji-III", p. 377.

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238. INDIAN TRADERS IN NATAL

The case of Mr. Haffejee of Richmond only confirms what we wrote earlier.[1] Influenced by the whites, the Licensing Court has cancelled his licences. There is only one way out for Natal Indians, or for Indians in any Colony for that matter: to resort to satyagraha. As long as that is not done, Natal Indians will not be able to rest in peace.

Most of the members who took part in a recent debate in Natal Parliament said that the Indian traders should be turned out. Mr. Wylie[2] also expressed the same view. To send a petition to such a Parliament will be worth while only as an act of courtesy. But the petition should be treated as the first step in satyagraha. It will be effective only if it is backed up by the power of the satyagrahic gun.

[From Gujarati]
Indian Opinion, 25-7-1908

239. LETTER TO J. J. DOKE

[JOHANNESBURG]

DEAR MR. DOKE,

The questions[3] you have asked me are very pertinent and very seasonable. If only the public can be induced to take sufficient interest in the Asiatic question to understand what it is that we want, half the difficulty will be over.

Speaking from a British Indian standpoint, British Indians have long since accepted the position that Asiatic immigration should be

[1] *Vide* "Natal Licences", pp. 86-7 and " Natal Licensing Act", pp. 287-8.

[2] Wylie, K.C.; lawyer and legislator; was "part author of the Dealers' Licenses Act"; took notable part in suppressing the Zulu rebellion in Natal; as leading counsel in Goga's case (Vol. VI, p. 345), he argued that "even an Indian is entitled to justice and fair play".

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

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severely restricted; but, if the Colonists demand that even the most highly educated Indians shall not enter the Colony, they require not only the severe restriction of immigration, but total prohibition. What British Indians have offered is, in effect, equivalent to total prohibition, and yet it is not quite that. Underlying the total prohibition is the desire, I understand, that trade competition on the part of British Indians should be confined only to those who are domiciled in the Colony. If that be so, the desire is entirely met by confining the entry of educated Asiatics only to those possessing education of a very high order; in other words, in practice it may be limited to professional men. I need hardly point out that a free and healthy Asiatic community in the Transvaal would be impossible without, say, a few lawyers, a few doctors, a few teachers, and, it may be, a few preachers amongst them who are their own kith and kin. These should not come to the country on sufferance, but as a matter of right. These can never enter into competition with the Europeans; but, assuming that they would be men of the right stamp, they can promote the progressive growth of the Indian community in the Transvaal, and can only be of very great assistance to it, and, indeed, to the Colonists. The only reasonable way in which this can be done is by leaving the immigration law as it is, without making the principle of the Asiatic Act applicable to such cases, for the simple reason that no identification can be necessary for men of education. To ask us to consent to an alteration of the law so as to bring about absolute exclusion of educated Indians is not only an additional objection, but, in my opinion, an insuperable one. Of course, the Parliament of the Colony can at any time bring forward prohibitory legislation independent of our consent. I should personally strain every nerve to oppose absolute prohibition, and should ask my countrymen to offer passive resistance to such law. Whether I would be able to carry them with me or not in such a case, it is difficult for me to judge at present, and passive resistance in connection with any such legislation can only mean that Indians would far rather leave the country than live in it deprived of the natural assistance of educated men such as I have described above. Passive resistance, in my opinion, means self-imposed suffering of an acute type, intended to prove the justice of the cause, and thus to bring conviction home to the minds of the Colonists. I hope that I have made the position clear.

I am,
Yours truly,
M. K. GANDHI

Indian Opinion, 25-7-1908

240. LETTER TO KHUSHALCHAND GANDHI

JOHANNESBURG,
July 26, 1908

REVERED KHUSHALBHAI,

I write this letter in the middle of the night. There is no time to write at length. You ask me to look after "myself", but we have been taught that the self[1] does not die, neither does it kill nor cause anyone to be killed. If you mean by "self" the body and ask me to take care of it, I would then point out to you that this has been dubbed *moha*[2] by the Lord[3]. What then shall I look after? I shall take care of the self only, that is, I shall try my utmost to realize it. One must cultivate the strength to sacrifice one's body in the process if need be.

I feel obliged to write this because, after much thought, I find some of our sayings and current precepts irreligious. The very book that we consider the supreme scripture[4], we reject altogether in practice. I therefore propose to use all the strength at my command against this way of living.

Respects from
MOHANDAS

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

241. SPEECH AT MASS MEETING IN JOHANNESBURG

[*July 26, 1908*][5]

Our Chairman has correctly explained why we have assembled here today. We have gathered here to honour the gentlemen who have been to gaol. They are prepared to go to gaol again. All the others should show the same resolution. Once we show that courage and fill all the cells in the gaols, the Government will have to yield. Going to gaol is the key which will open the locks of our disabilities. It is necessary that every Indian should be prepared for this. But not everyone

[1] *Atman*
[2] Infatuation
[3] Lord Krishna of the *Gita*
[4] The reference is again to the *Gita*.
[5] This meeting was held primarily to felicitate Imam Bawazeer and others on their release which took place on Saturday, July 25, 1908; *vide* "Johannesburg Letter", p. 407.

here is sufficiently resolute. Perhaps [further] sentences may be for longer terms of imprisonment. What we need is courage. All the traders in Vereeniging have started going the rounds hawking. The Government has served them with a written notice to the effect that those who hawk without licences will be arrested. Going to gaol is the only course by which we can avert the hardships that lie in store. We should therefore always keep our eyes fixed only on gaol. The Government's offer to exempt the voluntary registrants from the law, while enforcing it against the others, is a sort of bait. The Indian community must realize that even among the Indians the Government has created two classes. This is unjust. I would advise every Indian to fight unto death if the Asiatic law is retained. Licences and registers have not yet been received in sufficiently large numbers from the people. These should be handed over. I would also advise people to refuse thumb-impressions at Volksrust. Now we shall be deemed to have truly honoured those who have been to gaol only if we ourselves—all of us—go to gaol.

[From Gujarati]
Indian Opinion, 1-8-1908

242. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]
July 27, 1908

DEAR MR. CARTWRIGHT,

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

I know that the Progressive Party has appointed a committee to consider this Bill, and then to confer with General Smuts. This party, therefore, evidently holds the trump cards. Will it play them in keeping with the title it has arrogated to itself, or will it throw British Indians overboard? Although Sir Percy Fitzpatrick, Mr. Chaplin, and

Mr. Lindsay, as you are aware, at the meeting at which you were present, admitted the justice of the contention that those who re-entered after the late compromise and had the right to do so should be treated the same as those who were in the Transvaal on that date, and that the rights of pre-war residents should be recognized. Now the Bill before me overrides all these things. It is a very subtle Bill, but it is also, I hope you will allow me to use the term, a fraudulent Bill. It will enable General Smuts to say that he does not take away the rights which he contends[1] are reserved by the Asiatic Act. Here lies the fraud because he knows too well that Asiatics do not wish to receive any benefits under that Act.

I am sending you a copy of a communication[2] which I am addressing to the chief members of the Progressive Party.

I am,
Yours truly,

ALBERT CARTWRIGHT, ESQ.
PRETORIA CLUB
PRETORIA

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

243. SUMMARY OF LETTER TO CHAPLIN[3]

July 27, 1908

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

India Office, Judicial and Public Records: 3722/08

[1] The source has "have contende".
[2] Not available
[3] This is from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

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244. *TRIAL OF RAMASWAMY AND OTHERS*

[JOHANNESBURG,
July 27, 1908]

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

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

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

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

[JEFFERSON :] Fourteen.

MR. GANDHI: Will you produce that list?

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

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

MR. JEFFERSON : It is not on the list.

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

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

[JEFFERSON:] No, Sir.

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

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

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

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

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

THE MAGISTRATE : I'll note your objection.

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

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

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

Addressing the Court, Mr. Gandhi said that he held it was a most curious position that here they had a list which applied to the whole community, and which could not be produced. He thought it very remarkable that they were not allowed

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to see it. He had to subpoena Mr. Jefferson at the expense of his clients in every case, to ascertain if their names appeared on the document. He thought it within the jurisdiction of the Court to say whether Mr. Jefferson should produce the document.

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

OTHER CASES

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

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

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

Mr. Gandhi said that he did not wish to speak disrespectfully to the Court, but it was a matter of very serious importance and expense to his clients to call Mr. Jefferson for every case.

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

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

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

In each case the accused elected to go to prison.

The Transvaal Leader, 28-7-1908

245. TRIAL OF HARILAL GANDHI AND OTHERS

[JOHANNESBURG,
July 28, 1908]

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

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

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for a registration certificate.[1] Young Gandhi came to Johannesburg, and immediately commenced hawking fruit, when he was arrested.

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

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

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

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

Mr. Gandhi said he did not propose to call witnesses, but wished to make a few remarks. He had been weak enough on the previous day to protest against the increase of penalty[2], but in this instance he had a long conference with the prisoners at the gaol, and he had been requested to ask for the severest penalty. The accused had acted as they had done with deliberation. Naidoo had been in gaol last week, having been sentenced to four days' imprisonment for hawking without a licence.

THE MAGISTRATE : There is a previous conviction against Naidoo.

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

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

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

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

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

In each case the accused elected to go to prison.

The Transvaal Leader, 29-7-1908

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

[2] *Vide* the preceding item.

246. JOHANNESBURG LETTER

Reception for Prisoners

Imam Abdool Kadir and other satyagrahis who had been sentenced to four days' imprisonment have now been released; some were released on Friday and the others on Saturday[1]. No one went to receive those released on Friday since people were under the impression that they were not being let off that day.

When people went to receive those who were being released on Saturday, they discovered that the satyagrahis had been released at 7 o'clock though according to rules they should have been released only at nine. This was done in order to forestall their reception by a procession. But Mr. Coovadia[2], having set out early for the gaol, met and greeted the prisoners, and escorted them back towards the gaol. Meanwhile, the other Indians arrived. Those present included Mr. Essop Mia, Moulvi Mukhtiar Saheb, and Messrs Osman Ahmed Effendi, Kallenbach, Polak and Doke. Imam Saheb and others were garlanded, and then they all proceeded to Mr. Essop Mia's house where they were served tea and biscuits. Many complimentary speeches were made. In reply, Imam Saheb and the others said that four days' imprisonment had meant no hardship whatsoever for them. They were ready for a second, longer term of imprisonment.

Better Reception on Sunday

A big mass meeting was held on Sunday in front of the Hamidia Mosque to honour the prisoners. Here they were accorded greater honours and many more speeches were made.[3] A great many persons handed over their registers to the Association. All present showed themselves full of courage.

This was followed by tea and a concert organized by some Hindus. It was attended by the prisoners and some select guests. The table was laid for nearly 50 persons. The Chairman of the Chinese [Association] was also present. Mr. Essop Mia took the chair with Imam Saheb on one side of him and Mr. Quinn on the other. Speaking on the occasion Mr. Essop Mia said that such gatherings served to

[1] July 25, 1908

[2] Honorary Treasurer, Hamidia Islamic Society

[3] For Gandhiji's speech on the occasion, *vide* "Speech at Mass Meeting in Johannesburg", pp. 401-2.

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strengthen the bond between Hindus and Muslims. Among other things, fresh fruit, cakes, *mesul*[1], jelly and roasted *pauva*[2] were served with tea.

Mass Meeting on Thursday

Latterly, there has been no end of mass meetings. Imam Saheb went to gaol on Wednesday and there was a mass meeting[3] on Thursday. Telegrams were sent to all the towns to request that Indian shops be closed and business stopped [as a mark of respect to the Imam Saheb]. Telegrams were received in reply from all the towns to say that shops would be closed as required.

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

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

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

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

Police Tyranny

The police misbehaved on the day on which Mr. Sorabji was sentenced. While the matter was still being pursued, Mr. Vernon used foul language while speaking to some Tamils and frightened them out of their wits. This came in for strong criticism at the mass meeting.[4] If the Indians remain strong, it is clear that the tyranny of the police will come to an end.

Arrest Again

On Saturday, Messrs Ramaswamy, Ali Mian, Gor Mian and Kanji Morar were arrested. They have been sentenced to seven days' imprisonment.[5] The Magistrate even appeared hostile but this did not dishearten the people. On the other hand, they have only become more determined.

[1] A sweet made from gram flour
[2] Rice parched and beaten flat
[3] Of July 23, 1908; *vide* "Speech at Mass Meeting", pp. 391-6.
[4] *Vide* "Speech at Mass Meeting", p. 395.
[5] *Vide* "Trial of Ramaswamy and Others", p. 405.

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WHO ARE THOSE FOURTEEN ?

In a previous case[1] the Licensing Inspector had deposed that he had been instructed not to demand thumb-impressions from 14 [specified] persons. Mr. Gandhi immediately pointed out that he did not even know of one such person. The Government, he said, ought not to be afraid of sending them to gaol. On the contrary, it ought to arrest all of them. Mr. Jefferson was summoned as a witness to ascertain who these 14 persons were. But the Magistrate, who was already prejudiced, ruled immediately that there was no need of producing the letter [containing the instructions].[2] This led to a heated exchange between the Magistrate and Mr. Gandhi. It was decided in the end to call in Mr. Jefferson as a witness in all the cases. He is asked [on each occasion] whether any of the defendants are in his list. The tempo of the campaign is thus steadily rising.

FRESH ARRESTS

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

Mr. Thambi Naidoo, who was released only last Saturday, has been re-arrested. Since he was not arrested at one spot, he went on to another. At last, he was arrested two miles [from where he had started]. The persons arrested, besides Mr. Thambi Naidoo, were Charlie Singli, Veerasamy Naidoo, Kurumuttu Pillay and Harilal Gandhi. All of them have refused to accept release on bail.

CONDITIONS IN PRISON

The conditions in gaol described by Imam Saheb and others deserve to be noted. Every prisoner is given a pair of sandals and woollen socks. Two woollen shirts and two of coarse cloth are also issued. At night, one is given three blankets to cover oneself with, and a hard wooden bed with hessian spread on it, so that one does not feel cold. Thrice a week, rice is served at lunch, and in the evening beans, potatoes and mealie pap. Since Indians do not like mealie pap for breakfast every day, a petition[3] has been submitted to the Director of Prisons, and it is hoped that proper arrangements for food will be made in a few days. One does not get shoes and socks immediately on arrival in

[1] *Vide* "Trial of Bawazeer, Naidoo and Others" p. 386.

[2] This, however, happened in another case; *vide* "Trial of Ramaswamy and Others", pp. 404-5.

[3] *Vide* "Letter to Director of Prisons", p. 397.

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prison, and the prisoners had to suffer the cold for a few hours, with the result that the Imam Saheb and others felt benumbed in the feet. They were otherwise very comfortable. The rice was cooked by the prisoners themselves, and Mr. Naidoo attended to this. The tasks assigned to the prisoners were not excessive. The prisoner is required to carry loads of gravel from one place to another. This being so,[1] people [outside] remain full of courage and are not worried by [the prospect of] imprisonment. My own view is that it will be useful to accustom oneself to mealie pap. It is not at all becoming of us to ask favours from one whom we consider an enemy. However, as long as Indians are incapable of putting up with these privations, we will continue to voice our demands [to the prison authorities on their behalf].

Sorabji's Condition

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

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

Whites' Sympathy

Mr. Littmann Brown contributed £10 to the Indian cause once before now. He has done so again and sent a cheque for ten guineas along with a letter of sympathy wishing us success. We must be grateful to such whites. A letter of thanks has already been sent to him on behalf of the Association. He is a white businessman of Johannesburg. The Indian community should patronize him as much as possible.

A sum of £25 has been received from Vereeniging, £9·10·0 from the Khatri community here, £7·15·0 from the Indian Market and £5 from Roodepoort. There is need for more money, and it is hoped that every town will send its contribution to the Association.

Meeting of Konkanis

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

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

[1] As the tasks assigned to prisoners sentenced to hard labour are thus not so strenuous or exacting

MUCH REGRETTED

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

CASE OF RATANJI LALLOO

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

KRUGERSDORP INDIANS

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

WHAT WILL HAPPEN NOW?

This question is difficult to answer. Of one thing, however, we can be sure: the answer will depend on us. If we are not strong, the struggle may be a prolonged one. For the fact that it has been so long drawn out, we have ourselves to thank, for, in Johannesburg, a large number of Indians have taken out licences and the Government has already received their licence fees. The fees have not, however, been paid by about a hundred persons; the Government may well forgo the money and do nothing about these persons for six months in the hope that the Indians will have cooled off by that time. I, on the other hand, think that we shall have grown stronger. If no one is arrested for

[1] & [2] *Vide* "Johannesburg Letter", p. 390.
[3] *Vide* "Letter to *Indian Opinion*", pp. 396-7.

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[being without] licences, there will be no cause left for anxiety. But he alone can take this view who is ever ready to resist tyranny and to defy the law.

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

KEY

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

From this very instant, no Indian should give his thumb-impression when entering the Transvaal. All Indians should bluntly refuse to give them. We should have the requisite courage; we may then take it that the law is as good as repealed.

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

Tuesday [*July 28, 1908*]

MORE CASES

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

[1] *Vide* "Trial of Harilal Gandhi and Others", pp. 405-6.

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THAMBI NAIDOO

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

ROODEPOORT

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

FAKE PERMITS

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

Here, Daya Lala is being tried.[1] The police allege that he entered with a faked register. Evidence has been led to prove that he bought it for £14. For the present, it appears that the case will be transferred to Pretoria, and from there it will be referred back to the Magistrate [at Johannesburg].

Wednesday [*July 29, 1908*]

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

KRUGERSDORP

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

DORABJI

Mr. Parsi Dorabji[2], who was on his way from Natal [to the Transvaal,] was asked to detrain at Volksrust for refusing to give his thumb-

[1] *Vide* "Trial of Daya Lala", pp. 415-7.

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

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impression. Mr. Dorabji acted with great courage in so refusing. Local newspapers have discussed his case at length and have commented favourably. Mr. Dorabji is an old resident of the Transvaal, and enjoyed the respect even of President Kruger. All these facts have come to public notice [after the arrest]. In the end, Mr. Dorabji was allowed to proceed to the Transvaal.

Twelve More Indians

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

Warning

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

Cartoon in "Daily Mail"

A cartoon has appeared in *Rand Daily Mail*. In it is quoted a remark from General Botha's letter to the Prime Minister of Canada: "There are two ways of governing—by consent or by force". General Botha implied by this remark that he himself governed by consent. The *Daily Mail* cartoonist has featured Sir George Farrar, Mr. Gandhi, and a police constable, each wondering, chin in hand, whether General Botha's Government ruled with consent in the case of the miners, the Indians, and the police [as the case may be]. The expressions on all the three faces suggest that General Botha says one thing and does another, and that his Government is based exclusively on force.

Arrests in Booysens

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

[From Gujarati]

Indian Opinion, 1-8-1908

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247. *TRIAL OF DAYA LALA*

[JOHANNESBURG,
Monday-Wednesday, July 27-29, 1908]

The much discussed Act 2 of 1907 also figured in B Court yesterday, this time, however, in a different class of criminal charge, and one having an intimate connection with the offending finger-print clauses, when Daya Lala, an Indian, appeared before Mr. Jordan, charged with having entered the Colony by means of a forged certificate of registration.

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

Superintendent J. G. Vernon gave evidence that he was authorized to inspect permits under Act 2 of 1907. He arrested the accused outside Mr. Gandhi's office on July 2. Witness asked him to produce his registration certificate under Act 2 of 1907 and he replied that Mr. Gandhi had it. Witness went into the office and saw Mr. McIntyre, an employee of Mr. Gandhi. He told Mr. McIntyre what the accused had said, and asked to see the certificate. Mr. McIntyre opened the safe, took out a certificate and showed it to witness. Witness refused to take it, and said, "Give it to the man to whom it belongs". McIntyre handed the certificate to the accused, who handed it to witness. He then saw the document was a forgery, and arrested the accused. Witness took the accused in a cab to the latter's house at 168, Market Street, and the house was searched, and a number of letters written in Hindustani were seized. While being taken to the Charge Office, the accused said, "I bought the paper" (referring to the certificate) "from Jaymal for £14. I paid £7 in Durban and £7 after I arrived here. I gave the paper to Gandhi yesterday." The accused was then charged at Marshall Square. The witness here put in a number of Government proclamations and notices dealing with Act 2 of 1907. Continuing, the witness stated that he visited Mr. Gandhi's office continually between June 29 and July 2, and nothing was told him or other members of the police of a forged certificate.

MR. GANDHI: You will admit that it is a clear forgery?

[VERNON :] Yes; it is a fair forgery. It would pass anyone who did not know Mr. Chamney's signature.

Mr. Chamney, Registrar of Asiatics, said that he did not know the accused. The signature on the registration certificate was not his, but was a forgery. There was a slight difference in the printing, in the number, and in the size of the document as compared with the registration certificates issued by the Government. Witness received no notification from Mr. Gandhi that the accused was in possession of a forged certificate. Witness reported the existence of the forged certificate to the police. All registration certificates were signed by him only. No one in Natal had authority to issue permits.

MR. GANDHI: Is the forged document a fair imitation of the official document?

[CHAMNEY :] The document is certainly a fair imitation; my signature is not.

Superintendent Vernon, recalled, stated that on searching the accused at the Charge Office he found a certificate of domicile under the Immigration Restriction Act No. 13 of 1903, also a number of poll-tax receipts. On the domicile certificate were two thumb-impressions, and the certificate was in the name of Daya Lala. On searching the accused's house Police Constable Henry was present, and saw witness recover the documents.

Mr. Schuurman asked for the purposes of the case that the finger-impressions of the accused should be taken. He would have to call expert evidence on the matter.

Mr. Gandhi said he would raise no objection, and the case was remanded.[1]

[*Tuesday, July 28, 1908*]

. . . On Tuesday William James McIntyre stated [in the remanded case of Daya Lala] that he was a book-keeper in Mr. Gandhi's employ. On the afternoon of accused's arrest, Superintendent Vernon had called at Mr. Gandhi's office and had asked for the accused's registration certificate. He opened the office safe and found the certificate inside. He handed it to the accused who, he believed, handed it to Superintendent Vernon.

Cross-examined, [he said] he was in charge of the safe. He had one key and Mr. Polak had another. Mr. Polak was an attorney and a clerk in Mr. Gandhi's employ.

Mr. Gandhi was then called by the Crown to give evidence. About 5 o'clock in the afternoon of the day before the arrest, accused had come to his office and said that some men were after him on account of his permit. He (Mr. Gandhi) asked him to bring his permit and, upon inspecting it, said at once that it was a forgery. He told accused so, and accused seemed surprised. He gave the certificate to Mr. Polak to put into the safe, telling accused that he need not leave the Colony. It was then late and he was leaving the office, and going next morning to Pretoria. Upon his return he would communicate with the police authorities.

W. F. Passman[2] stated that he was Record Clerk in the Criminal Investigation Department, and had examined finger-prints, purporting to belong to the accused, handed to him by Superintendent Vernon.

He had compared the right thumb-print thereof with the thumb-prints on the Natal Domicile Certificate and the alleged forged certificate, and found them the same.

L. H. Bradford stated that he was a detective probationer. He had taken accused's finger-prints the previous morning. They were those produced. This closed the case for the prosecution.

Mr. Gandhi intimated that the defence would be reserved, and the case was remanded until the following morning, in order to formally read over the evidence to the accused.

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

[2] The *Transvaal Leader* version has "Passmore".

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[*Wednesday, July 29, 1908*]

Daya Lala was on Wednesday committed for trial by Mr. Jordan, bail being maintained at £100.[1]

The Transvaal Leader, 28-7-1908
Indian Opinion, 8-8-1908

248. IMAM ABDOOL KADIR BAWAZEER

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

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

[From Gujarati]
Indian Opinion, 1-8-1908

[1] No report of the further proceedings in Jordan's B Court is available.
[2] The *hartal* was on July 23; *vide* "Speech at Mass Meeting", p. 391.
[3] Presumably Bawazeer's

249. SENTENCE ON THE GREAT TILAK

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

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

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

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

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

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

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

[1] Shortly after the Muzaffarpur incident (*vide* p. 223), Tilak wrote two articles in his journal, *Kesari*, praising the enthusiasm of the Bengal revolutionaries without, however, endorsing their violent methods. Self-rule, he said, was the only lasting solution to the problem. He also warned the Government against suppressing public opinion through the Newspapers Act. On June 24, he was arrested on a charge of sedition on two separate warrants, one for each of his two articles. Tilak was found guilty by the jury by a seven-to-two vote and was sentenced to six years' deportation. The majority of the jury were Anglo-Indians, the two dissentients being Indians.

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

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

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

[From Gujarati]
Indian Opinion, 1-8-1908

250. TROUBLE AMONG CAPE INDIANS[1]

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

[1] *Vide* "Suggestions to Cape Indians", p. 205.

in the Cape busy themselves with their duties, all their disputes will come to an end. They should both think of serving the community without expectation of reward.

[From Gujarati]
Indian Opinion, 1-8-1908

251. PARLIAMENT FOR TURKEY

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

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

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

[From Gujarati]
Indian Opinion, 1-8-1908

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

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252. LETTER TO H. L. PAUL

JOHANNESBURG,
August 4, 1908

DEAR MR. PAUL,

I have your note of the 30th ultimo. I have sent Joseph £20.[1] It is not possible for me to collect any more or to send more. Every penny is now wanted for the struggle.

With kind regards all round,

Yours sincerely,
M. K. GANDHI

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

253. TRIAL OF MULJIBHAI G. PATEL – I

[*Tuesday, August 4, 1908*]

On Monday afternoon Mr. Muljibhai G. Patel, a member of the Committee of the British Indian Association, was arrested for being in the Transvaal without a registration certificate. He was admitted to £10 bail, but he refused to be bailed out, and was detained in the cells overnight. . . .

He was brought before Mr. H. H. Jordan in B Court on Tuesday afternoon charged under section 8, sub-section 3, of Act 2 of 1907. He pleaded guilty. Mr. Gandhi defended and Mr. Cramer prosecuted.

Superintendent Vernon of the Transvaal Police stated that he was an Inspector appointed under the Registration Act to demand from Asiatics their registration certificates. The accused had stated to him that he had no certificates, that his Association had told him not to register, that he had refused to register under the Act, and would continue to do so. He produced a Peace Preservation Ordinance permit and a registration certificate, taken out on Lord Milner's advice[2].

Cross-examined [he said] he had received instructions on Thursday to effect this arrest. There were a good many like accused in the Transvaal who had entered and were not registered under the Act—at least 200. He would get instructions with regard to these directly, he hoped.

For the defence, the accused stated that he was a general agent, and had been in the Transvaal for about nine years. He took out his permit and registration certificate in 1903. Last year he paid a visit to India and returned to the Transvaal on 25th May last. He had not applied for a registration certificate under the Registration

[1] *Vide* letters to H. L. Paul, pp. 286 & 328.
[2] *Vide* Vol. III, pp. 367-8.

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Act, nor had he any wish so to apply. His reason was that, according to last January's compromise, the law was to be repealed. He would take out a voluntary registration certificate, but not a compulsory one.

Cross-examined [he said] he had learnt of the terms of the compromise through the columns of *Indian Opinion*. He was a member of the British Indian Association.

Mr. Cramer put in a previous conviction against the accused for hawking without a licence. This was admitted.

Addressing the Court, Mr. Gandhi said that he had really nothing to add, except that he was afraid that these things would continue till the struggle was over. The accused was ordered to leave the Colony within 7 days. He will refuse to obey this order.

Indian Opinion, 8-8-1908

254. TRIAL OF TWELVE "HAWKERS"

[JOHANNESBURG,
August 4, 1908]

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

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

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

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

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

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

[BARRETT :] No.

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

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

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

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

The Transvaal Leader, 4-8-1908

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255. *JOHANNESBURG LETTER*

Naidoo's Sacrifice

Monday [*August 3, 1908*]

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

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

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

Naidoo's Associates Released

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

Sympathy for Tilak's Family

It was decided at this same meeting to send Mr. Tilak's family a telegram of sympathy.[1]

Ritch's Efforts

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

[1] *Vide* "Sentence on the Great Tilak", pp. 418-9.

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Lord Selborne's Speech

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

When Will It End ?

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

Sorabji's Message

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

Tuesday [*August 4, 1908*]

Muljibhai Girdharlal Patel

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

Polak in Volksrust

Mr. Polak has gone to Volksrust to help Indians who might arrive there and to defend those who might be prosecuted for not giving thumb-impressions; he will stay there for some time. I hope Indians holding permits will go to Volksrust in large numbers and court imprisonment by refusing to give thumb-impressions. Mr. Polak's address in Volksrust will be : Care of Mr. Essop Suleman, Box 45. Anyone who wants to consult him should write to him in English. Mr. Polak is unlikely to stay there for more than two weeks.

[1] *Vide* "Johannesburg Letter", p. 410.
[2] *Vide* "Trial of Bawazeer, Naidoo and Others", p. 385.
[3] *Vide* "Trial of Muljibhai G. Patel-I", pp. 421-2.

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Wednesday [*August 5, 1908*]

FROM INDIAN COMMITTEE AT PAARL[1]

Mr. Osman and other Indians write as under :

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

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

USE OF WORD "COOLIE"

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

WHAT SHOULD BE DONE ABOUT INDIANS?

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

All these efforts of whites are in vain. They cannot go to this extent everywhere in South Africa. There is a lesson, however, we must learn from this, namely, that, like the whites who are tenacious in seeing through whatever they start, we should also remain unremitting in our efforts in defence of our honour and our status.

[1] Near Cape Town

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Well Done Standerton!

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

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

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

Three Released

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

Whose Licences Are Illegal?

Some Indians here own rickshaws. There must be about 70 rickshaws in their possession. These Indians were asked by the Municipality to give their thumb-impressions. A notice was served on the Municipality last Saturday to the effect that licences for [plying] vehicles could not properly be called trade licences and did not as such fall within the scope of the obnoxious law. If, therefore, the Municipality did not issue licences without demanding thumb-impressions, it would be required to pay damages. I heard today that the Municipality has accepted this contention and decided to issue licences for rickshaws, etc., without insisting upon compliance with the provisions of the obnoxious law. Those who are entitled to these licences should accept them, and contrive other

[1] *Vide* also "Brave Indians of Standerton", p. 431.

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means of going to gaol. At the moment, that can be done by hawking without licences.

GAOL DIET

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

SORABJI ADAJANIA

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

CARTOON IN "SPORTING STAR"

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

[From Gujarati]
Indian Opinion, 8-8-1908

[1] *Vide* "Letter to Director of Prisons", p. 397.
[2] *Vide* "Trial of Harilal Gandhi and Others", p. 406.

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256. LETTER TO W. HOSKEN

[JOHANNESBURG,]
August 5, 1908

DEAR MR. HOSKEN,

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

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

Those days are now gone, but I hope the days are not gone, when[3] a man like you would simply insist on some decency being observed,

[1] *Vide* "Johannesburg Letter", p. 426 and "Brave Indians of Standerton", p. 431.
[2] *Vide* "Letter to Director of Prisons", p. 397,
[3] "gone. When" in the original

or at least dissociate himself from the inhumanity practised in the name of the people of the Transvaal.

I am,
Yours truly,

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

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

257. LETTER TO A. CARTWRIGHT[1]

[JOHANNESBURG,]
August 5, 1908

DEAR MR. CARTWRIGHT,

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

Yours sincerely,

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

258. DUTY OF THE EDUCATED

Some educated Indians, or those who regard themselves as educated, are impatient to enter the Transvaal and join Mr. Sorabji in gaol. This shows their patriotism. But we cannot always express our devotion to a cause as we want to. It will not be true devotion if we insist on doing so. If everyone wants to be a soldier and die on the

[1] This letter is damaged and indistinct at places.

[2] The note-paper is torn here. This must be the "Letter to W. Hosken", the preceding item.

[3] Later, Gandhiji himself wrote a letter to the editor of *The Transvaal Leader*, and an editorial on the communication appeared on the same day. *Vide* footnote 2, p. 434.

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

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

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

That is the point of the campaign. All Indians, high or low, should understand what their freedom really consists in. Indians who feel the urge to be free and learn to have no fear of privations in gaol or of any suffering will achieve swarajya this day. They become free from then on. As a consequence the laws [directed against them] will be repealed, the whites will respect them more, and they will not be

sent off to Locations, etc. This is a point which ought to be properly grasped and carefully borne in mind.

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

[From Gujarati]
Indian Opinion, 8-8-1908

259. BRAVE INDIANS OF STANDERTON[1]

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

[From Gujarati]
Indian Opinion, 8-8-1908

260. NATAL STRUGGLE[2]

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

[1] *Vide* "Johannesburg Letter", p. 426.
[2] *Vide* "Natal Bills" and "New Natal Bills", pp. 236 & 237-8.

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

[From Gujarati]
Indian Opinion, 8-8-1908

261. LETTER TO "INDIAN OPINION"[1]

THE EDITOR
INDIAN OPINION

SIR,

I have received inquiries from many quarters as to why I sent Harilal, my son, to gaol.[2] I give some reasons below:

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

[1] This was published in *Indian Opinion* under the title: "Why He Sent His Son to Gaol: Mr. Gandhi's Explanation".

[2] *Vide* "Trial of Harilal Gandhi and Others", pp. 405-6.

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

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

(1) those who are prepared for imprisonment should go to gaol without depending upon a lawyer or myself. That is not to say that I go back on my promise of defending Indian satyagrahis arrested in connection with the campaign against the law. I shall go wherever I find my presence is needed. But the best way is to have no lawyer and go to gaol straight away and undergo whatever sentence is passed;

(2) every Indian, whatever his status, must go to gaol for the sake of his country without giving much thought to what the others do;

(3) no Indian should give his thumb-impression or finger-prints on entering the Transvaal. Not doing so will mean imprisonment for Indians. They must accept it rather than give thumb-impressions or finger-prints or even signatures as signifying [compliance with the provisions of] the law.

I remain,
Satyagrahi
MOHANDAS KARAMCHAND GANDHI

[From Gujarati]
Indian Opinion, 8-8-1908

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262. LETTER TO "THE TRANSVAAL LEADER"[1]

[JOHANNESBURG,]
August 8, 1908

[THE EDITOR
THE TRANSVAAL LEADER]

SIR,

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

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

[1] This was reproduced in *Indian Opinion*, 15-8-1908, under the title "The Indian Struggle in the Transvaal".

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

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

parties connected with the traffic. Europeans are also alleged to have been engaged in it.

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

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

Asiatics, having fulfilled their part of the contract, are now endeavouring to keep General Smuts to his part of that contract, which, according to *The Transvaal Leader*, he publicly declared to be as follows : "He had told them (the Asiatics) that the law would not be repealed so long as there was an Asiatic in the country who had not registered";[2] and, again, "Until every Indian in the country had registered the law would not be repealed". It is admitted that all Asiatics who had the opportunity of making application for voluntary registration have done so. Asiatics now ask, "Why, then, has the Act not yet been repealed,

[1] *Vide* "Letter to Director of Prisons", p. 397.

[2] Smuts said this in his Richmond speech; *vide* Appendix VIII.

and why was the offer to repeal the Act made under impossible conditions?''

I am, etc.,
M. K. GANDHI

The Transvaal Leader, 10-8-1908

263. TRIAL OF HARILAL GANDHI–II[1]

[JOHANNESBURG,
August 10, 1908]

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

The accused pleaded guilty, and was defended by his father. Mr. A. Cramer prosecuted.

Superintendent Vernon, of B Division, gave evidence of arrest, and further stated that he called upon the accused to produce his certificate of registration, who, however, failed to do so, saying that he did not possess one.

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

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

The Transvaal Leader, 11-8-1908

264. SPEECH AT MASS MEETING

[JOHANNESBURG,
August 10, 1908]

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

[1] Harilal Gandhi was earlier tried on July 28, 1908; *vide* "Trial of Harilal Gandhi and Others", pp. 405-6.

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

"Fortunately"

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

Pure Administration and the Empire's Peace

The Asiatics were helping the Government against themselves, and helping Mr. Smuts to keep to his word, and maintaining the purity of administration within the Colony and peace within the Empire. If they found that the statesmen who were controlling the Government in South Africa had no notion of ordinary honesty and

[1] *Vide* Appendix VIII.
[2] For the conditions, *vide* "Johannesburg Letter", p. 316.

that, when it suited them, they withdrew from their promises, and tried to break these promises, the British Indians should compel them to keep their promises, and by so doing they would be rendering a signal service not only to the Colony but to the Empire. It did not therefore baffle them when they stood face to face with suffering imprisonment, with being half-starved, and going barefooted in the prisons, and it did not baffle them when they stood face to face with having their goods confiscated. He could only characterize this as organized robbery—legalized robbery. They were now brought under a section of a law which was only designed for exceptional purposes.

Decline to Pay

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

Partners in South Africa

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

[1] *Vide* "Johannesburg Letter", pp. 250-1 and "Essop Mia", p. 256.
[2] *Vide* Vol. VII, pp. 370-1 & 397.

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

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

The Transvaal Leader, 11-8-1908

265. TRIAL OF THREE HAWKERS

[JOHANNESBURG,
August 11, 1908]

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

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

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

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

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

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

They all elected to go to gaol. . . .

The Transvaal Leader, 12-8-1908

[1] No report is available of the Gujarati speech.

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266. TRIAL OF QAZI HASSAN AND OTHERS

[JOHANNESBURG,
August 11, 1908]

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

Mr. Gandhi appeared for the accused.

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

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

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

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

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

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

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

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

MR. GANDHI: I am afraid so, Sir.

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

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

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

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

MR. GANDHI: I gave that in evidence this morning.[1]

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

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

[1] *Vide* the preceding item.

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

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

They elected to go to gaol.

The Transvaal Leader, 12-8-1908

267. TRIAL OF MULJIBHAI G. PATEL–II

[JOHANNESBURG,
August 12, 1908]

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

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

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

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

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

[VERNON:] Yes.

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

Yes.

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

Yes; but the Peace Preservation Ordinance is now repealed.

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

Yes.

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

Yes.

[1] *Vide* "Trial of Muljibhai G. Patel-I", p. 422.

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

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

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

The Transvaal Leader, 13-8-1908

268. JOHANNESBURG LETTER

Monday [*August 10, 1908*]

NAIDOO RELEASED

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

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

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

HARILAL GANDHI'S CASE

They swooped down on Harilal Gandhi today. He was arrested on the charge of being in the Transvaal without a register. The case was heard at 2 o'clock.[2] Mr. Gandhi asked for twenty-four hours' notice since he [Harilal] had no preparations to make and had made up his mind to go to gaol. But the Magistrate gave him seven days' notice. I hope that after seven days we shall find him engaged in hard physical labour in gaol. Gaol life is good education for anyone who accepts it in full knowledge of what it means. It is an important part of children's training that they should be taught to bear hardships from their earliest years.

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

[2] *Vide* "Trial of Harilal Gandhi-II", p. 436.

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

Hosken Brings Bad News

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

Stent's Speech

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

> General Smuts has lowered the prestige of the Colony by his handling of the Asiatic question. He introduced the unjust Asiatic law. Whatever attitude the Colonists may take up, they cannot but admit that the Government has made a mess of the whole matter. On the one hand, it incited the whites against Indians. On the other, General Smuts entered into negotiations with the Indians for a compromise. On the one hand, he held out threats against Indians. On the other, he surrendered on the Asiatics' own terms.
>
> Mr. Smuts has started another controversy with Mr. Gandhi. I am certain he will be beaten again. The Asiatics will not always remain passive resisters. They will go further and insist actively upon equal rights; and you will have to give them equal rights—not because you believe they are justly entitled—but because you are too weak to refuse them.

This speech of Mr. Stent deserves attention. He understands that Mr. Smuts has played foul, that he is in the wrong and that Indians are in the right. Falsehood is always weaker than truth. If the Indian

[1] For the attitude of the Progressive Party to the compromise and to voluntary registration, *vide* the Smuts-Farrar correspondence summarized in "Johannesburg Letter", pp. 70-1. Gandhiji, however, concluded at the time that "the Progressive Party is not opposed to us".

community would only fulfil the one condition of remaining truthful, it is bound to win.

Tuesday [*August 11, 1908*]

Naidoo Honoured

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

Hawkers Arrested

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

Warning

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

Patel and Naidoo

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

Sorabji

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

[1] Qazi Hassan? *Vide* "Trial of Qazi Hassan and Others", p. 440.
[2] *Vide* "Johannesburg Letter", p. 424.

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Wednesday [*August 12, 1908*]

MULJIBHAI PATEL

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

TWO HAWKERS

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

IN GERMISTON

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

IN KLERKSDORP

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

HOW TO PUT UP A FIGHT

Mr. Imam Abdool Kadir Bawazeer, Mr. Fancy, Mr. Ibrahim Coovadia, Mr. Omarji Sale, Mr. Dildar Khan, Mr. Ahmed Moosaji and Mr. Mohanlal Goshalia—all these Indians left for Charlestown today. They will return and refuse to give their finger-prints [at the border while re-entering]. They will also refuse to produce their registers and thus go to gaol.

[From Gujarati]

Indian Opinion, 15-8-1908

[1] *Vide* the preceding item.

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269. LETTER TO "THE STAR"[1]

[JOHANNESBURG,
August 12, 1908]

[THE EDITOR
THE STAR]

SIR,

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

You say that General Smuts will be justified in withdrawing from any promise he may have made, in view of the above alleged fresh demand. From the facts stated by me, you can verify for yourself that no fresh demand has been made. But, supposing that it was made, would it justify General Smuts in breaking a promise which was to be fulfilled on the condition of voluntary registration being gone through by Asiatics, even though that condition had been fulfilled? Moreover, if Asiatics ask for anything new, he has undoubtedly a right to refuse it, but surely not on that account to break his promise. What Asiatics grieve over is the fact of the General making the acceptance of educational

[1] This was republished in *Indian Opinion* under the title "The Indian Struggle in the Transvaal".

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

disqualification a condition of repeal of the Asiatic Act. Will it not be an honourable course for him to give what he has promised, and then throw the onus on the Asiatics of accepting or rejecting it?

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

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

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

[*Yours etc.*,
M. K. GANDHI]

Indian Opinion, 22-8-1908

[1] *Vide* "Speech at Mass Meeting", p. 438.

270. *INTERVIEW TO "THE TRANSVAAL LEADER"*

[JOHANNESBURG,
August 12, 1908]

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

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

Mr. Gandhi said that the Bill will not satisfy the Asiatic communities, because they hold that it breaks the terms of the promises made by General Smuts when the compromise was arrived at, and that it sets up two kinds of legislation for the same class of people. The Bill does not protect Asiatics who they hold are entitled to enter the country, and have entered after the expiry of the three months appointed for voluntary registration, and also those Asiatics who were resident in the Transvaal on the date of the compromise, but did not take out voluntary registration certificates. These Asiatics have, in accordance with the new Bill, to be registered under the Asiatic Act. The result in some cases would be peculiar for the Asiatics. There are cases in which sons have taken out voluntary registration certificates, and fathers who were not in the Colony during the three months have not done so, and would therefore be called upon to register under the old Act. The Bill, they hold, only nominally exempts Asiatics who have voluntarily registered from the provisions of the Act. The Asiatics hold that there are two conditions to be fulfilled by the Government under the compromise. The one is that to all those who registered voluntarily the Act should not be applied. The other is that the voluntary mode of registration should apply to those who entered the Transvaal under the terms of the compromise. Both of these conditions, they say, are disregarded. Again, no provision has been made for pre-war Asiatic residents who have not yet returned to the Transvaal; such old residents, if they chose to accept the old Asiatic Act, could, under the discretionary clause, take out certificates of registration. As such Asiatics will not comply with the terms of the old Act, they will be debarred from entering. The same remarks apply to educated Indians who could enter the Colony under the Immigrants' Restriction Act, but who would become "unregistered" by reason of their non-compliance with the Asiatic Act.

[1] For the names, *vide* "Johannesburg Letter", p. 445.



Mr. S. J. Randeria Mr. M. C. Anglia Mr. H. I. Joshi
Mr. Parsee Rustomjee Mr. Dawad Mahomed Mr. Adam H. G. Maho
(Capetown.)

Some of the leading Indians who have proceeded to Johannesburg to assert their righ

ટ્રાન્સવાલના હિંદીઓની મદદે ચઢેલા બહાદુર હિંદી આગેવાનો.

"This," remarked Mr. Gandhi, "is an adroit move, but hardly an honourable one." The new Bill the Indians hold to provide separate legislation for one class of people, as it regulates the movements of those Indians who have taken out voluntary registration certificates and the old Asiatic Act, the movements of the others.

The Transvaal Leader, 13-8-1908

271. PETITION TO TRANSVAAL LEGISLATIVE ASSEMBLY[1]

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

JOHANNESBURG,
August 13, 1908[2]

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

HUMBLY SHEWETH THAT

1. The British Indian Association represents the British Indian residents of the Transvaal.
2. The members of the Association have read with much concern the Bill published in the *Government Gazette*, entitled "to validate the voluntary registration of certain Asiatics who failed to comply with the provisions of the Asiatic Law Amendment Act, 1907".
3. When British Indians undertook to take out voluntary registration, they never had any intention of submitting to the Asiatic Law Amendment Act of 1907.
4. Whilst, nominally, the Bill before this Hon'ble House does not make British Indians submit to the said Act, in reality, there is no distinction between the incidents of voluntary registration to be legalized under the said Bill and registration under the Asiatic Act.
5. The terms of the compromise as embodied in the letters that passed between the Hon'ble the Colonial Secretary and the Honorary Secretary of the British Indian Association and the other co-signatories were:
   (a) all Asiatics resident in the Colony at the time of the compromise should take out voluntary registration certificates "say within three months" from the date of the compromise.

[1] This was published in *Indian Opinion*, 22-8-1908, under the title, "A Petition to Parliament".

[2] Although the petition was drafted on this date, it was not submitted until after August 14; *vide* the following item, p. 452.

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(b) Children under 16 years were to be exempt from any registration.
(c) Such mode of registration was to be applicable to those who were entitled to enter the Transvaal but who were not in the Transvaal at the time of the compromise.
(d) To those who submitted to voluntary registration, Act No. 2 of 1907 was not to be applied.
(e) The voluntary registration was to be legalized in any other manner that the Government considered proper.[1]

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

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

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

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

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

(a) It does not repeal the said Act No. 2 of 1907.
(b) Whilst it seemingly validates voluntary registration under a separate measure, it does not definitely and unequivocally except voluntary registrants from the operation of the said Act.
(c) It does not exempt from registration the children under the age of 16 years of holders of voluntary registration certificates.
(d) It does not leave any opportunity for voluntary registration for Asiatics referred to in Sub-Paragraph (c) of Paragraph 5 hereof.

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

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

[1] *Vide* "Letter to Colonial Secretary", p. 41.
[2] *Vide* Appendix VIII.

13. The Petitioning Association respectfully invites the attention of this Hon'ble House to the fact that, at much personal sacrifice and even at the risk of their lives,[1] leading members of the Indian community fulfilled their part of the compromise.
14. The Petitioning Association feels that the Bill before this Hon'ble House disregards the admittedly valuable help rendered to the Government of the Colony by the Association in connection with the compromise.
15. Your Petitioners, therefore, humbly pray that this Hon'ble House will reject the Bill, or grant such other relief as to it may seem fit and proper. And for this act of justice and mercy, etc., etc.

ESSOP ISMAIL MIA
CHAIRMAN
M. K. GANDHI
HONORARY SECRETARY

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

272. LETTER TO GENERAL SMUTS[2]

[JOHANNESBURG,]
August 14, 1908

DEAR SIR,

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

On Sunday[3], we meet to burn registration certificates. The return of these certificates up to the time of writing is about[4]. . . .They are still pouring in, and, by Sunday, it is highly probable that we will have at least fifteen hundred. I do not know that all those are true men [who] would fight to the last and suffer every form of hardship. The giving of their certificates is an earnest.

[1] The reference is to the assault on Gandhiji and Essop Mia. *Vide* "My Reward", p. 93, "Johannesburg Letter", pp. 250-1 and "Essop Mia", p. 256.

[2] This letter is damaged and indistinct at places.

[3] August 16. The date earlier fixed for burning these certificates was Sunday, July 12, but it was postponed in deference to Cartwright's suggestion; *vide* "Letter to A. Cartwright", p. 352. The certificates were ultimately burnt at the mass meeting of August 16.

[4] A word is missing here.

The Chairman[1] of the Natal Indian Congress, Durban, the Chairman[2] of the British Indian League, Cape Town, the Vice-President[3] of the Natal Indian Congress and the Joint Secretary[4] of the Natal Indian Congress, each representing a different faith or clan of India, accompanied by a few indentured Indians and a few who claim pre-war residence are today at the border either to be arrested and imprisoned, or to be passed unchallenged.

In my opinion, these facts represent strong, [gen]uine and invincible opposition to the Asiatic Act, and I am right in assuming that you do not intend to deal unjustly by those who are entitled to reside in the Transvaal. The[5] difference between you, as representing the Government, and the British Indians is very small indeed. I appeal to you once more, therefore, to revert to the draft Immigrants' Restriction Bill that was shown to me, and to accept the amendments suggested by me, leaving the question of educated Indians open, unless you can bring yourself to so amend the Act as to keep the door open for educated Indians being professional or University men. I ask you to study carefully the petition[6] to be presented to the House, and to answer to yourself whether the Bill published does not break the compromise in almost every particular. I ask you, then, to go back to the interviews we had before voluntary registration started, and to what you used to say. I ask you further to accept my assurance that there is absolutely no wish on my part or on the part of the leaders of the Indian community to seek for anything more than fair treatment of those who are *bona-fide* residents of the country.

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

I am,
Yours faithfully,

GENERAL J. C. SMUTS
PRETORIA

From the typewritten office copy: S.N. 4857

[1] Dawad Mahomed
[2] Adam Hajee Gool Mahomed
[3] Parsee Rustomjee
[4] M. C. Anglia
[5] The source has "...Transvaal, the...".
[6] *Vide* the preceding item.

273. SUMMARY OF LETTER TO SIR GEORGE FARRAR[1]

August 14, 1908

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

India Office, Judicial and Public Records: 3722/08

274. WHAT IF GOODS ARE AUCTIONED

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

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

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

Moreover, there is nothing that the Government can get out of hawkers. No Indian is bound to produce his goods for auction. The Government may, if it wants, search for a person's goods. It will grow tired of doing so and then hawkers will be absolutely free to go about their business without licences. The Government will find itself in the position of the woman who went out in search of her son and lost her

[1] This is from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

CWMG-VIII

husband. Coveting the goods, the Government will even miss the opportunity of sending people to gaol, with the result that Indians will grow more determined. This being the case, no Indian need be alarmed. When the Government seeks a settlement, Indians, if they have the courage, can demand compensation for those whose goods were auctioned.

This campaign in the Transvaal is of the greatest importance to Indians. Natal should watch it carefully. The Natal Act does not provide for imprisonment in the matter of licences. Only goods can be auctioned. From [the events in] the Transvaal, Natal Indians will see that the campaign has been made much easier by the auctioning of goods. If hawkers really hold out against the Government, they can compel it to yield. That is why true poverty means true wealth. What true poverty is, we shall consider on another occasion. For the present, Indians must bear in mind the need to endure the hardships, whatever they be.

[From Gujarati]
Indian Opinion, 15-8-1908

275. NEW BILL

The following Bill has been published in the Transvaal *Government Gazette* of August 11:[1]

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

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

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

2. Every Asiatic as is described in section 1 who enters or is residing in this Colony shall, upon demand made upon him by any member of the police force or by any other official authorized thereto, shall produce

[1] The translation has been collated with the English text of the Act found in *Indian Opinion*, 5-9-1908.

his certificate [of registration] and shall also on like demand supply such particulars and furnish such means of identification as the Colonial Secretary may by notice in the *Gazette* prescribe. Any Asiatic who fails to produce [such certificate] shall be liable to be dealt with under Act 2 of 1907—the obnoxious Act—in the manner provided by section 8 thereof. Any Asiatic who fails to supply such particulars and furnish such means of identification as may be prescribed shall be liable to a fine not exceeding £10, or in default of payment, to imprisonment with or without hard labour for a period not exceeding 14 days.

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

4. No Asiatic shall obtain any trading licence under the Revenue Licences Ordinance of 1905, unless he is the [lawful] holder of a certificate [of registration] issued under the Asiatic [Law] Amendment Act of 1907 or under section 1 of this Act and supplies such particulars and furnishes such means of identification as the Colonial Secretary may prescribe. Any [trading] licence issued between the tenth day of February 1908 and the date of the coming into operation of this Act shall be deemed to have been lawfully issued.

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

6. This Act shall be known as the "Asiatic Voluntary Registration Validation Act"[1], and shall not come into force till such time as it receives Royal assent and such assent is notified in the *Gazette*.

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

[From Gujarati]

Indian Opinion, 15-8-1908

[1] "Asiatics' Voluntary Registration Validation Bill", withdrawn and replaced by Smuts, introducing Asiatics' Registration Amendment Bill on August 21, recommended by a Select Committee of the Transvaal Legislative Assembly as an alternative

276. SPEECH AT MASS MEETING[1]

[JOHANNESBURG,
August 16, 1908]

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

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

MR. GANDHI'S SPEECH

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

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

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

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

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

To my mind, its significance did not commence with a demand for the repeal of the Asiatic Act, nor does it end with the repeal of the Asiatic Act. I know full well that it is open to the Government of the Colony to give a repeal of this legislation today, to throw dust into our eyes and then embark upon other legislation, far harsher, far more humiliating, but the lesson that I wanted to learn myself, the lesson I would have my countrymen to learn from this struggle is this : that unenfranchised though we are, unrepresented though we are in the Transvaal, it is open to us to clothe ourselves with an undying franchise, and this consists in recognizing our humanity, in recognizing that we are part and parcel of the great universal whole, that there is the Maker of us all ruling over the destinies of mankind and that our trust should be in Him rather than in earthly kings, and if my countrymen recognize that position I say that no matter what legislation is passed over our heads, if that legislation is in conflict with our ideas of right and wrong, if it is in conflict with our conscience, if it is in conflict with our religion, then we can say we shall not submit to that legislation. We use no physical force, but we accept the sanction that the legislature provides, we accept the penalties that the legislature provides. I refuse to call this defiance, but I consider that it is a perfectly respectful attitude, for a man, for a human being who calls himself man. And it is because it was necessary that British Indians should learn that lesson that the heads of the community gathered together and assembled together and said to themselves that this is the struggle, this is the method of struggle that they would place before their countrymen. It can do no harm whatsoever to the Government of the Colony, it can do no harm to those who are engaged in this struggle; it simply tests them and, if they are true, then they can only win; if they are not true, then they simply get what they deserve. One thing more and I shall soon ask you whether you propose that Mr. Essop Mia, your Chairman, should set fire to these registration certificates; and it is this: I have been hitherto refraining from making any personal attack whatsoever. I did make a slight attack at the time of the trial of Ram Sundar, and that was in connection with the head of the Registration Department, Mr. Chamney.[1] I feel bound in the interests of the Colonists, in the interests of the Indian community, and for the honour of the Colony, to make this remark, that, so long as Mr. Chamney reigns supreme in the Registration Department, there will be no peace so far as the Asiatics are concerned.[2] I accused Mr. Chamney of hopeless incompetence and ignorance after

[1] *Vide* Vol. VII, p. 359.

[2] The criticism appeared to be directed against Montford Chamney's appointment as Chief Immigration Restriction Officer under the Immigrants' Restriction Act which was gazetted on January 27, 1908.

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

Indian Opinion, 22-8-1908

[1] Permit Officer

[2] Gandhiji then addressed the meeting in Gujarati. The text of this speech is, however, not available.

277. *JOHANNESBURG LETTER*

Wednesday [*August 19, 1908*]

Negotiations for Settlement

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

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

1. The Act shall not be applicable to Turkish Mahomedans.
2. Those who can prove that they had resided in the Transvaal for three years before the [Boer] War shall be permitted to enter.
3. For children under sixteen years registration shall not be necessary.
4. When taking out a licence, either a well-formed signature or a thumb-impression shall be given.
5. An appeal can be made to a magistrate [against the decision of the Registrar of Asiatics] and to the Supreme Court against the magistrate's decision.
6. The Section[1] relating to intoxicating drinks shall be deleted.
7. The obnoxious law will be retained, but only as a dead letter and it shall not apply to voluntary registrants or to those who may register of their own accord in future.
8. The deficiency[2] in section 21 shall be rectified.
9. Those who have taken out registers under the obnoxious law shall be allowed to apply for new ones.

A meeting was held on Tuesday evening to consider these points. A large number of persons were present. It was decided in the end to convene a meeting[3] on Thursday, and invite persons from all parts [of the Colony] to it.

[1] Section 17(4) of the Asiatic Law Amendment Act; *vide* Vol. VII, pp. 486-7.

[2] The reference is to the Church Street property of Aboobaker Ahmed which was held in trust by H. S. L. Polak. This section of the Asiatic Law Amendment Act recognizes the right of an Asiatic to transmit to another Asiatic, by testamentary or other inheritance, any fixed property acquired by him and registered in his name before Law No. 3 of 1885 came into force. *Vide* Vol. VII, pp. 437 & 440.

[3] No report of this meeting is available. *Vide*, however, the following item.

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Standerton Heroes

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

[From Gujarati]
Indian Opinion, 22-8-1908

278. LETTER TO E.F.C. LANE[1]

PRIVATE

Johannesburg,
August 20, 1908

DEAR MR. LANE,

Mr. Cartwright told me that I should write to you what I told him as to the decision of the meeting today, and to give my impressions also.

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

Writing of these events from Yeravda jail some 15 years later, Gandhiji perhaps mistook his letter of August 14, 1908 to General Smuts (pp. 451-2) for this letter, and the mass meeting of August 16 (pp. 456-60) for that held on August 23 (pp. 473-6). The following excerpts from Chapters XXVI and XXVII of *Satyagraha in South Africa*, compared with extracts from contemporary statements or reports (in square brackets below), may throw some light on the genesis of this confusion.

"The weekly diary in *Indian Opinion*, asked [Indians] to hold themselves in readiness to burn the certificates if the Black Act was not repealed. [cf. "Johannesburg Letter", p. 369. "A mass meeting will be held on Sunday" (July 19, 1908). "Registers will not be burnt, not yet...the wisest course will be to wait till General Smuts publishes his draft bill". The draft bill was published on August 11; *vide* p. 454]. The bill was about to pass through the Legislature to which a petition [dated August 13, 1908, pp. 449-51] was presented...in vain. At last an ultimatum was sent to the Government by the satyagrahis. The word was not the satyagrahis' but of General Smuts who thus chose to style the letter...[Gandhiji himself preferred to call it an "Asiatic submission" rather than an "Asiatic ultimatum" (p. 470). The

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

1. Mr. Sorabjee to be re-instated, with full residential rights.
2. All prisoners to be discharged.

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word "ultimatum" is not found in the text of General Smuts' speech in the Transvaal Legislative Assembly of August 21 as reported in *Indian Opinion*. He did, however, mention the letter which, he said, disappointed his hopes of a settlement. For an abbreviated text of speech, *vide* Appendix X. This word was used in *Indian Opinion* as a title for Essop Mia's letter to the Colonial Secretary of July 6, 1908 (pp. 342-5) and later to describe this letter of August 20.] One reason why this letter was held to be an ultimatum was that it prescribed a time-limit for a reply. [Neither the letter of August 14 (pp. 451-2) which Gandhi speaks as the "ultimatum", nor the letter of August 20 which appeared in *Indian Opinion* under the title "What Is an Ultimatum?" prescribes any time-limit. Was there a further letter by the satyagrahis, which has not been traced?]...The ultimatum was to expire on the same day the bill was to be carried through the Legislature. [The first reading of the Asiatics' Voluntary Registration Validation Bill in the Legislative Assembly was on August 13. This Bill was, according to *Indian Opinion*, subsequently dropped and an amended Bill, which made further concessions to the Asiatics, was passed finally by the Legislative Council on August 22.] A meeting had been called some two hours after the expiry of the time-limit to hold the public ceremony of burning the certificates. [Registration certificates were burnt at both the mass meetings of August 16 and 23, 1908.] We had all reached the place of meeting early and arranged for the Government's reply by wire... the meeting was held at 4 o'clock on the grounds of the Hamidia Mosque at Johannesburg (August 16, 1908)....A volunteer arrived with a telegram from the Government in which they...announced their inability to change their line of action."

[1] No report of this meeting is available. The proceedings, like this letter, may well have been intended to be private.

[2] Dawad Mahomed, Parsee Rustomjee and M. C. Anglia

3. The Asiatic Act to be repealed.

4. A general education test, with discretionary power as to its severity regarding educated Indians.

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

6. Free re-issue of burnt certificates.

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

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

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

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

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

[1] Sir Percy Fitzpatrick

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

I am sending copies to the Progressive leaders.

I remain,
Yours truly,

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

Indian Opinion, 29-8-1908

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

279. SPEECH AT CLOSER UNION SOCIETY

[JOHANNESBURG,
August 20, 1908]

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

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

THE IMMIGRATION LAW

The immigration law of the Cape and of Natal allowed the entry of Asiatics who could pass the same education test that was imposed on others who might enter the country. The object of that legislation was principally to guard against the influx of Asiatics. In 1896, the late Mr. Escombe[2] first approached Mr. Chamberlain[3] for permission to pass an Asiatic Exclusion Bill, and Mr. Chamberlain laid down the policy,

[1] *Vide* "Rhodesia Indians", pp. 265-6 & 336-7.
[2] & [3] *Vide* Vol. II, p. 377.

for the guidance of all the Colonies, that the basis of distinction should not be colour, but education or some such qualification. That policy had been hitherto followed. At the Conference of Prime Ministers, Mr. Chamberlain placed that view before them for their acceptance.[1] Very few Asiatics had been able to enter Natal under the education test, not because India did not possess a large number of educated Indians, but because the educated Asiatics had ample scope for their abilities in India, China, and Japan; but there were some who undoubtedly must follow the traders, hawkers, and other classes of Asiatics. If they could not come to South Africa, and if the door was effectually shut even against them, the solution of the question would be far more difficult than it would otherwise be. If it were admitted that those Asiatics who had been domiciled in South Africa should remain in South Africa and should obtain fair treatment, it was natural that those who could lead them and who could act as interpreters between the races must also be allowed to come. What was to be the position of those Asiatics who were allowed to remain in South Africa? The people who had settled in South Africa had laid down certain conditions under which the nation that was now forming had to live. Was it possible, then, to eradicate from one's mind the problem of Asiatic residence? It was a very interesting and instructive study; but it passed his comprehension that in all the papers he had read from the pens of those who had made South Africa their home they had never taken into consideration what the feelings of the Asiatics or of the Natives themselves might be. What would they have to say to any solution that was suggested for their acceptance? Was it suggested that the Asiatics or the Coloured races must perforce accept any solution which was found for their treatment by the predominant race—the European race? He ventured to suggest that if they ever adopted that policy it was doomed to failure. It was possible, perhaps, for one, two, or three years to follow a policy of that nature; but he was certain they would find that both the Asiatics and the Natives would demand to be consulted with reference to their disposition. It was impossible to conceive that those races would ever allow the predominant race to dispose of them just as they chose.

Indentured Labour

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

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

[1] *Vide* Vol. II, p. 355.

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

For the Planters' Benefit

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

Continuing, Mr. Gandhi alluded to Mr. Barker's proposal to confine Asiatic traders to Bazaars, and maintained that that would not solve the difficulty. If the Asiatics would not consent to have their trading activity thus restricted, what remedy could Mr. Barker suggest? He was certain that the people of South Africa had no desire to treat British Indians as if they were less than human beings. They must take the Indians into their confidence. As to the franchise, personally he did not wish to receive it until the barrier of prejudice was broken down. The solution of the difficulty, to his mind, lay in the fact that the Indians should first of all be recognized as human beings, as fellow-subjects. Europeans should consider it their duty to raise those men and not level them down. (Applause.) It was not fair to treat South Africa as a

[1] The allusion is presumably to the cartoons; *vide* illustrations facing pp. 32 & 80.

white South Africa. There could be no question of segregation or restriction of their trading activities if they were to be treated as a Christian nation would treat them. The only solution was the one he had suggested.

Other speakers followed.

The Transvaal Leader, 21-8-1908

280. INTERVIEW TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
Before *August 21, 1908*][1]

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

Indian Opinion, 22-8-1908

[1] This interview to *The Transvaal Leader*, of which the original source is not available and which was republished in *Indian Opinion*, 22-8-1908, must clearly come before "Interview to *The Transvaal Leader*" of August 21 (pp. 470-2) which was republished in *Indian Opinion*, 29-8-1908.

281. INTERVIEW TO "THE STAR"[1]

[JOHANNESBURG,
August 21, 1908]

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

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

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

A SUPREME QUESTION

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

[1] This was republished in *Indian Opinion* under the title "No Surrender" and the sub-titles "The Asiatic Attitude: Submission, Not Ultimatum: Passive Resistance to Continue".

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education test. Prohibition, therefore, has been brought about by the presence of the Asiatic Act to which British Indians will not submit.

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

Indian Opinion, 29-8-1908

282. INTERVIEW TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
August 21, 1908]

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

The Bill, I must admit, is a vast improvement on the Validating Bill, which would undoubtedly have been a violation of almost all the terms of the compromise. It embodies, from a cursory glance at the summary published in *The Star*, the points which were discussed at the interview with the meeting of Het Volk and Progressive leaders. I am afraid, however, that it falls short of the terms proposed by the Asiatic Conference. It is a most unfortunate thing that the Government have not seen their way to grant the very limited concessions asked for by the Conference—namely, repeal of the Asiatic Amendment Act, and admission of highly educated Indians. The two points are most important for British Indians, but in my opinion of little importance from the Colonists' standpoint. Personally, knowing the law and its effect, I could reconcile myself to the present Bill standing side by side with the Asiatic Act of 1907 as a mere dead letter, but my countrymen cannot understand the intricate distinction. To them no law is a dead letter,

[1] *Vide* "Letter to General Smuts", pp. 451-2, "Letter to E.F.C. Lane", pp. 462-5 and footnote 1 on p. 462.

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

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

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

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

I notice a statement to the effect that we are daily growing more and more impudent in our requests. This is rather a nice way of emphasizing what is contrary to fact. The request for repeal of the Act is as old as the Act itself, and if I personally was prepared to place before my countrymen the question of another Bill provided that the Act became a dead letter, surely that cannot be described as impudent; for my countrymen's rejection of any such proposal was in that they have all through fought for repeal of the Act. A general education test has become necessary, because of the interpretation placed upon the Immigration Restriction Act by the Colonial Secretary, and he knows well that repeal of the Asiatic Act makes the entry of educated Indians perfectly possible under the Immigrants' Restriction Act. I therefore fail to see any impudence at all. On the contrary, I make bold to say that the legislature have first of all stripped us naked, and then propose

to dole out what they call concessions little by little, still refusing to return what to us is the main thing, and then exclaim, 'How magnanimous!' If, therefore, the very moderate request of my country[men] is not embodied in the new Bill, I very much fear, though I am very sorry, that the passive resistance will be resumed. General Smuts calls it a state of anarchy, lawlessness, and a declaration of war.[1] We call it a state of suffering, and pray to our Maker, our reliance being entirely on Him. It is indeed a declaration of war on the part of General Smuts against British Indians.

The Transvaal Leader, 22-8-1908

283. NATAL'S BRAVERY

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

[From Gujarati]
Indian Opinion, 22-8-1908

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

CWMG-VIII

284. SPEECH AT MASS MEETING[1]

[JOHANNESBURG,
August 23, 1908]

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

MR. GANDHI'S SPEECH[3]

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

I think that it is necessary for me to make a few remarks in connection with what has happened during the last few days in connection with the Asiatic community resident in the Transvaal. I have had to take the responsibility again, in spite of the Validation Bill having gone through both Houses practically unanimously, of advising my countrymen still to continue to burn their registration certificates, and to show to the Government that they are as determined as ever to suffer until full redress is given with reference to the demands made by the British Indian community. Mr. Chairman[4] has explained to you that we have made no new demand. We have never shifted the ground, but we have been compelled, inch by inch, to regain the whole of the lost ground by undergoing sufferings heaped one upon another. It required

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

[2] The reference is presumably to Mir Alam and his fellow-Pathans. Evidently, Gandhiji's advice to the Pathan community (*vide* pp. 251-2) had had effect. Gandhiji, however, recalls that it was in the meeting of August 16 that Mir Alam confessed to having done wrong in assaulting Gandhiji and gave up his certificate for being burnt. *Vide Satyagraha in South Africa*, Ch. XXVII.

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

[4] Essop Mia

the incarceration of over 200 Indians before we could gain the admission from General Smuts that his law was bad, that it was unworkable, and that it would be removed from the Statute-book. It again required the incarceration of nearly 100 Indians before we could gain what we have through the Validation Bill, and I have no hesitation in making this admission, that the Validation Bill, is a vast improvement on the old Asiatic Act, much of the irritating clauses have been removed, the great religious objection has been removed, our oath has been preserved, and, for this, all honour to the Government, all honour to the Progressive Party, and I am now in a position to tell my countrymen, that if they do not choose to fight for a principle but if they have wished to demonstrate to the world that they were fighting only that they might be able to keep their solemn obligation but not that they might be able to keep their own status in the country, I can freely advise them to accept the Validation Act, but if it is their desire, as I hope it ever was their desire, that we have undertaken this battle not merely for our personal benefits, but in order to fight for a principle or a bundle of principles, then I have no hesitation in asking my countrymen to undergo further suffering, but, whether they do so or not in a body, whether the majority of the Asiatics choose to accept the benefits that the Government have so liberally given, as they put it, it is open to them to do so; but so long as I remain in this country, it is my desire to oppose the measures of the Government until we get the redress to which we are entitled, until the promise that I still declare General Smuts made in connection with the repeal of the Act is fulfilled, and until the status of highly educated Asiatics is placed on a firm footing. These are no new demands. The Colonists or the Government, by giving us a little, inch by inch, make the Colonists believe that they are conceding what they need not have conceded, but I deny that position absolutely. I take the position that the Chairman has taken, and it is only when these two things have been fulfilled that we shall have got what was our own or what should have been our own. I draw your attention to this fact, that General Smuts himself has told us now and told the world that the natives of South Africa, the Zulus and Bantus, get treated the same as the Europeans, if they possess the same educational qualifications as the Europeans, but the poor Indian and the poor Chinaman cannot do that. [Cries of "shame!"] If the natives of South Africa may not have the colour bar, why should the British Indian, why should the Chinaman, have the colour bar? Why should the Indian and Chinaman be subjected to the colour bar, have to labour under this colour disability? It is quite enough that we consent to the influx from British India being stopped entirely; but the stopping of that influx does not mean—it never meant—that educated Indians were to be shut out of this country or that they could enter it only

on a permit granted by the Governor-in-Council and which might be revoked at pleasure. That is not the position for which we have been fighting so long, and that is not a position which can ever be accepted by us if we wish to be called men. When we take up this position, it is not a position of defiance; and I am very sorry indeed that Sir Percy has thought it desirable to hint, although very distantly, that there might be in this Colony a racial conflict. A racial conflict is now going on. I do not know what the meaning of any further racial conflict may be, but I do know this, that if it covers any threat of physical violence, I standing here before this multitude of my countrymen shall ask you to suffer even that physical injury. I see before me today my fellow-countrymen, the Tamil gentlemen. Their sore backs I have seen. They have never been used to carry[ing] sandbags, but they were called upon to carry sandbags in the gaol ["Shame!" and groans.]—these were the Gaol Regulations, but they have suffered, all the same, physical injury under the Gaol Regulations. It has not pleased General Smuts in fighting this battle with a weak people, with a people who have no voice, it has not pleased General Smuts to order the gaol authorities to give no hard labour to these prisoners or to give them hard labour which they could bear; but, no, we have to drink the cup of difficulty up to the brim, and I ask my countrymen to drink that cup if they wish to fight for a principle. I do declare that our fight, my fight, has always been for a principle, and it shall be for a principle. General Smuts has been saying that we claim partnership.[1] We do claim partnership. I claim it now, but I claim it as a younger brother. Their Christianity teaches them that every human being is a brother. The British Constitution teaches us, it taught me when yet a child, that every British subject was to be treated on a footing of equality in the eye of the law, and I do demand that equality in the eye of the law in the Transvaal also. So long as the Transvaal remains under the British flag, and so long as I may be allowed to remain in this Colony, so long must I continue that agitation until British Indians have equality in the eye of the law; it is purely and simply a question of time, but that equality must be given. It may not be given, then we may be driven out of the country and I should be quite content. If that is the position that the British Government have taken up, if that is the position that the Transvaal Government also have taken up, I am quite willing to take up the position that Parliament has taken up, namely, that the white Colonists, that Parliament should occupy the fiduciary position, because we are vassals, because we have no representation in Parliament. I accept that position. What is the duty of a trustee, if not to make his

[1] For the relevant portion of General Smuts' speech of August 21 in the Transvaal Legislative Assembly, *vide* Appendix X.

ward fit for everything that the trustee has been doing for the ward? Are the Government fitting us, their wards, for full citizenship? Do they hold out any such hope at all? And if they do why is there so much resentment, why should there be sustained cheering in the House of Parliament when General Smuts derides the idea of partnership? Yes, partnership undoubtedly. British Indians will not remain in this country or in any country under the British flag as slaves. They will demand to remain in this country, as also in any part of the British Dominions, as men, and so long as we do not claim this, I think that we do not deserve British citizenship, and, seeing that it is my intense prayer to the Almighty that my countrymen live as full British citizens, so long must we continue to work that we may have given to us these rights. (Applause.)[1]

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

Indian Opinion, 29-8-1908
12-9-1908
The Transvaal Leader, 24-8-1908

285. LETTER TO COLONIAL SECRETARY[2]

JOHANNESBURG,
August 24, 1908

THE COLONIAL SECRETARY
PRETORIA

SIR,

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

[1] The following paragraph, which is not found in *Indian Opinion*, is from *The Transvaal Leader*.

[2] This was published under the title "A Last Appeal".

[3] Of August 23, 1908; *vide* the preceding item. For Resolutions, *vide* Appendix XI.

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

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

[*I have the honour to be,*
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 29-8-1908

286. LETTER TO "RAND DAILY MAIL"[1]

[JOHANNESBURG,]
August 25, 1908

THE EDITOR
[*RAND DAILY MAIL*]

SIR,

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

[1] This appeared in *Indian Opinion* under the title "Mr. Gandhi and the *Mail*".
[2] Asiatics' Registration Amendment Bill

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You have drawn a parallel between Mr. Sauer's remarks on the Dealers' Act at the Cape and a general education test in an immigration Act, which would have the effect of preventing an unrestricted influx of Asiatics into a British Colony. May I remind you that Mr. Sauer has dealt with a farcical Court of Appeal consisting of prejudiced persons? I, too, should agree with the hon'ble Member, and even go further than he has done, when fellow-traders are appointed a Court of Appeal for the question of a licence being granted to one of themselves. It is not only hypocrisy[1] and humbug[2] but downright injustice. I, however, see nothing wrong in an Immigration Act which provides against an indiscriminate entry of a class of people, the distinction being based not on their race or colour but on an educational qualification. If what my countrymen claim is a quibble, surely the Parliament of the Colony should have sufficient magnanimity to concede a quibble. The fact is that it is not a quibble. The Colony wishes to establish a new principle and to draw a sharp colour line. It wishes to override the late Mr. Rhodes' formula of equal rights for all civilized men south of the Zambesi, and it wishes also to fundamentally change the British policy. We would be less than men if, after having suffered for nearly two years, we were to quietly accept such a violent departure from British traditions, without making a supreme effort and without showing to the world that, although our own status can be made a little more bearable under the new Bill, we would reject the benefits thereunder, if we cannot successfully oppose the new departure.

You seem to think that Mr. Sorabjee's deportation is the last word on the interpretation of the Immigrants' Restriction Act. The future will show whether it is so. In the meanwhile, may I remind you that Mr. Sorabjee was convicted not under the Immigrants' Restriction Act as a "prohibited immigrant" but under the Asiatic Act for being an unregistered Indian. He entered under the Immigrants' Restriction Act, but he came under the disability imposed on him by the Asiatic Act, which Mr. Sorabjee would not accept.[3]

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

Rand Daily Mail, 26-8-1908

[1] & [2] These words were used by Sauer in the Cape Legislative Assembly.

[3] *Vide* "Trial of Sorabji Shapurji-II", pp. 356-7 and "Trial of Sorabji Shapurji-III", p. 377.

287. LETTER TO CHHAGANLAL GANDHI[1]

JOHANNESBURG,
August 25, 1908

[MY DEAR CHHAGANLAL,]

I have your letter. I am not affected by what is happening there regarding educated Indians. I shall deal with the thing, I hope, in the Gujarati columns.[2]

Mr. Cordes[3] writes to me saying that you are unbusinesslike. He has not given me any concrete instances. I, therefore, do not know on what he bases his conclusion. However, you should talk to him, listen to him, and do exactly as he may suggest. You should give him all the help you can, so that he may do justice to the position he is now occupying. He is very methodical, and it may be that you will learn a great deal from him.

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

Yours sincerely,

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

288. TRIAL OF BHIKHABHAI D. MALIHA[4]

[JOHANNESBURG,
August 26, 1908]

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

[1] The document being torn, the addressee's name is missing. As the letter deals with affairs at Phœnix, it is taken to have been addressed to Chhaganlal Gandhi.

[2] *Vide* "Johannesburg Letter", pp. 480-1.

[3] A German Theosophist in charge of the Phœnix School; came to India and joined Gandhiji at Sevagram, where he died in 1960.

[4] This appeared in *Indian Opinion* under the title "A Tactless Prosecution".

that he had a Peace Preservation Ordinance Permit and a registration certificate under Law 3 of 1885, both of which documents were produced before the Court.

Addressing the Court, Mr. Gandhi remarked upon the strangeness of the proceedings. Here was a man arrested and convicted under the Asiatic Act, whose rights were fully safeguarded under the Act[1] that had just been passed. Either the Government intended to stick to their new measure or they did not. In view of the delicate relations that existed at the present time he had specially asked that this case should be remanded until next Monday, but whilst the Prosecution was willing to meet him in this, instructions had been received by the latter from Pretoria to proceed. It certainly reflected upon Pretoria methods of administration.[2]

Indian Opinion, 29-8-1908

289. JOHANNESBURG LETTER

Wednesday [*August 26, 1908*]

What Have We Gained through New Bill?

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

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

Who Should Be Treated as Educated?

This question is often discussed. What the Indian community wants is that all educated persons should have equal rights under the law. But though rights may remain equal in theory, Indians may in practice be subjected to a more severe test than the whites. This is what happens in Natal and the Cape. The test for Indians [in these

[1] Asiatics' Registration Amendment Act, 1908

[2] A report of the subsequent proceedings is not available; *vide*, however, the following item, p. 481.

Colonies] is very severe. We have said that we shall not object to an even severer test in the Transvaal. In consequence, only barristers and others of equal [attainments] will be able to enter the Transvaal. I do not see that we can do anything more. What is important is that the educated should not be kept out altogether. As for those with a lower standard of education who may want to come in for business or professional reasons, the section which allows them to come in with a temporary permit remains. In fact, there is no real difficulty about these persons.

SNAG

There is, however, a snag in this Bill. Those who enter the Transvaal henceforth must, if they do not have a permit, prove that they had resided in the Colony for at least three years before the [Boer] War. This section will also apply to those who are already in the Transvaal. I feel it may be possible to find a way out of this. [That is,] if there is a settlement, a solution does appear possible.

RESIDENTS OF NATAL

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

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

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

BHIKHUBHAI MALIHA

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

[1] Honorary Secretary, Hamidia Islamic Society
[2] *Vide* the preceding item.

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Other News

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

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

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

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

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

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

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

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

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

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

[From Gujarati]
Indian Opinion, 29-8-1908

[1] Keeping sympathizers and the Imperial authorities informed of the problems of Transvaal Indians

290. LETTER TO ATTORNEY GENERAL[1]

[JOHANNESBURG,
August 28, 1908]

THE HON'BLE THE ATTORNEY GENERAL
PRETORIA

SIR,

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

My Association will be obliged if you will kindly investigate this matter and take such steps as may be necessary in order to protect British Indian prisoners from molestation.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 12-9-1908

291. LETTER TO DIRECTOR OF PRISONS[2]

[JOHANNESBURG,]
August 28, 1908

THE DIRECTOR OF PRISONS
PRETORIA

SIR,

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

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

[1] & [2] These were presumably drafted by Gandhiji.

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

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

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 12-9-1908

292. COMMENTS ON TRANSVAAL INDIAN CAMPAIGN

[*August 28, 1908*][1]

"THE TRANSVAAL LEADER"

Under an article entitled "Mistakes", the *Leader* points out that, perhaps due to heavy pressure of work, the Colonial Secretary is unaware of how the law is being administered in relation to the Asiatics. An Indian, who could not register voluntarily, as he happened to be away in a remote district, was arrested last Wednesday. He had not taken any part in the campaign. He was arrested even though protection for

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

such Indians is ensured in the new Bill. It is thus clear that the obnoxious Act lives on. It is easy to see that such incidents make it difficult for us to explain to the innocent and illiterate people that the old law has really become a dead letter and that the repeal of the Act is therefore unnecessary. This is a grave error. The place (Anjuman Islam) where some leading Muslims were arrested yesterday is sacred to Muslims. They had not the least intention of evading arrest. The incidents in Turkey have angered the majority of Muslims. They form a considerable part of the population of the British Empire. Tilak and many others like him may exploit these incidents to embarrass the British administration and unite Hindus and Muslims into an "Extremist Party".

"Pretoria News"

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

In another article following this, under the heading "Immigration", the paper says that Asiatics are shabbily treated and that it fully sympathizes with them. According to existing laws, low-class Russians or Poles or other [Europeans] who speak Greek or have a smattering of one of the Levantine languages can enter the country at will and enjoy full citizenship rights. For this purpose, Yiddish and European languages are treated on par, though Yiddish is not a European language. Justice demands that there should be an equally difficult qualifying test for all those who enter the Colony. The officials of the Immigration Department should be armed with wide powers, and they should be persons of intelligence and integrity. They should be paid good salaries so that they are not tempted into taking bribes. They should have a clear idea as to [the category of persons] who may not enter the Colony. In short, we suggest that the door which is now closed on the Asiatics should be closed lawfully. This country cannot accommodate any more Asiatics. We wholly agree with this. But we go further and assert that some of the Europeans who are entering the country [unlawfully] may prove more dangerous than Asiatics. The Asiatics' standard of living is very low and they are [thus] able to compete to their advantage [with Europeans] in trade. But they do not add to the crime in the country, whereas the Europeans roam the country for their bread. Latterly, their number has increased markedly. Their coming in has added to the incidence of theft and the smuggling of gold and diamonds,

has encouraged [the growth of] liquor shops. [Because of them,] panders and money-lenders flourish and other similar crimes are on the increase. We have decisively closed the door on the Asiatics but it should be closed also to this refuse [from Europe]. By doing so we will make it clear that in the matter of entry into this country, we do not discriminate against the black and the yellow [races] because of their colour. Those who want to make this country truly "European" will agree that our Natives and law-abiding Asiatics are preferable to this garbage [from Europe]. We want peasants who will raise crops, diligent workers who will man the industries and thereby add to the Colony's prosperity. There are already too many traders and speculators in this Colony.

Reply

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

[From Gujarati]
Indian Opinion, 5-9-1908

293. SPEECH AT MEETING IN HAMIDIA MOSQUE

[Johannesburg,
August 30, 1908]

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

The Transvaal Leader, 31-8-1908

[1] Not available

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APPENDICES

APPENDIX I

IMMIGRANTS' RESTRICTION ACT

A Notice in the Government Gazette *of the Transvaal dated the 27th ultimo announces, in regard to the Immigrants' Restriction Act No. 15 of 1907, "that it is His Majesty's pleasure not to disallow the same". A further Notice proclaims that the Act was to take effect on the 1st instant. It is, therefore, already in force. Mr. Montford Chamney has been appointed Chief Immigration Restriction Officer under the Act. We extract the following sections which apply to Asiatics:*

EXTRACTS FROM THE ACT

1. The Peace Preservation Ordinance, 1903, shall be and is hereby repealed; provided that no such repeal shall affect or abridge any powers or jurisdiction by the Asiatic Law Amendment Act, 1907, conferred for the purpose of carrying out such Act; but the said Ordinance shall for all the purposes of such Act be deemed to remain of full force and effect.

2. In this Act and in any regulation made thereunder, unless inconsistent with the context, "prohibited immigrant" shall mean and include any of the following classes of persons desiring to enter or entering this Colony after the date of the taking effect of this Act:

(i) any person who when asked, whether within or outside this Colony, by a duly authorized officer, shall be unable through deficient education to write out (from dictation or otherwise) and sign in the characters of an European language an application for permission to enter this Colony or such other document as such officer may require; provided that for the purposes of this sub-section Yiddish shall be accepted as an European language;

(iv) any person who at the date of his entering or attempting to enter this Colony is subject or would, if he entered this Colony, be subject to the provisions of any law in force at such date which might render him liable either at such date or thereafter if found therein to be removed from or to be ordered to leave this Colony whether on conviction of an offence against such law or for failure to comply with its provisions or otherwise in accordance with its provisions; provided that such conviction be not the result of the commission by such person elsewhere than in this Colony of an offence for which he has received a free pardon;

(viii) any person who the Minister has reasonable grounds for believing would be dangerous to the peace, order and good government of this Colony if he entered therein; but shall not include

(e) the wife or minor child of any person who is not a "prohibited immigrant";

(g) any Asiatic who is eligible for or has obtained a certificate of registration under the Asiatic Law Amendment Act, 1907, and who does not

come within the scope of sub-sections (3), (4), (5), (6), (7) or (8) of the definition of "prohibited immigrant".

4. The Governor may from time to time enter into agreement with the government of any colony or territory in South Africa for the doing of such acts or things as are necessary or expedient for the carrying out of the objects and purposes of this Act.

5. Every prohibited immigrant entering into or found within this Colony shall be guilty of an offence and shall be liable on conviction

(i) to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and

(ii) to be removed at any time from the Colony by warrant under the hand of the Minister and pending such removal, to be detained in such custody as may by regulation be prescribed; provided that

(a) such prohibited immigrant may be discharged from such detention if he find two approved sureties in this Colony (each in the sum of one hundred pounds) for his leaving the Colony within one month;

(b) if such prohibited immigrant be sentenced to imprisonment such imprisonment shall terminate as soon as he is removed from the Colony.

6. Any person who

(a) is convicted after the date of the taking effect of this Act of a contravention of sections three, thirteen or twenty-one of the Immorality Ordinance, 1903, or any amendment of such sections; or

(b) is deemed by the Minister on reasonable grounds to be dangerous to the peace, order and good government of this Colony if he remain therein; or

(c) having been ordered under any law to leave this Colony fails to comply with the terms of such order

may be arrested and removed from this Colony by warrant under the hand of the Minister and pending removal may be detained in such custody as may be prescribed by regulation; provided that no such person as is in paragraph (b) hereof described shall be removed from this Colony except on the order of the Governor; provided further that every such person arrested shall be discharged from custody unless an order be made by the Governor for his removal from this Colony within ten days after the date of his arrest.

7. Any person who

(1) wilfully aids or abets a prohibited immigrant in entering or remaining in this Colony; or

(2) wilfully aids or abets a person ordered to be removed under section six in remaining in this Colony; or

(3) enters into, or purports to enter into, a contract as employer with any person outside this Colony with intent that the provisions of this Act be evaded or at the time of entering or purporting to enter into such contract shall be unable to fulfil his part thereof or has no reasonable expectation of being so able; or

(4) uses or attempts to use any certificate issued under paragraph (i) of the classes of persons excluded from the definition of "prohibited immigrant" unless he be the lawful holder of such certificate; or

(5) forges or uses knowing the same to be forged any document purporting to be such certificate

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

8. No prohibited immigrant shall be entitled to obtain a licence to carry on in this Colony any trade or calling or to acquire therein any interest in land whether lease-hold, free-hold, or other interest; and any such licence (if obtained) or any contract, deed or other document by which such interest is acquired in contravention of this section shall, on conviction of such immigrant under section five of this Act, be null and void.

9. Every person found in this Colony who is reasonably suspected of being a prohibited immigrant may be arrested without warrant by any magistrate, justice of the peace, police officer, or officer of the department and shall as soon as possible be brought before the court of a resident magistrate to be dealt with according to law.

10. No prohibited immigrant shall be exempt from the provisions of this Act or allowed to remain in this Colony by reason only that he had not been informed that he could not enter this Colony or that he may have been allowed to enter through oversight or owing to the fact being undiscovered that he was a prohibited immigrant.

11. Any person ordered to be removed from this Colony under this Act and any other person who shall have been convicted, under section seven, of aiding or abetting him in entering or remaining in the Colony in contravention of this Act shall be liable to pay all expenditure incurred by the Government in carrying out such removal whether from the Colony or South Africa or in the detention within the Colony or elsewhere of any person pending his removal; and the amount of such expenditure on production to the Sheriff of the certificate of an officer of the department stating the items and total amount of such expenditure shall be recovered by execution levied on the property within the Colony of the person so liable in manner provided for execution levied under a judgment of the Supreme Court; and the proceeds of such execution shall be paid by the Sheriff to the Treasurer who, after deduction of the amount of expenditure aforesaid and the costs of execution, shall remit the balance to the person so liable or to any person appointed by him to receive same.

13. The burden of proving that a person has not entered or remained in this Colony in contravention of this Act or any regulation shall in any prosecution for such contravention lie upon the accused person.

14. Every court of resident magistrate shall have jurisdiction to impose the maximum penalties for all contraventions of this Act or of any regulation.

Indian Opinion, 4-1-1908

APPENDIX II

THE DRAFT GOLD LAW IN THE TRANSVAAL[1]

EXTRAORDINARY PROVISIONS

A Transvaal *Government Gazette Extraordinary* was issued on the 30th ultimo, containing "a Bill to consolidate and amend the Law relating to prospecting and mining for precious and base metals and to provide for matters incidental thereto". The draft Bill contains 137 sections, and occupies 23 pages of the *Gazette*. We take from this Bill the portions relating to Coloured persons. Section 3 contains, amongst others, the following definitions:

"Coloured person" shall mean any African or Asiatic Native or coloured American person, coolie or Chinaman.

"Mining District" shall mean one of the districts into which the Colony is for the time being divided in accordance with this Act; and, when used in reference to land, shall mean the mining district in which such land is situate.

"Proclaimed Field" shall include all proclaimed land, and so much of any unproclaimed land as may be declared portion of a proclaimed field under this Act or is at the commencement thereof a portion of a proclaimed field.

"Proclaimed Land" shall mean land proclaimed a Public Digging under this Act or Law No. 15 of 1898 or a prior law, provided it has not been lawfully deproclaimed.

SECTION 24. When land, being a Native Location, or portion of a Native Location, is proclaimed a Public Digging, the following provisions shall apply:

(1) The chief and tribe occupying the Location shall retain the right to graze their stock thereon in so far as such right does not interfere with prospecting and mining.

(2) All kraals, and such lands as were habitually under cultivation and irrigation for two years prior to the date of the notice of intention to proclaim, shall be reserved for the use of such chief and tribe, unless they consent to the reservation not being made.

(3) Sufficient water shall be reserved for the domestic purposes, and for watering the stock of such chief and tribe.

(4) If such Location be Crown land, there shall be granted to the Chief and tribe as compensation for the land, of the use of which they have been deprived by the grant of discoverers' rights or by the Location being proclaimed a Public Digging, the use of an equal area of other land.

(5) If such Location belong to such chief and tribe, any person who has become the holder of the mineral rights, may, in addition to any rights which he may obtain as a discoverer, select a mynpacht of a size to be fixed by the Minister for Native Affairs

[1] This summary is by Gandhiji; *vide* p. 177.

in consultation with the Minister, but not exceeding one-fifth of the extent of the land over which such mineral rights are held. The moneys or other consideration (if any) payable to the chief and tribe for the acquisition of such mineral rights, together with one-half the moneys derived from time to time from mining titles or other rights on the land, shall be paid to the Minister for Native Affairs, and shall be held by him in trust for the chief and tribe, and applied for such purposes as they may desire, subject to the approval of the Governor.

SECTION 104. "Unwrought precious metal" shall include precious metal in any form whatever, which, though smelted, is not manufactured or made up into any article of commerce, and shall include amalgam, slimes, and scrapings of unrefined precious metal.

SECTION 113. Any person who shall receive from a Coloured person any unwrought precious metal by way of purchase, barter, pledge, or gift, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand pounds, or to imprisonment without the option of a fine, for a period not exceeding five years or to both such fine and imprisonment.

SECTION 114. Any Coloured person who shall sell, barter, pledge, or otherwise dispose of any unwrought precious metal, or who shall obtain by purchase, barter, or pledge, or shall be in possession of any precious unwrought metal, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years; provided that nothing in this section contained shall apply to a Coloured person handling unwrought precious metal in fulfilment of any contract of service with a person excepted under sub-section (1) of Section 105.

SECTION 122. Whenever it shall appear expedient in the public interest, the Government may, by proclamation in the *Gazette*, declare any land adjoining, enclosed by, or situate in the neighbourhood of proclaimed land, to be portion of a proclaimed field.

SECTION 127. (1) Save as is provided in section twenty-four, no right may be acquired under this Act by a Coloured person; and the holder of a right acquired under Law No. 15 of 1898 or a prior law or under this Act shall not transfer, or sub-let, or permit to be transferred or sub-let, any portion of such right to a Coloured person, nor permit any Coloured person (other than his *bona-fide* servant) to reside on or occupy ground held under such right.

(2) Any person contravening this section shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty pounds, and in the case of a continuing contravention to a fine not exceeding five pounds for every day during which such contravention is continued.

SECTION 128. (1) No Coloured person shall be permitted to reside on proclaimed fields in districts comprised in Class A, except in Bazaars, Locations, mining compounds, and such other places as the Mining Commissioner may permit.

(2) Any Coloured person contravening this section shall be liable on conviction to imprisonment for a period not exceeding one month and upon such conviction the Mining Commissioner may cause any structures occupied by or erected for the use of such Coloured person to be removed.

(3) Nothing in this section shall apply to Coloured persons in the employ of a white person in so far as they live on the premises where they are so employed.

Indian Opinion, 4-4-1908

APPENDIX III

THE ETHICS OF PASSIVE RESISTANCE

PRIZE ESSAY

M. S. Maurice

I

Nineteen centuries ago one of the greatest moralists of the world laid down his life in passive resistance to constituted authority in what was then a great centre of spiritual activity. The ground for the resistance was unquestionably valid, as it has continued down to this day a memorable and living example of loyal submission to human law, where such submission was not in direct conflict with the higher law of conscience. The resistance had reference to an injunction that a living faith in a superhuman or divine power was to be abjured, and a claim to spiritual kingship over a certain race of people was to be renounced in favour of the temporal power then existing. "We found this fellow perverting the nation, and forbidding to give tribute to Caesar, saying that he himself is Christ, a King." To Pilate's question, after asking him whether he put the question of himself, Jesus said: "My Kingdom is not of this world: if My Kingdom were of this world then would My servants fight." His death on the cross has ever been a unique episode in the world's history—a magnificent example of what disobedience to the law really meant. There was no question as to the doubtful character of the authority which sought to enforce the decree of death by crucifixion. The illegal nature of the punishment was not in itself a matter of dispute. It was harsh; it was unjust; it was rigorous in the extreme; it was wholly unmerited. But he who found himself placed in subjection to the law as it then operated, and to the authority which asserted itself in carrying out that law, deemed it within his right, in obedience to his conscience, to resist both, but in a passive manner: there was no idea of resisting it by force. A combination of his servants and followers against the law would have been a direct condemnation of his faith. A concerted action to enforce his claim by physical means would have been derogatory to his moral character and to his high mission. And so the man who had the most powerful force behind him, by virtue of his transcendent moral sway—a force irresistible in its inherent strength, and overwhelming in its ultimate result, if put into effect—preferred to resist the law by submitting to the dread decree pronounced against him for breaking the laws' (to him) unlawful demand.

During the same epoch of Christian history, and but a few months after the consummation of Christ, a holy man met martyrdom at the hands of his adversaries. His offence was "speaking blasphemous words against Moses and against God". He, however, proved a passive resister. His detractors proceeded to open violence. He

was dragged out of the city and stoned to death. Upon the removal of Stephen a general persecution was raised against the Church people at Jerusalem. Men and women were haled and committed to prison. Thus passive resistance obtained Divine sanction, and men had recourse to it as the only effective weapon against tyranny and injustice and oppression. As martyrdom was a penalty of self-consciousness, born of the deepest convictions in religious life, so in civil life those whose minds and whose consciences revolt against oppressive laws, against laws which seek to take away the best of manhood and to degrade humanity, adopt passive resistance as the most effectual salve to their outraged consciences.

II

> What kind of Society is it which, at this period, has for its base, inequality and injustice? The hell of the poor makes the paradise of the rich. Not only has happiness not come, but honour has fled.

We should be sorry to think with Victor Hugo that this is so. And yet Tolstoy and Hugo shine as two of the greatest minds which have probed into the deeps of humanity in our time. Thoreau, one of the greatest of American moralists, the author of *The Duty of Civil Disobedience*, was a martyr to his principles—principles dictated by the highest sense of duty to the State, as well as obedience to conscience. Human convictions may be right or wrong, but there is always a limit to human endurance in the fulfilment of human law. No man today will pretend to deny to a modern Japanese the highest form of personal courage and the severest form of moral rectitude. They have been apparent to us of late years in many ways. To us his "Bushido" may seem a blind fetish, but its true meaning, its deep significance, is understood and appreciated by the deepest thinkers of our day. They know it touches the deep chords of humanity. When we have grasped the true moral side of Japanese ethics, and realize to ourselves what a changed being a cultured Japanese has become under the law of evolution, it will be easy for us to understand why at moments of great trial—when the spirit of patriotism and family relationship is in the ascendant—he passively resists the admonitions of the inner monitor, refuses to save his life, and creates for himself a moral injunction as it were for physical extinction so as to reach up to a spiritual life of national redemption and regeneration.

Passive resistance as a political weapon and a moral action has, therefore, the fullest possible justification behind it. To offer physical force against recognized authority which seeks to enforce any law, good or bad, would be morally wrong. When you however resist the law, not actively but passively, you thereby imply that what is good and just law to some may be bad to others. While human institutions continue, imperfect men of strong conscience and rational ideas will adopt this mode of expressing their protest against iniquitous ordinances.

Under any form of government power is relegated to a group of men to judge in righteousness and to rule with equity and justice. It does not follow that, because men are called to power and are invested with authority to enact laws, they must be considered immaculate or infallible. Too often the best men—the most humane, the most just, the most practical, the most considerate—remain subjects, and

do not become rulers or framers of laws for their fellow-men. Similarly, too often those who attain to power are inconsiderate, tyrannical, unjust. If proof were needed, it will be found ready to hand from almost every country and from every age. To take a recent case in point from a nation in the front rank, I would cite the passive resistance offered by a large section of highly educated people in England against the last Education Act. Here we have a form of government which has undergone a purifying process during centuries of civilization—a government which, by common admission, has reached almost the highest limit of advanced democracy, in which power is attained by a just and equitable process—by sheer force of intellect and reason—a government which bears on the face of it every element of moral right and expediency. Yet we see a law promulgated apparently in the best interests of the whole community, but which proves in its operation, directly antagonistic to, and unacceptable by a large, intelligent and otherwise obedient section of that community. Numerous laws are in operation to which it gives willing and unquestioned obedience, but, owing to reasons which have swayed humanity in all ages, it finds that its conscience revolts against the new measure. The new enactment caused a serious conflict in their minds: it warred against their sense of right. It therefore simply declined to do the law's bidding and accepted the consequent penalties.

Laws are said to be made for the safety, the security and the protection of the interests of the people: they are not made to chastise and oppress. They must be guided by reason, necessity, expediency—in the interests of all. They must injure none: they must not remorselessly override the domain of reason and conscience. They must act with justice and circumspection. "Render unto Caesar that which is Caesar's" does not mean that men should resign themselves body and soul to the law, at the law's bidding. Three times within my knowledge has a high-minded, law-abiding and intelligent citizen met the laws' injunctions by paying the required fine instead of complying with the law which demanded that he should have his child vaccinated. On moral grounds he was right not to set aside his conscientious scruples. To salve his conscience he became a passive resister. In the words of Thoreau, this man was a man first and a subject afterwards. He obeyed the law of conscience before blindly complying with the alternative of man-made law. "It is not desirable to cultivate a respect for the law so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right."

III

Passive resistance is indeed an extreme course with an honest man; he is generally driven to that course by the stress of physical power, and hence his action is not unjustifiable on moral grounds. If passive resistance on the part of a minority in a state becomes an imperative necessity, then the majority cannot continue strong for long; it is bound to weaken and become effete as to its action in the matter of enforcing its power or its authority against that minority. And passive resistance of subjects, who are not even legal units of a lawful or legally constituted Government, has all the more reason for its action, in a given case, since such a Government

cannot justly impose burdens or restrictions on units which had no voice in its creation. Such imposition of burdens on one particular section of a community would be tyrannical, and must ultimately tend to endanger the political fabric of that community. The very *raison d'etre* of the Government would, in these circumstances, become open to question.

There is so much force in what Thoreau has written on the ethics of passive resistance that I make no apology for introducing here some of the relevant passages bearing on the subject of civil disobedience.

> Unjust laws exist: shall we be content to obey them, or shall we endeavour to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, (United States) think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults, and do better than it would have [by] them?
>
> Action from principle, the perception and performance of right, changes things and relations; it is essentially revolutionary, and does not consist wholly with anything which was. It not only divides states and churches, it divides families: ay, it divides the individual, separating the diabolical in him from the divine.

Speaking of the inconsistent side of the aggregate intelligence placed in authority and power, he says:

> After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in the right, not because this seems fairest to the minority, but because they are physically the strongest. But a Government in which the majority rule in all cases cannot be based on justice, even as far as men understand it.

Again:

> I think that it is enough if they have God on their side without waiting for that other one. Moreover, any man more right than his neighbours constitutes a majority of one already. . . Under a government which imprisons any unjustly the true place for a just man is also prison.

Modern conditions have altered the whole face of State administration. The voting system under a party government often, however, places an illiberal group of men in place and power. To meet conditions of this kind, Thoreau exhorts all honest men in this wise:

> Cast your whole vote, not a strip of paper merely, but your whole influence. A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole weight.

IV

Upwards of four centuries before the advent of Christ, Socrates, of Greece, was reputed to be the wisest moralist of his age. His unflinching integrity made him many enemies. The State, or rather those in power in the State, accused him of corrupting the Athenian youth and of despising the national gods. He was indicted in a regular manner. His chief offence consisted in his heeding the divine voice or inward monitor, which people in those times did not comprehend as clearly as he did. He declared that his *dæmon* rebuked him for misconduct, and commended him for every good word and work. He was in advance of his times. And for his originality, integrity and wisdom he was condemned to death. When one of his disciples exclaimed "How shameful to condemn a man so innocent!" Socrates asked if his friends would think it less shameful if he were guilty. Here was a man who, abandoning all speculations as regards the material world, fearlessly taught "that the proper study of mankind was man", was derided, reviled and then condemned to undergo the extreme penalty of the law. The law of conscience was accounted nothing in those days as it is still considered of little account in reference to human laws and administrative enactments, under our present forms of civilized government. The Delphic Oracle pronounced Socrates the wisest of men. To this he made a characteristic declaration: "Whereas other men thought they knew something, he alone had attained to this element of true knowledge, he knew that he knew nothing."

Passive resistance is emphatically submission to physical force under protest. "Resist not evil," said Jesus of Nazareth, and Socrates, by drinking the poison, refrained from resisting what he had adjudged in his own mind as evil. How far this consorts with the philosophy of Plato, another brilliant heathen sage, will be apparent from the following prophetic picture of the Man of Sorrows whom the western world has defined:

> A man perfectly good, virtuous and just; not one who wishes to appear so before his fellows, but one who is really and sincerely so. We strip him of his good name . . . deprive him of everything except his intrinsic goodness. Without doing wrong, we will suppose him to be accounted an evil doer, that his virtue may be tried so as by fire. . . . Neither infamy nor ill usage, neither poverty nor distress, neither the malignity of persecution nor the pain of cruel torture can make him swerve from the path of duty. Death stares him in the face, but he remains unshaken; branded as a sinner, he is still a saint . . . . To complete the picture, we will suppose this godly man to be beaten with bats, scourged with whips, put to the torture, laden with chains, nailed to a cross, numbered with transgressors, and yet without sin.

Plato wrote thus, three centuries before the advent of Christ. His further definition of a modern passive resister is almost inspired:

> A bad man is wretched amidst every earthly advantage; a good man—troubled on every side, yet not distressed; perplexed, but not in despair; persecuted, but not forsaken; cast down, but not destroyed.

Most men of our day account Count Tolstoy a paradox. By common admission, however, he is a great thinker, if not quite a seer. He has certainly probed into the deeps of humanity. He has laid bare many of the human follies and foibles. Upon war as upon capital punishment, he looks with the deepest horror. An extremist he may be, yet he is a realist—a rationalist. Passive resistance is almost a fetish with him.

> We can suffer, we might not break the law. Men do far more harm and inflict far more injury on one another by attempting to prevent evil by violence than if they endured evil patiently. Besides, have you ever considered that it is only by suffering pain, torture, misery and death that you are able to convert men? Do you think Christianity made its way in the world by preaching? Bah! No such thing. No one was ever converted by preaching. What converts men is not preaching but martyrdom. It is only when men see other men—weak, sensitive, comfort-loving men like themselves—taking joyfully the spoiling of their goods, rejoicing in persecution, and going gladly to death for their faith, that they begin to believe there is something in it. No one ever believes in the truth of anything till he sees that someone is willing to die for it. The prison, the stake, the gallows—these are the great arguments which convince men. And if you refuse to submit to these punishments, you destroy your only chance of converting men to your faith.

Count Tolstoy explicitly lays it down that all punishments are in their nature persecution.

> If you say a man is a trouble and a nuisance to his neighbours, remember that the best of men have been so regarded. Do you think that Christ was not considered as a great nuisance and a trouble by his brothers? The household went on quietly until he began to make a stir.

Tolstoy and Thoreau appear to agree in the matter of civil disobedience: they seem to be at one in regard to the claim of conscience on the individual soul. Yet far be it from me to claim human perfection for either of them: they are merely men of advanced thought in the domain of reason; their intellectual pre-eminence claims respect from us for their ideas. Tolstoy holds peculiar views with regard to Christianity. There is much in them which we may discard as inconsistent with his own writings. Still we must admit that there is wisdom in most things he has said. Christianity to him is a broad humanitarianism: Christ a supreme Rationalist; he subordinated everything to the inner light—"the light that is in you"—that is, the light of reason. This is the deduction upon which all philosophers and moralists base their passive resistance to constituted authority—the conflict of reason with the surrender of conscience.

I think I have now made it clear that passive resistance, as an honourable weapon *in extremis* to those who are subject to physical force, has high, if not divine, sanction for its exercise. Its ethics in governments and communities of men are plain and unmistakable. I have referred to Socrates and Plato, to Christ and to modern morality. Going further back to antiquity we find Confucius indicating in his moral

code the dividing line between active disobedience and passive resistance in simple and homely words:

> At first my way with men was to hear their words and give them credit for their conduct. Now my way is to hear their words and look at their conduct. . . . To see what is right and not to do it is want of courage.

I will conclude in the words of Macaulay, so eloquent and so pregnant with meaning:

> The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws. . . But let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.

Indian Opinion, 18-4-1908

APPENDIX IV

REPORT OF NATAL IMMIGRATION DEPARTMENT

The report of the Natal Immigration Department for the year 1907 has been published by its head, Mr. Harry Smith. Below are some interesting facts from it.

The revenues of the department for the year 1907 exceeded those for 1906 by £178.4.8. Revenues from embarkation pass fees increased by £58 [during the same period]. While other departments have to be financed by the Government, the Immigration Department pays its way.

During the year under review, 27,522 passengers arrived, of whom 15,958 were British, 2,262 Chinese and 8,171 Indians. The number of indentured Indians was 6,489, of whom 3,942 were men, 1,641 women and 906 children. In all 5,206 were detained [for verification of claims]. Of these 323 were Arabs, 256 Chinese, 2,459 Indians, 317 Sinhalese and 1,407 from Zanzibar, other miscellaneous groups accounting for the rest. While in 1906 nine certificates were issued to persons who passed the education test, 59 such certificates were issued in 1907.

A total of 11,425 domicile certificates was issued in 1906 and 12,483 in 1907. Seventy-nine certificates were confiscated as they were found to be in possession of persons other than those to whom they were issued. Of those who were detained [for the verification of their claims] four persons—one white and three Asiatics—escaped. The white was later apprehended and sent back. From among those who were detained, although they had passes, 12 escaped. In all 16 persons, some of whom were notorious white criminals or women of ill repute, were deported.

When the applicants for domicile certificates were examined, it was found that 90 per cent. of them were married; 50 per cent. had not seen their wives [in Natal] for periods varying from 10 to 15 and even 20 years. Of the Asiatics who entered the Colony in 1903, 51 were women and 209 children; in 1904, 42 women and 134 children; in 1905, 48 women and 195 children; in 1906, 69 women and 237 children and in 1907, 71 women and 139 children.

[From Gujarati]

Indian Opinion, 22-2-1908

APPENDIX V

RESOLUTIONS AT MASS MEETING

[JOHANNESBURG,
June 24, 1908]

The following resolutions were passed at the mass meeting:

RESOLUTION 1

This Mass Meeting of British Indians domiciled in the Transvaal deplores the fact that the Government intend to depart from the spirit of the compromise entered into by them with the Asiatic communities of the Transvaal last January, in that they make it a condition of repeal of the Asiatic Law Amendment Act that rights of certain Asiatics domiciled in the Transvaal before the War are surrendered, and that the Asiatic communities should consent to an insult being offered to Asiatics of educational attainments.

This resolution was proposed by Moulvi Ahmed Mukhtar.

RESOLUTION 2

By reason of the decision of the Government not to carry out their part of the compromise, and regard being had to the fact that the Asiatics in the Transvaal have, almost without exception, made application for voluntary registration, this Mass Meeting hereby resolves to withdraw all the applications so made, and reaffirms the solemn declaration made on the 11th day of September, 1906, not to submit to the Asiatic Law Amendment Act, but to suffer, as loyal citizens and conscientious men, all the penalties consequent upon non-submission thereto.

This was proposed by Imam Abdool Cadir Bawazeer.

RESOLUTION 3

This Mass Meeting tenders its respectful thanks to all those, whether in South Africa, England, or India, who have helped and sympathized with the British Indian community of the Transvaal during its struggle for legitimate freedom and to retain its self-respect, and earnestly trusts that they will continue to assist with their sympathy and support until justice is fully vindicated.

RESOLUTION 4

This Mass Meeting hereby authorizes and instructs the Chairman of the British Indian Association to forward copies of the preceding resolutions to the Hon'ble the Colonial Secretary, and to His Excellency the Governor of the Transvaal, for transmission to the Imperial Secretaries of State for the Colonies and India.

This resolution was proposed by Mr. Mulji G. Patel.

Indian Opinion, 27-6-1908

APPENDIX VI

CHAMNEY'S AFFIDAVIT

[PRETORIA,]
June 25, 1908

I, Montford Chamney of Pretoria, Registrar of Asiatics, make oath and say:

1. That I have read the Petition of the above named applicant[1] with affidavits annexed served on me as Registrar of Asiatics.

2. I respectfully submit that the allegations set out in paras. 3, 4, 5, 6, 7, 8, 9, 10 and 14 of applicant's affidavit[2] and in the affidavits[3] of Essop Ismail Mia and Mohandas Karamchand Gandhi are irrelevant to the issue in this action. However, in regard to the allegations made, the letter[4] dated 29th January, 1908 addressed to the Colonial Secretary by Mr. Gandhi and others and the reply[5] dated 30th January, 1908, of the Colonial Secretary set out the whole position.

3. Ad. Para. 7 of the Petition I say that agreeably to the aforesaid letter of the 30th of January, 1908, I accepted from applicant a written application for registration.

4. Ad. Para. 11: the application made by the Applicant was on a Government form and is filed on record in my office, and I am unable to part with or return the same.

With regard to the documents submitted with that application, viz., the Petitioner's Permit issued under the Peace Preservation Ordinance, and his registration certificate issued under Law No. 3 of 1885, there is no objection and has never been any to the return of the same to the Applicant, immediately all necessary identification enquiries have been made.

Owing to the large number of applicants and the necessity of dealing with their applications in different batches, the Vereeniging applications, among which is that of the applicant, have only lately been taken in hand.

[1] E. I. Aswat

[2] The full text of Aswat's affidavit is not available; for his petition to the Transvaal Supreme Court, *vide* pp. 311-3.

[3] *Vide* pp. 313-6.

[4] *Vide* "Letter to Colonial Secretary", pp. 40-2.

[5] *Vide* "Johannesburg Letter", p. 65.

5. Ad. Para. 15: The Petitioner's Registration Certificate had already been signed before he filed the Petition in this matter and in the ordinary course would (together with the documents which accompanied his application) be delivered to him within about seven days from this day by a responsible officer instructed to see that the papers got into the hands of the right person.

6. The promise made by the Colonial Secretary in his letter of 30th January, 1908 to lay the matter before Parliament at its next session is being fulfilled.

M. CHAMNEY

Sworn before me at Pretoria, this 25th June, 1908.

J. H. L. FINDLAY
Justice of the Peace

CHAMNEY'S ADDITIONAL AFFIDAVIT

[PRETORIA,]
June 26, 1908

I, Montford Chamney of Pretoria, Registrar of Asiatics, make oath and say:

1. That the Petition in the above matter served on me on the 24th instant was not complete as to all the Annexures referred to therein, the Annexures having only been handed to the Government Attorney yesterday morning.

2. I was present during the whole of the interview of 3rd February, 1908, referred to by Mr. Gandhi in para. 10 of his affidavit, and heard all that passed; no promise to repeal Act No. 2 of 1907 was given at that interview.

3. Under Departmental instructions a licence to trade was issued to the Petitioner's firm at Vereeniging in March, 1908, as a result of his Application for Registration.

M. CHAMNEY

Sworn before me at Pretoria, this 26th day of June, 1908.

J. H. L. FINDLAY
Justice of the Peace

SMUTS' AFFIDAVIT

[PRETORIA,]
June 26, 1908

I, Jan Christiaan Smuts of Pretoria, Colonial Secretary, make oath and say:

1. I made no promise to Mr. M. K. Gandhi either on the 30th January or on the 3rd February, 1908 that Act No. 2 of 1907 would be repealed.

2. The Letter of the 30th January, 1908, copy of which is attached to the Petition in this matter, sets out all that I agreed to.

3. The matter is being laid before Parliament as stated in that letter.

J. C. SMUTS

Sworn before me at Pretoria, this 26th day of June, 1908.

J. H. L. FINDLAY
Justice of the Peace

Indian Opinion, 11-7-1908

CWMG - VIII

APPENDIX VII

REV. J. J. DOKE'S LETTER TO "THE TRANSVAAL LEADER"

[*July 4, 1908*]

[THE EDITOR
THE TRANSVAAL LEADER
SIR,]

We all deplore the reappearance of the Asiatic difficulty. When passive resistance came to an end five months ago, we earnestly hoped that the trouble would never recur in such a form. It dislocated trade; it filled our prisons with men who, as General Smuts said, were "not criminals", it embarrassed the Government, and made us all feel extremely wretched. The resuscitation of this would be indeed a calamity. We still hope it may be averted. It behoves us to work for this end, "with both hands earnestly". But at present the outlook is very serious, and those who should know best say passive resistance is once more inevitable.

My apology for writing is that I have some knowledge of the subject as it appears from the Asiatic point of view, and that a re-statement of it may be of some value at this crisis.

The Colonial Secretary has at last agreed to repeal the objectionable Asiatic Law Amendment Act. This, I believe, is inevitable to any just and hopeful settlement. When the compromise was being effected, circumstances placed me at the very focus of the trouble, and I am convinced from personal knowledge that the Asiatics did not doubt that the repeal of the Act was an essential part of the agreement. The Colonial Secretary himself fostered this conviction in his speech[1] at Richmond, published in the Press of February 6, when he said: "He had told them (i.e., the Asiatics) that the law would not be repealed so long as there was an Asiatic in the country who had not registered". And again: "Until every Indian in the country had registered the law would not be repealed". This prospective repeal was thus evidently made an incentive to obtain the registration of all the Asiatics. This is simply to show that these men had good ground for believing what is now so emphatically denied. But the Colonial Secretary has now agreed to repeal the Act[;] only unfortunately in offering this concession, he has attached conditions to it which the Asiatics deem themselves unable to accept. These conditions are new to the subject. The idea has apparently been promulgated that the Asiatics have brought forward new claims. This is untrue. The conditions insisted on by General Smuts are new claims, not one of them having been contemplated in the compromise.

Briefly, they amounted to this:

(1) That the Immigration Restriction Act shall not be regarded as applying to Asiatics in respect of admitting educated men to residence here. This has always been

[1] *Vide* Appendix VIII.

the interpretation which General Smuts has given to this Act. He has said repeatedly: "It is a law that completely and finally shuts the door from India." The Asiatic leaders have never accepted his interpretation, but they have always professed themselves willing to accept this very drastic Act according to its interpretation by the Supreme Court. And their position is unchanged. But now apparently, not being quite sure that his reading is the right one, General Smuts requires the Asiatic leaders to accept an amendment of this Immigration Restriction Act, incorporating his interpretation of it. The effect would be that they would consent to the exclusion of the most cultured of their brethren from entering the Colony, though they might be able to pass the most vigorous educational test enforced by the Act. The Asiatics reply: 'You cannot expect us to accept this new amendment. We have not understood the Act in the sense you have given to it, but we may be wrong. We are willing to stand or fall by the decision of the Supreme Court; only do not force us to decide the matter ourselves.' But General Smuts answers, in effect: 'You must take my interpretation or have no repeal!'

The singular part of the whole affair is that a few weeks ago the Colonial Secretary himself granted an educated Indian full registration, at the instance of Mr. Gandhi, on this ground, among others, that he fulfilled the requirements of the Immigrants' Restriction Act!

2. The second and third points at issue are also entirely new conditions. The leaders are asked to consider all Asiatics, whether in the Colony or out of it, who hold Dutch registration certificates under Law 3 of 1885, for which they paid from £3 to £25, as prohibited persons. Also, that all Asiatics who were residents in the Transvaal before the war, and who can prove their previous domicile in any court of law, but who had not returned to the Colony during the three months allowed by the compromise, and do not hold the "peace preservation permits", shall be counted as prohibited persons. This is a distinct contravention of the compromise. It means that those Asiatics who have established their right to be here, through long residence, and by costly registration under the old Dutch law, shall be refused their rights, and be turned out of the Colony while the Asiatics, who were so far from home that they could not return within the three months of grace, and who probably did not know of the compromise within that time, shall be prohibited from entering the Colony, unless they have "peace preservation permits". These measures would probably affect 600 men!

3. But the last new claim is perhaps the worst of all, because of the principle involved. General Smuts demands that all those Asiatics who have applied voluntarily for registration, but who have been, or shall be, rejected by Mr. Chamney, shall be regarded as prohibited persons, without any right of appeal from Mr. Chamney's judgment! Surely this is monstrous. A rejected Asiatic is to be allowed no right to have his case properly tried! He may not even know why he is rejected! Even Mr. Chamney is not infallible, and may blunder like the rest of us; but if the Registrar says he is not satisfied, the poor Asiatic must leave his home and go, without any right of appeal! This is not common humanity, and I do not wonder that the Asiatics refuse to buy the promised "repeal" at such a price.

It is well to have a clear perception of the principle at stake. In these "terms" the spirit of autocracy is dominant. The Asiatics claim simply the interpretation and protection of the Supreme Court. They do not resent the "Immigration Restriction Act". They only claim that it be not interpreted by any official, however exalted he may be, but by the recognized Court, and by that judgment they will stand. They do not resent the rejection of Asiatics by Mr. Chamney, and their deportation, but they claim that no official shall be made supreme. They ask for the right of appeal in such cases to the well-balanced judgment of a properly constituted tribunal. It is a protest against new claims not contemplated in the compromise, and against the spirit of autocracy which dominates them. But surely, while these points are of supreme moment to the sufferers, they are not, after all, vital matters, so far as our Government is concerned. There can be no inrush of Asiatics under the stringent tests possible by enforcing the Immigration Restriction Act, and there can be no loss of prestige in acting justly. To these men the new conditions involve so much that I understand they are prepared to return to the position in which the compromise found them, and that passive resistance will be commenced again in a few days! Cannot something be done even now to effect a settlement without suffering such a calamity? We recognize that whatever is done must be a real settlement this time. I trust a patchwork will be tolerated by no one. But we may rest assured of this, that there will be no such thing as final settlement unless justice and good faith are alike satisfied.

[*Yours etc.*,
J. J. DOKE]

Indian Opinion, 11-7-1908

APPENDIX VIII

GENERAL SMUTS' SPEECH IN RICHMOND

The following is a condensation of the speech.

[*February 5, 1908*]

In 1906, when the Government felt it right to put a stop to [the stream of immigrants,] . . . a law was introduced in the Legislative Council and passed. The object was to register in the most unmistakable way . . . every Asiatic who was legally entitled to be here. . . . to give a definite status to the Indians who were here before the war and to see that the rest of Asia was kept out of the country . . . the Home Government would not . . . assent to the law.

The first Parliament of the Transvaal met in March last and unanimously approved of [a similar bill and] it was assented to . . . .

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The law[1] proposed that the Government should notify a period within which Asiatics [were to] register themselves. . . . Of the 10,000 Indians in the country only 500 registered. . . .

Three alternatives remained . . . put them over the border; . . . they could have sent them all to prison; . . . or [go] to Parliament again . . . It was not easy putting men over the border. It was not a question for the Transvaal alone [Natal, Orange River Colony and Rhodesia having refused to admit "coolies",] but an international question. . . . The next alternative was to put the Indians in prison. He had sent every leader to prison, and hundreds more and it had had no impression. The policy of imprisonment was a very good policy as a threat, but . . . he defied any government to take 10,000 men by the collar and put them in prison here. . . .

[Imprisonment] was a course which was not only physically but morally impossible, . . . because it would injure the reputation and prestige of the white people of the Transvaal . . . The law of 1885 [too had] become a dead letter, and the result was that from 1885 to 1899 the Asiatics . . . paid no [fees for] licences and they did not bother about the laws . . . He wanted, by hook or by crook, to carry out the object of the law. He held out the olive branch. He told them that the law had expired, but that the Government would take their voluntary registration and lay it before Parliament . . . [The Indian leaders] accepted the suggestion . . . voluntary registration was the only course open. So he said "All right", because there was nothing dishonourable to the Government in that . . . the position he took up from the start was that any means of identification for the Indian population of the Transvaal other than the 10 finger-prints was insufficient . . . The Indians said they would never submit to that . . . they had now submitted, . . . they had learned more wisdom, and had seen that it was not criminal and not dishonourable . . . The Indians' second contention was that they would never register until the law had been repealed, that the law was an indignity and disgrace. He had told them that the law would not be repealed so long as there was an Asiatic in the country who had not registered, and like wise men the leaders of the Indian community had waived the question of repeal . . . What could never be done by the Republican Government had now been done by a little give and take on both sides, and he thought the settlement was honourable to both sides . . . They had passed two laws . . . One was to register all the Indians who were here legally; the other was to close the door finally on the others . . .

No Asiatic in future could come into this country unless he was a resident of the Transvaal before the war. The British Government had assented to this . . . it was the most drastic Asiatic Law that had ever been passed in the British Empire, . . . They knew that they belonged to a largely black Empire and that was a fact they must never forget . . .

Indian Opinion, 15-2-1908

[1] Law 2 of 1907, also known as the Asiatic Registration Act

APPENDIX IX

RESOLUTIONS AT MASS MEETING

[JOHANNESBURG,
August 16, 1908]

RESOLUTION I

This Mass Meeting of British Indians hereby protests against the Asiatic Voluntary Registration Validation Bill now before the Parliament of the Transvaal, and endorses the Petition presented to the Hon'ble the Legislative Assembly on behalf of the British Indian Association.

Proposed by Mr. Dawad Mahomed (President, Natal Indian Congress)
Seconded by Mr. Adam H. Gool Mahomed (President, British Indian League, Capetown), and
Supported by Mr. Parsee Rustomjee (Vice-President, Natal Indian Congress),
Mr. M. C. Anglia (Joint Secretary, N. I. Congress), and
Mr. V. A. Chettiar (Chairman, Tamil Benefit Society).

RESOLUTION II

This Mass Meeting of British Indians solemnly, sincerely, and prayerfully reaffirms the Resolution of the British Indian community not to submit to the Asiatic Act, which it considers to be contrary to religion and their conscience.

Proposed by Mr. Imam Abdool Kadir Bawazeer (Chairman, Hamidia Islamic Society),
Seconded by Mr. T. Naidoo and Maulvi Ahmed Mukhtar, and
Supported by Messrs Ebrahim Aswat, Dildar Khan, E. M. Cachalia, R. K. Padiachy (Pretoria), V. Chetty, P. K. Naidoo, and M. P. Fancy

RESOLUTION III

This Mass Meeting of British Indians is of opinion that the Asiatic Voluntary Registration Validation Bill above referred to is a breach of the compromise entered into by the Government with the Asiatic communities, and hopes that the Colonists will demand an honourable fulfilment of the terms entered into by General Smuts on behalf of the Government of the Colony and in the name of the Colonists.

Proposed by Mr. Abdul Rahman (Potchefstroom)
Seconded by Mr. E. M. Patel (Vereeniging), and
Supported by Messrs R. S. Chokalingam Pillay, Harishankar Joshi (Durban), A. E. Chhotabhai (Krugersdorp), and Amod Suliman Khota (Heidelberg)

RESOLUTION IV

This Mass Meeting of British Indians hereby authorizes the Chairman to forward copies of these Resolutions to the proper quarters.

Indian Opinion, 22-8-1908

APPENDIX X

GENERAL SMUTS' SPEECH IN LEGISLATIVE ASSEMBLY[1]

[PRETORIA,
August 21, 1908]

" . . . Hon. Members will remember that under the Crown Colony Government of 1906 a law was passed, which, however, failed to carry the assent of His Majesty the King and in March, 1907, the law . . . was passed without any alterations by the Legislature of the Transvaal. That law came into force last year. . . Different dates were proclaimed . . . under it for the registration of Asiatics in this country, but . . . the Asiatics organized a movement of passive resistance, and registration under that law proved . . . a failure. . . . not more than 600 had registered by the time that the dates for registration expired, which was June 30 of last year. . . . That was a very awkward and, in some senses, a very dangerous state of affairs. There is no more awkward position for a Government than a movement of passive resistance. It is a movement which is really tantamount to an act of war, and really amounts to a state of anarchy so far as the Government is concerned. In more primitive times one would have met it by simply issuing a declaration of war. . . . I did my best . . . to carry out the law . . . and as a result early this year many Asiatics were languishing in prisons . . . finally I met some of the leaders of the Asiatic community and discussed the question with them, and the result was that, pending the meeting of this House, temporary arrangements were made . . . that voluntary registration should take place of all Asiatics who are legally resident in the country, and that the matter should be brought for ratification before this House. . . . up to date practically every Asiatic in the country . . . has made application for registration. . . . the applications numbered 9,158 . . . [Of these] 7,773 have been recognized as legal residents, and certificates of registration have been issued to them; 1,214 applications have been rejected . . . . The small number of 171 applications have not yet been decided. . . . there has been no substantial objection to the giving of finger-prints. (Hear! hear!) . . . 7,010 gave finger-prints; 1,960 gave the two thumbs. . . . Only 70 declined to give finger-prints. . . . Hon. Members will accordingly see that the impression . . . that the principal difficulty centred around . . . the finger-prints was not correct. . . . The principal objection was to the law itself. . . . charges have been levelled against me . . . by prominent Indians that the terms of the compromise were not kept, that . . . there was a promise that the Act should be repealed, and that I have not kept that promise. . . . That compact has been carried out to the letter. The Asiatic leaders, in a letter of the 28th of January, issued from the Johannesburg Gaol, made the following offer in a petition. They say: "Our opposition has never been directed so much

[1] The Colonial Secretary was moving the second reading of the Asiatics' Registration Amendment Bill.

against the finger-print requirements. . . " Then there is some reference to the relaxation of the finger-prints. This offer was accepted by me, and from it two questions have arisen: the first whether the permission was given to repeal the Act. I do not think that any court of law could put such an interpretation on my promise. The consequence was that an Asiatic who registered voluntarily could do so under another Act, and not under Act 2 [of 1907]. The Asiatics took the matter to the [Supreme] Court, and Sir William Solomon took the view that the interpretation of the agreement was entirely different from the construction which the Asiatics placed upon it. Well, Sir, it was then stated that, although this correspondence contained no compromise to repeal the Act, yet in interviews which I had with Mr. Gandhi, I promised to repeal it. That is not so, and the impression may be the result of a misconception. . . . The second difficulty arose in consequence of the provision that voluntary registration should also apply to those Asiatics who . . . were out of the Colony but who were entitled . . . to return . . . My answer . . . was that there was a compromise made for a specific period—three months—pending the meeting of Parliament. I could not promise that . . . at a future date Asiatics coming into this country should be left to register as they wished . . . . further difficulties arose on two points. One point was the entry of these people after the period of the compromise expired, and the other was the contention of the Asiatic leaders that under the Immigration Act as framed last year educated Asiatics were entitled to enter the country. . . . provision should be made whereby Asiatics who could pass a slight education test under the Immigration Act should be allowed to . . . enter the country. That is a view of the law and a policy that I could never admit. (Hear! hear!) . . . Large numbers of people who otherwise were undesirable would be free to enter the country, and that I would never allow. Then the passive resistance movement started once more. Meetings were held, speeches of an inflammatory character were made, certificates were burned . . . I think it was really unnecessary. I intended to stick to the letter of the arrangement I had made with the Asiatics, and in consequence a Bill was published . . . to validate these voluntary registrations . . . public feeling in the country was already very strong, and I consulted . . . with Hon. Members . . . of the House to see what would be the best way of arranging the difficulties . . . the suggestion was made that we should come together with some prominent members of the Asiatic [community] and discuss the difficulties. We met them . . . and I think this Bill does fairly and reasonably meet every objection and every difficulty . . . with the exception of one—and that is the difficulty . . . in connection with the educated Asiatics. They put the difficulties in this way—that under Act 2, 1907 . . . Turkish Mahomedans, subjects of the Turkish Empire, were excluded from this country. It was urged that that was . . . casting a slur and stigma on the Mahomedan religion . . . That objection . . . we have met. . . . The next point refers to the Asiatics who were resident in the Transvaal before the war, but who do not fall within the terms of the law of last year, which mentioned two tests for Indians . . . Either they [were] required to have the Peace Preservation permit . . . or had to be in this country on May 31, 1902 . . . Hon. Members will see a provision in the Bill that, if Asiatics were residents in the country three

years before the war, and they can prove that, then it is competent for them to apply within a year . . . for certificates of registration. . . . The third difficulty . . . referred to children. . . . it was necessary that not only the adult males, but also minors between the ages of eight years and sixteen years should register . . . The third innovation made in the Bill—that minors below the age of sixteen shall not be required to have certificates of registration, but shall be taken up in the certificates of their parent. The next point raised was in reference to the appeal . . . to the Magistrates in case the Registrar of Asiatics refused to recognize [claims] . . . The Asiatic leaders argued . . . that a different practice obtained in different courts of Resident Magistrates. . . . This had been met by another alteration in the Bill, . . . the Government will assign one special Magistrate to hear all cases of appeals. . . . One other point was raised . . . when Asiatics make application for licences . . . [they] give their thumb-prints as a means of identification; but it has been pointed out [that] . . . some Asiatics are well known, . . . others well educated and can sign their names . . . and it is unnecessary to lay down a hard and fast rule. If the signature is a sufficient means of identification, let us accept the signature. If that is not sufficient, let us adopt such other measures as may be necessary to meet the case. Hon. Members will see that . . . that recommendation has been embodied in this Bill . . . a liquor clause . . . which exempted Asiatics from the Liquor Act [has at their instance] disappeared from this Bill. There is . . . provision for the transfer of certain property into the name of the heirs of an Indian . . . it was very strongly urged . . . that we should open the door . . . to the educated Asiatics . . . I have not felt . . . that any departure should be made . . . after all these points were urged upon us and we had met them fairly in this Bill, there was every ground to expect some settlement, or some abatement of this storm which is going on in this country; but my secretary has received today a letter from the leaders of the Asiatic Committee which shows that that hope, which was entirely reasonable, is very likely to be disappointed. . . . The other provisions are: All prisoners to be discharged; Asiatic Act to be repealed; general education test . . . with free issue of the burned certificates. (Laughter.) . . . Mr. Gandhi has referred to Indians being in partnership with the white population of this country. . . . It is a claim . . . which this white population will never allow. (Sustained cheers.) . . .

Indian Opinion, 29-8-1908

APPENDIX XI

RESOLUTIONS AT MASS MEETING

[*August 23, 1908*]

RESOLUTION I

Mr. Dawad Mahomed, Chairman of the Natal Indian Congress, moved:

This Mass Meeting of British Indians respectfully prays that the Government will be pleased to exercise the clemency of the Crown and allow Mr. Sorabjee Shapurjee, who was permitted to cross the border unchallenged under the Immigrants' Restriction Act and who was brought under the operation of the Asiatic Law Amendment Act, to return, and trusts that the disputes outstanding between the Government and the British Indians will be amicably settled, and that the Government will be pleased to recognize the status of British Indians as part of the Empire, and give the community the rest and peace to which, in the humble opinion of this Meeting, it is entitled.

This was seconded by Mr. Parsee Rustomjee and carried.

RESOLUTION II

Mr. Geo. W. Godfrey moved:

This Mass Meeting of British Indians humbly prays that the Imperial Government will not sanction the Asiatic Voluntary Registration Validation Bill until the status of highly educated Asiatics and the repeal of the Asiatic Law Amendment Act of 1907 are secured.

Mr. N. A. Cama seconded and it was carried.

Indian Opinion, 29-8-1908

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APPENDIX XII

SPEECHES IN HOUSE OF LORDS ON TRANSVAAL INDIAN SITUATION BY LORDS AMPTHILL AND CURZON

The following are extracts from the Times *report of Lord Ampthill's speech in a Debate in the House of Lords on February 4, 1908:*

Lord Ampthill said he had given notice 'to call attention to the treatment of British Indians in the Transvaal, and to move for papers', and he thought that, in spite of the altered circumstances of the case, it was desirable that the compromise arrived at should not pass unnoticed in Parliament. He was sure the House would be willing to congratulate the Transvaal Government on their courageous and statesmanlike action.... He thought they might also congratulate the Indian natives in the Transvaal, because the courage, unity and consistency with which they had pursued their end were not less admirable than the moderation and modesty with which they had put forward their demands....No one...acquainted with the subject could doubt that the Indians were reasonable in their objections to these regulations....but he blamed His Majesty's Government for having allowed the situation to reach such an alarming pitch....Thus far the only explanation they had received from members of the Government was that it was impossible to interfere with a self-governing colony. He protested against the misuse of the word interfere; for if by interference was meant the insistence by the Mother Country on the rights of individual citizens of the Empire, we were as much justified in interfering with a self-governing colony as we were in interfering with foreign nations in such case, as we often did....why, then, was Indian slavery ignored? He used the term advisedly, for members of the Government and their supporters had defined as marks of slavery identification by finger-prints, inability to hold fixed property, and relegation to Compounds....Nobody denied the right of the Colonists to manage their own affairs, but they must remember that they were partners in a great Empire and that their interests must not be pursued in such a manner as to injure the other partners.

We had a right to insist that the Imperial point of view should be considered; and the Imperial point of view required that for the safety and honour of the Empire British citizens, whatever their colour, should be treated as such. British citizens ought not to be oppressed and degraded...If the Colonies were inadvertently to get us into trouble with India, they would do us as much, or even more, harm than if they got us into trouble with foreign nations....Therefore, it was the business of Imperial statesmanship to explain these considerations to the Colonies. Why was this not done at the Imperial Conference last summer, when all the Colonial Premiers were here? ....As to the registration of finger-prints, why did not His Majesty's Government refer to the Indian Government and ask what system was adopted there? Instead of that, they allowed the Transvaal Government to tell them what they thought the practice was in India; and the Transvaal Government told them wrong...In India the thumb

and forefinger of the left hand only were registered; the ten-finger system was confined in India to criminals alone. ... The attitude of His Majesty's Government was, first, timorous protest, and then reluctant assent to all that the Colonies did.

Extracts from Lord Curzon's Speech

The question came before us in India in a twofold aspect in relation both to Natal and the Transvaal. The Government of Natal...sent a deputation...to ask us to agree to the repatriation of [indentured] labourers.... We were willing...provided we could...secure the relaxation of the hardships...under which the free...Indian population of Natal then laboured.... the Natal Government declined to accept our proposals.... Your Lordships are all aware of the cruel and disabling restrictions...placed upon the Indian population in [the Transvaal]. They were one of the...causes of the war. As soon as the war was over we felt it our duty... to address the then Secretary of State upon the subject. ...A little later Lord Milner came to us with a request... for 10,000 and afterwards...20,000 [Indians] to inaugurate railway labour in the new possessions.... We agreed...and once again...used the position to endeavour to get better terms for the free Indians in the Transvaal. I am sorry to say that we failed.

... [the compromise] is one that seems...honourable to both parties .... the Blue-book...leaves a rather disagreeable taste in the mouth.... [The Transvaal Government] rushed through their anti-Indian legislation with...almost indecent speed. Secondly, there was failure...on the part of General Botha to act up to the undertaking...to find some method of identification superior to that of finger-impressions... (Hear! Hear!).... the system and method of finger-impressions that were proposed in the Transvaal were undoubtedly humiliating.... Then... there was a failure on the part of the Transvaal Government to distinguish...between... Indians of good social status and refined education and the Indians of lower class...whose competition really had to be feared. That is the charge...which we are justified in bringing against the authorities in the Transvaal. ...Well, we have now arrived at a settlement of the question; but I imagine that His Majesty's Government will be the last to argue that that temporary settlement is a final settlement of the question. I am sure that your lordships realize that this question is in reality about the most momentous and the most far-reaching which could possibly confront any body of statesmen.

Let me...state to your lordships...the Indian point of view.... the Indian coolie...sees that [he is] invited and even encouraged by our Government to emigrate ...to a colony which he enriches by his labour, and then society there appears to turn round upon him and treat him as if he were a pariah dog. He is penalized there, not for his vices, but for his virtues....And then the Indian remembers that...he has fought for the British Empire...and that it was largely owing to his efforts that Natal was saved. ...Now...he claims the full rights of citizenship of the British Empire. I do not think it is for us to blame him for that...it is, after all, the only basis upon which you will expect the loyalty of an Asiatic population to an alien rule to be permanently developed or maintained....

...The colonial point of view is entirely different. ...I realize that...in a way, it is quite unanswerable...if [the Colonist] is selfish it is only in the pursuit of...self-

preservation.... He declines to acquiesce in any system which will mean... a permanent lowering of the standard of life, and he feels... the danger of being confronted with an enormous black problem...and...a great brown problem as well...it appears that you have two forces...pulling in opposite directions within the framework of the same Empire....

In these circumstances what is the duty of the Government?... They can endeavour... to reconcile these opposing factors and principles...and anyhow... endeavour to work that there should be...no clash...between them....In the first place they can so see... that fair terms are invariably secured for the labourer or the emigrant when he goes out...and, should his return be desired, for his return when it is to come about. It is for the Government to see that a good bargain is made for its own subjects...and ... the bargain once made, to see that the terms are not hastily or rashly altered at a later date to the detriment of the man....Then...the Government ought to see that the restrictions imposed upon Asiatics are made as little vexatious as possible.... Then ... they ought to see that nowhere shall occur the painful situation of Indian gentlemen ...of character, respectability, and education, being treated as if they were common coolies...and herded together...with men of very much lower *status* and occupation than themselves. (Cheers.)....There is another suggestion which has been made—namely, that the Government should try to discover...some other field of emigration to which our Indian fellow-subjects may go, free from the disabilities and restrictions to which I have alluded...for my own part, it is one which I do not look upon with quite so much favour as some of the authorities who have taken it up. In any case I hope that the recent proceedings which have culminated in the victory... for our Indian fellow-subjects...may read a lesson...both to the Government of the Colony and to the Government which sits on the bench—a lesson to the Government of the Colony that it cannot afford to treat without the utmost consideration the rights of these immigrants...; a lesson to His Majesty's Government that they owe a duty just as great to the dusky millions of India as they owe to the white people of their own race in any colony of the British Crown. (Cheers.)

Indian Opinion, 7-3-1908

APPENDIX XIII

SOUTH AFRICA BRITISH INDIAN COMMITTEE

REVISED LIST OF MEMBERS

PRESIDENT

Lord Ampthill, G.C.S.I., G.C.I.E., &c.

MEMBERS OF COMMITTEE

Ameer Ali, Esq., C.I.E.; Sir S. C. Bayley, K.C.S.I.; T.J. Bennett, Esq., C.I.E.; Sir Mancherjee Bhownaggree, K.C.I.E.; Sir George Birdwood, K.C.I.E., C.S.I.; Sir Charles Bruce, G.C.M.C.; Sir William Bull, M.P.; Maj. Gen. Sir Owen T. Burne, G.C.I.E.; E. P. S. Counsel, Esq., LL.D.; Harold Cox, Esq., M.P.; Maj. Sir Wm. Evans Gordon; Sir Frederic Fryer, K.C.S.I.; Sir F. S. Lely, K.C.I.E., &c.; Sir Roper Lethbridge, K.C.I.E.; Ian Malcolm, Esq., J.P.; Sir William Markby, K.C.S.I.; Dadabhai Naoroji, Esq.; J. H. Polak, Esq. J.P.; L. W. Ritch, Esq.; J. M. Robertson, Esq., M.P.; Dr. V. H. Rutherford, M.P.; Sir Edward Sassoon, Bart., M.P.; Sir Chas. Schwann, Bart., M.P.; A. H. Scott, Esq., M.P.; T. Thornton, Esq., D.C.L., C.I.E.; Sir William Wedderburn, Bart.; Sir Raymond West, K.C.S.I.; The Rt. Rev. The Bishop of Southampton; The Rt. Rev. J. C. C. Welldon, Dean of Manchester.

EXECUTIVE COMMITTEE

CHAIRMAN: Sir Mancherjee Bhownaggree, K.C.I.E.

MEMBERS: Ameer Ali, Esq., C.I.E.; Harold Cox, Esq., M.P.; J. H. Polak, Esq., J.P.; J. M. Robertson, Esq., M.P.; A. H. Scott, Esq., M.P.; Sir William Bull, M.P.; L. W. Ritch, Esq.

Indian Opinion, 15-8-1908

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SOURCES

COLONIAL OFFICE RECORDS: Housed in the library of the Colonial Office, London; *vide* Vol. I, p. 349.

India: (1890-1921); a weekly issued every Friday by the British Committee of the Indian National Congress in London; *vide* Vol. II, p. 369.

INDIA OFFICE JUDICIAL AND PUBLIC RECORDS: Placed in the library of what used to be India Office. These comprise papers and documents relating to Indian matters with which the Secretary of State for India was concerned.

Indian Opinion: (1903-61); weekly issued on Saturdays; founded in Durban and later shifted to Phœnix. Had English and Gujarati sections and also, initially, Hindi and Tamil.

Jiwan Parodh: by Prabhudas Gandhi; Sasta Sahitya Mandal, New Delhi; 1954.

Mahatma Gandhijina Patro: ed. by D. M. Patel; Sevak Karyalaya; Ahmedabad; 1921.

Pretoria Archives: Records of the Government of South Africa in Pretoria, including those of the Prime Minister and the Governor.

Rand Daily Mail: A morning daily of Johannesburg.

SABARMATI SANGRAHALAYA: Library and Records containing documents relating to Gandhiji's South African period and Indian period up to 1933; *vide* Vol. I, p. 349.

The Star: Published every evening from Johannesburg.

The Sunday Times : Issued weekly on Sunday mornings from Johannesburg.

The Transvaal Leader: A morning daily of Johannesburg.

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CHRONOLOGY

(*January – August, 1908*)

January 1: Transvaal Immigrants' Restriction Act[1] (No. 15 of 1907) came into force. Mass meeting held at Surti Mosque, Fordsburg, to protest against TIRA and Transvaal Asiatic Registration Act[2] (Law 2 of 1907).

January 3: Gandhiji appeared in Johannesburg Court to defend Nawab Khan and Sumandar Khan prosecuted under TARA.

January 4: British Indian Association[3] informed Receiver of Revenues that, if Indian traders not registered under TARA were refused licences, they would trade without them.

Gandhiji pointed out in a letter to *The Star* that TARA rested on an unproved charge against Asiatics.

Smuts in speech at Mayville said that Indians had been misled by their leaders and declared that no Parliament in the country could repeal TARA.

After *January 4:* Gandhiji attempted unsuccessfully to see General Smuts regarding his speech at Mayville.

January 6: In interviews to *The Star* and *The Transvaal Leader* Gandhiji summed up Indian position against TARA.

January 8: Told Reuter that, if TARA was suspended, all Indians would be registered within a month.

Before *January 10:* Writing in *Indian Opinion*, reiterated Indians' determination to face imprisonment and deportation.

Gandhiji adopted the term "satyagraha" as Gujarati equivalent for passive resistance.

January 10: His last message to Transvaal Indians exhorting them to remain steadfast.

Assured *The Star* that Indians would register voluntarily if element of compulsion in TARA was withdrawn.

Addressed a meeting before his trial.

[1] Henceforth referred to as TIRA in brief
[2] TARA henceforth
[3] BIA henceforth

Tried and sentenced to jail for two months.

Declared, in final interview to *Rand Daily Mail*, that he had undertaken the struggle prayerfully and in all humility.

January 21: Cartwright met Gandhiji in jail and they agreed upon voluntary registration by Indians in return for repeal of TARA.

Addressed petition to Director of Prisons regarding Asiatic prisoners' diet-scale.

January 27: Public meetings held in Ahmednagar and elsewhere in India, protesting to Imperial Government against TARA.

January 28: Blue book on Transvaal Asiatic legislation published in London.

At meeting in New Reform Club, London, Sir W. Wedderburn declared that, since Imperial Government spent £3 million annually on defence of Transvaal, it had a right to demand that Transvaal Indians be treated in keeping with Imperial traditions. Sir M. M. Bhownaggree warned of an "Imperial danger" and M. A. Jinnah[1] said all Indians were united in their protest against humiliating treatment of Transvaal Indians.

Cartwright brought compromise letter drafted either by himself or General Smuts[2] to Gandhiji in jail. After amending it, Gandhiji signed it along with Quinn and Naidoo at 12-30 p.m.

At 2-30 p.m. Cartwright left for Pretoria to meet General Smuts.

At 5 p.m. Cartwright rang up to say General Smuts had accepted the terms of compromise letter.

January 29: Public meeting held at Bombay under chairmanship of His Highness the Aga Khan protested against TARA and appealed to Imperial Government to intervene and, failing that, to allow a retaliatory policy in India against South Africans.

January 30: Acting Assistant Colonial Secretary wrote accepting compromise letter.

Gandhiji escorted to Pretoria to meet General Smuts; settlement reached regarding voluntary registration and its validation.

Learnt from Chamney that legalization of voluntary registration by Asiatics being proposed under TARA.

[1] M. A. Jinnah had been appointed by Anjuman Islam, Bombay, "to proceed to England and there to place the position of the Transvaal Indians before the people of England and to do all in his power to create public opinion in favour of a settlement of the Asiatic difficulty in the Colonies". *Indian Opinion*, 11-1-1908.

[2] *Vide* footnote 1 on pp. 40 & 66.

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Unsuccessfully sought another interview with Smuts.

In interview to *Rand Daily Mail* and *The Transvaal Leader* discussed the "compromise" and his treatment in prison.

Addressed midnight meeting, a thousand strong, in precincts of Hamidia Mosque.

Formally released from prison.

Spoke at BIA meeting explaining settlement.

In interview to Reuter suggested that Asiatics with domiciliary rights be assimilated in future South African nation; agreed with Smuts that indenture system in Natal should be stopped.

January 31: All satyagrahis released.

In Press interview Smuts said that Asiatics could trade without licences pending legalization of compromise. Said that demand for repeal of TARA was preposterous and Indians had not persisted in it.

February ?: In Cape general elections South African Party led by Merriman returned to power.

February 1: Gandhiji wrote to Smuts against Government's intention to legalize voluntary registration under TARA and proposed that this be done by amendment of TIRA instead.

In interview to Press, refuted charge of organized surreptitious entry of British Indians, on which TARA was based.

February 2: Declared at BIA meeting in Johannesburg that, if violence was to be used against those giving finger-prints, he should be first victim.

February 3: Met General Smuts who in Chamney's presence repeated promise to repeal TARA if Transvaal Asiatics registered voluntarily.

G. K. Gokhale asked at meeting of Viceroy's Council if India Government were aware of "the depth and intensity of public feeling" at the "injustice and indignities" of Transvaal Indians. Replying for Government Findlay said that they sympathized with their Transvaal subjects and had reason to hope "current negotiations" would remove their "just grievances".

February 4: Lord Ampthill's call-attention motion in House of Lords. Lord Curzon also spoke.[1]

February 5: *The Times*, London, blamed Colonial Office for "lack of imagination" in not having urged Imperial interests on Transvaal

[1] *Vide* Appendix XII.

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Government and brought about a settlement earlier. It called for an agreed Imperial attitude in self-governing Colonies in matters of race.

February 5-6[?]*:* In course of public speeches and Press interviews, Smuts promised freedom from arrest for violation of TARA and unlicensed trade. The law would not be repealed meanwhile. A measure to validate such registration would, however, be introduced in Parliament when it met next. Announced that aim of compromise was to reduce Colony's Asiatic population.

February 8: Explaining procedure for voluntary registration in *Indian Opinion*, Gandhiji advised educated Indians not to exercise option in favour of affixing their signatures rather than finger-impressions on voluntary registration applications.

February 10: Voluntary registration began.

Gandhiji assaulted by Mir Alam Khan and others; appealed from his sick-bed at Doke's house that assailants be forgiven, and asked Asiatics to give their finger-prints voluntarily.

February 11: Dr. G. U. Pope died at Oxford.

February 15: "A Dialogue on the Compromise" published in *Indian Opinion*.[1]

February 22: Gandhiji wrote in *Indian Opinion* of February 22 and 29 explaining conditions under which he accepted compromise and clarifying Indian community's obligations; emphasized solidarity of Transvaal Hindus and Muslims.

Wrote to Smuts, enclosing Draft Bill to amend TIRA; suggested therein repeal of Peace Preservation Ordinance[2] and TARA.

February 29: Number of voluntary registration applications at Johannesburg rose to 3,400.

March 5: Gandhiji left for Durban to dispel widespread misunderstanding of compromise among Pathans and others.

Addressed public meeting under auspices of Natal Indian Congress at Durban.[3] Another attempted assault on Gandhiji, evidently by Pathans.

March 6: Met Durban Pathans who insisted that he had betrayed community; reported that this conciliatory meeting was a failure.

[1] In his *Satyagraha in South Africa* (Ch. XXIV) Gandhiji, however, says that he wrote this during his stay in Phœnix where he arrived some time after March 6.

[2] PPO henceforth

[3] Text of speech not available

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Left for Phœnix along with a "merry party" to "meet my family" after convalescence.

March 10: Sir Lepel Griffin died in London.

March 14: At dinner, said to be the first of its kind in South Africa, BIA gave gifts to whites who had helped in satyagraha campaign.

March 17: In Calcutta, Lord Minto declared that failure of crops in United Provinces had affected 50 million people. Famine conditions had developed in U.P. in September 1907.

March 18: Number of voluntary registrants in Johannesburg increased to 5,090.

March 21: T.J. Bennett, Proprietor-Editor of *The Times of India*, wrote to Lord Ampthill confirming representative character of Bombay meeting.[1] Men of all races including European merchants and officials exercised over question.

March 24: In Canada, Supreme Court nullified Government's deportation order on 146 Indians who had arrived by s.s. *Monteagle;* they were consequently released.

March 26: Lord Selborne speaking at Klerksdorp declared that "East is East: West is West" and that, because "white man's civilization is expensive", he could not compete with Indian trader. Suggested reservation of unoccupied portions of Empire for Asiatic settlement. British and Boer were equal partners in British Empire.

Before *March 30:* Dr. C. O'Grady Gubbins, Colonial Secretary, announced Natal Government's intention to enact legislation to discontinue immigration of indentured labour and to stop issue of licences to "Arab" traders after ten years.

March 30: Bill to amend Transvaal Gold Law published in *Government Gazette Extraordinary*.

April 6: H. S. L. Polak enrolled as attorney of Transvaal Supreme Court.

April 10: Transvaal Municipal Association passed resolutions saying that Natives and Coloured persons should be denied municipal franchise and right to own freehold land and made to live in Locations and trade in Bazaars.

[1] *Vide* entry for January 29.

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Before *April 12:* Meeting of Het Volk Congress urged that all Asiatics be moved into Bazaars. General Smuts hoped that Municipal (Consolidation) Bill would solve problem of "Coloured people living among whites".

April 19: Natal Agricultural Union protested against proposed stoppage of Indian immigration; declared Indian labour necessary for Natal's industries.

April 21: Strike in Indian Telegraph Service.

April 22: Sir Henry Campbell-Bannerman died.

Before *April 24:* Lord Ampthill asked that Oriental immigration to colonies be discussed at an Imperial Conference.

Before *April 25:* BIA wrote to Smuts protesting against draft amendment to Transvaal Gold Law.

Before *April 26:* At congress of Progressive Party, Sir Percy Fitzpatrick said he had no faith in "coercive legislation" and "race differentiation". He called upon the white man "to justify himself" and to "outwork the Native".

Before *April 27:* Gandhiji returned to Johannesburg from Phœnix[?]

April 30: Bomb incident at Muzaffarpur in India.

Last day for satyagrahi traders who had been carrying on unlicensed trade to take out licences. These were issued up to December 31 to voluntary registrants and up to June 30 for traders who had not so registered.

May 2: According to cablegram report, an Afghan lashkar about 20,000 strong crossed over into India; "unofficial war" began.

May 3: A bomb "factory" discovered in offices of *Navasakti.* Aurobindo Ghosh, formerly of *Yugantar*, and 50 others arrested.

Before *May 8:* Natal Bills published in *Government Gazette.*

Before *May 9:* Inter-Colonial Conference, precursor of National Convention, met at Pretoria to discuss inter-state railway and customs matters, but only passed six resolutions, moved by General Smuts and prescribing procedure for attaining immediate union. Sessions lasted less than a week.

May 9: Last date for voluntary registration by Asiatics; 8,700 applications received and 6,000 accepted.

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May 12: In telegram Chamney announced that all Asiatics entering Colony after May 9 should register under TARA. Gandhiji wrote to Smuts asking that this misunderstanding of compromise be clarified.

May 13: Transvaal Municipal (Consolidation) Bill gazetted. Bill envisaged empowering Municipalities to deal with traders and denying hawkers right of appeal to law Courts regarding administrative decisions on licences.

May 14: Gandhiji wrote to Cartwright saying his services as mediator might again be required.

Wrote to Lane saying that period of three months in compromise letter was never intended to apply to Asiatics returning to Colony or otherwise possessing right of re-entry; urged Smuts to accept voluntary registration of new arrivals and repeal Act.

Before *May 15:* Deputy Labour Minister Mackenzie King, who returned to Canada on April 26 after consultations about Indian immigration with Imperial Government, announced in Dominion Parliament that there was no "necessity of enacting any legislation either in India or Canada" to solve problem.

May 15: Lane wrote to Gandhiji saying Colonial Secretary could not depart from earlier decision.

Before *May 16:* Gandhiji met Cartwright; decision to interview Smuts taken.

Natal Mercury, *Times of Natal*, *The Star*, and the *Leader* deprecated Natal Bills.

May 16: In interview to *The Star* Gandhiji welcomed Natal Bill to stop indentured immigration; condemned other two Bills.

Following Smuts' emphatic refusal to extend voluntary registration facilities to Asiatics with domiciliary rights but entering after three-month compromise period, accused Smuts, in weekly newsletter, of "foul play" but still hoped latter would repeal TARA.[1]

May 17: Essop Mia, Chairman, BIA, assaulted by a Pathan.

May 18: Speaking at Y.M.C.A., Johannesburg, Gandhiji claimed that Coloured races were an integral part of the Empire and declared his faith in mission of British to raise subject races to equality with themselves.

[1] Cf. *Satyagraha in South Africa*, Ch. XXV.

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May 20: Writing in *Indian Opinion*, appealed to Pathan community to express disapproval of acts of violence by isolated Pathans.

Writing in his news-letter on assault on Essop Mia, declared that, if one lacked the requisite courage for satyagraha, one might use arms in self-defence.

In House of Lords, Lord Ampthill complained about "the inactivity of the Imperial Government [in the matter of Natal Bills] which have encouraged the Transvaal to imitate Natal... thus attempting to restore a tyranny worse than under the Kruger regime".

May 21: Gandhiji wrote to Smuts asking for public announcement of repeal of TARA.

May 22: *The Transvaal Leader* reported that the Government was preparing a Bill legalizing voluntary registration and excepting such registrants from TARA.

Lane replied stating General Smuts' inability to comply with above request.

Registrar of Asiatics wrote to BIA pointing out that introduction of minors into Colony by Asiatics punishable under TARA.

May 23: Chairman, BIA, replied that, since Indians had registered voluntarily in compliance with compromise, they considered TARA a dead letter and its enforcement, breach of compromise.

Gandhiji shown draft of Transvaal Asiatics' Registration Validation Bill by Cartwright.

May 26: BIA wrote to Colonial Secretary informing him of British Indians' decision to withdraw voluntary registration applications as the latter had gone back on his "compromise assurance."

Gandhiji, Bawazeer, Naidoo and Quinn wrote to Chamney asking for return of their voluntary registration applications.

May 27: Gandhiji explained situation at meeting of BIA Committee, which endorsed resumption of satyagraha.

May 29: Telegraphed Chamney asking for return of application forms.

Before *May 30:* Circular sent to BIA Town Committees instructing Indians to withdraw voluntary registration applications and informing them of resumption of satyagraha. Gandhiji repeated offer to defend satyagrahis free of charge.

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May 30: In letter to *Indian Opinion*, announced that satyagraha would be resumed.

Telegram from Chamney, in reply to Gandhiji's of 29th, to say that latter's draft Bill for amending TIRA had been misplaced and asking for another copy. This was sent.

Gandhiji wrote to Lane asking for permission to publish correspondence with Smuts between February 1 and 22.

Before *June 1:* Draft "Ordinance" to restrict Asiatic immigration into Southern Rhodesia gazetted.

June 1: Gandhiji informed over 'phone that Smuts had called Cabinet meeting to consider Indian issue; his reply would be sent on June 2.

Before *June 2:* Met Chamney at Winchester House.

June 2: Eminent white sympathizers met and reaffirmed support to Indian cause.

Question in Imperial Parliament whether His Majesty's Government intended to intervene in view of threatened breach of compromise and revival of Indian agitation.

June 4: Gandhiji invited to meet Smuts on June 6 to discuss new draft of validation Bill.

In another letter Lane refused permission to publish correspondence with Smuts.

June 6: Gandhiji met Smuts; discussed mode of validating voluntary registration, his draft amendment of TIRA and right of future Asiatic immigrants to voluntary registration. Smuts assented TARA was wholly bad and served no useful purpose. Emergence of disagreement about categories of Asiatics whose right of domicile was to be recognized under proposed legislation. Gandhiji asked for assurance of repeal of TARA, else he would move Supreme Court for return of applications.

Wrote to Cartwright asking him to persuade Progressives not to obstruct repeal of TARA.

June 12: Sent Smuts a telegram announcing decision to move Supreme Court for return of applications on advice of eminent counsel. Smuts asked him to an interview the next day.

Before *June 13:* Gandhiji wrote in *Indian Opinion* against Rhodesia Bill for compulsory registration of Indians.

June 13: Met Smuts who promised decision within a week; move to approach Supreme Court put off by a week at meeting of BIA Committee.

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In a letter, the same day, covering discussions, Gandhiji pleaded that any amendment of TIRA should protect rights of (1) pre-war refugees, (2) holders of £3 registration certificates and PPO permits; and (3) rights of would-be educated immigrants should not be jeopardized by compromise.

June 16: Repeal of TARA at instance of Imperial Government rumoured in Johannesburg Press.

June 19: Telegram asking Gandhiji to interview with Smuts next day.

June 20: Gandhiji met Smuts who asked to see him again on June 22 "to consider one or two minor points that remain".

June 22: *Leader* editorial, saying TARA would be repealed.

At meeting with Smuts, Gandhiji was shown draft amendment to TIRA—an "excellent Bill" for voluntary registrants, past and future—which, however, excluded the three categories[1] of persons and declared them prohibited immigrants. Gandhiji's proposal for referring educated Indians' issue to Supreme Court was turned down. Smuts also refused right of judicial review of voluntary registrants' claims rejected by Registrar of Asiatics. On Gandhiji's refusal to agree to these conditions, Smuts announced decision to retain TARA and amend it to validate voluntary registration.

In interviews and letters to Press, Gandhiji announced breach of compromise and his intention to move Supreme Court for return of applications for voluntary registration.

BIA Committee endorsed proposed test case in Supreme Court.

In Press statement explaining breakdown of negotiations, Smuts argued that compromise letter of January 29 did not mention repeal of TARA; he was, however, willing to repeal the Act provided Indians agreed to exclusion of the three categories of persons in amending bill. Since Gandhiji did not agree, voluntary registration would be validated by separate measure.

Before *June 23:* Aswat wrote to Chamney asking for return of application.

June 23: His petition for return of application filed in Supreme Court. Gandhiji and Essop Mia filed affidavits stating that Smuts had promised to repeal TARA.

[1] *Vide* entry for June 13.

June 24: Mass meeting in Johannesburg announced community's resolve to withdraw applications and reaffirmed resolution of September 11, 1906 not to submit to TARA.[1]

Sorabji Shapurji entered Transvaal to test right of educated Indians.

In India, Tilak arrested on charge of sedition for his articles in *Kesari*, entitled "The Country's Misfortune" of May 12 and "These Remedies Are Not Lasting" of June 12.

June 25: Chamney filed counter-affidavit.[2]

June 26: Smuts filed affidavit saying he had never promised to repeal Act.

Chamney filed another affidavit to same effect.

June 29: Gandhiji and Aswat filed replying affidavits reaffirming earlier declaration about Smuts' promise.

Before *July 2:* In weekly news-letter, Gandhiji declared that satyagraha was no longer struggle for self-interest but for rights of others—the three categories of "prohibited immigrants".

Burning of registration certificates—if "voluntary" applications were not returned—mentioned for first time as means of continuing satyagraha.

July 2: Aswat's petition rejected by Supreme Court.

Gandhiji wrote to Transvaal Press, releasing his correspondence with Smuts for publication.

July 4: In letter to *The Transvaal Leader*, Rev. Doke argued that Indians' campaign against TARA was fully justified.

Before *July 5:* Reported offer by Smuts, sent through white mediators, to concede right of entry to holders of £3 registration certificates and to provide for appeal to Courts against Chamney's decisions rejecting claims of voluntary registrants. In return, Indians were to agree to exclusion of educated Asiatics. Indians turned down offer.

July 5: Meeting in Hamidia Mosque considered situation arising from Supreme Court's ruling and decided to burn registration certificates following Sunday.

[1] *Vide* Appendix V.
[2] *Vide* Appendix VI.

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July 6: Chairman, BIA, wrote to Colonial Secretary urging legal rights of three categories of would-be Indian immigrants and explaining (1) that Association could not barter away rights of those it did not represent and (2) that Indians could not forgo services of educated fellow-countrymen in future. Also stated community's resolve to burn certificates on July 12.

July 7: Registrar of Asiatics instructed municipalities to demand thumb-impressions under TARA from Asiatic traders applying for licences. Gandhiji interpreted this to mean that Government wanted to bring voluntary registrants also under TARA.

July 8: Gandhiji appeared in Court to defend Sorabji Shapurji.

July 9: Chairman, BIA, wrote to Colonial Secretary (1) complaining that demand of thumb-impressions from Indian applicants for trading licences constituted breach of compromise and (2) saying that education test under TIRA could be made very severe. Meanwhile Indians would put off mass meeting of July 12 for burning certificates.

July 10: Johannesburg Court ordered Shapurji to leave Colony within seven days.

July 11: Gandhiji sought elucidation of Smuts' offer[1] from Cartwright.

July 14: Cartwright confirmed Smuts' offer over telephone.

In letter to Cartwright, Gandhiji estimated number of holders of £3 Dutch registration certificates at 1000. Repeated willingness to refer educated Indians' issue to Supreme Court and to accept a severe education test but not one along racial lines, and announced his determination to carry on satyagraha. Denied Smuts' charge that he had accepted £2 from each Muslim voluntary registrant.

July 15: Report in *The Star* that settlement of Asiatic question was probable.

July 16: Chairman, BIA, wrote to *The Star* announcing decision of eminent Indians to take to unlicensed hawking as "protest and penance".

Hawking without licences began.

Lord Milner, speaking on "Closer Union" at Royal Colonial Institute, London, suggested promotion of interdependence within Empire to increase understanding and reduce anti-racial prejudice in colonies.

[1] *Vide* entry dated "Before July 5".

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July 20: Ebrahim Ismail and Suliman Bagas tried and sent to jail as unlicensed "hawkers".

Gandhiji appeared in Court to defend Sorabji Shapurji; Shapurji sentenced to a month's hard labour under PPO, not TIRA.

Indians wishing to enter Court assaulted by police.

Addressing meeting outside Court, Gandhiji asked traders to court arrest by trading without licences as protest against proposed deprivation of educated Indians' rights.

Affidavits filed by Polak and others complaining of Police misbehaviour.

Speaking at mass meeting, Gandhiji exhorted Indian traders not to affix thumb-impressions on their licence applications under TARA. Wrote that "burning of registers is postponed for time being but their collection need not be".

July 21: Bawazeer, Chairman, Hamidia Islamic Society, arrested for hawking without licence.

July 22: Gandhiji appeared in Court to defend Bawazeer and others. Ratanji Laloo's appeal dismissed in Supreme Court. In judgment, Justice Solomon said Asiatics might be admitted under TIRA education test.

Four hundred out of 800 Indian hawkers reported to have taken out licences under TARA.

Imperial Government announced they had instructed Lord Selborne not to assent to Rhodesian Asiatic legislation pending consideration by Secretary of State for Colonies.

In India, Tilak sentenced to six years' transportation and fine of Rs. 1,000.

July 23: Indian traders all over South Africa observed hartal as a mark of respect for Bawazeer.

In Cape Town and Durban, meetings passed resolutions protesting against sentences on Transvaal satyagrahis.

In Turkey, Sultan Abdul Hamid accepted restoration of parliamentary government.

July 26: Gandhiji spoke at mass meeting, held to felicitate Imam Bawazeer and other satyagrahis on their release.

More "voluntary" certificates and hawkers' licences handed over to BIA for burning.

July 27: Harilal Gandhi arrested for hawking without licence.

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Gandhiji shown a copy, by Hosken, of Asiatic Voluntary Registration Bill—"a fraudulent bill" which equated voluntary registrants with those who had submitted to TARA and did not provide for the three categories of persons.

July 28: Gandhiji appeared in Court to defend Harilal Gandhi and others.

Harold Cox asked in House of Commons whether H. M. Government understood, in Shapurji's case, test of desirability to be "one of race or of education".

July 31: In Imperial Parliament, Colonel Seely said self-governing colonies might exclude whomsoever they liked but must give those admitted full rights.

Deputation, introduced by Sir Charles Bruce and including Sir Muncherjee, Harold Cox, G. K. Gokhale and Ritch, placed before Lord Crewe the grievances of Indians in Transvaal, Natal and Rhodesia.

Before *August 1:* Gandhiji wrote, in *Indian Opinion* that, "after great deliberation, Tilak's views on British rule" should be rejected. It would be "harmful, even useless" to use violence to "uproot British rule".

Chinese Association decided to adopt Indian satyagrahis' methods. Chairman Quinn and other Chinese began hawking in Johannesburg.

Before *August 8:* In letter to *Indian Opinion*, Gandhiji explained that "it was part of Harilal's education to go to gaol for the sake of the country".

Speaking at Vereeniging, Lord Selborne declared that Imperial Government were bound to protect rights only of pre-war Transvaal Indians.

Before *August 10:* At meeting of Progressives at Witbank, Stent, Editor *Pretoria News*, referred to TARA as "unfair legislation" which Government could not enforce. Said Smuts would again be beaten in controversy by Gandhiji.

August 10: Gandhiji defended Harilal Gandhi in Court.

Addressing meeting after trial, declared that selling of satyagrahi traders' goods instead of sending them to jail was "legalized robbery" and that Smuts was responsible for "suicide of the Chinaman and death of young Mr. Naidoo".

Learnt that Progressive Party would oppose repeal of TARA.

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August 11: *Transvaal Leader* editorial described "the harrying of the Asiatics" as "part of a deep statesman-like plan"; "we have sought earnestly for the statesmanship; and we are a little tired."

Bill to validate voluntary registration of Asiatics published in *Government Gazette*.

August 12: In interview to *The Transvaal Leader*, Gandhiji explained that proposed bill to validate voluntary registration violated terms of compromise. It did not repeal TARA, nor did it specifically exempt voluntary registrants from scope of Act. It required minors and fresh entrants to register under TARA.

A *Daily Telegraph* correspondent wrote, as quoted by Ritch, that "there was no doubt that the Government intended to repeal Registration Act.... In fact, the Registrar of Asiatics read him some of the more important provisions of the Act... [as] approved of by Mr. Smuts".

August 12-13(?)*:* Dawad Mahomed, Parsee Rustomjee, Anglia, Randeria and other Durban leaders entrained for Johannesburg to test their domiciliary rights in Transvaal.

August 13: Petition to Transvaal Legislative Assembly reiterating that proposed Bill violated compromise.

August 14: Gandhiji wrote to Smuts appealing to him once more to respect compromise, accept his amendment of TIRA or to meet Indian leaders with a view to a settlement; failing that, certificates would be burnt following Sunday.

Wrote to George Farrar, Leader of Opposition, detailing his objections to validation Bill.

August 16: Addressed mass meeting in Johannesburg which resolved to oppose TARA; registration certificates burnt.

August 18: Went to Pretoria at General Smuts' invitation to meeting attended by Botha and Smuts and members of Progressive Party. Government offered to alter validation Bill saying specifically that TARA would not apply to voluntary registrants and minors.

August 19: Gandhiji visited Sorabji Shapurji in prison.

August 20: Meeting held to consider modified version, proposed by Government, of validation Bill.

Gandhiji wrote to Lane incorporating following demands of meeting: (1) repeal of TARA; (2) entry of educated Indians under

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severe education test; (3) release of prisoners and reinstatement of Shapurji. The "letter of ultimatum" so called.

August 21: In Transvaal Legislative Assembly, Asiatics' Voluntary Registration Validation Bill withdrawn on Select Committee's recommendation. A new bill, Asiatics' Registration Amendment Bill[1], "which contains [practically] everything we wanted", was read.

Second reading of ARAB in Legislative Council and third reading in Legislative Assembly.

Gandhiji said in interviews to *The Transvaal Leader* and *The Star* that new Bill fell short of the terms proposed by Asiatics, and that passive resistance, "a state of suffering", would be resumed.

August 22: Third reading of ARAB in Legislative Council.

August 23: Mass meeting in Johannesburg in which more registration certificates were burnt. Mir Alam, Gandhiji's assailant, and other Pathans admitted their error and resolved "to fight to the end". In his speech, Gandhiji deprecated Sir Percy Fitzpatrick's hint that there might be racial conflict in Colony.

August 24: Chairman, BIA, wrote to Colonial Secretary asking Government once more, "on the eve of a fierce struggle", to give the relief sought by Asiatics.

August 27: Dawad Mahomed and other Natal Indian leaders arrested in Anjuman Islam Hall, Pretoria.

August 28: Natal Indian leaders deported from Pretoria; Gandhiji along with others saw them off at railway station.

August 30: Addressed meeting of British Indians at Hamidia Mosque.

[1] ARAB henceforth

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NOTE. *Names of persons have all been indexed under the last name. The following abbreviations have been used throughout:* BIA = *British Indian Association;* NDLA = *Natal Dealers' Licenses Act;* PPO = *Peace Preservation Ordinance;* SABI Committee = *South Africa British Indian Committee;* TARA = *Transvaal Asiatic Registration Act;* TARAB = *Transvaal Asiatics' Registration Amendment Bill;* TAVRV Bill = *Transvaal Asiatics' Voluntary Registration Validation Bill;* TIRA = *Transvaal Immigrants' Restriction Act;* TMCB = *Transvaal Municipal (Consolidation) Bill;* TVL = *Transvaal.*

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[1] Most entries under these headings apply to Chinese also in relation to TARA and compromise.

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