

## 1. JOHANNESBURG

Monday [April 11, 1910]

### SENT TO DELAGOA BAY

Mr. Achary and 37 other satyagrahis were sent from Pretoria to Delagoa Bay on Saturday. Six of them were certainly not satyagrahis. I cannot say whether they have become so by now. All of them who bear Tamil names are satyagrahis. Thus, the Tamils have been keeping the flag of satyagraha flying. I have given the Tamil names in the English section<sup>1</sup> and therefore do not give them here.

### SHIPS REFUSE

I reported in the English section<sup>2</sup> last week that some ships had refused to carry those persons who have been deported. I cannot say how far the report is true. But it appears that they have failed to get a ship so far. If India exerts sufficient pressure, no ship will dare carry the deportees. There is strong reason to believe that those who have been deported this time will rouse the whole of India to protest.

### CHETTIAR<sup>3</sup>

[He] was today ordered to be deported and was taken to gaol. Mr. Chettiar is about 55 years of age. He suffers from a chronic ailment, and yet he is facing deportation with the utmost courage. He is to be deported to Natal, from where he will return immediately.

### OTHER ARRESTS

Mr. Chinan Diala<sup>4</sup> and Selmar Pillay were arrested and they, too, have been ordered to be deported.

<sup>1</sup> *Vide* "From 'Transvaal Notes' ", 12-4-1910

<sup>2</sup> *Vide* "From 'Transvaal Notes' ", 4-4-1910

<sup>3</sup> V. A. Chettiar, respected old Chairman of the Tamil Benefit Society, who had been arrested on April 5. *Vide* "Transvaal Notes", *Indian Opinion*, 9-4-1910.

<sup>4</sup> *Vide*, however, "Transvaal Notes", *Indian Opinion*, 16-4-1910, where the name given is Anandi Alvar.

## KARODIA

The case against the two Karodias<sup>1</sup> has been withdrawn. One of them was charged with using a false permit and the other with making a false affidavit.

The police had spared no pains in preparing for this case. They had called the Immigration Officer at Durban, Mr. Moosa Hajee Adam and others as witnesses; however, the case was withdrawn at the last moment.

The fact is that some Indians, out of spite, had made an affidavit and also induced someone else to make another against the two brothers. Later they felt sorry for what they had done. They found it very difficult to prove, their statements, for there was ample evidence to show that Mr. Karodia had lived in Johannesburg before the War. I think the Government withdrew the cases in order to protect the persons who had given the affidavits.

Mr. Karodia does not intend to leave the matter here, but will approach the Attorney General for relief in order to make an example of the men concerned and prevent similar things from happening to other prominent persons.

## WHETHER COLOURED PERSONS CAN STAY

In Johannesburg, many title-deeds contain a provision to the effect that the landowners cannot permit Asiatics or Coloured persons other than servants to stay on their lands. This is so in Norwood [also]. A certain white bought a stand there. Later, he discovered that at several places there were Coloured persons staying. He filed a suit against the company to have his title-deed nullified on this ground. The magistrate decided against the company. The case was taken higher up. The Supreme Court has now ruled that, notwithstanding the provision in the title-deeds, the company cannot be held responsible. The owner of a stand can, if he chooses, file a suit against any person who permits Coloured persons to stay [on the stand]. Accordingly, the Coloureds will stay where they are, for the present at least. We must now wait till there is another suit; its outcome is anybody's guess. The saying, "having survived a moment of danger, we may live to be a hundred years", might come true in this case.

<sup>1</sup> Messrs Karodia Brothers, well-known Indian merchants of Johannesburg; *vide* "Letter to Attorney General", 14-4-1910

## LORD SELBORNE

The miners gave a dinner to Lord Selborne. Speaking on the occasion, he gave a warning to the whites that, if they were not careful and persisted in their unjust treatment of the Cape Coloureds, the consequences would be unhappy. Men would arise from among them who would become leaders of the Kaffirs. Lord Selborne thought that this was the biggest problem facing South Africa.

These views call for some comment. It does not appear that in saying this Lord Selborne was actuated by concern for the welfare of the Coloured people; he said it only because he feared the emergence of a leader from among them. Their sincere well-wishers, however, should welcome the rise of such leaders—the more the better—and encourage them.

## RAILWAY REGULATIONS

The General Manager, the Assistant Manager, Mr. Bell, Mr. Cachalia and Mr. Gandhi met today. After a discussion lasting nearly an hour and a half, the draft which the Association had forwarded was accepted with some modifications.<sup>1</sup> The General Manager stated that he would recommend to the Railway Board the withdrawal of the Regulations which had been promulgated and that [new] regulations would be framed in terms of the draft as approved by him. According to the draft-agreement, there will be no discrimination in law on the ground of colour. The existing provision that Indians can travel only in the third class will be deleted and the former position will be restored.

## CAUTION TO INDIANS

This will be a welcome change, no doubt. That it has come about shows that the Indian community is not to be trifled with. But the Indian community's responsibility will also increase. There will, of course, be no difficulty if we bear ourselves with dignity; should we, however, forget ourselves, difficulties will certainly arise and discriminatory regulations will be introduced.

## SHOP HOURS REGULATIONS

These Regulations are again to be modified. The most important change will be that European hotels will be allowed to remain open up

<sup>1</sup> *Vide* Appendix "Letter from General Manager, C.S.A.R., to Gandhiji", 11-4-1910.

to 12 midnight, whereas Asiatic hotels will have to close at 6 p.m. I do not see that we can do much to protest against this discrimination; all the same, the Association has written<sup>1</sup> to the Colonial Secretary about it.

#### ROW AMONG KANAMIAS

Kanamia<sup>2</sup> friends had their fill of fighting. They went at one another on a public road, a large number of whites watching the scene. Three of them sustained serious injuries. The brawlers got a bad name, and the Indian community as well, to some extent. Fighting has brought no benefit to either party. Benefit there will be only for the Government and lawyers. Both the sides have engaged lawyers and it seems, from the way they talk, that money will be spent like water.

The story that has been circulated by newspapers is that this was a dispute between satyagrahis and their opponents. Mr. Cachalia has therefore addressed a letter<sup>3</sup> to newspapers, pointing out that the quarrel had nothing to do whatever with satyagraha.

I wish to say a few words to the Kanamias. I know, and everyone knows, that they are strong of arms; they are making a big mistake, however, if they imagine that such brawls add to their reputation. The reason for the quarrel is of no account. I am not interested in finding out who is to blame. I only know that the fighting has helped neither side. However, those who are in love with physical strength and want occasions for its use would do well to employ it, not for purposes of revenge but in defence of others.

Moreover, those who would fight, must fight it out to the last, be the end death or victory. To start a fight and then go to a court of law is cowardice twice over. To use violence against anyone is cowardly enough, but going to a court is much worse. If a man, after having fought, goes to a court, he will prove himself fit for nothing.

Duelling survives to this day in all parts of Europe, except England. The idea behind it is that two persons actually fight with each other in order to prove himself in the right and the one who is defeated is considered to have lost his point. It is not open to these persons to go to a court of law [subsequently]. I must admit that, from the point of view of those who approve of violence, this is an excellent

<sup>1</sup> *Vide* "Letter to Colonial Secretary", 12-4-1910

<sup>2</sup> Muslims from Kaman, in Central Gujarat

<sup>3</sup> *Vide* "Letter to the Press", 8-4-1910

practice.

But those who know that it is better to die than to kill, they know best; they have conquered all. This is the Indian way.

[From Gujarati]

*Indian Opinion*, 16-4-1910

## 2. FROM "TRANSVAAL NOTES"

*Tuesday [April 12, 1910]*

The following were transferred to Delagoa Bay on Saturday, the 9th instant:<sup>1</sup> Messrs Veera Pillay, S. Manikam, N. G. Pillay, N. K. Pillay, Govinda Chetty, Joe Chinanan, Mootu Moonian, David Solomon, Moonosamy Paul, Moonosamy Chellen, Nurisumu Appen, Tommy Govindasamy, Letckey, Abhie Naidoo, John Edward, T. A. S. Achary, C. Narainsamy, R. C. Peter, L. Morgan, Chella Pather, R. Moonosamy, John Lazarus, David Marrian, Francis Baker, Albert Baker, K. Chinasamy Pillay, H. V. Jackson, M. Jimmey, E. M. David, L. Govindasamy, D. Arumugam, Willie Lazarus, S. Moonosamy, Veerasamy Naidoo, Goolam Mahomed, Jiram Vallab, Noor Ali, and Rathanjee Ranchhod. Of these I am not sure that the last four are passive resisters, but they may have become such after coming into contact with the fine body of men in the Pretoria Police Barracks.

*Indian Opinion*, 16-4-1910

## 3. LETTER TO DIRECTOR OF PRISONS<sup>2</sup>

[JOHANNESBURG,]

*April 12, 1910*

SIR,

I have the honour to acknowledge the receipt of your letter No. 1459/10/247 of the 9th instant regarding the general treatment of Indian passive resisters in prison.

The submission of my Association is that the selection of Diepkloof Prison where alone the limitation of three months as regards visitors and letters prevails, is deemed by the Asiatic communities to show an intention to impose hardships additional to those warranted by the punishment awarded by the Magistrates to passive resisters.

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

<sup>2</sup> This letter, presumably drafted by Gandhiji, was signed by E. I. Aswat, Acting Chairman, British Indian Association.

With reference to the omission of ghee from the Indian dietary, my Association is aware that the Prison Governors have chosen the present scale. The fact, however, stands that the revision of the scale has resulted in the deprivation of an article of diet which was given to Indian prisoners in most of the prisons of the Transvaal, and which is an article especially needed by British Indians. In the humble opinion of my Association, the Prison Governors have taken no note of idiosyncrasies in deciding upon the revised scale.

*Indian Opinion*, 16-4-1910

#### 4. LETTER TO GENERAL MANAGER, C.S.A.R.

JOHANNESBURG,  
*April 12, 1910*

SIR,

On behalf of Mr. Cachalia and myself, I beg to thank you for your letter<sup>1</sup> of the 11th instant, containing a summary of [the] understanding arrived at yesterday between your Department and Mr. Cachalia and myself representing the British Indian Association. The summary given by you correctly sets forth the position; and, on behalf of my colleague and myself, I beg to tender our thanks to you for the conciliatory manner in which you have met the representations of my Association in the matter of the gazetted regulations which have formed the subject matter of the correspondence between your Department and my Association.

Whilst I acknowledge that the smooth working of the arrangement will depend upon the self-restraint that may be exercised by the British Indians it is no less dependent upon the tact and the goodwill of the officials in charge of the regulation of passenger traffic. In conclusion, I trust that the Transvaal and the Orange River Colony Governments and the Railway Board will accept your recommendation, and that the regulations complained of will be repealed and replaced by those set forth in your letter under reply.

*I have, etc.,*  
M. K. GANDHI  
HON. SECRETARY,  
BRITISH INDIAN ASSOCIATION

From a photostat of the original: Cd 5363; also  
*Indian Opinion*, 16-4-1910

<sup>1</sup> *Vide* Appendix "Letter from General Manager, C. S. A. R. to Gandhiji", 11-4-1910.

## 5. LETTER TO COLONIAL SECRETARY<sup>1</sup>

[JOHANNESBURG,]  
*April 12, 1910*

SIR,

With reference to the Shop Hours Bill published in the Government *Gazette*, my Association respectfully protests against the distinction drawn between the closing hours of European restaurants and those of Asiatic eating-houses;<sup>2</sup> and, as it cannot be of serious importance to the Government if the same privileges are allowed to the keepers of Asiatic eatinghouses, my Association trusts that the differentiation will be removed.

*Indian Opinion*, 16-4-1910

## 6. LETTER TO J. X. MERRIMAN

21-24 COURT CHAMBERS,  
CORNER RISSIK & ANDERSON STREET,  
JOHANNESBURG,  
*April 13, 1910*

DEAR MR. MERRIMAN,

I am taking the liberty of sending you a copy of *Indian Home Rule* which is a translation by me of a Gujarati booklet<sup>3</sup> I wrote during the return voyage. Busy though you are, I hope that you will find time to go through it; and if you could favour me with your opinion on it, I should greatly appreciate it.

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

THE RT. HON. JOHN X. MERRIMAN  
CAPE TOWN

From a photostat: Gandhiji's Letters to Merriman. Courtesy: South African Library, Cape Town

<sup>1</sup> This letter, presumably drafted by Gandhiji, was signed by E. I. Aswat, Acting Chairman, British Indian Association.

<sup>2</sup> *Vide* "Johannesburg", 11-4-1910

<sup>3</sup> *Hind Swaraj*

## 7. LETTER TO ATTORNEY GENERAL

[JOHANNESBURG,]

April 14, 1910

SIR,

Messrs M. A. Karodia and A. A. Karodia were some time ago arrested, the one on a charge of having obtained a registration certificate under false pretences, and the other on a charge of having made a false affidavit. After two remands, both cases were withdrawn, without any evidence having been given on behalf of the Crown. Messrs Karodia Brothers are well-known British Indian merchants in Johannesburg. To this day, they do not know upon what evidence the charge was brought against them. Their arrest caused no little surprise amongst the Indian community, and no little pain to themselves. They were fully prepared, as they are now, to meet the charges brought against them. That they are merchants of standing is a fact well known to the Asiatic Department. They feel, that, if they allow the proceedings against them to end, after the withdrawal of the charges, neither they nor their fellow-merchants could consider themselves safe from similar arrest. In the circumstances, they request that the names of the deponents on whose evidence the warrant was granted and their affidavits should be handed to them. And they respectfully desire also that the Government will be pleased in future to use judicious discretion in obtaining warrants of arrest against Indians of standing.

*Indian Opinion, 23-4-1910*

## 8. SUBSTANCE OF LETTER TO L. W. RITCH

[After April 14, 1910]<sup>1</sup>

In connection with this matter, Mr. Ritch writes to inform us that he has received a letter from Mr. Gandhi, stating that the excuse for sending these men to India is that they refused to give finger-prints to identify themselves with their certificates, which documents were already filed with the Registrar. He explains that the excuse is invalid, because most of these men have already been to gaol as passive resisters, and are consequently known to the authorities. He adds that deportation for refusal to give finger-prints is illegal, the punishment provided for the offence being imprisonment and not deportation, and confirms the report that many of the deportees were domiciled in South Africa.

*India, 13-5-1910*

<sup>1</sup> The reference is to the fifty-nine Indians deported on 14-4-1910; *vide* "Johannesburg", 18-4-1910



## 9. TAMIL SACRIFICE<sup>1</sup>

The arrest of Mr. Chettiar, the fifty-five-year-old Chairman of the Tamil Society, puts the finishing touch to the glorious work that is being done by the Tamil community in the Transvaal on behalf not of themselves but of the whole Indian population throughout South Africa. Nearly one hundred Tamils are now under custody, either undergoing imprisonment at Diepkloof or awaiting deportation, which, for many reasons, is much worse than imprisonment. There is hardly a Tamil left in the Transvaal who has not suffered imprisonment in the course of the passive resistance struggle. Mr. Chettiar himself has been now arrested for the third time, his son, as we have already remarked, for the seventh time. These brave men have reduced themselves to poverty and have sacrificed literally their all for the sake of the national honour and their sacred oath. It has become such a common occurrence for Tamils to be arrested that it excites no curiosity and attention. Mr. Chettiar, who was at one time in flourishing circumstances, has now become a pauper. We have seen some of the receipts for the jewellery which has been sold in order to provide for the household. In view of sacrifices such as these, he must be a godless person who would for one moment doubt that a community that can boast such heroes can ever fail to attain its goal.

*Indian Opinion*, 16-4-1910

## 10. THE LATE MR. WOODHEAD

In the death of Mr. Woodhead, the Indian community of Natal has, along with the European, sustained a severe loss. The late gentleman, who met with such an untimely end the other day,<sup>2</sup> had held a responsible position on the editorial staff of *The Natal Mercury* for a period of 28 years. During the time that he was Managing Editor, the *Mercury* has in all matters relating to the Coloured communities of the Colony, maintained a high standard and has on many occasions struck the note of warning against race hatred and colour prejudice. It is fitting that the various Indian associations<sup>3</sup> of

<sup>1</sup> *Vide* also "Well Done, Chettiar!", 16-4-1910 and Letter to Director of Prisons", 19-4-1910

<sup>2</sup> He was run over by a motor car on April 11, 1910.

<sup>3</sup> The Natal Indian Congress, the Durban Indian society, etc. *Vide* "Death of Mr. Woodhead", *Indian Opinion*, 16-4-1910.

Durban have expressed their sense of sorrow and loss, and we join with them in offering our deepest sympathy with the widow and children of the departed journalist.

*Indian Opinion*, 16-4-1910

### 11. G. K. GOKHALE'S SERVICES

The Hon'ble Professor Gokhale has rendered an invaluable service. He has always helped us, but his work in the Legislative Council is a very precious achievement. The resolution that he moved<sup>1</sup> for the prohibition of indentured labour and the speech he made<sup>2</sup> on the occasion are worth reading. The latter gives a vivid account of the condition of Indians in all parts of South Africa. The speech has evoked appreciative comments even from English newspapers. We see that he advocated the prohibition of indenture on the ground that it was [in its very nature] an evil thing. That is as it should have been.

Prof. Gokhale was followed by other Indian members. We propose to give translations<sup>3</sup> of all the speeches in the issues that will follow. They will show to all readers how profound has been the effect of the Transvaal campaign.

Prof. Gokhale certainly deserves thanks for what he has done. We hope public bodies in all the Colonies will shower resolutions of thanks on him.

We gather from the newspapers that the whole of India gives credit for this achievement to Mr. Polak. At the conclusion of the meeting, congratulations were offered to him.

[From Gujarati]

*Indian Opinion*, 16-4-1910

<sup>1</sup> On 25-2-1910, *vide* "Debate in the Viceroy's Council", *Indian Opinion*, 9-4-1910.

<sup>2</sup> *ibid*

<sup>3</sup> Not reproduced here. For speeches by others including Dadabhai Naoroji and M. K. Jinnah, *vide* "Debate in the Viceroy's Council", *Indian Opinion*, 16-4-1910.

## 12. TRANSVAAL PARLIAMENT

Indians had hoped that the Transvaal Parliament would do something; that was our hope, too. However, it is now clear that it will do nothing to make a settlement possible. How can we expect a settlement? The weakening of the Indian community has raised further hopes in the Transvaal Government. It thought that if it waited longer, all the Indians would quietly surrender. We are sure that it is because of this calculation that nothing is being brought forward in Parliament. This does not dishearten us. We do not want to obtain anything by misrepresenting facts. We rely on our own strength. There are some strong men who in any case will fight till death, so that the ultimate victory of Indians is not in doubt. When we shall celebrate that victory depends upon how many of us put forth our strength.

[From Gujarati]

*Indian Opinion*, 16-4-1910

## 13. WELL DONE, CHETTIAR!

Even the Indians who have given in will have their hair standing on end if they read Mr. Chettiar's case. He is an elderly man and the leader of the Tamil community. He has served two terms of imprisonment. His son has been to gaol a number of times; now he has been ordered to be deported to India. Mr. Chettiar has worked hard from outside without fear of being arrested. He has been arrested now. He has paid no attention to his ailment. He has lost all his wealth. Every hair on his body thrills with the determination to die for the sake of honour, for the sake of the motherland and the pledge, rather than surrender. He is installed in Marshal Square, a smile on his face. We hope every Indian, old or young, big or small, will be infected by Mr. Chettiar's spirit and be proud of his name.

[From Gujarati]

*Indian Opinion*, 16-4-1910

#### 14. SHOULD LORD GLADSTONE BE HONOURED?

Lord Gladstone will shortly arrive here as Governor-General of South Africa. Indians in all the Colonies must be wanting to know whether or not we should honour him.

Considering our situation from every point of view, we think it will not be proper for us to honour Lord Gladstone. Whom can we honour in a land in which we ourselves are despised? What honour can we give to the representative of a Government which refuses justice to us? This is one line of thinking.

On the other hand, there is the argument that if we are not afraid of demanding our rights, it is because the British flag flies over this land. We want to live in amity with the people of this country. We want to protect our honour. He who insists on being respected himself will always respect others. He who values self-respect will never be rude to others. In honouring the representative of the Emperor, we shall only be honouring ourselves. This is another line of thinking. According to this, we see nothing wrong in presenting an address to Lord Gladstone as a matter of courtesy. Giving an address, not by way of flattery but by way of courtesy, can be justified. Whether or not an address is justified will depend upon the attitude behind it.

[From Gujarati]

*Indian Opinion*, 16-4-1910

#### 15. JOHANNESBURG

*Monday [April 18, 1910]*

RELEASED

Perumal and Mr. Govindsamy were discharged last week after six weeks of imprisonment.

FAKIRA AND OTHERS

The brave Mr. Fakira was arrested again last Saturday. He was tried today and ordered to be deported to India. He is determined to return from India immediately.

Mr. Naransamy and Mr. Kistapa were arrested today. Besides these, Messrs Dayal Ramji, Cassim Ibrahim, Vally Adam, Isa Adam and Odav Bhikha have been ordered to be deported. These five are not

satyagrahis but they could not prevent their arrest and deportation.

CHETTIAR

Messrs Chettiar, Morgan and Francis were sentenced to three months on the 15th.

SHELAT RETURNS

Mr. Shelat is already in the Transvaal. He has been arrested, and his case will come up on Tuesday.

59 DEPORTED

How sad it is that Indians, sent to India, have to be treated as having been deported. However, we cannot help so describing the 59 Indians who were sent to India by the *Umhloti* on the 14th instant. No ship has so far agreed to carry these brave men to India. Some of the young Indians who have been sent away were born in this country, some have lived here from their childhood and some have left their families here. Some, moreover, are residents of Natal or, being educated, are entitled to go over there. It is the extreme limit of tyranny that all these men have been sent away to India. Many of these Indians had taken out voluntary registers. I am sure that all of them will return in a very short time.

Some of these men fell ill in Delagoa Bay. Mr. Samy Krister had to be removed to hospital. It is our good fortune that, despite this, not a single Indian is dispirited.

[From Gujarati]

*Indian Opinion*, 23-4-1910

16. LETTER TO DIRECTOR OF PRISONS<sup>1</sup>

[JOHANNESBURG,]

April 19, 1910

SIR,

Mr. V. A. Chettiar, who is an elderly member of the Indian community and is Chairman of the Tamil Benefit Society, has been for the third time sentenced to be imprisoned as a passive resister. This time he has been sentenced at Volksrust, my Association believes, with

<sup>1</sup> This letter, presumably drafted by Gandhiji, was signed by A. M. Cachalia, Chairman, British Indian Association.

hard labour. I venture to draw your attention to the fact that Mr. Chettiar has a constitutional disease, and that at Johannesburg the Magistrate imposed only light labour. My Association is not aware what is being done with Mr. Chettiar at Volksrust, but, as he is hardly able to walk the distance that he will probably have to cover between Johannesburg and Diepkloof on his removal ultimately to Diepkloof, I beg to draw attention to the information I have given above, and to hope that suitable precautions will be taken, so that Mr. Chettiar's health may not suffer. According to the information received by my Association, Mr. Chettiar is still at Volksrust Gaol.

*Indian Opinion, 23-4-1910*

### 17. THOSE DEPORTATIONS

Never has a steamer leaving the South African shore for the Indian carried a more precious human cargo than that carried by the *Umhloti* last week. That ship has sailed with some sixty passive resisters unlawfully deported to India from the Transvaal under an administrative order based on the flimsiest evidence and from which there is no appeal to the usual courts of that Colony. Who are these passive resisters? They are most of them men who have been voluntarily registered, and are all domiciled in the Transvaal. Most of them have served their imprisonment as passive resisters. Some of them are lads born in South Africa. Some are domiciled also in Natal, and some have a right to enter Natal or the Cape on the ground of possessing educational qualifications. And many have left families behind them. These families, but for the timely assistance from India, would be starving.

And why have these men been deported? We were told at one time that those who were voluntarily registered would not be deported. But now the Asiatic officials have discovered that they can get rid of voluntarily registered passive resisters also. These men are called upon to produce their certificates. They say they have burnt the documents. Then they are asked to give their signatures and finger prints. These the passive resisters naturally decline to give. Now both these omissions—the omission to produce the certificates and the one to give signatures, etc.—are crimes carrying a high penalty. But the zealous officials do not wish to adopt the regular course of prosecuting the men. They assume that the men have no certificates at all and, therefore, insist on their deportation under an administrative

inquiry. They contend that if they do not follow this course, any Asiatic may pretend that he has been voluntarily registered and thus “merely go to gaol”. There is a double fallacy in this argument. For the man who so pretends, still goes to gaol, and having gone to gaol, he has to give finger impressions which ensure detection of any such pretension. And if an examination of finger impressions should betray the man, he would be liable to be committed for perjury in addition to an order for deportation. Moreover, the above argument cannot hold water, seeing that such well-known stalwarts like Messrs Chettiar and Quinn<sup>1</sup> have also been deported. The policy clearly is to subject passive resisters to a treatment such that they cannot bear it. We shall see what success attends the efforts of the Asiatic Department.

*Indian Opinion, 23-4-1910*

### 18. JOURNALISTS' DUTY

We find the following report in a newspaper received from India.

The manager and the editor of the *Gujarat Patra*, published from Nadiad, had been served with a notice by Mr. Chakravarti, the District Magistrate of Kaira, under section 124 of the Indian Penal Code, to show cause why they should not be prosecuted. When the case came up for hearing at Anand before the District Magistrate, it was stated by the defendants' advocate, Mr. Maganbhai Chaturbhai Patel, B.A., LL.B., that the matter in respect of which the notice had been issued was a translation of an English letter and that the respondents had no unlawful intention in publishing it. At the same time, he expressed regret for [the publication of] the matter whereupon the notice which had been issued was withdrawn.

We are sorry for the manager and the editor. What happened to them may now happen to any other newspaper. A time may come when here, too, the same condition will prevail. However, we see that just now it is not so, with the result that the full force of what we say cannot be appreciated. It may appear somewhat presumptuous for a man who is not himself caught in a fire to write anything about those who are. However, some general comments will not be considered out

<sup>1</sup> Chairman of the Transvaal Chinese Association; *vide* “The Supreme Court Case”, 7-5-1910

of place on this occasion.

We think the editors of all such newspapers, which do not run with a commercial motive but only with a view to public service, must be prepared to face extinction at any moment. It is obvious that all newspapers do not come within the scope of this rule, but only those which aim at public service by advocating reforms in the Government or among the people or in both.

What should an editor do when something he has published displeases the Government or is held to violate some law, but is none the less true? Should he apologize? We would say, certainly not. True, he is not bound to publish such matter, but once it has been published, the editor ought to accept responsibility for it.

This raises a very important issue. If the principle we have laid down is correct, it follows that, if any provocative writing has been published unintentionally and no apology is offered for the same, the newspaper will in consequence be prevented from rendering other services as well and the community will go without that benefit. We would not, therefore, apply this principle to matter published unintentionally, but it should apply to what is published after full deliberation. If a newspaper runs into difficulties for publishing any such matter, we think the closing down of the newspaper will be a better service to the public. The argument that in that case one may have to face the confiscation of all one's property and be reduced to poverty has no force. Such a contingency may certainly arise, and it was precisely for this reason that we said that the editor of a journal devoted to public service must be ever ready for death.

Let us take one or two obvious illustrations. Suppose that in a certain region there obtains the cruel practice of *kanya-vikraya*<sup>1</sup>. A reformer starts a newspaper there and writes strongly against this practice. Those who follow the practice are angry with him and decide to outcaste him if he does not apologize. We are sure the reformer ought to go on writing against offering girls in marriage for a price, even if he has to face total ruin or be outcast for that, and, when he is left without a single pie, he should close down the newspaper; he must not apologize, whatever happens. It is only by such conduct that he can prepare the ground for rooting out the practice.

Let us take another illustration. Suppose that the Government

<sup>1</sup> Demanding a price for a girl (offered in marriage)



has committed a gross injustice and robbed the poor. A progressive newspaper is being published in such a place. It writes against the oppressive measure and advises the people to disregard the unjust law of the Government. The Government takes offence and threatens confiscation of property if no apology is forthcoming. Should the reformer apologize? We think the reply is again the same, that he should stand the confiscation of his property and close down the newspaper but certainly not offer an apology. The people would then see that, if the reformer could lose his all for their sake, they should also in their own interest oppose the law. If the reformer should apologize, the effect on the people would exactly be the reverse of this. They would know that the man would not be concerned overmuch even if their houses were on fire, that, from a safe distance, he would only indulge in meaningless declamations. When he himself ran into trouble [they would say], he meekly retired. And so they will think of doing likewise and resign themselves to the inevitable. They will thus argue themselves into greater weakness. It is, therefore, clear in this instance that the best service that the reformer can render will be to stop the newspaper.

[From Gujarati]

*Indian Opinion*, 23-4-1910

### 19. "AS ONE SOWS ONE REAPS"

We all know this saying, but most of us go the opposite way and desire the reverse of what we do. Stay-at-homes, we want to be wealthy. Though we eat too much, we will have no indigestion. We would not work, but hope to have all our desires fulfilled. We deserve hell for our deeds, but wish to go to heaven. In newspapers from India, we come across accounts of the miserable condition of the *bhangis*<sup>1</sup> and other castes. These castes are despised by some so-called civilized Indians. The Maharaja of Baroda has passed an order for the admission of members of these castes to public schools. Some Indians, claiming to belong to higher castes, have protested against this and are putting difficulties in the way of the Maharaja. This is how we behave as a nation, and yet we do not want to pay the price for this and would not submit to the treatment meted out to us in South Africa. How can

<sup>1</sup> Scavengers

we escape [retribution]? Recently, an Indian judge<sup>1</sup> in Madras made some severe remarks [on our behaviour]. He does not mind, he says, our kicking up a row about South Africa, but complains that we look down upon our own people, think ourselves defiled by their touch, keep them at a distance from us and grind them under our heels; he wants to know why we do not seek to remedy this state of affairs. “Why do we not, instead of lashing out at the whites, rain lashes on our own backs?” he asks.

We have no answer to this charge. True, we can say something for ourselves. But we do not think it necessary to say it here.

To be sure, Indians in South Africa must take a lesson from their present condition. They must realize that it would not do for them, on returning to India, to treat the *bhangis* with contempt. If those who have been putting difficulties in the way<sup>2</sup> of the Maharaja Gaekwar are representative specimens of high-caste Hindus, a time will come when birth in a *bhangi* family will confer great honour. The contemptuous attitude of the [caste] Hindu towards the *bhangis* and others is a striking illustration of the length to which man is carried by pride and selfishness. We should like every wise and decent Hindu to pray, “O God! Save me from this pride and this selfishness”, and to be granted the strength to fight this tyranny.

[From Gujarati]

*Indian Opinion*, 23-4-1910

## 20. LETTER TO MILLIE GRAHAM POLAK

April 24, 1910

MY DEAR MILLIE,

Henry is a tender flower. The slightest breeze ruffles his spirits. You and I divide him. When he is in such a mood, you can make him happy and to a lesser degree I. But alas! he can just now have neither you nor me. The publication and confiscation of the little book of mine have disconcerted him a bit.<sup>3</sup> There is no occasion for it. I have

<sup>1</sup> K. Srinivas Rao, Sub-judge, presiding at a meeting at Tuticorin; *Vide* “The Beam in India’s Eye”, *Indian Opinion*, 23-4-1910.

<sup>2</sup> In the matter of his admitting children of the *bhangis* to public schools; *vide* “Retribution”, *Indian Opinion*, 23-4-1910.

<sup>3</sup> Gandhiji’s book *Hind Swaraj* had been declared seditious and proscribed in India; *vide* “Johannesburg”, 13-3-1910, “Preface to “Indian Home Rule”, 20-3-1910 and “Our Publications”, 7-5-1910.

written to him at length. And then the wretched pecuniary business. He gives me the position of an elder brother and yet would not be content with my taking over the pecuniary burden. I wish you would not discuss money matters with him at all. You may do all that when you are together again. Let me alone have all your pecuniary needs. He has enough to occupy his attention besides worrying about money matters which he hates.

The farm idea is still progressing. Hosken has offered a portion of his farm. If this thing comes off, I may shift very soon. It promises to be a mighty thing if it comes off.

I was sorry to learn about Mater's and Celia's trouble. It seems useless to inquire after a lapse of a month as to how they are getting on.

From what you say, it is evident that winter has not in any way affected Waldo.

With love to you all,

BROTHER

From the original: Gandhi-Polak Correspondence. Courtesy: National Archives of India

## *21. PETITION TO TRANSVAAL LEGISLATIVE ASSEMBLY<sup>1</sup>*

*April 25, 1910*

1. Your Petitioner has read a private Bill to amend certain laws relating to the Municipality of Pretoria, and to confer further powers upon the Council thereof.

2. Your Petitioner, on behalf of the Association, respectfully protests against Section 5 of the Bill, in so far as it relates to the application of certain Regulations of Towns, dated the 25th day of October, 1899, to the Pretoria Municipality, inasmuch as these Regulations constitute an attack on the rights of British Indians, among others, in respect of the use of side-walks.

3. Your Petitioner therefore prays that this Honourable House will be pleased to remove from Section 5 the portion herein before referred to, or grant such other relief as to it may seem meet. And for this act of justice and mercy, your Petitioner will, as in duty bound, for ever pray.

*Indian Opinion, 30-4-1910*

<sup>1</sup> This petition, presumably drafted by Gandhiji, was sent over the signature of E. I. Aswat, Acting Chairman, British Indian Association.

## 22. LETTER TO G. K. GOKHALE<sup>1</sup>

JOHANNESBURG,  
April 25, 1910

DEAR PROFESSOR GOKHALE,

In answer to my cable<sup>2</sup> of the 6th December last, you cabled inquiring what funds were required, and in my replying cable I stated as follows:

Present requirements thousand pounds. Expect imprisonment before end month. Much more required later.

On the same day, I wrote to you<sup>3</sup> how the funds are being dealt with. In that letter, I told you that the debt incurred in conducting Phoenix by me personally was paid out of the amount received from you. This covers over £1,200. I gave you also the following approximate summary of monthly expenses:

Office here	£50
Office London	£40
<i>Indian Opinion</i>	£50
Distressed families	£25

In your letter replying to mine, you were good enough to inform me that the expenses were in order.

In view of the certainty of prolongation of the struggle yet for some considerable time, it is necessary for me to give you a resume of receipts and expenditure, and of the events to date. The monies obtained to date since December last are as follows:

	£	s.	d.
From Bombay	4,253	3	4
From Rangoon	750	0	0
From London	135	8	2
From Mozambique	50	0	0
From Zanzibar	59	3	6
From Lourenco Marques	11	12	0
From Natal	8	16	0
Local	1	7	7
	<u>5,269</u>	<u>10</u>	<u>7</u>

The Bombay fund is divided into two parts—£3,914-10-0 has

<sup>1</sup> A Gujarati translation appeared in *Indian Opinion*, 7-5-1910.

<sup>2</sup> Not available

<sup>3</sup> Vide "Letter to G. K. Gokhale", 6-12-1909

been sent to be used for carrying on the struggle generally, and £338-13-4 has been earmarked for relief of distress among the passive resisters or their dependants. These instructions have been closely followed. The remittances from Rangoon as also from London have, like the earmarked fund from Bombay, been devoted to the relief of distress only.

Your letter, as also Mr. Petit's, has left the expenditure to my discretion, and I have considered it best to avail myself of that latitude. The funds are banked to a separate account, called the Passive Resistance Fund Account, in the Natal Bank, Johannesburg. So far as the Bank is concerned, I alone operate upon them. No special and formal committee has been organized, nor are the funds treated as part of the British Indian Association Account. The British Indian Association covers a wider range than that of passive resistance. Disbursements are made in consultation with or subject to the approval of Mr. Cachalia, who is the President of the British Indian Association, and other passive resisters.

The Phoenix debt represented a personal debt incurred by me from European friends and clients by reason of the necessity of having to continue *Indian Opinion* under somewhat adverse circumstances and at a loss in the interests of the struggle. I have devoted to the continuance of *Indian Opinion* and the establishment of Phoenix all my earnings during my last stay in South Africa, that is, nearly £5,000. I derive no pecuniary benefit from Phoenix, the support of my family and myself being found by a European friend<sup>1</sup>. Those Europeans and Indians who are my co-workers at Phoenix receive as a rule only what they need, and are practically under a vow of poverty. Certain alterations have been made in the management of Phoenix, which I am glad to be able to say have so far enabled the continuance of the paper without the monthly assistance referred to in my letter. The Committee in London is being financed on a most economic basis. I have to make the same remark in connection with the offices here. The expenditure [up] to the 20th instant is as follows:

Local Expenses	374	11	8
London Office	175	15	0
Relief of Distress	449	11	11
Relief apart from Distress Fund	50	0	0

<sup>1</sup> Hermann Kallenbach

<i>Indian Opinion</i> Debt	1,200 0 0
Total	<u>£2,249 18 7</u>

This leaves a balance of £3,019/12/-. The monthly expenses for relieving distress have, however, as you see, gone forward, and, whereas, in the month of December only £25 was paid, on the present basis it comes to nearly £160 per month, over fifty families receiving support. Local expenses, besides the carrying on of the office here, include travelling expenses of passive resisters from Durban, etc., as also cables and such other disbursements. The above expenditure covers a period of four months and a half. Excluding relief expenditure and the item for the *Indian Opinion* debt, the average monthly expense is nearly £133. The expenses for supporting distressed families are bound to increase as time passes. I, therefore, put them down at £200 per month. The average monthly expense then may be put down at £333. The balance of £3,019/12/- may thus be exhausted about the month of January next.

Nearly £50 is being paid towards rent due by the families in distress. We have, therefore, been considering the advisability of removing them to a farm, where women as well as men could do something to earn a living, and where we should probably be able to save half of what is now being paid for relief. There was the difficulty about a capital outlay on a farm. Mr. Cachalia, others who were out of gaol and I were even prepared to risk that outlay in the hope of being able to sell the farm, if necessary, at the close of the struggle, but a large outlay will probably not be required, as a European friend has offered to buy a farm and place it at the disposal of the passive resisters during the continuance of the struggle, free of charge.<sup>1</sup> This very generous offer has been almost accepted and by the time this letter is in your hands, he may have secured a suitable farm, in which [case] all the distressed families and I should be living together on the farm.

The expenses detailed above take no note of relief that is being granted privately by individuals.

The estimate I gave you of active passive resisters I now see was an under-estimate, and many whom I did not consider would come forward are now either serving imprisonment or have been deported. The Authorities have been of late very active in effecting arrests,

<sup>1</sup> *Vide* "Letter to H. Kallenbach", 30-5-1910

particularly of the brave Tamils, than whom no [other] Indians have done better in connection with the struggle. These brave men have time after time courted imprisonment. There are over thirty at present at the Diepkloof Gaol, which is a penal settlement, in which the regulations are more severe than in the other prisons of the Transvaal. Nearly sixty have been deported by the *Umhloti* and over thirty may be deported any day, orders for deportation having been already made. I cannot write about these deportations with sufficient restraint. All these men are domiciled in the Transvaal; some of them are domiciled also in Natal; some, again, have a right to enter Natal, being able to pass the education test imposed under the immigration law of that Colony. Some are mere lads born in the Transvaal or other parts of South Africa, and many have left behind them families that have been reared in this country. I come into constant touch with the brave wives, sisters or mothers of the deported men. I once asked them whether they would like to go with the deported to India, and they indignantly remarked: "How can we? We were brought to this country as children, and we do not know anybody in India. We would rather perish here than go to India, which is a foreign land to us." However regrettable this attitude of mind may be from a national standpoint, the fact remains that these men and women are rooted to the South African soil. Many of these men before the struggle commenced earned a decent living. Some of them had stores, some were trolley-contractors, and others were hawkers, cigar-makers, waiters, etc., the employees earning a minimum wage of £6 and a maximum of £15, whereas the trolley-contractors and others who followed an independent calling earned as much as from £20 to £30 per month. All these are now reduced to poverty, and their families receive from the Passive Resistance Fund the barest sustenance money. I may mention for your information that it was stated at one time by the Government that those who were voluntarily registered in the Transvaal as many of these deported men are, were not deported at all, and that those who were domiciled in parts of South Africa other than the Transvaal were deported to such parts and not to India. Both these declarations have been falsified, the excuse given being that these men refuse to supply identification particulars and to prove domicile. The first excuse is invalid, because the refusal to supply identification particulars is itself a criminal offence, and these men, seeing that they were voluntarily registered, could have been proceeded against under the special section that deals with refusal to supply identification

particulars. There was no occasion to treat them as unregistered Indians and thus deport them. The second excuse is equally invalid, in that those who were entitled to enter Natal stated that they were domiciled there and those who had a knowledge of a European language did not need to bring forward any proof. In my opinion, the fact is that, having failed to break the proud spirit of the brave Tamils, the Asiatic Department has now embarked upon a plan of extermination, and of taxing our pecuniary resources to the uttermost. Be that as it may, I think that I am quite correct in assuring you and, through you, the public in India, that neither these men, nor their wives, mothers nor sisters, as the case may be, are likely to succumb in any appreciable measure.

I hope that the Motherland will not rest so long as the insult offered to her in the Transvaal legislation that we are fighting has not been removed, and that we shall continue to receive the support that has been hitherto extended to us.

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

From the typewritten original signed by Gandhiji: G. N. 3799; also  
*Indian Opinion*, 7-5-1910

### 23. LETTER TO DIRECTOR OF PRISONS<sup>1</sup>

[JOHANNESBURG,]  
*April 26, 1910*

SIR,

Some of the passive resisters recently discharged from Diepkloof have brought to the notice of my Association complaints and information which, in the interests of humanity, my Association feels bound to place before you.

Mr. Sorabji, who has suffered imprisonment again and again, was on the 26th October last, together with Mr. Medh<sup>2</sup>, sentenced to a

<sup>1</sup> This letter, presumably drafted by Gandhiji, was signed by E. I. Aswat, Acting Chairman of the British Indian Association.

<sup>2</sup> Leading Natal Indian satyagrahi, *vide* "Notable Discharges", 30-4-1910



further term at Volksrust. Mr. Sorabji states that during this last imprisonment at Volksrust, he was roughly treated by a warder named Nell. The previous time that he had gone to prison, he was, under medical orders, specially put on light labour, and he was called upon to carry no heavy weight. But, on the occasion in question, on the day of sentence, before medical examination had taken place, Warder Nell ordered Mr. Sorabji to water plants, in the doing of which he was called upon to fill full with water two five-gallon buckets and to carry them to some distance, a task which the Native prisoner with whom he and the other Indians were made to work could do only with some difficulty. Warder Nell knew Mr. Sorabji during his previous term of imprisonment, and knew also that, under special medical instructions, he was put upon very light labour, and his task chiefly consisted in store-work, keeping an account of clothing and distributing it. Mr. Sorabji was working under another warder named Oberholster, who did not mind Mr. Sorabji taking his own time and only half filling the buckets. At 2 o'clock that day, Warder Nell came and insisted upon Mr. Sorabji filling the two buckets full. The latter protested and said that the warder knew him and knew also that the Medical Officer had last time put him upon light labour only. He also drew the warder's attention to the fact that he was suffering from rupture and dislocation of one of his arms and from acceleration of the heart. The warder took no heed, and still insisted upon Mr. Sorabji carrying the buckets and watering the plants. This he was obliged to do up to the time he was able to see the Medical Officer, that is, for two days. Upon his bringing the matter to the notice of the Medical Officer, instructions were at once given to the effect that he was not to be put upon any heavy work and that he was not to be made to carry any weight. Warder Nell, evidently wishing to be spiteful, brought a charge of breach of discipline against Mr. Sorabji, and the latter was tried before the Magistrate. The breach of discipline consisted in Mr. Sorabji's having drawn attention to his condition, and his having, as was alleged by the warder and denied by Mr. Sorabji, said to the former "Leave me alone. You are causing trouble for nothing." Mr. Sorabji cross examined the warder, and related the whole of the incident to the Magistrate, who, however, said that he was not trying the question of the work that was entrusted to Mr. Sorabji, but that he was simply trying the question of breach of discipline; and punished him with spare diet. It is worthy perhaps of remark that, as the Medical Officer had ordered only light labour for Mr. Sorabji, the latter was given by

the same warder the dirtiest work to do, namely, the cleaning of the water closet. Mr. Sorabji desires me to state that he had no objection, as a passive resister, to doing the work, but my Association considers it to be its duty to bring the matter to your notice.

On removal from Volksrust, Mr. Sorabji was accompanied by Messrs Medh and Harilal Gandhi. The three were handcuffed together, and marched from the gaol to the station, a distance of over a mile. They were, in spite of the handcuffs, made to carry their own bundles, which were fairly heavy, as they contained, in addition to their personal clothing, books also, and they had to carry things belonging to the warder in charge and one blanket each. They were marched from Park Station to the Fort in the same manner.

With reference to the condition at Diepkloof, Messrs Sorabji and Medh, who have been just discharged, confirm the statements made by other discharged men as follows: The Medical Officer continues to be entirely callous to the avoidable sufferings of the prisoners. Once, Mr. Thambi Naidoo, who is still at Diepkloof, and who, my Association considers, is one of the bravest men and certainly incapable of lying, complained to the Medical Officer that the prisoners were suffering from partial starvation; whereupon, he called Mr. Naidoo a liar. Mr. Medh often complained that he was losing weight, and that he should have the quantity of the food increased and the quality improved, but the Medical Officer laughed at his complaint and turned a deaf ear. When Mr. Medh had lost over twenty-five pounds, he complained to the Deputy-Governor, and it was only on the 1st April, that is, during the last three weeks of his imprisonment, that the quantity was increased. Most of the prisoners complain that they lose in weight, but the change in diet is not ordered until the Medical Officer considers that they have lost more weight than they need have. The usual remark made by him is that no harm is done to the prisoners if they lose somewhat in weight and throw off what he calls superfluous fat. The Medical Officer used often to remark to the prisoners that they were getting fat on the Government rations. In the humble opinion of my Association, under treatment such as this, the lot of Indian passive resisters at Diepkloof is being made unnecessarily hard. The fact that out of 72 Asiatic prisoners, 18 had to receive an increase in diet shows that the present scale is perilously low both in quantity and quality. The approach of the cold weather makes my Association nervous as to the health of these prisoners, who, deprived of the ordinary fat in their

diet to which they are accustomed, will suffer very seriously.

The discharged men also complain that, whereas, last winter, the articles of clothing included a stout shirt, this time it has not yet been allowed, and the prisoners have already begun to suffer from the absence of this article of clothing. My Association is not aware whether this change has been made throughout, but, even if it has on grounds of economy or otherwise, my Association hopes that Indian prisoners, who belong to a much warmer country, will not be deprived of the long-sleeved shirts to which they have always been used. My Association understands that this complaint has been brought to the notice of the Governor, as also of the Medical Officer, but they informed the prisoners that the change was made by the Government. The prisoners complain also of the fewness of the blankets. Diepkloof Prison, which is built with corrugated iron only and which is without any ceiling-board, being on high ground, is very cold, and three blankets, which may be sufficient in the stone-built prison at Volksrust, are undoubtedly not enough cover for the British Indian prisoners at Diepkloof. My Association ventures to draw your attention to the fact that, at Volksrust, all the Indian prisoners were allowed, even during warm weather, besides three blankets and matting, a bed-board and a pillow. The two latter articles are not given to the prisoners at Diepkloof. Messrs Sorabji and Medh, who have had experience at Houtpoort and Volksrust, mention that at both these places during winter time four blankets were supplied to British Indian prisoners; and they add that, at Houtpoort, four blankets were ordered by yourself, when you visited the gaol there and the passive resisters complained.

One very painful incident, too, is reported by Messrs Sorabji and Medh. There is an Indian prisoner at Diepkloof, who is over 60 years old. He pleaded before the Medical Officer for a shirt and an extra blanket, but that officer point-blank declined to grant relief.

My Association ventures to trust that the matters herein set forth will receive your urgent and careful attention.

*Indian Opinion*, 30-4-1910

## 24. NOTABLE DISCHARGES

Messrs Sorabji and Medh, who are among the stalwarts of passive resistance, were discharged on Saturday last. Both have served more than twelve months' imprisonment. Both are educated and both have sacrificed their all for the honour of India. Mr. Sorabji laid the foundation of the second stage of the struggle and Mr. Medh was among the first batch of Natal Indians who entered the Transvaal in order to test their rights as British subjects. Both have suffered much during their incarceration. Mr. Medh has lost heavily in flesh. But both have gained in moral strength, in soul-power. Their material loss is the community's gain. We congratulate these servants of India and wish them enough strength to go through what more may be in store for them.

*Indian Opinion*, 30-4-1910

## 25. THE PRETORIA MUNICIPALITY<sup>1</sup>

This notorious municipality keeps up its reputation for waging war against Colour. A private Bill introduced during the last session of the Transvaal Parliament seeks to perpetuate the Town Regulations of the Boer regime which prevent the use of footpaths by Natives, Coloured people and Asiatics. The British Indian Association of the Transvaal has done well in formally protesting against the Bill.<sup>2</sup> It contains, as it ought to, a clause to the effect that it will not come into force unless and until His Majesty has expressed his pleasure not to disallow it. Lord Crewe has now an opportunity of showing that he is ready to protect the unrepresented classes in South Africa from insult and molestation. But the ultimate court of appeal is and must be the people themselves who are affected by hostile legislation.

*Indian Opinion*, 30-4-1910

## 26. THE £3 TAX AGAIN

The Government have notified Indians who are liable to pay the annual poll-tax of £3 that by re-indenturing they may avoid payment of the tax, and they have notified the women who are so liable that

<sup>1</sup> *Vide* also "Pretoria Municipality", 30-4-1910

<sup>2</sup> *Vide* "Petition to Transvaal Legislative Assembly", 25-4-1910

they could avoid the tax by showing the Magistrate of their district sufficient cause for avoidance. On the face of it, the notice seems to be in the interests of the men and women concerned. But in reality, it is nothing of the kind. The notice as to the men is totally for the benefit of the employers of Indian labour. It was for them that the change in the law was made. For, the employers had to pay higher wages in order to enable the Indians who were liable to the tax to discharge it. A complacent Government have, therefore, met the employers by exempting from payment Indians who may be employed by them. So that the notice is in effect a warning to the unfortunate Indians to re-indenture or to pay the tax.

As for the women, the less said about the disgraceful affair the better. After the humiliating surrender to the clamorous party in the Assembly, we could expect nothing better from the Government than the insulting notice to the women. Their womanhood should either prove sufficient cause for non-payment or none other could. If their sex do not protect them, they must re-indenture in the same way as men. We hope, however, that not a single Indian woman would do anything of the kind.

*Indian Opinion*, 30-4-1910

## 27. PRETORIA MUNICIPALITY

The Pretoria Municipality has never been known to behave better than like the garbage-removing body that it is. It has earned a name for its hostility to the Coloured people. It would seem to have come into existence just to make things go hard with them. In the last session of the Transvaal Parliament, too, this Municipality dealt a blow to the Coloureds. A private Bill sponsored by it seeks to provide that Coloured persons should not use footpaths. "Coloured" will include Cape Boys and Asiatics. The British Indian Association has done well to send a petition<sup>1</sup> against this. It will also be necessary to send a petition to Lord Crewe. Let us see what he and Lord Morley say [in reply]. But it must always be borne in mind that our ultimate appeal lies only to ourselves. Is it possible that the Pretoria Indians will agree to avoid footpaths and walk on the roads?

[From Gujarati]

*Indian Opinion*, 30-4-1910

<sup>1</sup> *Vide* "Petition to Transvaal Legislative Assembly", 25-4-1910

## 28. LETTER TO G. K. GOKHALE

JOHANNESBURG,

May 2, 1910

DEAR PROFESSOR GOKHALE,

I am sending you a public letter<sup>1</sup> addressed to you. After due deliberation, I thought that it was the best thing for me to do. The letter has been handed to the Press here,<sup>2</sup> and I take it that you will publish it on your side also. The letter, too, enables me to inform all the contributors. I have now heard from Mr. Petit that Mr. Tata approves of the expenses incurred by me in connection with *Indian Opinion*. Your letter, to which I have alluded in the accompanying, had already relieved me of anxiety on this score, but it is as well that I have received specific approval from Mr. Tata also.

I do hope that my action in publishing *Hind Swaraj* in Gujarati and now the translation in English does not in any way affect the struggle that is going on in the Transvaal. The opinions expressed by me in the booklet are personal to me. Though they have been matured in the course of the struggle, they have nothing to do with it at all, and I trust that you will be able, should any prejudice arise against myself personally or the pamphlet, to keep the merits of the struggle entirely separate from me. The views expressed by me in *Hind Swaraj* have not been formed without much thought and consideration. Mr. Polak has passed on the typed copy to you. I am not sending you the printed copy because, as the Gujarati is confiscated, I suppose the same thing applies to the translation.

If you have had the time to go through the typed copy, I shall esteem your opinion. The booklet has been widely circulated here. Much criticism has been received. There appears today in *The Transvaal Leader* a signed criticism, which I am asking Mr. Polak to forward to you.

I am not answering the personal part of your letter of December. I simply felt that it was my duty to lay my views before you, which I have done. It is not for me now to argue. Should I ever

<sup>1</sup> Vide "Letter to G. K. Gokhale", 25-4-1910

<sup>2</sup> It was reproduced in *Indian Opinion*, 7-5-1910.

have the privilege of meeting you personally, I shall certainly again press upon your attention some of the views I hold so strongly, and which it appears to me are perfectly sound. Meanwhile, with the hope that you have entirely recovered from your malady, and that you will be long spared for the service of the Motherland, I can only remain,

*Yours sincerely,*

M. K. GANDHI

THE HONOURABLE PROFESSOR GOKHALE  
BOMBAY

From a photostat of the typewritten original signed by Gandhiji: G. N. 3800

*29. LETTER TO GENERAL MANAGER, C. S. A. R.<sup>1</sup>*

[JOHANNESBURG,]

*May 2, 1910*

SIR,

Messrs F. A. Moolla and Suliman Kako, of 9 Jubilee Street, Johannesburg, were travelling on the 25th ultimo from Trichardts to Ermelo. On boarding the train, they could not secure seats. They held second-class tickets. They mentioned the matter to the conductor, who said that he would find them seats. Station after station passed by, and they met the conductor, but no seats were provided until the train reached Breyten. At Breyten, Mr. Moolla told the conductor that he would be reported, and the latter said that, in that event, Mr. Moolla would not be allowed to take a seat at all, and went away. Mr. Moolla and his companion, however, took their seats in the compartment that had been pointed out to them. My Association trusts that you will be good enough to inquire into this matter.

*Indian Opinion, 14-5-1910*

<sup>1</sup> This letter, presumably drafted by Gandhiji, was sent over the signature of A. M. Cachalia, Chairman, British Indian Association.

### 30. JOHANNESBURG

*Monday [May 2, 1910]*

#### JOSEPH ROYEPPEN

Messrs Joseph Royeppen, David Andrew, Samuel Joseph and Dhobi Nayana were to be released on Saturday, but, even on the previous day, they were brought to the gaol here and, instead of being released, were handed over to the police for being deported. They were immediately bailed out for two days. Though this was their first experience of gaol, Mr. Royeppen and his companions spent their time very cheerfully. They are, moreover, in excellent health. All of them want to re-enter immediately.

*Tuesday [May 3, 1910]*

#### QUINN'S PETITION

Mr. Quinn, who has been ordered to be deported and has been kept in custody in Pretoria, challenged in the Supreme Court the Government's right to hold him in detention pending his deportation and prayed to the Court to order his release. The petition was heard and the Chief Justice ruled that the period of detention could not be considered unreasonable.<sup>1</sup> The Court held that since it could not pronounce judgment on the order of deportation, the only question for decision concerned the period [of detention]. The judgment is of little consequence. We are where we were. A satyagrahi should not go in for all this bother of moving the Supreme Court, but men differ in their views and inclinations and that is the reason why Mr. Quinn was obliged to make this petition. The Chinese have not been in the least disheartened by this judgment.

#### CHINESE MEETING

The Chinese held a meeting on Sunday. It was attended, among others, by Mr. Royeppen and his companions, the Imam Saheb, and Messrs Coovadia, Bhikhaji, Sorabji, Medh, Gandhi and others. Mr. Quinn explained the state of the struggle in all its aspects. At the end of the meeting, tea and fruits were served in honour of Mr. Royeppen. While in gaol, Mr. Royeppen was a complete vegetarian. He says he felt no need of meat. Mr. Royeppen and the others were taken to Pretoria this morning.

<sup>1</sup> *Vide* also "The Supreme Court Case", 7-5-1910



## SHELAT

Indian prisoners at Diepkloof have sent a message to say that the Government should be requested not to ask Mr. Shelat to carry slop-pails and that they are ready to do the work on his behalf. The message does them credit. Mr. Cachalia has accordingly addressed a letter<sup>1</sup> to the Government, so that, if it feels like it, it may spare Mr. Shelat.

## VISIT TO SODHA

Miss Schlesin left for Diepkloof on Sunday last in order to visit Mr. Sodha. He is to be discharged next Saturday. He has maintained good health in gaol.

[From Gujarati]

*Indian Opinion*, 7-5-1910

## 31. LETTER TO DIRECTOR OF PRISONS<sup>2</sup>

[JOHANNESBURG,]

May 3, 1910

SIR,

Mr. Shelat was some time ago serving imprisonment as a passive resister at Diepkloof, and underwent prolonged solitary confinement for refusing to carry slop-pails. The discharged passive resisters have brought the message to my Association that the remaining British Indian prisoners at Diepkloof are quite agreeable that Mr. Shelat, who is a Brahmin and has very great conscientious scruples about removing slop-pails, should be excused from having to perform that work; and that the other British Indian prisoners will be prepared to replace him whenever his turn comes to remove the pails.<sup>3</sup> My Association does not know whether Mr. Shelat has yet been ordered to do this work, but I consider it my duty to bring the above matter to your notice, so that such instructions as you may consider fit may be issued to the officials at Diepkloof.

*Indian Opinion*, 7-5-1910

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

<sup>2</sup> This letter, presumably drafted by Gandhiji, was signed by A. M. Cachalia, Chairman, British Indian Association.

<sup>3</sup> *Vide* "Letter to the Transvaal Administrator", 7-6-1910

### 32. CABLE TO ROYAL FAMILY<sup>1</sup>

[JOHANNESBURG,  
After May 6, 1910]

BRITISH INDIAN ASSOCIATION TENDERS HUMBLE CONDO-  
LENCES ROYAL FAMILY.

*Indian Opinion*, 14-5-1910

### 33. THE SUPREME COURT CASE

The judgment<sup>2</sup> given by the Supreme Court on the application of Mr. Quinn, the Chairman of the Transvaal Chinese Association, does not take us any further. The deportations still remain illegal. The Court was not called upon to decide upon the legality or otherwise of the warrant itself. The Court had no jurisdiction in the matter, the order being purely administrative. The question, therefore, of deporting Asiatics who are lawfully registered residents of the Transvaal remains where it was. The only question that the Court had to decide was whether the detention in Pretoria pending deportation was reasonable or not. The Court had no difficulty, in view of circumstances, to come to the conclusion that detention was not unreasonable.

The proceedings, however, throw a curious light on the situation. The authorities are unable to carry out their illegal policy through a British port. The deportees, if they were to pass through British territories, would have a legal remedy. They are, therefore, smuggled through a foreign port. As passive resisters, however, theirs is not to complain. Their duty is simply to go where they are forced to and at the earliest possible moment to retrace their steps as soon as they become free agents, and once more challenge the might of the Transvaal Government.

*Indian Opinion*, 7-5-1910

<sup>1</sup> This cablegram, presumably drafted by Gandhiji, was sent through the Deputy Governor of the Transvaal on behalf of the British Indian Association by its Chairman, A. M. Cachalia, on the death of King Edward VII, who had passed away on 6-5-1910.

<sup>2</sup> *Vide* also "Johannesburg", 2-5-1910

### 34. MR. ROYEPPE AND HIS FRIENDS

Mr. Joseph Royeppen and his companions are making history. Every passive resister who has come out of Diepkloof has spoken of Mr. Royeppen and his companions, Messrs Andrew and Joseph, in most flattering terms. They have taken their imprisonment extremely well. According to their wont, the Government, evidently to test their strength, have re-arrested them<sup>1</sup> and have deported them. As Mr. Royeppen states in his letter to the Press,<sup>2</sup> he and his friends have accepted the Government's challenge. We congratulate him and his friends on the brave stand they are making.

But Mr. Royeppen's letter reveals a most painful state of things in the gaols of the Transvaal. Much of what Mr. Royeppen has stated in his letter is generally known. But the details now given by him as to how they were kept standing barefoot on a cold stone floor, how they were kept undressed in a draughty passage, how they were handcuffed and how brutally certain warders dealt with them, revive the memories of a shocking and disgraceful incident. Such treatment, instead of unnerving them, has, we are glad to notice, strengthened them in their resolve to vindicate the national honour.

Mr. Royeppen and his companions have set to the young Indians in South Africa a brilliant and a noble example worthy to be followed. They have shown that true happiness lies not in gaining riches but in moulding character. We trust that the lead given by Mr. Royeppen will infuse a new spirit into the colonial-born and other Indians who have their work cut out before them if they wish to take part in the making of the future South African nation.

*Indian Opinion*, 7-5-1910

### 35. OUR PUBLICATIONS

The *Bombay Government Gazette* of the 24th March last notifies that *Hind Swarajya*, *Universal Dawn*<sup>3</sup>, *Mustafa Kamel Pasha's Speech*, and *Defence of Socrates or The Story of a True Warrior*<sup>4</sup>—all

<sup>1</sup> *Vide* "Johannesburg", 2-5-1910

<sup>2</sup> *Vide* "Indian Barrister's Gaol Experiences", *Indian Opinion*, 7-5-1910.

<sup>3</sup> *Vide* "Sarvodaya[-I]", 16-5-1908, "Sarvodaya[-II]", 28-5-1908, "Sarvodaya [-III]" 30-5-1908, "Sarvodaya[-IV]", 6-6-1908, "Sarvodaya[-V]", 13-6-1908, "Sarvodaya[-VI]", 20-6-1908, "Sarvodaya[-VII]", 27-6-1908, "Sarvodaya[-VIII]" , 4-7-1908 & "Sarvodaya[-IX]", 18-7-1908.

<sup>4</sup> *ibid*

publications of the International Printing Press—have been forfeited to His Majesty for the reason that they “contain matter declared to be seditious”.

*Hind Swarajya*, in the shape of *Indian Home Rule*, is before our readers. *Universal Dawn* is a Gujarati rendering of Ruskin’s *Unto This Last*. *Mustafa Kamel Pasha’s Speech* is a Gujarati translation of the Egyptian patriot’s speech delivered just before his death before a vast audience at Cairo. *Defence of Socrates or The Story of a True Warrior* is a Gujarati rendering of Plato’s immortal work printed in order to illustrate the virtue and the true nature of passive resistance. All these publications, except *Hind Swarajya*, have been before the public for a considerable time. They are intended to impart a lofty, moral tone to the reader and are, in our opinion, works capable of being put into children’s hands without any danger whatsoever.

But we have no right to complain. We consider this activity on the part of the Government of India a passing phase. They are in a state of panic and, wishing to do something, they intend to stop the circulation of literature that shows the slightest independence of spirit. This overzeal is bound to kill itself. The really dangerous publications will seek all kinds of dubious and devious methods of circulation, and we fear that they will, on that account, be read by the very class whom the Government intend that they do not reach.

In these circumstances, we, who are uncompromising advocates of passive resistance, have only one course left open to us. The repression cannot affect us. Our views can only remain the same, and they must find expression on every due occasion, regardless of personal consequences.

We sympathize with the Government of India in their desire to stop the spread of methods of violence. We would do and give much to stop it. But the only way we know to eradicate the disease is to popularize passive resistance of the right stamp. Any other way, especially repression, must inevitably fail in the long run.

*Indian Opinion, 7-5-1910*

### 36. ROYEPPE

Everyone will admit that Mr. Royeppen and his companions have rendered excellent service to the community. Mr. Joseph Royeppen has put his education to the right use. His manner of living

in gaol was also quite worthy of a satyagrahi. His simplicity was nothing if not admirable. His fellow-prisoners, Mr. David Andrew and Mr. Samuel Joseph, also spent their time cheerfully.

These three heroes among Indians will be soon back in gaol.<sup>1</sup> The Government has moved quickly to deport them once again, counting on the fact that they are yet fresh [satyagrahis]. Its hope is that they will lose courage and return [to Natal]. It makes one happy to know that this hope will not be fulfilled.

We give elsewhere a translation of Mr. Royeppen's letter<sup>2</sup> to the Press; it is worth reading.

[From Gujarati]

*Indian Opinion*, 7-5-1910

### 37. LETTER TO MILLIE GRAHAM POLAK

May 8, 1910

MY DEAR MILLIE,

I can think of nothing to write to you about. I therefore give you the following beautiful thought:

‘Therefore the means of deliverance from all those evils from which men suffer lies only in one thing, the inner work of each man upon himself.

“Martha! Martha! thou art anxious and troubled about many things, but one thing is needful” ’.

I remain with love,

*Yours,*  
BROTHER

From the original: Gandhi-Polak Correspondence. Courtesy: National Archives of India

<sup>1</sup> *Vide* also “Mr. Royeppen”, 28-5-1910 and “Joseph Royeppen”, 25-5-1910

<sup>2</sup> Not reproduced here

### 38. LETTER TO W. J. WYBERGH

May 10, 1910

DEAR MR. WYBERGH<sup>1</sup>,

I am exceedingly obliged to you for your very full and valuable criticism of the little pamphlet on Indian Home Rule. I shall with very great pleasure send your letter<sup>2</sup> to *Indian Opinion* for publication, and shall treat this reply likewise.

I entirely reciprocate the sentiments you express in the last paragraph of your letter. I am quite aware that my views will lead to many differences of opinion between my staunchest friends and those whom I have come to regard with respect and myself, but these differences, so far as I am concerned, can neither diminish respect nor affect friendly relations.

I am painfully conscious of the imperfections and defects you point out in your letter, and I know how unworthy I am to handle the very important problems dealt with in the booklet. But, having had the position of a publicist practically forced upon me by circumstances, I felt bound to write for those for whom *Indian Opinion* caters. The choice lay between allowing the readers of *Indian Opinion*, anxious though they were for guidance, to drift away in the matter of the insane violence that is now going on in India, or<sup>3</sup> giving them, no matter how humble, a lead that they were asking for. The only way I saw of mitigating violence was the one sketched in the pamphlet.

I share your views that a superficial reader will consider the pamphlet to be a disloyal production, and I admit, too, that those who will not distinguish between men and measures, between modern civilisation and its exponents, will come to that conclusion. And I accept your proposition that I discourage violence only because I think it to be both wrong and ineffective, and not because the object sought to be attained is wrong, that is to say, if it were ever possible, which I hold it is not, to detach the object from the means adopted to attain it. I hold that Home Rule obtained by violence would be totally different in kind from that obtained by the means suggested by me.

I have ventured utterly to condemn modern civilisation because I hold that the spirit of it is evil. It is possible to show that some of its

<sup>1</sup> Member, Legislative Assembly, Transvaal

<sup>2</sup> Vide Appendix "W. J. Wybergh's letter to Gandhiji", 3-5-1910.

<sup>3</sup> A slip for 'and'

incidents are good, but I have examined its tendency in the scale of ethics. I distinguish between the ideals of individuals who have risen superior to their environment, as also between Christianity and modern civilisation. Its activity is by no means confined to Europe. Its blasting influence is now being exhibited in full force in Japan. And it now threatens to overwhelm India. History teaches us that men who are in the whirlpool, except in the cases of individuals, will have to work out their destiny in it but I do submit that those who are still outside its influence, and those who have a well-trying civilisation to guide them, should be helped to remain where they are, if only as a measure of prudence. I claim to have tested the life which modern civilisation has to give, as also that of the ancient civilisation, and I cannot help most strongly contesting the idea that the Indian population requires to be roused by “the lash of competition and the other material and sensuous, as well as intellectual, stimuli”; I cannot admit that these will add a single inch to its moral stature. Liberation in the sense in which I have used the term is undoubtedly the immediate aim of all humanity. It does not, therefore, follow that the whole of it can reach it in the same time. But if that liberation is the best thing attainable by mankind, then, I submit, it is wrong to lower the ideal for anyone. All the Indian Scriptures have certainly preached incessantly liberation as an immediate aim, but we know that this preaching has not resulted in “activity in the lower worlds” being abandoned.

I admit that the term “passive resistance” is a misnomer. I have used it because, generally speaking, we know what it means. Being a popular term, it easily appeals to the popular imagination. The underlying principle is totally opposed to that of violence. It cannot, therefore, be that “the battle is transferred from the physical to the mental plane”. The function of violence is to obtain reform by external means; the function of passive resistance, that is, soul-force, is to obtain it by growth from within; which, in its turn, is obtained by self-suffering, self-purification. Violence ever fails; passive resistance is ever successful. The fight of a passive resister is none the less spiritual because he fights to win. Indeed, he is obliged to fight to win, that is, to obtain the mastery of self. Passive resistance is always moral, never cruel; and any activity, mental or otherwise, which fails in this test is undoubtedly not passive resistance.

Your argument tends to show that there must be complete divorce between politics and religion or spirituality. That is what we see in everyday life under modern conditions. Passive resistance seeks

to rejoin politics and religion and to test every one of our actions in the light of ethical principles. That Jesus refused to use soul-force to turn stones into bread only supports my argument. Modern civilization is at present engaged in attempting that impossible feat. The use of soul-force for turning stones into bread would have been considered, as it is still considered, as black magic. Nor can I hold with you that motives alone can always decide the question of a particular act being right or wrong. An ignorant mother may, from the purest motives, administer a dose of opium to her child. Her motives will not cure her of her ignorance, nor, in the moral world purge her of the offence of killing her child. A passive resister, recognising this principle and knowing that, in spite of the purity of his motives, his action may be utterly wrong, leaves judgment to the Supreme Being, and, in attempting to resist what he holds to be wrong, suffers only in his own person.

Throughout the *Bhagavad Gita*, I can see no warrant for holding that a man who can only control “the organs of action” but cannot help “dwelling in his mind on the objects of the senses” had better use the organs of action until the mind, too, is under control. In ordinary practices, we call such use an indulgence, and we know, too, that, if we can control the flesh even while the spirit is weak, always wishing that the spirit were equally strong, we will certainly arrive at a right correspondence. I think the text you have quoted refers to a man who, for making a show, appears to be controlling the organs of action, whilst deliberately in his mind dwelling on the objects of the senses.

I agree with you entirely that a pure passive resister cannot allow himself to be regarded as a martyr nor can he complain of the hardships of prison or any other hardships, nor may he make political capital out of what may appear to be injustice or ill-treatment, much less may he allow any matter of passive resistance to be advertised. But all action unfortunately is mixed. Purest passive resistance can exist only in theory. The anomalies you point out only emphasize the fact that the Indian passive resisters of the Transvaal are, after all, very fallible human beings and yet very weak, but I can assure you that their object is to make their practice correspond with pure passive resistance as nearly as possible, and, as the struggle progresses, pure spirits are certainly rising in our midst.

I am free to admit also that all passive resisters are not fired with



the spirit of love or of truth. Some of us are undoubtedly not free from vindictiveness and the spirit of hatred; but the desire in us all is to cure ourselves of hatred and enmity. I have noticed, too, that those who simply became passive resisters under the glamour of the newness of the movement or for selfish reasons have fallen away. Pretended self-suffering cannot last long. Such men never were passive resisters. It is necessary to discuss the subject of passive resistance somewhat impersonally. If you say that physical sufferings of soldiers have vastly exceeded those of the Transvaal passive resisters, I agree with you entirely; but the sufferings of world-known passive resisters who deliberately walked into funeral pyres or into boiling cauldrons were incomparably greater than those of any soldier it is possible to name.

I cannot pretend to speak for Tolstoy, but my reading of his works has never led me to consider that, in spite of his merciless analysis of institutions organised and based upon force, that is governments, he in any way anticipates or contemplates that the whole world will be able to live in a state of philosophical anarchy. What he has preached, as, in my opinion, have all world-teachers, is that every man has to obey the voice of his own conscience, and be his own master, and seek the Kingdom of God from within. For him there is no government that can control him without his sanction. Such a man is superior to all government. And can it be ever dangerous for a lion to tell a number of other lions who in their ignorance consider themselves to be merely lambs that they, too, are not lambs but lions? Some very ignorant lions will no doubt contest the knowing lion's proposition. There will, no doubt, on that account be confusion also, but, no matter how gross the ignorance may be, it will not be suggested that the lion who knows should sit still and not ask his fellow-lions to share his majesty and freedom.

It has indeed occurred to me that an anti-Asiatic league which from pure though entirely misguided motives wishes to deport Asiatics from the Transvaal, because it may consider them to be an evil, would be certainly justified, from its own view-point, in violently attaining its object. It is not open to passive resisters, if they are not weak, to complain of such, in their opinion, high-handed action, but for them deportation and worse must be a welcome relief from having to submit to a course of action which is repugnant to their conscience. I hope you will not fail to see the beauty of passive resistance in your own illustration. Supposing that these deportees were capable of offering physical violence against forcible deportation, and yet from

pure choice elected to be deported rather than resist deportation, will it not show superior courage and superior moral fibre in them?

*Yours sincerely,*  
M. K. GANDHI

*Indian Opinion, 21-5-1910*

### 39. JOHANNESBURG

*Monday [May 9, 1910]*

IN GAOL

Mr. Samuel Joseph, Mr. Andrew and Mr. Dhobi Nayana, who were only recently released and deported, re-entered and went back to gaol on Friday last. They have been awarded only six weeks. This is rather surprising. To start with, it was six months, then it became three months and now it is a month and a half. I do not understand the reason for this. We need not say that the Government has grown panicky, for all its actions are dictated by panic. Maybe the Government wants to empty Diepkloof before the Union comes into being on June 1. But this is mere guess-work. "Why should it empty the gaol in this manner?" one cannot help asking. Let us wait and see. The procession is bound to reach the place of reception, drum and all.<sup>1</sup> To a satyagrahi, it should be the same, six months or six weeks.

SODHA

[He] was discharged on Saturday. He appeared all right. There was no sign this time of his having suffered in health as there was last time. Since he has not been [re-]arrested, he is leaving for Natal to meet his children and expects to return shortly and join his fellow-satyagrahis in gaol.<sup>2</sup> Mr. Harilal Gandhi, too, left for Phoenix last Friday for the same purpose.

KING EDWARD

On account of his death, everything is closed in the town today

<sup>1</sup> A Gujarati saying, meaning, "The truth of the matter is bound to be known sooner or later"

<sup>2</sup> *Vide* also "Mr. Sodha's Discharge", 14-5-1910

and black flags were unfurled over offices.

*Tuesday [May 10, 1910]*

PETER MOONLIGHT

Mr. Peter Moonlight, who was at one time Chairman of the Tamils [the Tamil Association], is now under police custody and will be deported.

TO ROYAL FAMILY

The British Indian Association has sent, through the Deputy Governor, a telegraphic message<sup>1</sup> of condolence to the Royal Family.

Yesterday, all shops were closed. Newspapers have published long accounts of the career of the late King.

CASE AGAINST CHINESE

The Chinese are preparing to take an appeal to the Privy Council in the case which they lost in the Supreme Court.<sup>2</sup> This is a complicated matter and therefore no definite decision has been taken yet.

*Wednesday [May 11, 1910]*

DEPORTED

Chinasamy Paul, a boy of 16 years, and Peter Moonlight have been deported.

[From Gujarati]

*Indian Opinion*, 14-5-1910

<sup>1</sup> *Vide* "Cable to Royal Family", After 6-5-1910

<sup>2</sup> *Vide* "The Supreme Court Case", 7-5-1910

#### 40. THE LATE KING<sup>1</sup>

King Edward is dead and has left an Empire in mourning. The British Constitution keeps the King outside of politics. It is, therefore, his personal qualities that alone count in measuring the loss. But these guide only those whose lives are affected by them. Indians will best remember His late Majesty as a Sovereign who followed in the footsteps of his mother of revered memory. Like her, the late King had shown a warm corner in his bosom for the people of India. And that will always be a title to our affection for his memory.

*Indian Opinion*, 14-5-1910

#### 41. LONG LIVE THE KING!

H.R.H. Prince George of Wales is now King George the Fifth of England and Emperor of India. The King is dead: Long live the King! are expressions that have to be uttered in the same breath. Individual Kings and Emperors come and go but Kingship is eternal. The attributes of that office few Sovereigns are able fully to live up to. King Edward, in the words of his son, now King George V, wished that, “so long as he drew breath, he would strive to promote the best interests of the people”. “That promise”, adds His Majesty, “was carried out to the best of his father’s ability and it would be his earnest endeavour, under God, to follow his father’s example in that respect.” His Majesty asks the prayer of his subjects “that God may grant him strength and guidance”. That prayer will go up to heaven from many countries and in many languages. We humbly Join in that prayer.

*Indian Opinion*, 14-5-1910

<sup>1</sup> This appeared as a boxed item within thick black lines.

#### 42. MR. V. A. CHETTIAR

Our readers will be glad to possess a portrait of Mr. V. A. Chettiar, the Chairman of the Tamil Benefit Society. We are issuing Mr. Chettiar's portrait with this issue not only because Mr. Chettiar, old as he is, has gone to gaol for the third time and that his son is now on the waters, but also by way of compliment to the whole Tamil community that has worked wonders during the struggle.

*Indian Opinion*, 14-5-1910

#### 43. MR. SODHA'S DISCHARGE

Mr. R. M. Sodha, who was discharged last Saturday, is one of the stalwarts whom we mentioned the other day.<sup>1</sup> He has served imprisonment almost continuously for a year. Mr. Sodha, again, being an orthodox Hindu, has been obliged to suffer doubly as, during certain months of the year, he restricts himself to only one meal per day. Outside the gaol, his one meal will naturally make up more or less for the absence of the other two. But, in the prison, he had simply to be satisfied with his portion for the particular meal he chose to take. But Mr. Sodha went through it all most cheerfully. Mr. Sodha, having been discharged in the Transvaal and not being deported, has returned to Natal to see his wife and family, and proposes to return at an early date to rejoin his fellow-prisoners at Diepkloof. The calmness with which well-trying passive resisters like Mr. Sodha face imprisonment again and again does great credit to themselves and the community to which they belong.

*Indian Opinion*, 14-5-1910

<sup>1</sup> *Vide* "Johannesburg", 9-5-1910

#### 44. LATE EMPEROR EDWARD<sup>1</sup>

The whole of the British Empire mourns the death of King Edward. What is the position of the Indian people? Should the fact of their being at present unhappy under British rule prevent them from joining in the mourning? Those who refrain must be ignorant of the British Constitution, under which the King takes no active part in the administration. He cannot change the policy of his Government. Hence, in judging him, we can only take into account his personal qualities. Even these have hardly had any impact on the Indian people. Those alone will feel their effects who acquaint themselves with his life and reflect over his conduct.

It is enough for us that King Edward followed the example of his mother, Queen Victoria, and showed love for the Indian people. He seems to have cherished kindly feelings for them in his heart. Therefore, the Indian people, whatever their views on British policies, will always bear the purest affection for the King.

[From Gujarati]

*Indian Opinion*, 14-5-1910

#### 45. LONG LIVE THE KING!

“The King is dead. Long live the King.” These two sentences are uttered in the same breath at the time of a king’s death. Kings come and go. Many have died, and many will die in future. Dara, Alexander and others left empty-handed. There is no knowing, thus, when this body will perish. But kingship lives on. It may be despotic or benevolent. But British monarchy is neither the one nor the other. King Edward did all that he could. It was his greatness that he never thought of interfering in the conduct of the government. He saw that not to do so was the best way of serving the people. The Prince of Wales now becomes King George V, the new monarch. It is his intention to follow in the footsteps of his father, and he prays to God for strength<sup>2</sup> and guidance and wants his subjects too to pray likewise. Millions will join in this prayer and we also pray to God to give him

<sup>1</sup> This appeared between two thick black lines.

<sup>2</sup> Literally, power

wisdom and strength.

[From Gujarati]

*Indian Opinion*, 14-5-1910

#### 46. JOHANNESBURG

Monday [May 16, 1910]

##### CABLES FROM POLAK

Three cables have been received from Mr. Polak, in which he reports that a big meeting was held in Madras when the satyagrahis reached Bombay. From among them, 26 have already started on the return voyage. Those who were deported also included some non-satyagrahis. Mr. Polak also reports the death of one of them. The authorities have been taken aback by Mr. Polak's brisk work. I hope Indians in Durban will welcome and look after those who disembark there. The Durban Indians can do this at least, ought to do it, namely, arrange for their lodging, honour them [in public] and send them back to the Transvaal.

##### FINE IN DELAGOA BAY

A correspondent informs me that passengers bound for the Transvaal have to face much harassment in Delagoa Bay. The physician demands eight shillings. Afterwards, if the passenger holds a Transvaal pass, they collect £8 from him and then allow him to disembark. He is charged a further fee of one and a half pounds. He is made to hand over his pass, and gets a ticket after the pass has been inspected. He has then to inform the police about his departure. A person accompanies him as far as the border and there returns £7 to him after deducting £1. Thus, the Indian remains a prisoner till he reaches the Transvaal and pays a fine of as much as £3. Not only do the incoming Indians submit to all this quietly, but the Delagoa Bay Indians, who are in a position to have matters set right, are too selfish to move in the matter.

[From Gujarati]

*Indian Opinion*, 21-5-1910

#### 47. THE RETURNED DEPORTEES

Mr. Polak and the 26 returning deportees deserve the thanks of the Indian community in South Africa, Mr. Polak for the promptness with which he has sent these men, and the deportees for the bravery and self-sacrifice they have shown in undertaking the return voyage within four days of their arrival in Bombay. It must have been to the latter a great wrench. They went to the mother-country, some of them perfect strangers to it. They could have seen something of it, had they stayed, and no one could have taken exception if they had followed that course, but they chose to put duty before everything else, and, after a trying voyage as deck-passengers, they have undertaken an almost equally trying voyage not to find or seek rest after it, but to brave imprisonment or whatever may be in store for them. Speculation is rife as to whether these men will be able to land at any of the South African ports. If they have been domiciled either at the Cape or in Natal, they should certainly find no difficulty in that. By the time they arrive, probably the Union Government will be in full working order. It will be interesting to note how they are dealt with by that Government. All speculation with reference to their arrival in the Transvaal is needless, because, whether they are tried as prohibited immigrants or otherwise, they have but to seek imprisonment, unless the Government, after having brought them into the Colony, take them again to Delagoa Bay and deport them to India. Whatever happens, as passive resisters they have only one course left open, and that is to abide by their obligation not to submit to the Law until the grievance for which they have been suffering has been redressed, irrespective of the results that may follow such a course. The Indians of Durban, too, have a duty to perform. It will be expected of them that they receive these passive resisters and make them as comfortable as possible, and give them such an ovation as would enable them to know that their self-sacrificing work is being appreciated by their countrymen throughout South Africa, and to enable the South African Government to understand that the whole of the Indian community in South Africa is at the back of the movement.

*Indian Opinion, 21-5-1910*



## 48. HINDUS AND MUSLIMS

### COLONIAL-BORN INDIANS AND OTHERS

We feel ashamed to write under this heading but, ashamed or not, our duty is to speak the truth.

In Maritzburg, some Hindus and Colonial-born Indians had applied for trading licences, and also succeeded in obtaining them. We are prepared, if they so desire, to congratulate them on that. But the means which they adopted to secure the licences will prove the truth of the saying: "The heart must pay for what the hand has done."<sup>1</sup> In support of their applications, they submitted a statement from certain whites saying that Hindus and Muslims were not united and that [therefore] Hindus and Colonial-born Indians must not be obliged to buy from Muslim shops. And so the whites, in their wisdom, suggested that the licences should be granted.

So far as we can see, such steps can only lead to unhappy results. Till now it was only the whites who used to oppose our applications. Now we see even Indians opposing one another. This augurs ill [for the community]. We see that Indians are being tempted, with the support of whites, to profit at one another's expense. The wise among the Indians should realize at once that this will bring ruin to both the communities. A move of this kind betokens complete lack of vision. We, therefore, entreat Indian leaders to think twice before they engage in such activities. We look upon everyone, no matter whether an Indian or not, who creates differences between Hindus and Muslims or between Colonial-born Indians and other Indians, as an enemy of the community; such a person will certainly deserve to be called so. We are emphatic in our view that, if among ourselves one community gets something more than the other, the latter should acquiesce in that rather than allow anything to fall into the hands of the third party.

[From Gujarati]

*Indian Opinion*, 21-5-1910

<sup>1</sup> A Gujarati saying

## 49. JOHANNESBURG

Monday [May 23, 1910]

### DEPORTEES

Mr. Achary, one of the deportees, in a letter from Zanzibar dated April 23, writes to say that the deportees were happy on board the ship. They had some difficulties with the Captain about their food, but, on the British Consul's advice, these were satisfactorily settled in Beira.

### OTHER DEPORTEES

Mr. David Ernest and 23 other Indians who were deported by the *Umfuli* on the 18th instant were accompanied by Mr. Quinn and 25 other Chinese. The ship is bound for Colombo. There is no definite information what will happen to the passengers thereafter. There is a report that the Chinese may be taken to China. Mr. Quinn reports that the Chinese Consul had made good arrangements for their food and accommodation. There is also a move by the Chinese to get the Chinese Minister in Lisbon, the capital of Portugal, to write to the authorities there.

[From Gujarati]

*Indian Opinion*, 28-5-1910

## 50. LETTER TO T. D. PATHER

JOHANNESBURG

May 25, 1910

DEAR MR. PATHER,

I have your letter giving me a full explanation of the two cases referred to in your letter. I am glad that you are not concerned in any injustice being done to our countrymen. Indeed, interpreters should be a source of comfort and help to Indians who come in touch with them. I am glad you have been helping Mr. Royeppen<sup>1</sup> and others.

*Yours sincerely,*

M. K. GANDHI

MR. T. D. PATHER

P.O. BOX 1256

DURBAN, NATAL

From a photostat: G.N. 777

<sup>1</sup> Joseph Royeppen

*51. TELEGRAM TO SECRETARY TO VISCOUNT  
GLADSTONE<sup>1</sup>*

JOHANNESBURG,  
May 26, 1910

BRITISH INDIAN ASSOCIATION TENDERS RESPECTFUL WEL-  
COME TO HIS EXCELLENCY AND LADY GLADSTONE.  
ASSOCIATION WILL APPRECIATE APPOINTMENT FOR  
RECEIVING SMALL DEPUTATION REGARDING PAINFUL  
ASIATIC STRUGGLE GOING ON IN COLONY.

A. M. CACHALIA  
PRESIDENT

Colonial Office Records: Cd. 5363

*52. CRIMINAL NEGLECT*

Both the Hon. Mr. R. Jameson<sup>2</sup> and Mr. W. C. Daugherty<sup>3</sup> deserve the thanks not only of the Indian community but also of those who have the fair name of Durban at heart, for the outspoken manner in which they have exposed the criminal neglect of the Durban Corporation in not having attended to the sanitation of a plague-spot known as the Eastern Vlei Indian Location, containing a population of nearly 800 Indians whom Mr. Jameson describes as “these long-suffering, patient and helpless people”. Since 1901, the Indian tenants have paid the Corporation in rents and rates the sum of £8,508 and have received in return “nothing but a swamp, a water-pipe, and sanitary services”. “Had they been Europeans”, adds Mr. Jameson, “this would perforce long since have been righted.” Mr. Daugherty, who gives details, says that “they suffer in health and comfort and material prosperity through being overlooked or forgotten in the improvements which have in every other part of the Borough been progressing and this notwithstanding that their particular part called for amelioration more urgently than any other locality. There is not even a paraffin lamp in the road.” Now this is a terrible indictment.

<sup>1</sup> This telegram was presumably drafted by Gandhiji. On June 23, the Secretary replied that Viscount Gladstone could not receive the deputation. *Vide* “Johannes-burg” 27-6-1910

<sup>2</sup> Chairman of the Sanitary Committee

<sup>3</sup> Inspector of Nuisances

The first thought on reading it is naturally to swear at the Corporation. That it has neglected the Eastern Vlei Indians in a most shocking manner is all too true. But maturer consideration must lead to some heart-searchings among ourselves. We are not inclined to absolve even the Eastern Vlei Indians entirely from blame. It was, as it is even now, open to them to decline to live in that swamp. But the chief blame must rest upon the shoulders of the leaders of the community. It betrays a want of real communal life. It is possible to understand the helplessness of the location inmates. But it is impossible to understand or excuse the apathy of the leaders who should have led and compelled the Corporation to do its obvious duty. Why would the place have received prompt attention, had it been inhabited by Europeans? Surely not because they were Europeans but because their leaders, if not they themselves, would have moved heaven and earth to right such a terrible wrong. Europeans would have understood communal duty, whereas we have not. If, then, the neglect of the Corporation is criminal, that of our leaders is doubly so. The Corporation may shelve Mr. Jameson's letter<sup>1</sup> and Mr. Daugherty's report<sup>2</sup>. Will our leaders allow it to do so? Here there is simple work for the various Indian societies. It is work that can bear fruit without much trouble. They may appoint visiting members to the location, obtain accurate information, bring the inmates themselves to a sense of their duty, tell them what they can do themselves, and, last but not least, they may and should ceaselessly worry the Corporation until it has done its duty.

*Indian Opinion*, 28-5-1910

<sup>1</sup> Memorandum to the Durban Town Council reproduced in *Indian Opinion*, 21-5-1910

<sup>2</sup> Reproduced in *Indian Opinion*, 21-5-1910

### 53. GERMAN EAST AFRICA LINE'S STEAMERS

We draw the attention of the Agents of the German East Africa Line to the allegations<sup>1</sup> we print in another column made by the passengers per s.s. *Kanzler* during her voyage from Bombay which commenced on the 31st March last. If the allegations are true, they cast a serious reflection on the officers of the s. s. *Kanzler*. We hope that the Company's Agents will fully investigate the charges made. We would, at the same time, warn them that, if they remain satisfied with categorical denials from the officers concerned, it would hardly carry conviction. Most of the passengers who have given their names are perhaps available, and it is the duty of the Company's Agents, if only for their own interest, to carry on a thorough investigation. We cannot believe that they would countenance ill-treatment of their passengers, whether they are Indians or Europeans.

*Indian Opinion*, 28-5-1910

### 54. MR. ROYEPPE

Mr. Joseph Royeppen, after having performed the pilgrimage to his aged mother and met his relatives whom he had left after only a short stay with them upon his return from London, has rejoined his companions and has been imprisoned with hard labour for the second time for the offence of entering a British Colony. His academic attainments are no protection to him. His Indian parentage nullifies the effect of his educational qualifications. Had he been a European, his accomplishments would have secured for him a warm welcome. The moral of the tragedy, as Mr. Polak would call this event, is obvious. For an Indian, the term "British subject" has no meaning in the Transvaal.

*Indian Opinion*, 28-5-1910

<sup>1</sup> Not reproduced here; the complaints were in respect of sleeping accommodation, water supply, medical facilities and rough treatment of the Indian passengers.

## 55. MORE DISCHARGES

Notable passive resisters continue to be discharged from the Diepkloof prison. That staunch passive resister, Mr. P. K. Naidoo, and the quiet volunteer, Mr. Raju Naidoo, together with young Manilal Gandhi finished their terms of imprisonment on Monday last. Mr. P. K. Naidoo has served for the fourth time during the campaign of passive resistance. In order to break his spirit the authorities re-arrested Mr. Naidoo immediately on his previous discharge. But Mr. Naidoo was adamant. The gaol had lost all its terror for him. Without, therefore, asking for a remand in order to enable him to pay a hurried visit to his family, he accepted the summons to duty. Mr. Naidoo, it may be recalled, was a member of the volunteer Indian Ambulance Corps during the Boer War and holds the war medal. But neither scholastic training nor military service counts for an Indian in the Transvaal.

*Indian Opinion*, 28-5-1910

## 56. FOR COLONIAL-BORN INDIANS

We hope that every Colonial-born Indian will read the annual report of the Inspector of Education in Basutoland for the year ended June last. The Inspector, in dealing with the comparative value of English and that of the Sesuto language for the Basutos, says:

. . . if education is to have any real value for the Basutos, it must be based upon sound teaching in their own language. Anything which encourages the teachers to hurry over this stage in order that their pupils may be considered as belonging to the standards is fatal to education in the true sense of the word. . . . Among the Natives in Basutoland, the speaking of English is an exotic. It is an accomplishment and one which, imperfectly acquired, gains for the exponent little credit with European listeners. . . . Opinion in Basutoland is practically unanimous that this elementary education should be given in Sesuto. . . . I would deprecate, therefore, any attempt to measure the value of a school by the number of pupils who are reading English in advanced reading-books, or to belittle the worth of a school because the only thing known by the majority of the pupils is Sesuto. A pupil who knows Sesuto thoroughly can read the Bible and the *Pilgrim's Progress*. He can follow the news of the day in Sesuto newspapers and, in his lighter moments, can even

read Sesuto novels. Many Europeans have gone far with little more book-knowledge of their own language than this.

We hope that every Indian will carefully consider these remarks of the Inspector of Education in Basutoland. If what the Inspector says be true of the Basutos, how much more must it be so of Indian youths who receive, in the ordinary schools of the Colony, no instruction at all in their mother-tongue. Moreover, fine as the Sesuto language is, we venture to think that it cannot boast the literary merit of the great Indian languages spoken in the Colony. It must be a matter of deep shame to any Indian youth to know that he cannot speak and read his own mother-tongue like an ordinary cultured Indian. The criminal neglect that is going on among Indian parents and their children as to the learning by the latter of Indian languages is calculated almost to denationalize them. Indeed, it is the duty of the Government, as of the missionaries who are in charge of Indian schools, to take to heart the very valuable suggestion made by the Inspector in Basutoland. But, whether they perform their duty or not, it is evidently the sacred obligation of Indian parents to repair the mischief while there is yet time. The majority of the Indian children taught in the ordinary schools of the Colony study neither English nor their own mother-tongue. The result is that they become useless as Indians, as citizens of the Colony and are hardly useful as decent wage-earners.

*Indian Opinion, 28-5-1910*

### 57. JOSEPH ROYEPPEN

Mr. Joseph Royeppen is once again in gaol. He has been sentenced to six weeks' imprisonment and gone back to do hard labour for the sake of the motherland. This is fine courage indeed on Mr. Royeppen's part. His going to gaol has been, and will be, a great gain to himself and to the community.

It is no trivial matter that an educated man like Mr. Royeppen should have to suffer imprisonment the moment he enters the Transvaal. This incident proves that we are not British subjects, but slaves.

[From Gujarati]

*Indian Opinion, 28-5-1910*

## 58. LETTER TO H. KALLENBACH

May 30, 1910

DEAR MR. KALLENBACH,

I have shown your kind letter<sup>1</sup> to Mr. Cachalia and other fellow passive resisters, and I have to thank you for your generous offer on their and my own behalf. I accept your offer, and I need hardly say to what extent your offer will relieve the financial pressure.

As to the improvements and additions referred to in paragraphs 2 and 3 of your letter, I shall keep an accurate account which shall be open to your inspection, and I shall not undertake improvements or additions without your approval.

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

*Indian Opinion, 11-6-1910*

<sup>1</sup> Which read as follows:

May 30, 1910

DEAR MR. GANDHI,

In accordance with our conversation, I offer to you the use of my farm near Lawley for passive resisters and their indigent families; the families and passive resisters to live on the farm free of any rent or charge, as long as the struggle with the Transvaal Government lasts. They may also use, free of charge, all the buildings not at present used by me.

Any structural alterations, additions or improvements made by you may be removed at your pleasure on the termination of occupation, or they will be paid for by me at a valuation in the usual manner, the terms of payment to be mutually agreed upon by us.

I propose to pay, at a valuation in the usual manner, [for] all the agricultural improvements that may have been made by the settlers.

The settlers to withdraw from the farm on the termination of the struggle.

*Yours sincerely,*  
H. KALLENBACH



## 59. LETTER TO THE PRESS

JOHANNESBURG,  
*June 2, 1910*

SIR,

The Union has been ushered in among very general rejoicing among the European races of South Africa. Asiatics have been also expected to share in these rejoicings. If they have not been able to respond to these expectations, the cause, so far at least as the Transvaal is concerned, is not far to seek. On the day of the advent of Union,<sup>1</sup> nearly sixty families were deprived of their supporters, and were being maintained out of public funds. On the first working day of the Union, a cultured Indian and representative Parsee, Mr. Sorabji, who has already suffered six terms of imprisonment, was re-arrested, after having been left free for over a month after his last discharge from Diepkloof; and he is now under order of deportation. Other passive resisters, too, continue to be arrested. Mr. Joseph Royeppen, the Barrister and Cambridge Graduate, and his companions are again in prison. And all this suffering is being imposed because an Act that is supposed to have become a dead letter has not been repealed, and the theoretical legal position of British Indians of high attainments to enter the Transvaal on the same terms as Europeans, British or otherwise, is not recognised.

What can a Union under which the above state of things is continued mean to Asiatics, except that it is a combination of hostile forces arrayed against them? The Empire is supposed to have become stronger for the Union. Is it to crush by its weight and importance Asiatic subjects of the Crown? It was no doubt right and proper that the birth of Union should have been signalised for the Natives of South Africa by the clemency of the Crown towards Dinizulu<sup>2</sup>. Dinizulu's discharge will naturally fire the imagination of the South African Natives. Will it not be equally proper to enable the Asiatics in South Africa to feel that there is a new and benignant spirit abroad in South Africa by conceding their demands, which are held, I make

<sup>1</sup> Wednesday, June 1, 1910

<sup>2</sup> Zulu chief; *vide* "Late Mr. Arathoon", 14-12-1907. After release, he was settled on a farm in the Transvaal, where he died in October 1913.

bold to say, to be intrinsically just by nine out of every ten intelligent Europeans in this Continent?

*Indian Opinion*, 11-6-1910

### 60. BIRTHDAY MESSAGE TO HIS MAJESTY<sup>1</sup>

[June 3, 1910]

TRANSCAAL      BRITISH      INDIANS      LOYALLY      CONGRATULATE  
KING-EMPEROR      OCCASION      BIRTHDAY      ANNIVERSARY.

*Indian Opinion*, 11-6-1910

### 61. MR. BHAYAT<sup>2</sup>

Mr. A. M. Bhayat's discharge deserves special mention in that he not only suffered much in health but he is probably the only representative of the Kholwad section who has braved every danger and kept up its reputation by going to jail again and again. In obedience to communal duty, Mr. Bhayat remains undaunted. We hope that the other merchants will follow Mr. Bhayat's example.

*Indian Opinion*, 4-6-1910

### 62. MR. SORABJI'S RE-ARREST

Mr. Sorabji Shapurji Adajania has been re-arrested. Mr. Sorabji's arrest recalls painful memories. He is a devoted son of India. He is a brilliant representative of a brilliant race—the Parsee. He belongs to a well-known family in Bombay and he it was who laid the foundation of the second stage of the struggle. Mr. Sorabji has already suffered imprisonment six times. He will now be imprisoned for the seventh time. He has served in the aggregate the longest term—over sixteen months. The advent of the Union of South Africa is marked for Indians by the re-arrest of Mr. Sorabji.<sup>3</sup> That the first working day of the Union should be turned for the Indians in the

<sup>1</sup> Presumably drafted by Gandhiji and sent by the British Indian Association. The date is mentioned in the acknowledgement dated July 1, 1910, reproduced in *Indian Opinion*, 16-7-1910.

<sup>2</sup> *Vide* also "Bhayat", 4-6-1910

<sup>3</sup> *Vide* "Letter to the Press", 2-6-1910

Transvaal, if not in South Africa, into a day of mourning and a reminder that the Union to them is meaningless is a sad commentary on a great epoch in the evolution of the British Empire. Natal is within the Union. Mr. Sorabji has domicile rights in Natal. He will be deported to the territories of a member of the Union. What is this Union? Whom does it unite? What does it unite? Or is it a Union against the Indian and other Coloured races inhabiting South Africa? If the Union of South Africa promotes the might of the Empire, are we or are we not to rejoice over the fact as being members of that Empire? How will the event strike the new Emperor of India? What responsibility attaches to the Governor-General of South Africa in this matter? These are questions which may or may not be rightly answered. Meanwhile, the brave Mr. Sorabji does his duty and, if Indians in South Africa mourn over the further sufferings of a brother, they may rejoice, too, that of Mr. Sorabji the whole of India is proud and that India's salvation depends not on external aid but on internal growth such as is shown by Mr. Sorabji.

*Indian Opinion*, 4-6-1910

### 63. BHAYAT<sup>1</sup>

We congratulate Mr. A. M. Bhayat on his splendid courage. He has kept up the honour of the Kholvad community and brought credit to Heidelberg. He has sanctified gaol. If there had been many Indians to follow Mr. Bhayat, or if they come forward now, they would have served or they will serve, both themselves and the community in the long run. To start with, of course, they may have to suffer, as Mr. Bhayat has done, and even put up with pecuniary loss. But ultimately there will be nothing but gain. Mr. Bhayat has even sacrificed his health for the sake of the community. He has lost weight, but shows no concern on that account. We must win, no doubt. The credit for the victory will go to satyagrahis like Mr. Bhayat who have been repeatedly courting imprisonment.

[From Gujarati]

*Indian Opinion*, 4-6-1910

<sup>1</sup> *Vide* also "Mr. Bhayat", 4-6-1910

#### 64. EXTRACT FROM LETTER TO P. J. MEHTA<sup>1</sup>

[TOLSTOY FARM,  
After June 4, 1910]<sup>2</sup>

. . . I prepare the bread that is required on the farm. The general opinion about it is that it is well made. Manilal and a few others have learnt how to prepare it. We put in no yeast and no baking powder. We grind our own wheat. We have just prepared some marmalade from the oranges grown on the farm. I have also learnt how to prepare caramel coffee. It can be given as a beverage even to babies. The passive resisters on the farm have given up the use of tea and coffee, and taken to caramel coffee prepared on the farm. It is made from wheat which is first baked in a certain way and then ground. We intend to sell our surplus production of the above articles to the public later on. Just at present, we are working as labourers on the construction work that is going on, on the farm, and have no time to produce more of the articles above mentioned than we need for ourselves.

From *M. K. Gandhi and the South African Indian Problem* by Dr. P. J. Mehta

#### 65. CABLE TO S. A. B. I. COMMITTEE

JOHANNESBURG,  
June 6, 1910

ROYEPPEN SENTENCED SIX WEEKS. SORABJEE ARRESTED  
FOR SEVENTH TIME FIRST OF JUNE, ORDERED TO BE  
DEPORTED. BHAYAT DISCHARGED EMACIATED CONDITION AND  
SUFFERING FROM INFLUENZA. SHELAT SENTENCED SPARE DIET

<sup>1</sup> Gandhiji used to write to Dr. Mehta in Gujarati. The above extract quoted by Mr. Mehta in his book must be a translation of the original Gujarati, which is not available.

<sup>2</sup> This letter appears to have been written soon after June 4, when Gandhiji went to stay on Tolstoy Farm, especially from the reference to construction work on the farm. *Vide* "Johannesburg", 13-6-1910

FOR REFUSING TO CARRY SANITARY PAILS. THREATENED LASHES.<sup>1</sup>

GANDHI

Colonial Office Records: Cd. 5363; also  
*India*, 10-6-1910

## 66. JOHANNESBURG

*Monday [June 6, 1910]*

### DISCHARGED

Major Thomas, Mr. Kuppusamy Naidoo, Mr. T. Narainsami Pillay and Mr. Papiya Moonsamy were discharged today.

### CRUELTY TO SHELAT

These prisoners who have been released have brought the news that the authorities have been trying to compel Shelat to carry [slop-] pails. Last week he was sentenced to 24 hours' solitary confinement and was put on spare diet. The Governor has now threatened him with lashes if he persists in his refusal. Mr. Shelat said that he would submit to that too rather than carry the pails. He will again be tried today in the gaol. We are not likely to know for some time what happens. A letter<sup>2</sup> has been addressed to the Government about him.

### SORABJI

Mr. Sorabji has been taken to Pretoria. He writes from there to say that he is happier in the Charge Office at Pretoria than he was at Johannesburg.

### THAMBI NAIDOO

[He] has been re-arrested. The officials cannot afford to let him remain free even for a minute. He has an incomparable spirit. What need is there to write in praise of him? This struggle has produced few satyagrahis who can be his equals. This is the eighth time that he has been arrested.

[From Gujarati]  
*Indian Opinion*, 11-6-1910

<sup>1</sup> While publishing the cable, *India*, 10-6-1910, wrote: "Mr. Gandhi adds that the struggle, nevertheless, will go on until justice has been done."

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

## 67. LETTER TO THE TRANSVAAL ADMINISTRATOR<sup>1</sup>

[JOHANNESBURG,]

June 7, 1910

SIR,

Indian passive resisters discharged yesterday have brought the information that Mr. Shelat, a Brahmin passive resister, who is serving imprisonment at Diepkloof, has been once sentenced to solitary confinement and spare diet for refusing to carry slop-pails on the ground that such work is contrary to his conscience and religion. The discharged passive resisters state that Mr. Shelat has been threatened with the punishment of lashes, if he persists in his disobedience. My Association is inclined to the belief that the threat, if it has been at all used,<sup>2</sup> is not seriously meant. In any event, my Association respectfully trusts that the Government will be pleased to spare the Indian community the shock that is bound to be caused by the carrying out of the threat.

My Association ventures to draw your attention to the fact that, during his previous incarceration for conscience' sake, Mr. Shelat underwent solitary confinement for over a month for the same cause, and that the other passive resisters at Diepkloof have stated that they have no objection to Mr. Shelat's being excused from the duty of carrying slop-pails.<sup>3</sup>

My Association trusts that you will be pleased to give the matter the attention it deserves.

*Indian Opinion*, 11-6-1910

<sup>1</sup> This letter, presumably drafted by Gandhiji and marked "urgent", was sent by E. S. Coovadia, Acting Chairman, British Indian Association, to the Administrator, Pretoria.

<sup>2</sup> The Director of Prisons in his reply of 21st June reproduced in *Indian Opinion*, 25-6-1910, said: "No threat of lashes has been made, nor would such a punishment ever be inflicted for an offence of this nature."

<sup>3</sup> *Vide* "Letter to Director of Prisons", 3-5-1910

## 68. MR. KALLENBACH'S OFFER

We do not know whom to congratulate most—Mr. Kallenbach for his highmindedness or the community for having received from Mr. Kallenbach an offer<sup>1</sup> which may enable passive resisters to go through the struggle without undue pecuniary strain. The best thanks that can be rendered to Mr. Kallenbach would undoubtedly be for the passive resistance families to make use of the offer and to show to South Africa at large, by exemplary behaviour on the farm, how worthy they were of such handsome treatment.

The terms of Mr. Kallenbach's letter<sup>2</sup> are one-sided. He has given all he legitimately could and has expected no return. He does not want to develop his estate through the labour of those passive resisters who could put in their labour without paying them for it. Acts such as Mr. Kallenbach's are calculated to bring East and West nearer in real fellowship than any amount of rhetorical writing or speaking. We shall watch this experiment with very great interest.

*Indian Opinion*, 11-6-1910

## 69. LASHES!

Our Transvaal correspondent reports news this week of the gravest character. Mr. Shelat has made it a matter of conscience not to carry slop-pails. During his last incarceration, he was under solitary confinement for over a month, during which time he had for the most part only spare diet. We had hoped that this time, with the past experience to fall back upon, the authorities would let the matter rest and not force the issue by requiring Mr. Shelat to do that particular work. On messages received from the prisoners at Diepkloof, it was represented to the Director of Prisons not to insist on Mr. Shelat doing the work,<sup>3</sup> as the other passive resisters were quite agreeable to the indulgence being granted him. The Director, however, wrote to Mr. Cachalia saying that no such relief could be granted. And now we see the result. For the sake of the people of the Transvaal, we hope that

<sup>1</sup> *Vide* "Letter to H. Kallenbach", 30-5-1910

<sup>2</sup> Dated 30-5-1910; *vide* footnote of "Letter to H. Kallenbach", 30-5-1910

<sup>3</sup> *Vide* "Letter to Director of Prisons", 3-5-1910

the authorities will not take the threatened step. To order lashes in order to compel a man to do anything against his conscience would be the height of barbarity. As a passive resister, Mr. Shelat will, no doubt, suffer cheerfully even the penalty of lashes. But for the authorities to persist in their brutal course can only add to the tension that already exists among Indians.

*Indian Opinion*, 11-6-1910

### 70. MR. THAMBI NAIDOO'S RE-ARREST

The re-arrest of Mr. Thambi Naidoo has followed close upon that of Mr. Sorabji. It is evident that General Smuts, now that he is confirmed in his control over Asiatics, wishes to show his firmness by taking up the bravest passive resisters. We wish him joy of his task. We hope that we are not doing the great General an injustice in making him responsible for this sudden activity. To passive resisters, a lodgment in the gaols of the Transvaal must be a welcome relief so long as their goal remains unreachd.

The re-arrest of Mr. Thambi Naidoo is not without a dramatic touch. On Monday morning, he met his son who had just been discharged after three months' service at Diepkloof. In the afternoon of the same day he was re-arrested. Thus the father has not been allowed to remain with the son even for a few days. This, no doubt, is merely a coincidence. But it shows vividly what the struggle means to many Indians in the Transvaal.

Mr. Naidoo is one of the most determined and persevering of passive resisters. Whether in or out of the gaol, he gives himself no rest. His one aim is to live so as to deserve the high title of passive resister as the term is understood among the strugglers in the Transvaal. Mr. Naidoo, like Mr. Sorabji, is among the brightest stars of the Indian community in South Africa.

*Indian Opinion*, 11-6-1910

### 71. LASHES!

Mr. Shelat may even be flogged for refusing to carry slop-pails. Should this really happen, will the Indians of South Africa merely look on? If Mr. Shelat is flogged, for whom will it be? And who are



those who will log him? Our hair stands on end as we contemplate this. If Mr. Shelat refuses to carry pails, what is that to us?—someone may ask. Such an attitude will betray sheer want of sense. Today it is Mr. Shelat, tomorrow it may be the turn of another Indian. What matters is that Mr. Shelat has made the question of carrying pails a religious issue. On an issue like that, no one will be justified in inflicting cruelty on another. On the contrary, when a person shows himself prepared to suffer on such an issue, every sincere man of religion owes it as a duty to defend him even if he happens to have adopted a mistaken attitude. Otherwise, man will not be able to defend his freedom, and where there is no freedom of thought and action, there can be no religion. In the absence of religion, a people cannot but perish. We, therefore, hope that, if Mr. Shelat is subjected to such cruelty, Indians everywhere in South Africa will raise a strong protest and make their views known to the Government.

[From Gujarati]

*Indian Opinion*, 11-6-1910

## 72. NAIDOO

Mr. Thambi Naidoo and Mr. Sorabji—these two satyagrahis make a remarkable pair. The moment Mr. Sorabji was arrested, they pounced upon Mr. Thambi Naidoo. He was arrested on the very day on which his son was released. This is no ordinary matter.

Now that General Smuts is confirmed in his office, he is striking with greater force. Satyagrahis are not likely to be intimidated by this. It is their business to suffer and therefore they have come to feel at home in gaol like fish in water. As long as there are such staunch Indians, the ultimate victory for the community will never be in doubt. All the same, other Indians, too, must do their duty to the best of their ability. There are many ways of doing this, which we have mentioned from time to time. We hope the community will derive inspiration from the example of Mr. Thambi Naidoo and other satyagrahis.

[From Gujarati]

*Indian Opinion*, 11-6-1910

### 73. KALLENBACH'S GIFT

We place a very high value on Mr. Kallenbach's offer of his farm for the benefit of satyagrahis. If the families of the latter use it well, we shall have no occasion for anxiety, however long the struggle lasts. There will be much saving in expenditure, and those who settle on the farm will learn to be happy. They will have, on the farm, a noble life in place of the unclean and monotonous ways of town-life. Moreover, what they will learn on the farm will prove useful for a life-time. Indeed, we have said in the past that the Indian community would be well rewarded if it were to take to agriculture and would be saved the anxieties incidental to business. We have to pay a heavy price for not recognizing the value of this best of occupations.

We hope the leaders [of the community] will address letters of thanks to Mr. Kallenbach. His gift will be appreciated at its proper worth only when Indians settle there in large numbers.

[From Gujarati]

*Indian Opinion*, 11-6-1910

### 74. JOHANNESBURG

Monday [June 13, 1910]

#### TOLSTOY FARM

Mr. Kallenbach has given the name "Tolstoy Farm" to the farm which he has offered for [the use of] the satyagrahi families. He has great faith in Count Tolstoy's teaching and tries to live up to it. He himself wants to live on the farm and follow a simple mode of life. It appears Mr. Kallenbach will gradually give up his work as architect and live in complete poverty.

Mr. Kallenbach has rendered a valuable service by offering the use of his farm, but more so by deciding to live among our people. He has also agreed to look after the womenfolk in the absence of Mr. Gandhi. That any white should be moved by such a spirit must be attributed to the power of satyagraha.

The farm measures about 1100 acres, being two miles in length and three quarters of a mile in breadth. It is situated near Lawley

Station, 22 miles from Johannesburg. It takes twenty minutes to walk down from the station to the farm. By rail, it generally takes about one and a half hours to reach it from here.

The soil appears to be fertile. The farm has about a thousand fruit-bearing trees growing on it. There are peaches, apricots, figs, almonds, walnuts, etc. In addition, there are eucalyptus and wattle trees.

The farm has two wells and a small spring. The landscape is beautiful. At the head there is a hill, with some more or less level land at the foot.

Mr. Kallenbach, Mr. Gandhi and his two sons have already settled on the farm since June 4. They are busy making arrangements for satyagrahis to go over there. Mr. Kallenbach and Mr. Gandhi come to the town every Monday and Thursday and spend the other days on the farm.

Last Sunday, some leading Tamil ladies, accompanied by Mr. Thambi Naidoo and Mr. Gopal Naidoo, went over there to have a look round. They spent the whole day on the farm. Mr. Kallenbach, Mr. Gandhi and his son cooked a meal for them. Mr. Kallenbach showed them round the farm and they all appeared satisfied. Mr. Gopal Naidoo, who had already made up his mind to live there, has stayed on. Mr. Moosa Nathi, too, who runs a shop nearby, came the same day and promised every possible help. Construction work has started now and some buildings are expected to be ready by the end of this month.

This is a very important venture. Its roots go deep; it is up to the satyagrahis who settle there to make it bear sweet fruit by the way they live.

[From Gujarati]

*Indian Opinion*, 18-6-1910

## 75. LETTER TO MAGANLAL GANDHI

[About June 15, 1910]<sup>1</sup>

CHI. MAGANLAL,

I have not forgotten about the letter regarding the steamer. I shall send you the statement when I find time.

There was a letter from Chhaganlal written before his departure. I am not worried about him now. I hope he will fully recover his health in England.

I have decided to send Chanchal<sup>2</sup> to India. Please find out some company for her and send her immediately. I am not likely to go there. Harilal wants a second-class ticket to be bought for her and we shall do so. I hear that Motilal's<sup>3</sup> wife is going. Chanchal may go even in the company of some good man. If she has the courage, she need not wait for me.

For sending the sandals, there is no need to search for a person coming here. The pair I am using is almost worn out. You may send Manilal's pair too if it is there. Manilal says that his silk suit is lying there. Please send that too along with the sandals. Perhaps all this can be sent by a goods train. Please send these things by the cheapest means. It will be as well if you send them directly to the Farm.

*Blessings from*

MOHANDAS

[PS.]

More on the reverse side.<sup>4</sup>

From a handwritten copy of the Gujarati original: C.W. 4930 Courtesy: Radhabehn Choudhri

<sup>1</sup> Chhaganlal Gandhi, Gandhiji's nephew, whose letter is referred to in the second paragraph, left India for England on June 1, 1910. It took about 17 days for the post to reach South Africa from India.

<sup>2</sup> Wife of Harilal, Gandhiji's eldest son

<sup>3</sup> Motilal M. Dewan, a leading Indian of Natal

<sup>4</sup> Not available

## 76. PASSIVE RESISTERS

Of the twenty-six passive resisters who were deported and who had immediately returned from Bombay<sup>1</sup> and who arrived at Durban on Sunday last, only thirteen have been allowed to land, the claims of the other nine who stated that they were domiciled in the Colony having for the time being been rejected. Efforts were made to induce the Principal Immigration Officer to allow the others to land, subject to security being given for their return should they fail to establish their claim. But the officer was adamant and refused to grant this reasonable facility. These men, therefore, have been obliged to undertake almost without a break a trying voyage for the third time. Though British subjects, they have been rejected first by one British Colony and then by another. And so misery is added to misery and discontent to discontent. But the men who have been forced to go back have that stuff in them of which heroes are made. They have gone not dispirited but invigorated by their trials, and the determination with which they have borne themselves hitherto will carry them to their goal.

The community is proud of them and so should the Empire in whose name they have been so shabbily treated by Natal. They have set a noble example in deeds worthy of imitation by Indians throughout South Africa.

The task before those who have been landed is simple. They have to challenge the Transvaal Government, now part of the Union Government, to re-arrest and re-imprison or re-deport them. A true passive resister, Wordsworth's Warrior, has only one goal before him and that is to do his duty, cost what it may.

*Indian Opinion*, 18-6-1910

## 77. SATYAGRAHIS

The 26 satyagrahis who came back from India arrived [in Durban] but all of them did not disembark. This is partly our fault. How is it that nine of them could not disembark, though they had a right to be in Natal? But this is not a time to look for faults. We want

<sup>1</sup> *Vide* "The Returned Deportees", 21-5-1910

the community to realize that satyagrahis are its true servants and precious jewels, and so to look after them and encourage them. For satyagrahis, public honour and parties should have little attraction. Their duty is merely to do and to suffer. It is the duty of the community, however, to look after them. They are our army, our "Tommies". We have learnt from experience that all satyagrahis are not full of *satya* [truth]. But we need not concern ourselves with this. We must, for the time being, accept as such anyone who claims to be a satyagrahi. In fact, of course, no one can be accepted as a true satyagrahi till he has met death, being faithful to his pledge right up to the end.

As for some of them having had to return, let us not mind it. They are being hardened. This will be their third voyage at a running. It is up to the community to bring them back. Their own duty is to have patience. Moreover, we are justified in saying that we should not mind their having had to return because the incident exposes the despotic attitude of the Union Government. Why were these men not given full opportunity to establish their right? Why were they not allowed to stay in Durban? The more we suffer, the stronger becomes our case. The more the people suffer, the greater will be our rise and the sooner will our freedom come. Therefore, though it is a discredit to us that the Indians had to return, the incident may yet do us good.

[From Gujarati]

*Indian Opinion*, 18-6-1910

## 78. JOHANNESBURG

*Monday [June 20, 1910]*

### SATYAGRAHI FARM

There has been feverish activity on the farm to complete the arrangement for women. Mr. Kallenbach is busy with building operations. The foundation has been laid for a chawl fifty feet long. It is a stone foundation, and Mr. Chinan, Mr. Kuppusamy Naidoo, Mr. Manilal Gandhi and Mr. Gandhi have been working at stone-rolling side by side with the Kaffirs. Stones are available on the farm itself, but they have to be carried from the hill to the building-site. Mr. Gopal Naidoo attends to cooking. In all, there are six Indians and Mr. Kallenbach living together, with a common mess. All the dishes are

prepared in Indian style. In the morning, those who want a breakfast have bread and also coffee made from roasted wheat. The bread is made at home, without the use of yeast. It is prepared from boer meal and whole meal. At lunch, they have rice and curry, and bread with home-made jam prepared from oranges growing on the farm. For dinner, there is porridge, and bread and jam. Butter is not used, the ghee employed in cooking being considered sufficient. In the afternoon and at night, they have dry fruit and groundnut, if either is at hand. Modifications, if necessary, will be made in this diet after the women join. I am both surprised and glad that Mr. Kallenbach lives amidst this group like a member of the family.

DAVID ANDREW

Mr. David Andrew, Mr. Samuel Joseph and Mr. Dhobi Nayana will be free for eight days. They will be deported next Friday.

Mr. David Andrew and Mr. Samuel Joseph are staying with the Chairman of the Chinese Association at his invitation. They have been put up in the Chinese Club. It is a very well-run club. One really feels the absence of such a building for Indians.

THAMBI NAIDOO

It is not yet known where he is to be taken. There are four other satyagrahis with him.

NEW PARTIES

So far, there were the Het Volk, the Union and the Bond parties in the Transvaal, the Orange Colony and the Cape Colony, respectively. Efforts are now being made by Mr. Botha and his friends to amalgamate the three under the name of the South Africa Party. The Progressive Party has been renamed the Unionist Party.

HOSKEN

He has been trying to enter the new Parliament. There is some ground to hope that he will succeed.

MADRESSA PUPILS

These pupils were examined by Imam Saheb Bawazeer and the Moulvi Saheb here. The successful ones among them were awarded prizes.

[From Gujarati]

*Indian Opinion*, 25-6-1910

## 79. INDIANS UNDER THE UNION

The placing of the Native question above party politics, and the fair and sympathetic treatment of the Coloured races in a broad and liberal spirit; the encouragement of European and the prevention of Asiatic immigration into South Africa.

—General Botha's Manifesto.

To improve the social conditions of the people by opposing the introduction of Asiatics into South Africa, while securing fair treatment for those now lawfully settled in the country; a Commission to be appointed as soon as possible to investigate and report upon the special labour conditions prevailing in Natal, in order to bring them into harmony at the earliest possible date with this principle without detriment to established industries.

—Unionist Party's Programme.

We leave placed in juxtaposition extracts from General Botha's manifesto and the programme of Dr. Jameson's new party. The reader will see that there is not much to choose between the two, that the statements are as vague as they possibly can be, and that the authors of the two documents consider that Asiatic immigration is inimical to improvement in the social status of Europeans residing in South Africa. Both documents desire the prevention of such immigration. The Unionist programme qualifies the desire by adding that fair treatment for those now lawfully settled in the country should be secured. That programme contemplates also an investigation into the labour conditions of Natal. British Indians throughout South Africa, then, must be prepared during the coming months for anti-Asiatic activity on a much larger scale than hitherto. The prospect, however, is by no means black or hopeless, if the different sections of the community scattered throughout South Africa will realise the significance of the statements we have above quoted and do the needful in order to combat the reactionary policy foreshadowed by them. In doing so, however, they will have to recognise well-defined limitations. Control of Asiatic immigration we are bound to put up with and recognise, but total exclusion amounting to a national insult must be considered by every Indian worth his salt to be an impossibility. It appears to us that no sacrifice that may be made by the resident community in South Africa will be too great in order



to avert, such a calamity. We hold that this sort of equality is the corner-stone of the Imperial edifice, and that Indians who suffer in their attempt to make good the position will have deserved well not only of India but of the whole Empire. The two manifestos demonstrate the greatness of the struggle that is now going on in the Transvaal. We hope that our countrymen in this continent will carefully study the programme of the two parties, and do their duty at what is a critical juncture in the history of British Indians in South Africa.

*Indian Opinion, 25-6-1910*

### 80. GENERAL BOTHA'S VIEWS

The manifesto of his party, which General Botha has issued, sets out his views about us. These are worth studying. He wants European immigration into South Africa to be encouraged and Asiatic immigration to be stopped.

Dr. Jameson's party also sets out identical views. Its manifesto states, however, that Asiatics who are already settled in South Africa should be treated well, that the question of allowing indentured labour into Natal should be carefully examined and that it should even be stopped altogether if the existing interests of the industry did not suffer thereby.

Thus, the leaders of both the parties want to stop Asiatic immigration. Their manifestos, however, are couched in such terms that they will bear any interpretation that one may choose to put upon them. For us, of course, they have only one meaning, namely, that there is imminent danger to us. We may understand the view that too many Indians should not be allowed into South Africa. That is a hardship we cannot escape. When, however, we are told that we cannot enter just because we are Asiatics, it is the whole of India that is being insulted. We believe no Indian will put up with such an insult. Whatever the consequences of our refusal, we must bear them. For that, as we should like to show to every Indian, we must start preparing ourselves right now. Otherwise, steps will be taken under the Union to uproot Indians from South Africa altogether.

We take this opportunity to remind Indians that the Transvaal campaign is a powerful source of strength [to them]. It is in their

interest to see that the campaign is kept up.

[From Gujarati]

*Indian Opinion*, 25-6-1910

### *81. SPEECH AT SOCIALIST HALL<sup>1</sup>*

[JOHANNESBURG,

*June 26, 1910*]

Mr. M. K. Gandhi delivered an interesting and well thought-out address last night at the Socialist Hall, Market Street, under the auspices of the Socialist Committee, entitled “Modern as Compared with Ancient Civilisation”. The hall was crowded.

Mr. Gandhi prefaced his remarks with an apology to those who might differ from his views, and excused himself on the ground that he was an ardent searcher after truth. Modern civilisation, he said, could be summed up by two expressions. One was that it represented ceaseless activity, and the second was that it aimed at the annihilation of space and time. Everybody nowadays appeared to be preoccupied, and to him that appeared a dangerous symptom. They were all so intent upon earning bread and butter that they had no time for anything else.

Modern civilisation made them materialistic, made them concentrate their thoughts upon their bodies and upon the means of multiplying bodily comforts. Herbert Spencer had summed up the modern man by saying that the civilized man led a complex life as opposed to the entirely simple life of the savage. The source from which the Asiatic trouble arose in the Transvaal was that the Asiatic’s wants were very simple, whereas those of the European were complex and therefore expensive. The tendency of modern methods went to make the Native’s life more complex. While the wants of the raw Native were easily satisfied, the more enlightened of them required many more embellishments. Thus, they required more money, and when they found they could not get it honestly, they resorted to dishonesty.

After 18 years of study devoted to the consideration of the question, he had come to the conclusion that instead of there being a change for the better, there had

<sup>1</sup> *Indian Opinion*, 2-7-1910, published a brief summary in the following words: The speaker said that modern civilization was expressed in an attempt to annihilate time and space and in excessive care for the body. The rush of modern life left little time for higher thoughts. It looked downward to the earth, whereas ancient civilization looked upward to Heaven. It kept the body subservient to the soul. It was based on the force of love. It avoided the hateful spirit of competition. It was best expressed in village life as against modern town life.

been a change for the worse. (Applause.) He found that the simple life was better than the complex, in that they found time to devote attention to higher pursuits. In ancient civilisation, there had been no rush whatsoever. They nowadays looked downwards to the earth; in those days they looked upwards to Heaven. They did not concentrate upon the body but upon the soul, which they kept quite distinct from the soul [*sic*].

The flesh was not the be-all and the end-all of life. Now was the service of Mammon; then was the service of God. If he did not think that the soul existed and if he did not recognise that in all of them there were identical souls, then he for one would not like to live upon this earth. He would like to die. The body was the vehicle subservient to the soul. The body was simply earth, dross and objectionable.

Ancient civilisation made them look to the higher pursuits of life, the love of God, the respect of a neighbour and the consciousness of the existence of the soul. The sooner they returned to the life, the better.

*Rand Daily Mail, 27-6-1910*

## 82. JOHANNESBURG

*Monday [June 27, 1910]*

### MEMBERS OF NATAL BATCH

Messrs Ram Bihari, Rajkumar, Burjorsingh, Kajee Dadamia, Essop Kolia, P. K. Desai, Kara Nanji and Tulsi Jutha, members of the Natal batch who were sentenced to three months' imprisonment on March 24, have been released. All of them are in good cheer.

### DEPUTATION TO LORD GLADSTONE

Mr. Cachalia had written to Lord Gladstone,<sup>1</sup> soon after the latter's arrival, that a deputation would wait on him. A reply<sup>2</sup> has now been received that he could not receive the deputation, for, as the Ministers point out, he has already had a number of discussions with the Association about the agitation. This means that satyagrahis have only their own strength to rely on.

### THAMBI NAIDOO

[He] is still lodged in Pretoria. It has not been decided where he is to be sent.

<sup>1</sup> *Vide* "Telegram to Secretary to Viscount Gladstone", 26-5-1910

<sup>2</sup> Dated 23-6-1910

DAVID ANDREW

[Mr. David Andrew,] Mr. Samuel Joseph and Mr. Nayana have been removed to Pretoria for being deported again.

TOLSTOY FARM

A school has now been opened on this Farm. Mr. Gandhi teaches every day between two and five, except on Mondays and Thursdays. The [only] pupils at present are Mr. Gopal, Mr. Chinan, Mr. Kuppusami and his two sons.

Construction work is in progress. Seven Indian carpenters have gone there to work gratis. They were got together by Mr. Cachalia, Mr. Aswat, Mr. Fancy and others. About sixty carpenters assembled on Sunday. It was resolved then that those carpenters who could not go to work on the Farm should pay 12 s each. Many of them paid this amount and seven went to the Farm. For some time, they will offer their services free. They deserve congratulations on their spirit of community service.

Messrs Bihari, Rajkumar, Pragji Desai, Burjorsingh and Coomarsami Padiachy went to the Farm on Monday to settle there. They will remain there till they are arrested.

The Farm is in need of a number of things. The requirements will increase when children arrive. Those who do not take active part in the struggle by going to gaol can help in other ways. The object of settling on the Farm is to save expenses; also, those who go there will undergo some training. Much saving may result if everyone of those who do not go to gaol offers a little help. Tradesmen can supply things free or at reduced prices. Fruit- and vegetable-dealers can send these things from time to time. To send small quantities will be no burden to them, and the movement will get some help. Some fruit-dealers have expressed their readiness to help in this way. The following are the chief needs of the Farm at present:

Blankets or cotton mattresses

Wooden planks

Empty kerosene tins

Clean gunny bags or gunny-bag cloth or hessian

Any implements, such as hoes and spades, needles, sewing thread, etc.

Coarse cloth of any kind

Books for use in school  
Fruits and vegetables  
Cooking utensils  
Foodgrains of any kind.

This is a hastily drawn-up list. There are many useful things of a similar nature which most Indians can send with a little effort. All that is needed is interest and sympathy. Things sent to the Farm should be addressed as follows:

Mr. Gandhi, Tolstoy Farm, Lawley, Transvaal.

Mr. Maimee and Mr. B. P. Ebrahim went to see the Farm on Sunday.

#### MR. GANDHI'S SPEECH AT SOCIALIST SOCIETY

At the invitation of the Society, Mr. Gandhi delivered a speech in the Society's hall on Sunday last. The move was initiated by Mr. Crawford, a Town Councillor. The speech was a comparison of ancient and modern civilizations. The hall was packed with whites. Some Indians, too, were present. A summary of the speech<sup>1</sup> has appeared in the *Daily Mail*. Its main theme was that ancient civilization was better than modern. The latter is selfish, godless and hypocritical. In this civilization, the chief object of man's endeavour is physical happiness. In the days of ancient civilization, men were kind, God-fearing and simple and looked upon the body as a means of spiritual uplift. It is necessary to revert to the ancient way of life and for that purpose to adopt simplicity and village life. The speech was followed by numerous questions and answers and a lengthy discussion. The audience appeared to have been well impressed.

[From Gujarati]

*Indian Opinion*, 2-7-1910

<sup>1</sup> Vide "Speech at Socialist Hall", 26-5-1910

### 83. LETTER TO MAGANLAL GANDHI

*Jeth Vadi 2 [Samvat 1966]*

*[June 29, 1910]*

CHI. MAGANLAL,

I write nothing more about Thaker, as I have sent you his long letter.

I think I do have with me the dates of the Boer War in newspaper cuttings or somewhere else. I have no time to find them out just now. This also I write from the Farm. I shall arrange to get them for you if you particularly want them. I only remember that this Corps was formed in the November of 1899.

*Blessings from*

MOHANDAS

From the original Gujarati in Gandhiji's hand: C.W. 4924 Courtesy: Radhabehn Choudhri

### 84. AN AGREEMENT

*[June 1910]<sup>1</sup>*

1. K. is not to undertake any expense or improvements on the Lawley Farm without consultation with G. and without his approval.

2. During the presence at the Farm of G., K. is free to temporarily absent himself unless his presence is by both himself and G. considered necessary.

3. During the absence of G., K. to be at the Farm and supervise the settlers.

4. K. to plan and assist in the buildings and improvements not merely by supervising but working himself.

5. K. to live separately from the settlers and to board also separately with the option to join the common board if he is so inclined.

<sup>1</sup> The pact was evidently drawn up during this period after the addressee's offer of his farm near Lawley for the use of passive resisters and their families; *vide* "Letter to H. Kallenbach", 30-5-1910.

6. G. to live in the same place with K. but to be free, if necessary for the settlement, to live and board with the settlers.

7. The primary object of going to the Farm, so far as K. and G. are concerned, is to make themselves into working farm hands.

8. K. is not to cherish the notion of making the Farm a commercial or speculative enterprise this does not debar him from making it naturally a profitable concern.

9. K. is to control absolutely the settlement on the Farm of Europeans, G. of Indians or Chinese.

10. It is understood that the ideal is not to employ native labour and not to use machinery.

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

### 85. CABLE TO S.A.B.I. COMMITTEE

JOHANNESBURG,

July 1, 1910

DEPORTEES REJECTED BY NATAL.<sup>1</sup> RETURNED TO  
ZANZIBAR; PREVENTED LANDING THERE. THAMBI NAIDOO  
AND OTHERS DEPORTED; RETURNED, SENTENCED. ROYEPPEEN  
DISCHARGED, BEING DEPORTED.

M. K. GANDHI

Cd. 5363

### 86. SATYAGRAHI FARM

We draw the attention of readers to the accounts of Satyagrahi Farm which have been published. Everyone can see that valuable work is being done on the Farm. The number of settlers is increasing. It should be noted, moreover, that support to the Farm will ensure an early end to the struggle. Even if this is prolonged, it will be seen that arrangements have been made on the Farm which will enable people

<sup>1</sup> In April, 60 satyagrahis were deported to India. On reaching Bombay, 26 sailed back to court re-arrest. On arrival at Durban, 9 were refused permission to land and sent back. *En route*, they attempted landing at Zanzibar. *Vide* also "Passive Resisters", 18-6-1910, "Satyagrahis", 18-6-1910 and "Johannesburg", 9-7-1910.

to continue the fight without anxiety.

At a time such as this, what is the duty of those who do not take active part in the movement by going to gaol? Every Indian can help reduce to the minimum the cost of maintaining the satyagrahis on the Farm and make things easier for them. Much saving can be effected if everyone follows the carpenters' example.<sup>1</sup> Every drop, as they say, helps to fill the lake: if, likewise, Indians in large numbers help a little apiece, none of them will feel the pinch. Every Indian should ponder over this matter.

[From Gujarati]

*Indian Opinion*, 2-7-1910

### 87. SWAMIJI'S SPEECH IN THE "MERCURY"

The K. A. Mandal<sup>2</sup> gave a party which was a credit to the community. A summary of Swamiji's<sup>3</sup> speech on the occasion was sent by someone to *The [Natal] Mercury*. The latter printed it under the caption, "Wise Speech". Judging, however, from the *Mercury* report, the speech is certainly not satisfactory from the standpoint of Indians. Whoever sent the report to the *Mercury* has done no service to the community or to Swamiji. The secretaries of the K. A. Mandal have issued a mild contradiction. They have sent the statement to us for publication; however, as we have not printed the *Mercury* report, there is no need to publish the letter from the Mandal. But we ought to state that, since the Mandal has contradicted a specific portion of the report, it has admitted the correctness of the rest. If this assumption is right, the portion that is detrimental to the community stands confirmed. Those who heard the speech say that Swamiji did criticize satyagraha, as stated in the part of the report which the K. A. Mandal has not contradicted. One can understand, therefore, that the secretaries of the Mandal cannot go beyond what they have said. We are sorry that Swamiji made such comments and offered advice to the people concerning the laws. But we do not think it likely that a

<sup>1</sup> *Vide* "Johannesburg", 27-6-1910.

<sup>2</sup> Kathiawad Arya Mandal, a Durban association of Arya Samajist Hindus from Saurashtra

<sup>3</sup> Shankeranand, a Hindu missionary who was in South Africa from 1908 to 1910



satyagrahi will abandon what he considers to be truth or give up his pledge because of such criticism.

[From Gujarati]

*Indian Opinion*, 2-7-1910

## 88. COLOUR PREJUDICE

America is regarded as a free country. It is claimed that everyone enjoys the fullest freedom there. A great many people, we find, are inclined to imitate America. Men are dazzled by her industry. But, on deeper reflection, we shall see that there is not much in America worthy of imitation. The people there are given over to the worship of self and of mammon. For money they will do the meanest things. Only a short while ago, we saw this exemplified in Dr. Cook's case.

There are reports now [which suggest] that even the freedom which the Americans boast of is vanishing. Colour prejudice is on the increase. Indians have enjoyed voting rights till this day. An official has now discovered that the framers of the Constitution could never have intended the granting of the franchise to Asiatics. He believes that not only Indians but even Turks should be denied the right to vote. Though the vast majority of the Turkish people are white-skinned, the official has pointed out that they are, after all, Asiatics.

The agitation against Asiatics going on in the West is likely to have grave consequences. We are not thinking just now of what China and Turkey will do. It is the duty of every Indian to think of what India should do. Japan has shown one way, that of proving one's strength and defending one's land with [the power of] arms. Following that way, Japan has become like America and the imitation will soon be perfect, if it is not already so. To us it appears that, if we wish to avoid being found in America's predicament, we had better refrain from training in the use of arms. Behind the venturesome spirit of America is her armed strength.

All that India has to do to hold her own is to preserve her ancient civilization, eliminating only its defects. The kind of racial discrimination which America practises, we have practised against our own people in India. Once there were many reformers in the West who

had hoped and desired that the people there would shun such discrimination, but that is no more so. They have now begun to say that there must be no mixing with the Coloured races, that the Asiatics must be kept down. We think this movement will grow stronger rather than otherwise—it cannot but do so. Where people are concerned only with self-interest, it is not possible that they will allow others a foothold. Since their selfishness is mounting, their hostility to us will also grow. Self-interest will make them fight among themselves, too—even today they are fighting. That is a characteristic aspect of Western civilization. If we imitate the Western people, we may succeed for a time in mixing with them but subsequently we would also be blinded by selfishness and fight with them and fight among ourselves, too.

Someone may argue that even today we are fighting among ourselves. True. but our fighting is of a different kind. We must of course put an end to this. But we should be careful to see that in our attempt to mend matters we do not cause greater harm instead.

[From Gujarati]

*Indian Opinion*, 2-7-1910

### 89. *SPEECH AT TOLSTOY FARM*<sup>1</sup>

*Sunday, July 3, 1910*

. . . Mr. Gandhi invited all to promote the success of the scheme by sending whatever they could for the use of the settlers who were all poor. They would thereby, the speaker said, materially assist the struggle.

*Indian Opinion*, 9-7-1910

<sup>1</sup> At the meeting which passed a resolution thanking Kallenbach; *vide* “Johannesburg”, 9-7-1910

90. LETTER TO PRIVATE SECRETARY TO  
GOVERNOR-GENERAL<sup>1</sup>

[JOHANNESBURG,]

July 4, 1910

SIR,

The Committee of my Association has decided to approach His Excellency<sup>2</sup> with a view to the presentation of a humble and loyal address<sup>3</sup> of welcome, on His Excellency's approaching visit to Johannesburg; but my Committee has hesitated by reason of a hitch that occurred at the time of the presentation of an address to Lord Selborne<sup>4</sup>. My Committee was then at first advised that the Association's address would be received at the same time and place as the other addresses from public bodies, but, at the eleventh hour, a message was sent to the offices of the Association to the effect that the address would be received privately by His Lordship, and it was ultimately so received. My Association then understood that the decision to receive the address at the same time as the others was altered because of the prevailing prejudice against Asiatic and coloured communities in this country. My Association is most anxious to avoid a repetition of such an awkward and humiliating position, and, therefore, trusts that, if its humble address may not be received in common with the other addresses next Friday, His Excellency will be graciously pleased to accept this letter as testifying its respect for His Excellency as His Majesty's representative. If the address of my Association cannot be received publicly, my Association can quite understand and appreciate the delicacy of the situation. But, should His Excellency consider that the humble address of my Association may be received publicly in common with the others next Friday, I am desired to state that my Association would like to make a formal presentation. May I request the favour of a telegraphic reply?<sup>5</sup>

*Indian Opinion*, 9-7-1910

<sup>1</sup> This letter, presumably drafted by Gandhiji, was signed by A. M. Cachalia, Chairman, British Indian Association.

<sup>2</sup> Herbert John Gladstone (1854-1930); was the first Governor-General and High Commissioner for South Africa, 1910-4

<sup>3</sup> *Vide* the following item.

<sup>4</sup> High Commissioner and Governor of the Transvaal, 1905-10

<sup>5</sup> A reply was received communicating Lord Gladstone's consent to receive the address along with other public addresses.

## 91. ADDRESS TO LORD GLADSTONE<sup>1</sup>

Friday [July 8, 1910]<sup>2</sup>

TO

HIS EXCELLENCY THE RIGHT HONOURABLE VISCOUNT GLADSTONE  
GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA  
JOHANNESBURG

We the undersigned, representing the British Indian Association of the Transvaal, respectfully welcome Your Excellency and Lady Gladstone to Johannesburg.

We trust that the Union of South Africa will, under Your Excellency's *regime*, prove beneficial to all classes and communities residing in South Africa.

May we ask you to convey to Their Most Gracious Majesties the King-Emperor and the Queen-Empress an expression of the loyalty of the community represented by this Association?

*Indian Opinion*, 16-7-1910

## 92. ROYEPPEN

Mr. Joseph Royeppen has been released, and yet not released. He was released, but is to be deported again on the 14th. We can judge from his case where the struggle stands. The last time he was released, he was required to offer a security of £50 in order to be free for a few days and see people. This time he has been released on his personal recognizance. He did not even have to sign any document. This is a measure of the enhanced reputation which Indians enjoy. A satyagrahi's word, thus, is trusted.

Even in gaol, they have changed their ways. Warders are afraid to hold out threats to satyagrahis. The latter do not put up with any injustice.

The reply elicited by Mr. O'Grady's question<sup>3</sup> in the House of

<sup>1</sup> This address, presumably drafted by Gandhiji, was presented by Cachalia.

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

<sup>3</sup> On June 29, J. O'Grady, a Labour member, raised the issue of Transvaal Indians and suggested a Gandhi-Smuts meeting to effect a compromise.

Commons is also noteworthy. The Imperial Government has said that the matter is under correspondence. Who will say, after this, that the struggle is alive no more? Not only is it alive, it has a radiant sparkle, so long as there are men with the spirit of Mr. Royeppen, and its effects are spreading wider.

Every Indian youth should take a lesson from Mr. Royeppen's example. Though a barrister and a man of learning, he holds no manual work to be beneath him. He moves through crowded markets, carrying bundles on his head. He hews wood, washes clothes and works at [railway] stations like a common labourer. He proves in this way that he has received real education.

[From Gujarati]

*Indian Opinion*, 9-7-1910

### 93. JOHANNESBURG

#### SATYAGRAHI FARM

For the present at least I must say that the Farm is making progress every day. The number of settlers has increased considerably and the place has taken on the appearance of a new township. There are four tents in addition to the building which I mentioned earlier for the satyagrahis and their families. One of the tents is occupied by Mr. Kallenbach and the satyagrahis, and the building has been handed over to the ladies.

The labour for putting up the building is contributed by the satyagrahis and Mr. Kallenbach. They do every kind of work such as loading and unloading, fetching water, chopping wood, transporting goods from the station, etc. Even conducting the school is at present a strenuous task and everyone is tired out by the evening.

Mr. Gopal Naidoo, who looks after the cooking, is giving an excellent account of himself. He is busy at it from a quarter past six in the morning to nine in the evening. He practises the strictest economy in the use of food-stuffs, just as if they were his own.

#### VISIT BY OTHER LADIES

Other ladies came on a visit of inspection to the Farm on Sunday. They were Mrs. Sebastian, Mrs. Francis, Mrs. Chellan Nagappen, Mrs. Marimuthu Padiachy, Mrs. Ellery Moonsamy and

Mrs. Kathu Pillay. They went away satisfied with the arrangements on the Farm, and so it looks as though they will decide to settle there.

#### VISIT BY BUSINESSMEN

There was also a visit from Mr. Cachalia, Imam Saheb Abdool Kadir Bawazeer, Moulvi Saheb Mukhtiar, and Messrs Aswat, Fancy, Hajee Habib, Nagadi, Ebrahim Coovadia, Amod Mia, Suleman Mia, Moosa Esaakji, Goolam Munshi, Ahmed Waja, Moosa Bhikhaji, Ahmed Karodia, Moosa Ebrahim Patel, Ahmed Mamdoo, Mirza, Ebrahim Hajari, Parbhoo, Gosai and Anthony. They spent the whole day here and shared a meal with the satyagrahis before leaving. The gentlemen also joined in the work.

#### KALLENBACH HONOURED

Then, as many of them wanted to offer thanks to Mr. Kallenbach, a meeting was held after dinner was over. The Moulvi Saheb, on a motion by Mr. Hajee Habib seconded by the Imam Saheb, was elected to the chair. He said that the meeting was held to offer thanks to Mr. Kallenbach for what he had done. He certainly deserved their thanks. Messrs Polak and Kallenbach [he said] had rendered yeoman service, though they were foreigners.

Mr. Ebrahim Coovadia then proposed a vote of thanks to Mr. Kallenbach for his generous gift and the interest he had shown in the cause.

The Imam Saheb seconded the motion. Mr. Hajee Habib supported it.

Then there followed speeches by Mr. Cachalia and Mr. Royeppen, after which the motion was unanimously carried.

Mr. Kallenbach in his reply said that he had gained by the active interest he had taken in the campaign and that this was true of other whites, too. The Indians who had joined the struggle [he added] derived still greater benefit, so remarkable was this fight.

#### JOSEPH ROYEPPEEN

[He] was released on Friday. He was to be deported immediately after. He was therefore released from Johannesburg Gaol and asked to appear at 3 o'clock. On presenting himself at three, he was ordered to appear on the 14th for deportation. Immediately, therefore, he went to live on the Farm and plunged into work the very first day. He was joined by Mr. Solomon Ernest. The Farm, thus, has had plenty of

recruits; all those who arrive join in the work. By Sunday, Mr. Royeppen had had a turn at chopping and sawing wood, loading carriages with goods from the station godown, fetching water and doing laundry work. Full of good humour, he infects others with his genial spirits.

#### PRISONERS' DIET

Many changes have been introduced in the regulation diet for prisoners. The quota of rice has been increased by two ounces. In the evening, they get bread, mealie pap and one ounce of ghee. Nothing remains, therefore, to complain of regarding diet.

#### NOT DISEMBARKED AT ZANZIBAR

A telegram has been received from Mr. Cowasji Dinsha to say that P. K. Naidoo and his companions have not been disembarked at Zanzibar, as was intended. The authorities, it seems, raised some legal difficulties. Hence all those satyagrahis have proceeded to India. We have no reliable information regarding how this new law that Indians cannot land at Zanzibar came to be passed, but, from the point of view of Indians, this is a startling development. It shows what British freedom means.

#### GIFTS

Three blankets and one dozen towels have been received from Mr. Hajee Habib, a dozen blankets, somewhat damaged, and 9 rolling-boards and pins from Mr. Karodia a case of bananas, *nachis* and pineapples from Mr. Desai of Germiston and two large wooden cases from Mr. B. P. Ebrahim. It will be a very good thing if others, too, help the Farm in some such way. It is not only residents of the Transvaal or Johannesburg who can send help to the Farm. Indians from all over South Africa can send clothing, furniture and provisions. Fruiterers and vegetable dealers in Durban can send these articles and cloth merchants can send cloth. Since there are no customs duties now, the railway freight itself does not amount to much. Second-hand coats, trousers and similar articles can also be turned to use. I hope, every Indian will read this paragraph and offer all possible help. Anyone who does so will have, to that extent, participated in the campaign.

#### OTHER GIFTS

Mr. C. P. Lucheram has sent a gift of 31 articles such as shirts,

handkerchiefs, pillow-covers, etc. Some of them are quality goods, which satyagrahis must not use. It is intended to sell them off [and use the proceeds].

[From Gujarati]

*Indian Opinion*, 9-7-1910

#### 94. LETTER TO MAGANLAL GANDHI

[TOLSTOY FARM,]

*Ashadh Sud 7 [July 13, 1910]*<sup>1</sup>

CHI. MAGANLAL,

I have gone through your letter, your note and Thaker's remarks. Thaker's criticism is free from any ill-will and is better than yours. Your interpretation of the last sentence is wrong. By saying that Hey's taunt<sup>2</sup> puts the Indian community to shame, the editor only tries to alert the community. I admit that the sentence in question could have been written in simpler language; but I believe most of the readers can understand it even as it is. The editor is included in the Indian community. The sentence means that what brings shame to the Indian community brings it to us too. I do not agree with your interpretation that it comes in the way of satyagraha. I return your note to you so that you may re-read it.

The parcel has arrived here. Why didn't you send it by goods train?

The appeal to the Modh<sup>3</sup> leaders has been forwarded by Chhaganlal. I send it for perusal by you and Purshottamdas.

If Dhanji<sup>4</sup> is leaving immediately I would certainly prefer his company for Chanchal. He will take good care of her. She herself

<sup>1</sup> A summary of Hey's article mentioned in para I was published in the Gujarati section of *Indian Opinion*, 9-7-1910.

<sup>2</sup> G. A. Hey, a member of the former Transvaal Parliament, visited India and wrote an article criticizing the slovenly habits of the Indians on board the steamer, and taunting them for asking the Transvaal Government to improve the prisons.

<sup>3</sup> A Bania sub-caste to which Gandhiji belonged

<sup>4</sup> Dhanji Ranji, an Indian merchant at Verulam



desires to have the company of a woman.

*Blessings from*  
MOHANDAS

From the original Gujarati in Gandhiji's hand: C. W. 4931 Courtesy:  
Radhabehn Choudhri

### 95. *TRANSVAAL DEPORTEES*

Mr. G. A. Natesan of Madras deserves the warmest thanks of the Indians of South Africa for the very valuable assistance he has rendered to the homeless Transvaal deportees. We have received several letters showing very great appreciation of Mr. Natesan's services. He made their lot much easier to bear. The Madras papers, too, are full of praise for him. We congratulate Mr. Natesan on his great public spirit.

*Indian Opinion*, 16-7-1910

### 96. *LICENSING LAW*

The Supreme Court Judgment in the matter of Mahomed Goolam and the Maritzburg Corporation (published in our last issue) is worthy of perusal.<sup>1</sup> It shows what Indians have to labour under in the Colony. The Licensing Officer holds their fortune in the palm of his hand. The Supreme Court does not always get the opportunity of exposing his arbitrary decisions. Every aggrieved Indian trader cannot afford to take his case to the Supreme Court. One can, therefore, only guess what hardships Indian traders have to undergo and what must necessarily remain unnoticed by the public. We drew attention only the other day to an Estcourt case which has not yet reached the Supreme Court. The only thing Indian merchants can do is to ceaselessly agitate till their trading rights are placed on a firm footing.

*Indian Opinion*, 16-7-1910

<sup>1</sup> Mahomed Goolam, a Maritzburg retailer, applied in April 1909 for renewal of his licence. The licence fee was accepted but no decision given. He continued trading till December when the City Licensing Officer rejected the application. The Town Council upheld his decision. Goolam then appealed to the Supreme Court, which allowed the appeal with costs.

### 97. LICENCES IN NATAL

The appeal<sup>1</sup> to the Supreme Court in the Maritzburg licence case suggests that the [Dealers'] Licensing Act continues to be a source of hardship. Indian traders cannot afford to be complacent about it. The Act will cease to be a problem only if they pester the Government again and again and take effective measures.

[From Gujarati]

*Indian Opinion*, 16-7-1910

### 98. DEPUTATION TO ADMINISTRATOR

We can take two different attitudes to the deputation<sup>2</sup> that was led to the Administrator. One is that it was not proper to have led an independent deputation without the consent of the Congress. In a way, this is right. But we cannot now take our stand merely on this point. The community has grown wings. Indians think for themselves. Of course, they do make mistakes sometimes. They want to act on their own. We cannot repress this spirit of enthusiasm, but can direct it along the right channel. This would require patience on the part of the leaders. If they encourage young Indians, this spirit can do nothing but good. If they remain indifferent and young people take to wrong methods it is obvious that harm will follow.

[From Gujarati]

*Indian Opinion*, 16-7-1910

### 99. LETTER TO G. A. NATESAN

JOHANNESBURG,

*July 21, 1910*

DEAR MR. NATESAN,

I am exceedingly obliged to you for your letter of the 2nd ultimo. and the sentiments expressed by you. You call the brave

<sup>1</sup> *Vide* footnote to preceding item.

<sup>2</sup> Early in July, the Indian societies of Maritzburg and Durban sent a deputation to the Provincial Administrator seeking redress of grievances regarding the poll-tax, educational facilities, trading licences, etc.

passive resisters who have been deported there your Tamil countrymen, but I claim them to be my countrymen, just as much as they are your's. We have derived inspiration for all the work that we have endeavoured to do here from the great leaders in India. I do not think, therefore, that there is any occasion to exaggerate the merits of the passive resisters in South Africa. The handsome donation sent by you was most welcome. I shall await particulars as promised by you. Your praise of Mr. Polak is undoubtedly well-deserved. He is a most wonderful man. His devotion to the cause is simply admirable. May I state that almost every letter that I receive from him speaks in the warmest terms about your work there.

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

From a photostat of the typewritten original signed by Gandhiji: G.N. 2222

### *100. WHO IS UNCIVILIZED?*

We published the report of a boxing match<sup>1</sup> in America between a negro and a white. Millions had assembled to enjoy the spectacle. Among them were both old and young, men and women, rich and poor, government officials and common citizens. Many of them had travelled all the way from Europe. What did they see? Two men were hitting each other and displaying their brute strength. The people of America went mad over this show, and America is reckoned a very civilized country! What did the spectators gain from this show? We can offer no satisfactory answer to this question. There are some who hold that the body is strengthened through demonstrations of this kind and people learn how to defend themselves. A little reflection will show that this is altogether a mistaken notion. It is, of course, good to harden the body, but that cannot be done through boxing matches in public. There are many other means, and natural ones, of strengthening the body. This is no more than a pretext. The truth of the matter is that people enjoy seeing a fight and give their adoration to physical strength only. They think nothing else can match it. In thinking thus, they deny the soul and therefore deny God. The only

<sup>1</sup> Between Jefferies and Johnson at Reno on July 4, 1910

epithet that can be applied to such a people is “barbarous”. There is very little to learn from them. We certainly do not wish to say that there were no such shows in ancient times. But everyone knew and admitted them to be barbarous. No wise men went to them. They were attended only by boys and woolly-headed young men. On the other hand, the show in America was attended by grown-up people. Lengthy telegrams were dispatched to newspapers at a huge cost. The reports were followed with interest by millions. Thus, the show was not looked upon as something uncivilized; on the contrary, it was regarded as a mark of civilization. This, in our view, is the extreme limit of barbarism. However strong the bodies of Jefferies and Johnson, they may be reduced to wrecks in an instant. They will then be of little use. It is doubtful if the millions who had assembled at the show ever thought of this even in their dreams.

[From Gujarati]

*Indian Opinion*, 23-7-1910

### 101. JOHANNESBURG

Monday [July 25, 1910]

#### NEW GAME OF ASIATIC OFFICE

It has been the practice so far to register Indian children on their attaining majority. Now, however, they refuse such registration, if the applicants have entered after the coming into force of the Act of 1908. The effect of this will be that hundreds of Indian children will not be allowed to register and so will have to return to India. It may not be proper for satyagrahis to take the matter to a court of law. But this being a serious issue, some Indians are determined to test their rights in court. The result is bound to be favourable.

#### GIFTS

Mr. Adam Ali of Roodepoort has sent a rug and Mr. Desai of Germiston a case of fruit. I should like to bring it to the notice of vegetable dealers that if they send Indian vegetables like beans, brinjals, etc., there will be some saving in expenditure from the funds donated. The demand from the ladies is for such vegetables. Print and flannel, if sent by merchants, will be useful to children. The need for these is being felt now.

[From Gujarati]

*Indian Opinion*, 30-7-1910

## 102. LETTER TO MAGANLAL GANDHI

Ashadh Vadi 3 [July 25, 1910]<sup>1</sup>

CHI. MAGANLAL,

The letters you address direct to the Farm reach me sooner.

There can be no comparison between the sufferings in a gaol and those on the steamer. But Hey makes such a comparison<sup>2</sup> and it is shameful on our part that we give some cause for his doing so. This, as I understand it, is what Thaker means to say and his criticism appeals to me as quite fair. Please think over it again.

I send herewith Chhaganlal's letter. You need not return it to me as I have already made use of it. It would be nice if Chanchi<sup>3</sup> could be sent along with Dhanji. I do not think I shall be able to go there at that time.

Since Santok has given birth to a daughter, there is no worry on her account now. *Karka kasadara karpavai*.<sup>4</sup> Please ponder over this sentence printed at the top of Pope's [Tamil] grammar. There could hardly be a task more difficult than to conquer one's passion in regard to one's own wife. You will certainly succeed as your mind is inclined that way. Do persevere in your efforts and try to create a favourable atmosphere so that you will easily succeed. Even after I had made up my mind and was persevering in that effort, Ramdas and Devdas were born. You have to take courage from my initial failures. Poets have compared man to a lion. All of us have the inborn capacity to become kings of the forest of the senses; we can get that strength by giving continuous thought to it.

If there is a surplus stock of vegetables with anyone there, you may please send it here by "to pay" parcel. Pumpkins, chillies, etc., will all be of use here. Induce the vegetable dealers of Durban and Verulam, if you can [to help us]. If they send parcels of vegetables occasionally, that much money will be saved here. Some of the experiences gained here are worth telling you about, but I have no

<sup>1</sup> Vide footnote 1 to "Letter to Maganlal Gandhi", 13-7-1910

<sup>2</sup> Vide footnote 2 to "Letter to Maganlal Gandhi", 13-7-1910

<sup>3</sup> Chanchalbehn Gandhi

<sup>4</sup> The original has this in Tamil script. It means "What you learn, learn faultlessly: [Having learned it, live up to it.]"

time to write.

*Blessings from*  
MOHANDAS

[PS.]

Mr. Kallenbach says that it would not now matter if the plants are sent in gunny bags instead of in tins. If they are to be had at all, they should reach here right now. It wouldn't matter if they didn't come, but we should know the position.

I have sent Dr. Mehta a detailed report on the construction of septic tanks. It would be better, I think, to accept what West and Cordes say in the matter. Moreover, we shall make the necessary changes if I am there at the time of construction.

Please remember that a third-class ticket to Lawley has to be purchased for Ba when she comes here. The railway fare for Park station is the same as for Lawley.

From the Gujarati original in Gandhiji's hand: C.W. 4932 Courtesy: Radhabehn Choudhri

### *103. CABLE TO S.A.B.I. COMMITTEE<sup>1</sup>*

JOHANNESBURG,  
*July 28, 1910*

ROYEPPEN AND OTHERS DEPORTED NATAL. RE-CROSSED.  
SENTENCED THREE MONTHS' HARD LABOUR. GOVERNMENT  
NOW TRYING TO MAKE MINORS PROHIBITED IMNI-  
GRANTS BY REFUSING REGISTRATION ON MAJORITY. CAUSED  
SENSATION.

TRANSVAAL BRITISH INDIAN ASSOCIATION

From a typewritten copy in the Colonial Office Records: C. O. 551/7

<sup>1</sup> This was forwarded by Ritch to the Colonial Office on August 4, 1910.

## 104. LETTER TO MAGANLAL GANDHI

*Ashadh Vadi 6 [July 28, 1910]*<sup>1</sup>

CHI. MAGANLAL,

Received your letter. I can imagine Chi. Chhaganlal's condition. I am in no mood to write much; otherwise I wanted to write at length on the boxing match between Jefferies and Johnson. Only a little of it has appeared in Gujarati.<sup>2</sup>

Mr. Kallenbach says that the order for the Verulam plants may be cancelled if these cannot reach here within a week. It would not matter if it is cancelled; you should therefore not bother about it. Even if the plants are dispatched within a week, says Mr. Kallenbach, the payment should be made only after they reach here.

Hope Santok and her daughter are quite well.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4933 Courtesy: Radhabehn Choudhri

## 105. ANOTHER BREACH OF FAITH!

The news that our Transvaal correspondent gives regarding the latest move of the Transvaal Government is indeed astounding. It will be remembered that one of the sorest points in the Asiatic Act of 1907 was that it required direct registration of minors under sixteen years. This grievance was removed by the Act of 1908 by transferring registration of such children to their parents' certificates. And had everything else gone well, nothing more would have been heard of registration of minor children in the Transvaal. Until recently it appears that minor children of non-resisters were, on attainment of majority, registered whether such children entered before or after the commencement of the Act of 1908. But it seems that the calmness of the Asiatic Department is simply to find out how to circumvent the

<sup>1</sup> The boxing match mentioned in the letter took place at Reno in the U.S.A. on July 4, 1910, in which year *Ashadh Vadi 6* corresponded to July 28.

<sup>2</sup> *Vide* "Who Is Uncivilized?", 23-7-1910

Indian community and how to harass it into leaving that Colony. Some law officer has therefore discovered that there is a flaw in the Act of 1908 which was drawn up in a day and that that flaw enables the Government to treat minors who entered the Colony lawfully after the commencement of the Act as prohibited immigrants on their attaining majority. That the legislature never contemplated any such result is obvious. Indian parents could never consent to an arrangement whereby their children should be sent out of the Transvaal on their arriving at the age of sixteen years. The Act of 1908 was largely a matter of compromise. The history of the negotiations that led up to the passing of the Act shows clearly that the Government and the Asiatics clearly understood that minor children of registered Asiatics were to enjoy the same rights as themselves. We do not know what the exact meaning of the Act may be and we care less. But this we do know, that, whatever may be the legal effect of the Act, this latest move on the part of the Transvaal Government shows a flagrant breach of faith. It emphasizes the charge of bad faith brought by the community against that Government. It strengthens and justifies passive resisters in their resolve to continue the fight. Non-resisters will test the point in the law courts. They may be worsted in the struggle. So much the worse for the Government. If there is a flaw in the Act, it is for them to rectify the error, not to take a mean advantage of it.

But this move of the Transvaal Government has, for those who will understand it, a deeper meaning. It shows that the sheet-anchor of our hope lies not in the uncertainty of law suits but in the certainty of passive resistance. We therefore trust that Indian parents who have abandoned the fight in despair and from weakness will gird up their loins and once more throw in their lot with those who are continuing passive resistance.

We shall watch with some curiosity how the Imperial Government will view this latest phase of the question.

*Indian Opinion, 30-7-1910*



## 106. PRISON TREATMENT

Mr. Churchill has announced<sup>1</sup> that passive resisters and Suffragettes shall not henceforth be treated as common felons and that they are not to have degrading associations. This is a reform in the right direction. It is worthy of note that Mr. Churchill has drawn a distinction between passive resisters and Suffragettes. That is to say, even when the latter may not be classed as passive resisters, as for instance, when they assault the Prime Minister and break windows, etc., to draw attention to their cause, they are not to be treated as common criminals. This is a great victory for Mrs. Pankhurst and her followers. It is a tardy recognition of a principle to which Mr. Robertson and other well-known publicists drew the attention of the British public about a year ago.

But what about the Transvaal passive resisters? Are they less worthy of similar treatment? Must they who never use violence, who are perhaps the truest passive resisters, be classed as ordinary convicts undeserving of any consideration whatsoever? May not the Imperial Government persuade the new Union Government to copy Mr. Churchill's reform? Or must Mr. Joseph Royeppen, a barrister, who seeks imprisonment for conscience' sake, be placed on the same footing as a homicide or a burglar?

*Indian Opinion*, 30-7-1910

## 107. JOHANNESBURG

*Monday [August 1, 1910]*

SATYAGRAHI BURJORSINGH

Mr. Burjorsingh, one of the batch of satyagrahis from Durban, who was recently in gaol for three months, has had to leave the Satyagrahi Farm<sup>2</sup> on account of his father's illness. Mr. Ratipalsingh and other members of the Corporation gave him a dinner and spoke in praise of him. Mr. Burjorsingh will shortly return to the Transvaal and get arrested.

[From Gujarati]

*Indian Opinion*, 6-8-1910

<sup>1</sup> In the House of Commons

<sup>2</sup> Tolstoy Farm

108. REPLY TO "RAND DAILY MAIL"<sup>1</sup>

[JOHANNESBURG,]

August 3, 1910

SIR,

Will you permit me to correct some statements made in your leading article<sup>2</sup> on Lord Amphill's action in the House of Lords<sup>3</sup> on the passive resistance struggle?

You say that passive resistance commenced after the Government had offered to grant permits for priests, lawyers, doctors, etc., but when<sup>4</sup> they refused to grant anything further. May I remind you that passive resistance commenced in 1907 when the question of priests, doctors and lawyers had not come up for public discussion, and when it did arise, it simply arose in order to forcibly illustrate the injustice that had been done by the Government in not conceding the demands of the community, which, as Mr. Patrick Duncan has pointed out, have never varied? British Indians have always asked for equality in the eye of the law as to immigration but never for unrestricted immigration of Asiatics.<sup>5</sup> I emphatically deny that British Indians who have been deported have in any large numbers declined to give information as to their domicile. As a matter of fact, the domicile of most of them was within the knowledge of the Asiatic department and no proof of domicile was necessary in connection with those who had educational attainments, as many had. You state, again, that in no instances have cases of harsh treatment in the gaols of the Transvaal been proved by the passive resisters. May I inform you and the public that the question of diet, which was a very serious one, was very prominently brought before the Government and the public, and that it is only now that the grievance, I am thankful to say, has been partially remedied. That passive resisters who are not criminals in the ordinary sense of the term have been sent to a penal settlement, like Diepkloof, where the ordinary privileges of prisoners are withheld in my opinion is

<sup>1</sup> This was published in *Rand Daily Mail* under the title, "Indian Passive Resisters".

<sup>2</sup> Of 29th July; *Vide Indian Opinion*, 6-8-1910.

<sup>3</sup> *Vide* the following item.

<sup>4</sup> *Indian Opinion* here has "but they"

<sup>5</sup> *ibid*

undoubtedly a glaring instance of harsh treatment. You further state that British Indians are keeping up passive resistance for other than the purpose of having their legitimate demands granted. In reply, I can only say that the world has not many men who would suffer, without reasonable cause, privation, starvation, separation from those who may be near and dear to them, etc., besides the loss of their worldly possessions. I quite agree with you that, if the demands of the community are granted, they should be granted not in response to passive resistance, but because they are intrinsically just; but I hope you will agree that passive resistance ought not to stand in the way of a strong government doing justice. You seem to think that passive resistance means coercion. In my humble opinion, the self-suffering which the community has undergone, and which has been expressed by the term “passive resistance”, has been undertaken after the methods of petitioning, etc., had been exhausted, and in order to draw public attention to a grievance that was keenly felt and resented by the community.

*I am, etc.,*

M. K. GANDHI

*Rand Daily Mail, 6-8-1910*

*Indian Opinion, 6-8-1910*

### *109. TRANSVAAL INDIANS IN THE HOUSE OF LORDS*

Lord Ampthill, who has rendered signal services to the cause of the British Indians in South Africa and, thereby, we venture to think, to the Empire, has again raised the question in the House of Lords.<sup>1</sup> Reuter's cable<sup>2</sup> gives only a summary of Earl Beauchamp's reply to Lord Ampthill's query. And, if the summary gives a correct version, it shows that the policy of the Transvaal Government of misleading the Imperial Government continues unabated. In reply to Lord Ampthill's protest against the deportations to India, Earl Beauchamp is reported to have said that “Every opportunity would be afforded British Indians to prove domicile in South Africa, but that many absolutely refused to give information.” The fact is that, in most

<sup>1</sup> On July 26, 1910

<sup>2</sup> Dated July 27, from London, reproduced in *Indian Opinion*, 30-7-1910.

cases, the authorities themselves knew the domicile of the parties concerned, and that, save in one or two cases, they all emphatically declared their domicile. It was not possible for them to do more. The authorities, however, *insisted* on production of domicile certificates which many did not possess. It is a well-known fact that possession of such a certificate is not a legal necessity. Some Indians take them out as a measure of protection. The authorities knew the case of young Manikum Pillay. He was a student in Natal; he could enter the Colony by reason of his education; his father is well known to the Asiatic Department; yet the young man was sent away to India. Young Pillay, we understand, gave all the information but it was of no avail. The fact that young Pillay and other Indians were deported and, on their return from India, could enter Natal; and the further fact that they are now serving imprisonment at Diepkloof, eloquently demonstrates, as no argument by us could, that the Imperial Government has been hoodwinked by the Transvaal Government.

Then, again, Earl Beauchamp is reported to have said that the Union Government could not agree to “unrestricted immigration” Indians in the Transvaal have repeatedly declared that they do not want unrestricted immigration. Passive Resistance has not been undertaken to bring about any such result. Indeed, they know that, if they fought for unrestricted immigration, they would forfeit the generous support given to them by Lord Amphill and other distinguished statesmen. They have received universal sympathy and support outside South Africa only because they have shown that their demands are reasonable, moderate and such that they cannot but be satisfied in the end. So far as immigration is concerned, all that they ask for is that there shall not be in law any distinction based on race or colour; that there shall not be an insult offered to Indians as a race, as the present legislation does.

*Indian Opinion, 6-8-1910*

### 110. AN INTERESTING GROUP

Our Supplement this week is an interesting photograph<sup>1</sup> of Pioneer Settlers at Tolstoy Farm—the Passive Resistance settlement at Lawley in the Transvaal. Our readers will specially value the photograph as it includes that of Mr. Kallenbach, whose generosity in placing the Farm at the disposal of the passive resisters' families, together with his wholehearted sympathy with the movement, is so well known and appreciated. What will perhaps appeal most of all to the Indian community is the way in which Mr. Kallenbach, literally as well as figuratively, “takes off his coat” to the work of helping the cause he has made his own.

*Indian Opinion*, 6-8-1910

### 111. LORD AMPHILL'S HELP

Lord Amphill continues to help the Indians. We have already published the cabled report<sup>2</sup> of the proceedings in the House of Lords arising from a question asked by him.

The report shows that the Transvaal Government persists in misleading the Imperial Government. The allegation that the deportees did not furnish complete information is baseless, as also the statement that we are demanding unrestricted admission of Indians. However, the discussion in the House of Lords shows that the Imperial Government persists in its efforts. It is only a question of time. Whether or not there will be a victory depends on the satyagrahis.

[From Gujarati]

*Indian Opinion*, 6-8-1910

<sup>1</sup> *Vide* Illustration: Pioneer Settlers of Tolstoy Farm (Supplement to *Indian Opinion*, 6-8-1910).

<sup>2</sup> In *Indian Opinion*, 30-7-1910. *Vide* also. “Transvaal Indians in the House of Lords”, 6-8-1910.

## 112. REPLY TO "RAND DAILY MAIL"<sup>1</sup>

JOHANNESBURG,  
August 9, 1910

SIR,

Under the heading "Asiatic Exaggeration", you revert to the question of the ill-treatment of passive resisters as well within this Province as on board a particular steamer that carried over sixty passive resisters a few months ago. Passive resisters have kept absolutely clear at least of two things —exaggeration and violence in any shape or form —both things being considered totally foreign to the spirit of the struggle. Allegations of the ill-treatment of prisoners will continue to be made in spite of every contradiction, so long as passive resisters<sup>2</sup> are treated with exceptional severity by being classed not only with criminals, but being sent to a penal settlement which is intended for hardened criminals. You seem to imagine that passive resisters have repeatedly complained about physical violence having been used against them. As a matter of fact, except in isolated cases, they have stated that there has not been physical violence used against prisoners. As to Lord Morley's repudiation of ill-treatment on board, one is tempted to ask, in spite of the very high source from which the contradiction comes, whether His Lordship had ever ordered examination of the passengers themselves. I gather that no such course was adopted. In the circumstances, the Indian community will continue to believe the statement made by the passengers. But here again it seems to be imagined that, when an Indian complains of ill-treatment, it must imply physical violence,<sup>3</sup> or it is not ill-treatment at all. That the deportees were sent as deck-passengers, and that they had to starve by way of protest for a day before they received decent food on board, are matters which call for no comment in your estimation, and yet they are matters which vitally affect the parties concerned. The only way to stop the dissemination of reports in India of the ill-treatment of passive resisters is, firstly, to accept the

<sup>1</sup> This was published in *Rand Daily Mail* under the caption "The Passive Resisters".

<sup>2</sup> *Indian Opinion* here has "passive resistance prisoners".

<sup>3</sup> *Indian Opinion* has "it must simply be physical violence".

deportees' standards of what is good treatment, and, secondly, to close the painful struggle by granting the just demands of the Indian community.

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

*Rand Daily Mail*, 9-8-1910

*Indian Opinion*, 13-8-1910

### *113. MR. RITCH'S DEPARTURE POSTPONED*

The newspapers announced that Mr. Ritch was coming to South Africa very soon with a message of sympathy and encouragement for passive resisters. Preparations were on foot to give Mr. Ritch a welcome to which his whole-hearted, effective and able work in England entitles him. But, as our Transvaal correspondent points out, Mr. Ritch's departure has been suddenly postponed owing to Mrs. Ritch having to undergo an operation. It will be remembered that Mrs. Ritch had only just recovered from a very dangerous illness, during which she underwent a series of operations. The sympathy of the Indian community throughout South Africa goes out to Mr. and Mrs. Ritch in their trouble, and we hope that Mrs. Ritch will recover from her most recent illness. The friends of the family who know Mrs. Ritch's pluck and marvellous recuperative powers have little doubt that she will survive the operation and remain, for many a long year to come, the guardian angel of her children who adore her and whom she adores and for whom she lives.

*Indian Opinion*, 13-8-1910

### *114. INDIANS UNDER THE UNION*

Those who thought that the Indian community in South Africa would fare better under the Union are being rapidly disillusioned. The Transvaal continues its persecution of passive resisters. The Orange Free State keeps her gates closed against them. Silently but surely an agitation against Indians is being fostered at the Cape and the Natal licensing laws, in spite of the recently made amendment,<sup>1</sup> still remain a

<sup>1</sup> *Vide* "Natal Licensing Act", 11-12-1909

standing menace to Indian merchants and traders. The Estcourt case,<sup>1</sup> to which we drew attention some time ago, now enters upon a further stage. The Provincial Court has decided that the appointment by the Government of certain members of the Board was valid. We presume, therefore, that the injured party will once more approach the Appellate Board. By the time this sickening procedure is finished, it would have cost Mr. Suleman, the party concerned, a fortune. How many Indian traders are there in the Colony who can afford the necessary expenses of such a prolonged fight?

Then, again, take Mr. Goga's case.<sup>2</sup> Here is a man of twenty years' standing, having a large and respectable European custom, who is openly backed by Europeans of standing in Ladysmith. He cannot get a licence in respect of his own premises. It is nothing to the Licensing Officer that Mr. Goga cannot let his shop to any Europeans and cannot sell it. Because he is an Indian, he must be content to suffer loss.

The question arises: How does the Union help Indians even in such glaring cases of injustice? The answer is that the position of Indians under the Union will in no way be made easier, and it is highly probable that it will be made much worse. All the reactionary forces will be combined against them. Let the community beware. The only effective way to fight such a mighty combination is for it first to combine and secondly to become self-reliant.

*Indian Opinion*, 13-8-1910

<sup>1</sup> One Suleman, who was refused transfer of a licence by the Licensing Officer, Estcourt, appealed to the Estcourt Licensing Board, where his counsel, objecting to the constitution of the Board, refused to proceed. The Licensing Board, however, gave a decision. The review against this decision was dismissed by the Supreme Court (Natal Division) on August 2.

<sup>2</sup> In Ladysmith, Goga, an Indian retailer, was refused a licence to trade in premises owned by him, although 37 Europeans presented a petition supporting him to the Licensing Officer.



115. LETTER TO LEO TOLSTOY<sup>1</sup>

JOHANNESBURG,  
August 15, 1910

DEAR SIR,

I am much obliged to you for your encouraging and cordial letter<sup>2</sup> of the 8th May last. I very much value your general approval of my booklet, *Indian Home Rule*. And, if you have the time, I shall look forward to your detailed criticism of the work which you have been so good as to promise in your letter.

Mr. Kallenbach has written to you about Tolstoy Farm. Mr. Kallenbach and I have been friends for many years. I may state that he has gone through most of the experiences that you have so graphically described in your work, *My Confessions*. No writings have so deeply touched Mr. Kallenbach as yours; and, as a spur to further effort in living up to the idealsheld before the world by you, he has taken the liberty, after consultation with me, of naming his farm after you.

Of his generous action in giving the use of the farm for passive resisters, the number of *Indian Opinion*.<sup>3</sup> I am sending herewith will give you full information.

I should not have burdened you with these details but for the fact of your taking a personal interest in the passive resistance struggle that is going on in the Transvaal.

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

COUNT LEO TOLSTOY  
YASNAYA POLYANA

From a block of the typewritten original signed by Gandhiji published in *Mahatma*, Vol. I, by D. G. Tendulkar

<sup>1</sup> For replies by V. Chertkov and Tolstoy, *vide* Appendix "V. Chertkov's letter to Gandhiji", and (Tolstoy's letter to Gandhiji", 7-9-1910.

<sup>2</sup> *Vide* Appendix "Tolstoy's letter to Gandhiji", 8-5-1910.

<sup>3</sup> Of 11-6-1910

## 116. LETTER TO MAGANLAL GANDHI

[TOLSTOY FARM,]

*Shravana Vadi 1* [August 21, 1910]<sup>1</sup>

CHI. MAGANLAL,

Please write to me, if possible, at least once a week.

I have already sent you Anandlal's<sup>2</sup> letter.

For the vegetables you sent we shall arrange to pay out of the [Satyagraha] Fund here. We would have to spend the same amount if we brought here the quantity of vegetables you sent. You should be able to know a cheaper method of sending the vegetables if you went through the tariff book. It is, however, impossible to measure the value of the sentiment behind your sending the vegetables. What is important is the fact that people provide satyagrahis with whatever they need. If people send these things jointly the railway fare would not be much. Please explain to them that it would be shameful for those who make big profits to be scared by the paltry cost of freight.

I have not seen anything sent by Babu Talewant Singh. We have received groundnut and vegetables from Dhanji and blankets and flannels from Raghavji. If any of these things are from Babu Talewant Singh please make the necessary correction. I had a letter from Babuji himself saying that the articles were from the persons mentioned above.

Harilal cannot go to India to escort Chanchi. We are poor and cannot spend money like that. Moreover, a man who has joined the struggle cannot thus go away for three months. There would be nothing wrong if Chanchi goes to India in some good company. Many poor women do so. We do not want our womenfolk to remain delicate. I for one am a farmer and I wish you all to become farmers, or to continue as such if you have already become farmers. My way of life has completely changed here. The whole day is spent in digging the land and other manual labour instead of in writing and explaining things to people. I prefer this work and consider this alone

<sup>1</sup> The gifts mentioned in paragraph 4 were acknowledged in *Indian Opinion*, 27-8-1910 in 1910; *Shravana Vadi 1* corresponded to August 21.

<sup>2</sup> Son of Amritlal Tulsidas Gandhi, Gandhiji's cousin

to be my duty. Ramdas dug a pit, 3 feet broad and 3 feet deep, and half of another, working till one o'clock today. If he continues to work like this he will be a very good boy. Now I do not see him engrossed in thought as he used to be in Phoenix. This is the result of manual labour. In pampering this corpulent body that has been given to us and pretending that we earn [our living] by our intellect, we become sinners and are tempted to fall into a thousand and one evil ways. I regard the Kaffirs, with whom I constantly work these days, as superior to us. What they do in their ignorance we have to do knowingly. In outward appearance we should look just like the Kaffirs. From this you may deduce other reasons also for Harilal not going to India to escort Chanchi.

For your short temper too I think this is the cure. The body is like an ox or donkey and should therefore be made to carry a load. Then the short temper, etc., will be cured. I am constantly trying to keep away the shortcomings of Phoenix from this Farm. That is why a different standard of living has been laid down. If instead of each cultivating his own plot separately all cultivate the entire land together, we can produce a larger crop more quickly. I do not think this is possible there for the present. But I did make the suggestion that it would be good if those who could co-operate cultivated their plots together. That suggestion was made with [special] reference to Purshottamdas and you. It has many other implications. However, I have written this to let you know the current trend of my mind.

The proceeds from the sale of stock in the Press cannot by any means be considered as profit. They can be credited to the capital account and nowhere else. We need not consider whether we have gained or lost by giving up the job work; we are rid of a headache thereby.<sup>1</sup>

From the Gujarati original in Gandhiji's hand: C.W. 4934 Courtesy: Radhabehn Choudhri

<sup>1</sup> The letter is incomplete.

## 117. LETTER TO NARANDAS GANDHI

*Shravan Vad 3 [August 23, 1910]<sup>1</sup>*

CHI. NARANDAS,

I had kept your letter for replying.

If you spend your spare time in understanding and explaining to others the significance of the struggle here, I shall take it that you have done well. We need not doubt the law that we achieve the thing to which we completely devote ourselves. The satyagraha struggle deserves such devotion. Hence this advice to you.

*Blessings from*  
MOHANDAS

From the Gajarati original in Gandhiji's hand: C.W. 5635 Courtesy: Narandas Gandhi

## 118. REPORT OF PROTECTOR OF INDENTURED LABOURERS

The so-called "Protector" of indentured labourers has published his annual report. We note its main points elsewhere. The report is a matter of disgrace for every thinking Indian. How many Indians arrived, how many of them died, what were the causes of death—all this is worth knowing and will be found in the abstract of the report.

The reply by the "Protector" to Mr. Polak's vivid account of the sufferings of indentured labourers makes interesting reading. It is in fact no reply. The "Protector" seems to have assumed the role of "Exploiter". When we thus find that the sea has caught fire, where shall we get the water to quench it?

What we are seriously exercised over at the moment is this. Last year, 2,487 indentured labourers arrived from Madras, including 176 boys and 195 girls of all ages. Further, it is stated in the same report that more than 27,000 Indians have been born in Natal. What has been the fate of all these boys and girls? The Government has shown no interest in this matter. The Protector has not a single word to say about

<sup>1</sup> *Vide* "Letter to Narandas Gandhi", 29-3-1910

them. The employers of indentured labourers do nothing for them. The boys, too, are treated as indentured labourers. This is the way cattle are dealt with. Do we really treat [even] our cattle in this fashion? What this reveals is a state of slavery. The boys and girls who arrived last year are ruined both materially and morally. Any ruffian may cast his evil eye on them. From early morning when the parents go to toil like beasts, these delicate children are left to themselves and those of them who are strong enough for a little work are employed on payment of a paltry 5s. Thus, it is sugar made with the blood of indentured labourers that we use for gratifying our palate. In spite of this, some of us think that the indentured labourers gain by coming here, that they escape starvation [in India] and find happiness in Natal. We would not think of applying this argument to ourselves. We would rather prefer to starve than accept the slavery of indenture. We would not like to bring up our children in such slavery. These boys and girls are left entirely to the mercy of God. Any Indian who has faith in religion will see that we join in exploiting this slavery and as a punishment for that sin we, who claim to be free Indians, also become the victims of oppression. If only we had a pen and an intellect powerful enough, we would awaken the Indians from their deep slumber and rouse the community to take effective measures to put an immediate stop to the system of indenture. This is the right time for it. A letter signed by the leaders demanding an immediate end to the system of indenture should be sent to all those who wish to enter the Union Parliament. We have no doubt that once indenture is stopped, the hardships of Indians will not take long to disappear.

[From Gujarati]

*Indian Opinion*, 27-8-1910

### 119. CABLE TO S. A. B. I. COMMITTEE<sup>1</sup>

JOHANNESBURG,  
August 29, 1910

MAGISTRATE	DECIDED	ASIATIC	ACT	GIVES	NO	PROTECTION
TO	NOT	BORN	TRANSVAAL	AND	NOT	RESIDENT
AT	COMMENCEMENT	OF	ACT	1908. <sup>2</sup>	MATTER	GOING

<sup>1</sup> This was forwarded by Ritch to the Colonial Office on August 30, 1910.

<sup>2</sup> In the case of Mahomed, son of Chhotabhai, Magistrate Jordan ruled that the inclusion of the son's name in the father's registration certificate gave him no right to apply for registration and that the father's Peace Preservation Permit did not cover the son; hence he dismissed the appeal and ordered deportation.

BEFORE SUPREME COURT, BUT AS IT AFFECTS MANY  
INDIAN CHILDREN AND IS SO IMPORTANT, HOPE  
IMPERIAL INTERVENTION WILL COMMENCE NOW.

M. K. GANDHI

From a typewritten copy in the Colonial Office Records: C.O. 551/7

*120. LETTER TO MAGANLAL GANDHI*

[JOHANNESBURG,]

*Wednesday [August 31, 1910]<sup>1</sup>*

CHI. MAGANLAL,

I have your letter. I have one from Chhaganlal too.

It was good that you observed the *Janmashtami* fast. I had thought of doing so, but gave up the idea. I decided it was enough for the present if I could keep the *Ekadashi*<sup>2</sup> fast alone. There is only one simple way of winning divine grace—that of practising truth and other virtues, gradually and deliberately, and of concentrating on one attachment or devotion [to the Supreme] to the exclusion of all others.

Eat the whole body, O crow!

Peck away at my flesh;<sup>3</sup>

But pray consume not the two eyes,

I still hope to see my beloved.

This is said of a lover and his beloved; but in truth it shows the yearning of the soul to see the beloved in the form of God. He does not care if the body is lost. If the crow of passion does not eat away the eye of knowledge, he is bound to meet the beloved.

Chhaganlal's letters are still suggestive of his timidity. What he writes about Gokaldas makes it appear as though you and all of us are neglecting our elders. If Gokaldas does not go to India, it only betrays his ignorance. He has no duty to perform here. He has not even

<sup>1</sup> This letter appears to have been written during Chhaganlal Gandhi's absence from South Africa in 1910. "Janmashtami", Lord Krishna's birthday (according to the Indian calendar the 8th day of the dark half of *Shravana*) mentioned in the second paragraph, fell on Sunday, August 28, 1910.

<sup>2</sup> The eleventh day of each dark and bright fortnight

<sup>3</sup> The letter has और जलायौ मांस (and the burnt flesh too), but it should be read चुन चुन खाइयो मांस (peck away at my flesh).

obtained specific permission from Parmanandbhai to come over here. Moreover, Parmanandbhai wants only to see him. Gokaldas, however, does not understand [this] and therefore does not go. All of you have to serve your parents and you do it even while staying here. That can be your sole object in earning money. Of course, they might feel happy if you were with them. But they hardly need you apart from that. I hold that children who are indifferent to their parents can hardly accomplish anything in the world. I am quite free from worry as I do not see in your and Chhaganlal's behaviour anything that conflicts with filial duty.

What Chhaganlal writes about the exhibition has been the general impression. It is a great illusion<sup>1</sup>. What are we before it, when a person like Sitaji fell a prey to the temptation? This glamorous show is the product of Western civilization. We can deem ourselves successful if we are not led away by it. I do not mean to say that Chhaganlal has succumbed to the temptation. He is, however, greatly affected by it—and anyone would be so affected at first sight.

I agree with Chhaganlal about not sending Santok. I think she will not be happy in India. Such is our plight. She will not be able to live there with that spiritual and physical freedom which she enjoys here. When, thanks to her stay in Phoenix, she becomes firm in her convictions and courageous enough to adhere even in India to her ideas and way of life which she considers right, she will be happy there. Her stay will be beneficial to India and she will render true service to the country as well as to herself. I, however, feel that she may be allowed to go if she is pressed to go as was Chanchi. Veni<sup>2</sup> writes in every letter that in India she feels as if she were in prison. This is not true of women alone.

Please do not let Chhaganlal know of any portion of this letter even indirectly. For that might prove harmful. I am constantly pondering over his letters. I shall write to him myself when I find it necessary. My criticism too might be due to a misunderstanding. Even so, there is no need at present to disturb the tenor of his thought. For I have enough faith in him to believe that whatever he does he will

<sup>1</sup> Literally, a golden deer. In the *Ramayana*, Ravana's maternal uncle, Maricha, took the form of a golden deer to tempt Sita and entice Rama away so that Ravana could kidnap her.

<sup>2</sup> Wife of Gaurishanker Vyas, a leading Indian of Pretoria and a satyagrahi

come round of his own accord.

I have written to you in detail so that you may not be upset or distressed in any way.

The messenger did not inform me that the watch came from Tipnis. I have not mentioned his name [in “Johannesburg”] as he told me that it was sent by you. I shall make the necessary correction next week if you have not done so already. We have not received the things sent by Talewant Singh. I shall make enquiries. I fear some demurrage will have to be paid. He has not even told me what the things sent were.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4935 Courtesy: Radhabehn Choudhri

### *121. THE GRAND OLD MAN OF INDIA*

The first Indian to become a member of the British Parliament was Mr. Dadabhai Naoroji. Born on September 4th, 1825, in the city of Bombay, he was educated at the Elphinstone School and College, and was, at the age of 29, made Professor of Mathematics and Natural Philosophy—being the first Indian to receive that honour. In 1855, Mr. Naoroji visited England as partner in the first Indian business to be established in that country. The University College, London, did him the honour of appointing him Professor of Gujarati; and one of the benefits gained for India by Mr. Naoroji was the admission of Indians to the Civil Service in 1870. He was made Prime Minister of Baroda in 1874, and a year later was elected a member of the Corporation and Municipal Council of Bombay, to which body he gave five years' valuable service. Mr. Naoroji was a member of the Bombay Legislative Council from 1885 to 1887. The Indian National Congress honoured him by electing him President in 1886, 1893, and again in 1906. Mr. Naoroji sat in the House of Commons from 1893 to 1895 as Liberal member for Central Finsbury, London, and he did good work for his country as member of the Royal Commission on Indian Expenditure, etc., and, in 1897, gave evidence before the Welby Commission. From the very commencement of the British Committee of the Indian National Congress, he was a diligent member and hard worker. Among the publications from the pen of Mr.



Dadabhai Naoroji are: *England's Duty to India*, *Admission of Educated Natives into the Indian Civil Service*, *Financial Administration of India*, and what is, perhaps, the best known of his many writings, *Poverty and Un-British Rule in India*. In 1906, the venerable Dadabhai journeyed to the Motherland to preside over the Indian National Congress, a task which was a tremendous strain upon even his iron constitution and indomitable spirit. Since the Calcutta Congress of 1906, Mr. Dadabhai has practically retired from public life, and in 1907 he went to reside at Varsova, a small fishing village in the Bombay Presidency where he still watches with a keen interest the progress of events in India which go to make or mar its future. Truly has he earned for himself the honoured title of THE GRAND OLD MAN OF INDIA.

*Indian Opinion*, 3-9-1910

### 122. LONG LIVE THE GRAND OLD MAN

Tomorrow is the 86th birthday of Mr. Dadabhai Naoroji, the Grand Old Man of India and the Father of Indian Nationalism. Every year brings us nearer the day when we must part with him in the flesh. The best honour that we can render him is to imitate him in his noble career and dedicate our all to the service of the Motherland. On the first page we give a brief biographical sketch with portrait of the aged patriot.

*Indian Opinion*, 3-9-1910

### 123. GREAT LONDON MEETING

The report<sup>1</sup> of the great meeting held in London on the 3rd of August last has now arrived. It was fitting that Sir Mancherji Bhownaggee, who has taken such a prominent part in the struggle since its commencement, should have presided. The success of the whole gathering was due to the untiring efforts of Mr. Ritch and his helpers. A glance at the names of the speakers<sup>2</sup> shows what a

<sup>1</sup> The report of this meeting held at the Westminster Palace Hotel, to protest against the treatment of British Indians in the Transvaal, was published in *Indian Opinion*, 3-9-1910.

<sup>2</sup> Among the speakers were Major Sayed Hoosen Belgrami, W. P. Byles, M. P., Sir R. K. Wilson, Bepin Chandra Pal and Lala Lajpat Rai.

representative gathering it was. Sir Mancherji has forwarded the resolutions<sup>1</sup> to Lords Crewe and Morley. Reuter has informed us that the Imperial Government is still in correspondence with the Union Government. Mr. Ritch has appealed to General Botha to close the struggle before the Union Parliament meets. It now remains to be seen what the next month has in store for passive resisters. We confess that before the elections are over, General Botha, whose own fate and that of his fellow ministers hangs in the balance, could take no definite action. Meanwhile, passive resisters may take additional courage from the fact that their cause is being very vigilantly watched by Lord Amphill and his Committee<sup>2</sup> and that the opinion of the Metropolis of the Empire is behind them.

*Indian Opinion*, 3-9-1910

#### 124. INDENTURED LABOUR

The *Rand Daily Mail* has made a most excellent suggestion to the effect that the voters should ask every candidate to pledge himself to the immediate stoppage of indentured labour from India. So long as that blot remains, it is very much like straining at a gnat and swallowing a camel to persecute a few Indians out of the Transvaal Province. Whatever may be the motives of the *Rand Daily Mail* in urging total prohibition of indentured labour, no Indian can have any difficulty in agreeing with its conclusions.

*Indian Opinion*, 3-9-1910.

#### 125. A REPROACH

Mr. Haggar, who found himself appointed a member of the Commission that recently sat to examine the question of indentured

<sup>1</sup> The first resolution detailing disabilities of the Transvaal British Indians emphatically protested against the deportations to India through Mozambique; the second appealed to Lord Crewe for protection; the third to Lord Morley to prevent further emigration to South Africa until redress of grievances; the fourth conveyed a message of "admiration and encouragement . . . to brave brothers and sisters in the Transvaal . . . in the selfless struggle"; and the fifth directed forwarding of the resolutions to Colonial and India Offices and to the Transvaal British Indian Association.

<sup>2</sup> The S.A.B.I. Committee

labour, thus writes in the course of a letter to the *Rand Daily Mail*, in reply to that paper's leading article urging entire prohibition of indentured labour:

One fact was forced upon the attention of the Commission, namely, the Natal-born Indian is useless as a worker; he will play football, sell newspapers or do low-class office work but he will not undertake anything of the nature of labour. It was admitted by educated Indians that primary education made the Natal-born Indian useless in the labour market. Agriculture had nothing to hope from him.

Indians know Mr. Haggar too well to take him seriously. His unproved charges against the community have not yet been forgotten. But sometimes we do learn a great deal even from our avowed opponents. The statement that we have quoted above is not without a modicum of truth in it. Curiously enough, we have just received from a correspondent a letter inviting us to open our columns regularly for Indian sporting news. We have nothing against sport as such. And, if our columns were not almost solely devoted to the cause of the Indian struggle in South Africa, and if we had enough support from the sporting Indians, we would not be unprepared to set apart a portion for regular sporting news. But we ask our young friends whether sport should occupy so much of their time and attention as it does now. Indeed, those Indians who know what is going on around them, cannot afford to be in a sporting mood. Our forefathers did wonderfully well without the fashionable sport of today. Sport indulged in for the sake of developing the body is of some use. But we venture to suggest that agriculture, the inherited occupation of Indians—indeed of the human race—is better sport than football, cricket and all other games put together. And it is useful, dignified and remunerative. Football and cricket may be well for those who have the drudgery of the desk work to go through from day to day. But no Indian need undertake that task. We therefore advise our young sporting friends to take Mr. Haggar's remarks in good part and leave the contemptible work of clerks, newspaper sellers, etc., for the independent and manly field-work. They have before them the brilliant example of Mr. Joseph Royeppen who, though a barrister, took up hawking and latterly did manual work on the Passive Resistance Farm<sup>1</sup>.

*Indian Opinion*, 3 -9-1910

<sup>1</sup> Tolstoy Farm

## 126. MEETING IN ENGLAND

We have now received a report of the meeting held in England concerning the Transvaal struggle, as also of the discussion raised by Lord Amphill in the House of Lords. Both these developments should prove very encouraging to us. The meeting was presided over by Sir Mancherji Bhownaggee. He has been helping us right from the beginning. It was therefore but fitting that he should be in the chair. The messages which the meeting received from Justice Ameer Ali and Sir Charles Bruce were noteworthy. The meeting was attended by leaders of all parties and communities. Their speeches, too, were powerfully stirring. We can gather from all this that the movement is receiving good support in England. But that support is of far less consequence than our own strength. And if we have no strength in ourselves, the support [we have been receiving] in England will only argue our weakness. If Lord Amphill has been fighting [for us], if Sir Mancherji has been striving hard and Mr. Ritch has been working indefatigably, that is due, in fact, to their belief that we submit ourselves to suffering, that we have embraced poverty in the cause of the motherland, that we have staked our all for our honour. For the success of this meeting, it is to Mr. Ritch and his army of volunteers that congratulations are due.

[From Gujarati]

*Indian Opinion*, 3-9-1910

## 127. LETTER TO CHHAGANLAL GANDHI

TOLSTOY FARM,

*Bhadarva Shud 1* [September 4, 1910]<sup>1</sup>

CHI. CHHAGANLAL,

I write this with a heavy heart. I constantly think your going to India has been a mistake.

<sup>1</sup> This letter was written during the addressee's absence from South Africa in 1910.

I was deeply pained to read your letter to Doctor [Mehta]. How can I bear your contracting tuberculosis? I write this under the impression that you are still there [in England]. Maud<sup>1</sup> will redirect this to you if you have left for India.

Please do as you think fit. Treat the following simply as a piece of advice from me. I wish to see your health improved.

Considering only your health, I feel that the best thing for you would be to go to Phoenix. You will get fresh air there. You will also be able to work on the farm, which is good for a tuberculosis patient. Moreover, I hope to be able to assist and nurse you. This will be possible only if you are at Phoenix. And, God willing, you can stay on this Farm too. The climate here is even better than that of Phoenix. *Brahmacharya*, which is necessary for a patient like you, can easily be observed here. I therefore think it will be better if you come over here. You can go back to India if your health does not improve here. Should you be keen on going to India, I have written to Doctor [Mehta] to send you Rs. <sup>2</sup> every month. Even otherwise, you may stay in Bombay and do some public work there under my guidance. Your main work will relate to the struggle here. By doing this you will be free from worry about your livelihood and you can easily pass your life in public service. Whether you are ill or well, I wish your life is spent in the service of the country.

Many things come to mind about which I should write, but I do not feel like doing so. My suggestion about your coming over here stands even if you have already reached India. In case you do not feel inclined to come here, my suggestion regarding Doctor [Mehta] is there for you to consider.

However, even if neither of these alternatives is acceptable to you and you want to live independently on your own earnings, be sure that I would not come in your way. My only desire is that you should take the course that will give you most satisfaction.

I shall be waiting for your letter during the next week like a

<sup>1</sup> Maud Polak, sister of H. S. L. Polak, worked as Secretary to the South Africa British Indian Committee, London, during L. W. Ritch's absence.

<sup>2</sup> The figure is missing.

*chataka*<sup>1</sup> longing for the rains.

*Blessings from*  
MOHANDAS

From a handwritten copy of the Gujarati original in Gandhiji's hand: C.W.  
4936 Courtesy: Chhaganlal Gandhi

## 128. JOHANNESBURG

*Monday [September 5, 1910]*

### MINORS

A case, that of Tayob Hajee Khan Mahomed's son, very similar to that of Mr. Chhotabhai's son, has come up in Pretoria. In this case, too, the magistrate decided against the boy. In all probability, both these cases will go to the Supreme Court.

### STATEMENTS OF GENERAL BOTHA AND OTHERS

I have sent for the English section the statements<sup>2</sup> of General Smuts, General Botha and de Villiers bearing on this question. All three have referred to the position of minors in their speeches or written about it, but none of them has stated anywhere that a child, on attaining majority, can be expelled. General Botha, in his written statement, has mentioned that the Government had accepted the Asiatics' demand in regard to minors. General Smuts has said the same thing in his speech. The Asiatics never, even in their dreams, thought of agreeing to the expulsion of minors, and none of the three persons mentioned above has claimed that they have so agreed. It is only now that the Transvaal Government has begun to put an arbitrary construction on the law.<sup>3</sup>

[From Gujarati]

*Indian Opinion*, 10-9-1910

## 129. MR. CHHOTABHAI'S CASE

The case of Mr. Chhotabhai's son, already reported in these columns,<sup>4</sup> is a most important one. It affects the well-being of the

<sup>1</sup> A bird which is supposed to drink only the water that falls from the sky.

<sup>2</sup> *Vide* Appendix, "Transvaal Ministers' Declaration", 9-10-1910.

<sup>3</sup> *Vide* "Another Breach of Faith!", 30-7-1910.

<sup>4</sup> *Vide* "Transvaal Notes", *Indian Opinion*, 27-8-1910.

whole Indian community in the Transvaal. Analogous to it is also the case of the son of Mr. Tayob Hajee Khan Mahomed. If their sons, who entered the Transvaal as minors, cannot remain in that Province, hundreds of Indian parents may be obliged to leave the Transvaal. For we cannot imagine these Indian parents in the Transvaal would be inhuman enough to remain in that country if their sons, artificially declared to be majors at the age of 16, are to be deported to India without their natural protectors. Parents have taken their babies to the Transvaal but, after the passing of the Act of 1908, assuming that these babies are never sent to India until after they have reached the age of 16, and that both the parents are in the Transvaal, where is the lad now 16 years to be deported to? Assuming, further, that a child is born to Transvaal Indian parents on the high seas, where is this child, if male, to be deported after he reaches the Transvaal age of majority? One would have thought that the Transvaal Government would have stood appalled by the highly probable consequences of their interpretation of the Act.

But, apart from the purely humanitarian standpoint suggested above, we quote elsewhere General Smuts' speech<sup>1</sup> on the introduction of the then Asiatic Bill, General Botha's minute<sup>2</sup> on the Asiatic Conference and Mr. de Villiers' (the then Attorney-General's) report<sup>3</sup> on the Asiatic Act. All these documents show that there was then not a word said about the exclusion of minor Asiatics not born in the Transvaal entering after the commencement of the Act. Indeed, they all say that the Asiatic demand in this respect has been completely met. The Asiatics never suspected that their minor children might be treated as prohibited immigrants on reaching the age of majority. Whatever may be the interpretation of the Act, there is the pledged word of three Ministers at stake.

The question is too important to be left where the Supreme Court may leave it, assuming that its decision is adverse. We have no desire to anticipate its judgment, but this we cannot help saying, that it is a matter of life and death for the Indians in the Transvaal. We wish we could say that it would be a matter of honour with the people of the Transvaal, indeed of the whole of South Africa. Will the humanity of the South Africans tolerate what is a war against infants?

### *Indian Opinion, 10-9-1910*

<sup>1</sup> *Vide* Appendix, "Transvaal Ministers' Declaration", 9-10-1910.

<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

### 130. MESSRS RITCH AND POLAK

According to the cables published in the Press, Messrs Ritch and Polak will soon be among us. These two friends of the community in South Africa have worked, laboured and slaved for us as few of our own countrymen have. They have identified themselves entirely with our cause. They have indeed been friends in need. It is difficult, if at all possible, to compare the work of the two. Each has done his best in his own special department. Mr. Ritch is the soul of Lord Ampthill's Committee. Mr. Polak's magnificent work received a public recognition at Bombay when Professor Gokhale presented him with a silver tea-set.<sup>1</sup> It was no exaggeration when the honourable gentleman attributed to Mr. Polak the memorable collection of over £6,000 for assisting passive resisters. We trust that both Messrs Ritch and Polak will receive from the community such receptions as no other men have received at our hands. They deserve it.

*Indian Opinion*, 10-9-1910

### 131. SUGGESTION TO INDIANS

We shall know on September 15 who is to rule in South Africa in the immediate future. Will it be General Botha or Mr. Merriman or Dr. Jameson? In all probability, it will be General Botha. Every Indian must have realized by now that General Botha is not likely to be won over by flattery.

A fire is raging all round the Indians. In some parts of America, a forest catches fire and that fire cannot be put out. Troops go out to quench it, but even they find it a most difficult task. Hundreds of men are burnt to death. Neighbouring villages are razed to the ground. A similar fire is raging round the Indians in South Africa. But we have not yet taken the warning. This shows our apathy and our selfishness.

In Cape Town, thanks to the efforts of Dr. Abdurahman and his friends, Indian trading licences were not touched so far. But that has now changed. The Town Council has refused to grant any licences in certain areas. Mr. Alexander was the only one to oppose this. Mr. Liebermann, who was once on our side, said that his eyes had opened

<sup>1</sup> Vide "Farewell Dinner in Bombay", *Indian Opinion*, 3-9-1910.



after the report of the Chamber of Commerce. Others, too, spoke to the same effect, with the result that no licences were granted.

Though the Natal Act has been amended, a man like Mr. Goga did not get a licence [for trading] on his own premises in Ladysmith.<sup>1</sup> We find the same kind of high-handed treatment in Estcourt, too.<sup>2</sup>

About the Transvaal, the less said the better. There, those who have submitted to the law continue to get licences, but this will not last long. In what is described as the gold area, no licences are issued. Else where, too, if they can, on some other ground, refuse a licence, they certainly do so. Indian businessmen should note that after the Union Parliament is formed, trading licences will come under heavy fire.

What are we doing, meanwhile? First, We must say with regret, we waste our time in idleness or pleasure-seeking. Secondly, once our own end is served, we show little concern for others. Thirdly, we are vindictive and fight among ourselves. Fourthly, sometimes there are quarrels between Hindus and Muslims on issues both small and big; and when they are not fighting with each other, they as well as the Muslims are busy quarrelling among themselves. Thus, everyone goes his own way, unmindful of the others.

If there were no fire raging round us, perhaps we would not have much to say against these selfish and otherwise unseemly ways—no one, in any case, would listen to what we might say. A little reflection will show to Indians that, if every person looked to his own immediate interest, all of them would be in trouble before long. We should not have to point out that the interests of the community comprehend those of every individual Indian.

We believe they will lay hands first on the traders. Some Indians may imagine that traders can escape harassment if they keep aloof from other Indians. That this is mere short-sightedness is plain enough. Right from the time that the movement against the Indians started, the whites have had their eyes on their trade. It is the traders alone whom they harass. True, some selfish whites, wishing us to chop off our feet, do advise the traders that they will be saved if they dissociate themselves from the others. Some say, again, that they will have no difficulty to face, if they do not get involved in the affairs of others. Everyone is told the same thing. Should we conclude from this

<sup>1</sup> *Vide* "Indians under the Union", 13-8-1910

<sup>2</sup> *ibid*

that there would be difficulties for no one? The truth of the matter is that, if they can ruin us by soft words or baits, they would prefer to do it that way. Failing that, they will adopt other means.

There is only one simple way in the face of this snare, and that is to be alert and shake off our apathy, to get rid of our selfishness and our internal quarrels, and to adopt all necessary measures.

As for the steps to be taken, making petitions, going to court, if we have the money for that, fighting out in England, to the best of our ability—all this may be good enough, but effective remedy there is only one. Without satyagraha, everything will be unavailing. Satyagraha means our own strength. In the absence of such strength of our own, no strength of any other kind will enable us to hold our ground for long.

[From Gujarati]

*Indian Opinion*, 10-9-1910

### 132. LETTER TO CHHAGANLAL GANDHI

TOLSTOY FARM,

*Bhadarva Shud* 7 [September 11, 1910]<sup>1</sup>

CHI. CHHAGANLAL,

It is now five days since a cable<sup>2</sup> was sent concerning you, but there has been no reply so far. I infer from this that you are still there<sup>3</sup> and have not made up your mind yet. The reasons you put forward for not coming here are all feeble and only indicate that your mind has weakened. Your body had grown weak even in India. There won't be any difficulty about your treatment and nursing in Phoenix. Perhaps I may have to stay there, or you too may have to come here. Moreover, your health has not deteriorated so much that someone has always to be by your side and look after you. Even if it deteriorates to that extent, the facilities that are available in Phoenix are, I think, not to be found in India, at any rate just now. You might, I am afraid, cause pain to Khushalbhai by going to India. If you propose to go to the countryside in India, why, that life is already available in Phoenix. And if, after all, you feel restless in Phoenix or if it does not suit your

<sup>1</sup> This letter was written during the addressee's absence from South Africa in 1910.

<sup>2</sup> Not available

<sup>3</sup> In England

health, you can very easily go to India. Even from the financial standpoint, it would be more proper for you to stay at Phoenix. If you do so, we won't have to bother Doctor [Mehta] and you won't have to go searching for a job in India.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4937 Courtesy: Chhaganlal Gandhi

### *133. A PRAYER TO THE KING-EMPEROR*

The Indian South African League has taken a bold step in sending a cable<sup>1</sup> to the King-Emperor praying for His Majesty's gracious intervention on behalf of the passive resisters in the Transvaal. The cablegram as also Mr. Natesan's spirited letter to the *Madras Mail*, extracts from which we reproduce elsewhere, shows that the feeling on the question runs high in that Presidency. Indeed, Mr. Bennett, the proprietor of *The Times of India*, said that no question stirred the people of India so much as the question of the sufferings of the Indians in South Africa. Now *The Times* writer confirms the statement.<sup>2</sup> It is on rare occasions that personal appeals are made to the sovereign. We shall not have to wait long before we learn what answer has been returned to the prayer of the League. Whatever the answer, it is most satisfactory to learn that the passive resisters have the full and active sympathy of those for whose honour they are fighting.

*Indian Opinion*, 17-9-1910

### *134. EFFECTIVENESS OF THE STRUGGLE*

We hear it being said by many that the Transvaal agitation has no force left. We have repeated, time and again, that so long as at least one person remains to continue satyagraha, we may rest confident that victory will be ours. That is the only test of satyagraha.

During this week two telegrams have been received which lend

<sup>1</sup> *Vide* "Deported Indians Appeal to the king", *Indian Opinion*, 17-9-1910.

<sup>2</sup> *Vide* "The Times Correspondent's View", *Indian Opinion*, 17-9-1910.

support to our view. In one of them, we note that the League<sup>1</sup> in Madras, which has been helping us, has addressed a cable<sup>2</sup> to the King-Emperor about the deportees arriving there and prayed for his intervention. In England, *The Times* has been publishing a series of articles on the current unrest in India, in which it is pointed out that the sufferings of India are a disgrace to British rule. We can see from these two developments that the Transvaal struggle remains as effective as ever. Efforts continue to be made on our behalf from every side. Even a person like Mr. Merriman, while speaking on the problem, was obliged to speak out in our favour. Commenting on his views, *The Transvaal Leader*, too, asks for justice.

This support that we are getting should encourage us and strengthen the weak. But at the same time we should like to point out that satyagraha does not require encouragement from others. It is like a razor's edge. He who would walk on it does not pause to think of ways of securing help from others.

[From Gujarati]

*Indian Opinion*, 17-9-1910

### 135. SORABJI RELEASED

Mr. Sorabji has been released. What, one wonders, will he do? He has spent most of his time in one and the same gaol right from the moment the second phase of the struggle began. Just as the heaviest load falls on the foundation, the weight [of the struggle] has fallen on Mr. Sorabji, and he has been bearing it. The Indian community has few gems like Mr. Sorabji, who fights on in silence and without a thought of self. He is a gem, however, which wins honour for the entire community and makes its name illustrious.

[From Gujarati]

*Indian Opinion*, 17-9-1910

<sup>1</sup> The Indian South African League

<sup>2</sup> *ibid*

### 136. SPEECH AT DURBAN<sup>1</sup>

September 20, 1910

At the outset Mr. Gandhi explained the present position regarding the Transvaal struggle. He conveyed to the audience an idea of the great strength of the struggle in spite of the fact that only a handful of satyagrahis were participating in it. He stressed how important it was for the entire Indian community at Durban to give rousing receptions and banquets to the deportees when they landed at Durban, as the latter were soldiers fighting for the sake of the entire Indian community. He pointed out that it was their duty to give a hearty welcome to Mr. Polak also in view of the important services rendered by him in India.

[From Gujarati]

*Indian Opinion*, 24-9-1910

### 137. SPEECH AT MEETING OF KATHIAWAD ARYA MANDAL<sup>2</sup>

DURBAN,

September 20, 1910

Mr. Gandhi . . . explained things to the audience here as he had done at the earlier meeting<sup>3</sup> of the Colonial-born Indians. He pointed out that, in addition to a rousing reception which should be given by the entire Indian community at Durban to the deportees and Mr. Polak, it was the duty of every association individually to give them addresses and dinners and to raise funds for their reception.

[From Gujarati]

*Indian Opinion*, 24-9-1910

### 138. A NOTABLE EVENT

The election of the Rev. Dr. Rubusana as a member of the Cape Provincial Council for Tembuland by a majority of 25 over his two opponents is an event of great importance. The election is really a challenge to the Union Parliament with reference to the colour clause. That Dr. Rubusana can sit in the Provincial Council but not in the Union Parliament is a glaring anomaly which must disappear if South Africans are to become a real nation in the near future. We congratulate Dr. Rubusana and the Coloured races on his victory and

<sup>1</sup> At a meeting of Colonial-born Indians.

<sup>2</sup> Held to consider the giving of receptions to Polak and the deportees

<sup>3</sup> *Vide* the preceding item.

trust that his career in the Council will do credit to him and those he represents.

*Indian Opinion, 24-9-1910*

### *139. JUDGMENT IN BOY'S CASE*

Justice Wessels' judgment has gone against Mr. Chhotabhai's son. If this judgment stands, the Indian community will find itself in a hopeless situation and be uprooted before long. An appeal has been filed. Its result will be known within only two or three days of the publication of this comment. Let the appeal court's decision be what it may; we are little concerned with it. We give elsewhere a report of the case in Justice Wessels' Court. It is worth studying. He has stated that the Government's attitude is unjust and inhuman and that, if it is persisted in, there will be a howl against it throughout the civilized world. We are watching what the civilized world has to say. There is no doubt, however, that the Government, as pointed out by the judge, acted with great severity.

If that is so, why did he give judgment against the boy? This question will occur to everyone. It shows up the degrading position of present-day courts. They may dispense injustice instead of justice. It is considered justice on the part of a court if its judgment follows the letter of the law, when this is in conflict with the spirit of justice. In other words, an action which Justice Wessels, the man, pronounces unjust is upheld by him as just in his capacity as a judge.

We cannot submit to such justice or injustice. It is necessary to call meetings everywhere and pass resolutions about this. We cannot rest till the matter is settled satisfactorily.

A perusal of the judgment and the report will show that, even under the Act of 1907, children born outside the Transvaal are not entitled to enter it. Mr. Gregorowski fought hard on this point but Justice Wessels was emphatic that such boys were not protected under the Act of 1907.

[From Gujarati]

*Indian Opinion, 24-9-1910*

### *140. LETTER TO HERMANN KALLENBACH*

*September 24, 1910*

MY DEAR LOWER HOUSE,

If you go on as you are the tables will be turned and I shall have to be the Lower House.

What more can you do than what you are doing at Pinetown? I am doing less here than what you are at Pinetown. Such is my real opinion. Then why am I not joining you there? My answer is in the language of the *Bhagavad Gita* that although my work is less than yours, my duty just now lies in that direction. Pray go on, therefore, with sandal-making. And do take care what you spend.

We cannot meet today. I am taking Mr. Omar by the 2.25 train. If you come to Phfinix, as I hope you will, we can talk away tomorrow. Cordes will be with you in the train. I shall not send anyone to the station as I am not sure what you would be doing. But some dinner will be reserved for you. If, however, you think that you want perfect quiet, you need not come.

I return Monday 8.55 train in the morning.

Your remarks about Parsee's servant do great credit to your heart. Parsee has written sending for him. If the man will come we shall take him to Phoenix on Monday. Yes, everything possible should be done for him.

I am leaving letters for you.

I did not at all like the idea of your having bought prunes. It is good neither for you nor for Mrs. Gandhi.

Manilal writes saying he has been watering as per your instructions. Poor boy, he was down with fever on Wednesday.

Harilal, Medh and Sodha<sup>1</sup> have gone to the Farm.<sup>2</sup>

If nothing important keeps you in town and if you are quite self-possessed, you should come to Phoenix.

Can't say when you will be required. Parsee wants me to thank you much for your attention to his servant.

With love,

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

<sup>1</sup> R.M. Sodha

<sup>2</sup> Tolstoy Farm offered by the addressee for the use of Satyagrahi families; *vide* "Johannesburg", 13-6-1910.

*141. LETTER TO G. K. GOKHALE*

PHOENIX,  
NATAL,  
*September 30, 1910*

DEAR PROFESSOR GOKHALE,

I have come here to receive Mr. Polak.<sup>1</sup> I hope to write to you on the situation in a few days' time.

This is to introduce Mr. Manilal Doctor, M.A., Bar-at-Law. Mr. Doctor has been practising in Mauritius for some time. In my opinion he belongs to that class of professional men who use their profession, or try to, to advance national rather than personal interest. He is going to the Congress as a Delegate and will much appreciate your advice and guidance.

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

From a photostat of the original in Gandhiji's hand: G.N. 3801

*142. RITCH TO BE HONOURED*

The resolution of the British Indian Association to honour Mr. Ritch is a welcome move. Mr. Ritch has been a great asset to the Committee. Thanks to his intelligence, perseverance and wholehearted devotion to work, the Committee has won wide public notice and the Imperial Government is obliged to give due consideration to its views. All praise Mr. Ritch's energy with one voice. He will first land in Cape Town, where he will be the guest of the community. We are sure it will give him an excellent reception and so do credit to itself. We publish a photograph of Mr. Ritch as a supplement to today's issue.

[From Gujarati]  
*Indian Opinion*, 1-10-1910

<sup>1</sup> Polak, who had been on deputation to India, returned by s. s. *Sultan*, arriving at Durban on September 28, 1910.



### 143. INDENTURED INDIANS' PLIGHT

We believe that, if we had not been alert and had not raised a protest, the account which appears in *The [Natal] Mercury* under the title 'Spotted Fever' would not have come out. The facts are as follows: Some indentured Indians arrived by the *Umhloti* at the beginning of this month. These Indians were brought from India specially for Sir Liege Hulett. An epidemic of spotted fever broke out among them, as a result of which several Indians were reported to have died. On hearing of this, we addressed an inquiry to the "Protector" of Indians, to which we received an evasive reply. We wrote again. In reply, we were asked to refer to the *Mercury*. The account in the *Mercury*<sup>1</sup> did not satisfy us. In fact, it was the duty of the "Protector" to give us full information. But we shall not say anything about this rudeness on his part. It appears from the report in the *Mercury*, which is, in fact, the "Protector's" own report, that the gentleman is not concerned about the welfare of those who are placed under his protection. He is only worried lest spotted fever should break out among Europeans. He says that there is no reason to entertain such a fear. Moreover, lest the flow of indentured Indian labour should stop if it were to get known that such epidemics occurred only among indentured Indians, he has put out the report in such skilful language that it would apply to all Indians. In point of fact, however, there is seldom any such epidemic among Indians other than indentured labourers. He has given no information as to how many indentured labourers had set out, by whom they were to be employed, how many of them fell ill, and the present whereabouts of those who did not fall ill. We shall not allow this matter to rest here. It is necessary to pursue it to the end. We hope that the Congress will take it up.

Further, the "Protector" has stated that this disease makes its appearance in surroundings which are not cleaned for long periods and are shut out from sunlight and air. Well, the epidemic broke out on board a ship and there the supervision and the responsibility are those of the "Protector" or his agent. Why did he allow people to remain in filthy, dark and unventilated surroundings? It is quite plain that the blame for this lies entirely with the "Protector". Only those

<sup>1</sup> This and the letters and the replies referred to herein were published in *Indian Opinion*, 1-10-1910.

held in indenture—slavery—can possibly be reduced to such a plight. Indians who would not feel happy if they were themselves to be placed in this position should strive their utmost to put an end to the system of indenture.

[From Gujarati]

*Indian Opinion*, 1-10-1910

#### 144. TELEGRAMS TO L. W. RITCH<sup>1</sup>

[DURBAN,]

October 4, 1910

SEE 32 DEPORTEES.<sup>2</sup> THEY HAVE CAPE RIGHTS UNDER  
IMMIGRATION ACT. ACCORDING OLD ACT PERSONS BORN  
OR DOMICILED ANY PART SOUTH AFRICA ENTITLED  
ENTER CAPE. IF THIS CONTENTION NOT ACCEPTED, AD-  
VISE MOVING COURT ALLOW REGISTERED INDIANS  
PASS THROUGH UNION TO TRANSVAAL.

In a second telegram Mr. Gandhi said that some of the men had domiciled Cape rights, and some were born in South Africa, and advised Mr. Ritch to see them, and inquire whether they would apply for duplicates of the registration papers.

*Indian Opinion*, 15-10-1910

#### 145. INTERVIEW TO “RAND DAILY MAIL”<sup>3</sup>

DURBAN,

[October 4, 1910]

There are strong signs here that the Asiatic trouble in the Transvaal is about to be renewed. Mr. Gandhi and Mr. Polak, the latter of whom has just returned from Madras, are taking up between them this week 29 deportees, including three Chinese, in pursuance of the passive resistance movement. They all expect to be intercepted at Volksrust and are prepared for the consequences.

<sup>1</sup> Both telegrams were received by Ritch on October 4, 1910 at Cape Town and were cited in the Supreme Court in the Deportees’ case on October 7.

<sup>2</sup> They arrived at Durban on September 28 from Bombay by s. s. *sultan* along with Polak but were not permitted to disembark and were sent by s. s. *Pinzregent* to Cape Town where, too, landing was disallowed.

<sup>3</sup> This was published under the title “The Passive Resisters”.

Mr. Gandhi seen today denied all knowledge of the statement in a Pretoria newspaper that the Union Government had considered the Asiatic policy since the elections, and intended to make concessions to the resident Indians. He believed that the restriction measures were to be enforced in all their original vigour. He said he had had a telegram from Johannesburg saying that the staunchest passive resister there had been re-arrested for the eighth time.

*Rand Daily Mail*, 5-10-1910

### *146. SPEECH AT RECEPTION<sup>1</sup>*

DURBAN,  
*October 4, 1910*

As he [Gandhiji] began to speak in English, he was interrupted by shouts of "Tamil" from the audience, whereupon he said that that too might be possible in course of time, provided General Smuts sent him to gaol. He then paid compliments to Mr. J. M. Lazarus, Mr. Rustomjee and others who had worked to make the function a success, called upon the former satyagrahis to join the struggle again and pleaded forcefully with them that they must win in the struggle. He urged them also to look after the next batch of deportees when they arrived. He pointed out how Mr. Ritch had taken on a big job in Cape Town and urged the community to extend an invitation to Mr. Ritch and give him a public reception.<sup>2</sup>

[From Gujarati]

*Indian Opinion*, 8-10-1910

### *147. SPEECH AT RECEPTION<sup>3</sup>*

DURBAN,  
*October 5, 1910*

Receptions are all right as far as they go, but the important thing is that people should go to gaol. Mr. Ritch has set an example to Indians by plunging into work without enjoying any rest. Mr. Sorabji has been arrested for the eighth time, not remaining out of the struggle even for a while; this, too, is an example for you to follow. So

<sup>1</sup> In honour of Polak

<sup>2</sup> After this Gandhiji spoke in Gujarati; the text of this speech is not available.

<sup>3</sup> Arranged by the Kathiawad Arya Mandal, at Mr. Parsee Rustomjee's place, in honour of Polak and the satyagrahis back from India

long as you do not learn to be true satyagrahis yourselves, you will not get the full benefit of victory in the struggle. Those who come forward to fight are assured of victory, and it is they alone who truly live.

[From Gujarati]

*Indian Opinion*, 8-10-1910

#### 148. INTERVIEW TO REUTER AND S. A. PRESS AGENCY<sup>1</sup>

VOLKSRUST,

[Friday, October 7, 1910]

M. K. Gandhi, leader of the Indian community in Johannesburg, who had been to Durban to meet Mr. Polak, secretary of the British Indian Association, passed through Volksrust on his return to the Rand by the up mail yesterday evening. To the surprise of all, no arrest was made.<sup>2</sup> This is strange, because Gandhi had no permit.

I interviewed Gandhi who said he had burned his permit two years ago in company with about 2,500 Indians in Johannesburg, when, as the Indians contended, the Government failed to carry out its promise to repeal the Asiatic Act of 1907.<sup>3</sup> Gandhi stated that he himself could not understand why he was allowed to pass unchallenged, while his son with thirty other resisters who will pass through Volksrust this (Saturday) evening will doubtless be arrested. The Indian community's demands were so reasonable that it was difficult to understand why they were not granted. They did not want an unrestricted influx of Asiatics. All they said was that Indians should not be restricted because they were Indians. The Immigration Law could impose a stiff educational test so as to prevent the entry of all but a few highly educated Indians into the Transvaal province.

Gandhi said he had not yet heard anybody objecting to such a proposal. However, so long as this very simple point was not granted the determined passive resistance would continue. In conclusion he indignantly repudiated the suggestion that the passive resisters had anything to do with the cases of forged permits which were tried at the Circuit Court in Volksrust on September 26.

*Rand Daily Mail*, 10-10-1910

<sup>1</sup> This was published under the title, "Passive Resisters".

<sup>2</sup> Vide "Interview to *Rand Daily Mail*", 4-10-1910

<sup>3</sup> Vide "Speech at Mass Meeting", 16-8-1908.

## 149. JOHANNESBURG

### CHHOTABHAI CASE

We have now received the report of the hearing of the appeal<sup>1</sup> in this case. The case was argued at great length. The bench consisted of Mr. de Villiers, Mr. Mason and Mr. Bristowe. Mr. Gregorowski argued hard, and the exchange of arguments between him and the judges showed that the latter's sympathy was on the side of Mr. Chhotabhai. This time, too, the discussion related both to the Act of 1907 and that of 1909<sup>2</sup>. Mr. Justice Mason went so far as to observe that the law could not indirectly deprive the boy of the rights which he enjoyed prior to 1907.

Mr. Justice Bristowe, commenting on Mr. Chamney's affidavit, said that they could not rely on his opinion in deciding whether or not Mr. Chhotabhai should be treated as a resident of the Transvaal. What [he asked] could Mr. Chamney know about the matter?

[From Gujarati]

*Indian Opinion*, 8-10-1910

## 150. LETTER TO MINISTER OF INTERIOR

[JOHANNESBURG,]

*October 8, 1910*

SIR,

I have just returned from Durban, where I had gone in connection with the British Indians and Chinese who were deported from this Province to India, and who had returned again to claim entry. I am aware that the Chinese produced registration certificates, but that, as they were deported under an administrative order, your Department declined to recognise the right of those Chinese to re-enter the province, and that, therefore, the Immigration Officer at

<sup>1</sup> Against Justice Wessels' judgment; *vide* "Judgment in Boy's Case", 24-9-1910

<sup>2</sup> This should be "1908".

Durban declined to issue visitor's passes enabling these Chinese to proceed to the Transvaal. May I know whether the information given to me was correct, and whether it is the intention of the Government to treat these men who produce the certificates as prohibitedimmigrants because of an administrative order of deportation against them? May I know also whether, in the event of the Government holding that these people are prohibited immigrants, they will afford facilities to aggrieved parties to test their right before a Court of Law by granting them permission to land in South Africa? As the matter is urgent, and as cases like the above may arise in Durban very shortly, I shall be obliged if you will favour me with an early reply.

*Indian Opinion*, 15-10-1910

151. ADDRESS TO H. S. L. POLAK<sup>1</sup>

JOHANNESBURG,  
*October 9, 1910*

DEAR SIR,

On behalf of the Association we heartily welcome you back among us. We have closely watched your mission in India, and every Indian recognises that the magnificent work done by you in India shows that no better choice could possibly have been made. You have with unexampled energy informed the whole of India of the true position in this Province. The collection made in India for the relief of indigent passive resister families and for helping the passive resistance struggle generally is a magnificent record.

The whole of the Indian community in South Africa is interested in the stoppage of indentured labour, and your work in that connection fills us with hope that the cruel system will soon cease.

We shall never forget the sacrifices that you and Mrs. Polak have made in accepting separation from each other for the sake of the cause. We trust that both you and yours will be long spared to

<sup>1</sup> Presented by the British Indian Association at a meeting to welcome Polak. Held in Fordsburg Mosque, this address was read out by Sorabji and was published in *Rand Daily Mail* under the title "Indians and Indentured Labour" and in *Indian Opinion*, 15-10-1910, under the title "Mr. Polak's Arrival in Johannesburg".

continue the humanitarian work that you have been doing.

*We are,*  
*Yours faithfully,*  
A. M. CACHALIA  
CHAIRMAN  
M. K. GANDHI  
HON. SECRETARY

*Rand Daily Mail, 10-10-1910*

## 152. JOHANNESBURG

*Tuesday [October 11, 1910]*

### SUPPORT OF "THE TRANSVAAL LEADER"

*The Transvaal Leader* has written a strong article. It appears to have been written under the impression that a settlement is about to be reached. The writer points out that it is General Smuts who is responsible for the prolongation of the struggle. He has shown the Indian demand to be quite reasonable. He has passed severe comments on the Chhotabhai case and made a powerful plea for the removal, at the earliest opportunity, of any defect that may be found in the law. He has taken to task the Government prosecutor.

### MR. RITCH

Mr. Ritch left Cape Town on Monday. He will reach Johannesburg on Wednesday and return to Cape Town when the cases of 11 Indians come up for hearing.

### SATYAGRAHIS IN THE CAPE

Mr. Ritch's presence in the Cape helped 11 satyagrahis to disembark.<sup>1</sup> They have been provisionally allowed to disembark in order to enable them to prove their rights [in a court].<sup>2</sup> These must now be proved. Preparations for that are going on. The satyagrahis are the guests of the Indian community and both they and Mr. Ritch are being looked after by Mr. Adam Gool. Addresses have been received from the Indian Union at Kimberley for presentation to Mr. Ritch and Mr. Polak.

<sup>1</sup> *Vide* "Telegrams to L. W. Ritch", 4-10-1910

<sup>2</sup> *Vide* "Letter to Minister of Interior", 8-10-1910

COLLECTIONS FOR ADDRESSES

Three separate collections are being made for the addresses. One is on behalf of the Association: for this, Mr. Cachalia, Mr. Sorabji, Mr. Medh and Mr. Sodha have been going round. Mr. Thambi Naidoo is busy collecting funds for an address on behalf of the Tamils. The Hindu Association is also raising a fund for an address. The addresses to be presented by the Hamidia Islamic Society are ready. If Mr. Polak reaches here by Saturday<sup>1</sup>, the address and the party by the Tamils will be on Sunday.

[From Gujarati]

*Indian Opinion*, 15-10-1910

*153. EXTRACT FROM LETTER TO S. A. B. I. COMMITTEE*

[JOHANNESBURG,

After *October 16, 1910*]<sup>2</sup>

. . . You will be deeply pained to hear that one more death among passive resisters has occurred. The man who died, by name A. Narayansamy, was one of those who returned with Mr. Polak from India and who was not allowed to land in Durban. He proceeded, together with 31 others, to Port Elizabeth, and thence to Cape Town, where his landing, as also that of others, was prevented, and he was obliged to return to Durban, with the prospect of being ultimately sent back to India. Mr. Ritch says that he and the other passive resisters were left without boots, hats, and even without sufficient clothing for the body, their clothes having been stolen at Port Elizabeth. But for the charity of the local Indians at Cape Town, they might have gone back to Durban without food. These men have been continuously on board now under exceptionally severe circumstances for nearly two months. It is not at all surprising, therefore, that poor Narayansamy has succumbed. I do not consider this a death in the ordinary course. It is undoubtedly a legalised murder.

*India*, 18-11-1910

<sup>1</sup> October 15. Polak who had arrived in Johannesburg on October 9, had evidently gone out again during the week.

<sup>2</sup> Narayansamy, referred to in the letter, died on 16-10-1910.



## 154. LETTER TO THE PRESS<sup>1</sup>

JOHANNESBURG,  
October 17, 1910

SIR,

Most of the newspapers published a telegram from Pretoria some days ago to the effect that at last the Asiatic question that has agitated the Colony for the last four years was about to be satisfactorily settled. This news was supposed to be officially inspired, but was immediately followed by the arrest of one of the staunchest and best respected Indians in this province, namely Mr. Sorabji, and his arrest was followed by that of three of his co-passive resisters, equally brave, that is, Messrs Thambi Naidoo, Sodha and Medh.

I should, however, not have trespassed upon your courtesy and the attention of the public in order merely to give the above information. But, in my humble opinion, it is due to the public to know something of the trials of those Indians and Chinese who, although lawful residents of the Transvaal, and some of them born in South Africa, were deported to India and returned per s. s. *Sultan* about the end of last month.

The tragedy has culminated in the death of a most inoffensive and law-abiding Indian named Narayansamy. When he left this province for India as a deportee, he possessed a healthy constitution, but over six weeks on the decks of different steamers exposed to all sorts of weather evidently proved too severe for his constitution. Mr. Ritch has pointed out that he and his fellow-deportees were not allowed to see friends or legal advisers almost for a week while their steamer was in Table Bay, and ultimately he had to obtain an order from the Supreme Court before he could see them. He has stated in a letter to the Cape papers that he found these men bootless and hatless and in some cases even without sufficient protection for the body, shivering on the open deck of that steamer. They were refused landing first at Durban, then at Port Elizabeth, then at the Cape, and again at Durban, the last time in defiance of an order of the Supreme

<sup>1</sup> This was published in *Rand Daily Mail* under the title "Death of a Deportee", and in *Indian Opinion*, 22-10-1910, as a letter to the Press. It was published also in *The Transvaal Leader* of October 18, 1910.

Court restraining the Immigration Officer from removing them from the jurisdiction of the Provincial Division of Natal. The Officer, acting under instructions from the Minister of the Interior, and in his over-zeal to please his chief, gave a meaning to the order of the Court which no common sense man would give, and in indecent haste sent these men to Delagoa Bay with the result that, as above stated, Narayansamy is no more.

I have not hesitated to call the death of the late Nagappan legalized murder, and I fear that the death of Narayansamy must be classed in the same category. I have the warrant of our own Court for stating that deportation such as Narayansamy's under an administrative order, described by Mr. Laughton, K.C., as "Star Chamber procedure", is illegal. Narayansamy and his fellows, very properly, as I think every lover of justice and fair play would say, disregard such deportation, attempt to return to the country of their birth or adoption and, in the attempt, are driven from pillar to post. Inconceivable difficulties are placed in their way. Is such treatment necessary? Passive resisters are told that they must not complain if they find their lot to be hard whilst they are defying the laws of the land. Passive resisters appreciate the advice. They have no desire to avoid the ordinary consequences of the breach they deliberately commit of laws which they consider to be repugnant to their conscience. But I make bold to say that the public will never endorse the infliction of what amounts to a sentence of death as in the cases to which I have just drawn attention. I doubt not that the people of South Africa wish to see general rejoicing and goodwill among all the communities residing under the Union, on the approaching visit of a representative of the King, and on the eve of the opening of the first Parliament of the Union. Is the Indian community in any part of South Africa to be expected to share the rejoicings that will take place at the end of the month, and to partake of the goodwill that should permeate all classes?

*I am, etc.,*

M. K. GANDHI

*Rand Daily Mail, 18-10-1910*

155. LETTER TO HERMANN KALLENBACH

Wednesday [October 19, 1910]<sup>1</sup>

MY DEAR LOWER HOUSE,

It is just 6 a.m. and this is the first letter I have taken up. I am at Mr.Omar's house which you would like immensely. It is clean. It faces the race course. I could not go to Phoenix yesterday as there was a memorial meeting regarding Narayansamy. Slept on the verandah of the house and got up at 5.15 a.m., washed my sleeping suit and shirt there. I am now writing. Passed the whole of the afternoon yesterday seeing the men. Afterwards served notice on Chamney who happens to be here. He has sent the message asking me to see him at 9 a.m. I shall see what happens then.

Read before going to bed Harishchandra about whom I gave you the book from Natesan. If you have not read it yet, I suggest your reading it at once. On the way I read *The Minds of Two Judges*. It is a powerful pamphlet and alas too true both in its condemnation of the English methods and the Indian. Without the latter being bad, the former could never have secured a footing. Cordes, I observe, has taken a deck passage. He leaves on the 6th November. There is no restraining him. He is a wonderful man. We can only pray for him and help him to go through the ordeal he has set before himself. He will say that we talk and he does it. In taking deck passage he has certainly done it. Have not yet seen any of the Phoenixites.

I hope that the roof was finished or at least commenced yesterday.

With love,

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

<sup>1</sup> From the reference to the memorial meeting regarding Narayansamy, who died on October 16, 1910; *vide* "Extract from Letter to S.A.B.I. Committee", After 16-10-1910, . The Wednesday following fell on October 19.

## 156. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,  
*Aso Vadi I* [October 19, 1910]<sup>1</sup>

CHI. MAGANLAL,

I saw your letter after reaching the Farm. Nowadays I have to go to Johannesburg daily. Please continue to address your letters to the Farm. I have read Chi. Chhaganlal's letter. We shall know more from his letter tomorrow. Chi. Narandas's attitude of indifference to worldly pleasures is a good sign. I wish that he receives encouragement. Bombay is not the place for that. But Narandas is entirely in Khusalbai's<sup>2</sup> hands. He will get an opportunity for public service if any of you brothers can politely cure Khushalbai of his infatuation. If, however, he does not get an opportunity to do public service in this life, he will, if he so wishes, get it without effort in the next.

I enclose herewith Doctor [Mehta]'s letter about Chi. Chhaganlal for you to read. Please destroy it after perusal.

Ba wants me to ask you to buy two small locks for the water tank. The suggestion seems to be quite good. Her idea is that he who really wants water may certainly use it, but the tap should not be opened by all and sundry. Moreover, she wants to know whether or not you have put all the things—cots, etc.—in their proper places. If not, please do so. If the Monday meetings are held in that house, it will incidentally get cleaned every week. I think it is better for Veerjee to live in the house formerly occupied by Bihari. It is not good to have to bother about cleaning the big house every day. Please send me at your convenience a list of the books received. Ba is positive that some rice is there in a bag behind the kitchen door. Please look for it there once more. It is not good that it should get more and more late each Friday.<sup>3</sup> Purshottamdas thinks that it is due to slackness on someone's part. Please try to complete the work in time by doing it all together with more energy and enthusiasm. Now that the days have become longer, it will be better if you can go [to the press] early in

<sup>1</sup> This letter appears to have been written during Chhaganlal Gandhi's absence from South Africa in 1910, in which year *Aso Vadi I* corresponded to October 19.

<sup>2</sup> Gandhiji's cousin and Narandas's father

<sup>3</sup> The reference is to getting *Indian Opinion* ready for despatch.

the morning on Fridays.

Do not give up your study of Tamil. What is Chakor digging pits for? Please do not ask him to do anything which you consider unnecessary. Mr. Polak says that Muthoo had been there on Friday. Please send me the passage on tuberculosis which is with Mr. West. I want to show it to a tuberculosis patient.

I have sent a telegram<sup>1</sup> to Anglia Sheth today. I had got the news from Rustomjee Sheth. Please read the article written by someone in *The Transvaal Leader* about Tolstoy Farm. It has appeared in the issue of today, the 19th. It is not known who the writer is.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4938 Courtesy: Radhabehn Choudhri

### 157. NARAYANSAMY

Narayansamy is dead,<sup>2</sup> but even in death he lives. He is no more in the body, but he has left an immortal name behind him. Birth and death are the common lot of all. If we consider the matter deeply, we shall realize that death, whether it comes early or late, should be no cause for grieving or rejoicing. On the contrary, to die in the service of the community or in the pursuit of some other good aim is in reality not to die but to live. Is there any patriotic Indian who will not be prepared to die for the sake of the motherland? Of course, none. So long as we do not have this [spirit] in us, we cannot claim to be patriotic.

Narayansamy suffered much. A voyage on the deck is full of hazards, all the more so if one has insufficient clothing and is handicapped in other ways. Narayansamy undertook such a voyage for the sake of themotherland. He has left the world, facing suffering till the end. We shall count him a true satyagrahi. Terms in which we cannot speak of even the greatest satyagrahi will be quite justified when applied to Narayansamy. He has died a perfect satyagrahi. Even

<sup>1</sup> On the death of his daughter as "the result of her clothing catching fire from a stove". The telegram is not available.

<sup>2</sup> *Vide* "Extract from Letter to S.A.B.I. Committee", 16-10-1910 and "Letter to the Press", 17-10-1910

a staunch satyagrahi will deserve our praise only when he has proved his worth to the full.

Nagappen achieved immortal fame in his death. And so has Narayansamy. While grieving with the members of his family on account of his death, we shall also congratulate them. All honour unto their mothers for having given birth to Nagappen and Narayansamy.

Though we think thus that Narayansamy died a hallowed death, so far as the Transvaal Government is concerned, it can be charged with legalized murder. If anyone places another person in circumstances which result in his death, the former may be charged with the latter's murder. This is just what has happened in Narayansamy's case. He and his companions were taken first, from Durban to Port Elizabeth, thence to Cape Town, from Cape Town again to Durban and so on. There were innumerable difficulties about accommodation, clothing and food. If the Indian community had not provided the other Indians with clothing and food, they too would have been reduced to the same plight. In acting thus, the Transvaal Government has been guilty of extreme harshness and its harshness has resulted in Narayansamy's death. Hence we charge the Government with murder. Since no legal steps can be taken against it, though it is guilty of murder, we call this legal murder.

Nagappen and Narayansamy have thus left us. The Tamil community is laying the other Indians under an increasingly heavier debt. It is covering itself with greater glory day by day. How will it ever be possible after this to make an adequate return for the services of the Tamil community? Other Indians would do well to take a lesson from it and, copying its example, learn to suffer in silence for the sake of the motherland. The [Indian] community will disgrace itself if it fails in this.

[From Gujarati]

*Indian Opinion*, 22-10-1910

### 158. INDIANS' FUTURE

We reported last week that Parliament at its next session would pass an Immigration Bill applicable to the whole of South Africa. We have received this news through official sources. Though we may not rely upon it entirely, it is certain that the Indian community needs to

be on its guard. Very likely, they will delude the community with some superficially attractive provisions in the Immigration Bill and pass it. It may perhaps contain a provision to the effect that only such Indians as are approved by the Indian residents in South Africa may be permitted to enter as fresh immigrants. If the Indians of the Cape or Natal or the Transvaal walk into this snare, that will be a dishonour to the community and will bring disgrace on the name of Indians. We should repeat it over and over again to ourselves that we must not accept any law which discriminates against Indians as Indians. When it is sought to enact a law applicable to the whole of South Africa, it is but proper for the community to call a meeting of Indians from all parts of South Africa and take whatever steps may be necessary in consultation with them. If there is any undue haste in this matter or if a body of Indians or an Indian leader, prompted by self-interest, gives any undertaking, they will have reason for regret afterwards.

[From Gujarati]

*Indian Opinion*, 22-10-1910

### *159. TRADING LICENCES IN THE TRANSVAAL*

The Transvaal Government is not likely to leave the Indian traders there in peace, nor are the whites. Municipalities in the Transvaal have been passing resolutions asking for the expulsion of Indian traders from the country after payment of compensation. We have heard of some Indians approving such a move. They are certain that there will be nothing wrong in leaving this country if an adequate amount is paid in excess of the cost [by way of compensation]. This is a short-sighted view. In the first place, we believe that even one-fourth the amount of profit that we hope for will not be offered. They will pass a law which will hardly allow anything over and above the market price [of the stocks]. Indians, in that case, will be ruined. Hardly anyone from among the Indians settled in South Africa earns much after going to India. All of them come back to this country. In these circumstances, to think of accepting some payment and returning to India is obviously senseless. It should also be borne in mind that we shall prove ourselves cowards if we allow the Government to drive us out. We think we have as much right to be in this land as the whites have. From one point of view, we have a better right. The negroes alone are the original inhabitants of this land. We have not seized the

land from them by force; we live here with their goodwill. The whites, on the other hand, have occupied the country forcibly and appropriated it to themselves. That, of course, does not prove their right to it. A large number even from among them believe that they will have to fight again to defend their occupation. But we shall say no more about this. One will reap as one sows. All that we wish to point out is that Indians will prove themselves selfish if, for the sake of a little money, they accept the offer of something over and above the cost price of their stocks and leave. If they leave out of fear, they will show themselves to be cowards. We hope it will not please any Indian to earn either of these epithets.

[From Gujarati]

*Indian Opinion*, 22-10-1910

### 160. LETTER TO REGISTRAR OF ASIATICS

DURBAN,

*October 25, 1910*

M. CHAMNEY, ESQ.  
REGISTRAR OF ASIATICS  
DURBAN CLUB

SIR,

With reference to Mr. Perumal Pillay and 18 other British Indians who are at present being detained at Salisbury Island under order of Court, I have the honour to inform you that all of them claim to have been voluntarily registered in the Transvaal and that 15 of them intend to apply for duplicates of their Registration Certificates.

I interviewed Mr. Harry Smith, the Principal Immigration Restriction Officer, this afternoon, who, I understood, is the officer appointed by you under Section 10 of the Regulations passed under Act of 1908 to receive applications, etc. Mr. Smith informs me that he cannot receive the applications in respect of these men as they have been once deported. The contention of the men is that they have not been deported within the meaning of the Section and that, even if they are, you are bound under the Act of 1908 and the Regulations to receive their applications, and, if they apply in terms of the Act, to



grant them.

I beg, therefore, to ask on behalf of my clients whether you are prepared to advise Mr. Smith or any other officer or person to receive their applications for duplicates of their certificates.

I am addressing this letter to you in Durban as the matter is one of great urgency and as, within the time allowed by the Supreme Court, it is my clients' intention, in the event of your decision being unfavourable, to apply to the Transvaal Provincial Division of the Supreme Court in the matter.

*I have the honour, etc.,*

M. K. GANDHI

*Indian Opinion, 29-10-1910*

### *161. LETTER TO REGISTRAR OF ASIATICS*

DURBAN,

*October 26, 1910*

SIR,

I have the honour to acknowledge your letter of even date regarding the Indians on Salisbury Island.

I am unable to say what the men will do at Volksrust in the event of their reaching there. They have been advised that they have a legal right in terms of Act 36 of 1908 to apply for duplicates of Certificates of Registration and to receive duplicates if their applications are in order. I shall be obliged if you will be good enough to reply whether you are prepared to afford them facility to make their applications in terms of Act 36 of 1908 and the Regulations.<sup>1</sup>

*I have the honour, etc.,*

M. K. GANDHI

*Indian Opinion, 29-10-1910*

<sup>1</sup> To this Chamney replied in the evening that he had received instructions to receive applications and, if the same were in order, to grant duplicates.

## 162. DIWALI

We have taken to Western ways and manners to such an extent that we find ourselves unable to look upon the New Year of the Hindus, the Muslims and the Parsis as our New Year. If we were to adopt "New Year" as the caption of this article, it would carry no meaning. When, however, we come to write of the New Year in the [first] issue of January, everyone will understand it to mean the year 1911. There is no convincing reason to justify this state of affairs. If we have not forgotten what we are, we should observe all the three New Years and, if so inclined, the Western New Year as the fourth. When the Muslim year changes, all the Indians should observe it, and so also when the Parsi year or the Hindu year changes. This will betoken our fraternal relations and prove that we have become one nation. On the contrary, what we notice in fact is that we show no particular regard for one another's New Year. To create among the inhabitants of India the consciousness of their being one nation, no Herculean efforts are necessary. We are of course a single nation and brothers as among ourselves. We should regain that consciousness this very instant if we could only be open-hearted and get rid of the pride that goes with hypocrisy.

Diwali falls on Tuesday next. It is an important festival for the Hindus. Every Hindu has our good wishes on the occasion. But we do not see how they can materialize. Hindus certainly cannot be happy when their neighbours are not. The New Year will prove happy only for the man who has turned the preceding year to good account. Expecting a good crop in winter when the monsoon has failed is like building castles in the air. The divine law is not that we get what we desire, but that we get what we deserve. In other words, our desires will be fulfilled only if they have behind them the force of merit earned by suitable deeds.

And so we wish a prosperous Diwali to every Hindu who has accumulated during the current year the capital of good deeds, who has borne love to every other Indian as to a brother, who has earned an honest livelihood and shared the sufferings of the unhappy, and we pray to God that the New Year may confirm him in his virtuous disposition. And likewise we pray that the Hindu who has, knowingly or unknowingly, failed in his duty and spent his time merely in the

pursuit of self-interest, who has borne ill-will and not love to other Indians, may learn to repent and, be converted to better ways, wake up to a sense of duty. We request our readers' help in working for the fulfilment of this desire of ours.

[From Gujarati]

*Indian Opinion*, 29-10-1910

### 163. INDIANS' DUTY IN NOVEMBER

Mr. Dawad Mahomed has sent a telegram to General Botha to say that he should make it possible for the agitation to be withdrawn, failing which the Indian community cannot participate in the celebrations on the occasion of the inauguration of the Union Parliament in November. This is quite correct. If the struggle does not end in November, we must observe mourning. Thoughtful Indians realize that we should be in mourning for the death of Narayansamy. If we do not join in their celebrations, do not turn out to watch their shows, if we confine ourselves to our homes at the time of the celebrations and do not put up decorations over our shops, the rulers cannot but be impressed. By doing this, we can show to them that the entire Indian community in South Africa feels sore over the prolongation of the struggle.

[From Gujarati]

*Indian Opinion*, 29-10-1910

### 164. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,

*Kartak Shud 2 [November 4, 1910]*<sup>1</sup>

CHI. MAGANLAL,

सिय राम प्रेम पियुष पूरन होत जनमु न भरत को ।  
मुनि मन अगम जम यियम सम दम विषम व्रत आचरत को ॥  
दुख दाह दारिद दंभ दूषन सुजस मिस अपहरत को ।  
कलिकाल तुलसी से सठन्ह हठि राम सनमुख करत बे ॥

<sup>1</sup> This appears to have been written immediately after the Gujarati New Year day (*Kartak Shud 1*) with special reference to the addressee's vow of *brahmcharya*; vide "Letter to Maganlal Gandhi", 27-1-1910

This is the last verse in the *Ayodhyakanda*<sup>1</sup>. Please ponder over it. It is still ringing in my ears. In these hard times *bhakti*<sup>2</sup> has acquired the highest place. But even for the practice of that *bhakti* we needs must have self-discipline. That discipline is at the root of our education. I am realizing every moment that without it all our intelligence is of no avail. What other blessing shall I wish for you?

It is only when I think of it specifically that I feel some sorrow over the death of Chi. Anandlal's son. Otherwise my feelings are dead.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4939 Courtesy: Radhabehn Choudhri

### *165. PROPOSED NEW IMMIGRATION BILL*

*The Transvaal Leader* of the 31st ultimo published the following telegram from its Cape Town correspondent:

I learn that the Colonial Secretary will early in the session bring in a Bill which, in addition to modifying the existing Transvaal conditions, will, in a considerable degree, aim at the consolidation of the immigration laws of the Provinces of the Union.

So far as the Transvaal is concerned, I understand it is the intention to make some fairly important concessions to British Indians, which, without weakening the attitude of South Africa, will make the law more workable and sensible than the regulations now are. Among these concessions will be the admittance of a limited number of specially qualified Indians per annum (the number suggested in the past was six per year, but it may be made even greater than this). This and other modifications are among those which have been pointed to in the past by the *Leader* as necessary to make the immigration restrictions more satisfactory to all concerned in respect of the consolidation of immigration laws.

This naturally does not imply uniformity of measures in all the Colonies, the position of Natal being a specially difficult problem. A great deal of anxiety is felt in

<sup>1</sup> The second book of the *Ramayana* by Tulsidas

<sup>2</sup> Devotion

Natal about the restrictions which will be imposed there, as the existence of the sugar industry is stated by the majority of representatives from that Province to depend on the ability of planters to rely on a continuous supply of indentured Indian labour. The suggestion has been made from some quarters in Natal that this form of labour should be allowed within an area bounded by a strictly limited distance from the coast, which will include the sugar and other plantations. What will actually be proposed by the Government will probably not become known till General Smuts brings in his Bill, but it will occur to everyone that, considering the difficulties the country was plunged into as the result of former immigration legislation, the details of the new measure should be laid before both members of Parliament and the public in time for them to consider it very carefully.

We do not know whether *The Transvaal Leader* correspondent has given a correct forecast. If he has and if the provision for the new entrants is made on the lines suggested by Lord Amthill and if no statutory colour bar is created, passive resistance struggle will end, assuming of course that Act 2 of 1907 will be repealed at the same time.

But Indians all over South Africa are nervous regarding the proposed consolidation of the Immigration Laws of the other provinces. Indians of the Cape and Natal cannot accept the Transvaal Registration Act, as registration is totally unnecessary for provinces with a sea border. Nor can they accept the unnecessarily rigorous educational test which will be acceptable for the Transvaal under the peculiar conditions prevailing there. British Indians have accepted the policy of restriction throughout South Africa but they cannot be expected to become party to making legislation for the Cape and Natal more severe than it already is. Indeed, as recent judgments of the Supreme Court at the Cape and Natal have shown, it is severe enough in all conscience.

*Indian Opinion*, 5-11-1910

#### 166. CONDITIONS OF CAPE INDIANS UNSATISFACTORY

This is what an Indian writes to us in English from Karreedouw. He says that no Indian is permitted to enter Kaffir districts such as the Transkei, etc., which are under the jurisdiction of the Cape. Only white traders are allowed to go there. These traders rob the Kaffirs. An Indian happened to go to the Transkei as a waiter. He was turned out by the magistrate like a dog. He was asked to produce a permit, which

he did not have. He did not even know what a permit was, for he was under the impression that an Indian could move about anywhere in the Cape. The correspondent points out that the Transvaal agitation is acting as something of a check; otherwise conditions in the Cape would have deteriorated hopelessly.

The Cape Indians should reflect over this letter. It is necessary that the Association at the Cape write to the Government in this matter, asking it to state on what ground entry into Kaffir districts is prohibited.

The matter should not be left there. It will be necessary to watch developments in the Union Parliament and to act with great caution. Mr. Ritch is in the Cape, so that his help will be available to Indians. It should be utilized and necessary steps taken.

We have heard that they want to have a registration law applicable to the whole of South Africa and to limit the total number of Indians admitted into South Africa to six a year. We do not think the Cape and Natal will ever accept this.

[From Gujarati]

*Indian Opinion*, 5-11-1910

### 167. WHO IS A SATYAGRAHI?

Mr. Vallibhai Peerbhai, who is always ready with his hospitality for satyagrahis, writes to say that Mr. Medh received three letters on the very day on which he was arrested. On reading them, he went to Mr. Mulla's shop in Volksrust and performed ablutions and then presented himself for arrest. It appears that Mr. Medh received news of his sister's death, the sister having left three children behind her. "Had I been by Mr. Medh's side", [says Mr. Vallibhai] "when he read those letters I would not have allowed him to go. But no matter, joy and sorrow are the same to a satyagrahi." It does credit to Mr. Valli to say that if he had known of it, he would have stopped Mr. Medh. By going to gaol as a matter of duty without for a moment thinking of staying out because of the news of his sister's death, Mr. Medh has offered additional proof of his being a true satyagrahi. He is a staunch and seasoned satyagrahi. The hardships of gaol life hold no terrors for him. He deserves all the congratulations we can offer him. Mr. Surendrarai Medh has covered the community with glory.

We have said earlier that he alone is a satyagrahi who gives up everything for the sake of truth—forgoes wealth and property, allows his land to be auctioned, parts from his relatives, from his parents, his children, his wife, and sacrifices dear life itself. He who thus loses for the sake of truth shall gain. By disobeying his father’s order for the sake of truth, Prahlad not only remained staunch in satyagraha but also did his duty as a son. Making himself a satyagrahi, he won his own and his father’s deliverance from this earthly life. No one lacking the determined spirit of Prahlad can ever hold on to satyagraha to the end.

[From Gujarati]

*Indian Opinion*, 5-11-1910

### 168. PRAGJI DESAI’S RESOLVE

Mr. Pragji<sup>1</sup> writes to say that this time the gaol officials behaved with greater harshness. “But the harsher they grow, the more determined I become.” Of late, they have stopped ghee altogether for prisoners serving sentences of less than three months. Hence, all of them decided to go without those meals at which ghee used to be served. Mr. Pragji alone remained steadfast in this decision till the end and continued to refuse the meals. He took no notice of the harm which this did to his health. We congratulate Mr. Pragji on this unswerving spirit of his. Mr. Pragji adds that Mr. Shelat was punished twice for refusing to carry slop-pails. At present, he is in charge of cooking.

Mr. Pragji was much grieved to hear, on his release, of his sister’s death; but he has declared his determination not to keep himself out of the fight. He writes: “So long as our struggle has not come to an end, a satyagrahi can attend to no other work.”

[From Gujarati]

*Indian Opinion*, 5-11-1910

<sup>1</sup> Pragji Khandubhai Desai, a passive resister; often contributed to *Indian Opinion* in Gujarati

### 169. MAHARAJA OF BIKANER

News has been received that. His Highness the Maharaja of Bikaner, like the Mysore Maharaja, has offered help to the satyagraha campaign. The implications of this help are of the utmost value to us. Everyone in India, from the highest to the lowest, is beginning to see how we are being humiliated in the Transvaal. This may hasten the end of the struggle. But it also increases the responsibility of South African Indians. They should wake up *en masse*, appreciating the real value of the Transvaal campaign. It involves not only their honour but also their interests.

[From Gujarati]

*Indian Opinion*, 5-11-1910

### 170. TELEGRAM TO CHIEF IMMIGRATION OFFICER

[DURBAN,  
Before November 6, 1910]

. . Mr. Gandhi had telegraphed to the Immigration Officer at Pretoria saying he would be accompanied by Mrs. Sodha and her children.<sup>1</sup>

*Indian Opinion*, 12-11-1910

### 171. TELEGRAM TO CHIEF IMMIGRATION OFFICER

VOLKRUST[?],  
November 7, 1910<sup>2</sup>

. . . Mr. Gandhi had addressed a telegram to the Immigration Officer saying that he had no desire to further complicate a situation that was already sufficiently complicated, that Mrs. Sodha did not seek the right of permanent residence in the Transvaal, that she would be looked after at Tolstoy Farm and that she would retire on the close of the struggle.<sup>3</sup>

*Indian Opinion*, 12-11-1910

<sup>1</sup> *Vide* "Letter to the Press", 11-11-1910

<sup>2</sup> This telegram was despatched immediately after Mrs. Sodha was charged at Volksrust on November 7; *vide* "Letter to the Press", 14-11-1910

<sup>3</sup> In reply, the Chief Immigration Officer refused permission for Mrs. Sodha to enter the Transvaal, saying she would be treated as a prohibited immigrant unless she returned to Natal.



## 172. LETTER TO MAGANLAL GANDHI

[After November 7, 1910]<sup>1</sup>

CHI. MAGANLAL,

There is only one thing uppermost in my mind and that is to introduce the common kitchen. You are not to do it forcibly. If you go on pleading with Santok and Ani gradually, they will be agreeable; and if it does not come about immediately, I hope it will have done so before my next visit. During my recent visit there, you slept in the same room with me and away from your wife. I wish you make this a regular routine. Let Santok and Ani sleep together [i.e., in the same room]. It is as well if they begin to sleep together before dining together. I do not know about the danger of snakes there, but I think the practice of sleeping on a mattress [on the floor] is on the whole good.

I have imposed a great burden on you. I, however, see that you are quite able to bear it. It won't be at all unbearable if you do your work without worrying.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W.4940 Courtesy: Radhabehn Choudhri

## 173. TELEGRAM TO MINISTER OF INTERIOR<sup>2</sup>

[JOHANNESBURG,  
November 8, 1910]

R. M. SODHA, UNREGISTERED RESIDENT TRANSVAAL, IN  
GAOL AS PASSIVE RESISTER, AFTER DUE NOTICE IMMI-  
GRATION OFFICER, MRS. SODHA, WITH BABY EIGHTEEN  
MONTHS, ANOTHER THREE YEARS AND CHILD TWELVE

<sup>1</sup> From the reference to Mrs. Ani Desai in paragraph 1, this letter appears to have been written after her husband, Purshottamdas Desai, was sentenced to six weeks' imprisonment on November 7, 1910.

<sup>2</sup> This telegram, sent by the British Indian Association, was presumably drafted by Gandhiji; *vide* "Letter to the Press", 14-11-1910

YEARS, CROSSED BORDER FROM NATAL ON WAY TOLSTOY FARM. THEY WERE STOPPED AT VOLKSRUST. MRS. SODHA CHARGED AS PROHIBITED IMMIGRANT, CASE REMANDED. HUSBAND REDUCED POVERTY AND BROKE UP NATAL HOME. MRS. SODHA WILL NOT STAY PERMANENTLY BUT ONLY PENDING CONTINUOUS IMPRISONMENT HER HUSBAND. ASSOCIATION HAS NO DESIRE FURTHER COMPLICATE ALREADY COMPLICATED SITUATION. HITHERTO INDIAN WOMEN HAVE BEEN LEFT UNMOLESTED. ASSOCIATION TRUSTS PROSECUTION WILL BE WITHDRAWN.<sup>1</sup>

*Indian Opinion*, 19-11-1910

### *174. SPEECH AT CHINESE FUNCTION<sup>2</sup>*

[*November 9, 1910*]

Mr. Gandhi said that without the assistance of Mr. Ritch and Mr. Polak the Indian community would have found it impossible to carry the struggle as far as it had done. He added that the Government was not content with fighting the Asiatic males, but had carried the attack to the children, and now even to the women. He urged, therefore, that they should show themselves all the more determined to pursue the struggle.

[From Gujarati]

*Indian Opinion*, 19-11-1910

### *175. TELEGRAM TO MINISTER OF INTERIOR<sup>3</sup>*

[JOHANNESBURG,]

*November 10, 1910*

REFERRING WIRE<sup>4</sup> MRS. SODHA, WILL MINISTER PLEASE GRANT TEMPORARY PERMIT UNDER IMMIGRATION ACT AND WITHDRAW PROSECUTION? ASSOCIATION SINCERELY ANXIOUS

<sup>1</sup> The Minister replied on 9-11-1910: "Yours yesterday. As neither Sodha nor his family are entitled to enter Transvaal, the Minister regrets that he cannot interfere with the provisions of the Law, which forbid the entry of prohibited immigrants."

<sup>2</sup> In Johannesburg, in honour of Messrs Ritch and Polak

<sup>3</sup> This telegram, sent by the British Indian Association, was presumably drafted by Gandhiji; *vide* "Letter to the Press", 14-11-1910

<sup>4</sup> *Vide* "Telegram to Minister of Interior", 8-11-1910.

*Indian Opinion*, 19-11-1910

176. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,

*Kartak Shud 9* [November 11, 1910]<sup>2</sup>

CHI. MAGANLAL,

Today I saw the letter you mentioned.

When Narandas wrote to me to send my letters to him through you, I did not find fault with his action as a piece of cowardice. I had no such idea in my mind at all. In reply to his question as to what he should do, I wrote<sup>3</sup> to him saying that first he should attain fearlessness as described in अभयं सत्वसंशुद्धि (fearlessness, purity of heart,) etc. And I wrote it with the idea that he should first acquire that virtue if he wanted to engage himself in any public activity. True public service can be rendered only if fearlessness can be achieved as regards [the loss of] prestige, money, caste, wife, family and even life. Then only will *moksha* (liberation), the ultimate end of life, be attained.

I have no time to write a separate letter to Narandas. Please therefore send this on to him. I shall write about the press when I find time.

Please let me know how Manilal is getting on.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4941 Courtesy: Radhabehn Choudhri

<sup>1</sup> The Minister in his telegram of November 12 replied: "Reference your telegram 10th, immigration Officer at Volksrust was instructed to give Mrs. Sodha option of returning to Natal instead of having steps taken against her under Immigration Act. Minister regrets he cannot sanction temporary permit."

<sup>2</sup> This letter appears to have been written subsequent to "Letter to Narandas Gandhi", 29-3-1910, in which Gandhiji dealt with the subject of *abhaya* (fearlessness), discussed here; in 1910, *Kartak Shud 9* corresponded to November 11.

<sup>3</sup> *Vide* "Letter to Narandas Gandhi", 29-3-1910

## 177. LETTER TO THE PRESS<sup>1</sup>

[JOHANNESBURG,]

November 14, 1910

SIR,

Since the well-known Poonia case, the Indian community had come to understand that Indian women crossing the border would not be interfered with, and I know of several cases in which they were permitted to cross the border unchallenged. But after the interference with Mrs. Gandhi, over a month ago, when she was travelling alone, I could see that the spell was broken. Whenever, therefore, wives or other female relatives of passive resisters wanted to enter the Province from Natal, I took the precaution of informing the Chief Immigration Officer at Pretoria, who is also the Registrar of Asiatics, of the movements of these families, informing him also of their exact relationship to the respective passive resisters, and until very recently there has been no actual difficulty. I returned from Natal yesterday week in the company of Mrs. Sodha, the wife of a passive resister who is at present serving imprisonment at Diepkloof for the offence of asserting his right of entry as a free-born British subject possessing the qualifications required by the Immigration Law of this Province, as apart from the Asiatic Act.

Before leaving Natal I had taken the usual precaution of telegraphing to the Immigration Officer that I was crossing the border with Mrs. Sodha. On reaching Volksrust I learnt that the Police had received instructions to stop Mrs. Sodha. She and I, together with other passive resisters who were in my company, got down from the train. Mrs. Sodha<sup>2</sup> has a baby in arms, another under three years and a boy twelve years of age. I took her and her children to the Charge Office where I was asked to produce Mrs. Sodha the following morning, and on my undertaking to do so I was permitted to take her away. Needless to say, Mrs. Sodha had never in her life seen a Charge Office or been addressed by a constable.

An Indian store-keeper kindly provided shelter and food for

<sup>1</sup> This was published in *Indian Opinion*, 19-11-1910, as a letter addressed to the South African Press under the title "Mrs. Sodha's Case".

<sup>2</sup> *Vide* "Telegram to Chief Immigration Officer", before 6-11-1910

her. and her children. The next day she was charged as a prohibited immigrant and the case was remanded to the 21st instant, she being released on her own recognizance. Thinking that Mrs. Sodha's arrest might have been due to a misunderstanding, I telegraphed<sup>1</sup> again to the Chief Immigration Officer giving him the information about Mrs. Sodha's children and telling him that she was proceeding to Tolstoy Farm, that she would retire from the Transvaal at the end of the struggle and that she was being taken to the above farm only pending her husband's continuous incarceration. I received at Volksrust a reply to the effect that Mrs. Sodha would be tried as a prohibited immigrant unless she immediately returned to Natal. She and I, however, continued our journey as Mrs. Sodha's case was already adjourned. In order to avoid any further complications, Mr. Cachalia, the Chairman of the British Indian Association, telegraphed<sup>2</sup> to the Minister of the Interior, recounting the circumstances of the arrest and requesting that the prosecution might be withdrawn. The Minister replied in the negative, stating that her husband was a prohibited immigrant. As the British Indian Association was desirous of avoiding importing women into the controversy, it again approached<sup>3</sup> the Minister and requested that a temporary permit should be issued to Mrs. Sodha. He, however, declined to do so.

Mrs. Sodha has entered the Transvaal temporarily as the Sodha family has been reduced to poverty and their home broken up owing to Mr. Sodha's having been in prison almost continuously for the last eighteen months and as passive resister families are being supported at Tolstoy Farm out of public funds.

I do not propose to go into the legal merits of this case which is *sub judice*. Possibly Mrs. Sodha has committed a technical legal offence. If so, all the Indian women, who were allowed to enter the country and to whom I have made reference, have also committed an offence, in so far as the Government are concerned, for the latter have undoubtedly contended that all Indians who have ever been deported under the Registration Act are prohibited immigrants. The Government, however, seem to have distinguished between Mr. Sodha, who is an unregistered pre-war resident of the Transvaal, and other passive resisters who are registered residents and whose wives and

<sup>1</sup> *Vide* "Telegram to Chief Immigration Officer", 7-11-1910

<sup>2</sup> *Vide* "Telegram to Minister of Interior", 8-11-1910

<sup>3</sup> *Vide* "Telegram to Minister of Interior", 10-11-1910

families, as stated above, have entered the province unmolested.

As the wife of a passive resister Mrs. Sodha has now no alternative but to face imprisonment and deportation if found technically guilty. But why this sudden persecution, for I cannot call it a prosecution, of Indian women? The Government are at war with Indian males. They are now attempting to hound out of the Province a certain class of Indian boys born of registered parents. The community was, however, unprepared for an unchivalrous attack on its womanhood. Mrs. Sodha is not a competitor in trade. Her character is admittedly above reproach. A meeker woman it will be, perhaps, difficult to find throughout South Africa. She has committed no crime under the common law of the country. Every means that could be adopted was taken to placate the authorities, whose only aim now seems to be to punish Indian women, as the punishment hitherto inflicted on their husbands appears to have failed in its purpose. I cannot foresee the extent of the terrible effect that must be produced on the minds of the Indians throughout South Africa and of the people of India when the news of this war on women is spread abroad. With this aspect of the question the Minister of the Interior is, apparently, little concerned; but I cannot conceive that the high-handed, wantonly cruel and unnecessary proceedings against Mrs. Sodha will meet with the approval of the people of South Africa. Here is a question for the Loyal Women's Guild and other similar organisations to consider. Whatever may be their views on Asiatic immigration or on the question of general passive resistance, will not the Christian men and women of this Union rise in unanimous protest against this latest parody of administration on the part of the Government?

I trust that Mrs. Sodha's act will not be construed to be one of defiance. She is as innocent of the curious laws of this country as a new-born babe. If anyone is guilty it is the writer, under whose advice and by whose assistance the lady has entered this part of the Union. In any case I wish to recall a graceful act of administration under Crown Colony Government. In 1906, Dr. Abdurahman of Cape Town entered the Transvaal without a permit. Lord Selborne came to know of this and without questioning the legality of Dr. Abdurahman's action he instructed the then Chief Secretary for Permits, Captain Hamilton-Fowle, to send him a permit. The mighty and responsible Union Government lacks both the grace and chivalry to refrain from

harassing an inoffensive Indian woman.

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

*The Transvaal Leader*, 15-11-1910

*178. FRAGMENT OF LETTER TO CHHAGANLAL GANDHI*

[About November 15, 1910]<sup>1</sup>

Make the slices and add two ounces of pine kernel. Squeeze a lime in it and add two ounces of olive oil. Even tomatoes can be used. This should be eaten with a Wallace roll. It is a very beneficial and wholesome diet. Medh knows all these things. You can take olive oil even up to four ounces. There is no harm. In the Indian diet, it is best to take *puri* and *kheer*.

There is no need to go to India to fetch Kashi<sup>2</sup>. She can come on her own With an escort. I too can see that she cannot be treated properly there. If you find it inconvenient to stay there because of your health,<sup>3</sup> you may come here. Kashi can be called here right now and she can live here even in your absence. I wish you to regain your equanimity.

*Blessings from*  
MOHANDAS

From the Gujarati original: C.W. 5073. Courtesy: Chhaganlal Gandhi

*179. FRAGMENT OF LETTER TO CHHAGANLAL GANDHI*

[About November 15, 1910]<sup>4</sup>

I can see that . . . if you do not find the place suited to your health you had better come here. Kashi<sup>5</sup> could be called here even

<sup>1</sup> Part of this letter has appeared in "Fragment of Letter to Chhaganlal Gandhi", 15-11-1910.

<sup>2</sup> Address's wife

<sup>3</sup> The addressee who was in England, had been suffering from tuberculosis.

<sup>4</sup> From the reference to Kashi, this letter appears to have been written about the same period as the following item.

<sup>5</sup> Wife of Chhaganlal Gandhi, who was in India at the time

now and she could stay here even in your absence. I only wish you to be at ease.

*Blessings from*

MOHANDAS

From a copy of the Gujarati original in Gandhiji's hand: C.W. 5073 Courtesy: Chhaganlal Gandhi

*180. LETTER TO MAGANLAL GANDHI*

TOLSTOY FARM,

*Kartak Shud 13 [November 15, 1910]<sup>1</sup>*

CHI. MAGANLAL,

India has come to a very bad pass. I have given much thought to the plague and I think there is nothing surprising in its occurrence. It may be eradicated from all other countries, but not from India. The plague does not leave India because we have made this sacred land profane, either by a misreading of religion or by giving up religion altogether. People have learnt to run hither and thither, but they do not change any of their tendencies. They go on practising irreligion and do not care to know even the rules of sanitation, etc. It is only the magic remedies known to them that they are prepared to adopt. No one bothers, while running away, about what happens to the poor who are left behind. How can we prosper in these circumstances? Our own family, too, is open to this charge. What wonder then if we receive news of fever, etc., from India?

In these circumstances, I can well understand the hesitation and the sense of discourtesy you feel in sending for Kashi here. However, this idea is worth considering. Chhaganlal, having taken away Kashi with him, is now penitent and is trying to excuse himself by saying that such was the will of God. We can talk of God's will only after first admitting our mistake. It is sheer ignorance to speak of His will otherwise. And what, after all, is God's will?

You need not have any hesitation in sending for Kashi here, for the others will not come without her. And even if they wanted to, there

<sup>1</sup> This letter appears to have been written during Chhaganlal Gandhi's absence from South Africa in 1910, in which year *Kartak Shud 13* corresponded to November 15.



would be difficulties in their way. You should try to find out if any real help can be had from Kashi.

I have a constant feeling that you alone and none else will be able to master Tamil; hence keep at it under any circumstances.

The number of children that are come together here is rather large, some of them are without their mothers. It is a difficult experiment and somewhat risky too. I am not sure what will happen to Rama<sup>1</sup> and Deva<sup>2</sup>.

I hope you will have some relief now that Thaker has joined duty. Let him also read Tolstoy's book.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4942 Courtesy: Radhabehn Choudhri

### 181. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,

[After November 16, 1910]<sup>3</sup>

CHI. MAGANLAL,

The enclosed notation is for *Bande mataram*<sup>4</sup>. You may set the song accordingly if you can.

To write about the Swami on the basis of what has appeared in the [*Natal*] *Advertiser*, is like kicking a dead animal. The proper time for writing was when his letter was published in the [*Natal*] *Witness*. But that occasion has fortunately passed. We should certainly write if by doing so we could do good either to him or to anyone else. But I do not see any occasion for it now; it came, but slipped away. That man will ruin himself with his own hand, if only people are patient. His very ways and doings seem crooked. And why did we not write against the Moulvi? There are many such examples. Please talk patiently with those who find fault with you. Keep pursuing Ismail

<sup>1</sup> Ramdas

<sup>2</sup> Devdas

<sup>3</sup> This letter, it appears from the reference to Shelat, was written after his release from jail on November 16, 1910.

<sup>4</sup> Composed by Bankimchandra Chattopadhyaya and adopted as the national anthem during India's struggle for freedom

Gora and, if even then, he does not pay, please let me know. I shall write to him and, if he does not pay even after that, his advertisement must be discontinued. I shall write to him after I hear from you. We know that he is very unmethodical and far from dependable.

I send herewith an invaluable book, *The Relation of the Sexes*<sup>1</sup>. To one who is conversant with the Hindu scriptures not a single idea mentioned in it is new. Please read it immediately and explain it to Manilal. Then give it to Mr. West.

It seems, from what Shelat says, that this time Harilal faced gaol life exceedingly well. It was he who first started fasting; he was joined by others later. [Supply of] ghee was secured and he was transferred to another gaol. Shelat is loud in his praises and so is Pragji Desai. He (Harilal) seems to have surpassed me. This is as it should be.

Coomaraswami's<sup>2</sup> book is among Mr. Polak's books that are lying at Rustomjee Sheth's. Please read it when you find the time. It is worth reading. What the author has written about music and the harmonium seems to be right. The other things, too, are worth perusal.

Purshottamdas also joined the strike. It was nice that he got into a tussle during his very first imprisonment.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4943 Courtesy: Radhabehn Choudhri

## 182. FRAGMENT OF LETTER TO MAGANLAL GANDHI<sup>3</sup>

TOLSTOY FARM,

[After *November 16, 1910*]<sup>4</sup>

. . . is for the library. You may show it to Mr. West. Please copy

<sup>1</sup> By Leo Tolstoy

<sup>2</sup> Dr. Anand K. Coomaraswami (1877-1947); an eminent Indologist and art critic; historian of Indian Art; author of several books on Indian nationalism, education, Hinduism, Buddhism, etc. The book referred to here seems to be his *Essays in National Idealism*.

<sup>3</sup> The first two pages and what follows page 4 are missing. It is dear from the contents that the letter was addressed to Maganlal Gandhi at Phoenix.

<sup>4</sup> This letter, it appears from the reference to Tolstoy's book, was written after the preceding item.

out the poem on prisoners printed on the first page and see to it that it is published in *Indian Opinion* when space permits. The other one is a pamphlet on civilization. Please go through it and ask Mr. West to take something from it, too. It is from *Gulliver's Travels*. Chhaganlal has sent it. I sent you yesterday Tolstoy's book on the relation of the sexes.

The example you cite of Virjee Mehta as regards cholera is quite apt. It cannot be said definitely that such diseases will never occur where external cleanliness is maintained. Only this we know: that such an epidemic occurs less frequently and with less virulence where personal cleanliness as well as public sanitation is well looked after. This, however, is certain: neither cholera nor any other epidemic will occur where there is complete purity of mind. Even with tremendous effort rarely does one attain that purity. To attain that one should . . .

From the Gujarati original in Gandhiji's hand: C.W. 4944 Courtesy: Radhabehn Choudhri

### 183. JOHANNESBURG

[Before November 17, 1910]

MRS. RAMBHABAI SODHA

This case will probably be heard on the 22nd. Mr. Sodha has been summoned to give evidence in the case. In order to forestall the charge that Mrs. Sodha had entered the Colony with the intention of defying the law and to leave General Smuts with no argument whatever, Mr. Cachalia sent a telegram<sup>1</sup> to inform him that she would leave the Colony when the struggle was over. In reply, it was stated that being the wife of a prohibited immigrant, she was not entitled to enter. Mr. Cachalia thereupon sent another telegram<sup>2</sup> to say that being anxious to avoid bringing women into the struggle, they were even prepared to take out a temporary permit for her under the immigration law. To this, too, General Smuts has given a negative reply. Rambhabai has made up her mind to go to gaol and a number of Tamil women have come forward to follow her. It remains to be

<sup>1</sup> *Vide* "Telegram to Minister of Interior", 8-11-1910

<sup>2</sup> *Vide* "Telegram to Minister of Interior", 10-11-1910

seen what will happen now. Mr. Gandhi has addressed a letter<sup>1</sup> to the Press regarding this.

#### MOVE FOR SETTLEMENT

There are persistent rumours that a settlement is imminent. On Monday *The Star* had a lengthy article, which too said that the time was ripe for a settlement. There is little possibility of Indian leaders being consulted in the matter. It appears, therefore, that whatever happens will happen as a result of direct negotiations with the Imperial Government.

#### WHAT WILL SETTLEMENT BE LIKE?

It is necessary to give some thought to this question. It appears the demand of the Indians here will be conceded. In other words, Indians and whites will have the same rights of entry so far as the law is concerned, that is, both will have to pass a test in a European language in order to qualify for entry. At the same time, the Governor-General will be given the discretion to fix the maximum number of persons to be admitted from each community, irrespective of the number of persons passing the education test. The obnoxious Act of 1907 will be repealed. This much, if it comes about, will be enough to save the Indians' pledge and uphold their honour.

This is not the end of the matter. There appears to be a snag in it. It seems the Government wants to bring the position in the Cape and Natal in line with that in the Transvaal, that is, to make the education test in Natal and the Cape very stiff and to provide for the registration of all Indians. I am of the view that the Indians in Natal and the Cape should not acquiesce in either of these two things. There should be no question of introducing registration in Natal and the Cape similar to that in the Transvaal—for there can be no justification for it in either province—and to make the education test stiffer would obviously be wrong.

#### WHAT ABOUT CHILDREN?

The Transvaal needs to be watchful about the new threat to the position of children there. The matter has a bearing on satyagraha but the problem of children is such that if no justice is done, satyagraha can be and must be offered.

There are, thus, difficulties in the way of a settlement. The

<sup>1</sup> *Vide* "Letter to the Press", 14-11-1910

community's pledge may be fulfilled, but we may have to face losses in other ways. It is necessary to take note of this from the first.

#### MEASURES AGAINST THIS

Some effective measures against this are possible. In the first place, Indians in the Cape, Natal and the Transvaal should present a united front. Secondly, the leaders in the different provinces must not in their haste take steps independently of one another. Thirdly, meetings should be held in every town to pass resolutions and these should be forwarded to the Government. A petition should be addressed to Parliament as also to the Imperial Government and the Indian Government. If nothing comes out of all this, the fourth step is resort to satyagraha.

#### POLAK'S LETTER

Mr. Polak has addressed a letter to the Press which is worth reading.

#### HOW TO STOP IMMIGRATION

The Duke of Marlborough is a prominent English nobleman. He has suggested in the course of a speech in England that for the purpose of restricting immigration into the Colonies, it will be more appropriate to inquire about the character of the men concerned than about their financial position. He seems to be opposed to any discrimination on the basis of race or colour.

#### CHHOTABHAI CASE

The judges have at long last given their decision in this case. There were three judges, and each one of them has expressed his own opinion. Two of them having given a decision against Mr. Chhotabhai, the appeal has been dismissed. Mr. Justice Mason expressed himself in favour of Mr. Chhotabhai. The latter has filed an appeal against this decision, so that his son cannot [yet] be deported. This appeal will be heard in the Supreme Court of South Africa. The bench will consist of five judges, and three of these will probably be Sir Henry de Villiers, Sir James Ross-Innes and Mr. Justice Solomon. Perhaps Mr. Chhotabhai will win the appeal. The divergence of views among the judges leads one to believe that the higher court may decide in favour of Mr. Chhotabhai.

#### JUDGE PRESIDENT

[He] thinks that Chhotabhai's son is not protected under Act

No. 36 and that even if the Act of 1907 had conferred any right on him, it stands cancelled under Act No. 36. He is of the view that the Acts cannot run concurrently.

JUSTICE BRISTOWE

[He] thinks that there was some chance of his being eligible [for entry] under the Act of 1907, but that under the Act of 1908 that chance disappeared. He also believes that both the Acts are bad. It is difficult to interpret them. The expulsion of children is a manifest injustice; such a law [he says] should never have been enacted. Though he has given his decision, he is not quite sure whether it is correct. It is a decision which he has given with some regret.

JUSTICE MASON

Mr. Justice Mason believes that under the Act of 1907, the Registrar has the discretion to issue a certificate to Chhotabhai's son. His rights are not protected in the Act of 1908 but the relevant provisions of the Act of 1907 do not stand repealed [by the Act of 1908]. The boy's case, therefore, should be reconsidered by the Registrar. The judge has also stated that one feels baffled in interpreting the two Acts, and that the position that such children can be deported on their reaching the age of 16 is an intolerable one.

SETTLEMENT IN SIGHT?

Referring to Mr. Polak's speech in India, General Smuts had told Lord Crewe that Mr. Polak had made gross mis-statements of facts. Mr. Polak therefore asked<sup>1</sup> General Smuts to provide him with specific instances of such mis-statements. The latter has now sent a reply. He says that he could do so, but no useful purpose would be served by entering into correspondence on the subject. He does not want [he says] to add to the existing bitterness between the Asiatics and the Government, and believes that there will be a settlement quite soon.

A telegram<sup>2</sup> has appeared in the newspapers here which lends support to this. The report states that Sir Francis Hopwood has had consultations with the Union Government and that everything will be

<sup>1</sup> In his letter of October 24, 1910, reproduced along with Smuts' reply dated 12-11-1910 in *Indian Opinion*, 19-11-1910.

<sup>2</sup> The reference is to a Reuter report dated 14-11-1910, reproduced in *Indian Opinion*, 19-11-1910.

settled quite soon. The Act of 1907 will be repealed and there will be an immigration law based on education. Discrimination on the basis of colour and race will disappear.

[From Gujarati]

*Indian Opinion*, 19-11-1910

#### 184. LETTER TO MEMBERS OF ASIATIC CONFERENCE<sup>1</sup>

JOHANNESBURG,

[Before *November 18, 1910*]

DEAR SIR,

I take the liberty of addressing you as one of the members of the Asiatic Conference that took place in August, 1908, and at which you were present.

You may have noticed from the papers that the Asiatic Department have interpreted the Asiatic Act of 1908, which was partly a result of that Conference, that Asiatic minors, sons of registered Asiatics, not born in the Transvaal or resident in the Province at the commencement of the Act, are liable of necessity on reaching the age of 16 years to expulsion, notwithstanding their willingness to apply for registration under the Act, and notwithstanding the fact that the names of these minors appear on the registration certificates of the fathers.

An actual case has arisen in respect of the son of Mr. A. E. Chhotabhai, a prominent Indian merchant of Krugersdorp. The boy, whose name is inscribed upon his father's registration certificate, on attaining the age of 16 years, applied for registration under the Act; he entered the Colony as a minor with his father, and with the knowledge and consent of the authorities, as he had a legal right to do under the Immigrants' Restriction Act. His application was rejected by the Registrar. He appealed to the Magistrate, who upheld the Registrar's decision, and ordered his immediate removal from the Province, which was suspended, pending proceedings in the Supreme Court. The matter went before Mr. Justice Wessels in Chambers, who characterized the action of the Government as "inhuman" and said

<sup>1</sup> This, along with the following item, was published in *The Star*, 19-11-1910, under the title, "The Chhotabhai Case".

“that when known it would create a howl throughout the civilized world”, but the learned judge decided that the Act did not provide for the registration of such boys, and he therefore reluctantly dismissed the application. The motion went in appeal before the full bench, which by a majority upheld Mr. Justice Wessels’ decision.<sup>1</sup> Notice of further appeal to the Appellate Court has therefore been lodged; the matter is accordingly still *sub judice*.

But I wish, however, to draw your attention to the following remarkable results of the proceedings. The judges have decided that the Act of 1907 is virtually repealed by the later Act, and that whilst Asiatic minors, in the position of Mr. Chhotabhai’s son, might be protected under the Act of 1907, that protection has been withdrawn by the Act of 1908. Mr. Justice Mason, who delivered a dissentient judgment in favour of the applicant, has also held that the boy cannot be protected under the Act of 1908, but that provisions regarding minors under the Act of 1907 are not repealed. Besides this, Mr. Justice Mason and Mr. Justice Bristowe have condemned the Government’s action, as also the Acts themselves, in somewhat scathing terms.

I have no doubt you will recollect the very lively discussion that took place between several members of the Conference and Mr. Quinn and myself, regarding the proposed repeal of Act 2 of 1907, but General Smuts declined to consider the question of repeal. You will recollect too the discussion that took place with reference to minors, who were to be protected, no matter where born, by their names being inscribed upon their father’s registration certificate. There never was a question of giving up any substantial rights already possessed under Act 2 of 1907.

I may be permitted further to add that: (1) General Smuts, at the time of introducing the new measure into the Assembly, never stated that it was calculated to deprive any class of minors of the right of residence in the Colony; (2) Mr. de Villiers as Attorney-General, in his minute to the Governor, stated that, among others, the Asiatic demand regarding the registration of minors was conceded, and that both the Acts were to run concurrently; (3) in no part of the British Dominions are the children of lawfully resident Asiatics torn from parents at any age, much less on reaching the tender age of 16 years. I venture to submit that you, as a member of the Conference, are

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



concerned directly with the results as to minor Asiatics being defeated by what must appear to you, as it does to me, to be an entirely unexpected judgment of our Courts.

I hope that I am right in suggesting that the honour of members of the Conference is involved in the maintenance of the principles adopted at the Conference, and I therefore trust that you will, if you can do nothing more, publicly declare that you never contemplated a deprivation of the rights of minor Asiatics of the class referred to in this letter.

A matter so important as this cannot, in my opinion, be left to be decided by even the highest tribunal of justice, which according to our Constitution, must be entirely unmoved by considerations, however important in themselves, that may have led to the passing of certain laws, and which is obliged to give effect to them, no matter how harshly or morally indefensible these laws may be.<sup>1</sup>

*I am, etc.,*

M. K. GANDHI

*The Star*, 19-11-1910

### 185. LETTER TO "THE STAR"

JOHANNESBURG,

*November 18 [1910]*

SIR,

I beg to request that you will be so good as to publish the following letter<sup>2</sup> which I have addressed to those gentlemen who were members of the Asiatic Conference, that was held in August, 1908.

*I am, etc.,*

M. K. GANDHI

*The Star*, 19-11-1910

<sup>1</sup> Replies to this were received by Gandhiji from Albert Cartwright, Drummond Chaplin, Opposition M. P. in the South African Union Parliament, and others, who agreed that if the names of the minors "had previously been inscribed on their father's certificate", their rights were automatically protected and that they were entitled to register on attaining the age of 16. The replies were forwarded by Ritch to the Colonial Office on January 9, 1911.

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

*186. LETTER TO PRIVATE SECRETARY  
TO DUKE OF CONNAUGHT<sup>1</sup>*

JOHANNESBURG,

[After *November 18, 1910*]

SIR,

I beg to send the following resolution unanimously passed at a special meeting of the Committee of the British Indian Association held on the 18th instant in the hall of the Hamidia Islamic Society:

That this meeting of the Committee of the British Indian Association, with profound regret, comes to the conclusion that, in view of the death of the deportee, Narayansamy, the tyrannical proceedings against minor children of a certain class, the impending prosecution of Mrs. Sodha, and the continued sufferings of the passive resisters, by reason of the refusal by the Union Government to grant the demands of the Indian community, universally acknowledged to be just and reasonable, it is not possible for the community to be associated in a public presentation of an address of welcome to His Royal Highness, the Duke of Connaught, and thus identify itself with public rejoicings over the inauguration of the Union, which, for Asiatic British subjects, has meant greater bitterness and increased anxiety for its future; and the meeting hereby authorises the Chairman to address a respectful letter to His Royal Highness, expressing the community's loyalty to the Throne, and tendering a personal welcome to him as representative of the Sovereign.

It is the misfortune of the community represented by my Association that, for the reasons stated above, its representatives are debarred from personally tendering to His Royal Highness a respectful welcome to the Transvaal, and the expression of the community's loyalty to the Throne.

<sup>1</sup> This letter, presumably drafted by Gandhiji, was signed by A. M. Cachalia. The first paragraph has been retranslated from the Gujarati translation of the full text of the letter published in *Indian Opinion*, 3-12-1910; the resolution itself is from *Indian Opinion*, 26-11-1910; and the last two paragraphs from *Indian Opinion*, 3-12-1910.

In the absence, therefore, of the presentation of a public address on behalf of my Association, I beg to tender hereby a respectful welcome to His Royal Highness, and to request him to convey to Their Majesties an expression of the loyalty of the community represented by my Association.

*Indian Opinion*, 26-11-1910 and 3-12-1910

*187. LETTER TO PRIVATE SECRETARY  
TO DUKE OF CONNAUGHT*<sup>1</sup>

[After *November 18, 1910*]

On behalf of the [Executive] Committee of the Hamidia Islamic Society, I beg to request you to communicate our respectful welcome to His Royal Highness on the occasion of his visit to the Transvaal, and request him on our behalf to convey to His Majesty an expression of the loyalty of the members of my Society.

My Society associates itself entirely with the reasons<sup>2</sup> expressed by the British Indian Association and therefore we are very sorry we are unable publicly to take part in this week's celebrations.

[From Gujarati]

*Indian Opinion*, 3-12-1910

*188. SETTLEMENT?*

There is now hardly any doubt that the Transvaal Indians' demand will be accepted. *The Times* report<sup>3</sup> which we publish elsewhere in this issue and a letter<sup>4</sup> which Mr. Polak has received from General Smuts point to one and the same conclusion. It also appears that no laws which humiliate Asiatics will henceforth be passed. If we are proved right in our conjecture, satyagrahis will have achieved a complete victory. It is the duty of every Indian to understand the meaning of this victory. It will not in any way advance the personal

<sup>1</sup> This letter, presumably drafted by Gandhiji, was sent over the signature of Imam Abdul Kadir Bawazeer, Chairman, Hamidia Islamic Society. The English text is not available.

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

<sup>3</sup> *Vide* "Johannesburg", before 17-11-1910

<sup>4</sup> *ibid*

interests of those who are engaged in the fight; only those who can think will be able to grasp the real issue in this struggle. There will be no legal bar against Asiatics as Asiatics. But our position will remain what it is. Indians will not be able to enter in their hundreds. The difficulties about permits and certificates will continue. It is up to us to have them removed. If we are not greedy, if we remain truthful, and act with moderation and in keeping with the people's honour and our own, we shall succeed in having these difficulties removed. We shall have the tree in the form of a uniform law. It will be for us to choose whether or not to enjoy its shade.

Notwithstanding this good news, Indians need not entertain any [strong] hopes. Though the signs are favourable, things may yet go wrong. Even after the publication of an authoritative cable-report, the Bill may turn out to be quite different. We only speak of things as they appear and make an effort to ensure that the settlement, when it comes, is properly understood.

Further, we have already asked<sup>1</sup> [readers] to consider what the position of the Cape and Natal will be in the Bill that is likely to be introduced.

[From Gujarati]

*Indian Opinion*, 19-11-1910

### 189. RAMBHABAI'S CASE

Angad pleaded hard with Ravana on behalf of Shri Ramchandra but Ravana, in his pride, paid no heed. He did not release Sita and called down death at last. General Smuts is in a similar position. Mr. Cachalia pleaded<sup>2</sup> with him on behalf of Rambhabai and urged him to withdraw the prosecution pending against her, but to this General Smuts has given, in his pride, a rude and unbecoming reply. Shri Ramchandra paid Ravana his due and freed Sita. Mr. Cachalia's plea was rejected by Mr. Smuts. What will the Indian community do now? It has only one effective way of bringing General Smuts to book. It may let him see that it will not take his attempt to persecute Rambhabai lying down. There is only one way of refusing to tolerate

<sup>1</sup> *Vide* "Telegram to Minister of Interior", 8-11-1910 and 10-11-1910.

<sup>2</sup> *ibid*

it. Other Indian women should copy Rambhabai's example and court imprisonment. What men will do if women go to gaol, needs no answer. If they have any manhood in them, they will not show the slightest hesitation in filling the Transvaal gaols. We refuse to believe that men will look on passively if the Government lays its hands on women. All the wealth of men is of little account. They may lose it any day. If, on the other hand, they do not put forth all their strength when Rambhabai has gone to gaol, they will be disgraced and India will stand dishonoured through us. It is our earnest hope that, when Mrs. Sodha is imprisoned, meetings will be held in all the provinces, resolutions will be passed and forwarded to the Government, and that educated Indians from every province, or those who have been in the Transvaal formerly, will soon fill the gaols.

[From Gujarati]

*Indian Opinion*, 19-11-1910

*190. MESSAGE TO MEETING OF  
BRITISH INDIAN ASSOCIATION<sup>1</sup>*

JOHANNESBURG,  
*November 19, 1910*

It will not be possible for us to participate in the celebrations the whites are going to hold in honour of H. R. H. the Duke of Connaught on the occasion of his visit to Johannesburg, nor will it be possible to honour him in view of the troubles we are having, such as failure [on the part of the Government] to bring about a reasonable solution of the satyagraha struggle; harassment of satyagrahis in gaols through extremely unjust treatment; satyagrahi prisoners having to undertake complete fasts to secure the grant of reasonable demands even for things like ghee; depriving minors of the right to register on reaching the age of 16; and the war on women like Mrs. Rambhabai Sodha, whose case is going to be taken up next week. We can give up our struggle only after our demands are satisfied. We would give up our fight if the new immigration law was going to put an end to our grievances. But if under the Union Government that has come into

<sup>1</sup> This meeting was held on November 19, 1910 to consider the presentation of an address to the Duke of Connaught then visiting the Transvaal. Being prevented by illness from attending, Gandhiji sent this message to be read out to the meeting.

being the new Act applies to all the colonies, and consequently our brethren there are adversely affected and have to take recourse to satyagraha, we shall have to contribute our utmost to it. But we cannot continue the present struggle on account of these grievances. The Cape Indians did not intend to present an address to H. R. H. the Duke, but, as one was ready, it was sent by post; and, as far as I know, the Natal Indians are presenting none. Under these circumstances, we cannot participate even in the celebrations. And, how can we present an address? We can write a letter to express our loyalty and have done with it. If Mrs. Rambhabai Sodha is sent to jail, we should come forward to fill the jails, and if possible, close our shops, hold meetings and pass resolutions to protest against the injustice.

[From Gujarati]

*Indian Opinion*, 26-11-1910

#### 191. LETTER TO DIRECTOR OF PRISONS, PRETORIA<sup>1</sup>

[JOHANNESBURG,]

November 19, 1910

My Association learns with deep anxiety that, owing to continual improper treatment of Indian passive resisters who are at present confined in the Diepkloof Convict Prison, several Indian prisoners have thought it necessary to undertake a fast, by way of protest and in order to secure their removal to the Johannesburg Gaol where, they have reason to believe that, under the more immediate supervision of the Governor, they will be given better treatment. I understand that already Messrs Harilal Gandhi and R. M. Sodha have been transferred to Johannesburg Gaol. I also learn that Mr. S. B. Medh has also applied for a transfer, and that he has been fasting for the last six days. As the matter is one of extreme urgency, I shall be greatly obliged if you will give it your immediate attention. I need hardly remind you of the serious consequences to the health of the prisoners and the effect upon the members of the Indian community of the continuance of what is alleged to be the present condition of affairs.<sup>2</sup>

*Indian Opinion*, 3-12-1910

<sup>1</sup> This letter, presumably drafted by Gandhiji, was sent over the signature of the Chairman, British Indian Association.

<sup>2</sup> Replying on 21-11-1910, the Director of Prisons asked to be furnished “with some information as to the ‘improper treatment’ of Indian passive resisters confined in Diepkloof Prison, referred to in your letter”.

192. LETTER TO DIRECTOR OF PRISONS, PRETORIA<sup>1</sup>

[JOHANNESBURG,]

November 22, 1910

In reply to your letter herein of the 21st inst., my Association is advised that strong complaint is made against the insulting attitude of some of the warders who appear to regard Indian prisoners as suitable butts upon whom to exercise their mistaken sense of humour, as for example, calling them “Coolie”, “Sammy”, “Bananas”, and so forth. Complaints regarding this matter and other pinpricks have constantly been made to the chief warden who either ignores it, or replies in an offensive manner. Complaint is also specially made against the conduct of head warden McLoud, who is in charge of the spans. This officer, my Association understands, systematically subjects prisoners to every possible form of harassment, requiring them to perform impossible tasks, and seizing every opportunity to report against them to secure their punishment. Frequent complaint has been made to the Governor of this officer’s conduct and my Association learns that he has been more than once reported, and on at least two occasions his charges against the Indian prisoners have fallen to the ground upon examination. Apparently, the complaints have not resulted in any improvement in Mr. McLoud’s attitude towards the Indian prisoners, who have, it now appears, been exasperated on account of the treatment that has been meted out to them, both by him and the chief warden.

My Association is quite prepared to learn that these charges are denied by the officers concerned, but, in anticipation of such denial, which has not been infrequent in the past, I would like to point out that no prisoner is likely to refuse to eat for a whole week, as has Mr. Medh, who does not, in his opinion, labour under serious grievances.

My Association will, accordingly, be grateful if you will be so good as to institute urgent inquiries into this matter.

*Indian Opinion*, 3-12-1910

<sup>1</sup> This letter, presumably drafted by Gandhiji, was sent over the signature of the Chairman, British Indian Association.

### 193. THE LATE LAMENTED TOLSTOY THE GREAT

The great Tolstoy has quit this corporeal frame at the ripe old age of 83.<sup>1</sup> It is truer to say that “he has quit this corporeal frame” than that “he has died”. There can be no death for Tolstoy’s soul. His name will ever remain immortal. Only his body, which was of dust, has returned to dust.

Tolstoy is known to the entire world; but not as a soldier, though once he was reputed to be an expert soldier; not as a great writer, though indeed he enjoys a great reputation as a writer; nor as a nobleman, though he owned immense wealth. It was as a good man that the world knew him. In India, we would have described him as a *maharshi*<sup>2</sup> or fakir. He renounced his wealth, gave up a life of comfort to embrace that of a simple peasant. It was Tolstoy’s great virtue that he himself put into practice what he preached. Hence thousands of men clung loyally to his words—his teaching.

We believe Tolstoy’s teaching will win increasing appreciation with the passage of time. Its foundation was religion. Being a Christian, he believed that Christianity was the best religion. He did not, however, denounce any [other] religion. He said, on the contrary, that truth was undoubtedly present in all the religions. At the same time, he also pointed out that selfish priests, Brahmins and Mullas had distorted the teaching of Christianity and other religions and misled the people.

What Tolstoy believed with especial conviction was that in essence all religions held soul-force to be superior to brute force and taught that evil should be requited with good, not evil. Evil is the negation of religion. Irreligion cannot be cured by irreligion, but only by religion. There is no room in religion for anything other than compassion. A man of religion will not wish ill even to his enemy. Therefore, if people always want to follow the path of religion, they must do nothing but good.

In his last days, this great man wrote a letter<sup>3</sup> to Mr. Gandhi to acknowledge copies of *Indian Opinion* in which he expressed these same ideas. The letter is in Russian. We give in this issue a Gujarati

<sup>1</sup> Tolstoy died on November 20, 1910.

<sup>2</sup> Great seer

<sup>3</sup> *Vide* Appendix, “ Tolstoy’s letter to Gandhiji”, 7-9-1910.



translation of it, based on an English translation.<sup>1</sup> The translation is worth reading. What he has said there about satyagraha deserves to be pondered over by all. According to him, the Transvaal struggle will leave its mark on the world. Everyone [he says] has much to learn from it. He extends encouragement to the satyagrahis and assures them of justice from God, if not from the rulers. The latter, being enamoured of their strength, will certainly not be pleased with satyagraha. Despite that, satyagrahis must have patience and continue to fight. Citing, further, the example of Russia, Tolstoy states that there, too, soldiers everyday turn their back upon their profession. He is convinced that, though this movement has had no tangible results in the present, it will assume a big form in the end and Russia will be free.

It is no small encouragement to us that we have the blessings of a great man like Tolstoy in our task. We publish his photograph in today's issue.

[From Gujarati]

*Indian Opinion*, 26-11-1910

#### 194. CHHOTABHAI CASE

Though [the decision in] this appeal has gone against Mr. Chhotabhai, we count it as a triumph for him and for the Indian community. Mr. Justice de Villiers' judgment is one-sided. He holds that the Act of 1907 for the most part stands repealed by the Act of 1908. He is, moreover, doubtful whether, even under the former Act, Mr. Chhotabhai's son was protected. This same gentleman, when he was Attorney-General, had told Lord Crewe that Asiatic minors were protected under the Act of 1908 and the Act of 1907 could be availed of. If the Act of 1907 stood repealed for the most part by the Act of 1908, why has General Smuts so far refused to repeal it altogether? The opinion of the other two judges is very good. Mr. Justice Bristowe is also of the view that the Act of 1907 for the most part stands repealed by the Act of 1908 and feels that Mr. Chhotabhai's son would have been protected under the Act of 1907. He shows, moreover, that both the Acts are anomalous and points out that a law

<sup>1</sup> This translation by Pauline Padlashuk from the original Russian was also published on the first page of *Indian Opinion*, 26-11-1910.

which does not protect the interests of minors is tyrannical. He then goes on to say that he has given his decision with profound misgivings.

Mr. Justice Mason, on the other hand, has held that the appeal should be decided in favour of Mr. Chhotabhai. He has even argued that rights which were protected under the Act of 1907 could not be treated as abrogated by the Act of 1908. Under the latter, the position of children born outside the Transvaal is not clear, but under the Act of 1907 the Registrar has been empowered to issue certificates in such cases and in the present case he would have been justified in granting the certificate. According to Mr. Justice Mason, the Registrar had wrongly assumed that he had no discretion under the Act of 1907. He has roundly condemned a state of affairs in which a minor could be expelled.

From all this, it appears certain to us that the Supreme Court will decide in favour of Mr. Chhotabhai.

The strictures passed by the judges show that both the Acts are extremely complicated and must therefore be repealed. It will not be enough to have an amendment giving effect to Mr. Justice Mason's decision. Since it is within the Registrar's discretion whether or not to grant a certificate to a minor in the position of Mr. Chhotabhai's son, it would be a favour on his part to grant one. Indians cannot leave it to be decided by anyone as a matter of favour whether or not a minor should receive a certificate. Whenever parents enjoy a right, the same right for the minors should be protected as a matter of course. It will certainly be protected if the Indian community has spirit enough, let the courts give what judgments they will.

[From Gujarati]

*Indian Opinion*, 26-11-1910

### 195. HAMID GOOL

News has been received that Mr. Hamid Gool, son of Mr. Yusuf Gool of Cape Town, has passed his final medical examination in England. We congratulate both Mr. Hamid Gool and Mr. Yusuf Gool on this. His success at this advanced examination is evidence of Mr. Hamid's hard work and intelligence. We should like him to give the benefit of his knowledge and his fine qualities of character to the

community. It has been reported that he will shortly leave England for South Africa.

[From Gujarati]

*Indian Opinion*, 26-11-1910

### 196. UNHAPPY INDENTURED LABOURERS OF MAURITIUS

The account of the sufferings of these miserable Indians which we publish elsewhere<sup>1</sup> deserves attention. Those who read about these sufferings will be convinced of the need to put a stop to the system of indenture. The all-too-numerous incidents of this kind prove again and again that this system is indistinguishable from slavery. Is there any Indian who will remain unmoved after reading about these sufferings of his countrymen? Indians ought not to rest in peace till they have put an end to them.

[From Gujarati]

*Indian Opinion*, 26-11-1910

### 197. LETTER TO V. G. CHERTKOV

TOLSTOY FARM,  
LAWLEY STATION,  
TRANSVAAL,  
*November 26, 1910*

DEAR SIR,

I have your letter of the 29th September last for which I thank you. I have also received your translation of Tolstoy's letter<sup>2</sup> to me on Passive Resistance. It is a most pathetic thing that your letter should have been received after his death.

You will see from a few copies of *Indian Opinion* I am sending you, that I had the letter already translated by a friend here. Mr. Kallenbach got the translation made.

I thank you for introducing Mrs. Mayo's<sup>3</sup> name to me. The

<sup>1</sup> Not reproduced here

<sup>2</sup> *Vide* Appendix, "Tolstoy's Letter to Gandhiji", 7-9-1910.

<sup>3</sup> Mrs. Fyvie Mayo of Glasgow, a journalist and translator of Tolstoy

lady has already written to Mr. Kallenbach. I am now sending her all the particulars needed by her.

I shall appreciate a few copies of the magazine in which Tolstoy's letter may be published.

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

V. G. CHERTKOV

From a photostat: C.W. 11073. Courtesy: L. N. Tolstoy

### *198. LETTER TO MAGANLAL GANDHI*

*Kartak Vad 10 [November 26, 1910]<sup>1</sup>*

CHI. MAGANLAL,

I am not surprised at Kanaiyalal's disappointment. But there is no reason to believe that associations among the English people are run better, though it is true that they appear to be doing well. The reason is that these associations are the product of modern civilization. The English are more adept in that civilization and can therefore conduct these associations better. Our Arya Samaj is not for the general public. It is meant only for the educated. The English institutions can be said to be for the masses to some extent, because even the masses there have come within the purview of that civilization. Therefore their institutions are governed by some discipline. Moreover, the people there consider honesty as the best policy and are honest as a matter of policy. We, on the other hand, are honest for honesty's sake; we do not know how to be honest for the sake of policy. The general tendency amongst our educated is that if one holds a position where one can serve one's selfish ends quickly, one is at once led to do so. Moreover, those who are born and bred in diplomatic surroundings take to dishonest ways even if they are not educated. If we think of our own family, we shall be able to see that the people of whom Kanaiyalal has lost all hopes are a mere drop in the ocean of Indian humanity. Please think of the hypocrisy, the

<sup>1</sup> The Bill for the new Act mentioned in the last paragraph was introduced in Parliament in February, 1911. The *Kartak Vad 10* prior to this was November 26, 1910.

corruption and the immorality of the members of our family who are occupying posts of executive officers.

You have rightly pointed out the discrepancy about mentioning the names of some persons who have gone to gaol and not mentioning those of others under the different dates. You may therefore delete them all as I am not in a position to supply the dates of the others from here. Please retain the names of Mrs. Sodha, Narayansamy and Nagappen.

I have a wire from Hosken saying that Smuts has told him that the new Act will be such as to satisfy the Indian community.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand. Courtesy: Radhabehn Choudhri

### *199. LETTER TO MAGANLAL GANDHI*

*Kartak Vadi [14, November 30, 1910]<sup>1</sup>*

CHI. MAGANLAL,

For providing meals to Karamat you should, I think, take money from Rustomjee Sheth. That is reasonable and I do not think Rustomjee Sheth will raise any objection. You did right to ask Karamat to cook for himself. I see nothing wrong in it. I too feel that you cannot take up that responsibility in view of your many preoccupations. I suspect Karamat must have eaten something somewhere. He needs bath [treatment]. It is also necessary to try earth-bandages. I do not, however, think that even the earth-bandages will cure him, for there is too much of suppuration. I think what he needs is complete fasting. But will he stand it? He may take bananas and lemons only if it becomes absolutely necessary. I am writing a letter<sup>2</sup> to him. I think he can read Gujarati; if he cannot, please read it out to him. Even when his wound healed up very quickly, I was afraid that the improvement was rather alarming.

<sup>1</sup> The original reads "Kartak Vadi 4" which corresponds to November 20, 1910, but it appears to be a slip for "Kartak Vadi 14", for Polak left for Cape Town either on December 1 or 2 and Doke arrived in South Africa on November 22.

<sup>2</sup> Not available

Mr. Polak will leave for the Cape tomorrow. He will go from there to Phoenix. He will also go out for collection. Regarding Purshottamdas, I think nothing should be drawn for him from the [Passive Resistance] Fund. Let Ani draw whatever she wants and debit the amount to my account for the present. You may ask Ani what she requires. She will require less when a good half of her children are at Tongaat. You may, however, give her whatever she asks for. Let me know how Veerjee is faring. I do not write about him here as I have already written<sup>1</sup> to Mr. West. Please write to Ismail Dawji Mian and tell him that the arrangement regarding the school has been completely upset just now. Purshottamdas, who was looking after it, has gone to gaol. However, if he sends his son, we are prepared to take him. He will have to pay £2 a month for him. That will cover his lodging, boarding and tuition. The curriculum will include farming, press work, English and Gujarati methods of accountancy, etc. If he sends his son even after this clarification, you should keep him with you.

Mr. Doke has returned. Please ask Mr. West to write to him a letter welcoming him. I forgot to mention this in my letter to him [West].

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4945 Courtesy: Radhabehn Choudhri

## 200. *FRAGMENT OF LETTER TO MAGANLAL GANDHI*

[After *November 30, 1910*]<sup>3</sup>

. . . It is good that you take . . . . Keep your mind fully inclined towards it. The reasons you mention as confusing are quite insignificant. Your land will remain yours and you will be able to develop it. The only thing that needs to be done at present is to have a common kitchen. I think it has great merit. It looks very selfish to take one's food all by oneself. Eating in company, one has perforce

<sup>1</sup> Letter not available

<sup>2</sup> The first six pages of this letter are missing. It appears from the contents to have been addressed to Maganlal Gandhi.

<sup>3</sup> From the reference to Karamat in the postscript this appears to have been written after the preceding item.

to control one's palate.

How is Nayak doing? What about Manilal?

I hope your study of Tamil is progressing.

There seems to be every likelihood of a settlement now. You will see this from the newspapers, too.

*Blessings from*

MOHANDAS

[PS.]

Karamat should have no salt. He should take a Kuhne bath every day and should have nothing but coarsely ground wheat and fruits. Please clean his leg well and fill the wound with iodoform.

From the Gujarati original in Gandhiji's hand: C.W. 4946. Courtesy: Radhabehn Choudhri

## 201. THE ROYAL VISIT

In the dignified letter<sup>1</sup> sent by Mr. Cachalia to H. R. H. the Duke of Connaught, the Transvaal Indians have but followed the example set by the Cape Indian and Coloured communities, who, as a sign of mourning, refrained from attending the ceremony of presentation. Our countrymen in this Province have done likewise. We believe that this is for the first time that Indians throughout South Africa have felt called upon to avoid identifying themselves completely in a public welcome to a Royal representative. We will remember what our countrymen did when the present King visited South Africa. Magnificent arches, costing hundreds of pounds, were erected, addresses engraved on gold plates were presented, and Indian places of business were profusely decorated. Indians were in no way behind the other communities in rendering homage to the Royal visitors. The step taken on this occasion, therefore, is a momentous one. But there was no other way of marking the community's sense of the deep grief caused by the protracted struggle in the Transvaal, and the uncertainty of its future, engendered by the Union. It is well, however, that Mr. Cachalia and Imam Bawazeer<sup>2</sup> should have emphasised the fact that the community's loyalty to the Throne had not suffered by reason of

<sup>1</sup> *Vide* "letters to Private Secretary to Duke of Connaught", after 18-11-1910.

<sup>2</sup> *ibid*

its afflictions, and that its personal welcome to the Royal visitors was none the less warm on that account.

*Indian Opinion*, 3-12-1910

## 202. SUPREME VIRTUE OF AGRICULTURE

O tiller of the soil,  
Rightly they call you father of the world;  
You, and you alone, provide  
For all mankind;—  
Cotton, fruits, flowers and grass,  
And foodgrains too,  
The food that sustains all creatures,  
And clothing that is welcome to all.  
Braving heat and rain,  
Unremitting in toil,  
Robust of health,  
Ever you move in contentment.  
Of worth supreme is the tiller's work,  
Work that tends to others' good;  
Tireless in your labour,  
You teach a good lesson to the world.

We have reproduced this poem from the second standard reader which most of us studied at school. But how many of us have profited from what we learnt? Of course the farmer is the father of the world. But it is his greatness that he is not aware of the fact. Those who devote themselves to good works of any worth are not aware of their own goodness. Just as we breathe every moment but are not aware of the fact, so are good people by their very nature impelled to give expression to their goodness. They are not conscious that they deserve any credit. They do not care to be honoured. If we recite the poem given above before a farmer, he will simply be amused. He will not even understand what we mean. So true a father is he, and so sincere a benefactor.

But we who recite the poem, what do we do? If the farmer is indeed a father and if his profession is indeed the highest, why are we



busy padding ourselves with heaps of clothes? Why do we grind the poor under our heels to extort the last farthing from them? Why do we think it manly to be mere clerks, attired in respectable clothes?

Such is our benighted state. We only talk of agriculture. It has got stuck in our throats and does not go further than that.

Those Indians who wish to be happy in this country or wish to render any real service to India should ponder over the poem given above and try to act upon it. Even if there is a single reader who is convinced that he must take to agriculture, he need not wait for others [to join him].

[From Gujarati]

*Indian Opinion*, 3-12-1910

### 203. INDIANS AND H. R. H. THE DUKE

An unprecedented thing has happened in South Africa. Indians have always presented addresses to Royal guests and participated in public celebrations.

The Cape made a beginning in connection with [the visit of] H. R. H. the Duke this time. It sent an address, but did not attend the public function.

The Transvaal went a step further. It explained the reasons for not sending an address, thus bringing to the Duke's notice the disabilities under which it labours, and conveyed its loyalty in a letter. That there was no impropriety in such a step, is made evident by the Duke's courteous reply. How can the Indian community, seething with discontent and in mourning, join public celebrations? Its participation can never be sincere. However, everyone must acknowledge that the letters<sup>1</sup> addressed by Mr. Cachalia and the Imam Saheb were but proper. The Natal Congress, too, has taken a similar step, and rightly.

The effect of this step will be known in the future. People will be all the more convinced of our integrity and attach greater weight to whatever we do. They will know that we are no hypocrites, that we do not hesitate to place our views, in proper language, even before an emperor.

[From Gujarati]

*Indian Opinion*, 3-12-1910

<sup>1</sup> *Vide* "Letters to Private Secretary to Duke of Connaught, after 18-11-1910.

## 204. CECIL INDIANS

Indians are unwelcome, wherever they go. As soon as, having settled in a foreign land for some time, they join in its commerce and industry and prosper, they find themselves under attack. The island of Cecil has a fairly large Indian population, and the numbers grow every year. The majority of the immigrants come from Malabar. Most of the shops in this island are owned by Indians. A few Chinese traders are also to be found. Much of the immovable property in the port has been raised with Indian investment. Agriculture there, as in Natal, owes its development to Indians. Indians have thus sought their own prosperity while advancing that of the Colony. And yet it is interesting to note what kind of attitude the whites adopt to all this. In his report for the previous year, the Governor of the island has called attention, by way of warning, to the acquisition of land by Indian traders, saying that Indians are usually bad farmers, for their aim is to get rich quick by exploiting the land for all it is worth and then run back to India. Land in this country costs on an average Rs. 100 per acre, though it is quite difficult to get any with fertile soil. One wonders, after reading this report, what reason there can be for anything in the nature of a warning if Indians, by their labour on land of ordinary quality, toil for the prosperity of the country and in the process grow prosperous themselves. An English poet, Goldsmith, has said<sup>1</sup> that industrious farmers are a far greater and truer treasure for any country than kings and nobles. It is in the interest of the country and the people that this “treasure” should receive encouragement, instead of being regarded with distrust.

[From Gujarati]

*Indian Opinion*, 3-12-1910

<sup>1</sup> Princes and lords may flourish, or may fade;  
A breath can make them, as a breath has made;  
But a bold peasantry, their country's pride,  
When once destroyed, can never be supplied.

— *The Deserted Village*

## 205. LETTER TO MAGANLAL GANDHI

[Before *Friday, December 9, 1910*]<sup>1</sup>

CHI. MAGANLAL,

I send this much today. The rest you will get on Friday. If you find it too much, you may hold it over. Do not delay [the paper] in order to print it. I shall not send much.

Please translate *Fallacy of Speed* if you can. The book is commonplace, but it will serve our purpose. I intend to give a summary of Coomaraswami's book. Let us see what happens.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4947. Courtesy: Radhabehn Choudhri

## 206. LETTER TO G. A. NATESAN

TOLSTOY FARM,  
*December 9, 1910*

DEAR MR. NATESAN,

I owe you a long reply. But being obliged to move about and being otherwise busy over the struggle, I have been unable to save a quiet hour for writing to you.

Many thanks for the cable remitting £400. The help is most timely. The unexpected difficulties about the landing of the returned deportees have cost over £500 leaving nothing for current expenses. I was therefore obliged to cable<sup>2</sup> to you for funds. A similar cable<sup>3</sup> was sent to Mr. Petit also. The same day that brought your cable brought also a letter from Mr. Ratan Tata enclosing a cheque for Rs. 25,000. There is therefore no anxiety now regarding money. I enclose copy of Mr. Tata's letter.

<sup>1</sup> The Gujarati translation of Thomas Taylor's article "Fallacy of Speed", mentioned in the letter, was published in *Indian Opinion*, 10-12-1910; this letter was written before the Friday of that week, which fell on 9-12-1910.

<sup>2</sup> Not available

<sup>3</sup> *ibid*

Everyone of the returned deportees speaks most highly of your kindness. They tell me that you were most unremitting in your attention to them. May I thank you for all you have done in their behalf?

You will have noticed that not a single Indian deportee has had to go back to India—I mean of the 2nd batch. It was unfortunate that the 19 Chinese had to go back. But partly it was the fault of the Chinese Association. That body was not ready for the emergency that faced it.

You will have noticed too that everyone of the returned men has now already passed through the gaols of the Transvaal or is at present serving his term. This does not include the five men who are still at the Cape. But I expect them to cross the border shortly.

Your fear about the payment to the indigent families was natural though groundless. It did very great credit to your heart. I had suspended payment as I was, as you know, in cable communication<sup>1</sup> with the men. I was in hopes that the men would willingly cable consent to their families going to the Farm, as most of them knew that negotiations were going on for securing one and as they were told that the families could only be supported on the Farm. But as soon as I saw that the men would not consent, all the families who had not consented to go to the Farm were paid up to the 7th of October. That was the last date fixed because I had conferences with the men at Durban. Every fact was placed before them and they were told that the families must either go to the Farm or support themselves. I told them too that the funds in hand would not allow of the families being indefinitely supported outside the Farm. The men, however, elected to go to gaol. Some families have come to the Farm but the vast majority are supporting themselves in Johannesburg. The Farm serves a double purpose. It enables us to support families at a much cheaper rate thus providing for an indefinite prolongation of the struggle and it prevents fraud and deception. For it must be confessed that the fighters—some of them—are not above taking an undue advantage of one's ignorance. The Farm puts a stop to this sort of thing. Those who cannot really support themselves must perforce come to the Farm. Those who do not are some way or other capable of supporting themselves. Moreover this struggle is pre-eminently educative. It is

<sup>1</sup> Not available

intended therethrough to raise men. This cannot be done unless we purge the community of dross. On the Farm we are also able to give some kind of education to the families.

In spite of every care taken to satisfy the men, no doubt there is grumbling. It is inevitable, considering the material one has to work with and work upon. The wonder is that there has been so little real grumbling. The credit is all due to the men who are fighting so nobly, so bravely and so uncomplainingly. Our half-educated countrymen certainly could not do what these good men have done. It now remains to be seen how many will stand what might be the final test, should the struggle be further prolonged.

But there is every indication that it may be closed during the early part of the next year. This time it appears there will be no consultation with the leaders of the community. Anyhow, the issue is clear and the struggle can end only on our demands being granted.

Mr. Ritch, after a brief stay here, has returned to London. Mr. Polak has gone to the Cape to look after the concluding stages of the Cape appeal<sup>1</sup>.

It was a most fortunate stroke for you to have secured donations from Mysore, Bikaner and [the] Nizam.<sup>2</sup>

Mrs. Sodha's case of which you must have learnt from *Indian Opinion* has not yet been set down. It is just likely that the case may never come off. If it does, she will certainly go to gaol and probably many of her sisters will follow her.

The matter of minor children is still hanging fire.

And now I think I shall cease to weary you with our tale.

As I write this, Messrs Thambi Naidoo and Gopal Naidoo are sitting by me. They join me in sending you regards and in once more thanking you for the noble help you rendered the poor deportees.

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

[PS.]

I must not omit to mention how thankful the passive resisters

<sup>1</sup> In connection with the deportees' cases

<sup>2</sup> Natesan had secured donations of Rs. 1,000 from the Maharaja of Bikaner, Rs. 2,000 from the Maharaja of Mysore and Rs. 2,500 from the Nizam of Hyderabad.

were to receive the beautiful photographs you sent and the copies of *Harishchandra* both of which were publicly presented, as you may be aware, at Mr. Rustomjee's house. Many thanks too for your portrait for me and the group photograph as also a copy of *Harishchandra*. What an appropriate present the latter was!

M. K. G.

From a photostat of the original in Gandhiji's hand: G.N. 2223

### 207. SWEET ARE THE FRUITS OF PATIENCE

Indians have been showing impatience ever since people began to talk about a settlement. "Why has no bill been published yet? When will one be published? Has the matter been put off till January? Will it be as late as February? Perhaps there will be no bill, after all." Such impatience is a sign of timidity and cowardice. What we are entitled to, we are bound to get in due time. But we grow impatient for something that we do not deserve and thereby prove that we are not worthy of it. We shall not show impatience about anything which we know or believe we are entitled to.

What does it matter whether a bill is published now or later, or never published at all? Really speaking, continuing delay is of double advantage to us. One, Indians who have remained staunch are being tested. Two, those who are not taking part in the struggle will realize that our demands are bound to be met so long as even one person is left to continue the fight. Indians who understand this, whether they are satyagrahis or not, will not show impatience. We should realize that impatience may delay the result indefinitely. Even in simple matters, we lose our presence of mind if we are in too great a hurry and so find ourselves completely bewildered. That is why it is said that a man in haste is a man at sea, and a man unruffled is one in full command of his wits.<sup>1</sup> We therefore urge all Indians to remain patient.

[From Gujarati]

*Indian Opinion*, 10-12-1910

<sup>1</sup> A Gujarati saying

## 208. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,  
*Magshar Shud 11 [December 12, 1910]*<sup>1</sup>

CHI. MAGANLAL,

I have your letter.

I do not think it proper to comment on the addresses given at Maritzburg. Both deserve to be condemned. Fearing that my criticism might be misunderstood, I gave up the idea of writing about them. If anybody refers to this omission, you may say that I am responsible for it and that I did not deem it proper to comment on them.

The book of bazaar medicine has been found here.

I am positive I saw Coomaraswami's volume among Mr. Polak's books. It has a white cover.

I do not think we can do anything about it if Dada Sheth<sup>2</sup> discontinues all his advertisements. Let him do so if he chooses. I should prefer it if we could do away with advertisements altogether. I think it proper not to write to him at all. I shall talk to Omar Sheth<sup>3</sup> when I meet him. It is better to forgo the advertisements if Dada Sheth is not agreeable.

I shall write to Gora Sheth<sup>4</sup> only after you let me know for certain. His advertisements, too, may be dropped if he so desires.

What you write about the effect of the Rs. 25,000<sup>5</sup> is quite true. People are still miserably ill-educated in this matter. Constant purity of mind is our only remedy for this. Meanwhile we have to be patient. Personally I hate to take anything from the *Al Islam* property. But Mr. West wanted to. Considering that in these matters my attitude differed from that of you all and to avoid making any major changes so long as the struggle lasted, I was silent and allowed some necessary articles

<sup>1</sup> It appears from the reference to Coomaraswami's book that this letter was written after "Letter to Maganlal Gandhi", 15-11-1910; in 1910, *Magshar Shud 11* corresponded to December 12.

<sup>2</sup> Dada Osman, Joint Honorary Secretary, Natal Indian Congress

<sup>3</sup> Omar Haji Amod Zaveri, a leading Indian of Natal; *vide* "Omar Haji Amod Zaveri", 11-5-1907.

<sup>4</sup> Ismail Gora

<sup>5</sup> The donation received from Ratan Tata in aid of the satyagraha struggle. *Vide* "Tata and Satyagrahis", 17-12-1910

to be taken from it. I shall, however, be glad if we fail to get anything out of it.

I think I have written to you saying that, if you have not got your daughter vaccinated for small-pox, you may postpone it for the present. We shall think over it.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4948. Courtesy: Radhabehn Choudhri

### 209. LETTER TO OLIVE DOKE

TOLSTOY FARM,  
*December 15, 1910*

MY DEAR OLIVE,

You need not apologize for not being able to give Ramdas his singing lessons. I could quite understand the difficulty whilst painting operations were going on. And I would not dream of disturbing you during the first few weeks of father's arrival.<sup>1</sup>

Many thanks for offering to give Ramdas a lesson on Monday. But I do not think he could go to Johannesburg next Monday. I come to Johannesburg only three days in the week and then I have hardly time to stir out of the office. I fear therefore that I shall not be able to look you up before X'mas. I wish you and Clement<sup>2</sup> a very happy time at Graaff Reinet<sup>3</sup>.

Please remember me to father and mother.

Comber<sup>4</sup> is evidently not going with you. Poor boy! He will feel quite lonely. Please give him my regards as also to Willie<sup>5</sup> when you

<sup>1</sup> The addressee's father, the Rev. J. J. Doke, had returned to South Africa after a long tour of Europe and America; *vide* "Letter to Maganlal Gandhi", after 30-11-1910

<sup>2</sup> Addressee's brothers

<sup>3</sup> A town at an altitude of 2,500 ft. in the Cape province, 185 miles from Port Elizabeth

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*



write to him.

*Yours sincerely,*  
M. K. GANDHI

MISS OLIVE DOKE  
SUTHERLAND AVENUE  
HOSPITAL HILL  
JOHANNESBURG

From a photo copy of the original in Gandhiji's hand: C.W. 4927 Courtesy:  
C. M. Doke

### 210. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,  
*Magsar Shud 15 [December 16, 1910]*<sup>1</sup>

CHI. MAGANLAL,

The matter you have sent for the diary is all right. I shall not make any changes in it. Say only that Rambhabai has been arrested and that the result will be known on Wednesday. Please say that after her arrest other women have decided to court arrest.

In the note regarding the boy's case, please give the decision as reported.

I have already written to you about another acre.<sup>2</sup> Take it after consulting Mr. West.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 4949 Courtesy:  
Radhabehn Choudhri

### 211. TATA AND SATYAGRAHIS

By donating another sum of Rs. 25,000 for the satyagraha campaign, Mr. Ratan Tata has demonstrated that he has the utmost

<sup>1</sup> Rambhabai Sodha's case referred to in the letter was to be heard on Wednesday, December 21, 1910; it is thus clear that this letter was written in 1910, in which year *Magsar Shud 15* corresponded to December 16.

<sup>2</sup> Each member of the Phoenix settlement could take two acres of land for cultivation. The addressee, it appears, wanted one acre more between himself and his brother, Chhaganlal. The letter mentioned is not available.

sympathy for us and that he fully appreciates its value. Including his earlier donation, a total of Rs. 1,25,000 has been offered in India. Two-fifths of this large sum was donated by Mr. Tata alone. Surely, this is no small gift.

His letter is as inspiring as his gift is generous. Mr. Tata knows very well that this is not a struggle to secure our own narrow ends, but that it is for the honour of India. He has said, in so many words, that the effects of this struggle will be felt in all parts of the world under British rule, and that is exactly what will happen. Even a man like General Smuts has stopped talking of racial discrimination. His two Acts show that in law at least all citizens must have the same status. Fortunate indeed are those Indians who are taking part in a campaign of such remarkable power. What does it matter if they have lost their money and have been separated from their families, if they are starving and have been wasting away in gaols? By sacrificing their all for the sake of the nation's honour, they will but gain what they [seem to] lose. Dying in such a cause, one does not really die, but lives on. What wonder, then, if a wealthy Indian like Mr. Tata contributes money for such a struggle? He feels sorry, and one cannot help feeling sorry, that other Indians do not show the same spirit. All the same, there is no need to feel sorry. As days pass—and the struggle lengthens—its greatness will come to be recognized all the more clearly.

Mr. Tata hopes that before long the Union Parliament will find a solution which will be in keeping with our honour. We join in that hope. It is also likely that such a settlement may shortly come about.

However, the Indian community need not entertain any high hopes. We are dealing with General Smuts. The gentleman is capable of backing out without a moment's hesitation. As time passes, he grows more confident that the satyagraha will collapse; if everyone capitulates, why should he go in for a settlement? But this unholy expectation of his is not likely to come true. We are convinced that so long as there is even a single satyagrahi left, the Act is bound at last to be amended. The great Thoreau has said that a worthy cause should never be deemed lost, that it is bound to triumph, so long as there is at least one sincere man to fight for it. In fact, though a few more satyagrahis may yet fall, there will certainly remain some who will

fight on till death. As Dhira<sup>1</sup> has sung, “Only those who are ready for death can bring out pearls.” It is so here, too. This is no ordinary fight. Let us lay down our lives in it, and so live. The sesame seed yields oil when crushed; it does not thereby lose, but gains in value. If a man voluntarily allows himself to be crushed, he yields the oil of moral energy which sustains the world. A man so crushed comes to be highly valued, even like the sesame seed. Otherwise, pining away in pursuit of wealth or sense pleasures is to meet death in the manner of a glow-worm. No one pays attention to such a one.

Mr. Tata’s letter and the help he has given have doubled the burden of our responsibility. Satyagrahis ought to remain staunch; even those who cannot afford to go so far [as to offer satyagraha] ought to give, as a matter of duty, whatever they can.

[From Gujarati]

*Indian Opinion*, 17-12-1910

## 212. CALCUTTA RIOT

The riot that occurred in Calcutta must have given rise, naturally, to all sorts of reflections among Indians. We do not think that this was a “religious” riot; rather, it was “irreligious”. Plenty of irreligious things are done in the world in the name of religion. Little reflection is needed to show that the Marwari<sup>2</sup> had no reason to kill Muslims because the latter kill cows. Surely, the cows will not be saved as a result. By killing Muslims, who are his brethren, the Marwari will make himself doubly a sinner. Why do the Hindus not feel for the cows which the English kill every day? It is known very well that killing anyone is not the way to stop this. Why, again, should the Muslims kill only cows? But where people are out to spite one another, this is bound to be the result. We have been reduced to such a wretched plight and have got so much into the clutches of courts and lawyers, that we cannot use our common sense. If we did, we would immediately see that the Marwari had no reason to fight with the Muslim. What he should do is to plead with the latter once, twice, and if he does not respond, even a thousand times. Such entreaty, however,

<sup>1</sup> A Gujarati poet ( 1753-1825)

<sup>2</sup> Marwaris are Hindus of Marwar in Rajasthan, engaged in business in Calcutta and other cities.

will be sincere only if we have sworn not to fight or go to court, should the Muslim fail to respond. If, failing to understand this simple thing, we start riots, we shall only be exploiting religion for selfish ends.

If this is the simple duty of religious-minded Hindus, there is a corresponding duty for religious-minded Muslims. They too are not justified in fighting. Besides, they should abstain from killing cows except on occasions when that is enjoined as a religious duty.

The two sides, however, should not keep watching each other's actions. Either of them may take the right step without thinking of what the other might do.

There may also be some who hold back because of the fear that so long as we go on fighting in this manner, we shall always remain a subject people, if not under the British, under some other great power. If we go a little deeper into this, we shall see that this is quite a wrong notion. In fact, it is because of our subjection that the riots occur. So long as we believe that there is a government to shield us when we get the worse of the fighting, the one course that is truly religious will not occur to us. We shall thus go on moving round in a circle, like the bullock in the oil-mill, his vision blocked, fondly believing that we are progressing. There is one royal Toad even out of this difficult situation, and only one. Though dependent, we should behave as though we were independent. If, in consequence, one has to lay down one's life, one must do so. That alone is the final test. He who takes too much thought of this life can gain nothing either in this world or in the other. It is a matter of shame for us that we look to the police for protection. What protection can the police provide? They will only make cowards of us. Such behaviour is unworthy of men.

[From Gujarati]

*Indian Opinion*, 17-12-1910

### 213. LETTER TO OLIVE DOKE

[JOHANNESBURG,]

Monday [On or after *December 19, 1910*]<sup>1</sup>

MY DEAR OLIVE,

Ramdas and Devdas just now tell me that father is ill. I was sorry to hear this. I dare not leave the office just now. I am going back to the Farm. Please let me know there how father is getting on and what the illness is. You know the address: Tolstoy Farm, Lawley Station.

*Yours sincerely,*

M. K. GANDHI

From a photo copy of the original in Gandhiji's hand: C.W. 4928. Courtesy: C. M. Doke

### 214. EXTRACT FROM LETTER TO THE PRESS

[Before *December 24, 1910*]

It is unfortunate that General Smuts has, on the eve (according to his statement) of a settlement being arrived at of the Asiatic question, given utterance in the statement made by him in Parliament to what is incorrect.<sup>2</sup>

*Indian Opinion, 24-12-1910*

### 215. EXTRACTS FROM LETTER TO S.A.B.I. COMMITTEE<sup>3</sup>

[Before *December 30, 1910*]

Ministers beg to assure His Excellency that the so-called Indian Passive Resisters are not differentiated against in the Transvaal prisons.

This Mr. Gandhi denies. He states:

<sup>1</sup> This appears to have been written on the Monday after "Letter to Olive Doke", 15-12-1910.

<sup>2</sup> This text is obviously incomplete.

<sup>3</sup> Gandhiji, citing from the Blue-book Cd. 5363, wrote a letter to the South Africa British Indian Committee, London, dealing with a number of inaccurate and misleading statements made by the Transvaal Government in its communication to the Transvaal Governor. Pertinent extracts from the letter along with the inaccurate statements dealt with were forwarded to the Under-Secretary of State, Colonial Office, by Ritch on December 30, 1910.

*Bona-fide* Indian prisoners, before passive resistance commenced, were, because of their known objection to carrying slop-pails, as a rule, exempted from that duty. That was so when I had the honour to be one of 151 prisoners in Johannesburg and equally so at Volksrust when there were over 75 prisoners. The severity of prison treatment has progressed with the progress of passive resistance and it reached its culminating point when all passive resisters were removed to Diepkloof, where, it being a penal settlement, the regulations are far more strict. For instance, an Indian, and for that matter a Native, undergoing sentence for, say, attempted murder at Volksrust or Johannesburg is able to receive visitors and also to write letters. At Diepkloof, prisoners, whether they are convicted of heinous offences or are passive resisters, cannot by regulation receive visitors for three months. Most of the passive resisters are imprisoned for three months.

Every opportunity was afforded to the individual of proving domicile in any other part of South Africa, but all these persons failed to do so. . . . Wherever it appeared that a person had been resident or born in any other part of South Africa, he was returned thither and not deported to India. . . . It was ruled by Supreme Court of Transvaal in case of Leung Quinn and another *versus* Attorney General in May last and subsequently in the question of Naidoo *v.* Rex, that when an Asiatic failed on demand to produce certificate of registration, he could be arrested and brought before Magistrate under Section VII of Act 36 of 1908 and if he does not satisfy Magistrate that he was registered Asiatic, Magistrate had no option but was bound to make an order directing Asiatic to be removed from the Colony.

Mr. Gandhi denies that every opportunity was afforded of proving domicile or South African birth. He says:

I take the very first case that is quoted by the Government on page 130; it is that of Manikum Pillay. I make bold to say that Manikum Pillay was well known to the Registrar and so was his father. What is more, Manikum Pillay speaks English fluently. He declared himself to have been a student and certainly claimed that he was South African born and that he was entitled to go to Natal by reason of his educational qualifications. The other case is that of R.S.C. Pillay. He too claimed educational qualifications. Similarly T.A.S. Acharya. The despatch in his case makes the admission that he claimed the right to reside in

any South African Colony and so he did because of his educational qualifications. I have in my possession letters from him whilst he was being detained in Pretoria, telling me that he had stated everything he had to with reference to his qualifications. But all the prisoners named were deported to India. I know two brothers Pillay who before they went to the Magistrate asked me whether they too would be deported although they were born in Kimberley. I told them that they should not be, and that they should state to the Magistrate that they were born in the Old Colony. I saw them after the order of deportation was made against them. They told me that they had protested that they were born in Kimberley but that it had been of no avail. I well recollect the two brothers having felt offended with me because they thought that I had misled them. I could multiply such instances.

In regard to the Supreme Court cases above cited, Mr. Gandhi writes:

The Government have, I do not know whether consciously or unconsciously, undoubtedly misled Lord Crewe by stating that the cases of Leung Quinn and another *v.* the Attorney General and Naidoo *v.* Rex show that an Asiatic failing to produce a certificate of registration can be arrested and brought before a magistrate under Section 7 for his removal from the Colony. In Mr. Quinn's case, the only question at issue was whether the period of Mr. Quinn's detention after deportation was reasonable. In Mr. Naidoo's case, the question was that of legal objections as to whether the regulations under which he was charged were applicable to his case and whether the Registrar was duly appointed. Ordinarily, the misleading statement now referred to would not matter much, but in the dispatch in which it occurs, it is pertinent in order to justify the extraordinary conduct of the Government in trying to bring passive resisters before an administrative board and to procure their deportation rather than allow them to be tried judicially and to suffer imprisonment to which they had become inured. It will not be denied that many of these deportees were during the initial stages of the struggle tried judicially and simply imprisoned. They were also known to the police as being registered residents of the Transvaal. Why were they subsequently tried administratively and ordered to be deported?

As regards future deportations, instructions have been given to the police to exercise every care that Asiatics who have been registered are not dealt with under the clause of the Act which entails deportation.

Mr. Gandhi remarks:

Why this precaution only now? Is it not a fact that the proceedings under the deportation section of the Act were taken at the instance of the Law Department and that it was not the police who were responsible for the deportation proceedings? I read a Minute from the then Attorney General before the Union was proclaimed addressed to Crown Prosecutors to the effect that passive resisters were to be charged under deportation sections and not under sections for non-production of registration certificates as of old. I submit therefore that it is highly misleading, if not dishonest, now to state that the police have been instructed to exercise very great care, etc. Let me however give a few instances. There is case 46, R.S.N. Moodaley. He is supposed to have refused to give any means of identification. Now I know that the Magistrate who ordered deportation himself hesitated, as he knew Moodaley to be a resident of some twenty years and as he recognised him also to be an old offender (Passive Resister) and a duly registered Indian. Why was he ordered for deportation? There is the other old offender, Thambi Naidoo. He was not only known to the police, the Magistrate, the Registrar and everybody concerned to have been a registered resident but he was one of those who, when voluntary registration was going on (in 1907), helped the Registrar's Department, and was thanked by the Registrar for his work. Short of producing his registration certificate, Mr. Quinn, the leader of the Chinese Association, produced proof before the Magistrate that he was registered. He tried hard to avoid deportation. He was known to General Smuts, as also to the Registrar. Why was he deported?

Mr. Gandhi adds:

There are other statements made by the Transvaal Government which are also capable of refutation.

From a photostat of the typewritten copy in the Colonial Office Records: C.O.

551/7



## 216. TRIAL OF RAMBHABAI R. SODHA

[JOHANNESBURG,]

*December 30, 1910*

The much-adjourned case<sup>1</sup> of Mrs. Rambhabai R. Sodha came up before Mr. D. J. Schuurman, in "B" Court, Johannesburg, on Friday, the 30th ultimo. She was charged with contravening Section 5, read together with Section 2 of Sub-Section 1 of Act 15 of 1907 (the Immigrants' Restriction Act) in that, being a prohibited immigrant, she entered into or was found within the Transvaal—that is to say, that when asked at Johannesburg by a duly authorised officer, she was unable, through deficient education, to write out and sign in the characters of a European language an application for permission to enter the Transvaal Colony.

Mr. Cramer prosecuted for the Crown and Mr. M. K. Gandhi appeared for the defence.

As soon as the case was called, Mr. Cramer (the Public Prosecutor) allowed Mr. Gandhi to go into an adjoining room with the Immigration Officer (Mr. Emphietze) for the purpose of putting the accused through an education test.

Some difficulty arose in connection with the interpretation of the evidence. Mr. Cramer explained that Mr. Gandhi would act as interpreter. His worship objected to this course.

MR. CRAMER: It is not a matter of evidence. There is a difficulty about the matter, for there are several dialects.

HIS WORSHIP: I have no objection personally, but is it quite regular?

MR. GANDHI: I have no objection.

MR. CRAMER: I have less.

Mr. Gandhi was eventually asked to interpret the charge to the accused.

In reply the accused said that she did not know any European language, but said that she was not guilty.

For further interpretation Mr. Pragji K. Desai was sworn to perform the duty.

Mr. Cramer said this case had been a matter of correspondence between Mr. Gandhi and the Attorney-General's office, and he (the speaker) had been instructed to carry on with the case. He then called Mr. Emphietze, an immigration officer of the Transvaal and a member of the C.I.D., who said that he had asked the accused through

<sup>1</sup> She was arrested on November 6, and on November 7 her case was remanded for 14 days; it was then transferred to Johannesburg.

Mr. Gandhi as to whether she could read or write a European language. She replied through Mr. Gandhi that she could not. She also said she did not know whether her husband was registered under the Act.

Mr. Gandhi corroborated this evidence, and said he also knew that accused could not speak or write any European language.

This closed the case for the prosecution.

Mr. Sodha, the husband of the accused, a passive resistance prisoner at present at the Fort, was called by Mr. Gandhi and said he was serving three months' imprisonment under the Registration Act. He had a wife and three children, had been in South Africa nearly 14 years, and came to the Transvaal in 1897. He did business in Pretoria, but during the War went to Natal as a refugee. After the War he came to the Transvaal again, passing the necessary test at Volksrust on the 7th October, 1908. Since then he had been off and on in jail for non-compliance with the Registration Act. While in jail his store was broken into and he had lost all his property.

[Questioned] by the Magistrate: His registration pass, before the war, was issued at Komatipoort. He had not taken out a registration pass under subsequent legislation because of his conscience.

Mr. Gandhi again gave evidence and said that, about two months ago, when he was in Natal, the previous witness was there also. After consultation, and solely upon witness's responsibility, the accused came to the Transvaal. He telegraphed<sup>1</sup> to the Immigration Officer that the accused with her minor children was entering the Province upon a particular date. He received no reply, and the accused and her children left with witness for Johannesburg. At the border she was arrested as a prohibited immigrant.

Cross-examined: Witness considered the accused's real home was in the Transvaal. When he came to the Transvaal he left his wife behind in Natal. The accused came to the Transvaal after her husband was convicted. He left a furnished home for his wife in Natal, but, unfortunately, it was not long furnished.

MR. CRAMER: I put it to you fairly and squarely. Was she not brought up here for the purpose of agitating against the Asiatic law?

[GANDHI]: That is entirely wrong.

Why was she brought here?

For the simple reason that the passive resisters' families had to be supported out of public funds, and It was convenient to support Mrs. Sodha in the Transvaal as also to look after her family.

For whom to support her?

<sup>1</sup> *Vide* "Telegram to Chief Immigration Officer", before 6-11-1910

For those engaged in looking after the families of the passive resisters.

In the Transvaal?

Yes, in the Transvaal.

Sodha came up here as a passive resister?

Yes, he entered as a passive resister. He came here undoubtedly in order to test his rights.

And afterwards, in order that the passive resisters might better support his wife, you had her brought up?

Yes.

It was not impossible to keep the accused in Natal, said Mr. Gandhi, but it was highly inconvenient in the interests of the health of herself and the youngest child who was sickly. Mrs. Sodha was living in a lonely place. And she could be best protected at Tolstoy Farm.

In reply to questions from the Bench, Mr. Gandhi wished to make it quite clear that Mrs. Sodha had not been brought up in order in any manner whatsoever to support what had been called the Asiatic agitation. There had been no desire whatsoever to defy the laws of the country in connection with the entrance of Mrs. Sodha. On the contrary, every possible attempt had been made to conciliate the authorities, even where he thought they were erring on the wrong side so far as the legal point was concerned.

In further reply to the Magistrate, Mr. Gandhi said not a single passive resister got a single farthing as wage or pay for going to jail, unless the support given to dependants could be so termed.

THE MAGISTRATE: No, I do not mean that at all. What do the passive resisters do when they are discharged?

MR. GANDHI: Those who so wish are taken to Tolstoy Farm and there supported.

THE MAGISTRATE: Are they not paid anything?

MR. GANDHI: Not a farthing.

Mr. Gandhi then returned to his chair at the "horseshoe" and said that that was his case.

Mr. Cramer, in addressing the Court, said that the only question was whether the accused had a knowledge of a European language. This it was proved she did not possess. It might be unfortunate that the lady was before the Court; but her Asiatic birth had nothing to do with the case.

Mr. Gandhi, addressing the Court, gracefully acknowledged the courtesy extended by the Magistrate and the Public Prosecutor. He said that if the case ended with the education test, the Crown was bound to secure a conviction. But the speaker submitted that Mrs. Sodha was protected under the other sections of the Act. She was not guilty because she was the wife of a person who was not a prohibited immigrant. Mr. Sodha was not a prohibited immigrant because, according to the evidence, he had passed the education test at Volksrust on his entry. Again, Mr. Sodha, being a pre-war resident of the Transvaal, was an eligible Asiatic under the Registration Act, and, therefore, not a prohibited immigrant. Mr. Sodha's conviction did not affect his (Mr. Gandhi's) contention, as he was convicted only for not producing his registration certificate. This did not make Mr. Sodha a prohibited immigrant in any way whatsoever.

Mr. Gandhi further urged that Mrs. Sodha, being a married woman, could not, under the Common Law of South Africa, be declared guilty of a statutory crime. By the common Law she had a right to follow her husband. And while her husband was in the Transvaal she had a right to be also. In the circumstances, Mr. Gandhi asked for Mrs. Sodha's discharge.

The Court reserved judgement up to the 6th January.<sup>1</sup>

The proceedings were keenly watched by the Indian community. Many Indian ladies were present. Mrs. Vogl, Miss Schlesin, the Rev. Mr. Doke, and Mr. Kallenbach also attended. The Indian ladies remained with Mrs. Sodha the whole day and showed her marked attention. It was a pathetic scene to see her in the Court house with her baby in her arms and three-year-old child by her side.

*Indian Opinion, 7-1-1911*

## 217. LETTER TO L. W RITCH

[On or after *January 1, 1911*]<sup>2</sup>

Mr. L. W. Ritch, the Secretary of the British Indians' Defence Committee<sup>3</sup>, since his return from South Africa three weeks ago, has had a letter from Mr. Gandhi, who says that a conversation with General Smuts leads him to believe that the promised new Bill will satisfy the Indians. The Bill is likely to be issued about the

<sup>1</sup> The judgement was actually delivered on January 11, 1911. Rambhabai Sodha was sentenced to a fine of £10 and one month's simple imprisonment but, notice of appeal having been given, was released on a personal bail of £25.

<sup>2</sup> General Smuts' speech in the Cape Parliament mentioned in the letter was made on December 13, 1910; the New Bill was "likely to be issued about the middle of this month"; and this summary of the letter was published in *India*, 20-1-1911. It must therefore have been written early in January 1911.

<sup>3</sup> This should be South Africa British Indian Committee, London.

middle of this month. To satisfy the Indians it must, of course, provide not only for the repeal of the Registration Law, but for the elimination of racial discrimination in the Immigration Law. An interesting indication of the intentions of the South African Ministers is given in General Smuts' speech in the Cape Parliament a fortnight ago. He made it clear that "it will continue to be the policy of South Africa not to let Asiatics into the country". The educated British Indians will not oppose reasonable measures to restrict a flood of Asiatic immigration. Their case is simply that they must cease to be stigmatised under the law as undesirable. General Smuts went on to say that "he hoped the question was near a solution", and that "he agreed that those who were domiciled in the country should be treated fairly".

*India, 20-1-1911*

### *218. A MOMENTOUS DECISION*

Reuter's correspondent at Calcutta cables the gladsome news that the Government of India has decided to issue a notice in April prohibiting the further emigration of indentured Indians to Natal from July 1st. The Hon. Prof. Gokhale, the representative of the non-official members of the Imperial Legislative Council, expressed the deep gratitude of Indians for the decision. Reuter adds that the decision has given the utmost satisfaction in India. There is no reason why, in South Africa, too, it ought not to give similar satisfaction, except among those whose material interests will be somewhat adversely affected by the stoppage of the labour supply. South Africa can never be the birth-place of a free and enlightened nation if it harbours slave-labour, which indentured labour certainly is. However that may be, the Indians of South Africa have achieved a notable victory. Mr. Polak had concentrated his efforts whilst in India upon the work of stopping the emigration of indentured Indians. And the credit belongs to Mr. Polak for the very satisfactory result of his labours.

Of the Hon. Prof. Gokhale, we cannot but write with the highest respect. In spite of his many most exacting self-imposed duties, and notwithstanding his indifferent health, he has found time to study our question as no other Indian has done. By his great work on our behalf, he has laid us under deep obligation to him. We hope that, without regard to what may be done to ameliorate the condition of the free Indian population, the Government of India will not swerve from their [*sic*] resolve. We oppose the system of indentured labour on

merits— not because indentured Indians are specially badly treated in Natal, but because it is bad in itself and is devoid of merit even when the employers of such labour are the most humane of men. This stoppage will automatically solve the Indian question in this sub-continent. After the removal of the incubus, only time and patience are necessary for a steady improvement in our position under the Union.

*Indian Opinion*, 7-1-1911

### 219. INDIANS IN CANADA

In a previous issue<sup>1</sup> we reproduced from a British newspaper a letter from one Mr. Sundersingh in Canada. We have now received a copy of the same from Mr. Sundersingh, in which he gives the particulars of the cases of Messrs Harnamsingh and Rahim. Mr. Harnamsingh had already been served with an order of deportation, and Mr. Rahim was about to be. A protest was lodged against this by the Hindustani Association there.

Our correspondent also says that Indians in Canada cannot migrate even to the U.S.A., while Japanese and Chinese traders, students and others are allowed to do so.

Once, we were talking to a Jew, who was a British subject. When, in the course of the conversation, we mentioned the fact of his being a British subject, he vehemently protested: “No; I am a British worm.” The reason for his exasperation was that he himself had suffered. One should not be surprised if Indians settled in British colonies also describe themselves as British worms. Kind-hearted persons take care not to trample upon worms. But many whites not only take no care not to trample upon us, they rather go out of their way to do so.

What is this due to? It is the same story in South Africa, and also in British Africa. There is turmoil in Mauritius. Only a few days ago, we printed a letter from Fiji<sup>2</sup>. And now [we find] the Sikhs in Canada are also not allowed to live in peace.

Shall we blame the whites alone for these things? We, at any rate, cannot. If we live like worms, we are bound to be trampled upon. If

<sup>1</sup> *Indian Opinion*, 24-12-1910. The letter was also published in *India*, London.

<sup>2</sup> *Vide Indian Opinion*, 10-12-1910. There is no letter from Fiji; but there is a letter bearing the title “Indentured Slavery in Mauritius”.

we cease to be worms, no one will trample upon us.

It is quite easy to see that our circumstances are of our own making. This law also holds good in the case of slaves. In every country, the remedy is the same and a simple one at that. All else is as the mirage.

[From Gujarati]

*Indian Opinion*, 7-1-1911

## 220. LETTER TO CHANCHALBEHN GANDHI

TOLSTOY FARM,

*Sunday, Posh Sud 7 [January 8, 1911]*<sup>1</sup>

CHI. CHANCHAL,

I was very glad to read your long and interesting letter. Ba also read it with interest. Harilal will read it on his release tomorrow. I hasten to write this today as I have no time at the office. I am at the Farm just now. It is 9 p.m.

You must be getting *Indian Opinion* regularly. Do you ever go out for a walk? It is good that you have kept up the habit of reading.

I wish you not to wear jewellery for fear of being criticized if you don't. There is no beauty in jewellery. The first and real ornament for both man and woman is purity of character. That you possess such character is in itself a precious ornament. Our custom of wearing ornaments on the nose and the ears seems to me barbarous. I mean barbarous, not in comparison with the whites, but according to our own ideas [of civilized life]. That the poets have described Ramachandraji, Sitaji, and others as wearing jewels seems to me to be suggestive of the custom prevailing at the time [they wrote]. Otherwise I cannot imagine the benevolent Ramachandraji or the deeply devout Sitajicarrying even a particle of gold on their bodies. Whatever that may be, we can easily understand that there is no beauty in perforating the nose and the ears and inserting something there or in wearing ornaments round the neck or the arms. However, I say nothing about putting on bangles round the wrists, as their absence would suggest something inauspicious.<sup>2</sup>

<sup>1</sup> Harilal Gandhi's release referred to in para one of this letter took place on January 9, 1911.

<sup>2</sup> According to Hindu practice, only widows go without bangles.

It would be enough if we put on, these things to prevent talk. These are my views. Think over them and do as you deem proper. You need not be embarrassed and do anything because of me.

Ramdas and Devdas are quite, cheerful. There are twenty boys here, so they feel quite at home. I find Ba also happy as she has the company of other women. She has given up tea at least for the present and is now habituated to bathing in cold water.

There is talk that the struggle might come to an end within this month or in February. Let us see what happens. Harilal will remain free, as the Government do not make arrests nowadays. I know his health was excellent in the Johannesburg Gaol.

Purshottamdas is also here after his release from gaol. A kiss to Ramibai<sup>1</sup>. My regards to Chhabalbhahbi<sup>2</sup>. I shall await Bali's<sup>3</sup> letter. What can I expect from Kumi<sup>4</sup> when she does not write at all?

*Blessings from*

BAPU

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 9528

## 221. LETTER TO NARANDAS GANDHI

TOLSTOY FARM,

*Posh Sud 10 [January 10, 1911]<sup>5</sup>*

CHI. NARANDAS,

Received your letter. Remember this as an axiomatic truth that even if a single satyagrahi remains, he will win. During this struggle many successes have already been achieved. Being idol-worshippers, we shall recognize our victory only when the Act has been repealed and the colour bar removed. But for this, the battle is already won.

I read your views about weaving in your letter to Chi. Maganlal. They are quite right. What is required for the present is that every

<sup>1</sup> Addressee's daughter

<sup>2</sup> Addressee's mother

<sup>3</sup> Addressee's sister

<sup>4</sup> *ibid*

<sup>5</sup> Leung Quinn returned to South Africa from his visit to India in the first week of January 1911.



intelligent person should learn the craft. I see no benefit in getting the work done through hired labour. So that you are right in saying that we should not adopt that course. This is all that needs to be done: The person who weaves cloth after learning that craft must secure a rich buyer, who should make no profit from it, but should, on the contrary, be prepared to sustain a loss. If this comes about, thousands, I believe, will take to weaving.

Your views about Phoenix are, on the whole, correct. But you should not think that the impression you have gathered from a distance would remain the same when you view things at close quarters. This much is certain: under the prevailing conditions, Phoenix is the best place.

What Mr. Quinn told you about me is an exaggeration. It does not mean that I have attained any particularly high stage of development. It only means that Mr. Quinn, not having come in contact with an ordinary person of good character, was enamoured of me on seeing me. The adage, "Where there are no trees, the castor-oil plant passes for one", fits the case.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5074 Courtesy: Narandas Gandhi

## 222. DR. GOOL

We congratulate Mr. Yusuf Gool or his son's entry into the medical profession. Mr. Yusuf Gool has received congratulatory telegrams from many places. Dr. Gool created a fine impression about himself in England. He was always busy with his studies. An examination in a medical course is not a simple affair. But Dr. Gool got through all the examinations at the very first attempt.

To what use will Dr. Gool now put his attainments? His father is a well-known public worker. Dr. Gool can do as much as his father, but the Indian community will expect more from him.

Dr. Gool has two alternatives before him. He may use his qualifications only for amassing wealth. We would consider this to be an abuse of education. The second course is to serve the community, even while engaged in making money. That will be the right use of

education.

From the experience we have had of him, we know for certain that Dr. Gool will make the right use of his position.

[From Gujarati]

*Indian Opinion*, 14-1-1911

### 223. FROM "TRANSVAAL NOTES"

*Wednesday, January 18, 1911*

I give the following rumour<sup>1</sup> for what it may be worth, but I warn your readers against placing much reliance on this information, which I send not without much hesitation. It is stated that General Smuts made it a condition precedent to any settlement of the Transvaal trouble, that the repatriation of time-expired indentured Indians should be made compulsory. It, thus, appears that, as against repeal of Acts 2 of 1907 and 36 of 1908, and the restoration of legal equality in point of immigration, he wished to impose other conditions and restrictions, which the Imperial Government considered unacceptable. It is, accordingly, suggested that practically a deadlock exists, and that a general Immigration Bill may not, after all, be introduced during the present session of Parliament. Whether, however, there is or is not any truth in this rumour, I am in a position positively to affirm that passive resisters are thoroughly prepared for an indefinite prolongation of the struggle.

In view of possibilities, it is as well that there is a movement, amongst Indian merchants, towards supplying settlers at Tolstoy Farm with food-stuffs, the supply of which has always been a burden upon passive resistance funds.

Messrs Hansji Morar Patel and Dulabh Veera Bhaga have sent a bag of *bhimri* rice and half a case of ghee to the Farm.

*Indian Opinion*, 21-1-1911

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

## 224. JOHANNESBURG

[Wednesday, January 18, 1911]

### GIFTS

Mr. Hansji Morar Patel and Mr. Dulabh Bhula Bhagat of Germiston have sent a bag of *bhimri* rice and a tin of ghee (41 lb). If a number of Indians keep sending gifts, that may mean so much less to spend from the Satyagraha Fund.

### SETTLEMENT MAY NOT COME OFF

I find it necessary to say this. From some reports<sup>1</sup> which I have received, it appears that the negotiations for a settlement which were in progress have been abandoned. The Imperial Government has not accepted some of the proposals of General Smuts. It is believed that he wanted the period of contract of the indentured labourers to expire in India, that, in other words, the Government of India should enact legislation for their compulsory repatriation, as a condition for his agreeing to a settlement of the Transvaal agitation. It also appears that General Smuts wished, as in return for repeal of the obnoxious Act and granting of legal equality, to impose other harsh conditions which the Imperial Government did not accept. The new Immigration Bill seems to have been held up for this reason. This report is just a rumour and is based only on inference; it need not therefore be taken as very reliable. All the same, I should like to caution those who support the satyagraha movement and attach the highest value to it, that, should a settlement fail to materialize this time, the movement may perhaps be drawn out over many long years. In that case, the available funds will be exhausted and satyagrahis will be reduced to a pitiable plight; they will then have to depend entirely upon the well-to-do members of the community. That is why I said above that much saving can be effected if Indians take a turn in sending foodstuffs.

[From Gujarati]

*Indian Opinion*, 21-1-1911

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

## 225. LETTER TO CHHAGANLAL GANDHI

TOLSTOY FARM,  
*Posh Vad 6 [January 20, 1911]*<sup>1</sup>

CHI. CHHAGANLAL,

Your letter to hand. I think you have been there for over six months now. Chi. Maganlal has asked me how long you would be required to stay there. Hence I intend to discuss the question of your return. Please let me know what you yourself think, leaving aside whatever Doctor [Mehta] might say. I take it that your health has been restored. I also take it that you will now return to Phoenix. At the same time I hold that you are still free in this matter. Both Doctor [Mehta] and I think that you should do as you please. My own idea was that you should live in London for a year and gather whatever experience and knowledge you could. As for study, you will have it for the whole of your life. But if you imbibe the particular kind of atmosphere that obtains there, the voyage to England will have, to my mind, fulfilled its purpose. You may, however, let me know your views without any reservation,

The boys—Harilal and others—walked to Johannesburg (a distance of 20 miles) and back. I suggested their going on foot to save money; they agreed and were tested. Devo<sup>2</sup> too joined in and so did Purshottamdas. The health of the boys has improved a lot here; whether or not their moral character too has developed, it is difficult to judge.

A motley crowd has assembled here.

*Blessings from*  
MOHANDAS

[PS.]

I do not now think that there will be a settlement. You will see in *Indian Opinion* what I have written in this regard.<sup>3</sup>

From a handwritten copy of the Gujarati original: C.W. 5075. Courtesy: Narandas Gandhi

<sup>1</sup> This letter was written towards the end of Chhaganlal Gandhi's stay in England between June, 1910 and January, 1911. In 1911, *Posh Vad 6* corresponded to January 20.

<sup>2</sup> Devdas

<sup>3</sup> Vide "From 'Transvaal Notes' ", 18-1-1911 and "Johannesburg", 18-1-1911.

## 226. CHHOTABHAI CASE

We congratulate Mr. Chhotabhai on his great victory. In fighting for his son, he indirectly fought for the community as a whole. If he had wanted merely to protect his son's interest, he would have probably succeeded in safeguarding his right by servile entreaties to the Government. But he courageously decided that he would fight.

It is, of course, a matter of regret that Mr. Chhotabhai has submitted to the law and that, even in regard to his son, all that was at issue was merely his right to submit to the law. The problem of his son, however, involved a major issue. It had to be solved, sooner or later. Hence, by obtaining an interpretation of the law, he has to that extent served the cause of satyagraha. We hope parents will not now make a rush for their children's certificates. The verdict<sup>1</sup> that has been obtained will not lapse and when a settlement takes place the rights of all children will be protected.<sup>2</sup>

We shall know later the nature of the Court's orders. One thing is certain, namely, that the Government made an all-out attack on minors, but it has failed.

[From Gujarati]

*Indian Opinion*, 28-1-1911

## 227. JOHANNESBURG

Wednesday [February 1, 1911]

### IMMIGRATION BILL

It is reported by *The Star's* correspondent that this Bill is being drafted by the Government. He says it will be quite an important Bill, which will reveal the Asiatic policy of the Government. The discussion on Mr. Stallard's resolution<sup>3</sup> in the Transvaal Council suggests that the

<sup>1</sup> Given by the Supreme Court on January 25, 1911

<sup>2</sup> This was done in the provisional settlement of May 1911.

<sup>3</sup> It recommended "to the Parliament of the Union . . . the enactment of legislation for preventing all further immigration of Asiatics and the repatriation of all Asiatics now in South Africa who have not been born within the Union"

Asiatic question is going to be a serious one. He said that the intermingling of Europeans and Asiatics was impossible. He has not raised issues of trade, etc. He has raised only one issue—opposition to Asiatics because they are Asiatics. His resolution was supported by 16 members. Most of them were Englishmen. Indians [born in South Africa] were excluded from the scope of the resolution.

Most of the Dutch members opposed this resolution. There seems to be some mystery behind this. There is no reason whatever to believe that they are well disposed towards us.

We shall know everything when the Immigration Bill is published.

#### SUCCESS OF SATYAGRAHA

Even His Royal Highness the Duke has been impressed by the satyagraha campaign. He has seen what a great movement it is. It is reported by Reuter that he referred to it at a party<sup>1</sup> held in his honour, and said that he expected that there would be an early settlement of the question of the position of Indians.

#### CHHOTABHAI CASE

Mr. Chhotabhai has received a number of letters and telegrams congratulating him, including a cable from the Mahfil-i-Saif-ul-Islam of Kholwad<sup>2</sup>.

Mr. Chhotabhai offers his thanks to all those who sent such messages, saying that he did no more than his duty in taking the risk that he had done in fighting the case. He is very happy that the community has appreciated his action so highly.

*The [Transvaal] Leader, The Star* and other newspapers have condemned the Government's action. They say it is inconceivable that children, whose parents have the right of residence in the Transvaal, should be deported on attaining majority.

I have not yet received the judges' comments. I shall send them as soon as I do. It will be some time, I think, before I get them from Cape Town.

[From Gujarati]

*Indian Opinion*, 4-2-1911

<sup>1</sup> At the Guildhall banquet on 30-1-1911

<sup>2</sup> In Surat district, Gujarat

## 228. LETTER TO MAGANLAL GANDHI

*Maha Shud 2 [February 1, 1911]*<sup>1</sup>

CHI. MAGANLAL,

Received your letters. It would be premature, I think, to buy land in India. Narandas has no experience in this matter. In buying land an element of selfishness is likely to creep in. There is no hurry about it. Something worthwhile can, I think, be done only if some experienced person goes from here. I feel that land will be easily available in India whenever we need it. If, however, Narandas is very enthusiastic about it, we should not discourage him. That Kashi will not come, is bad news. You have done what you could; we have to forget about her return for the present.

Is the article written by Balvantray<sup>2</sup> there? It is not found in the material you sent me.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5076. Courtesy: Radhabehn Choudhri

## 229. CHHOTABHAI CASE

As time passes, further reflections<sup>3</sup> occur on this case. The Chief Justice made some remarks which clearly expose General Smuts' design. He had deliberately intended the law to be vague, so that the door might remain open for the deportation of minors. But the door has now been closed. "If the Legislature desires to place restrictions upon the liberty of subjects, it should do so in language which admits of no doubt as to its intention. Otherwise, we will refuse to give effect to the law." These are the words of the Chief Justice. Not only is there no clear intention in the law to deprive the minors of their rights but

<sup>1</sup> This letter appears, from the reference to Kashi, Chhaganlal Gandhi's wife, to have been written after "Letter to Maganlal Gandhi", 15-11-1910. In 1911, *Maha Shud 2* corresponded to February 1.

<sup>2</sup> Balvantray Kalyanray Thakore (1869-1951), Gujarati poet, essayist and critic.

<sup>3</sup> *Vide* "Chhotabhai Case", 28-1-1911

General Smuts also did not, while introducing the Bill, indicate that minors were not to be treated as residents. This is breach of faith, plain and simple. "He who digs a pit will fall into it himself"; accordingly, the Transvaal Government has fallen into a pit of its own making.

The community is therefore justified in attaching great importance to the Court's judgement. Those who have sent telegrams and messages to Mr. Chhotabhai speak of his having braved a great risk. He certainly deserves the praise that has been showered on him.

[From Gujarati]

Indian Opinion, 4-2-1911

### 230. LETTER TO NARANDAS GANDHI

TOLSTOY FARM,

*Maha Shud 10 [February 8, 1911]*<sup>1</sup>

CHI. NARANDAS,

Received your letter of Magsar Vad 7<sup>2</sup>. You have asked me good questions about the plague<sup>3</sup>. When rats began to die in Rajkot I advised all to leave the house or the town. These were my ideas then. I now feel that it was a mistake on my part. Many of my ideas have undergone a similar change. Every time the objective was the same—the search for truth. Now I see that it is ignorance of the soul's virtue to run away from houses. This does not mean that one's house cannot be changed whatever may happen. We must leave the house if it is on fire. If snakes and scorpions are so rife as to cause instantaneous death, then also we may leave the house. I, however, do not mean to say that there is nothing wrong in doing so. For him who has completely known and realized the self the sky above is the only roof; he would live in a jungle and look upon snakes and scorpions as his friends. We who have not attained such a state live in houses for fear of cold, heat, etc., and we are ready to leave the house when dangers creep in there. Despite all this, we should aspire to realize the self as soon as may be. At any rate this is what I think.

<sup>1</sup> From the reference to Chhaganlal Gandhi's arrival in India, this letter appears to have been written after his departure from England for India on January 30, 1911.

<sup>2</sup> December 24, 1910

<sup>3</sup> In Rajkot in 1902 when Gandhiji stayed in India for about a year



At the time of the plague Motilal Odhavji<sup>1</sup> left [Rajkot] and posted his steward to look after his house. It is improper for one to do so. Had the house caught fire, the steward too would have run away. From this example you will be able to make out the distinction. The danger from plague, etc., I consider an ordinary one. The Mussalmans do not leave their houses, but stay on there with faith in God. If, however, they took the necessary measures [to fight the plague], they would be doing better. There is hardly any likelihood of the plague disappearing so long as we get panicky and run hither and thither. It is sheer cowardice if, instead of trying to find out the cause of the plague, we run away from the place where it breaks out. But when I myself am not satisfied with this answer, how could you be?

You will be able to know what passes in my mind only when we meet personally and questions come up incidentally. There are two reasons why I cannot explain things fully to your satisfaction. One is that I am so engrossed in other activities that I have no time to think over the matter and put my ideas on paper; the other is that there is no accord between my preaching and practice. If there were that accord which I would like to achieve, I would get the right words to make the thing instantly clear to you.

When respected Khushalbai asks you to leave the house or the town for fear of the plague, it is but proper for you to do so. It is our duty to obey our elders so long as their orders do not conflict with our moral life. Therein lies our ultimate good. If you leave the plague-infested house not from fear of death but to please your parents, your behaviour will be quite blameless. However, the conditions are so difficult in some places and for some people that we have to think before obeying the orders of elders. I personally feel that the love of parents is so mysterious that one should not offend them without very strong reason. But my mind is not prepared to go to the same extent in respect of the other elders. When we have any doubt concerning problems of morality, we may disregard the orders of other elders; nay, it would be our duty to disobey them. But when there is no doubt about the morality of a question, even parents orders can be disregarded; nay, it will be our duty to do so. If my father asks me to steal, I must not. If I want to observe *brahmacharya* and my parents' orders are to the contrary, I must politely disobey them. I consider it to be a duty not to betrothe Ramdas and Devdas till they

<sup>1</sup> Motichand Odhavji Sharaf of Rajkot

come to their own. Were my parents alive and held a contrary opinion, I would have very politely opposed them. At the same time I believe that my mind is so free from prejudice in these matters that they would have accepted my views.

This is enough. You may question me, if further doubts arise. I have written the foregoing, knowing that you, being virtuous, will not misinterpret my words. A hypocrite, on the other hand, would, because of what I have written, either consider me to be arrogant or, putting blind faith in my words, misinterpret me and disobey elders for the wrong reasons and would interpret what I have written about the plague to mean that as a proper remedy for plague even liquor, meat, etc., could be taken.

I see from Chi. Chhaganlal's letter that he will reach there in a few days. Please tell Kalyandas<sup>1</sup> that I shall feel satisfied if he writes even a post card to me. Also tell him that he has not kept any of the promises he gave me.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5077. Courtesy: Narandas Gandhi

### 231. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,

*Maha Vad 1 [February 14, 1911]<sup>2</sup>*

CHI. MAGANLAL,

Chi. Chhaganlal intends to come here. It was therefore wise of him to have gone to India. It would have been considered improper had he not done so. We were pressing him to go to India *via* South Africa, if he so desired, when he did not intend coming here. If he comes here I shall be free from worry about his health. His health will never be all right in India.

Let Karamat go to Durban. We have done whatever we could.

<sup>1</sup> Kalyandas Jagmohandas Mehta, who had worked with Gandhiji in South Africa; *vide* "Letter to Chief Secretary for Permits", 15-8-1905 and "Kalyandas Jagmohandas [Mehta]", 11-5-1907.

<sup>2</sup> This appears to have been written after Chhaganlal Gandhi left England for India on 30-1-1911.

Now he knows full well what treatment he should take. It is up to him now to take it or not.

*Blessings from*  
MOHANDAS

[PS.]

I am mostly busy making sandals these days. I like the work and it is essential too. I have already made about fifteen pairs. When you need new ones now, please send me the measurements. And when you do so, mark the places where the strap is to be fixed—that is, on the outer side of the big toe and the little toe.<sup>1</sup>

From the Gujarati original in Gandhiji's hand: C.W. 5078 Courtesy: Radhabehn Choudhri

### 232. LETTER TO ACTING GENERAL MANAGER, SOUTH AFRICAN RAILWAYS<sup>2</sup>

[JOHANNESBURG,]  
*February 20, 1911*

The attention of my Association has been drawn to what purport to be railway regulations printed in the S.A.R. Official Tariff Book, No. 1<sup>3</sup>, dated the 1st instant. The book appears to reproduce the regulations regarding Asiatic passengers which, as a result of the conference between yourself, the then General Manager, Mr. Bell, and representatives of my Association, were repealed so far as this Province is concerned.<sup>4</sup> I shall therefore be obliged if you will be good enough to let me know whether the replacing regulations referred to by me have been repealed and the old ones re-instated.

*Indian Opinion, 25-2-1911*

### 233. DUTY OF NATAL INDIANS

It seems to us that the future of Indians in South Africa will be determined by what Natal Indians do. There are two main reasons for

<sup>1</sup> This is followed by a figure of the foot with marks made on it for the strap.

<sup>2</sup> This letter, presumably drafted by Gandhiji, was sent by the Chairman, British Indian Association.

<sup>3</sup> Relevant extracts from which were published in *Indian Opinion*, 18-2-1911

<sup>4</sup> *Vide* "Letter to General Manager, C.S.A.R.", 12-4-1910

this. First, the number of Indians in Natal is large, and they have struck deep roots. Secondly, being rather small, Natal allows itself to be led by the Transvaal and the Orange Free State where people are comparatively more hostile to Indians. The new Railway regulations which have been notified will not be brought into force in the Cape, but will be in Natal. They are being followed in the Transvaal though, as we have seen, legally they stand repealed. More will be known from the reply to the letter<sup>1</sup> which Mr. Cachalia has written. In the Orange Free State, these regulations have been in force for some time past. Natal, therefore, has a new case, and a strong one at that. The regulations cannot survive there for a single moment if we protest against them. We think they are only in the nature of a feeler. If we do not protest against them vigorously, by and by severer measures will follow. It is our view that, since these regulations do not yet have the force of law, we can go further than making a petition and challenge them in a court of law. We trust the Congress<sup>2</sup> will immediately take up the matter.

These regulations should set us thinking. As time passes the Union Parliament will harden, rather than relent, in its attitude to us. Our strength, our enthusiasm, our unity and our spirit of patriotism should grow likewise. In the present circumstances, we have every chance of succeeding if we exert ourselves sufficiently. This is a matter to which Natal Indians would do well to pay some attention.

[From Gujarati]

Indian Opinion, 25-2-1911

### 234. NEW IMMIGRATION BILL<sup>3</sup>

JOHANNESBURG,  
*Wednesday, March 1, 1911*

The long-expected Immigration Bill<sup>4</sup> has now been received. It is very complicated and comprehensive. I simply give what suggests itself to me as the meaning:

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

<sup>2</sup> The Natal Indian Congress

<sup>3</sup> *Vide* the following item.

<sup>4</sup> *Vide* Appendix, "Immigrants' Restriction Bill", 4-3-1911.

(1) The Asiatic Act 2 of 1907 is to be repealed, save in so far as it protects the rights of minors.

(2) Act 36 of 1908 is not to be repealed.

(3) It seems, but it is not clear, that those who pass the language test can enter the Transvaal and not be liable to registration. (If this is so, it will stop passive resistance.)

(4) The wives and minor children of domiciled Asiatics do not seem to be protected.

(5) The granting of certificates of domicile to Asiatics in Natal and the Cape is at the discretion of the authorities.

(6) The education test is of so drastic a character that not a single Indian may be allowed to enter the Union.

(7) No facilities seem to exist for the protection of those who may be wrongly prohibited by an officer.

Indian Opinion, 4-3-1911

## 235. JOHANNESBURG

Wednesday [March 1, 1911]

### NEW BILL

At last the new Bill<sup>1</sup> has been published. There is no time to give a translation. It is not even possible just yet to comment on it at length. But I see that it will have the following consequences:

(1) Act No. 2 [of 1907] will be repealed, save in so far as it protects the rights of Asiatic minors.

(2) The other registration Act [No. 36 of 1908] will not be repealed.

(3) Anyone who can write fifty words in a language selected by an [immigration] officer will be allowed to enter. Indian languages are included in this, but that does not mean that Indians will be able to enter in large numbers.

(4) The wives and minor children of domiciled Indians do not seem to be protected.

(5) The rights of old residents of the Cape and Natal are seriously endangered.

(6) The granting of domicile certificates to Indians mentioned in (5)

<sup>1</sup> Vide Appendix, "Immigrants' Restriction Bill", 4-3-1911.

above will be at the discretion of the authorities.

(7) There seems to be no provision for a right of appeal to a court by anyone who may be wrongly prohibited.

This seems to be the position. It appears from General Smuts' speech<sup>1</sup> that Indians will enjoy only the rights which they possess at present in their respective provinces, and that only a limited number of fresh immigrants will be permitted every year.

If the Bill permits educated Indians to come in as fresh immigrants without requiring them to register, it will enable the satyagraha campaign to be withdrawn. Whether or not the Bill bears any such meaning, it is not possible as yet to say with certainty. But what will be the position of Natal and the Cape? It is serious enough to call for a bit of thinking. If the Bill passes into law, educated persons will not be able to come in as freely as they have been doing, and the rights of those who are already there will not be protected. Natal and the Cape need to take immediate steps. I think they should first correspond with General Smuts and then petition<sup>2</sup> the Assembly.

This is a critical time. The Bill does not yet appear to have received publicity.<sup>3</sup> The summary<sup>4</sup> given above, however, is based on the published text of the Bill.

[From Gujarati]

*Indian Opinion*, 4-3-1911

### 236. INTERVIEW TO "THE TRANSVAAL LEADER"<sup>5</sup>

JOHANNESBURG,

*March 1, 1911*

Mr. Gandhi was asked last evening by a press representative for his views on the [Immigrants' Restriction] Bill. He said:

The Bill<sup>6</sup> is so comprehensive and complicated that I have not

<sup>1</sup> Made on February 28, 1911 in the Union Assembly

<sup>2</sup> *Vide* "Natal Petition to Union Assembly", 9-3-1911

<sup>3</sup> It was published in full as a Supplement to *Indian Opinion*, 4-3-1911.

<sup>4</sup> *Vide* the preceding item.

<sup>5</sup> This appeared in *Indian Opinion*, 11-3-1911, under the caption: "Mr. Gandhi's Views".

<sup>6</sup> *Vide* Appendix, "Immigrants' Restriction Bill", 4-3-1911.

been able to get to the bottom of it. Passive resistance has been continued simply to secure the repeal of Act 2 of 1907, and the theoretical legal equality of Asiatics as to immigration into the Transvaal. The repeal of Asiatic Act 2 of 1907 save as to the rights of the Asiatic minors meets the first point. I do not quite understand the operation of the education test. If the Bill is intended to mean that those who pass the education test imposed by the officer appointed under the Bill are free to enter the Province of the Transvaal, as I take it they are to enter the other Provinces, without liability to registration under Act 36 of 1908—which I see is not to be repealed—passive resistance will end. And if such is the meaning of the first section, whilst the position is satisfactory with that meaning, in my humble opinion such a position should be clearly defined in the Bill. I do not see any protection for the wives and minor children of those who may enter the Union under the education test. From the speech of General Smuts, reported in today's papers, I gather that any Asiatics allowed to enter the Union will be free to move about the Union like all other immigrants so far as their mere residence is concerned, notwithstanding the existence of Ordinances such as for instance the Orange Free State Ordinance regarding Asiatics. I shall be asked by British Indians at the Cape, as also in Natal, many questions with reference to the meaning of the Bill; and whilst, whatever restrictions may be placed with reference to Asiatics in these Provinces, the present passive resistance struggle cannot be prolonged by reason thereof. I trust the Government will not resent my bringing to their notice<sup>1</sup> the difficulties that arise in interpreting the Bill. In what manner are the rights of the present Asiatic residents of these Provinces secured? Both the Cape and the Natal statutes exempt from their respective prohibitive clauses domiciled Asiatics. This clause, as well as the clause of exemption regarding the wives and minor children of such Asiatics has been omitted from the Bill, and I cannot help feeling that sub-clause 2 of clause 25 of the Bill renders precarious the position of Asiatics who may wish to absent themselves from their respective Provinces. In view of the remark made by General Smuts that it is not his intention to harry the Asiatics residing in South Africa, I trust that the Bill will be so amended as to leave their position as secure as it is to-day. I miss, too, the usual clause in such Bills affording facilities to immigrants treated as prohibited by an

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

immigration officer to prove their claim of entry or re-entry, as the case may be.

The Transvaal Leader, 2-3-1911

237. LETTER TO E. F. C. LANE<sup>1</sup>

[JOHANNESBURG,]

March 2, 1911

ERNEST C. LANE, ESQ.

PRIVATE SECRETARY TO GENERAL SMUTS

CAPE TOWN

DEAR MR. LANE,

I have just read the Immigrants' Restriction Bill published in the *Government Gazette Extraordinary* dated the 25th ultimo. As it appears to me to be highly complicated, I am not certain of the meaning to be attached to it; and, as I am most desirous of helping, to the best of my ability, to end the prolonged Asiatic struggle in the Transvaal, I venture to submit the following to General Smuts.

Passive resistance has been continued in order to secure repeal of Act 2 of 1907 and the theoretical legal equality of Asiatics as to immigration into the Transvaal, in practice reduced to the admission of a certain number, say six, of highly educated British Indians per year.

I observe that Act 2 of 1907, save as to the rights of Asiatic minors, is to be repealed. This, therefore, practically meets the first point. I do not, however, quite understand the clause as to the education test, and its effect. As Section 1, besides repealing the laws referred to in the first schedule, also repeals other laws to the extent to which they may be repugnant to the provisions of the Bill, it seems to me that educated Asiatics who pass the test prescribed by the immigration officers will be able to enter and remain in the Transvaal, without being liable to take out registration under Act 36 of 1908. And, if such be the meaning of the first section of the Bill, the Transvaal struggle can happily end. But I venture to submit that such meaning should be clearly and unequivocally brought out in the Bill

<sup>1</sup> This letter was drafted before the preceding item; *vide* "Letter to L. W. Ritch", 2-3-1911



itself. May I also know under what clause of the Bill the wives of registered Asiatics are protected?

*I am,  
Yours faithfully,*

From a photostat of the typewritten office copy: S.N. 5222; also  
*Indian Opinion*, 18-3-1911

### 238. LETTER TO R. GREGOROWSKI

JOHANNESBURG,  
*March 2, 1911*

DEAR MR. GREGOROWSKI<sup>1</sup>,

The enclosed Bill<sup>2</sup>, of a copy of which I seem to be the only possessor, I must confess baffles me, the more so as I am suspicious of the intentions of General Smuts. I, therefore, do not trust myself to give a correct interpretation of it. May I, therefore, fall back upon you?

The following are my deductions:

- (1) Inasmuch as all laws to the extent that they are repugnant to the provisions of the Bill are to be repealed, an educated Asiatic passing the education test prescribed by an officer is a competent immigrant to the Transvaal, without the necessity of having to submit to the Registration Act No. 36 of 1908 (*vide* Sections 1 and 4)
- (2) It is not competent for the aggrieved party to have the decision of the officer imposing the education test brought in review before a Court of Law, no matter how ridiculously harsh the test imposed may be (*vide* Section 4).
- (3) An Asiatic immigrant admitted under the education test will be a lawful immigrant even for the Orange Free State, in spite of its exclusive Asiatic Ordinance (*vide* Section 1).
- (4) A Transvaal Asiatic will not be able to move to Natal or the

<sup>1</sup> A lawyer of Johannesburg whose opinion Gandhiji frequently sought on matters legal and constitutional

<sup>2</sup> Immigrants' Restriction Bill (1911); *vide* Appendix, "Immigrants' Restriction Bill", 4-3-1911.

Cape, because he will be excluded under Section 4 by means of a rigid education test, unless such Asiatic happened to have residential rights in either of those Provinces.

- (5) An Asiatic who has once passed the education test under the Act cannot be challenged in the different Provinces, as soon as he shows that he has been once examined.
- (6) The present residents in the respective Provinces do not appear to be in any way protected or exempted from the operation of the education clause. What is their legal position?
- (7) The wives and minor children of resident Asiatics or such Asiatics as may enter under the education test are also not protected specifically by the Bill. What is their status? And, if they are protected under the common law, does it mean that the son under the age of twenty-one of a resident Asiatic can claim entry?
- (8) Under the reservation clause in the first schedule following the repeal of Act 2 of 1907, minor sons of Asiatics registered in the Transvaal will always be able, if under the age of 16, to enter the Transvaal, and, on attaining the age of 16, to demand registration as a matter of right in virtue of the Chhotabhai judgement.
- (9) In virtue of Section 25 Sub-section 2, it seems that every Asiatic leaving South Africa or the respective Provinces in which he may be resident can be made a prohibited immigrant by the Minister declining to give him a certificate of domicile.

Will you kindly treat this letter as a Brief. I do not think I need send you the Immigration Statutes of Natal, because, being repealed, they have no bearing on the question.

*Yours faithfully,*  
M. K. GANDHI

From a photostat of the typewritten original signed by Gandhiji: S.N. 5223

239. LETTER TO L. W. RITCH

[JOHANNESBURG,]

March 2, 1911

MY DEAR RITCH,

You have arrived on the scene none too soon,<sup>1</sup> and, in the words of the *Times* writer, you are immediately “to co-operate with those advocating on the spot the claims of the British Indians”. You will see the new Bill there. I enclose herewith my analysis of it in the letter to Mr. Gregorowski. I enclose also my letter<sup>2</sup> to Smuts, and the interview with the *Leader*.<sup>3</sup> I, at first, wanted to send a letter to Smuts in accordance with [the] interview, which is really taken from the letter that was to be sent to Smuts. Cartwright<sup>4</sup> thought that I ought to publish the letter and make the position clear, but I told him it would be wise not to do that. He, therefore, published the main contents in the form of an interview. Subsequently, I changed my mind, and I thought that to Smuts I should simply write on the struggle, so that, in the event of future disputes, the issues might not be clouded. While, from the theoretical standpoint, the Bill is admirable, seeing that it recognises the equality of Indian languages also with the languages of Europe, the practical effect of the Bill, so far as the Cape and Natal Asiatics are concerned, is, in my opinion, disastrous, as you will see from my analysis. You may just compare the Cape Immigration Act with the Bill, and you will see the glaring difference. Smuts stated definitely, as you will see from the *Leader* report of his speech on Naser’s<sup>5</sup> amendment, enclosed herewith,<sup>6</sup> that the way he wishes to meet Asiatic trading is by stopping Asiatic immigration entirely, except for a certain number to be agreed upon between the Imperial Government and the Union Government. This doctrine may be all very well for the Transvaal, but how can the Cape and Natal Asiatics agree to a material curtailment of their rights? It will hinder them

<sup>1</sup> The addressee actually arrived at Cape Town on March 7, 1911.

<sup>2</sup> Vide “Letter to E.F.C. Lane”, 2-3-1911

<sup>3</sup> Vide “Interview to *The Transvaal Leader*”, 1-3-1911

<sup>4</sup> Editor, *The Transvaal Leader*, a friend of Gandhiji and Smuts; sympathetic to Indians and interested in a reasonable settlement

<sup>5</sup> Member of the Union Parliament

<sup>6</sup> Not reproduced here

from getting clerical and other assistance, because semi-educated young Indians, I think, will hardly be admitted under the education test. I suggest, therefore, first a deputation to the Minister of the Interior, from the Cape, with a written submission; his answer being unsatisfactory, a petition<sup>1</sup> to Parliament, and an interview with the Cape Members who have hitherto been sympathetic, and who have also been receiving the Indian vote. I think that the Cape Members will be largely sympathetic. It is highly unlikely that, with reference to the education test, you will succeed in getting a substantial amendment of the Bill, but you may get a declaration that the test will be so applied as to enable Indians to get the necessary number of educated assistants. But the most important section, on which I think you are almost bound to succeed, is Section 25. The latter ought to define, as the present Immigration Laws both of the Cape and Natal do, the residential rights. The Cape Statute states that domiciled Asiatics and their wives and minor children are exempt from the prohibitive clauses, and the Natal Statute, besides containing the general clause as to domicile, states that, for the purposes of the Act, three years' residence in Natal will be accepted as a title to domicile; and it ought not to be at the discretion of the Minister, but obligatory on him, to issue a certificate of domicile to any Asiatic applicant. I think that in this respect you will find the Cape Members very sympathetic. When I was on board, I discussed the Cape Asiatic Act with Sauer, and he told me that the issue of temporary permits only to Asiatics absenting themselves from the Cape, instead of permanent certificates of domicile, was a crying injustice, and he assured me that he knew nothing about it.<sup>2</sup> If these amendments can be secured, I think that the Immigrants' Act will be admirable. I think, too, that, in order to put the community right in so far as it can do so in the eyes of the European inhabitants, it would be a tactful move to make the admission that, in view of the unfortunate prejudice that exists, we cannot claim the right of inter-communication between the Provinces; but this submission should be modified by the declaration that the education test to be imposed upon people wanting to pass to and fro within the Union ought not to be severe.

I have asked West to send you copies of *Indian Opinion* from

<sup>1</sup> *Vide* Appendix, "Cape Petition to Parliament", 15-3-1911.

<sup>2</sup> *Vide* "Letter to the Press", 27-3-1918.

and after the 18th ultimo.<sup>1</sup> I hope that you have them. From your letter, I presume that you have not brought Mr. Cohen<sup>2</sup> with you. The publication of the Bill will now keep you there, I take it, for some time. More later on.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5219

*240. TELEGRAM TO ADAM GOOL*

JOHANNESBURG,  
*March 2, 1911*

TO  
ADAM GOOL<sup>3</sup>  
8, KLOOF STREET  
CAPE TOWN

MR. RITCH EXPECTED NEXT TUESDAY. PLEASE RECEIVE  
WITH DUE HONOUR. IMMIGRATION BILL PUBLISHED. SEE  
"GAZETTE EXTRAORDINARY" LAST SATURDAY. BILL BAD  
FOR CAPE, NATAL. STRENUOUS OPPOSITION NECESSARY.  
AWAIT LETTER. WIRE WHETHER YOU GOT COPY.

GANDHI

From a photostat of the typewritten office copy: S.N. 5220

*241. LETTER TO ABDUL HAMID GOOL*

[JOHANNESBURG,]  
*March 2, 1911*

DEAR DR. GOOL<sup>4</sup>,

Here is something for you which is not merely writing out prescriptions or probing other people's physical wounds. Mr. Ritch arrives on Tuesday. I hope that you will do your best to ensure a hearty welcome. This, however, is the least part of what I expect from

<sup>1</sup> This letter to West is not available.

<sup>2</sup> Addressee's father-in-law

<sup>3</sup> Adam Hajee Gool Mahomed, President, Cape British Indian Union

<sup>4</sup> One of the Joint Honorary Secretaries of the Cape British Indian Union

you. You will have, I hope, by the time this reaches you studied the new Immigration Bill. Whilst it is likely to satisfy the demands of passive resisters in the Transvaal, it deprives the Cape and the Natal Indians of a very great deal. I think that, if a proper and sustained agitation is taken up, we can at least secure a certain measure of success. The education test is very stiff without any justification. So far as Natal and the Cape are concerned, no good reason can be shown for altering the existing conditions. Then, again, the rights of domiciled Asiatics will be made very insecure, and one does not know the meaning of the Bill as to the status of the wives and minor children of lawfully resident Asiatics. All these things are capable of relief and adjustment. Will you please actively co-operate with Mr. Ritch and do whatever is possible and necessary? How are you getting on?

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5221

#### *242. LETTER TO H. S. L. POLAK*

JOHANNESBURG,

*March 2, 1911*

MY DEAR POLAK,

You will see from the enclosed<sup>1</sup> my analysis of the Bill. The more I consider the Bill, the more certain I feel that the Transvaal struggle will end. The meaning I give to the first section is, I feel, the meaning Smuts has intended to give it; but what a terrible thing for the Cape and Natal. You will see from my letter<sup>2</sup> to Ritch what I suggest should be done for the Cape. I think the same steps might be taken, with the necessary change, regarding Natal. I think that the Natal people should immediately send a representation inquiring about the meaning of the Bill as to the wives and minor children, as also as to the rights of domicile. This should be done by wire, draft of which herewith. After the reply is received, a representation should be sent to the Minister of the Interior, and, failing a satisfactory reply, a petition<sup>3</sup> to Parliament, which will be presented through Sir David

<sup>1</sup> *Vide* "Letter to R. Gregorowski", 2-3-1911

<sup>2</sup> *Vide* "Letter to L. W. Ritch", 2-3-1911

<sup>3</sup> *Vide* "Natal Petition to Union Assembly", 9-3-1911.

Hunter<sup>1</sup>. Haggar's<sup>2</sup> calumnies and other misrepresentations made at the time of the debate opened by Nesor should be answered by a public letter to the Prime Minister,<sup>3</sup> a copy of which should be posted to every Member of the Union Parliament. I hope to draft the letter for your guidance, and send it to you.

*Yours sincerely,*

[Enclosure]

DRAFT<sup>4</sup>

Committee Congress seen Immigration Restriction Bill. Before submitting its views to Government, Committee respectfully desire information following points: In absence special protective clause as in present Act, what are statute rights domicile or residence this Province for British Indians, and under what section or how are rights of minor children and wives lawfully resident Asiatics protected?

From a photostat of the typewritten office copy: S.N. 5218

### 243. TELEGRAM TO PARSEE RUSTOMJEE

[JOHANNESBURG,]  
*March 2, 1911*

TO  
RUSTOMJEE  
DURBAN

POLAK LEFT INGOGO<sup>5</sup> MAIL TRAIN FOR DURBAN. IN-  
FORM HIM LONG LETTER<sup>6</sup> SENT YOUR CARE REGARDING

<sup>1</sup> Members of Parliament of the Union of South Africa

<sup>6</sup> No such letter appears to have been sent. In his speech, as chairman of a mass meeting of Natal Indians, Dawad Mahomed said that the slanderous statement by Haggar, that most of them were not Indians at all, but alien Asiatics, had been 'adequately' answered by *The Natal Mercury*.

<sup>3</sup> *ibid*

<sup>4</sup> This telegram was sent to General Smuts by the Natal Indian Congress on March 4. As no reply was received, a further telegram was dispatched on March 6. On March 7, the Private Secretary to Smuts sent a telegraphic reply: . . . Immigration Bill does not deal with people, whether white or coloured, domiciled or lawfully resident in South Africa, but is, as is outlined in the preamble, a Bill to regulate immigration pure and simple. Asiatic laws regulating rights of those resident lawfully in the Provinces remain unaltered and are not repealed, except Act 2 of 1907 in the Transvaal.

<sup>5</sup> A town in Natal, 297 miles from Durban

<sup>6</sup> *Vide* the preceding item.

BILL WILL REACH SATURDAY. HE SHOULD BE  
TOMORROW PHOENIX SATURDAY DURBAN. WILL BE TOWN  
TOMORROW.

GANDHI

From a photostat of the typewritten office copy: S.N. 5217

*244. TELEGRAM TO PRIVATE SECRETARY  
TO GENERAL SMUTS*

JOHANNESBURG,  
*March 3, 1911*

MAY I KNOW WHETHER SECTION ONE IMMIGRANTS RESTRICTION  
BILL JUST INTRODUCED CONTEMPLATES ASIATICS  
WHO MAY PASS EDUCATION TEST WILL BE ABLE ENTER  
TRANSWAAL WITHOUT BEING LIABLE TO TAKE OUT  
REGISTRATION UNDER ACT THIRTY-SIX 1908. WROTE  
LETTER<sup>1</sup> YESTERDAY MORE FULLY BUT IN VIEW BILL  
HAVING BEEN READ FIRST TIME<sup>2</sup> REQUEST TELEGRAPHIC  
INFORMATION.

GANDHI

From a photostat of the typewritten office copy: S.N. 5224; also

*Indian Opinion*, 18-3-1911

*245. LETTER TO DIRECTOR OF PRISONS<sup>3</sup>*

[JOHANNESBURG,]  
*March 3, 1911*

SIR,

Mr. Daniel Armugam, who was discharged from Diepkloof Gaol as a passive resister on the 1st instant, informs my Association that in the cell occupied by him and his fellow-prisoners, about a fortnight before his discharge, at one o'clock, when he was half asleep, he found a snake just crawling on his neck. He naturally got up

<sup>1</sup> *Vide* "Letter to E.F.C. Lane", 2-3-1911

<sup>2</sup> On 2-3-1911

<sup>3</sup> This letter, presumably drafted by Gandhiji, was sent over the signature of A. M. Cachalia.



somewhat terrified, and succeeded in shaking it off. Fortunately, there was a light in the cell, and he awakened his neighbour, towards whom the snake was going. In an instant, all the occupants of the cell were awake. It appears that one of the prisoners was allowed to enter the cell with his sandals, and these were used for killing the snake. Mr. Armugam, as also the other Indian prisoners who were discharged with him, inform my Association that the cells at Diepkloof are ill-constructed, and are not proof against reptiles. Some of the passive resisters further inform my Association that the discovery of a snake at night-time is not an entirely unusual occurrence in that cell. Within their experience, a snake was found there some time before also. I, therefore, respectfully draw your attention to the matter, so that the cells may be so constructed as to avoid danger of the kind herein mentioned.<sup>1</sup>

*Indian Opinion*, 11-3-1911

246. LETTER TO A. H. WEST

[JOHANNESBURG,]

March 3, 1911

MY DEAR WEST,

This will be in your hands on Monday. I think that Polak will perhaps be in Durban. I have just condensed what I thought was necessary regarding Ritch<sup>2</sup>. All the other correspondence from London I am sending you. When Polak comes there you may show it to him. He may make what use he likes of it beyond what I have prepared. For the time being, I shall be almost every day in town, and, in the event of an unfavourable construction of the first section of the Bill, I may even have to go to Cape Town. Everything will depend upon how matters progress. If there is too much pressure on your space in connection with the Bill, I think it will be better to postpone publication of the judgments in the Chhotabhai case.<sup>3</sup> The Bill places

<sup>1</sup> The Director replied, saying that he was inquiring.

<sup>2</sup> A report of the meeting held in London to present a testimonial to Ritch appeared in *Indian Opinion* of the 11th, 18th and 25th March.

<sup>3</sup> Accordingly the judgment was published later serially in *Indian Opinion*, 22-4-1911 and 29-4-1911. The Gujarati translation was, however, published in March in four instalments.

the judgments in the background. I send you also leading article<sup>1</sup> from *The Star* of yesterday, which should be condensed and reproduced; and, of course, you will get the Press Notices of the Bill from your exchanges. In the event of the Bill not going through the Assembly or being materially altered for the worse, we shall want to make use of the newspaper notices.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5225

### 247. LETTER TO OLIVE DOKE

JOHANNESBURG,  
*March 3, 1911*

MY DEAR OLIVE,

I hope you enjoyed your holiday. Father<sup>2</sup> told me you had arrived and I mentioned the fact to Ramdas also. I shall now see whether I can send both the boys<sup>3</sup> on Thursday. The journey from Lawley is an expensive item and the other boys on the Farm too naturally want an opportunity of learning simple singing. In view of the publication of the Bill I propose to wait for a week or so. Thank you all the same for your kind offer.

Pray remember me to mother.

*Yours sincerely,*  
M. K. GANDHI

MISS OLIVE DOKE  
11, SUTHERLAND AVENUE  
HOSPITAL HILL  
JOHANNESBURG

From a photocopy of the original in Gandhiji's hand: C.W. 4929. Courtesy: C. M. Doke

<sup>1</sup> Reproduced in *Indian Opinion*, 11-3-1911

<sup>2</sup> Rev. J. J. Doke

<sup>3</sup> Ramdas and Devdas, for taking lessons in music

## 248. HELP FROM THREE WOMEN

In the Transvaal struggle we have received help not only from prominent men but in equal measure from notable women also. Readers of *Indian Opinion* are aware of the help received by Mr. Polak in India under the leadership of Mrs. Ramabai Ranade and Mrs. Petit.

And now we have had a Reuter message about a forceful article of Mrs. Mayo [published] in England.<sup>1</sup> We have also received an advance copy of the article itself and have a clearer idea of its contents. She writes about the whole of South Africa. As we intend to publish a translation, we do not wish to say more about the article here. We shall merely give some particulars of Mrs. Mayo. She is an old lady of about 60. She is a novelist and journalist, and one of those selected by the late Tolstoy to translate his works. We can therefore see why it was that her article caused the stir it did.

Besides Mrs. Mayo, there is Miss Hilda Howsin. The report of her lecture at the East India Association is worth reading. In this she discussed the issues involved in matters relating to the Transvaal problem. Everyone who commented on her lecture admired the satyagraha struggle and expressed sympathy for the satyagrahis. About the same time that these two ladies were thus engaged in writing or speaking, Miss Polak was appointed Secretary of the Committee.

What need is there, then, to feel dispirited, when we have been thus getting help, whether or no we ask for it, when the struggle has become well known, and when South African Indians are attracting world-wide attention and India's prestige is rising correspondingly? Seeing that this is the fruit of our struggle having been prolonged, we should fight on with still greater zeal.

We intend to publish Mrs. Mayo's article<sup>2</sup> and the report of Miss

<sup>1</sup> Mrs. John R. Mayo occasionally wrote under the assumed name of Edward Garrett. The article appeared in the *Millgate Monthly*.

<sup>2</sup> *Vide Indian Opinion*, April 22, 29, May 6, 13, 20 and 27, 1911 for the Gujarati translation.

Howsin's speech<sup>1</sup> in subsequent issues.

[From Gujarati]

Indian Opinion, 4-3-1911

### 249. RAMBHABAI SODHA

The wrangling over Rambhabai's case still continues. The Transvaal High Court having confirmed the decision of the Magistrate,<sup>2</sup> an appeal has been filed to a higher court. This being the first case involving a woman, it will be wise, from a practical point of view, to take all possible steps to prevent her being lodged in gaol. That will be no special reflection on our idealism and the appeal may therefore be welcomed. By filing the appeal, moreover, we secure ourselves against all blame. We give proof to the world of our determination not to send women to gaol except as a last resort. General Smuts can no longer allege that we are intent on sending them to gaol.

The clay is on the potter's wheel. We shall see what kind of a pot it turns out. Meanwhile, we urge Indians, both men and women, to emulate the example of Rambhabai.

[From Gujarati]

Indian Opinion, 4-3-1911

### 250. TELEGRAM TO TOLSTOY FARM AND H. KALLENBACH

JOHANNESBURG ,  
March 4, 1911

TO

(1) GANDHI

LAWLEY

(2) H. KALLENBACH

INFORM ALL EXTREMELY SATISFACTORY WIRE FROM

<sup>1</sup> *Vide Indian Opinion*, April 29, May 6, 13, 27, June 3 and 10, 1911.

<sup>2</sup> The Magistrate had sentenced her, on January 10, 1911 to a fine of £10 and one month's imprisonment. The High Court revised the sentence to one of fine or imprisonment.

SMUTS.<sup>1</sup> COMING EVENING TWO SORABJEES<sup>2</sup>.

GANDHI

From a photostat of the typewritten office copy: S.N. 5233

*251. TELEGRAM TO PRIVATE SECRETARY TO  
MINISTER OF INTERIOR*

JOHANNESBURG,  
*March 4, 1911*<sup>3</sup>

BEG THANK GENERAL SMUTS FOR WIRE FOURTH INSTANT  
AND FOR ASSURANCES CONTAINED THEREIN.<sup>4</sup> COUNSEL  
HOWEVER ADVISES UNLESS SPECIAL MENTION MADE BILL  
EDUCATED ASIATICS ENTERING UNDER EDUCATION TEST  
FREE LIABILITY TRANSVAAL REGISTRATION ACT FREE  
STATE ASIATIC ORDINANCE THEY WILL BE PROHIBITED  
UNDER THOSE SPECIAL LAWS. COUNSEL ALSO ADVISES  
MINOR CHILDREN OUTSIDE TRANSVAAL AND WIVES OF  
LAWFUL RESIDENTS NOT PROTECTED UNDER COMMON  
LAW. IF GENERAL SMUTS WILL BE PLEASED GIVE ASSURANCE BILL WILL BE  
ALTERED REMOVING UNCERTAINTY  
WILL GLADLY ADVISE COMMUNITY CEASE PASSIVE  
RESISTANCE AND GRATEFULLY ACCEPT BILL.

GANDHI

From a photostat of the typewritten office copy: S.N. 5234

*Indian Opinion*, 18-9-1911

*252. LETTER TO E.F.C. LANE*

JOHANNESBURG,  
*March 4, 1911*

DEAR MR. LANE,

Will you please convey my thanks to General Smuts for the

<sup>1</sup> *Vide* 1st footnote of "Letter to E.F.C.Lane", 4-3-1911.

<sup>2</sup> Presumably, Sorabji Adajania and Sorabjee Rustomjee

<sup>3</sup> The photostat has the date 6th; *Indian Opinion*, however, gives the correct date, the 4th.

<sup>4</sup> *Vide* the following item.

encouraging wire<sup>1</sup> just received? I need hardly repeat what I have said in my letter of the 2nd instant, that it is my sincere desire to help to bring the struggle to a close. I, therefore, welcome the assurance that those Asiatics who pass the education test will not be subject to the Registration Act No. 36 of 1908 of the Transvaal, which is not to be repealed.

I have naturally not relied, in this very important matter, on my own unaided interpretation of the Bill. I have now received Counsel's<sup>2</sup> opinion, which advises that my interpretation is totally wrong, and that Section 1 of the Bill does not protect educated Asiatics from being subject to Act 36. The opinion before me states emphatically that Section 7, if nothing else, militates against any such interpretation. I, therefore, venture to submit that the Bill should be so amended in Committee as to make the point absolutely clear. I am sure that General Smuts will agree with me that this time nothing should be left understood or uncertain so far as the meaning of the Bill and the intention of the Government are concerned.

The opinion in question also raises a difficulty which I had not anticipated, namely, that the minor children of registered Asiatics who are not at present in the Transvaal are not at all protected, in spite of the judgment in the Chhotabhai case,<sup>3</sup> and that neither the wives nor the minor children will have common law protection in this Bill. I trust, therefore, that these two points will also be made perfectly clear during the Committee stage.

On receipt of a satisfactory assurance on the points I have taken the opportunity of raising in this letter, I shall be prepared to advise the community in the Transvaal to send a formal acquiescence,<sup>4</sup> and passive resistance will then naturally end. May I also express the hope that, if the assurance requested is given, those who are now in gaol will be discharged, and those who have been suffering rightly or wrongly

<sup>1</sup> This said: ". . . Asiatics admitted as immigrants under new Immigration Bill would not fall under registration laws and would not be restricted to provincial limits. In order to prevent confusing them with those legally resident in the Provinces and liable to registration it would be necessary to keep the lists of them, but as they will belong to the educated class, their signatures taken on admission ought to be sufficient . . ." Reproduced in *Indian Opinion*, 18-3-1911.

<sup>2</sup> Gregorowski; *vide* letters to H. S. L. Polak, 4-3-1911 and "Letter to J.J. Doke", 8-3-1911.

<sup>3</sup> *Vide* "Chhotabhai Case", 28-1-1911

<sup>4</sup> *Vide* "Letter to Private Secretary to Minister of Interior", 10-3-1911

for conscience' sake will not be penalised, but that the rights which every passive resister would have under Act 36 of 1908 will be respected.

*I am,  
Yours faithfully,*

From a photostat of the typewritten office copy: S.N. 5227; also  
*Indian Opinion*, 18-3-1911

### 253. LETTER TO L. W. RITCH

JOHANNESBURG,  
*March 4, 1911*

MR. DEAR RITCH,

I hope you will receive with this my letter<sup>1</sup> of Thursday last, under separate cover. After that letter was closed, I saw in *The Star* that the Bill had already been read a first time. On Friday, I, therefore, sent the following wire to General Smuts:

May I know whether section one Immigrants' Restriction Bill just introduced contemplates Asiatics who may pass education test will be able enter Transvaal without being liable to take out registration under Act 36, 1908. Wrote letter yesterday more fully but in view Bill having been read first time request telegraphic information.<sup>2</sup>

To this his reply<sup>3</sup> as per copy enclosed was received today. The reply seems to be satisfactory in more ways than one. It shows clearly how your work in London and Polak's in India have told on the Imperial and Indian Governments, and the latter's pressure on the Union Government. We ought not, however, to be satisfied with the assurance. We want no loophole left. It will, therefore, be necessary still to watch the progress of the Bill, so far as the points affecting passive resisters are concerned. Polak strongly urges that you should confer with Schreiner<sup>4</sup> regarding the points raised by me in my

<sup>1</sup> *Vide* "Letter to L. W. Ritch", 2-3-1911

<sup>2</sup> *Vide* "Telegram to Private Secretary to General Smuts", 3-3-1911

<sup>3</sup> *Vide* 1st footnote of "Letter to E.F.C. Lane", 4-3-1911.

<sup>4</sup> William Philip Schreiner (1857-1919); politician and barrister; High Commissioner for Union of South Africa in England, 1914; Member of Rhodes' second Ministry, 1898; twice Attorney-General; Prime Minister of Cape Colony, 1898-1900

letter<sup>1</sup> to Gregorowski. I agree with him entirely, and it will be ever so much better if we collect opinions from all sides. I am suggesting to Polak that he should confer with Laughton<sup>2</sup> also. You will have noticed that the Bill has been set down for the second reading on Monday<sup>3</sup> week. All our principal representations, therefore, should be placed either before the Government or before Parliament before that time. As it seems that the Transvaal question will not cause any difficulty, I propose, subject to your approval, to remain here. Polak, of course, attends to Durban, and you remain there until the Bill is through. Professor Gokhale cabled yesterday<sup>4</sup> as follows:

Wire views new proposals. Arranging here frustrate Natal move. Private.

to which the following reply was sent:

Thanks assurance Natal. Regarding new Bill cable later.

I think we would wait yet awhile before cabling views on the new Bill. There would naturally be expenses on your side. I hope that the Cape Indians will provide a fund for conducting the campaign. They must not expect passive resistance funds to be used for ameliorating the condition in the Cape Peninsula, nor can we afford to rely upon promises they may make. If they do not want you to take Schreiner's opinion, then, I am afraid, we should drop it. But, if they do, they have to pay for it.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5231

### *254. LETTER TO H. S. L. POLAK*

JOHANNESBURG,  
*March 4, 1911*

MY DEAR POLAK,

Copy of my letter to Ritch<sup>5</sup> will give you most of the information I want to give you also. I yesterday sent a packet containing a lot of *Indian Opinion* matter to West directly,<sup>6</sup> as I

<sup>1</sup> Of 2-3-1911, "Letter to R. Gregorowski", 2-3-1911

<sup>2</sup> A lawyer of Durban

<sup>3</sup> March 13, 1911

<sup>4</sup> Actually the cable was received on March 2, 1911.

<sup>5</sup> *Vide* the preceding item.

<sup>6</sup> *Vide* "Letter to A. H. West", 3-3-1911



assumed that you would be in Durban on Monday. I purposely refrained from sending the packet to you because it has no connection with the new Bill campaign, and I do not want to interfere with the concentration of your thought upon that. Further newspaper cuttings on the Bill I am sending you. The *Pretoria News*<sup>1</sup> cutting should be condensed, as also that from the *Daily Mail*<sup>2</sup>. What I have said to Ritch about expenses is equally applicable to expenses on your side. Let that particular business be absolutely clear. If they do not want to spend anything, we will still fight on in so far as they will take the advice, but it is impossible to use passive resistance funds for the purpose.

*Yours sincerely,*

[PS.]

After I had finished dictating, I received Gregorowski's opinion<sup>3</sup>. It is dead against the Bill, as you will see. Some points of his opinion I do not share, but we must accept the opinion as if it were wholly correct, because the matter is too important to be in any respect left in a state of uncertainty.

From a photostat of the typewritten office copy: S.N. 5228

### 255. LETTER TO HARILAL GANDHI

*Fagan Sud 5 [March 5, 1911]*<sup>5</sup>

CHI. HARILAL,

I had your letter when it was least expected. We are all surprised whenever a letter comes from you. The general expectation is to have no letter from you.

What you write about Ba is not true. Had she intended to go she would hardly have been scared by my stipulation. And my condition also was meaningless. If she had wanted to return she could have borrowed money from anybody and done so. The fact is that Ba does

<sup>1</sup> These were reproduced in *Indian Opinion*, 11-3-1911.

<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

<sup>4</sup> Gregorowski's opinion not available in full; see however "Letter to E.F.C. Lane", 4-3-1911, and "Letter to J. J. Doke", 7-3-1911.

<sup>5</sup> This letter was written before the second reading of Immigrants' Restriction, Bill, which took place on March 13, 1911. The *Fagan Shud 5* prior to it was March 5, 1911.

not know her own mind. However I have nothing to say against your pleading for her.

There is nothing to be ashamed of in your being weak in mathematics and general literary education. You could have learnt them had I given you the necessary opportunity. The practical knowledge boys in India possess is not due to the education they receive in schools, but is due to the unique Indian way of life. It is due to the meritorious deeds of our ancestors that we find healthy standards of behaviour, thrift, etc., around us, in spite of the repeated inroads of modern education, the immorality that we see among the people and their growing selfishness. This I am writing to you to give you courage and ask you to go deeper into the matter and observe things for yourself. It is not right to attribute the relation of cause and effect between things after just a superficial glance.

I will not stand in the way of your studies or other ambitions that you may have, provided there is nothing positively immoral about them. You may therefore cast off all fear and pursue your studies as long as you like. I may not like some of your views, but having no suspicion about your character I do not have any anxiety on your account.

Sorabjee is sitting by me as I am writing this letter. Shelat also has come to the Farm.

The Bill has not yet had its second reading.

*Blessings from*

BAPU

From a copy of the Gujarati original in the possession of the Navajivan Trust:  
C.W. 663

### 256. *LETTER TO H. S. L. POLAK*

[JOHANNESBURG,]

*March 6, 1911*

MY DEAR POLAK,

I have your two letters. I am glad that you rated our friends in Durban so soundly, as I knew you would. They appreciate it, at least from you.

A suspected person may, in my opinion, be challenged by an immigration officer anywhere, even within the border of the Union.

That being so, why could an educated Indian not be challenged on entering Natal from the Transvaal? If you say that he could not be challenged, such an Indian then could not be prohibited from crossing the Natal border from the Transvaal side, and the provincial check would break down, in spite of Clause 7 of the Bill. Any such legislation at present in existence does not prevent the entry of such persons into Natal. Your argument about Joseph<sup>1</sup> entering from Natal seems to be sound. It seems difficult to believe that the omission of wives and minor children is deliberate, and, if it is, we ought to be able to wreck the Bill. I think that we are bound to protest strongly as from Natal and the Cape against the education test, and we must in this connection raise the question of inter-communication. If Smuts gives a public assurance that the education test will be for purposes of inter-communication, assuming that challenge within the border is possible, we may waive the objection. Otherwise, it should be persisted in. The question Anglia<sup>2</sup> raises about domicile is not a bad one. In law, I think that it is not possible for a man to claim a double domicile. Hitherto, domicile certificates produced by Transvaal residents have passed muster. I have, however, always feared a legal difficulty in the matter, and it may well be that those who are registered in the Transvaal may, in future, be taken to have forfeited their Natal domicile. Production of a certificate of Natal domicile is proof, at most, only of domicile to the day of leaving that place but is not proof that domicile subsists at the time of re-entry. I would suggest that those of the Transvaal Indians who are registered, but who are anxious to retain their Natal domicile, and who are in possession of certificates, should, for the time being, remain in Natal, or, not being there, return to Natal rather than remain in the Transvaal, because in the Transvaal the question of domicile cannot be raised, and a man who is found in Natal at the time of the taking effect of the new Bill cannot be sued. The same remarks apply to the Indians at the Cape.

I hope to send a leading article on the Bill tomorrow.<sup>3</sup> It will be sent to Phoenix, but a copy will be sent to you in Durban. For further information I refer you to my letter to Ritch<sup>4</sup> herewith.

*Yours sincerely,*

From a photostat of the typewritten office copy: S. N. 5235

<sup>1</sup> Royeppen; *vide* "Johannesburg Letter", before 30-5-1908.

<sup>2</sup> M. C. Anglia, Joint Honorary Secretary, Natal Indian Congress

<sup>3</sup> But he did not. *Vide* "Letter to H. S. L. Polak", 13-3-1911

<sup>4</sup> *Vide* "Letter to L. W. Ritch", 6-3-1911

## 257. LETTER TO MAUD POLAK

[JOHANNESBURG,]

March 6, 1911

MY DEAR MAUD,

The enclosures will tell their own tale. You will have the full text of the Bill in *Indian Opinion*<sup>1</sup>. I do not envy your having to study the Bill. However, I suggest your not writing anything at all about the Bill, unless you hear anything from me by cable. I am not at all certain of the meaning of the Bill; nobody seems to be; and in the absence of a certainty all presumption must be against the Bill. When agitation there becomes necessary, you will have the views emphatically one way or the other, and you will have objections from me in concrete form. Till then, you can only give the information to inquirers. I have refrained from cabling anything to you, because we do not want any agitation there at the time of writing. I have anxious cable inquiries from India, but have simply replied<sup>2</sup> that they are to await further cables. All that we for the time being should say is that no Bill will satisfy passive resisters, unless two things are unconditionally granted—repeal of Act 2 of 1907, and the entry of educated Indians who may pass the education test without liability to any registration laws. If the Bill clearly means the latter, as it clearly repeals Asiatic [Act] 2 of 1907, we shall lay down our arms, however bad in other respects the Bill may be. This does not mean that we cease to worry the Government here or the Government there with our other troubles, but we do not take up passive resistance regarding them. For the time being, we still endeavour to carry on a less active agitation. I do not call the petitioning agitation constitutional to distinguish it from passive resistance, because passive resistance is just as constitutional as simple petitioning. What a happy coincidence it is that Mr. Ritch should be here just in the nick of time. I think that he himself will agree that his presence is far more necessary here just now than there. You may unreservedly express your opinion that with reference to the Cape and Natal, the Bill is as bad as it possibly can be. There theoretical equality does not weigh so, because we have it already. The

<sup>1</sup> Dated 4-3-1911

<sup>2</sup> *Vide* cable to G. K. Gokhale quoted in "Letter to L. W. Ritch", 4-3-1911.

deprivation of practical rights under this Bill, therefore, is a very serious and tangible grievance requiring redress, and, as you will see, the Cape and Natal are moving. I only hope that they will move sufficiently to be able to make an impression on the Government. I am perfectly at ease, seeing that Messrs Ritch and Polak are on the respective spots. When I receive the address<sup>1</sup> for Mr. Ritch, I shall gladly buy an oak frame in accordance with your instructions, send you a memo of charges, and present the thing to him. This time, instead of sending £15 for the Committee, I am sending £18. That ought to enable you to get on without a handicap, and there should be no difficulty in paying the quarterly charges.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5236

*258. TELEGRAM TO "INDIAN OPINION"*

JOHANNESBURG,  
*March 6, 1911*

TO

OPINION

PHOENIX

TRANSLATE BILL<sup>2</sup> THERE NO TIME.

GANDHI

From a handwritten office copy: S.N. 5238

<sup>1</sup> Presented in London by Indian and British sympathisers. The address was reproduced in *Indian Opinion*, 18-3-1911.

<sup>2</sup> The Gujarati translation of the Bill was published in *Indian Opinion*, 11-3-1911.

259. LETTER TO L. W. RITCH

[JOHANNESBURG,]  
March 6, 1911

MY DEAR RITCH,

I enclose herewith copy of wire sent to General Smuts today<sup>1</sup>. No reply has been received to the time of writing. I have received the following cable from Natesan,

Cable immediately advantages disadvantages new Act. Also advise nature future agitation here.

And I have simply cabled the reply<sup>2</sup> that the Bill is being considered, and that they will have a reply later.

I have sent Maud this week £25 for Mrs. Ritch, £17 for Mrs. Polak, and £18 for the Committee. The last amount ought to prove sufficient. I telegraphed you today as per copy enclosed.<sup>3</sup> Mr. Doke, I may mention, is in correspondence with Mr. Merriman<sup>4</sup>. In the event of Smuts not yielding as to the amendment of the Bill in order to make good the meaning he attaches to it, do you consider that my presence is at all necessary in Cape Town? If you do, please wire. I do not wish to undertake the journey, unless it is absolutely necessary. There should be representations<sup>5</sup> from Port Elizabeth and Kimberley, or authority from them to you or to the League<sup>6</sup> to represent in their behalf.

Did you Leave Mr. Cohen with Mrs. Ritch? I hope you will write from there to Maud whatever you may consider necessary. Enclosed is copy<sup>7</sup> of my letter to her.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5239

<sup>1</sup> The source has the date 6th but the wire was sent to Smuts on the 4th; *vide* "Telegram to Private Secretary to Minister of Interior", 4-3-1911.

<sup>2</sup> Not available

<sup>3</sup> Not available

<sup>4</sup> John Xavier Merriman; *vide* "Deputation's Voyage [-1]", after 23-6-1909.

<sup>5</sup> No representations seem to have been sent by the Indians of these towns. However, the British Indian Association of Port Elizabeth and the Indian Political Association of Kimberley had sent messages of sympathy and support to the British Indian mass meeting held at Cape Town on March 12, 1911.

<sup>6</sup> British India League. There were two rival organisations of Indians in Cape Town at this time: the British India League and the South African British Indian Association. Gandhiji and Ritch brought about their amalgamation under the name of "Cape British Indian Union".

<sup>7</sup> *Vide* "Letter to Maud Polak", 6-3-1911

260. TELEGRAM TO ABDUL CAADIR<sup>1</sup>

JOHANNESBURG,  
March 7, 1911

TO  
ABDUL CAADIR<sup>2</sup>  
GREY STREET  
DURBAN

HAVE ACCEPTED NOTHING. NOT MY POWER ACCEPT ANYTHING. HAVE ALREADY ADVISED<sup>3</sup> CAPE, NATAL OFFER STUBBORN OPPOSITION. KNOW NOTHING ABOUT WHAT "MERCURY" SAYS. IF LEGAL EQUALITY GRANTED AND ACT 1907 REPEALED PASSIVE. RESISTANCE TRANSVAAL MUST CEASE. IF YOU OTHER INDIANS NATAL AND CAPE WILL KINDLY DO YOUR DUTY BILL CAN BE TURNED TO GOOD ADVANTAGE. FURTHER INFORMATION SEE MR. POLAK.

GANDHI

From a photostat of the typewritten office copy: S.N. 5241

261. LETTER TO J. J. DOKE

[JOHANNESBURG,]  
March 7, 1911

DEAR MR. DOKE,

In accordance with my promise, I reduce to writing the conditions that appear to me to be essential to stopping passive resistance. The demands, as you know, are the repeal of Asiatic Act No. 2 of 1907 and the legal equality of educated Asiatics as to immigration, reduced in practice to the entry into the Transvaal of at least six highly educated Asiatics per annum.

The first demand is granted by the Bill, in that the schedule

<sup>1</sup> In reply to Abdul Caadir's telegram of the same date: "Immigration Bill exterminating act. Surprise[d] you accept today's *Mercury*. If you do you ruin whole community. You run after shadow giving away rights of Natal Cape. Be warned in time. Don't blunder again at concluding stage. Reply." (S.N. 5240)

<sup>2</sup> Dr. Abdul Caadir, *vide* "Circular Regarding Kheda Situation", 27-3-1918

<sup>3</sup> *Vide* "Telegram to Adam Gool", p. 417, "Letter to Abdul Hamid Gool", 2-3-1911 and "Letter to H. S. L. Polak", 2-3-1911.

substantially repeals Act 2 of 1907. The second demand also appears to have been granted. But [it] is the opinion of a well-known barrister<sup>1</sup> that the Bill does not make it possible for educated Asiatics to enter the Transvaal under the education clause of the Bill.<sup>2</sup> In his opinion, as in my own, the existence of the second Registration Act, passed in 1908, blocks the way. It is, therefore, necessary to so amend the Bill as to exempt educated Asiatics who may enter under the education test from the operation of the Registration Act.

A new disability seems also to be contemplated by the Bill. The wives and minor children of non-prohibited immigrants are not protected<sup>3</sup> as they have been hitherto. I can only hope that this is an oversight.

There should be no difficulty in securing the necessary amendment, at least so far as the status of educated Asiatics is concerned, because General Smuts, in a telegram received on Saturday last,<sup>4</sup> in reply to my query<sup>5</sup> says that educated Asiatics are not to be subjected to the registration laws of either the Transvaal or the Orange Free State.

If, therefore, the Bill is amended in Committee as to the points I have raised above, passive resistance can immediately end and the sufferings of conscientious objectors can be avoided.

*I am,  
Yours truly,*

From a photostat of the typewritten office copy: S.N. 5244

## *262. LETTER TO H. S. L. POLAK*

[ JOHANNESBURG,]  
*March 7, 1911*

MY DEAR POLAK,

The following is the wire received from Smuts, as I telephoned to you:

<sup>1</sup> R. Gregorowski

<sup>2</sup> *Vide* "Letter to E. F. C. Lane", 4-3-1911

<sup>3</sup> *Vide* "Telegram to Private Secretary to General Smuts", 3-3-1911

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*



7 March. Your letters of 2nd<sup>1</sup> and 4th<sup>2</sup> March and telegram 4th<sup>3</sup> March all duly received. The legal questions raised by your Counsel are being gone into by Minister with legal advisers.

Enclosed are copies<sup>4</sup> of what I have sent to West directly. If you have any changes to suggest, you will either send special messenger, or go over to Phoenix, or do whatever you choose, and if you want to stop anything from being published you will also advise West. The petition to the Legislative Assembly herewith with copy.<sup>5</sup> A copy thereof has also gone to Ritch and to West. Your copy, after it is duly signed, should be sent to Ritch with a covering letter from the officers of the Congress authorising him to send it to Sir David Hunter or any member he wishes to, that the petition will be presented only if Ritch considers it necessary.<sup>6</sup> I am not sending anything for the Senate just yet, because it will be at least a week, if not more, before the Bill goes to the. . . .<sup>7</sup> A petition to the Senate, therefore, may have to be altered. Herewith copies of telegrams exchanged between Mr. Abdul Caadir and myself.<sup>8</sup>

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5246

### 263. LETTER TO L. W. RITCH

[JOHANNESBURG,]

*March 7, 1911*

MY DEAR RITCH,

My letter<sup>9</sup> to Polak will give you such information as I have. I am just now telegraphing<sup>10</sup> you authority from the British Indian

<sup>1</sup> *Vide* "Letter to E.F.C. Lane", 2-3-1911

<sup>2</sup> *Vide* "Letter to E.F.C. Lane", 4-3-1911.

<sup>3</sup> The source has the date 6th; see, however, "Telegram to Private Secretary to Minister of Interior", 4-3-1911.

<sup>4</sup> Not available

<sup>5</sup> *Vide* "Natal Petition to Union Assembly", 9-3-1911.

<sup>6</sup> The petition dated 9-3-1911 was presented to the Legislative Assembly on 15-3-1911.

<sup>7</sup> One word is cut off here.

<sup>8</sup> *Vide* "Telegram to Abdul Caadir", 7-3-1911.

<sup>9</sup> *Vide* the preceding item.

<sup>10</sup> *Vide* the following item.

Association, and a telegram<sup>1</sup> is being sent to Smuts also, telling him that you are acting in connection with the Transvaal matter. Polak has just telephoned, and you will have a telegram from him also. You will see what I think is the proper course to adopt regarding the petition from Natal. We do not want to send the petition, if the points raised are covered in some shape or form by General Smuts. If he promises in writing during the Committee stage, no petition need be presented to Parliament. If I were you, I would even ask General Smuts whether he considers it advisable or otherwise to present the petition, that is to say, if he is in a reasonable frame of mind, as he seems to be. His reply to the Natal wire<sup>2</sup> is that the Bill does not affect the rights of those who are domiciled, and that the Asiatic laws referring to the rights of those domiciled remain intact. The telegram is satisfactory in so far as General Smuts appears to be in a receptive mood; but he is probably labouring under a misapprehension and believes that there are some Asiatic laws in Natal also regarding their residential rights. This, of course, is wrong both as to Natal and the Cape. I, therefore, suggest that, even if Smuts is entirely reasonable, [you] should see the friends or those whom you consider to be friends in [the] Assembly and the Senate, and tell them the substance of what is going on, so that they may be ready, I hope that you will use the wire freely, and let me know what happens daily. Please send me any cuttings you may see, and send directly to Polak or to West at Phoenix anything you may desire for publication.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5248

<sup>1</sup> *Vide* "Telegram to Private Secretary to Minister of Interior", 8-3-1911.

<sup>2</sup> *Vide* enclosure to "Letter to H. S. L. Polak", and footnote 1, 2-3-1911.

*264. TELEGRAM TO L. W. RITCH*

JOHANNESBURG,  
*March 7, 1911*

TO  
RITCH  
CARE ADAM GOOL  
8, KLOOF STREET  
CAPE TOWN

ASSOCIATION REQUESTS AUTHORISES YOU ACT REGARDING IMMIGRATION BILL BEFORE THE UNION PARLIAMENT SO FAR AS THE TRANSVAAL IS CONCERNED. THIS WIRE SHALL BE YOUR AUTHORITY FOR INTERVIEWING MINISTERS, OFFICIALS AND MEMBERS OF PARLIAMENT.

CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

From a photostat of the typewritten office copy: S.N. 5242

*265. TELEGRAM TO PRIVATE SECRETARY TO  
MINISTER OF INTERIOR*

JOHANNESBURG,  
*March 8, 1911*

ASSOCIATION HAS APPOINTED MR. L. W. RITCH, BARRISTER-AT-LAW, SECRETARY, SOUTH AFRICA BRITISH INDIAN COMMITTEE, LONDON, JUST RETURNED INTERVIEW GENERAL SMUTS AND REPRESENT TRANSVAAL INDIAN COMMUNITY REGARDING IMMIGRATION BILL.<sup>1</sup>

CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

From a photostat of the typewritten office copy: S.N. 5257

<sup>1</sup> General Smuts declined to recognize Ritch as representative of the British Indian Association. *Vide* "Telegram to L. W. Ritch", 9-3-1911

266. TELEGRAM TO L. W. RITCH

JOHANNESBURG,  
*March 8, 1911*

DO NOT ASK YOUR OWN EXPENSES. THEY WILL BE FOUND HERE. LET ME KNOW WANTS. CAPE, NATAL SHOULD PAY EXPENSES COUNSEL'S OPINION SUCH OTHER REGARDING THEMSELVES. HOPE YOU WILL SEE SCHREINER WITHOUT DELAY. SEEK INTERVIEW SMUTS REGARDING TRANSVAAL NATAL. YOU SHOULD OFFER PERSONALLY ASSIST CAPE WITHOUT FUNDS. IF THEY DO NOT FIND LATTER YOU CANNOT OBTAIN SCHREINER'S OR OTHER LEGAL OPINION. NO TIME SHOULD BE LOST PLACING YOURSELF TOUCH AUTHORITIES. SMUTS TELEGRAPHED YESTERDAY<sup>1</sup> HE WAS CONFERRING WITH HIS LEGAL ADVISERS REGARDING LEGAL POINTS RAISED BY ME. CACHALIA HAS WIRED SMUTS ABOUT YOUR AUTHORITY.<sup>2</sup>

GANDHI

From a photostat of the typewritten office copy: S.N. 5249

267. TELEGRAM TO EDITOR, "INDIAN OPINION"

JOHANNESBURG,  
*March 8, 1911*

DO NOT PUBLISH CORRESPONDENCE WITH SMUTS.<sup>3</sup>

GANDHI

From a photostat of the typewritten office copy: S.N. 5252

<sup>1</sup> *Vide* "Letter to J. J. Doke", 8-3-1911.

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

<sup>3</sup> Publication of this correspondence was accordingly withheld from the issue of *Indian Opinion*, 11-3-1911; the correspondence was later published in the issue of 18-3-1911

268. TELEGRAM TO EDITOR, "INDIAN OPINION"<sup>1</sup>

JOHANNESBURG,  
*March 8, 1911*

THINK SECTION DOES NOT CANCEL COLONIAL-BORN INDIAN RIGHT  
CAPE NOR DOES IT PROTECT. I IMAGINE SUCH PERSON ENTERING  
CAPE BY SEA WILL BE SUBJECT TO EDUCATION TEST. ASK RITCH  
ASCERTAIN FROM SMUTS THEIR LEGAL POSITION.

GANDHI

From a photostat of the handwritten office copy: S.N. 5253

269. LETTER TO L. W. RITCH

[JOHANNESBURG,]  
*March 8, 1911*

MY DEAR RITCH,

The enclosures will speak for themselves. I hope my telegram<sup>2</sup> was quite clear to you. We have got to work for the Cape and the Natal Indians whether they find funds or not, so far as the personal exertions of the three of us are concerned. The expenses of your stay in Cape Town will be found from the funds here, so that the only funds that the Cape people and the people in Natal have to find are for legal opinion and such other matters. If they do not wish to pay the cost of the wires that you may be sending them, we need not worry about this cost. If they will not find the funds, we shall have to work without Schreiner's opinion, which might be valuable. Anyhow, we know how the land lies and, after all, we have to secure if possible the necessary amendments in order to make the position certain and remove ambiguity. There is no further information to give you today. I am waiting anxiously to know what action you have already taken.

<sup>1</sup> In reply to Polak's telegram dated March 7: "Does section 7 take away right Natal-born Indians going to Cape. . . ." *Vide* "Letter to H.S.L. Polak", 8-3-1911.

<sup>2</sup> *Vide* "Telegram to L.W.Ritch", 8-3-1911.

From Adam's<sup>1</sup> telegram, I gather that you are staying with him.

*Yours sincerely*

From a photostat of the typewritten office copy. S.N. 5254

*270. LETTER TO J. J. DOKE*

[JOHANNESBURG,]

*March 8, 1911*

DEAR MR. DOKE,

The following telegram received from General Smuts throws perhaps a little more light on his mental attitude:

7 March. Your letters of 2nd<sup>2</sup> and 4th<sup>3</sup> March and telegram 4th<sup>4</sup> March all duly received. The legal questions raised by your Counsel are being gone into by Minister with legal advisers.

*Yours sincerely,*

From a photostat of the typewritten office copy: S. N. 5255

*271. LETTER TO H. S. L. POLAK*

[JOHANNESBURG,]

*March 8, 1911*

MY DEAR POLAK,

I have no progress to report today. I have telegraphed to you<sup>5</sup> my opinion regarding your question. The seventh section of the Bill I considered very carefully last evening as also this morning. I was therefore, ready to answer your wire. If it is true that there is to be no education test under the new Bill within the Union—a contention which I do not accept in spite of Gregorowski's opinion—under Section 7 Indians going from the Transvaal to the Cape or Natal will be debarred under the education test of the Immigration Laws now to be repealed, and, if these laws have no potency after the passing of the

<sup>1</sup> Adam Gool; *vide* "Telegram to Adam Gool", 2-3-1911.

<sup>2</sup> *Vide* "Letter to E. F. C. Lane", 2-3-1911 & 4-3-1911.

<sup>3</sup> The source has the date 6th; see, however, "Telegram to Private Secretary to Minister of Interior", 4-3-1911.

<sup>4</sup> *Vide* "Telegram to Editor, *Indian Opinion*", 8-3-1911.

<sup>5</sup> *ibid*

present Bill, and if Gregorowski's contention is correct, the Transvaal Indians will be free to enter the Cape or Natal without let or hindrance, because there is no Asiatic legislation there except for the Chinese. I do not think that the rights of Colonial-born Indians in Natal are protected under the seventh section. If the Immigration Law of the Cape is repealed, Colonial-born Indians who had not already entered the Cape will certainly find themselves debarred from the Cape except under the education test, because they will not have acquired any rights under the Cape Immigration Law; and the right of domicile which is left therefore under the Immigration Bill is not a potential right but a right actually being enjoyed. I do not know whether I have clearly explained the legal position. I am not sending anything at all to West today.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5256

## 272. NATAL PETITION TO UNION ASSEMBLY<sup>1</sup>

DURBAN,  
*March 9, 1911*

TO

THE HON'BLE THE SPEAKER AND THE MEMBERS OF THE HON'BLE  
THE LEGISLATIVE ASSEMBLY OF THE UNION OF SOUTH AFRICA IN  
PARLIAMENT ASSEMBLED  
CAPE TOWN

THE PETITION OF DAWAD MAHOMED, DADA OSMAN AND MAHOMED CASSIM  
ANGLIA, IN THEIR CAPACITIES AS CHAIRMAN AND JOINT HONORARY  
SECRETARIES, RESPECTIVELY, OF THE NATAL INDIAN CONGRESS

HUMBLY SHEWETH THAT

1. At a public meeting of British Indians, held on the 9th day of March, 1911, under the auspices of the Natal Indian Congress, your Petitioners were authorised to petition this Honourable House with respect to the Bill to consolidate and amend the Laws in force in the various Provinces of the Union relating to Restrictions upon

<sup>1</sup> Drafted by Gandhiji. *Vide* "Letter to H. S. L. Polak", 7-3-1911, from which it is clear that the petition was ready on 7-3-1911.

Immigration thereto, to provide for the establishment of an Union Immigration Department and to regulate Immigration into the Union or any Province thereof, now before it.

2. Your Petitioners consider it unfortunate that the blessings of Union are not to be enjoyed by His Majesty's Indian subjects of South Africa, in that their movements are to remain as heretofore under Provincial restriction; but your Petitioners have been authorised by the public meeting aforementioned to state that, in view of the anti-Asiatic prejudice existing in many parts of the Union, those represented by your Petitioners do not desire to raise, for the time being, any objection to the restriction.

3. Your Petitioners have, however, been asked to bring to the notice of this Honourable House the following objections to the said Bill:

- (a) Under the existing immigration laws in force in this Province, the clause dealing with the education test enables an intending immigrant to submit to the test in a European language known to him. The present Bill leaves the selection of the language for purposes of examination in the hands of the immigration officer, thus making it possible for that officer to completely prevent the entry of any person or persons of any class, race, or religion, whether such person or persons be British subjects or not. In the humble opinion of your Petitioners, such a prohibition is unwarranted by previous experience.
- (b) Unlike as in the immigration laws of the Province now under repeal in virtue of Schedule I to the said Bill, the wives and minor children, absent from the Province, of those who are now resident or domiciled in the Province of Natal are not protected.
- (c) The rights of those who are at present residing in the Province of Natal, and those who are temporarily absent but are domiciled in the Province, do not appear to be protected as they are in the Provincial Laws already referred to herein.
- (d) Sub-section (b) of Section 25 of the Bill gives absolute discretion to the Minister as to the granting of permits to lawful residents who may wish to absent themselves temporarily. Hitherto the right to such permits or certificates



of domicile, as they have been called, has remained unquestioned; and, in the humble opinion of your Petitioners, it will be a great injustice to the resident Indian population of the Province of Natal if this right is now taken away.

- (e) The said Bill does not appear to give the party who may be declared a prohibited immigrant by an immigration officer, or who may be prevented from re-entering the Union or this particular Province by such officer, any recourse, as under existing legislation, to the Courts of Law established under the Union.

4. In conclusion, your Petitioners humbly pray that this Honourable House will take into consideration the objections urged herein, and amend the Bill so as to remove those objections, or grant such other relief as to this Honourable House may seem meet. And for this act of justice and mercy, your Petitioners shall, as in duty bound, for ever pray, etc.

(Sd.) DAWAD MAHOMED,  
PRESIDENT, NATAL INDIAN CONGRESS  
(Sd.) DADA OSMAN,  
(Sd.) M. C. ANGLIA,  
JOINT HONORARY SECRETARIES,  
NATAL INDIAN CONGRESS

*Indian Opinion*, 18-3-1911

### 273. TELEGRAM TO L. W. RITCH

JOHANNESBURG,  
*March 9, 1911*

GENERAL SMUTS TELEGRAPHS DECLINING RECOGNISE YOU  
AS REPRESENTATIVE SAYING HE HAS ALWAYS FREELY  
RECEIVED AND COMMUNICATED WITH INDIAN COMMUNITY.  
REPEATING COPY WIRE GENERAL SMUTS TO YOU.<sup>1</sup>

GANDHI

From a photostat of the typewritten office copy: S.N. 5260

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

*274. TELEGRAM TO PRIVATE SECRETARY  
TO MINISTER OF INTERIOR AND L. W. RITCH*

JOHANNESBURG,  
*March 9, 1911*

TO

(1) PRIVATE SECRETARY  
MINISTER INTERIOR

(2) RITCH  
8, KLOOF STREET  
CAPE TOWN

REGARDING YOUR TELEGRAM ASSOCIATION AWARE THAT  
GENERAL SMUTS HAS FREELY RECEIVED COMMUNICATED  
WITH INDIAN COMMUNITY SOUTH AFRICA AND IS  
DEEPLY GRATEFUL FOR IT. REASON FOR APPOINTING  
MR. RITCH AS DEPUTY IS ONLY BECAUSE HE IS AT  
CAPETOWN AND REPRESENTATIVES TRANSVAAL INDIANS ATPRESENT SITUATED  
FAR AWAY. MR. RITCH IS HIMSELF  
SOUTH AFRICAN OF OVER TWENTY YEARS STANDING  
ENJOYS CONFIDENCE INDIAN COMMUNITY AND HAS BEEN  
REQUESTED IN ORDER SAVE TIME PERSONALLY TO RE-  
PRESENT ASSOCIATION NOT WITH A VIEW TO HINDER  
PROGRESS BILL BUT SO FAR AS ASSOCIATION CAN  
HELP GOVERNMENT. WOULD FURTHER ADD THAT  
MR. RITCH HAS NOT BEEN SPECIALLY SENT FOR FROM  
LONDON BUT AS HIS RETURN TO SOUTH AFRICA  
SYNCHRONISES WITH APPEARANCE OF BILL HE HAS  
BEEN REQUESTED STOP CAPETOWN DURING ITS PROGRESS.  
ASSOCIATION THEREFORE RESPECTFULLY TRUSTS GENERAL  
SMUTS WILL RECONSIDER HIS DECISION AND RECEIVE  
MR. RITCH

BRITISH INDIAN ASSOCIATION

From a photostat of the typewritten office copy: S.N. 5261

275. LETTER TO L. W. RITCH

[JOHANNESBURG,]

March 9, 1911

MY DEAR RITCH,

I have your telegram<sup>1</sup> which fills me with hope. Hajee Suliman Shah Mahomed, the father of the young man whom, you will remember, we met in London, and who belongs to Taunto School, writes to me saying that he will render all the help he can. I hope that you have been receiving all my wires and letters regularly. I am redirecting three letters received for you today from England.

*Yours sincerely,*

[PS.]

Herewith copies of telegrams<sup>2</sup> just dispatched.

Evidently Oom<sup>3</sup> Jan [Smuts]<sup>4</sup> fears Bogyman Ritch.

From a photostat of the typewritten office copy: S.N. 5263

276. LETTER TO H. S. L. POLAK

March 9, 1911

MY DEAR POLAK,

I have just received a telegram from Ritch saying that the Cape community are united at last.<sup>5</sup> God be thanked for it. It is a surprise to me that they are united at last, and that those who have been hitherto simply in the habit of using butter will now be using harder substances.

Will you please remind Mr. Omar that I want the Church Street property lease? I have used Kallenbach's lease for getting the loan from Pretoria. At that time there was a great deal of hurry about it. Mr. Dada Osman continued to send telegrams after telegrams, and I did not wait to hear where the original lease that Mr. Omar possesses

<sup>1</sup> Which read: "Cape community united at last moving"

<sup>2</sup> *Vide* the two preceding items.

<sup>3</sup> Uncle

<sup>4</sup> The paper here is damaged.

<sup>5</sup> *Vide* footnote 1 to the preceding item.

was. Now the bond-holders are keeping Kallenbach's lease. We must, therefore, give his bond-holders our original. Please, therefore, find out who has it, whether Mr. Omar or anybody else. I had a chat with the Solicitors for the Norwich Union Co., who hold the bond over the lease. I will be in town on Saturday also, though I shall attempt to get away by the 1.15 train, but it will all depend upon what I hear from you and Ritch.

Your letters have been redirected to Phoenix. I enclose herewith letter<sup>1</sup> from Buenos Aires. I do not know the writer at all. We do not want to publish the whole of the letter, and, as far as I am concerned, I do not mind if you keep it out entirely, but if you think that there is anything in it, you may give an extract. I am not at all enamoured with the idea of Indians [mi]grating to the Argentine.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5264

### 277. LETTER TO MAGANLAL GANDHI

*Phagan Shud 9 [March 9, 1911]<sup>2</sup>*

CHI. MAGANLAL,

From the serious attention you are giving to the study of Tamil, I feel certain that you will some day master it.

I send one issue of *Saraswati*<sup>3</sup> and Thoreau's biography today. I have gone through the biographical sketch of Ramdasji<sup>4</sup> in the first issue today. It is very well written. Are you sure that you have sent me the second issue? Please look up there and send it to me if it is there. I do not find it here with me. Ask Purshottamdas if he has seen it. Thoreau's biography is worth going through. Read it when you have the time. Mr. West will see it when it is entered in the library. You may, however, draw his attention to it.

It appears that the struggle will definitely come to an end. There is, however, little likelihood of my staying there. No one is likely to

<sup>1</sup> Not reproduced in *Indian Opinion*

<sup>2</sup> This letter must have been written before Chhaganlal Gandhi's arrival in South Africa in July 1911.

<sup>3</sup> A Hindi magazine published from Allahabad

<sup>4</sup> Saint Ramdas of Maharashtra was a source of inspiration and strength for the rise of the Maratha power in the seventeenth century.

stay [here at the Tolstoy Farm] after the struggle ends. Mr. Kallenbach has perhaps spent £600 on buildings alone. I see that the whole burden will fall on him. To prevent this, I propose to stay on at the Farm and make good as much of the loss as possible by means of physical labour. How can I leave Mr. Kallenbach immediately after the struggle is over? At the same time it is necessary for me to go there (Phoenix) but I do not see how it will be possible. My struggle will not be over even when our satyagraha struggle ends. It is as it should be. That I shall have to stay on at Mr. Kallenbach's Farm is something not expected. I shall get plenty of experience even from that; and who knows, it may be for my good.

As soon as the struggle is over, Mr. Polak will have to be sent to England. He will take about six months to return. I want him to return *via* India. It will be very good if Chhaganlal returns before Mr. Polak leaves. I think in all probability he will.

I wish you to win over Harilal Thaker.

Please watch Manilal. Does he or can he put in any study?

How is Santok's health?

I give you a piece of information now which I have withheld. so far. Ba became nervous when she had a sudden attack of acute pain. I was busy and could not go to see her a second time. She must have got angry and when I went to her she burst into tears and made it appear as if she would die. I felt somewhat awkward, but immediately recovered myself and said to her with a smile, "Nothing to worry about if you die. There is plenty of wood. We shall cremate you on this Farm itself." At this she also laughed. Half the pain disappeared with the laugh. Then I decided that very strong remedies were called for. Earth alone would not do. So I suggested to her that she should give up vegetables and salt altogether. She should live on wheat and fruits only. She might take, if she wanted, saltless rice with ghee. She said, "Even you cannot do it." I said, "From today I give up salt, vegetables, etc." How could she take these things then? The result is that for the last one month both of us have been taking food without salt, vegetables and pulses. As for myself, I have no desire for other food. Ba has it sometimes. Once when she could not restrain herself, she took a little *gavar*. Otherwise it appears she has lived on this diet. There was a miraculous change for the better. The bleeding stopped immediately. I got the incidental benefit of extra self-control. This is my argument [as regards the eschewing of salt]: Salt is a powerful

chemical. Even a little when added to something changes its quality and taste. Its effect must be to thin the blood. So far as I can think, salt is bound to have an instant effect on the sick—and mostly adverse at that. When I first read the writings of Mrs. Wallace and others [on the subject], they had little effect on me. On this occasion I felt all the time that it would be fine if the doctor could be kept away. Thereupon, it occurred to me to note the effect of saltless diet. Even though Ba may continue her [saltless diet] throughout this month, she won't keep it up beyond that. I think of carrying on the experiment as long as possible.

*Blessings from*  
MOHANDAS

[PS.]

Please share this with Purushottamdas.

From the Gujarati original in Gandhiji's hand: C.W. 5079 Courtesy:  
Radhabehn Choudhri

## 278. TRANSVAAL PETITION TO UNION ASSEMBLY<sup>1</sup>

JOHANNESBURG,  
*March 10, 1911*

TO

THE HON'BLE THE SPEAKER AND THE MEMBERS OF

THE LEGISLATIVE ASSEMBLY OF THE UNION OF SOUTH AFRICA  
CAPE TOWN

THE PETITION OF AHMED MAHOMED CACHALIA, IN HIS CAPACITY AS  
CHAIRMAN OF THE BRITISH INDIAN ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT

1. The Members of the Association have read the Bill published in *Government Gazette Extraordinary* dated the 25th February, to consolidate and amend the Laws in force in the various Provinces of the Union relating to restrictions upon immigration thereto, to provide for the establishment of an Union Immigration Department and to regulate Immigration into the Union of any Province thereof.

<sup>1</sup> A copy of this was sent to Ritch; *vide* "Letter to L. W. Ritch", 10-3-1911.

2. In the humble opinion of the Petitioning Association the restriction of the residential rights of British Indians at present residing in the various Provinces of South Africa to the provincial limits laid down in the Bill is inconsistent with the Union of the Provinces and unjust to the British Indians of South Africa. But, in view of the prejudice that exists in South Africa against the community represented by the Petitioning Association, it has been decided for the time being to acquiesce in the restriction above referred to. But the Petitioning Association ventures to submit to this Honourable House that the said Bill is ambiguous in several essential particulars which very materially affect the interests of British Indians residing in the Transvaal, which particulars are as under:
  - (a) The Bill, according to its present wording, does not permit of the residence in the Transvaal of educated Indians who might pass the education test required under Section 4 of the said Bill, by reason of the existence of the Asiatic Registration Act No. 36 of 1908. The Association has been legally advised that, in the absence of any special mention in the Bill, such Asiatics will be subject to the provisions of the said Asiatic Registration Act, and will, therefore, be unable to enter the Transvaal, or, if they are allowed to do so, they will be obliged to be registered thereunder. The Petitioning Association respectfully submits that British Indians who may pass the education test will be sufficiently identified by reason of such examination, and that, therefore, the Bill may be so amended as to leave no uncertainty as to the right of educated Asiatics passing the education test of entering and remaining in the Transvaal and other Provinces of the Union without being subject to the Registration Laws or such other Laws of the different Provinces.
  - (b) The Petitioning Association respectfully draws the attention of this Honourable House to the fact that there seems to be no provision in the said Bill protecting the wives and minor children of registered Asiatics, which protection has been hitherto enjoyed by them owing to the existence of Act 15 of 1907, Transvaal, together with the Registration Act. Act 15 of 1907 of the Transvaal is to be repealed by the said Bill.

3. In conclusion, the Petitioning Association prays that this Honourable House will take into consideration the submission made herein, and amend the Bill in the desired direction, or grant such other relief as to this Honourable House may seem meet. And for this act of justice and mercy, your Petitioner shall, as in duty bound, for ever pray.

CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

From a photostat of the typewritten office copy: S.N. 5273, also reproduced in part in *Indian Opinion*, 18-3-1911

### 279. LETTER TO BUDREA

March 10, 1911

MY DEAR BUDREA<sup>1</sup>,

I have done nothing about Shankersing. The number will be found in the *Union Gazette*. You will get all the information from Mr. Polak or anybody connected with *Indian Opinion*. I think that you will be able soon to return to Johannesburg, but for the present you ought not to think of it. The struggle is not yet closed.

*Yours sincerely,*

From the typewritten office copy: S.N. 5266

### 280. LETTER TO PRIVATE SECRETARY TO MINISTER OF INTERIOR<sup>2</sup>

[JOHANNESBURG,]

March 10, 1911

SIR,

I have the honour to acknowledge the receipt of your telegram in reply to mine of the 9th instant<sup>3</sup>, informing my Association that

<sup>1</sup> A client who had given a general power of attorney to Gandhiji

<sup>2</sup> This letter, presumably drafted by Gandhiji, was sent by the Chairman, British Indian Association, and reproduced in *Indian Opinion*, 18-3-1911, as a part of the Gandhi-Smuts correspondence.

<sup>3</sup> *Vide* "Telegram to Private Secretary to Minister of Interior and L. W. Ritch", 9-3-1911



General Smuts is not prepared to depart from his decision not to recognize Mr. Ritch, as he feels that there is no necessity to bring into the matter at this stage one who is an entire stranger to him, and that the leaders of the Indian community may rely that their representations already received from Mr. Gandhi and any further suggestions that they may put forward will receive the fullest consideration of the Government, and that it is entirely unnecessary for anybody to come to Cape Town to emphasise the points put forward. My Association is grateful for the assurance contained in the telegram, and, in accordance with General Smuts' desire, no representative will be sent from Johannesburg.

It is but right for my Association to state that Mr. Ritch having been intimately connected with the controversy for a long time, having made an exhaustive study of the subject, and having lived in Johannesburg for many years, is a gentleman pre-eminently qualified to make representations to the Government. He enjoys the fullest confidence of the community, and it was felt that much might be done towards ending the struggle by personal interviews. Hence it was that Mr. Ritch was deputed to wait upon General Smuts if necessary. My Association trusts that the Bill will be so amended that it will be found in the end that the deputing of Mr. Ritch was unnecessary.

My Association has read the correspondence between General Smuts and Mr. Gandhi; and I am desired to endorse Mr. Gandhi's submission<sup>1</sup> to General Smuts, namely, that passive resistance will end on the Bill being amended during the Committee stage so as to exempt educated Asiatics who may be admitted under the immigration test from the operation of the registration laws in the different provinces, especially Act 36 of 1908 of the Transvaal, and unequivocally to provide for the protection of the wives and minor children of Asiatics registered or entitled to be registered in the Transvaal or to remain in this Province by reason of the education test, whether such wives and minors are within the Transvaal or without.

My Association trusts that, if the struggle, which has been so prolonged, happily ends, those who are now undergoing imprisonment as passive resisters will be discharged, and that those

<sup>1</sup> *Vide* "Letter to E. F. C. Lane", 4-3-1911.

who have suffered for conscience sake will not be penalised, but that the rights which they would have under Act 36 of 1908 will be respected.

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

From a photostat of the type written office copy: S.N. 5267

*281. LETTER TO H. S. L. POLAK*

[JOHANNESBURG,]  
*Match 10, 1911*

MY DEAR POLAK,

I do not think that there need be any worry about police officer. If the Regulations provide for Kaffir Police, we can fight the Regulations. Even in attacking the details of the Bill, I think we should be very careful not to trouble ourselves with what may be remedied by Regulation. Yes, your reading of the second Section is, in my opinion, correct, but Gregorowski thinks that the seventh Section overrides that construction, and he may be right. You are quite right, the Transvaal right cannot be taken away because of registration, but the Natal right of domicile—a highly legal term—may be annulled by transference. But I quite agree with you that it is not a question to be raised just now. Your letter<sup>1</sup> to the *Natal Witness* I consider magnificent. I do not think the Government of India ever gave thought to the many things you mention in your letter, but it is intrinsically so good and convincing that it should be reproduced in the columns of *Indian Opinion*. I, therefore, return it to you, in case you have not a copy.

*Sincerely yours,*

From a photostat of the typewritten office copy: S.N. 5271

<sup>1</sup> The letter was reproduced in *Indian Opinion*, 18-3-1911.

## 282. LETTER TO L. W. RITCH

[ JOHANNESBURG,]

March 10, 1911

MY DEAR RITCH,

I enclose herewith petition<sup>1</sup> to be presented to Parliament and copy of the letter<sup>2</sup> addressed to General Smuts. The petition, if you think that it should be presented—and I think it should be unless there is any special reason to the contrary—might be presented by Sir Percy Fitzpatrick, Farrar, Drummond Chaplin or Emile Nathan, and, if none of these Transvaal Members will accept it for representation, which I can hardly conceive, it might be handed through Theo. Schreiner or Alexander or whoever else you may think proper.<sup>3</sup> I hope that you will send full telegrams as to what happens at the second reading as also during the Committee stage. I assume that you will attend the House at the time of the second reading of the Bill. There is nothing else.

*Yours sincerely,*

[Enclosure]<sup>4</sup>

From a photostat of the typewritten office copy: S.N. 5272

## 283. TELEGRAM TO L. W. RITCH

[JOHANNESBURG,]

March 10, 1911

SMUTS TELEGRAPHS<sup>55</sup> HE DOES NOT WISH AT THIS STAGE  
SEE YOU ENTIRE STRANGER BUT REPRESENTATIONS ARE  
RECEIVING CAREFUL CONSIDERATION. FURTHER REPRESENTA-  
TIONS WILL BE TREATED LIKEWISE AND ADDS NOBODY SHOULD  
COME FROM HERE EITHER. THEREFORE NO USE MY COMING.  
SUGGEST YOUR SEEING EVERY MEMBER YOU CAN. MAKE  
REPRESENTATIONS ON BEHALF PEOPLE THERE THEIR

<sup>1</sup> *Vide* "Transvaal Petition to Union Assembly", 10-3-1911.

<sup>2</sup> *Vide* "Letter to Private Secretary to Minister of Interior", 10-3-1911.

<sup>3</sup> The petition was presented on March 15 by Patrick Duncan.

<sup>4</sup> *ibid*

<sup>5</sup> *Ibid*

CHAIRMAN      SIGNING      THEM.      HAVE      YOU      SEEN      ANYONE  
YET.

GANDHI

From a photostat of the typewritten office copy: S.N. 5274

#### 284. *RITCH'S ARRIVAL*

Mr. Ritch has returned from England, and has immediately plunged into work. His arrival at this juncture is quite timely. Such a man is needed at present not so much in England as here. His work in England can be attended to by Miss Polak.

The community owes it to Mr. Ritch to give him all help and encouragement. He will start practice shortly. If the community helps him, he will earn enough for a living. Everybody should remember that Mr. Ritch is a poor man.

[From Gujarati]

*Indian Opinion*, 11-3-1911

#### 285. *TELEGRAM TO MEMBERS OF PARLIAMENT*<sup>1</sup>

[JOHANNESBURG,]

*March 11, 1911*

MY ASSOCIATION VENTURES DRAW YOUR ATTENTION IMMI-  
GRATION BILL TO BE READ SECOND TIME MONDAY<sup>2</sup>. AC-  
CORDING LEGAL ADVICE RECEIVED BY ASSOCIATION BILL  
DOES NOT EXEMPT EDUCATED ASIATICS WHO MAY PASS  
EDUCATION TEST PROM OPERATION ASIATIC REGISTRATION  
ACTS AND IT DOES NOT PROTECT MINOR CHILDREN WIVES  
REGISTERED ASIATICS OR ASIATICS WHO MAY ENTER UNDER  
EDUCATION TEST. TRUST BILL WILL BE SO AMENDED AS TO  
COVER OBJECTIONS WHEN IT WILL HAPPILY END PAINFUL  
STRUGGLE WHICH HAS MEANT OVER THREE THOUSAND  
IMPRISONMENTS AND CAUSED RUIN MANY ASIATIC HOMES.  
ASSOCIATION OFFERS NO COMMENT ON BEARING BILL

<sup>1</sup> This telegram was sent to Members of Parliament at Cape Town and also to Ritch. *Vide* the following item.

<sup>2</sup> March 13, 1911

NATAL CAPE POSITION.

CACHALIA  
CHAIRMAN  
BRITISH INDIAN ASSOCIATION

From a photostat of the typewritten office copy: S.N. 5276; also  
*Indian Opinion*, 18-3-1911

*286. TELEGRAM TO L. W. RITCH*

[JOHANNESBURG,]  
*March 11, 1911*

HAVE SENT WIRES<sup>1</sup> FOLLOWING QUINN, WYNDHAM, T.  
SCHREINER, JAGGER, W. SCHREINER, CHAPLIN, DUNCAN,  
FITZPATRICK, FARRAR, NATHAN, ALEXANDER.

GANDHI

From a photostat of the typewritten office copy: S.N. 5275

*287. TELEGRAM TO NAIDOO*

[JOHANNESBURG,]  
*March 11, 1911*

FOLLOW MR. RITCH'S ADVICE MEETING. YOU SHOULD  
PROTEST AGAINST IMMIGRATION BILL REGARDING SEVERITY  
EDUCATION TEST, UNCERTAINTY RIGHTS OF DOMICILE AND  
RIGHT OF WIVES AND CHILDREN, DISCRETIONARY POWER  
BEING GIVEN AS TO ISSUE OF CERTIFICATES DOMICILE.  
AUTHORISE MR. RITCH REPRESENT YOU. LOSE NO TIME.

BIAS

From a photostat of the handwritten office copy: S.N. 5278

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

*288. CABLE TO NATESAN, GOKHALE AND  
S.A.B.I. COMMITTEE*

[JOHANNESBURG,]

*March 11, 1911*

1. NATESAN, MADRAS
2. GOKHALE, CALCUTTA
3. DEPURITION<sup>1</sup>, LONDON

PRINCIPLE NEW BILL SATISFACTORY BECAUSE IT RECOGNISES LEGAL EQUALITY. IT WILL END PASSIVE RESISTANCE IF IS AMENDED TO EXEMPT EDUCATED INDIANS FROM OPERATION REGISTRATION ACT AND TO PROTECT MINOR CHILDREN WIVES OF LAWFUL RESIDENTS WHETHER FORMER AT PRESENT OUTSIDE TRANSVAAL OR INSIDE. ITS EFFECT NATAL AND CAPE ADVERSE, CURTAILS RIGHTS OF LAWFUL RESIDENTS, DEPRIVES THEM RIGHT BRING WIVES MINOR CHILDREN. WHILE NO OBJECTION TO SEVERE EDUCATION TEST FOR TRANSVAAL, CAPE NATAL INDIANS LEGITIMATELY OBJECT SEVERE TEST BEING APPLIED THERE. ITS EFFECT IS SECURE VIRTUAL EXCLUSION ASIATICS. CAPE NATAL MUCH AGGRIEVED. SUCH EXCLUSION PREVENTS MERCHANTS BRINGING CLERKS ASSISTANTS WHO HITHERTO CAME UNDER EDUCATION TEST. REPRESENTATIONS HAVE BEEN MADE GOVERNMENT UNION PARLIAMENT ABOUT EVERYTHING. PROBABLE NECESSARY AMENDMENTS WILL BE MADE. GENERAL SMUTS STATES IMPERIAL GOVERNMENT ALREADY ACCEPTED BILL PRESENT FORM. IF PRINCIPLE OF BILL ONLY ACCEPTED NO HARM DONE. IMPERIAL INDIAN GOVERNMENTS CANNOT ACCEPT BILL IN DETAIL AND NOT DO INJUSTICE IF THEY DO NOT FIRST SEE INDIAN OBJECTIONS SECOND READING MONDAY. SUGGEST FOR PRESENT MAKING REPRESENTATIONS AUTHORITIES URGING CONSIDERATION OUR OBJECTIONS BEFORE BILL BECOMES LAW.

From a photostat of the typewritten draft with corrections in Gandhiji's hand:  
S.N. 5279

<sup>1</sup> This was the telegraphic address of the Transvaal Indian Deputation consisting of Gandhiji and H. O. Ally during their stay in London in 1906. It is presumed that this address continued to be used by the South Africa British Indian Committee, London. *Vide* "A Retrospect", 29-12-1906 and "Letter to Maud Polak", 13-3-1911.

## 289. LETTER TO L. W. RITCH

[JOHANNESBURG,]

*March 11, 1911*

MY DEAR RITCH,

I have your telegram, as also your letter. You will have received copy of the telegram<sup>1</sup> sent to certain Members. I could not quite understand your meaning, but I interpreted your wire to mean that wires should be sent on behalf of the Association, giving the views on the Bill to the Transvaal Members who have at all interested themselves in the matter. You will see among the names three<sup>2</sup> which are not Transvaal. I thought that these three Members were specially entitled to the wire. The views are also represented in the Petition<sup>3</sup>, which I hope you will circulate to the Press also. There is a wire from Cape Town in the *Daily Mail* to the effect that General Smuts has placed on the Table printed correspondence between the Imperial Government and the Union Government regarding the Bill. I hope you will be able to get a copy of it and send it.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5280

## 290. LETTER TO MAUD POLAK

[JOHANNESBURG,]

*March 13, 1911*

MY DEAR MAUD,

A long cable<sup>4</sup> was sent to you on Saturday. I hope that you thoroughly understood it. The cable was not sent without a great deal of hesitation. The Bill having been published, I am rather sanguine of the necessary amendments being made. Yet, in order that it might not become law immediately after it is read a third time in Parliament, I sent the cable, so that you could consult Lord Amphill and Sir Muncherjee, and at least warn the Imperial Government. Similar

<sup>1</sup> *Vide* "Telegram to Members of Parliament", 11-3-1911.

<sup>2</sup> Alexander, T. L. Schreiner, and W. P. Schreiner

<sup>3</sup> *Vide* "Transvaal Petition to Union Assembly", 10-3-1911.

<sup>4</sup> *Vide* "Cable to Natesan, Gokhale and S.A.B.I. Committee", 11-3-1911.

cables<sup>1</sup> have been sent to Bombay and Madras.

I suppose you know the procedure with reference to a Bill. It is formally read a first time; a full debate takes place on the second reading, and, unless there is opposition to the principle of the Bill, the second reading is carried. Then it is read in Committee, at which stage amendments are made. Then comes the third reading. After that it goes to the Senate, and, if the Senate approves of it, it is submitted to the Governor-General for the Royal Assent. If the Bill does not contain a reservatory clause, it becomes the law of the land immediately. The reservatory clause is inserted when there is any racial differentiation. As there is none in this Bill, there is no reservatory clause at all. It may, therefore, come into force immediately, unless the Governor-General is advised by the Imperial Government not to give his sanction without first submitting the Bill to them. The last recourse left open to objectors is to secure a veto, even though the Bill may come into operation, because a clause in the Royal instructions provides that any Bill, although it may have the force of law, may be vetoed within two years of its promulgation by the King-in-Council.

I expect that the Bill will have been passed through the Lower House by the time this letter reaches you, but it may not have gone to the Senate, or at least it may not have received the Governor-General's sanction. You will have further cables as to the progress of the Bill. I am anxious to make the following position quite clear to you. Passive Resistance has been continued for securing repeal of Act 2 of 1907, and to secure legal equality as to the immigration of highly-educated Asiatics. In the cablegram, however, you have been told that, if the Bill does not protect minors and the wives of lawful residents, it may not end passive resistance. It might be said that this is a new point raised by us. I hope, however, that any such misconception you will be able to remove. Wives and minor children are under the existing legislation fully protected—you will notice that from Mr. Gregorowski's opinion<sup>2</sup>—but the new Bill seeks to deprive us of that right, and passive resisters can hardly be expected to bargain away the rights of parents, specially such inherent rights as those of taking their wives

<sup>1</sup> *Vide* "Cable to Natesan, Gokhale and S.A.B.I. Committee", 11-3-1911.

<sup>2</sup> Available in part; *vide* "Letter to E. F. C. Lane", 4-3-1911.



and children with them, against a grant of legal equality. I do not think that there will be any difficulty about getting the necessary amendment carried here, but, supposing that the difficulty does arise and General Smuts again talks of new points being raised by me, you will know how to deal with it. It is General Smuts who is raising a new point, if he is raising it at all. I give him the credit of not raising any contentious issues, by supposing that the matter has only been overlooked by his draughtsmen, and that he will rectify the difficulty at the Committee stage. As to the Cape and Natal, whether the position there is ameliorated or not, the present passive resistance will stop, if the Bill is amended, so far as the Transvaal is concerned, in the manner suggested by me. You will carefully go through the Petition<sup>1</sup> to the House of Parliament here, and all the other documents. I am asking<sup>2</sup> Mr. Ritch to write to you from Cape Town, so that the information I am giving you will be brought up to date by Mr. Ritch.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5281

### 291. LETTER TO L. W. RITCH

[JOHANNESBURG,]  
*March 13, 1911*

MY DEAR RITCH,

I have your letter. I suppose the handwriting is Harold's<sup>3</sup>. I congratulate him and you also. He is copying your style. Are you at the Hotel whose paper you have used? I hope that you have been receiving my letters daily and regularly. I quite agree with you that we should not accept dictation from Smuts as to who should be the representative, and I am glad that he has sent the telegram saying no one should proceed from here either.<sup>4</sup> Your letter to the *Cape Argus* is none too strong. I hope that Schreiner will assist materially in this matter. I expect much from the Cape Press. They should put up a strong fight on behalf of the Cape Indians. From the *Cape Argus*

<sup>1</sup> *Vide* "Transvaal Petition to Union Assembly" 10-3-1911.

<sup>2</sup> *Vide* "Letter to L. W. Ritch", 18-3-1911.

<sup>3</sup> Rich's son

<sup>4</sup> *Vide* "Letter to Private Secretary to Minister of Interior", 10-3-1911.

leader, it would appear that the Bill will undergo considerable modifications, as it ought to, in the shape of curtailing the discretionary powers of the Administration. I am sending you cheque for £10, which you should have no difficulty in getting cashed by Silberbauer, if nowhere else. I enclose herewith copy of Laughton's opinion<sup>1</sup>. You have got my deductions.<sup>2</sup>

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5282

292. *LETTER TO H. S. L. POLAK*

[JOHANNESBURG,]

*March 13, 1911*

MY DEAR POLAK,

Whether you send money from your side to Ritch or not, I have sent £10 from here. I enclose herewith cuttings received from Ritch, thinking you may not have seen them or some of them. The Colonial-born Indians' attitude I can understand. It is largely due to their ignorance which in its turn owes its existence to their indifference and laziness. They have not followed the struggle, and they will not study the laws affecting Indians. You can see the grossest ignorance betrayed in the *African Chronicle* leading article, which I undertook to read after your warning. It is not only ignorant, but it is mischievous. The writer has not even taken the trouble of reading the Law, and quotes words as belonging to a Section which do not occur in it. However, we can only disabuse their minds of misunderstandings to the best of our ability. What I think you may safely promise, and what I think we may have to do, is that, immediately the matter is settled and the Bill is on the Statute Book, we will have to present our Bill of Rights throughout the Union, and work away for it, leaving me out of account,<sup>3</sup> of which a little later.

You will not forget the reminder for Mr. Omar.<sup>4</sup> It is necessary to have the lease as early as possible. I have not written any leading matter yet in connection with the Bill. I do not want to write anything

<sup>1</sup> Not available

<sup>2</sup> *Vide* "Letter to R. Gregorowski", 2-3-1911.

<sup>3</sup> Perhaps because Gandhiji was thinking of leaving South Africa to settle in India immediately after the Bill became law.

<sup>4</sup> *Vide* "Letter to H. S. L. Polak", 9-3-1911.

until I have seen the Debate on the Second Reading.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5283

*293. LETTER TO L. W. RITCH*

[JOHANNESBURG,]

*March 14, 1911*

MY DEAR RITCH,

The Debate<sup>1</sup> seems to have gone not badly. Your coaching of Alexander<sup>2</sup> proved very effective. Let us hope that we shall have the necessary amendments. I thought I would have a telegram giving your own impression of the Debate. The report received here is by no means exhaustive. I hope that the petitions<sup>3</sup> were presented yesterday<sup>4</sup>. Have I asked you to get from Silberbauer Team's certificate and all the other certificates that were sent to him in connection with the cases of the deportees? If not, please get them. I am publishing the correspondence<sup>5</sup>, as also a leader regarding yourself.<sup>6</sup> If you think that this is inadvisable, please telegraph Phoenix directly. This will be in your hands early on Friday morning, and if your telegram goes before 10 o'clock to Phoenix, the matter can be kept out. But I think that it should go in. We will have, in the event of the amendments not being made, to go further, and use the incident against General Smuts.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5285

<sup>1</sup> On the second reading of the Bill, which began on 13-3-1911

<sup>2</sup> After Smuts' speech on the second reading of the Bill, Advocate Alexander fervently spoke in favour of the Asiatic demands. Gandhiji himself had sent a telegram to Alexander; *vide* "Telegram to Members of Parliament", 11-3-1911.

<sup>3</sup> *Vide* "Natal Petition to Union Assembly", 9-3-1911 and "Transvaal Petition to Union Assembly", 10-3-1911.

<sup>4</sup> According to a Reuter telegram published in the Gujarati Section of *Indian Opinion*, 18-3-1911, the petitions of the Cape, Natal and Transvaal Indians were presented to Parliament on 15-3-1911.

<sup>5</sup> Between Gandhiji and the Minister of Interior; *vide* *Indian Opinion*, 18-3-1911.

<sup>6</sup> *Vide* "Little-mindedness", *Indian Opinion*, 18-3-1911.

294. LETTER TO “RAND DAILY MAIL”<sup>1</sup>

JOHANNESBURG,  
March 15, 1911<sup>2</sup>

SIR,

There is only one thing in your leading article of today's date on which you will, perhaps, permit me to say a few words. So far as I can voice my countrymen's aspirations, there is no question now, and there was none before, of quietly accepting the existing position governing British Indians in the different Provinces. All that the present Bill can do, so far as the Transvaal is concerned, is to stop passive resistance, and that, too, if it is amended so as to make it clear that the rights at present enjoyed by the minor children and wives of domiciled Asiatics, whether they be at present inside the Transvaal or outside the Province, are not to be taken away by it, and that those few highly educated Asiatics who will enter under the education test will be able to reside in any part of the Union without being subject to Provincial registration laws. Apart from passive resistance, Indians have never ceased, nor have, for that matter, the Imperial and Indian Governments, to press for repeal of legislation which prohibits their holding landed property, interferes with their freedom of movement, etc. I am quite sure that the Cape and the Natal Indians will certainly never submit to legislation restrictive of the rights at present enjoyed by them, without making a desperate effort to avoid such a calamity. In an age which we fondly believe is an age of progress, there can be no such thing as finality, and my countrymen would be less than human, if they did not make a serious endeavour to deserve, at the hands of the European residents in the Union, better treatment than they have hitherto received. The education test in the present Bill is not a fraud, unless you are prepared to give that name to the whole of the British Constitution. The adoption by General Smuts of the policy enunciated by Lord Crewe is a recognition by him of the idea of equality. The administration of the measure will be undoubtedly

<sup>1</sup> This was reproduced in *Indian Opinion*, 25-3-1911, along with an extract from the leading article.

<sup>2</sup> The source bears the date March 16. But *vide* “Letter to L. W. Ritch”, 15-3-1911

unequal. There is no secret about it. Administrative inequality will be a concession to the prevalent prejudice in South Africa and to human weakness. Self-respecting Asiatics are bound to make an honest attempt to remove the prejudice, first, by removing the causes that have led to the rise of any such prejudice and, secondly, by showing that largely it is based on ignorance.

*I am, etc.,*

From a photostat of the typewritten office copy: S. N. 5303

### 295. TELEGRAM TO L. W. RITCH

JOHANNESBURG,  
*March 15, 1911*

WIRE YOUR IMPRESSION DEBATE WHEN COMMITTEE STAGE.

M. K. GANDHI

From a photostat of the handwritten office copy: S.N. 5292

### 296. LETTER TO L. W. RITCH

[JOHANNESBURG,]  
*March 15, 1911*

MY DEAR RITCH,

There has been no letter from you since Monday, and no telegram. I take it that you have been too busy lobbying. I enclose herewith my reply<sup>1</sup> to a leading article appearing in today's issue of the *Mail*. The article itself I shall send you tomorrow. I thought it was necessary to deal with it. I felt like doing it when the *Mail* first wrote in the same strain, but Sorabjee was very nervous about it, and so I thought I would yield. I trust that you will send me, from time to time, wires as to any amendments that may be moved, and their progress. We cannot tolerate any uncertainty regarding the wives and minor children. If you have not already sent me copy of the correspondence between the Imperial and the Union Governments, please do so now. I had expected a copy today from you.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5290

<sup>1</sup> *Vide* "Letter to *Rand Daily Mail*", 15-3-1911

297. LETTER TO H. S. L. POLAK

[JOHANNESBURG,]  
March 15, 1911

MY DEAR POLAK,

The *Rand Daily Mail* article referred to in the letter to Ritch<sup>1</sup> has been sent to West, and also the cartoon<sup>2</sup>. Up to the time of writing there is no wire from Cape Town. I hope our friends there will have collected a fair sum by the time this reaches you. The first thing necessary even for passive resistance in its initial stages will be funds.

*Yours sincerely,*

From a photostat of the handwritten office copy: S.N. 5292b

298. LETTER TO "PRETORIA NEWS"

JOHANNESBURG,  
March 16, 1911

SIR,

Certain inaccuracies in the interview with me which you have published have led, I see, to a great deal of misunderstanding in Natal, and the interview is being used much to the detriment of the cause I have at heart. Inaccuracies are inevitable in an interview, unless it is revised by the interviewed, especially when such an interview takes place, as this one did, over the telephone. I hope, therefore, that you will permit me to remove through your columns the misunderstanding created by the interview in question.

This is my position: If the new Bill admits Asiatics who pass the education test into the Union without their being subject to Asiatic Registration Laws, and if it does not take away, as it is apprehended its present wording does, the rights of wives and minor children of those registered or entitled to be registered to enter the Transvaal, passive resistance must cease; and to that extent I consider the Bill to be satisfactory. However intensely I may dislike the provisions of the Bill regarding the Asiatics at the Cape and in Natal, passive resistance

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

<sup>2</sup> Not available

cannot be continued by the Transvaal Asiatics in respect of the disabilities proposed to be imposed upon my countrymen in these two Provinces. So that my satisfaction with the Bill can only relate to the Transvaal and to the passive resistance campaign.

The number of Indians at present serving indentures is not 15,000 but nearly 23,000.

*I am, etc.,*

From a photostat of the typewritten office copy: S.N. 5301

### *299. TELEGRAM TO H. S. L. POLAK*

[JOHANNESBURG,]  
*March 16, 1911*

TO  
POLAK  
CARE RUSTOMJEE  
DURBAN

RITCH WIRES PETITIONS PRESENTED BY DUNCAN<sup>1</sup> HUNTER<sup>2</sup>  
JAGGER<sup>3</sup> RESPECTIVE PROVINCES. ALL CONSIDER PRAYER JUST.  
OUTLOOK MOST ENCOURAGING. NOT KNOWN WHEN REACH-  
ING COMMITTEE. SITUATION HAS BEEN CABLED FROM CAPE

GANDHI

From a photostat of the handwritten office copy: S.N. 5296

### *300. LETTER TO L. W. RITCH*

*March 16, 1911*

MY DEAR RITCH,

I have your letter, as also your telegram. You have certainly done all that was possible. If the present amalgamation<sup>4</sup> of the various Indian Associations continues after your withdrawal, it will be a very

<sup>1</sup> Patrick Duncan, Member of Parliament from the Transvaal

<sup>2</sup> Sir David Hunter, Member of Parliament. from Natal

<sup>3</sup> J. W. Jagger, Member of Parliament from the Cape Colony

<sup>4</sup> *Vide* 4th footnote of "Letter to L.W. Ritch", 6-3-1911.

great gain. If young Gool, the doctor, works well and self-sacrificingly, he can do a great deal. I am re-directing seven letters to you. There is nothing new from Maud. I hope that you will carefully scan every amendment that may be moved in Committee, and see to it that General Smuts does not surreptitiously create a colour bar by moving the amendment to the effect that those who may enter under the education test shall not be subject to the Registration Act of the Transvaal. The amendment should be that such men should not be subject to the registration laws of any Province, because, if that is not done, the Orange Free State will be barred, and the theory of equality as to immigration will be violated. In an immigration law of the Transvaal, exemption from the Transvaal Registration Act would have been quite enough, but, in a Union Immigration Law, exemption from all registration laws is absolutely necessary. Please note, too, that the minor children of Asiatics registered or entitled to be registered, or entering under the immigration test, have to be protected whether they are without the Union or within. General Smuts is quite capable of bringing in an amendment which would read to mean that Asiatic minors outside the Transvaal but within the Union shall alone be able to enter the Transvaal. *India* has published<sup>1</sup> the full report of your presentation. It reads admirably. Lord Ampthill seems to have acted perfectly, and I was glad to notice Dube<sup>2</sup> speaking out so nicely. The whole affair was evidently a very great success. I should like the names of all who were present; Maud has not supplied me with them. The writer in the *South African News* is a disappointing man. He leads one to think that all one's courtesy is lost upon him. However, your letter made him think.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5299

<sup>1</sup> In its issue dated 24-2-1911

<sup>2</sup> An Indian barrister practising in England



### 301. LETTER TO H. S. L. POLAK

[JOHANNESBURG,]

March 16, 1911

MY DEAR POLAK,

I pass on the cutting received from Ritch. I hope that the report of the Ritch presentation<sup>1</sup> will go in full at an early date. Just at this time it is very seasonable. I send you the enclosed<sup>2</sup> from the All-India Moslem League. I do not like the advertising idea underlying it, but I fear that we have to publish it. Naidoo has sent me for correction a petition drafted either by himself or by Aiyar<sup>3</sup> regarding the £3 tax. In spite of your remarks in one of your letters, I still very much distrust Aiyar's good faith. He is a man of the moment. He will write one thing today, and just the opposite tomorrow. He is thoroughly unscrupulous, and I am nervous about his handling any matters of public importance, and I am much more so when he is disposed to patronise me. I like him best when he swears at me and publicly goes for me. I know that then he would not ask me to assist in any of his public activities. I fear that he is now hoodwinking P. K. Naidoo on the strength of his being a Brahmin, and possessing a better knowledge of the English language than Naidoo. Now you will more fully understand my advice [to] P.K. Naidoo. I send you copy of my letter<sup>4</sup> to him. I feel for him, because I consider him to be infinitely superior to Aiyar in character. All the children and most of the passive resisters on the Farm are in Johannesburg today. I brought them out by special car. The Traffic Manager quoted specially favourable terms. For 26 men and children the return journey costs £1/12/2. I propose to go back with them on Saturday by the one o'clock train, unless you or Ritch retain me in Johannesburg. Of course, I return to the Farm every evening. I was glad to notice through the telephone today that your voice was much stronger and better. I hope there is no trace of cold now left. I enclose herewith copy of my letter<sup>5</sup> to the *Pretoria News*. I am writing the letter because I promised I would, but,

<sup>1</sup> The Address to L. W. Ritch, Secretary, South Africa British Indian Committee, London, was presented at Criterion Restaurant, London, on 16-2-1911. A report of the proceedings was published in *Indian Opinion*, 25-3-1911.

<sup>2</sup> Enclosure not available

<sup>3</sup> P. S. Aiyar, Editor. *African Chronicle*, Durban

<sup>4</sup> Not available

<sup>5</sup> Vide "Letter to *Pretoria News*", 16-3-1911.

on re-reading the interview, I see that I need not have written the letter. Stent has sufficiently explained my view about Natal and the Cape. The little inaccuracy about the figures and the concluding paragraph as to my satisfaction do not matter. However, my letter I hope you will consider sufficient.

*Sincerely yours,*

From a photostat of the typewritten office copy: S.N. 5302

### *302. LETTER TO J. J. DOKE*

[JOHANNESBURG,]

*March 17, 1911*

DEAR MR. DOKE,

I fear that for a little thing, little, that is, from the European standpoint, the struggle will have to be prolonged. Mr. Ritch telegraphs, saying that General Smuts will introduce an amendment exempting future immigrants from the operation of the Asiatic Act of the Transvaal, that is to say, they will still be liable to the Asiatic Ordinance of the Orange Free State, and, therefore, the colour bar will still remain in the Immigration Law. I feel that we cannot possibly accept such a concession. The removal of the colour bar throughout the Union so far as the new immigrants are concerned means nothing for the Orange Free State, because the local disabilities may and will still remain, but, unless the exempting clause is put in, an educated Indian immigrant will have no foothold at all in the Free State. In practice, no educated Indian can exist in the Free State, because there are very few Indians for whom he could cater. I am sending you copies of the correspondence<sup>1</sup> bearing on this point, and am anxious to know how the whole thing strikes you. I feel that, if it is wrong to accept the colour bar in the Transvaal Immigration Law, it is wrong to accept it in the Union Immigration Law which replaces it. I do not want to leave the office just now. Otherwise, I would have come down.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5304

<sup>1</sup> Between Gandhiji and Smuts

303. TELEGRAM TO L. W. RITCH<sup>1</sup>

JOHANNESBURG,  
March 17, 1911

CONSTITUTION ACT CHAPTER THIRTY-THREE.

GANDHI

From a photostat of the handwritten office copy: S.N. 5306

304. TELEGRAM TO PRIVATE SECRETARY TO  
GENERAL SMUTS

JOHANNESBURG,  
March 17, 1911

JUST LEARN GENERAL SMUTS PROPOSES MOVING AMENDMENT IMMI-  
GRATION BILL EXEMPT FUTURE ASIATIC IMMIGRANTS FROM  
OPERATION ACT THIRTY-SIX 1908 THUS IMPLYING APPLICA-  
TION FREE STATE ASIATIC ACT SUCH IMMIGRATIONS. IF SO  
IT WILL CREATE A COLOUR BAR IN UNION IMMIGRATION LAW  
POINTEDLY INSULTING INDIANS HIGHEST CULTURE. HOPE  
THEREFORE THAT ASIATIC IMMIGRANTS WILL BE EXEMPTED  
FROM ALL REGISTRATION LAW AS WAS GENERAL SMUTS'  
INTENTION EXPRESSED IN TELEGRAM<sup>2</sup> TO ME. WISH RES-  
PECTFULLY POINT OUT THAT CONCILIATION PASSIVE RESISTERS  
REQUIRES ENTIRE ABSENCE COLOUR BAR UNION BILL AND  
FULL PROTECTION WIVES MINOR CHILDREN AS HITHERTO  
IT IS THEREFORE URGED THAT IF FREE STATE MEMBERS WILL  
NOT EVEN TOLERATE A SOLITARY EDUCATED ASIATIC WITHIN  
FREE STATE BOUNDARY AND IF WIVES MINORS COULD  
NOT BE PROTECTED IT WOULD BE MUCH BETTER BILL  
WAS NOT PASSED AND TRANSVAAL SITUATION DEALT WITH

<sup>1</sup> This was sent in reply to Ritch's telegram which read: Schlesin's wire required immunity educated Registration Law Orangia now understand you mean educated immigrants not to be barred Free State despite unrepealed exclusion Law. Wire reference Law in question. . . (S.N. 5305)

<sup>2</sup> Dated March 4; *vide* 1st footnote of "Letter to E.F.C.Lane", 4-3-1911.

BY AMENDING LOCAL LEGISLATION.

GANDHI

From a photostat of the typewritten office copy: S.N. 5309; also  
*Indian Opinion*, 25-3-1911

*305. TELEGRAM TO L. W. RITCH*

JOHANNESBURG,  
*March 17, 1911*

YOU WILL GET COPY MY WIRE<sup>1</sup> SMUTS. JUST SEEN  
CARTWRIGHT. HE SEES POINT CLEARLY. APPROVES. THERE CAN  
BE NO QUESTION HAIRSPLITTING WHERE CLEAR  
PRINCIPLE AT STAKE.<sup>2</sup>

GANDHI

From a photostat of the typewritten office copy: S.N. 5308

*306. LETTER TO L. W. RITCH*

*March 17, 1911*

MY DEAR RITCH,

I have your letters and telegrams. Today has been an eventful day. I am much shaken by the news<sup>3</sup> you have given me. As soon as I mentioned the information to Cartwright, he said:

That is Smuts. If one white man raises any objection to your people getting any rights, he will try to please that white man, no matter even though his doing so may cost an Empire.

Your second telegram<sup>4</sup> about the supporters deprecating what appeared to be hair-splitting perturbed me very much. I thought that we would have to go through the laborious process of explaining to our supporters the fact that we were asking for nothing new, and that opposition to the colour bar as to the Free State was inevitable by

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

<sup>2</sup> This was in reply to Ritch's telegram: Supporters deprecate what will be reported hairsplitting and evidence unwillingness settle. Think inadvisable press point. (S.N. 5307)

<sup>3</sup> *Vide* "Letter to J. J. Doke", 17-3-1911.

<sup>4</sup> *Vide* the preceding item.

reason of the Bill being a Union Bill. But I now see that your telegram was based on a mis-reading of Miss Schlesin's telegram. She thought that you would never consider that we would ask for free entry into the Free State for educated Indians who are at present resident in South Africa. If we did so as part of the passive resistance campaign, it would be a distinct breach of faith. But, if we did not resist the attempt to prohibit educated immigrants from entering the Free State, passive resisters would be set down as cowards. We are fighting a colour bar and we must continue to fight it, whether it is in a Transvaal law or in a Union law. I hope that you will be able to persuade the supporters to take the same view. I have not yet ascertained the feeling of all the passive resisters. Mr. Cachalia and others are just now in the office and they seem to hold the same view as I do. Personally, I would like an indefinite postponement of the Bill and the desired alteration in the Transvaal Immigration Law.<sup>1</sup> Then, we need raise no question as to the Free State, there would arise no question as to the Cape and Natal, and the whole thing would be quite satisfactory. If General Smuts does not yield, I hope that the Cape friends will also take up passive resistance, because the question then will be no longer provincial. They are as much interested in resisting a colour bar in a Union law as the Transvaal Indians, and, if they would take up passive resistance, the whole thing could be finished in practically no time. I am writing<sup>2</sup> to Gool and others about funds. The dispatches<sup>3</sup> of Lords Crewe and Morley do credit to them, and they show that great and useful work was done by the South Africa British Indian Committee. The dispatches escape not a single argument or point. Your epitome of what should be done by the Government to placate Asiatics all over is admirable, and I hope that it was read by all the Members of Parliament. Do you suggest a letter from here and Natal to Alexander<sup>4</sup>? He will be, I see, a most valuable helper.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5312

<sup>1</sup> *Vide* "Telegram to Private Secretary to General Smuts", 17-3-1911.

<sup>2</sup> The letter is not available

<sup>3</sup> Included in the Blue-book laid on the table of the House by Smuts while introducing the Bill. *Vide* also "Letter to L. W. Ritch", 23-3-1911.

<sup>4</sup> Advocate Alexander; *vide* "The Immigration Bill", 18-3-1911.

### 307. LETTER TO H. S. L. POLAK

March 17, 1911

MY DEAR MR. POLAK,

I hope you have succeeded in rousing our friends there to a sense of their duty. Though I still hope that there will be a favourable reply to our telegram<sup>1</sup> to Smuts, we, at this end, are making every preparation for a renewal of the struggle. Cartwright is simply disgusted, with his own party as well as with Smuts. I understand that he will be leaving the *Leader* within a week or so, unless something he expects turns up.

Sincerely yours,

From a photostat of the typewritten office copy: S.N. 5313

### 308. THE IMMIGRATION BILL

The debate on the second reading of this Bill shows how fortunate we have been in having Mr. Ritch at Cape Town just at this juncture. The words of *The Times* to the effect that Mr. Ritch was coming to South Africa in order to co-operate with those who were trying to settle the vexed Asiatic question may be said, in the light of what is happening, to have been prophetic. We can see Mr. Ritch's hand in the weighty contribution to the debate by Mr. Advocate Alexander. He allowed not a single point raised by the Indians throughout the three Provinces to escape him, and he has shown clearly that, if the Bill goes through unaltered, passive resisters will have paid too dear a price for peace; and it is certain that, if passive resisters were not bound morally to cease struggling immediately on their demands being granted, they would be very properly justified in rejecting the Bill as an honourable compromise, if the position of the Natal and the Cape Indians were not altered by making the amendments necessary to meet the Indian objections from these two Provinces. But we hope that General Smuts will accept the advice given to him by Sir Percy Fitzpatrick, and grant the very reasonable requests made by the Indians at the Cape and in Natal. They ask for nothing new. They merely wish to stipulate that existing rights shall not be disturbed. It is said that General Smuts wants to admit only

<sup>1</sup> *Vide*, "Telegram to Private Secretary to General Smuts", 17-3-1911.

twelve Asiatics per year under the education test. In our opinion, this is absurd. The Transvaal Indians suggested that six per year should be allowed for the Transvaal. Surely six for Natal and the Cape is a very small number. The smooth working of the Act will depend very largely upon the spirit that actuates General Smuts in framing his regulations, and the spirit in which the Act and the regulations are administered. The fate of passive resisters will be decided in the course of the next few days. General Smuts has stated that the Bill is intended to exempt those who may enter under the education test from the operation of registration laws. He has, therefore only to make a verbal amendment in order to bring that meaning out clearly in the Bill; and we refuse to believe that he wishes to go behind the judgment of the Supreme Court and deprive minor Asiatics of the rights which that Court has recognised, or that he does not wish to clothe with absolute protection the wives of lawful residents.

*Indian Opinion*, 18-3-1911

### 309. NEW BILL IN PARLIAMENT

Every Indian should go through the debate on the second reading of this Bill. One will find it very instructive. Irrespective of whether or not the new Bill is suitably amended, what was said about it and the emphasis that was laid on its bearing only on the Asiatic problem are worth noting. Everyone can see that this is entirely the result of the power of satyagraha. Lord Crewe revised the view which he had expressed in 1909 and requested General Botha to grant the Indians' demands. As satyagraha became protracted, the views of the Imperial Government and the Local Government underwent changes. The Act 2 of 1907 would never be repealed [it was said], and they agreed [subsequently] to repeal it. They accepted voluntary registration, which [they earlier said] they would never do. They were not prepared to permit the admission of educated Indians, but agreed to do so later under a separate law. They declared then that further than this they would never go, that it would be immoral to grant the Asiatics' demands; the bogey of immorality has vanished now and the demands of the Asiatics have been conceded. It may be asked: what does it profit us if such a demand has been accepted? We shall consider an answer after the Bill has gone through in a form that satisfies us.

For the present, the important point to note is that our demands have been met, more or less. Sir Percy Fitzpatrick<sup>1</sup>, who at one time used to hold out threats against us, now says that General Smuts would do well to satisfy the Asiatics. The gentleman is afraid lest satyagraha should spread to the whole of South Africa. Mr. Duncan, the man who designed the obnoxious Act, now advocates its repeal, and says he will be happy if the proposed law sees the end of the satyagraha campaign. We do not find a single member who has spoken against satyagraha. Can there be a triumph greater than this?

[From Gujarati]

*Indian Opinion*, 18-3-1911

### 310. TELEGRAM TO L. W. RITCH

JOHANNESBURG,

*March 18, 1911*<sup>2</sup>

CONFIRMING YESTERDAY'S TELEGRAM OUR FIGHT  
 AGAINST COLOUR BAR CANNOT CLOSE IF EDUCATED ASIATICS  
 NOT EXEMPTED FREE STATE LAW. EXISTENCE COLOUR BAR  
 IN THIS MOST INSULTING SHAPE WILL WIDEN AREA PASSIVE  
 RESISTANCE. AS SIR PERCY CLEARLY POINTED OUT THERE  
 CAN BE NO COMPROMISE THIS POINT. HOPE CAPE NATAL  
 ASIATICS WILL SEE THAT NOW THEY MUST JOIN HANDS  
 BUT WHETHER THEY DO OR NOT MY ADVICE FELLOW PASSIVE  
 RESISTERS WILL BE STRONGLY CONTINUE STRUGGLE.  
 AM NOW CONFERRING WITH THEM. WILL GIVE YOU THEIR DECISION  
 LATER: DO PRESS CAPE INDIANS COLLECT FUNDS.  
 MAY I WRITE THEM.

GANDHI

From a photostat of the typewritten office copy: S.N. 5311

<sup>1</sup> Member from Pretoria East, Transvaal

<sup>2</sup> The Source has the date 17th, *vide*, however, 'yesterday's telegram', viz., "Telegram to L. W. Ritch", 17-3-1911.



### 311. LETTER TO L. W. RITCH

*March 18, 1911*

MY DEAR RITCH,

What is the meaning of “anticipating trouble from all quarters”?<sup>1</sup> I take it to mean that the Bill will be assailed not only by us, but by the Members on behalf of the community in general. I must confess that I should feel delighted if the Bill were withdrawn, and the Immigration Act of the Transvaal amended. But, if the Bill does go through, you will have to answer all kinds of questions in connection with the Free State, as, for instance, [the] right of the future Asiatic immigrants to be free from restrictions, are they to hold landed property, etc. We ask for no such thing. All we say is that, as to immigration and as to residence, because residence is part of immigration, they should be on the same footing as Europeans. As to all civil rights, they would share the same disabilities as the Asiatics. To illustrate my point, an educated Indian entering the Transvaal would not be subject to the Registration Law, but he would still be subject to Law 3 of 1885. Now, Chapter 33 of the Orange Free State Constitution Act not only deals with the manner in which an Asiatic may reside, but it also takes away other common law rights. Sections 7 and 8 affect such rights. The amendment, therefore, may exempt Asiatics from Clauses 1, 2, 3, 4, 5, 6, 9, 10 and 11 so far as they may be applicable. If you take hold of the Chapter, you will understand my meaning still more fully. We want to appear before the public with absolutely clear hands, as I profess we actually are. The present passive resistance has absolutely nothing whatsoever to do with the personal gain of a single individual; and if we make this clear and still our approach is rejected, we place our opponent in the wrong in every respect. It is just at a time like this that General Smuts, whom Cartwright considers to be either absolutely disloyal or intensely stupid, betrays either the one or the other of these qualities in refusing to see you. One good interview could settle the whole question, and could also appease the wrath of the Free Staters by showing that their

<sup>1</sup> The reference is to Ritch's telegram of March 18: Committee stage remote. Budget takes precedence. Advise me Smuts reply your wire. I anticipate trouble all around. (S.N. 5310)

fear is totally groundless. I take it that you will again instruct Maud from your side. I shall send you on Monday a copy of my letter<sup>1</sup> to her, but that can be no guide to you in writing to her as it will be too late for the time when you must post your letter.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5317

### *312. LETTER TO H. S. L. POLAK*

*March 18, 1911*

MY DEAR POLAK,

I have no telephone message to send you because I have no telegram from Ritch and none from Smuts. Natesan's letters herewith. I opened his letter to you, as also Dr. Mehta's. I am sending you Natesan's letter to me also. A parcel containing copies of his speech<sup>2</sup> is being sent to Phoenix. Please return Natesan's letter to me, as I have not yet replied to it. Ritch's solution of the Transvaal difficulty given in the *Cape Argus*, which I sent you yesterday, should be reproduced in *Indian Opinion*.<sup>3</sup>

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5320

### *313. TELEGRAM TO SECRETARY TO MINISTER OF INTERIOR<sup>4</sup>*

1, FOX STREET,  
JOHANNESBURG,  
*March 18, 1911*

ON BEHALF CHINESE COMMITTEE I BEG TO ASSOCIATE THE  
COMMITTEE IN THE PRAYER OF BRITISH INDIAN ASSO-

<sup>1</sup> Vide "Letter to Maud Polak", 13-3-1911

<sup>2</sup> On the South African question delivered at the Indian National Congress held at Allahabad; reproduced in *Indian Opinion*, 8-4-1911

<sup>3</sup> This was reproduced under the caption, "Mr. Ritch's suggestions", in *Indian Opinion*, 25-3-1911.

<sup>4</sup> Presumably drafted by Gandhiji; the Post Box number mentioned at the end of the telegram was Gandhiji's.

CIATION AS TO IMMIGRANTS' RESTRICTION BILL NOW BEFORE PARLIAMENT AND TRUST THAT THE BILL WILL BE SO AMENDED AS TO REMOVE ALL POSSIBILITY AS TO COLOUR OR RACIAL BAR APPEARING IN IT AND TO AFFORD FULL PROTECTION TO WIVES AND MINOR CHILDREN OF LEGAL RESIDENTS. THE COMMITTEE FURTHER TRUSTS THAT THE GOVERNMENT WILL PROVIDE IN ADMINISTRATION OF THE BILL, SHOULD IT BECOME LAW, FOR ENTRY OF LIMITED NUMBER OF CULTURED CHINESE WITHIN UNION AND THAT SUCH CHINESE WILL NOT BE LIABLE TO CHINESE EXCLUSION ACT CAPE.

MARTIN EASTON,  
ACTING CHAIRMAN,  
CHINESE ASSOCIATION,  
POST BOX 6522

From a photostat of the typewritten office copy: S.N. 5321

### *314. LIST OF CHINESE SATYAGRAHIS*

[On or after *March 18, 1911*]<sup>1</sup>

Chinese Satyagrahis arrested and sentenced [to] hard labour:

C. F. J. Frank	(3 mon. H.L.)
Lee Kong	(3 M.H.L.)
Luk Nan Dickson	(3 M.H.L.)
Ho Low	(10 days H.L.)
Sam You	(3 M.H.L.)
Chong Ah Kie	(3 M.H.L.)
Wo Kim	(3 M.H.L.)
Ah Wy	(3 M.H.L.)
Ismail Essach	
Louis Benjamin	

<sup>1</sup> The document bears no date but it has been placed immediately after S.N. 5321 which is dated March 18, 1911 and which deals with the problem of the Chinese.

They are either at the Fort or Diepkloof.

From a photostat of the handwritten original, the last three lines being in Gandhiji's hand: S.N. 5322

315. LETTER TO MAGANLAL GANDHI

TOLSTOY FARM,  
*Phagan Vad 4 [March 19, 1911]*<sup>1</sup>

CHI. MAGANLAL,

Please dispose of the enclosed papers.

Chhaganlal's health, I am sure, will be restored as soon as he comes here. I wish he comes immediately.

I have no expectations from Anandlal. He can, if he makes up his mind, please respected Amritlalbai. The charge that he has levelled against Mr. Cordes only shows that he is suspicious and rash. That is why I send you the cutting of Mr. Cordes' speech received by the same mail. The moral is that we should keep our hearts pure and put a favourable construction on other people's doings. If we do this, misdeeds will come to be known without our effort.

The more defects you discover in Harilal, the more love you should have for him. One requires a great deal of water to put out a big fire. To overcome the baser element in Harilal's nature, you have to develop in yourself and pit against it a more powerful force of goodness. Give him the coat too when he asks for a shirt.

I note you are making good progress in Tamil. It would be good if you adopt the practice of speaking with some Tamilian.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C. W. 5080. Courtesy: Radhabehn Choudhri

<sup>1</sup> This letter was apparently written before Chhaganlal Gandhi's arrival in South Africa in July 1911.

*316. TELEGRAM TO PRIVATE SECRETARY  
TO GENERAL SMUTS*

JOHANNESBURG,  
*March 20, 1911*<sup>1</sup>

FEAR VERY MUCH IF GENERAL SMUTS CANNOT SEE HIS WAY ADVANCE UPON WHAT IS STATED YOUR LETTER 16TH INSTANT<sup>2</sup> THE PAINFUL STRUGGLE WILL CONTINUE. NO SUBMISSION MADE FOR REPEAL CHAPTER THIRTY-THREE BUT FOR SO MUCH OF IT AS REQUIRES APPLICATION GOVERNOR FOR RESIDENCE SHOULD NOT APPLY EDUCATED ASIATIC IMMIGRANTS. NO EXCEPTION TAKEN TO EDUCATED ASIATIC IMMIGRANTS BEING LIABLE TO OTHER DISABILITIES COMMON TO ASIATIC RESIDENTS. EXEMPTION FROM REGISTRATION ACT TRANSVAAL SHOULD BE COMPLETE. RIGHTS EDUCATED INDIAN IMMIGRANTS TRANSVAAL SHOULD NOT BE LESS THAN THOSE OF RESIDENT ASIATICS. TWO COUNSELS ONE IN TRANSVAAL<sup>3</sup> ANOTHER IN NATAL<sup>4</sup> HAVE GIVEN WRITTEN OPINION SAYING WIVES AND MINOR CHILDREN OF RESIDENT ASIATICS NOT PROTECTED UNDER BILL AS DRAWN UNLESS THEY ARE AT PRESENT IN THEIR RESPECTIVE PROVINCES. HOPE SMALL RELIEF REQUIRED FOR CLOSING STRUGGLE WILL BE GRANTED.

GANDHI

From a photostat of the typewritten office copy: S.N. 5326; also

*Indian Opinion, 25-3-1911*

<sup>1</sup> This appears to have been referred to as the telegram of the 19th in Lane's telegram of the 21st (footnote to "Telegram to Private Secretary to General Smuts", 22-3-1911) and Report of the European Committee meeting (23-3-1911).

<sup>2</sup> *Vide* Appendix, "Lane's letter to Gandhiji", 16-3-1911.

<sup>3</sup> R. Gregorowski and Laughton; *vide* "Letter to L. W. Ritch", 20-3-1911.

<sup>4</sup> *ibid*

### 317. LETTER TO E. F. C. LANE

March 20, 1911

DEAR MR. LANE,

I telegraphed today<sup>1</sup> in reply to your letter<sup>2</sup> of the 16th instant regarding the correspondence between you and me over the Immigrants, Restriction Bill. I now venture to amplify my telegram.

There is no occasion, neither has it been asked on behalf of British Indians, to repeal Chapter 33 of the Orange Free State Constitution; but I respectfully submit for General Smuts' consideration that, just as educated Indian immigrants will, under the amendment he proposes to move, be free from registration under the Transvaal Act No. 36 of 1908, so may such immigrants be free from the Sections of Chapter 33 of the Orange Free State Constitution regarding what amounts to registration. Such seems to have been the intention of General Smuts at the time the telegram of the 4th instant, referred to in your letter of the 16th instant, was sent. It is therein stated that

Asiatics admitted as immigrants under new Immigration Bill would not fall under registration laws and would not be restricted to provincial limits.

A similar statement appears in the dispatch to Lord Crewe, published in the *Blue Book U/7/11*. All that Asiatics ask for is full immigration rights in law under the Bill without a colour bar. If an educated Indian has to apply under Chapter 33 for permission to reside in the Orange Free State, it means a colour bar in the Immigration Bill, and an amendment exempting such immigrants from the operation of Sections 1, 2, 3, 4, 5, 6, 9, 10 and 11 would meet the point, and would still make the immigrants liable to the disabilities as to holding fixed property, etc., common to the other Asiatics.

I venture to suggest that paragraph 2 of your letter is not clear. You say that the amendment to be moved will, in effect, exempt the educated Indian immigrants from registration under the Transvaal Act No. 36 of 1908. This may mean that an educated Indian immigrant will not be free from the operation of Act No. 36 of 1908 entirely, but that he will simply not be required to register. It may be that, in that

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

<sup>2</sup> *Vide* Appendix, "Lane's letter to Gandhiji", 16-3-1911.

case, an educated immigrant will be in a worse position than a resident Asiatic, a state of things which will hardly be acceptable to the Indian community.

As to the third paragraph, I may state that two advocates of long standing and wide experience, of the Transvaal and Natal respectively, have given their opinion to the effect that the wives and minor children of Asiatic residents will not be able to join them as heretofore, because they will be treated as prohibited immigrants, unless they can satisfy the education test; and, if it is the intention of the Bill not to debar the wives and minor children of such Asiatics, I submit that an exemption clause of a general nature should be added to the Bill.

The matters I have herein submitted are all of no intrinsic importance from the European standpoint, and I venture to think, not at all contentious, but they are of the greatest importance for the Asiatics. I hope, therefore, that General Smuts will be pleased to give them the consideration they deserve, and grant relief.

*I am,  
Yours faithfully,*

From a photostat of the typewritten office copy: S.N. 5327; also  
*Indian Opinion*, 25-3-1911

### 318. LETTER TO MAUD POLAK

*March 20, 1911*

MY DEAR MAUD,

It seems to me that, after all, there will be no settlement, in spite of the Bill. Only, this time, the Imperial Government will have the clearest proof of what General Smuts is and can be. He has stated, in his letter to the Imperial Government, that educated immigrants, if Asiatics, will be free to settle in any part of the Union, and yet you will see from his latest letter<sup>1</sup> that such will not be the case. From the enclosures you will see what, in my opinion, is our demand<sup>2</sup> exactly regarding the Orange Free State and the Transvaal. Mr. Ritch will write to you on Wednesday from Cape Town as to what you should do.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5328

<sup>1</sup> *Vide* Appendix, "Lane's letter to Gandhiji", 16-3-1911.

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

319. TELEGRAM TO L. W. RITCH

JOHANNESBURG,  
[March 20, 1911]<sup>1</sup>

TO  
RITCH  
8, KLOOF STREET  
CAPE TOWN

LETTER SMUTS<sup>2</sup> SAYS HIS TELEGRAM WHICH<sup>3</sup> DID NOT  
MEAN CONVEY [ID]EA<sup>4</sup> THAT CHAPTER THIRTY-THREE ORANGE  
FREE STATE LAWS WOULD BE CANCELLED. LETTER ALSO NOT  
CLEAR THAT EDUCATED IMMIGRANTS ENTIRELY FREE FROM  
REGISTRATION ACT. SUGGEST YOUR [MEETING]<sup>7</sup> SUPPORTERS  
IMMEDIATELY SHOWING COMPLETE EXEMPTION FROM REGIS-  
TRATION LAWS UNION NECESSARY STOP RESISTANCE. FOR WIVES  
MINORS LETTER ALSO HOPELESSLY EVASIVE. HE SAYS  
DIFFICULTY NOT APPRECIATED BY DEPARTMENT.

6522<sup>5</sup>

From a photostat of the typewritten office copy: S.N. 5300a

320. LETTER TO L. W. RITCH

March 20, 1911

MY DEAR RITCH,

Herewith copy of letter<sup>6</sup> from General Smuts, and my reply<sup>7</sup>. I think that we are in for a big battle. He does not want to forfeit the support of the Free Staters and, therefore, evidently wants to recant. The whole letter is quite worthy of him. He is writing entirely in order to conceal his meaning. The first paragraph credits me with a desire I never had. The second paragraph is intended to veil his meaning, namely, that educated immigrants will not be able to, if they wish to

<sup>1</sup> This appears to have been sent on the same day as “Telegram to Private Secretary to General Smuts”, 20-3-1911 and “Letter to E. F. C. Lane”, 20-3-1911.

<sup>2</sup> These words are not clear in the photostat.

<sup>3</sup> *ibid*

<sup>4</sup> *ibid*

<sup>5</sup> This was Gandhiji’s Post Box number.

<sup>6</sup> *Vide* Appendix, “Lane’s letter to Gandhiji”, 16-3-1911.

<sup>7</sup> *Vide* “Letter to E. F. C. Lane”, 20-3-1911.



do so, take out licences to trade. Now they, if they are self-respecting men, would never want trading licences. That is one thing; but to have a statutory disability is totally another. We are asking for a better status for them than the residents possess. How can we now have for them a legal status inferior to that enjoyed by the residents? The third para-graph betrays an intention not to specifically exempt wives and minor children so that he may put in our way all sorts of difficulties. If need be, you will not hesitate to use Gregorowski's and Laughton's opinions to drive our points home, because, in view of what is happening, we must insist on an unequivocal meaning of the Bill so far as the points raised by us are concerned. Unless the Progressive Party solidly wishes to do its duty, and unless some of the Nationalists like Merriman and a few others favour us, the Bill will not be satisfactory. In that event, it seems to me that it will not receive the Royal sanction.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5329

### *321. LETTER TO H. S. L. POLAK*

*March 20, 1911*

MY DEAR POLAK,

I have not much to add to what I have stated in Ritch's letter<sup>1</sup>. I have sent to West directly a copy of the Cape petition<sup>2</sup>. Further correspondence which I am sending to you should also go in. I hope to write a leading article on it tomorrow. I take it that the speeches<sup>3</sup> of Lord Amphill and others at the Ritch reception will go in. A cablegram was received today to the effect that Ritch's father-in-law is dead. Whilst it is a matter for sorrow, it is equally one for congratulation, for Mr. Cohen is free from a living death.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5325

<sup>1</sup> *Vide* "Letter to L. W. Ritch", 20-3-1911.

<sup>2</sup> This was published in *Indian Opinion*, 25-3-1911. *Vide* Appendix "Cape Petition to Parliament", 15-3-1911.

<sup>3</sup> These were published in *Indian Opinion*, 25-3-1911.

### 322. TELEGRAM TO JOHANNESBURG OFFICE

LAWLEY STATION,  
March 21, 1911

TO  
GANDHI  
JOHANNESBURG

MISSED TRAIN. ATTENDING SORABJEE<sup>1</sup>. MUCH BETTER. SEND  
COPY CHAPTER 33<sup>2</sup> ORANGIA POLAK WEST. WIRE IMPOR-  
TANT NEWS. SENT PAPERS MEDICINE WITH SORABJEE<sup>3</sup>.

GANDHI

From the original as delivered: S.N. 5330

### 323. TELEGRAM TO PRIVATE SECRETARY TO GENERAL SMUTS

JOHANNESBURG,  
March 22, 1911

YOUR WIRE<sup>4</sup> 21ST. PLEASE CONVEY THANKS GENERAL  
SMUTS FOR PROMISING RELIEF REGARDING WIVES MINORS  
STOP AM SORRY HE THINKS SUBMISSION RESPECTING FREE  
STATE UNFAIR STOP BEG DRAW GENERAL SMUTS' ATTEN-  
TION GENERAL BOTHA'S DISPATCH TWENTIETH DECEMBER  
WHEREIN HE ASSURES LORD CREWE THAT A LIMITED  
NUMBER OF EDUCATED INDIANS PASSED UNDER THE BILL  
WILL AFTER SUCH ENTRY POSSESS PERMANENT RESIDENTIAL

<sup>1</sup> Presumably, Sorabjee Shapurjee Adajania

<sup>2</sup> Of the Orange Free State Constitution, reproduced in *Indian Opinion*, 25-3-1911

<sup>3</sup> Presumably, Sorabjee, son of Parsee Rustomjee

<sup>4</sup> Which read: 21st March, Yours 17th and 19th. Minister desires me to say he is taking into favourable consideration the question of providing for the women and children of persons lawfully resident, but he considers your attitude on the Free State matter quite unfair. The Asiatics have never claimed to enter that Province, and any such claim now will make it impossible for him to arrive at a satisfactory solution of the Indian question. All the other points in dispute seem now on a fair way to being satisfactorily solved.

RIGHTS IN ANY PROVINCE OF THE UNION STOP BUT APART THEREFROM INVITE GENERAL SMUTS' ATTENTION TO FACT THAT WHOLE STRUGGLE FOR PRINCIPLE AND AGAINST COLOUR BAR STOP IF PASSIVE RESISTERS OBJECT COLOUR BAR TRANSVAAL IMMIGRATION LAW HOW CAN THEY ACCEPT IT IN UNION IMMIGRATION LAW IN WHICH TRANSVAAL LAW WILL MERGE STOP IT IS TRUE THEY HAVE NOT ASKED BEFORE AND THEY DO NOT NOW ASK FOR ENTRY EDUCATED OR OTHER ASIATICS FREE STATE STOP IT IS SUBMITTED QUESTION OF SUBSTANTIAL ENTRY DOES NOT ARISE STOP OTHER CONDITIONS THERE AND ABSENCE OF ANY SUBSTANTIAL INDIAN POPULATION THERE WILL EFFECTIVELY BAR ENTRANCE OF EDUCATED INDEPENDENT ASIATICS SUCH AS WILL BE ADMITTED UNDER PRESENT BILL STOP INDIANS ONLY PROTEST AGAINST UNION PARLIAMENT RATIFYING IN BILL FREE STATE POLICY AND THUS SAYING TO THE WORLD NO INDIAN EVEN THOUGH A POTENTATE CAN LEGALLY ENTER AND RESIDE IN A PROVINCE OF THE UNION STOP AS AGAINST DRASTIC CHANGES CAPE AND NATAL ASIATIC STATUS FREE STATE MEMBERS CANNOT REASONABLY OBJECT UNION PARLIAMENT DECLINING OFFER INSULT TO HIGHEST OF INDIA'S SONS BUT IF UNFORTUNATELY THEY DO AND GOVERNMENT CANNOT WELL DISPLEASE THEM IT IS RESPECTFULLY SUBMITTED THAT BILL BE WITHDRAWN AND TRANSVAAL IMMIGRATION LAW SUITABLY AMENDED SO AS TO DO JUSTICE TO ASIATIC SENTIMENT AND CLOSE PAINFUL STRUGGLE.

GANDHI

From a photostat of the typewritten office copy: S.N. 5340; also

*Indian Opinion*, 8-4-1911

### 324. TELEGRAM TO L. W. RITCH

JOHANNESBURG,  
*March 22, 1911*

GENERAL SMUTS TELEGRAPHS<sup>1</sup> HE WILL FAVOURABLY CONSIDER QUESTION WOMEN CHILDREN BUT HE CONSIDERS ATTI-

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

TUDE FREE STATE QUITE UNFAIR AND SAYS ASIATICS  
NEVER CLAIMED ENTER THAT PROVINCE AND ANY SUCH  
CLAIM NOW WILL MAKE IT IMPOSSIBLE FOR HIM TO ARRIVE  
AT SATISFACTORY SOLUTION. AM REPEATING MY REPLY.  
SLEPT OVER YOUR CRITICISM.<sup>1</sup> IT IS GOOD FOR CAUTIOUS  
PEOPLE AND IT WAS YOUR DUTY ISSUE WARNING NOTE.  
UNACCEPTABLE FOR PASSIVE RESISTERS. SUGGEST YOUR AD-  
VISING CAPE INDIANS TAKE UP FREE STATE MATTER.. DO  
YOU THINK I SHOULD JOIN YOU.

GANDHI

From a photostat of the typewritten office copy: S.N. 5339

### *325. TELEGRAM TO L. W. RITCH*

JOHANNESBURG,

*March 22, 1911*

THINK INCONSISTENT WITH DIGNITY TO ASK SMUTS NOW  
TO RECEIVE YOU. RESPONSIBILITY FOR THE INSULT IS HIS.  
BUT IF YOU STILL THINK THAT WIRE SHOULD BE SENT  
IT WILL BE IMMEDIATELY.

GANDHI

From a photostat of the typewritten office copy: S.N. 5341

<sup>1</sup> *Vide* 2nd footnote of "Telegram to L.W. Ritch", 17-3-1911.

<sup>2</sup> This was in reply to Ritch's telegram of March 20 which read: Suggest wiring Smuts again request see me. Bill delayed at least today tomorrow. (S.N. 5324)

326. LETTER TO H. S. L. POLAK

March 22, 1911

MY DEAR POLAK,

I now enclose copies of the resolutions<sup>1</sup> I suggest you may pass at the meeting. What a great achievement it will be if the second resolution is passed intact. I send you also my reply<sup>2</sup> to General Smuts. Mr. Phillips<sup>3</sup> is very hostile to the Bill, because he considers that the Orange Free State disability constitutes a racial bar, and amounts to, in his own words, "the banning of a nation". At his instance, a meeting of the European Committee is being called at Mr. Hosken's office tomorrow. I think that the Committee will address General Smuts strongly in the matter. I have little doubt that all the members will support us.<sup>4</sup> I send you Ritch's letter<sup>5</sup> for perusal. His argument about the Bill is worthy of every consideration. I have myself been unable to see eye to eye with him. We are raising no new issue, and I feel that we would surrender our conscience, if we gave up the struggle. Even non-resisting Indians saw the point when I mentioned it, and they had no difficulty in meeting arguments which I advanced against continuing the struggle. Most of the resisters, though they are most anxious that the struggle should close, have no hesitation in saying that, if the Free State bar remains, the struggle should continue.

*Yours sincerely,*

[Enclosure]<sup>6</sup>

From a photostat of the typewritten office copy: S.N. 5344

<sup>1</sup> *Vide* "Resolutions at Natal Indian Congress Meeting", 26-3-1911.

<sup>2</sup> *Vide* "Telegram to Private Secretary to General Smuts", 22-3-1911

<sup>3</sup> Charles Phillips, a congregational Minister in the Transvaal

<sup>4</sup> *Vide* the following item.

<sup>5</sup> Not available

<sup>6</sup> Not available. *Vide*, however, "Resolutions at Natal Indian Congress Meeting", 26-3-1911

### 327. REPORT OF EUROPEAN COMMITTEE MEETING

[March 23, 1911]<sup>1</sup>

A meeting of the European Committee of sympathisers, in Johannesburg, met at Mr. Hosken's office, on the 23rd ultimo, to discuss the situation. Mr. Hosken presided, and amongst those present were Rev. J. J. Doke, Rev. Chas. Phillips, Rev. J. Howard, Rev. T. Perry, and Messrs A. Cartwright, T. R. Haddon, D. Pollock, E. Dallow and M. K. Gandhi. The following resolution was unanimously passed:

This meeting of the European British Indian Committee, having considered the correspondence between the Minister of the Interior and Mr. Gandhi (especially telegrams dated 17th and 19th March from Mr. Gandhi and the Minister's reply thereto dated 22nd March), desires to record its entire approval of Mr. Gandhi's communications, and is of opinion that the telegram of 22nd March from Mr. Gandhi clearly and equitably sets out the case, and urges the Government to accept the solution proposed therein. The Committee regrets to learn that the Minister of the Interior has thought fit to raise a new point regarding the Free State, in conflict with the Prime Minister's despatch dated 20th December, 1910, which stated, 'It is, however, proposed notwithstanding this test, to instruct these officers to allow the entry of a limited number of educated Indians who will after such entry possess permanent residential rights in any Province of the Union,' and the telegram from the Minister of the Interior to Mr. Gandhi, dated 4th March, which stated, 'Asiatics admitted as immigrants under the Immigration Bill would not fall under registration laws and would not be restricted to provincial limits.'

From a photostat of the original draft, partly in Gandhiji's hand: S.N. 5396 b; also

*Indian Opinion*, 8-4-1911

<sup>1</sup> The draft of the report contains the resolution passed on March 23 with correction in Gandhiji's hand.

328. TELEGRAM TO L. W. RITCH<sup>1</sup>

[JOHANNESBURG,  
March 23, 1911]

HOSKEN    CARTWRIGHT    DOKE    PHILLIPS    HOWARD    PERRY    HAD-  
DON    POLLOCK    DALLOW    PRESENT    EUROPEAN    COMMITTEE  
PASSED    COMPREHENSIVE    RESOLUTION    ENTIRELY    APPROVING  
OUR    CONTENTION    REGARDING    FREE STATE    URGING    GOVERNMENT  
TO    ACCEPT    SOLUTION    PROPOSED    BY    ME.    HOSKEN    HAS  
WIRED    RESOLUTION    SMUTS    MERRIMAN    JAMESON    HUNTER.

From a photostat of the draft in Gandhiji's hand: S.N. 5396c

329. LETTER TO L. W. RITCH

March 23, 1911

MY DEAR RITCH,

I have your letters. I wish I had the time to write to you more fully than I can. I am just going to the station to catch my train<sup>2</sup>. How I wish I could chat with you, and persuade you that we cannot possibly abandon the Free State point. The Members of the European Committee—whose names<sup>3</sup> you are having—saw the whole point without the slightest difficulty. Mr. Doke is now as strong as any of them, although he cross-examined me severely yesterday, and although, as I have told you, I read the whole of your objections to him. We are not asking for repeal of Chapter 33. We are simply asking for exemption for educated Indians in a Union Bill, because the colour bar of the Transvaal is being transferred to the Union Bill. General Smuts it is who is raising a new point, because he is committed in his speech and in his telegrams to the principle of such educated Asiatics being able to enter and reside in any Province of the Union. You will note, too, that Lord Crewe has anticipated our objection to any colour bar in the Union Bill. Hence his very serious anxiety on that score, and hence, too, General Botha's emphatic declaration<sup>4</sup> that educated Asiatics who may enter under the Bill can

<sup>1</sup> This appears to be the draft of a telegram sent to Ritch after the European Committee's meeting; *vide* the preceding item.

<sup>2</sup> For Lawley, probably after the meeting of the European Committee

<sup>3</sup> *Vide* "Report of European Committee Meeting", 23-3-1911.

<sup>4</sup> *ibid*

reside in any part of the Union. I do not share your fear that we would have difficulty in persuading Lord Ampthill. My only difficulty now is to persuade you. Unless you share my enthusiasm and conviction, how can you impart it to Alexander and others? More when I have the time.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5346

### *330. TELEGRAM TO H. S. L. POLAK*

[JOHANNESBURG,]

*March 23, 1911*

RITCH TELEGRAPHS SAYING MINISTER IS MOVING AMENDMENTS EXEMPTING PERSONS BORN WITHIN UNION DOMICILED PERSONS WIVES CHILDREN FROM SECTION SEVEN. GOVERNOR GENERAL WILL HAVE POWER PRESCRIBE NATURE PROOF OFFICER MAY DEMAND.

M. K. GANDHI

From a photostat of the handwritten office copy: S.N. 5348

### *331. TELEGRAM TO PRIVATE SECRETARY TO MINISTER OF INTERIOR*

JOHANNESBURG,

*March 24, 1911*

YOURS TWENTY-FOURTH INSTANT.<sup>1</sup> AT TIME MY LETTER FOURTH MARCH QUESTION FREE STATE WAS NOT RAISED BY GENERAL SMUTS STOP RACIAL BAR WILL CERTAINLY BE CREATED IF EDUCATED ASIATIC IMMIGRANTS BE CONFRONTED SUCCESSFULLY WITH FREE STATE ASIATIC REGISTRATION LAW UPON ENTERING STOP IN TRANSVAAL ACT FIFTEEN 1907 NO DIRECT RACIAL BAR APPEARS BUT AS GENERAL SMUTS WELL KNOWS SUCH IS ITS LEGAL EFFECT REGARDING ASIATICS AND SUCH ACCORDING TO INTERPRETATION GIVEN BY COUNSEL AND APPARENTLY ACCEPTED BY GENERAL SMUTS WILL BE EFFECT OF NEW BILL STOP

<sup>1</sup> *Vide* Appendix, "Telegram to Gandhiji from Private Secretary to Minister of Interior", 24-3-1911.



IT IS FOR THAT REASON THAT AMENDMENT REGARDING TRANSVAAL ACT WILL BECOME NECESSARY STOP IT IS THEREFORE NOT POSSIBLE TO REGARD SUCH AMENDMENT AS A FURTHER CONCESSION AS EVIDENTLY GENERAL SMUTS SEEMS TO CONSIDER PROPOSED AMENDMENT BUT JUST AS AMENDMENT REGARDING TRANSVAAL IS NECESSARY TO PURGE BILL RACIAL TAINT SO IS AMENDMENT REQUIRED TO COVER FREE STATE LAW STOP PASSIVE RESISTERS I VENTURE TO SUBMIT HAVE BEEN ABSOLUTELY CONSISTENT FROM THE FIRST; THEY OBJECT TO RACIAL BAR IN PRESENT TRANSVAAL LEGISLATION AND THEY WILL RELUCTANTLY BE OBLIGED OBJECT SUCH BAR IN ANY REPEALING LEGISLATION STOP THEY WOULD BE OPEN TO CHARGE OF RAISING NEW POINT IF THEY OBJECTED ON SCORE OF FREE STATE IN A PROVINCIAL LAW STOP I CANNOT LAY TOO MUCH EMPHASIS ON FACT THAT PASSIVE RESISTERS ARE NOT AT ALL CONCERNED WITH INDIVIDUAL MATERIAL GAIN THEY ARE NOT CONCERNED WHETHER A SINGLE ASIATIC ACTUALLY ENTERS FREE STATE BUT EVEN THOUGH THEIR SUFFERINGS MAY BE INDEFINITELY PROLONGED SO FAR AS I CAN SEE THEY WILL NOT CEASE SUFFERING SO LONG AS RACIAL BAR BE ALLOWED TO APPEAR IN ANY LEGISLATION WHICH IS TO REPLACE TRANSVAAL LAWS AND WHICH IS TO BE PASSED LARGELY TO SATISFY THEM STOP IF HONOURABLE ATTEMPT ON PART PASSIVE RESISTERS TO SECURE EQUITABLE TREATMENT IN ACCORDANCE WITH BRITISH TRADITIONS WITHOUT IN ANY MANNER ADVERSELY AFFECTING MATERIAL POSITION OF EUROPEAN COMMUNITY SHOULD EXASPERATE THAT COMMUNITY WITH ALL RESPECT I MUST STATE THAT WE HAVE TO TAKE THAT RISK BUT I SUGGEST TO GENERAL SMUTS THAT HE IS RAISING A NEW POINT IN CONFLICT WITH HIS TELEGRAM OF FOURTH INSTANT GENERAL BOTHA'S DISPATCH<sup>1</sup> OF TWENTIETH DECEMBER AND HIS OWN SPEECH SECOND READING AND I APPEAL TO HIS DESIRE TO CONCILIATE ASIATIC SENTIMENT AND ASK HIM TO GRANT WHAT MEANS SO MUCH TO ASIATICS AND VERY LITTLE INDEED TO EUROPEANS IN GENERAL AND FREE

<sup>1</sup> *Vide* "Report of European Committee Meeting", 23-3-1911.

STATE EUROPEANS IN PARTICULAR STOP I PROPOSE LEAVING FOR CAPETOWN BY THE DIAMOND EXPRESS TOMORROW AND IF GENERAL SMUTS WILL BE PLEASED TO GRANT ME. AN INTERVIEW PERHAPS I MAY BE ABLE TO MAKE MY SUBMISSION CLEARER.

GANDHI

From a photostat of the typewritten office copy: S.N. 5351; also  
*Indian Opinion*, 8-4-1911

### 332. TELEGRAM TO L. W. RITCH

JOHANNESBURG,  
*March 24, 1911*

RECEIVED LONG REPLY FROM SMUTS.<sup>1</sup> IT IS TEMPORISING AND THREATENING. SENT YOU COPY MY REPLY<sup>2</sup>. AM LEAVING DIAMOND EXPRESS TOMORROW.

GANDHI

From a photostat of the typewritten office copy: S.N. 5354

### 333. TELEGRAM TO H. S. L. POLAK

[JOHANNESBURG,]  
*March 24, 1911*

SMUTS HAS SENT HOSKEN DANGEROUS TELEGRAM<sup>3</sup>. I SHALL THEREFORE NEED [A]T CAPETOWN ALL BLUE BOOKS REGARDING [Q]UESTION. PLEASE FORWARD THEM CAPETOWN.

GANDHI

From a photostat of the typewritten office copy: S.N. 5355

<sup>1</sup> *Vide* Appendix, "Telegram to Gandhiji from Private Secretary to Minister of Interior", 24-3-1911.

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

<sup>3</sup> *Vide* Appendix, "General Smuts Telegram to Hosken", 24-3-1911.

### 334. CABLE TO S. A. B. I. COMMITTEE<sup>1</sup>

JOHANNESBURG,  
*March 24, 1911*

GOVERNMENT SEEMED DISPOSED GRANT PROTECTION TO WIVES, MINORS AND LAWFUL RESIDENTS, BUT, DESPITE GENERAL BOTHA'S DESPATCH TO LORD CREWE ON THE 20TH DECEMBER, GENERAL SMUTS' WIRE TO GANDHI OF THE 4TH MARCH AND HIS DECLARATION ON THE SECOND READING THAT EDUCATED ASIATIC IMMIGRANTS. WILL BE ABLE TO SETTLE IN ANY PROVINCE OF THE UNION, GENERAL SMUTS NOW SAYS THEY WILL HAVE TO SUBMIT TOHUMILIATING REGISTRATION LAW OF THE FREE STATE, THUS DEBARRING THEIR ENTRY AND CREATING RACIAL BAR UNION IMMIGRATION LAW. AS PASSIVE RESISTERS HAVE ALL ALONG FOUGHT AGAINST RACIAL BAR, STRUGGLE MUST CONTINUE IF GOVERNMENT GO BACK UPON ABOVE-MENTIONED THRICE REPEATED ASSURANCE AND NOW INTRODUCE RACIAL BAR. RESISTERS FIGHTING PURELY NATIONAL HONOUR AND DEFENDING BRITISH CONSTITUTION. EUROPEAN COMMITTEE PRESIDED BY HOSKEN MET YESTERDAY,<sup>2</sup> ENDORSED INDIAN ATTITUDE, AND URGENTLY TELEGRAPHED ASKING SMUTS NOT NOW REVERSE POLICY FORESHADOWED IN BOTHA'S DESPATCH AND SMUTS' TELEGRAM. TRUST IMPERIAL AND INDIAN GOVERNMENTS WILL TAKE ACTION BEFORE IT IS TOO LATE.

M. K. GANDHI

From a photostat of the typewritten office copy in the Colonial Office Records: C.O. 551/21; also from the original draft in Gandhiji's hand: S.N. 5375

<sup>1</sup> The same cable was also sent to Gokhale. It was reproduced in *The Times of India*, 28-3-1911.

<sup>2</sup> *Vide* "Report of European Committee Meeting", 23-3-1911.

335. *CABLE TO G. A. NATESAN*<sup>1</sup>

[JOHANNESBURG,  
*March 24, 1911*]

SEE CABLES SENT GOKHALE ACT

From the original draft in pencil in Gandhiji's hand: S.N. 5375

336. *LETTER TO H. S. L. POLAK*

*March 24, 1911*

MY DEAR POLAK,

I have your letter. I am glad that your tooth is out. I certainly congratulate you upon getting such a splendid dentist. All I can say is that he is an exception. Karamat's case<sup>2</sup> is shocking. He is undoubtedly a great liar. He will not obey instructions. It is, therefore, difficult to treat him. Otherwise, I consider that his is not a hopeless case. Until he can be sent to India, and supported somewhere, all I can suggest is that, if the people at Phoenix are reconciled to the idea, Mr. Rustomjee should build him a hut, and he should live in that hut by himself and cook for himself, the settlers to have strict instructions not to supply him with any other food at all. The cost will be trifling. He could pass his time in a fairly easy manner, and he will have some sympathetic company also. He can take a small plot, which he may do anything he likes with, so long as he keeps his hut and the plot in a sweet condition. He can only be allowed to come to Phoenix, subject, as I say, to the consent of the settlers, if Mr. Rustomjee will undertake to see him personally at least once per month. To send him to a lazaretto is, in my opinion, to ask him to commit suicide. I would far rather place in his hands a revolver than be party to sending him to any place of compulsory segregation. I dare say you know something of the scandals about Robben Island<sup>3</sup>.

Unless some telegram is received from Smuts, I shall be leaving

<sup>1</sup> The draft of this cable is found under the text of the cable sent to Gokhale without the addressee's name. It is presumed to have been addressed to Natesan from a reference to it in the following item.

<sup>2</sup> *Vide* "Letter to Maganlal Gandhi", 14-2-1911.

<sup>3</sup> Formerly a leper colony, at the entrance of Table Bay, Cape Province

for Cape Town tomorrow, and we shall exchange telegrams very frequently. Nothing need, therefore, be discussed by me in this letter. Miss Schlesin will write to you daily with reference to the situation here, and send you what there may be for *Indian Opinion*. I enclose cables sent today to London<sup>1</sup> and Calcutta<sup>2</sup>. I have sent a short cablegram<sup>3</sup> to Natesan asking him to see the cables to Gokhale and act.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5356

### 337. LETTER TO J. J. DOKE

*March 25, 1911*

DEAR MR. DOKE,

You will have received copies of the telegrams exchanged between General Smuts and myself,<sup>4</sup> as also between Mr. Hosken and General Smuts.<sup>5</sup> They portend evil. I am, therefore, going to Cape Town by the Diamond Express. I had intended to call on you before I went away, but there has not been a moment to spare. Mr. Kallenbach is now back from Potchefstroom, and he will keep himself in touch with you. I think that vigorous action on the part of the Committee<sup>6</sup> will be necessary to counteract the effect of, if I may use the proper term, General Smuts' lies in his telegram to Mr. Hosken. If he dared to mislead a friend of the cause in this manner, how much more must he not have done with reference to the others who have not even taken the trouble of informing themselves on the question. I have suggested a public letter signed by the members of the Committee, giving their opinion as to what has been the demand from the start. His threat about exasperating the European community reminds me of what the demonstrators did in Durban to inflame the crowd in the December of

<sup>1</sup> To the S.A.B.I. Committee

<sup>2</sup> To Gokhale, Calcutta. *The Times of India* printed it is received from Calcutta, 27-3-1911.

<sup>3</sup> *Vide* the preceding item.

<sup>4</sup> *Vide* "Telegram to Private Secretary to Minister of Interior", 24-3-1911; also Appendix, "Telegram to Gandhiji from Private Secretary to Minister of Interior", 24-3-1911.

<sup>5</sup> *Vide* Appendix, "General Smuts Telegram to Hosken", 24-3-1911.

<sup>6</sup> European British Indian Committee

1896 and the January of 1897.<sup>1</sup> The European community is certainly not exasperated, but General Smuts is, and he wants to impart his own exasperation to the community.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 5358

*338. RESOLUTIONS AT NATAL INDIAN CONGRESS  
MEETING<sup>2</sup>*

[DURBAN,  
*March 26, 1911*]

The Natal Indian Congress meeting passed the following resolutions:

(1) Proposed by Mr. Abdul Caadir:

This mass meeting of British Indian residents of Natal hereby places on record its emphatic protest against the Immigrants' Restriction Bill now before the Union Parliament, in that:

(1) It inaugurates a policy of most total exclusion of British Indians from this Province, and is thus calculated to curtail the facilities which the resident Indian population has hitherto enjoyed of importing from India clerical and other assistance;

(2) No definite provision has been made for recognising the residential rights of the present Indian population, especially those of Indians born in this Province;

(3) Unlike as heretofore, the issue of certificates of residence has been left by the Bill to the discretion of the Administration;

(4) No provision seems to have been made for assisting persons declared to be prohibited by an Immigration Officer to assert their rights before a Court of Law;

(5) The wives and minor children of the resident Indian population do not appear to be protected as heretofore;

(6) The Bill seeks to introduce a racial or colour bar, by rendering British Indians, who may enter the Union under the education test, liable to the Asiatic Laws as to residential rights in one Province of the Union;

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

<sup>2</sup> *Vide* "Letter to H. S. L. Polak", 22-3-1911

and respectfully trusts that the Union Government will introduce the necessary amendments granting relief.

Seconded by Mr. G. P. Gandhi; supported by Mr. J. R. Solomon (Tongaat).

(2) Proposed by Mr. Ismail Gora:

This meeting of British Indian residents of Natal declares that, in the event of the clauses imposing the disabilities described in Resolution No. I, not being removed from the Bill, or otherwise satisfactorily amended, those present at the meeting shall respectfully oppose the Bill with all their strength.

Seconded by Mr. R. N. Moodley (Maritzburg); supported by Mr. S. Emamally.

(3) Proposed by Mr. Abdulla Haji Adam:

This meeting of British Indian residents of Natal hereby authorises the collection of a fund to effectively carry out the objects of the foregoing resolutions.

Seconded by Mr. R. B. Chetty; supported by Mr. M. M. Suliman (Umzinto).

(4) Proposed by Mr. Parsee Rustomjee:

This meeting of British Indian residents of Natal hereby congratulates the Transvaal Indian community upon, and cordially endorses their determination to continue, the "passive resistance" struggle until the racial or colour bar referred to in Resolution No. 1 is removed.

Seconded by Mr. Lutchman Panday; supported by Mr. Mahomed Cassim Coovadia.

(5) Proposed by Mr. Suliman Karwa:

This meeting of British Indian residents of Natal hereby authorises the Chairman to forward copies of the foregoing resolutions to the Union, Imperial and Indian Governments.

Seconded by Mr. P. K. Naidoo; supported by Mr. Rooknoodeen.

*Indian Opinion*, 1-4-1911

339. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
*Marsh 27, 1911*

11-30 [A.M.]

SAW MINISTER SHORT WHILE. INTERVIEW FOUR O'CLOCK.

GANDHI

From a photostat of the original as delivered: S. N. 5367

340. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
*March 27, 1911*

5-15 [P. M.]

FAIR INTERVIEW. HOPEFUL. FURTHER INTERVIEW PROBABLE.

GANDHI

From a photostat of the original as delivered: S.N. 5372

341. LETTER TO SONJA SCHLESIN<sup>1</sup>

[CAPE TOWN,  
*March 27, 1911*]

Here is roughly the purport of the conversation between J.C.S. and me:

SMUTS: You see, Gandhi, I am giving you everything. I could have done so by regulation but now I am protecting wives and children in the Bill. I do not know why, but I know that everybody suspects me. I am also recognising domicile. But you are very unreasonable. Your point is absolutely new.

GANDHIJI: How can you say so, General Smuts? Are you not creating a racial bar?

<sup>1</sup> The addressee's name is not available, as the first two pages of the letter are missing; but from the instructions given in the last four paragraphs, it appears to have been written to Miss Sonja Schlesin, who looked after Gandhiji's Johannesburg office.



S.: No, I am not. Can you show it to me?

G.: Certainly. Will you admit that throughout the four years we have been simply fighting against the racial or colour bar?

S.: Started and said after some hesitation, 'Yes'.

G.: You know that in the Transvaal Immigration Law there is no colour bar, but you read sub-section 4 and the Asiatic Act, and you have the bar.

S.: You are not stating it fairly.

G.: Then you shall state it in your own words.

S.: In the Transvaal we wanted total exclusion and that is brought about by the combined effect of the two laws.

G.: And now you want the same thing for the Free State. The combined effect of the Free State Law and the new Bill will be [to] shut out the Nizam of Hyderabad, and I assure you that the passive resisters will fight against it.

S.: There you are unreasonable.

G.: I must deny the charge. I am not at all anxious that a single Indian should actually enter the Free State. I am sincerely anxious to help you.

S.: You do not know my difficulties.

G.: I do. And because I do, I suggest that only so much of the Free State Law should be a basis for exemption as will enable a highly educated Indian to enter the Free State. If you send for the Law, I will show you what I mean.

S.: (Sends for the law): But the Free Staters will never consent.

G.: Then why did General Botha write to Lord Crewe that educated immigrants will be able to enter any province?

S.: You do not know all the dispatches. We have not printed everything, you know. Lord Crewe knows that we never wanted to give the rights as to the Free State.

G.: But you repeated the same thing at the second reading.

S.: Yes. I was simply sounding the Free Staters, and I noticed that they were very much opposed.

G.: If they are, it is your duty to persuade them, and if they cannot be, you may simply amend the Transvaal Legislation.

S.: But I am bound to the Imperial Government to pass this Bill. (Reads the Law and asks G. to go over to his side. G. points out the

section from which the exemption is to be granted.) Yes, I now see what you mean.

G.: Yes, the educated Asiatics will be still prohibited from owning fixed property and from trading. I am not raising that issue at all. We have still to fight you on the question of Law 3 of 1885. But this has nothing to do with passive resistance. I for one do not wish to offer passive resistance for material gains, but the racial bar we can never accept.

S.: But you have no idea of my difficulties.

G.: I know that you are quite able to overcome greater difficulties.

S.: All right, I shall now talk to the Free State members. You should leave your address with Lane. I hope you will keep the Cape and the Natal Indians silent.

G.: They will certainly not remain silent. I have just got a wire from Natal. It is absolutely necessary to protect existing rights. The question of domicile is ticklish and section 25 requires amending. Certificates should be issued for the asking.

S.: But discretion is always reserved.

G.: Not in the existing statutes. But of this I shall talk later if you will let me.

S.: What are you doing in Jo'burg, etc.?

G.: Looking after the families of passive resisters, etc.

S.: It has hurt me more than you to imprison these people. It has been the unpleasantest episode of my life to imprison men who suffer for their conscience. I should do the same thing for conscience' sake.

G.: And yet you are persecuting Mrs. Sodha.

\* \* \*

Please let Sorabjee and those on the Farm read the interview. I have written it more for their sakes, and then you may send it to Mr. Polak.

The notes of the interview are not for publication. But they are not to be destroyed.

I hope you received Mr. Hosken's permission to publish the

correspondence.<sup>1</sup>

Do please get Sorabjee to write daily to the people at the Farm.

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S.N. 5376

### *342. TELEGRAM TO JOHANNESBURG OFFICE*

CAPE TOWN,

*March 28, 1911.*

SEND POLAK ALEXANDER'S MINISTER'S AMENDMENTS PUBLI-  
CATION.<sup>2</sup> AM MOVING REGARDING MINISTER'S AMENDMENTS  
WHICH ARE NOT QUITE SATISFACTORY. NOTHING FURTHER  
TODAY.

GANDHI

From a photostat of the original as delivered: S.N. 5370

### *343. LETTER TO E. F. C. LANE*

7, BUITENCINGLE STREET,

CAPE TOWN,

*March 29, 1911*

DEAR MR. LANE,

I observe that amendments proposed to be moved by General Smuts to the Immigration Bill require that evidence in respect of domicile, marriage and parental relationship should be furnished to the satisfaction of the Immigration Officer. I venture to submit for General Smuts' consideration that such requirement may open the door to favouritism, corruption and bribery. I also submit that such delicate questions as to marital and parental relationship could only be decided by Courts of Law in case of doubt but not by an administrative officer nor should the matter be left to be dealt with by regulation.

With reference to the question of domicile it is a matter of the

<sup>1</sup> *Vide* Appendix, "General Smuts Telegram to Hosken", 24-3-1911.

<sup>2</sup> Published in *Indian Opinion*, 1-4-1911

utmost importance that an illustrative definition such as occurs in the Natal Statute should be given. Members of the Indian community here lay the greatest stress on this point owing to their unfortunate experience in the past.

As to section 25, the feeling is very strong that those who prove their right of residence should be entitled to receive, on their making application there for, a permanent residential certificate.

These are points which are of vital importance to the residents, and I hope that they will receive General Smuts' favourable consideration.

From a photostat of the typewritten office copy: S.N. 5385; also  
*Indian Opinion*, 8-4-1911

#### 344. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
*March 29, 1911*

WIRE POLAK HOSKEN'S PERMISSION PUBLISH CORRESPONDENCE<sup>1</sup>.  
NO NEWS TODAY.

GANDHI

From a photostat of the original as delivered: S.N. 5382

#### 345. INTERVIEW TO "CAPE ARGUS"<sup>2</sup>

[CAPE TOWN,  
*Before March 30, 1911*]<sup>3</sup>

A mistaken impression has got about that the British Indians of the Transvaal are perfectly satisfied with the provisions of the Immigrants' Restriction Bill. Mr. Advocate Gandhi, spokesman of the Transvaal Indian community, who is at present in Cape Town, in conversation with an *Argus* representative, detailed various points of the Bill, which, are not approved of by the Transvaal Indians. [Gandhiji said:]

The chief drawback, so far as the passive resisters are concerned,

<sup>1</sup> For the correspondence, *vide* Appendix, "General Smuts Telegram to Hosken", 24-3-1911.

<sup>2</sup> The report was "Special to *Cape Argus*" and was published under the heading "Emigration Bill—Mr. Gandhi's Grievances—Some Fresh Points".

<sup>3</sup> The *Argus* interview was published in *The Star* of the 30th.

is in the racial bar set up, if educated Asiatics who may enter the Union under the education test may not have residential rights in the Free State. It will be remembered that General Botha in a despatch to Lord Crewe, dated December 20, said that such Asiatics could settle in any Province of the Union, and a like statement was made by General Smuts at the second reading of the Bill. It now appears that the intention is to go back upon this, and debar such Asiatics from entering the Free State.

I may mention at once that the question is purely an academic one, because no Indian will care to enter the Free State under the present circumstances, but the removal of the racial bar in an Immigration Bill is absolutely necessary to salve Asiatic sentiment.

We do not contend that the general disabilities Asiatics labour under in the Free State should be removed. That is to say, if an educated Asiatic immigrant enters the Free State, he would still be under disabilities as to the holding of fixed property and the carrying on of any trade. The objection against the entrance of such educated Asiatics is based upon ignorance of the situation. I can hardly imagine that the Free State members would object to conciliating Asiatic sentiment by a simple removal of the racial bar. There is little probability that a single British Indian of education will seek to enter the Free State, since the Indian population there is too sparse to support an Indian barrister or doctor. Unless this racial bar is removed, passive resistance, I fear, must continue, and I do not know but that its extent may be increased by the British Indians of Natal and the Cape joining it.

#### NATAL AND THE CAPE

I have been receiving telegrams from Natal on other points of the Bill, and on these I am conferring with my countrymen in Cape Town. They are all agreed that the existing rights should be fully protected, and they therefore reason that full protection should be given to the wives and children of those who are domiciled in South Africa, and that the rights of domicile should be fully recognised, as they have been hitherto.

#### THE TERM "DOMICILE"

Past experience shows that the term domicile, being a highly technical word, needs exact definition to avoid the possibilities of bribery and corruption. The Natal Act makes it possible for an Asiatic

who has resided for three years to receive a certificate of domicile. It is also contended that those having rights of residence should be able to take out certificates if they choose to do so, so as to enable them to move to and fro without difficulty, without having to incur constant expense to prove their rights. It seems to me, indeed, that many of these matters are easily capable of adjustment.

#### EDUCATION TEST

The great question for British Indians in Cape Colony and Natal is the disability imposed by the severe education test in the new Bill. Some guarantee is, I think, undoubtedly necessary in order that Indian residents may obtain clerical assistance from India, since this is not to be obtained in South Africa. Hitherto Indians having a fair education have entered under the immigration test, and such facilities will be still necessary if the existing rights are to be protected.

Some of us even go so far as to contend that now, under Union, there should be no restriction of movement from Province to Province, but the most moderate are for the time being reconciled to provincial restrictions. We recognise the difficulty of the Government in the matter' but it is still a pressing grievance.

From a photostat of the cutting from *Cape Argus* in the Sabarmati Sangrahalaya: S.N. 5214; also

*Indian Opinion*, 8-4-1911

#### 346. TELEGRAM TO JOHANNESBURG OFFICE

7, BUITENCINGLE [STREET],  
CAPE TOWN,  
*March 30, 1911*

ASK KALLENBACH IF RITCH MAY LIVE MOUNTAIN VIEW,  
BILL NOT ON FOR SOME DAYS. SEEING MINISTER TO-  
MORROW. WILL BE THROUGH BEFORE END APRIL.

GANDHI

From the original as delivered: S.N. 5391

### 347. SPEECH AT RECEPTION IN CAPE TOWN<sup>1</sup>

[*March, 30, 1911*]

Brothers, I am obliged to you for the trouble you have taken for my sake. If you love me and my work, the only thing I would ask you to do is to join me in the work. I do not think I deserve the praise you have lavished on me. Whatever I have done and am doing still must be attributed to the religious ardour in me. We all know that Prahlad<sup>2</sup> opposed his father, embraced a red-hot iron pillar and went through many other ordeals. He suffered all this, he refused to submit to his father, not because of any animosity towards his father but because of his hatred for untruth. Similarly, friends, we may say that we have resorted to satyagraha not in a spirit of hostility to the Government, but because it is a religious duty to fight untruth. Some believe that satyagraha consists only in going to gaol, but that is not true. Satyagraha means resisting untruth by truthful means. It can be offered at any place, at any time and by any person, even though he may be in a minority of one. If one remains steadfast in it in a spirit of dedication, it always brings success. Satyagraha knows neither frustration nor despair. The admiration you have expressed for the success of satyagraha in the Transvaal does show that you realize its great value.

[Referring to the Immigration Bill, Gandhiji said:]

We are nearing the end, and victory will undoubtedly be ours if we work on in the spirit of satyagraha. What is most humiliating to us in the new Bill is the provision that educated Indians cannot enter the Orange Free State, and that the Orange Free State Act, based on racial discrimination, will stand. This is humiliating to all Indians. We in the Transvaal and in Natal are firm in our opposition to it, and I am glad to know that the Cape Indians have also joined us. If we are united in offering satyagraha, our victory is assured.

Gandhiji then explained the position with regard to the correspondence between General Smuts and himself, and also described how the families of satyagrahis were maintained on the Tolstoy Farm, outlining the steps taken to give

<sup>1</sup> Given by the Cape Town United Hindu Association on March 30, 1911 in honour of L.W. Ritch and Gandhiji

<sup>2</sup> Gandhiji often refers to him as the ideal Satyagrahi of his conception.

them some education of practical value. Finally, he referred to the urgent need for clothes, blankets, etc., for the use of the inmates of the Farm during the winter.

[From Gujarati]

*Indian Opinion*, 22-4-1911

**348. TELEGRAM TO JOHANNESBURG OFFICE**

KLOOF STREET,

[CAPE TOWN,]

*March 31, 1911*

RAMBHABAI APPLICATION LEAVE APPEAL GRANTED. HEARING  
TWENTY-FOURTH. BLOEMFONTEIN. GOOD INDIAN MEETINGS YESTER-  
DAY. MASS MEETING SUNDAY.

GANDHI

From the original as delivered: S.N. 5394

**349. TELEGRAM TO JOHANNESBURG OFFICE**

CAPE TOWN,

*April 1, 1911*

TO  
GANDHI  
JOHANNESBURG

FREESTATERS<sup>1</sup> NOW CONSIDERING. FINAL DECISION PROBABLY  
TUESDAY.

GANDHI

From a photostat of the original as delivered: S. N. 5397

<sup>1</sup> Members of Union Parliament from Orange Free State; they were considering the African Indians' demand that the six educated Asiatics allowed yearly to enter the Colony under the Gandhi-Smuts compromise should have free domiciliary rights in the Free State, which were being denied to them by the proposed Union Immigrants' Restriction Bill; *vide* "Telegram to Private Secretary to General Smuts", 17-3-1911; "Letter to E. F. C. Lane", 20-3-1911 & "Letter to Sonja Schlesin", 27-3-1911.



### 350. FRAGMENT OF LETTER TO MAGANLAL GANDHI

*Chaitra Sud 3 [April 2, 1911]*<sup>1</sup>

CHI. MAGANLAL,<sup>2</sup>

I had asked Dr. Mehta<sup>3</sup> about his view and in reply he has given me permission to send you and another person to England immediately. We cannot avail ourselves of it just yet. I, however, write this in order that you may keep it in mind. There will be, I think, some delay if Chhaganlal<sup>4</sup> goes to . . .

From the Gujarati original in Gandhiji's hand: C.W. 5626. Courtesy: Chhaganlal Gandhi

<sup>1</sup> This is the first of a series of Gujarati letters in this volume in which the date lines bear the day and month of the Gujarati calendar but mention no year. It was in 1911 that Maganlal's going to England was discussed seriously; *vide* "Letter to Maganlal Gandhi", after 18-5-1911. In that year Chaitra Sud 3 corresponds to April 2.

<sup>2</sup> Maganlal Gandhi (1833-1928); a cousin of Gandhiji's and Chhaganlal Gandhi's brother; in 1908 he suggested "satyagraha" as a Gujarati equivalent for "passive resistance" which was the basis of Gandhiji's own term "satyagraha"; manager of the Phoenix settlement after Chhaganlal's departure for England, and later, of the Satyagraha Ashram at Sabarmati. Gandhiji dedicated his Autobiography to him.

<sup>3</sup> Dr. Pranjivan Jagjivan Mehta, M. D., Bar-at-law, who took Gandhiji in hand soon after his arrival in England in 1888 and "taught him English etiquette"; remained a lifelong friend till his death in 1933, evincing great interest in all of Gandhiji's enterprises including the Tolstoy Farm and the Champaran satyagraha; generally an invaluable source of funds for public activities. Through him, Gandhiji met poet Rajchandra from whom he learned to "see God in all his daily acts". *Vide An Autobiography*, Part I, Ch. XIII & XIV, Part II, Ch. I and Part V, Ch. XVI.

<sup>4</sup> Chhaganlal Gandhi; a cousin of Gandhiji's and a founder member of the Phoenix settlement; Editor of Gujarati Indian Opinion after 1908; was sent to England in 1911 to study for the Bar as part of Gandhiji's scheme to train members of Indian Opinion staff for increased responsibilities.

### 351. LETTER TO HERMANN KALLENBACH

Monday [On or before April 3, 1911]<sup>1</sup>

MY DEAR LOWER HOUSE,

I have your 'slating' letter. It is certainly a sign of 'thickness' that I should not write to please you but write only when I have something to say. The office news I purposely refrain from writing as I should expect Miss S[chlesin] to give you the information you would need. You have not become an expert in the question and I do not want to give you details which only an expert may require. You are in fact and in reality the angel of peace and mercy. These angels simply give strength wherever it is required without knowing even that they are doing [so]. With you, as I have so often said, the heart comes first. Whenever the intellect has ruled, you have shown the worst side of your nature.

Remarkable that the finger should not still be cured entirely. But you never fasted, though you intended to.

You are 'crowing' too early. My telegrams were not intended to convey that we had the victory. The wretched new Bill<sup>2</sup> I certainly think is as good as dead. But whether the Transvaal Law will be amended or not is a different thing. I think it will be. Smuts is committed to settling the question. But he is never certain as to anything. He always waits till the last moment.

Harilal tells me you are going to England if I do. How so? Can it be arranged? Who will look after the Farm? I should be far more satisfied with your dispositions if Mountain Views could be sold. But I am inclined to blame you in the matter. You have never seriously tried to sell it. Will you now do it? It is, I am sure, wrong to think of clinging to both the Farm and Mountain View.

You will laugh when I tell you that the 2 lb. of butter is still

<sup>1</sup> From the contents; *vide* also the following two letters to the addressee; the Monday before April 5 was April 3.

<sup>2</sup> *Vide* Appendix, Immigrants' Restriction Bill", 4-3-1911

lying unpacked in Gopal's<sup>1</sup> bag. Yes, I think, we have lost friend Gopal.

With love,

*Yours sincerely,*

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

### 352. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
*April 3, 1911*

TO

GANDHI

JOHANNESBURG

GOOD MEETING<sup>2</sup> YESTERDAY. SEVEN RESOLUTIONS<sup>3</sup> PASSED  
FORESHADOWING PASSIVE RESISTANCE, FAILURE REMOVAL  
RACIAL BAR, SUPPORTING TRANSVAAL, HONOURING RITCH<sup>4</sup>,

<sup>1</sup> Probably Gopal Naidoo, who came to stay at Tolstoy Farm around June 13, 1910 and was looking after the cooking there; *vide* "Letter to Maganlal Gandhi", 15-6-1910 and "Johannesburg", 9-7-1910.

<sup>2</sup> This meeting held by Cape Indians demanded the following changes, among others, in the Union Immigrants Restriction Bill: (1) proof regarding domicile from wives and children of domiciled Asiatics be left to courts of law; (2) Immigration Officers' decisions be made justiciable; (3) the less severe education test existing in the Cape be retained in the new law; and (4) educated Asiatic immigrants be allowed to enter and reside in any Province of the Union. Failing this, they demanded that the Cape and Natal laws be retained in their existing form and that the Transvaal immigration law be suitably amended. Indian Opinion, 8-4-1911.

<sup>3</sup> *ibid*

<sup>4</sup> 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* "Letter to A.H. West", 2-11-1906 & "The Deputation's Voyage-V", 3-11-1906; Secretary, South Africa British Indian Committee ("Letter to Lord Reay", (Enclosure), 24-11-1906) of which he eventually became the "moving spirit"; in March, 1911, helped Cape Indians to organize against the whittling down of Asiatic rights in the Immigrants' Restriction Bill; *vide* "Letter to Abdul Hamid Gool", 2-3-1911; "Telegram to L.W. Ritch", 8-3-1911 & "Letter to H.S.L. Polak", 9-3-1911. In the same month British Indian Association asked him to act on its behalf at Cape Town, *vide* "Telegram to L.W. Ritch", 7-3-1911, but Smuts refused to accept him, "an entire stranger", as their representative and would not see him, *vide* "Telegram to L.W. Ritch", 9-3-1911; "Letter to Private Secretary to Minister of Interior", 10-3-1911; "Letter to L.W. Ritch", 10-3-1911; was virtually in charge of BIA's legal work after he took over as solicitor in Gandhiji's office in April, 1911 ("Ritch in Johannesburg", 15-4-1911).

WHO LEFT TODAY WITH SON. ARRANGE THEIR BREAKFAST.

GANDHI

From a photostat of the original as delivered: S. N. 5406

*353. TELEGRAM TO JOHANNESBURG OFFICE<sup>1</sup>*

CAPE TOWN,  
*April 4, 1911*

TO  
GANDHI  
JOHANNESBURG

MINISTER THINKS IT WILL BE WELL BUT SUGGESTS  
MY STAY UNNECESSARY. I THINK I SHOULD LEAVE THIS  
WEEK. BILL FAR OFF.

GANDHI

From a photostat of the original as delivered: S. N. 5407

*354. LETTER TO L. W. RITCH*

[CAPE TOWN,]  
*Tuesday [April 4, 1911]*

MY DEAR RITCH,

I have now got Evir's cert[ificate]<sup>2</sup>. Saw Lane<sup>3</sup>. He thinks it will be well but the Bill may not come up for two weeks. He suggests my not waiting. I am now trying to see all the members<sup>4</sup> I can. Have wired<sup>5</sup> today and await some instructions.

*Yours sincerely,*  
M. K.GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5408

<sup>1</sup> In reply to BIA's telegram of April 1, 1911 which read: "Strongly advise you remain Cape Town until matter settled. " S. N. 5399

<sup>2</sup> Birth certificate which had been asked for by Ritch

<sup>3</sup> E. F. C. Lane, Private Secretary to Smuts

<sup>4</sup> Members of Union Parliament

<sup>5</sup> *Vide* the preceding item.

355. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN ,  
*April 5, 1911*

TO  
GANDHI  
JOHANNESBURG

SECRETARY ASKED FOR ALTERNATIVE PROPOSALS WRITING.  
SUBMITTING SAME TOMORROW. ALTERNATIVE IS AMENDMENT  
TRANSVAAL LAW.

GANDHI

From a photostat of the original as delivered: S. N. 5411

356. LETTER TO HERMANN KALLENBACH

8 KLOOF STREET,  
*Wednesday [April 5, 1911]*<sup>1</sup>

MY DEAR LOWER HOUSE,

I suppose you do not get the time to write to me regularly.

“The salvation of men from the calamities which they inflict upon themselves can be realized only in that degree in which they are guided in their lives, not by advantages, not arguments, but by religious consciousness,” so says Tolstoy. I have brought with me some of his pamphlets which I read during odd moments. There are many gems to be picked up from these pamphlets.

So now I am on the great task of seeing the members who would see me.

Sorabji has been discussing with me the problem of going to the Imperial Conference. There are some reasons why one may go to advantage. I feel however that if the struggle does not end, I must not go. But the matter cannot be decided through the post. I simply mention it so that you may discuss it with Ritch and Sorabji.

How is the finger?

I have not yet touched the butter you gave me. Still on saltless

<sup>1</sup> From the contents; *vide* also “Letter to L.W. Ritch”, 5-4-1911.

diet. There is really no difficulty about it. I should like to keep it up. If I do not, it will be my own fault.

With love,

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

*357. EXTRACT FROM LETTER TO MAUD POLAK<sup>1</sup>*

[CAPE TOWN]

*April 5, 1911*

. . . There is another matter which is likely to cause the greatest distress in the Transvaal, if not ruin to hundreds of Indians; the Gold Law of 1908 (Transvaal)<sup>2</sup> Section 130 provides that no right under it can be held by or sub-let to an Asiatic or Coloured person. It has been discovered that many townships are affected by this law. Klerksdorp Indians have received notices to vacate premises occupied by them<sup>3</sup>. The notices have been served by the owners, who in turn have been notified by the Government that they are committing a breach of the law by allowing Asiatics to occupy Stands registered in their names. There is a Supreme Court case which says that Asiatics who have leases cannot be disturbed during the period of their leases, if their leases were entered into prior to the passing of the law. This will not protect existing rights, for very few have long leases. Monthly tenants will therefore be ruined. The legal opinion has been sent to you; it shows that, if the law is carried out, the whole Asiatic

<sup>1</sup> This was forwarded to the Colonial Office on May 5, 1911 by Maud Polak, sister of H. S. L. Polak and Assistant Honorary Secretary of the SABI Committee in London.

<sup>2</sup> The Transvaal Precious and Base Metals Act 35 of 1908

<sup>3</sup> At Klerksdorp, the Public Prosecutor had issued notices to European Standholders under Section 130 of the Gold Law of 1908 against subletting Stands to Coloured persons. The European holders had accordingly asked their Indian tenants to vacate. In May, 1911, Klerksdorp Indians petitioned the Minister of the Interior appealing that the law be repealed and the Prosecutor's notices withdrawn, but the Acting Secretary for the Interior replied in June saying that the questions raised were of a "purely legal character" and that the Minister could not move Parliament for altering the law. The issue was then taken up by the BIA. Indian Opinion, 20-5-1911 & 10-6-1911.

population of the mining districts in the Transvaal will be cleared out. Johannesburg is included in this plan, and Johannesburg contains the largest Indian population. I am sure that when the Imperial Government sanctioned this legislation they could not have contemplated such an untoward and disastrous result.

Cd. 6087; also *Indian Opinion*, 27-4-1911

### 358. LETTER TO L. W. RITCH

[CAPE TOWN,]

Wednesday [April 5, 1911]

MY DEAR RITCH,

Saw yesterday Dr. Hewart, the Opposition whip, and Sir Bisset Berry. J. W. Jagger<sup>1</sup> I meet this afternoon. And so I shall continue till I have seen all I want to see and all who would see me. The members I saw yesterday were introduced to me by Alexander<sup>2</sup>. They have promised to support Alexander. They themselves had not much time but agreed that the point was very simple. General Botha's<sup>3</sup> dispatch<sup>4</sup> to Lord Crewe<sup>5</sup> does the trick.

<sup>1</sup> Member of the Union Assembly

<sup>2</sup> Morris Alexander; Jewish member of Parliament from Cape Town; was sympathetic to the African Indian cause and opposed many provisions of the Union Immigrants' Restriction Bill as affecting Indians.

<sup>3</sup> Louis Botha (1862-1919); "an Afrikaner, Natal-born and Transvaal trained . . . a Liberal in the old republican days, bilingual, genial, boundlessly tactful" (Eric Walker, *A History of South Africa*, p. 535) and one of the moderate Boers "familiar with all the intricacies of agriculture . . . there was hardly anyone in Europe . . . as good a judge of sheep as he was" (*Satyagraha in South Africa*, Ch. II); outstanding Dutch commander during the Boer War; in 1904-5 founded the Het Volk party pledged to conciliation and self-government (Walker, *op. cit.*, pp. 515-6); accepted proposal for self-government under the British although extreme Boers were sceptical and managed to get through "drastic anti-Asiatic Bills" (*ibid.*, p. 519); first premier of self-governing Transvaal in 1907, and in 1910 became first Union Premier; opposed educated Asiatics' entry in Gandhi-Smuts Conference following the compromise of January 1908; *vide* "Letter to Lord Amptill", 5-8-1909

<sup>4</sup> Of December 20, 1910; *vide* "Report of European Committee Meeting", 23-3-1911.

<sup>5</sup> Robert Ofley Ashburton Crewe-Milnes, 1st Marquess of Crewe; Liberal statesman and writer; Lord-Lieutenant for Ireland in 1892-5 cabinet; Secretary of State for Colonies, 1908; succeeded Morley at India Office in November, 1910; quitted active party politics in 1922 but became Secretary of State for War in 1931; author of *Stray Verses* and other literary miscellanies.

I feel sure that if the Bill comes up at all, General Smuts<sup>1</sup> will not dare to bring it up without the amendment<sup>2</sup> we are asking for. I think he has dropped the charge of bringing a new point.<sup>3</sup>

Sorabji<sup>4</sup> has been writing to me that I should go to London for

<sup>1</sup> Jan Christiaan Smuts (1870-1950); Gandhiji found him “as able a general and administrator as he is a lawyer”, but mentions that he was warned that “slim Janny”, as Smuts was known, was a “trimmer”; *vide Satyagraha in South Africa*, Ch. XXV. After a brilliant academic career at Cambridge, Smuts was admitted to the Cape Town Bar in 1895; commander-in-chief of rebel commandoes in the Cape during Boer War; in 1902 urged compromise with the British at the Vereeniging peace negotiations; strongly opposed Milner’s policy, especially the importation of Chinese coolies for the gold mines; founded in 1904. along with Botha, the Het Volk party; after Responsible Government became Transvaal’s Colonial Secretary; an advocate of Union along with Lionel Curtis (“Johannesburg Letter”, 9-5-1908) and an author of the South Africa Act of 1911; in 1910 became Union Minister for Interior, Mines and Defence; in 1912 took over the treasury, retaining Defence; in 1916 during World War I, accepted Imperial command in East Africa; joined War Cabinet and initiated unification of the flying services; after Armistice, wrote his Memorandum, The League of Nations: A Practical Suggestion, which subsequently became the covenant of the League. Speaking of his controversy with Smuts over the 1908 compromise, Gandhiji says, “Even today, I look upon the incident as a breach of faith . . . not perhaps . . . an intentional breach of faith”; *vide Satyagraha in South Africa*, Ch. XXV.

<sup>2</sup> On March 10, 1911, Indians had requested that, in the Union Immigrants’ Restriction Bill, an amendment be made exempting educated Asiatics from provincial registration laws and protecting the rights of wives and minor children of registered Asiatics; *vide* “Transvaal Petition to Union Assembly”, 10-3-1911.

<sup>3</sup> Smuts made this charge in his telegram of March 21, 1911 (“Telegram to Private Secretary”, of General Smuts, 22-3-1911) in response to Gandhiji’s request (“Telegram to Private Secretary to General Smuts”, 17-3-1911 and ; 20-3-1911) that educated

Asiatic immigrants be exempted from orange Free State registration laws as well. The Transvaal Leader, under its new editorship, also shared the view that the demand was a new one. Polak wrote to the editor pointing out that “the limitation of the number of educated indian immigrants” was accepted by Gandhiji only for the Transvaal, and that “Natal Indians cannot be expected to permit themselves to be deprived of rights that they already possess”. Ritch also wrote saying that, while it was true that the immigration bill would “repeal the Transvaal immigration and registration laws of 1907, it virtually re-enacts the Free State law which is . . . specifically insulting to Indians”. He gave the assurance that “if the objections raised . . . are met by amendment to the bill . . . the ‘agitation’ to which you take exception will automatically end . . . the racial bar must . . . not apply to any part of the union.” Indian Opinion, 15-4-1911.

<sup>4</sup> Sorabji Shapurji Adajania; “as much of an Indian as a Parsee”, he laid the foundation of the “second phase” of the campaign in South Africa and, entering the



the Imperial Conference<sup>1</sup>. I do not Know. If the struggle ends, it may be worthwhile. The Gold Law business worries me. It is such a damnable business. One might be able to do something in that connection. If the struggle does not end, it seems to me that I cannot leave at all. Let Sorabji discuss the thing with you. I have instructed Maud about the Gold Law, suggesting that she should copy my remarks and forward [them] to the Colonial & India Offices. <sup>2</sup>

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5419

### 359. LETTER TO L. W. RITCH

[CAPE TOWN,]

*Wednesday [April 5, 1911]*

MY DEAR RITCH,

Your wire<sup>3</sup>. I shall not run away hastily. I wrote a short note<sup>4</sup> to Lane saying I was staying for some time to see the other members. He sent a note in reply asking me to see him at once. On going to him he gave me the message from J.C.S. to the effect that I should reduce to writing my two proposals. He added that Smuts did not want me to go away empty-handed and said that the matter must be settled during this session. Our friends may derive what hope they can from this.

Have been lobbying the whole afternoon. More tomorrow. I have to submit my proposal tomorrow after 10-30 a. m.

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5417

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Transvaal many times to test educated Indians' rights, "suffered the longest terms of imprisonment" in 1908 and deportation in 1909; was sent by Gandhiji to England in 1912 at Dr. Mehta's expense to qualify as barrister; while in England was invited by Gokhale to join the Servants of India Society; but returned to the Transvaal, did public work among Indians and died in Johannesburg at an early age. *Vide* also *Satyagraha in South Africa*, Ch. XXIX.

<sup>1</sup> Originally scheduled to meet on May 22, 1911 ("Letter to L. W. Ritch", 15-4-1911), it was held on June 19, 1911.

<sup>2</sup> She did this; *vide* the preceding item.

<sup>3</sup> Dated April 5, which read: "Strong feeling here that you should remain unless no likelihood Bill this session". S.N. 5412.

<sup>4</sup> Not available

### 360. LETTER TO CHHAGANLAL GANDHI

*Chaitra Sud 6 [April 5, 1911]<sup>1</sup>*

CHI. CHHAGANLAL,

I have your letter from Rajkot and also the one written before that. It is a great achievement that your health is improving. That you could not go to Poona and other places is true but as you have to come back here soon, the elders will feel satisfied if you stay with them as long as you can.

I am sorry to learn that Prabhu<sup>2</sup> is ill but am not surprised at all. I have no faith in our living conditions there. 'Our' means 'our society's'.

Bring a good collection of Gujarati dictionaries and other useful books with you when you come. I believe that you will bring the bills. Bring along Anandlal if he agrees to come.

Tell Raliatbehn<sup>3</sup> to forget her brother. When I will be able to go to India and when I go whether I will be able to stay with her is all in the hands of God. Phuli's health is in her own hands. She does not control her palate and therefore will go on suffering.

I do not feel that this time, too, we will be able to arrive at a settlement. Yesterday, I had a long talk with Smuts. He says that it can be done only next year. In the meantime, he does not want to arrest anyone. How can we sit quietly the way he wants us to. I wrote to him a strong letter yesterday.

I have sent a note to Revashankerbhai<sup>4</sup> for your money.

<sup>1</sup> The year is evidently 1911 as revealed from the contents; *vide* "Letter to Maganlal Gandhi", 14-2-1911 and "Fragment of Letter to Maganlal Gandhi", "Letter to Chhaganlal Gandhi", 1-8-1911 and "Letter to Chhaganlal Gandhi", 13-8-1911. The Gujarati date Chaitra Sud 6, however, does not figure in the Panchanga of that year. Chaitra Sud 5 corresponded to April 4, and can be accepted as the date when this letter was written.

<sup>2</sup> Prabhudas, addressee's son

<sup>3</sup> Raliatbehn Vrindavandas, sister of Gandhiji

<sup>4</sup> Revashanker Jagjivan Jhaveri, a friend of Gandhiji and brother of Dr. Pranjivan Mehta

Give my respect to Khushalbhai<sup>1</sup> and Bhabhi<sup>2</sup>. I trust you will return here leaving behind all the problems.

*Blessings from*  
BAPU

From the Gujarati original: S.N. 32889

*361. TELEGRAM TO JOHANNESBURG OFFICE*

CAPE TOWN,  
*April 6, 1911*

TO  
GANDHI  
JOHANNESBURG

SETTLED DRAFT PROPOSAL<sup>3</sup> NOTHING NEED BE TAKEN  
AS CERTAIN.

GANDHI

From a photostat of the original as delivered: S. N. 5421

<sup>1</sup> Khushalchand Jivanji Gandhi, a cousin of Gandhiji and his wife, Devbhabhi; parents of the addressee

<sup>2</sup> *ibid*

<sup>3</sup> Asked for in writing by Lane; *vide* the preceding item.

362. LETTER TO L. W. RITCH

[CAPE TOWN,]

Thursday [April 6, 1911]

MY DEAR RITCH,

Have seen Farrar<sup>1</sup>, Chaplin<sup>2</sup>, Jagger, C. P. Robinson<sup>3</sup>, etc. Farrar was the most sympathetic. They all agree that the Free State contention must be granted.

Had nearly half an hour with Lane. He looked at my draft, suggested certain alterations<sup>4</sup>. I hope to type the thing tonight and post it to him and copy to you.

Going to the meeting of the Committee of the Union<sup>5</sup>.

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5423

<sup>1</sup> Sir George Farrar (1859-1915); Chairman, East Rand Proprietary Mines; a leader of the Progressive Party; one of the "Labour importers" who, "in the face of organized opposition" from the Boers and other interests, agitated successfully for the implementation of the majority Report of the Labour Commission of 1903, which sought to introduce Asiatic workers in the Rand mines since Native workers were unavailable; member of the Transvaal Legislative Council both before and after Responsible Government; member of Union Parliament

<sup>2</sup> Drummond Chaplin; a member of the House of Assembly and of the Progressive Party, who sympathized with the Indians in some of their grievances against the Transvaal immigration law; was the chief Opposition spokesman in the Legislative Assembly in favour of the Indians' Relief Bill of 1914.

<sup>3</sup> A candidate for Union Parliament

<sup>4</sup> Evidently in Schedules A and B of the following item

<sup>5</sup> The Cape British Indian Union; *vide* "Telegram to Abdul Caadir", 7-3-1911.

363. LETTER TO E. F. C. LANE

FINAL COPY<sup>1</sup>

7, BUITENCINGLE [STREET,]  
CAPE TOWN,  
*April 7, 1911*

DEAR MR. LANE,

In accordance with conversation<sup>2</sup> between us, I reduce to writing my suggestions for bringing the Asiatic struggle in the Transvaal to a close.

A

The new clause tabled by General Smuts to follow clause 27 in the present Bill should be amended as follows:

Anything to the contrary notwithstanding in Act No. 36 of 1908 of the Transvaal and Chapter XXXIII of the Orange Free State Constitution, a person who, by complying with the conditions described in paragraph (a) of section four of this Act, has been permitted to enter the Union shall not be deemed to be subject to registration under the provisions of the said Act of the Transvaal and to Clauses 1 to 6 of the said Chapter XXXIII.

(The words underlined are the additions suggested by me.)

Subject to such amendment and subject to unequivocal protection of existing rights, especially of wives and children of lawful residents and immigrants, the bill will be acceptable to the passive resisters. I offer no comment on the special objections that the Cape and Natal Indians have naturally raised, and which I think ought to receive careful and favourable consideration.

B

As an alternative solution, I suggest as follows:

- (1) The present bill be dropped.
- (2) A bill to amend Transvaal Act 15 of 1907<sup>3</sup> be introduced and

<sup>1</sup> These words are in Gandhiji's hand.

<sup>2</sup> *Vide* "Letter to L. W. Ritch", 5-4-1911

<sup>3</sup> This is the Transvaal Immigrants' Restriction Act which came into force in January, 1908, without, however, superseding the Asiatic Registration Act of 1907, and against which the satyagraha campaign of 1908 was directed; for text of the Bill,

thereby

- (a) The Transvaal Act 2 of 1907<sup>1</sup> be repealed “except so far as it is applicable to the registration of minors lawfully resident in the Transvaal”. (The wording is taken from the first schedule to the present bill. My reading of the reservation is that minor children of registered Asiatics, no matter where they may be, shall be free to enter the Transvaal and be liable to and entitled to registration on reaching the age of 16. )
- (b) The education clause of Act 15 of 1907 may be replaced by sub-clause (a) of clause 4 of the present bill in order, if necessary, to make the test more severe.
- (c) Sub-clause 4 of section 2 of Act 15 of 1907 be repealed.
- (d) General Smuts’ new clause 28 be added *mutatis mutandis* to Act 15 of 1907, without of course the addition suggested by me and which addition is necessary for the present bill but NOT for the alternative solution.

In my opinion the alternative solution is the simplest; it raises no question as to the Free State and its acceptance by General Smuts will not only close passive resistance, but I feel sure will meet with the entire approval of the Indian community.

This, however, does not mean that the community waives its right to move for an amelioration of its position in many other matters.

*Yours sincerely,*  
M. K. GANDHI

From *Indian Opinion*, 15-4-1911; also photostat of typewritten copy: S. N. 5434.

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*vide* Appendix “Transvaal Immigration Restriction Bill”, 13-7-1907”. and for the text of the Act which is somewhat different, *vide* Appendix “Immigrants’ Restriction Act”, 4-1-1908.

<sup>1</sup> The Transvaal Asiatic Registration Act which was passed by the self-governing Colony of the Transvaal on March 22, 1907, and received Royal assent on May 7, 1907. It was virtually a re-enactment of its precursor, the Asiatic Law Amendment Ordinance, which had been disallowed by the Imperial Government on protest made against it by the Gandhi-Ally deputation of 1906. Both the Ordinance and the Act envisaged, among other things, the compulsory registration of Asiatics and the affixture of their finger-impressions on their certificates.

364. LETTER TO L. W. RITCH

7, BUITENCINGLE [STREET,  
CAPE TOWN,]  
April 7, 1911

MY DEAR RITCH,

Please tell Miss Schlesin<sup>1</sup> that I have had no letters from there during the last two days. I take it she did not write on Monday & Tuesday. I have just a suspicion that the letters may have miscarried.

Herewith my letter<sup>2</sup> to Lane. I had a long chat with Lane yesterday. He suggested alterations in the draft I had taken. The copy I am sending you is the result. You will be pleased to learn that the typing has been done by me. I have borrowed Hiranand's typewriter. I am finishing this letter in Lane's office. He suggested the dropping of the last sentence<sup>3</sup> which he thought meant a threat. I told him it could not be dropped and I told him plainly that I could not rest so long as women were taxed, Indians could not hold landed property in the Transvaal, & c. I told him pretty plainly that if the Gold Law prosecutions<sup>4</sup> in Klerksdorp were proceeded with, I would not hesitate to advise & raise passive resistance. We have been talking to each other with the utmost freedom. You will see the revised letter signed by me. In it there is no material change. The second copy was typed in Lane's office. He tells me quite confidentially that the alternative solution will be accepted though he adds that J.C.S. is still in treaty with the Free Staters. He was most eagerly waiting for my letter which I brought to him somewhat late as I was engaged last night with

<sup>1</sup> 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 and was his Private Secretary for many years; made herself useful to Indian Opinion; was ardently interested in the Indian cause. "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"; an "ardent suffragist" and the "heart and soul" of the Transvaal Indian Women's Association. *Vide also Satyagraha in South Africa*, Ch. XXIII and *An Autobiography*, Part IV, Ch. XII.

<sup>2</sup> Of April 7, 1911, a copy of which Gandhiji had promised to send Ritch in his letter of April 6, "Letter to L.W. Ritch", 6-4-1911.

<sup>3</sup> *Vide* the preceding item.

<sup>4</sup> *Vide* also "Extract from Letter to Maud Polak", 5-4-1911

Smartt<sup>1</sup> who gave a very patient hearing. In the morning Campbell Anderson interrupted me. Up to the time of writing this, I am sanguine of the 2nd proposal<sup>2</sup> becoming law in the course of a few days.

As I made mention about the approval of the whole community, I have wired you for approval,<sup>3</sup> though really the thing has been approved already there and here & [in] Natal. Natal went out of its way to wire approval of the Cape resolutions.

In the circumstances I am not leaving at all for the time being. As a matter of fact I could not have, even if I had your permission, until I had finished seeing the members.

I enclose [a] cutting<sup>4</sup> from The Times. You will notice Smuts already foreshadowing a new solution.

I hope I shall get the English mail<sup>5</sup> tomorrow noon.

Abdurahman<sup>6</sup> introduced me to Smartt. They two seemed to be rather intimate. I met Col. Crewe also though the former did not stay for the interview.

I take it you will explain the letter to the leaders there.

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5428

<sup>1</sup> Sir Thomas Smartt; Minister of Agriculture in the 1920 Cabinet; member of the Unionist Party which later merged in the South Africa Party

<sup>2</sup> *Vide* "Letter to E. F. C. Lane", 7-4-1911.

<sup>3</sup> *Vide* "Telegram to Johannesburg Office", 7-4-1911.

<sup>4</sup> Not available

<sup>5</sup> Letters presumably received from England at Tolstoy Farm and redirected to Gandhiji at Cape Town

<sup>6</sup> Dr. Abdurahman; of Malay descent, a well-known physician of Cape Town; President of the African Political Organization and member of the Cape Town Municipality and of the pre-Union Cape Legislative Assembly; in 1909 went with the deputation of Coloured people to England, *vide* "Deputation's Voyage[—I]", After 23-6-1909 in February 1910 opposed, in the Cape Town Municipal Council, proposal to welcome the Prince of Wales, declaring he would "look upon it as a day of mourning"; *vide* "The Cape Coloured People", 26-2-1910 & "Abdurahman's Indignation", 26-2-1910, also *Satyagraha in South Africa*, Ch. II.



365. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
April 7, 1911

TO  
GANDHI  
JOHANNESBURG

MY LETTER<sup>1</sup> SECRETARY ACCEPTS AS SATISFACTORY AMEND-  
MENT TRANSVAAL LAW, REPEALING ASIATIC ACT 1907,  
PROTECTING MINORS, EXEMPTING EDUCATED IMMIGRANTS FROM  
OPERATION ACT 36 OF 1908<sup>2</sup>. SEE KACHALIA<sup>3</sup> OTHERS.  
WIRE APPROVAL. NOT LEAVING BEFORE NEXT WEEK.

GANDHI

From a photostat of the original as delivered: S. N. 5431

366. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
April 7, 1911

TO  
GANDHI  
JOHANNESBURG

CHRIS BOTHA HAS TABLED AMENDMENT SAYING NOTHING  
IN BILL SHALL REPEAL ANY SECTION 33 ORANGIA.  
THIS SIGNIFIES ALTERNATIVE<sup>4</sup> LIKELY ACCEPTANCE.

GANDHI

From a photostat of original as delivered: S. N. 543

<sup>1</sup> *Vide* "Letter to E. F. C. Lane", 7-4-1911.

<sup>2</sup> The Transvaal Asiatics Registration Amendment Act born of the Gandhi-Smuts compromise of 1908. The Indians, however, continued their opposition to it since it did not incorporate the compromise proposals as understood by them.

<sup>3</sup> Ahmad Muhammad Cachalia; originally an interpreter, hawker and trader with "a working knowledge of English", he first addressed a public meeting of Indians, held on June 30, 1907, to protest against the Asiatic Law Amendment Act; in September, 1908, succeeded Essop Mia as Chairman of the BIA; "sacrificed his all for the community's sake" and allowed his flourishing business to be auctioned in order to pay off his creditors who refused to deal with a satyagrahi merchant; died in 1918, "serving the community till the last"; *vide* "Johannesburg Letter", 7-9-1908, ; 19-9-1908 & "Letter to Rand Daily Mail", 22-1-1909, also *Satyagraha in South Africa*, Ch. XVI.

<sup>4</sup> *Vide* "Letter to E. F. C. Lane", 7-4-1911

367. LETTER TO HERMANN KALLENBACH

7 BUITENSINGLE,

April 8 [1911]<sup>1</sup>

MY DEAR LOWER HOUSE,

You are certainly not regular about letters this time.

This proposed London visit causes me a deal of worry. Again to leave Mrs. Gandhi and the two youngsters, again to masquerade in the wretched costume, etc. You know here I have not observed the rules of decency. I go about the House of Assembly and to Smuts in sandals and my usual jacket. I wore the shoes for two days. I saw that they were uncomfortable and really not necessary. So I discarded them. I am none the worse received for that reason. You will say perhaps it is because the men I meet are too gentlemanly, not that I am wise or right in breaking the social convention. If you did say so, you would probably be right. But that is just my position. If it were not for the passive resisters who are anxious for a settlement and for Polak, whom I want to see in London with his wife, probably I would not make even this effort and simply trust to passive resistance pure and simple to do its work.<sup>2</sup> What is one to do. I am torn by conflicting emotions as to this London visit. Now you have the whole thought running through my mind.

Still on saltless diet. It causes me no worry. The quantity I take now is very small. I have little exercise.

With love,

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

<sup>1</sup> By an error the letter appears here. The date-line and contents corroborate the year 1911. It should therefore be read in the order of chronology as item no. 38, i.e., after the one to the addressee dated [April 5, 1911].

<sup>2</sup> Gandhiji's "worry" crystallized in the years to follow into stout advocacy of the Indian national costume for Indians. For a defence of "his manner of dressing", vide "*Reply Regarding Dress to the Poiner*", 30-7-1917.

368. LETTER TO E. F. C. LANE

7, BUITENCINGLE [STREET,]  
CAPE TOWN,  
April 8, 1911

DEAR MR. LANE,

I have now heard in reply to my wires to Durban<sup>1</sup> and Johannesburg<sup>2</sup>.

The Durban wire from the Congress says:

Thanks if Bill withdrawn and Transvaal law altered. Effect settlement, Natal Indians entirely satisfied.

The Cape Indians have already suggested the alternative solution.

The Johannesburg wire from the British Indian Association says:

Your wires received and discussed. We take it that provision also made for right of entry some educated Asiatics; if so, fully acquiesce in settlement.

Don't leave till all settled.

CACHALIA  
CHAIRMAN

I have naturally assumed all along that, whichever proposal is accepted, a certain number of Asiatics not exceeding six in any one year will be allowed on account of the Transvaal to pass the education test and to enter the Union or the Transvaal, as the case may be.

I observe that Mr. Chris Botha has tabled a drastic, and from an Indian standpoint, an impossible amendment<sup>3</sup> to the Bill.

*Yours sincerely,*  
M. K. GANDHI

From *Indian Opinion*, 15-4-1911; also photostat of typewritten office copy:  
S. N. 5440

369. LETTER TO L. W. RITCH

7, BUITENCINGLE [STREET,  
CAPE TOWN,]  
April 8, 1911

MY DEAR RITCH,

I have your letter. I hope you are comfortably fixed up at

<sup>1</sup> Not available

<sup>2</sup> *Vide* "Telegram to Johannesburg Office", 7-4-1911

<sup>3</sup> *Vide* the following item.

Mountain View<sup>1</sup>. I hope, both you and Harold<sup>2</sup> will do a bit of gardening—Harold specially.

I will try to pass a day at Kimberley on my return. I shall speak to Nooroodeen about the Konkanis.<sup>3</sup>

Here is Botha's amendment<sup>4</sup>:

Nothing in this (28th) section or in any other section of this Act contained shall repeal any of the provisions of Chapter XXXIII of the Law Book of the Orange Free State Province.

Fancy this, after all his assurance to me! However, I am glad. This amendment kills the Bill and General Smuts will be bound, if he wishes to settle the question, to amend the Transvaal Act.

I have not been able to see any members today. Rev. Allmett of Lahore has taken up my morning. He is Bishop Lefroy's man and did something when Polak was in India.

As you will see from the enclosed<sup>5</sup>, I have made use of the BIA wire as also the Natal Congress wire.

Sorabji again returns to the London visit. If I go at all, I feel sure, I ought to be accompanied by a Mahomedan. It has a threefold purpose. It will be a source of satisfaction to the community here, it will give added weight to the representatives in London and it will have a far-reaching effect in India. And fourthly, if you like, it would be good training for Mr. Cachalia who is certainly one of the rarest among the Mahomedans. But if the Bill is not brought up next week, I do not see how I can go at all. I should be in London at least a week before the date of the conference<sup>6</sup>. Unless I am to rush, not to go to Phoenix at all and possibly not even come to Jo'burg, I think the visit is impossible. Please consider all these practical difficulties.

Have you yet had any legal work? Have you taken your oath as solicitor? Have you notified the Law Society?

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5437

<sup>1</sup> Kallenbach's Johannesburg house

<sup>2</sup> Ritch's son

<sup>3</sup> At Kimberley the Konkanis, a Muslim community from the Western coast of India, did not cooperate with the Indian Political Association. Gandhiji asked Nooroodeen, apparently a Cape Town Konkani leader, to intervene.

<sup>4</sup> *Vide* "Telegram to Johannesburg Office", 7-4-1911 and the preceding item.

<sup>5</sup> *Vide* the preceding item.

<sup>6</sup> The Imperial Conference; *vide* "Letter to L. W. Ritch", 5-4-1911.

370. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
April 8, 1911

TO  
GANDHI  
JOHANNESBURG

ONLY SLIGHT PROSPECT MATTER<sup>1</sup> COMING NEXT WEEK.

GANDHI

From a photostat of the original as delivered: S. N. 5439

371. LETTER TO L. W. RITCH

[CAPE TOWN,]  
Sunday, April 9, 1911

MY DEAR RITCH,

I had a funny experience after I posted the letters<sup>2</sup> to you and Polak<sup>3</sup>. I thought, I would stroll down to the House just to see what was going on. After reading the order paper<sup>4</sup>, I thought, I would go away. But, on second thoughts, I decided to send my card to Duncan<sup>5</sup>.

<sup>1</sup> The Immigrants' Restriction Bill.

<sup>2</sup> *Vide* "Letter to L. W. Ritch", 8-4-1911. The letter to Polak, however, is not available.

<sup>3</sup> Henry Solomon Leon Polak; assistant editor of *The Transvaal Critic* who joined *Indian Opinion* ("Our Trial", 31-12-1904) 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 Phoenix "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 of *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 the African Indian cause. *Vide An Autobiography*, Part IV, Ch. XVIII, XXI & XXII and *Satyagraha in South Africa*, Ch. XXIII & XLV.

<sup>4</sup> Giving notice of Chris Botha's amendment to retain Ch. XXXIII of the Orange Free State Constitution in the proposed immigration legislation.

<sup>5</sup> Partick Duncan; member of the Transvaal Legislative Assembly; Colonial Secretary of the Transvaal, 1903-6, while it was still a self-governing colony; initiated in 1906 the Transvaal Asiatic Law Amendment Ordinance in the face of Indian opposition; the Golden Number of *Indian Opinion* (1914), however, mentions that he had since become more sensible of "the Imperial issues involved" in the Indian question and had "advocated measures of redress" for Indians.

He came and said, "Perhaps it would be better for us not to talk lest it might be thought that you were influencing me." I said, "Not [at] all. I have been informing Lane about all my movements. He knows whom I see and talk to." "But", he said, "you need not worry. I think you will get what you want. It is high time the thing was over." "But", I said, "do you know anything of the latest[?]." "Yes", he said, "General Smuts showed me your letter<sup>1</sup> to him. I think, we shall drop the present Bill and adopt your alternative solution. But you will not bring in anything more. "I said, "How can you say that, Mr. Duncan? You have yourself stated our proposition very fairly." "Yes", he said, "I notice you have been quoting me. But you have not always brought that point forward. I thought at times you kept it in the background." "I could not help giving that appearance at times," I said, "we had to give prominence to one point or another as occasion required unless we were to overload every speech and letter with details. It is General Smuts who has always raised new points and each time granted less than our demands, etc." He then wanted to know what I wanted about children, whether I wanted them to get in without giving proofs, etc. I assured him on that point. But I could not help noticing how unfortunate it was that Smuts had seen him before I, and how fortunate it was that I saw him yesterday whilst his talk with Smuts was fresh in his mind. After this experience, I have decided to stick here until the Bill is through or I am certain that nothing is to be done. One may consider it to be pretty certain that the general bill is doomed, and I am more than ever hopeful that the alternative proposal will be accepted.

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5441

<sup>1</sup> *Vide* "Letter to E. F. C. Lane", 7-4-1911

### 372. LETTER TO L. W. RITCH

[CAPE TOWN,]  
Monday [April 10, 1911]

MY DEAR RITCH,

I have not yet been out today (2 p.m.); have been simply writing letters.<sup>1</sup>

I have your 3 letters.

You may depend upon it that anything that the good General gives is bound to be a mock-concession. It will be for us to turn it into a reality. He will put nothing into my hands so long as he can help it.

I hope that you have arranged with Titus about fees.

If the Klerksdorp friends have not come to you, you should write and invite them to see you.

It will be a great pity if Mr. Phillips<sup>2</sup> goes away and I am unable to see him before he does. I hope there will be Mr. Cachalia and others to see him off.

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5442

### 373. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
April 10, 1911

TO  
GANDHI  
JOHANNESBURG

TAKE PRESENT BILL AS DEAD. UNCERTAIN WHEN TRANS-  
VAAL BILL COMING.

From a photostat of the original as delivered: S. N. 5443

<sup>1</sup> Only this letter and the two following items written on this day are available.

<sup>2</sup> Rev. Charles Phillips; Congregational Minister for the Transvaal and "an energetic and persistent sympathizer of the Indian cause"; sometime Acting Chairman of the European Committee of Sympathizers. He was then "leaving for England on a health trip".

### 374. LETTER TO MAGANLAL GANDHI

[CAPE TOWN,]

*Chaitra Sud 12 [April 10, 1911]*<sup>1</sup>

CHI. MAGANLAL,

I am a bit tired, having written many letters today with my right hand. Hence this with the left.

I wonder why my letter<sup>2</sup> regarding diet reached you so late.

I am not upset by the picture you have drawn of Durban. Hindus as well as others, especially the former, do not generally go abroad so long as they stick to their religion. We rarely find persons going abroad for the good of others. We ourselves were not inspired by high ideals when we left India. If our outlook happens to be somewhat pure, we must have to our credit some good deeds done in the past. The Hindus here are in a debased state as their way of life has fallen into complete disorder. Both the communities make a distinction between the Hindu and the Mussalman and that is why persons like Anglia Sheth<sup>3</sup> raise the question you mention. However, you must have seen that the work can be carried on if there are two or three good workers.

Please read *Gulliver's Travels* some time if you have not already done so. How is your Tamil progressing?

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: CW. 5627. Courtesy: Radhabehn Choudhri

<sup>1</sup> Gandhiji's preoccupation with diet, which is mentioned in para 2 of the letter, began in 1911. In that year, Chaitra Sud 12 corresponds to April 10. This assumption is borne out by a further reference to Gulliver's Travels in his "Letter to Maganlal Gandhi", 18-5-1911.

<sup>2</sup> *Vide* "Letter to Maganlal Gandhi", 9-3-1911.

<sup>3</sup> M. C. Anglia; a leading Durban Muslim and Joint Secretary of the Natal Indian Congress; suffered deportation and imprisonment in the satyagraha campaign against the Transvaal Asiatic Registration Act; in 1909, went to England as a member of the Natal Deputation; *vide* "Comments on Transvaal Indian Campaign", 28-8-1908; "London", 6-8-1909 and "statement of Natal Indian Grievances", 10-8-1909.



375. LETTER TO L. W. RITCH

7, BUITENCINGLE [STREET,  
CAPE TOWN,]  
*April 11, 1911*

MY DEAR RITCH,

I have nothing to report today. I have your wire about Madras. I am just now going to Lane and [will] then decide upon the answer to be given.

*Yours sincerely,*  
M. K. GANDHI

[PS.]

Nothing to be known before next week. That is Smuts' answer<sup>1</sup>. More tomorrow.

From a photostat of the original in Gandhiji's hand: S. N. 5450

376. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
*April 11, 1911*

TO  
GANDHI  
JOHANNESBURG

SECRETARY WRITES NOTHING WILL BE KNOWN BEFORE  
END WEEK. CABLE MADRAS. MATTER OCCUPYING GOVERN-  
MENT CABLING FURTHER LATER. AM STAYING TILL THING  
FINISHED.

GANDHI

From a photostat of the original as delivered: S. N. 5453

<sup>1</sup> *Vide* Appendix "Lane's Letter to Gandhiji", 11-4-1911.

377. LETTER TO L. W. RITCH

[CAPE TOWN]  
April 12, 1911

MY DEAR RITCH,

I thought that I would ask Lane whether he could give me definite information for cabling to Madras. Smuts was not then in. Lane therefore went over to the House and sent me a letter<sup>1</sup> as per copy. I hope you understood my wire<sup>2</sup> sent to you thereafter. So that now we must wait the whole of this week. From Friday, there will be no work till Monday. The House meets again on Tuesday. I think we are bound to get definite information next week. Smuts is in no hurry. He certainly would like to prolong the agony if he could. We can but wait. I am not now seeing any member. I think that I have seen the principal ones and that now it would be better to refrain.

I am anxiously waiting to know how you are getting on there. You do not seem to have got any work yet.

Please ask Miss Schlesin to send me Dr. Mehta's manuscript. He says he had sent a certain speech, & c. I should like to have it here. I want also Finot's *Race Prejudice*. I think that book is among Polak's books. I want it at once for Canon Allmett who is here but who is leaving for England shortly.

How is Harold keeping in health? The weather here is most oppressive. How do you manage for cooking, & c.?

*Yours sincerely,*  
M. K. GANDHI

[PS.]

Please ask Miss S. to sent the enclosed to Mr. Barrett of Pretoria, whose address she knows or ought to, telling him that the letter unfortunately went by mistake to England from where it has only now been returned. She should add that I would do my best to sent him something as soon as I was free.

M. K.G.

[PPS.]

From Friday to Saturday I am not wiring as there will be holidays during that time.

From a photostat of the original in Gandhiji's hand: S. N. 5458

<sup>1</sup> *Vide* Appendix "Lane's Letter to Gandhiji", 11-4-1911

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

378. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
April 12, 1911

TO  
GANDHI  
JOHANNESBURG

NO FURTHER PROGRESS. WILL NOT WIRE TILL TUESDAY  
UNLESS REQUIRED. WHEN PHILLIPS LEAVING.<sup>1</sup>

GANDHI

From a photostat of the original as delivered: S. N. 5459

379. LETTER TO H. S. L. POLAK

April 12, 1911

MY DEAR HENRY,

Herewith copy of Lane's<sup>2</sup> letter. Ritch telegraphed saying Madras wanted to know my views on the amendments to the Bill. I thought I would ask Lane as to what he thought about the situation before I cabled.<sup>3</sup> The letter was the result. I have now asked Ritch to cable Madras that the Government is considering the situation and that another cable will be sent later. We may expect some definite news next week. If Finot's Race Prejudice is there, please send it to me. I want it for Canon Allmet.

I have your 2nd wire. It was difficult for me to advise. But I have wired you what I thought was best in the circumstances.

Do you know anything about Max Nordeau? What kind of a man is he? I mean what is his private life? I am reading his book on Degeneration.

*Yours sincerely,*  
BHAI

From the original: Gandhi-Polak Correspondence. Courtesy: National Archives of India

<sup>1</sup> Phillips and Cartwright left Johannesburg on April 10 and sailed by the Carisbrook from Delagoa Bay on the 12th; *vide* also "Letter to L. W. Ritch", 10-4-1911

<sup>2</sup> E.F.C. Lane, Private Secretary to General Smuts.

<sup>3</sup> *Vide* "Letter to L.W. Ritch", 12-4-1911.

380. LETTER TO L. W. RITCH

[CAPE TOWN,]

Thursday [April 13, 1911]<sup>1</sup>

MY DEAR RITCH,

Nothing new. I won't say much, as I am off to Dr. Gool's<sup>2</sup> dispensary whose floor I have undertaken to stain and putty. I have replied by wire<sup>3</sup> regarding the proposed meeting. A public meeting should not be convened except to pass [a] definite resolution electing a deputation. No public meeting should be held for a mere discussion.

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5426

381. LETTER TO L. W. RITCH

[CAPE TOWN,]

Thursday night [April 13, 1911]<sup>4</sup>

MY DEAR RITCH,

I hope you understood my wire<sup>5</sup>.

I think that we ought not to have a public meeting unless the matter has been informally but thoroughly decided. A public meeting discussing the matter of a deputation and then deciding against it may

<sup>1</sup> This letter is undated but Ritch, writing to Gandhiji on April 17 (S. N. 5469), acknowledged two letters from him, both written on Thursday, one mentioning the stain-ing and puttying of Dr. Gool's dispensary floor and the other discussing the subject dealt with in the following item. Evidently, therefore, both these letters were written on Thursday, April 13, 1911.

<sup>2</sup> Abdul Hamid Gool; a Cape Town doctor who took his medical degree in England in 1910; became, on his return, honorary Joint Secretary of the Cape British Indian Union, which was formed by the merger of the two rival Indian bodies in that Province; in 1911, became President of the Union, which office he resigned later that year; Gandhiji was constantly persuading him to take up public work and suggested to Ritch that the young doctor should be more closely associated with Cape Indian affairs; *vide* "Hamid Gool", 26-11-1910, "Dr. Gool", 14-1-1911 & "Letter to Abdul Hamid Gool", 2-3-1911.

<sup>3</sup> Not available

<sup>4</sup> *Vide* 2nd footnote of "Letter to L.W. Ritch", 13-4-1911.

<sup>5</sup> Not available

be misinterpreted.<sup>1</sup>

I am quite sure that a Mahomedan must accompany any such deputation. Remember, this time the deputation is not to go on a clear-cut issue. The special interests of merchants will be considered. And a merchant and that a Moslem must be on it if it is to carry weight. That it should be Mr. Cachalia, I have not the slightest doubt. If the community chooses a mischief-maker out of weakness, it will do it harm in the long run. It should be prepared by this time to say to weak men, 'You are weak and therefore you cannot represent the community'. It is my firm conviction that the struggle has been prolonged because the community has shown weakness and has been afraid of mischief-makers. Nor should there be any haggling regarding expenses. The community will have to subscribe liberally and that at once, if the deputation is to go. Upon my return there, I shall have precious little time left. Every time money has come at the eleventh hour. And I suggest that the whole sum is put down now. I do not want you or anybody afterwards to have to worry about collecting.

Will you please forward this to Henry<sup>2</sup> as I am not duplicating the thought in my letter<sup>3</sup> to him.

Parliament is sitting on Saturday and Monday too!

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5427

<sup>1</sup> To this, Ritch, in his letter of April 17, 1911, replied: "Your meaning as to the meeting was quite well understood; the project has been abandoned. The reasons you point out are to me sufficiently convincing." S. N. 5469.

<sup>2</sup> H.S.L. Polak

<sup>3</sup> Not available

### 382. LETTER TO HERMANN KALLENBACH

*Unrevised*

*April 14, 1911*

MY DEAR LOWER HOUSE,

L.H. says 'I AM COMING'. U.H. says 'I AM NOT SURE WE ARE GOING.' So you had better be careful in order to avoid disappointment. When I seriously think of it my head turns. I certainly want to be with Mrs. Gandhi and the children for some little time. The idea of another deputation is absolutely repulsive.<sup>1</sup> I am not at all sure that it is my duty to be present at the Conference. But I am sure that it is my duty to be on the Farm and with Mrs. Gandhi and the children; it is my duty to be with the boys on the Farm; it is my duty to be with the women on the Farm; it is my duty to send Polak away at the earliest opportunity<sup>2</sup>; it is my duty to help Ritch to build up his practice; and if passive resistance is still to go on, it is my duty to seek imprisonment and if I cannot get that, at least to do what I can for the dependents of passive resisters. All the above catalogue can be gone through if I am in the Transvaal. Put all the above in one scale and the proposed visit to the Conference in the other and find out which weighs heavier. I am in a fog. I am therefore leaving the things to shape themselves.

You can talk light-heartedly about going to Germany. But what about the Farm, the fencing, the borehole, Mountain View, your office and a host of such other things? They all require careful thinking out, before you can stir from Johannesburg. It will be easier for you to go if I remained behind. The problem becomes doubly difficult if we both must go.

I hope Gordon is getting on. Pray remember me to him.

I understand that today is your fasting day. Wish you well in every respect.

You say autumn has set in there. We are being boiled here. The heat is very severe.

I had a day of manual labour yesterday. (I have marked the

<sup>1</sup> The British Indian Association decided on April 27, 1911 to withdraw the proposal to send a deputation to England, consisting of Cachalia and Gandhiji; *vide* "Transvaal Notes", 2-5-1911.

<sup>2</sup> *Vide* "Letter to Maganlal Gandhi", 9-3-1911. Polak left Johannesburg for London on May 1.

letter 14th but I am writing this at 9.30 p.m. 13th). I am staining and polishing the floor of Dr. Gool's surgery. I love the work. I have to finish it tomorrow, the 14th.

I have now to await developments here. May know something on Saturday.

You make no mention of Kennedy.

With love,

*Yours sincerely,*

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

### 383. *RITCH IN JOHANNESBURG*

Mr. Ritch has started legal practice in Johannesburg.<sup>1</sup> We have not come across a single Indian who has not acknowledged his valuable services. Felicitating him is of course a way of recompensing him for his services. Another way is to seek and follow his advice. Now that he has started practice, it is also the community's duty to extend to him their patronage. We trust all those who need the services of a lawyer will engage Mr. Ritch and so show their readiness to encourage him.

[From Gujarati]

*Indian Opinion*, 15-4-1911

### 384. *TELEGRAM TO JOHANNESBURG OFFICE*

CAPE TOWN,  
*April 15, 1911*  
11 a.m.

TO  
GANDHI  
JOHANNESBURG

TALK PASSING GENERAL BILL REVIVED. FREE STATERS MAY  
CONSENT. NOTHING KNOWN BEFORE WEDNESDAY.

GANDHI

From a photostat of the original as delivered: S. N. 5465

<sup>1</sup> Ritch arrived in Johannesburg on April 5, 1911 and commenced practice at Gandhiji's Office, 21-24, Court Chambers, Rissik Street.

385. TELEGRAM TO H. S. L. POLAK

[CAPE TOWN,  
*April 15, 1911*]<sup>1</sup>

GENERAL BILL MAY PASS. KNOW DEFINITELY PROBABLY  
WEDNESDAY.

From a photostat of Polak's letter to Ritch: S. N. 5464

386. LETTER TO L. W. RITCH

[CAPE TOWN,]  
*April 15, 1911*

UNREVISED

MY DEAR RITCH,

I have your letters. I hope you will read up some S.A. cases on libel & slander & look [up] Van Zyl for your summons.

Our question is passing thro' many ups & downs. Lane told me today that they were bound to fix up two things before the end of the session: minors' . . . <sup>2</sup> & Immigration. He added that J. C. S. was conferring with Lord Gladstone<sup>3</sup> and the Free State members. He naturally wants to pass his measure. He sees much beyond the Free Staters. So that we may still have the general bill. My latest bulletin is—a close race between the two proposals. If the general bill goes thro', the Free State bar will be removed. Lane told me he might give me some definite information on Wednesday.

As to the London visit<sup>4</sup> the following was the train of my

<sup>1</sup> Writing to Ritch from Durban on April 15, Polak quotes the telegram which he has just received. S. N. 5464.

<sup>2</sup> Some words are illegible here.

<sup>3</sup> Herbert John Gladstone (1854-1930); 1st Viscount Gladstone; English statesman; Member of Parliament, 1880-1910; successively Financial Secretary, War Office, Under-Secretary, Home Office and Secretary of State for Home Affairs; in 1910 was appointed the first Governor-General and High Commissioner for South Africa which post he held till 1914.

<sup>4</sup> *Vide* "Letter to L. W. Ritch", 5-4-1911.



thought in the morning. What is a deputation to do in London? The Imperial Conference will be concerned with general principles, not details. If p[assive] r[esistance] be closed, our question will largely consist of details. It is possible to do something with the Colonial Secretary. But has that time yet arrived? May it not be better to await developments here? On the other hand, may not a deputation prevent the threatened Gold Law measures, & c[?]

Thus, there are arguments for and against. It seems to me that if a deputation is to be sent, we should send the following cable<sup>1</sup>:

Cable Lord Amphill's opinion regarding small deputation proceeding view Imperial Conference although passive resistance may end other local grievances serious specially threatened action Gold Law.

I am of opinion that such a cable should be sent only after the community is ready to send a deputation in the event of an affirmative reply.

Now for the dates. The conference meets on the 22nd May Monday. I cannot leave next Wednesday the 19th, hardly on the 26th. There then remains the last & the only date, the 3rd May. That will bring the deputation to London on the 20th May? It could hardly make any impression on the Conference. The 22nd will be merely a formal affair.

As to Cape Town, not a penny need be expected. They will support. They have neither the men nor [the] money. Of Durban, I know nothing. If they find [the] money, they would want to send their own delegate. So that the Transvaal alone will have to find the funds but the work will have to be for all.

My instinct decides against any such deputation.

Mrs. Ernest is anxious to learn from Miss Knudsen<sup>2</sup>.

I shall write to MacIntyre<sup>3</sup>.

<sup>1</sup> Evidently to the SABI Committee, London

<sup>2</sup> A Johannesburg masseuse who had offered to train a few young Indian women

<sup>3</sup> W.J. McIntyre; Scottish Theosophist and solicitor's clerk articulated to Gandhiji

I am writing to Joseph<sup>1</sup> & Quinn<sup>2</sup> who were to be discharged on the 18th.<sup>3</sup>

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5466

*387. LETTER TO L. W. RITCH*

[CAPE TOWN,]  
*April 17, 1911*

MY DEAR RITCH,

I have your letter. I did not write to you yesterday. There was nothing to write about. I have written a leaderette<sup>4</sup> in the Guj. columns of *I.O.* showing how the public can, if they wish to, appreciate your work. It should have been printed last Saturday.

If Lane is right, we should have the definite result known this week. Though Smuts would like to do it, I cannot imagine the thing being carried over to the Coronation time. However, it is no use speculating. If there is disappointment again on Wednesday, we should still know the worst before many more days have gone by.

<sup>1</sup> 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 (*vide* "Representation to Lord Elgin", 3-11-1906 & "British Indians in the Transvaal", 8-11-1906) and generally helped the Transvaal Indian Deputation (1906) during its stay in England; later, on his return to South Africa in 1910, repeatedly suffered imprisonment and deportation; *vide* "Royeppen Sentenced", 5-2-1910; "German East Africa Lines Steamers", 28-5-1910; "Joseph Royeppen", 28-5-1910; "Letter to The Press", 2-6-1910 & "Cable to S.A.B.I. Committee", 28-7-1910 and *Satyagraha in South Africa*, Ch XXX.

<sup>2</sup> Leung Quinn; "leader of the Chinese residents of Johannesburg" and Chairman of the Chinese Association and the Cantonese Club; a signatory to the "compromise letter" to Smuts in 1908, *vide* "Letter to Colonial Secretary", 28-1-1908.; burned his registration certificate in protest against the Asiatic Registration Act ("Petition to Transvaal Legislative Assembly", 13-8-1908) and suffered imprisonment in 1909; *vide* "Speech at Reception to Aswat And Quinn", 2-6-1909 & "Speech at Tea Party", 2-6-1909.

<sup>3</sup> If Gandhiji wrote these letters, they are not available.

<sup>4</sup> *Vide* "Rich in Johannesburg", 15-4-1911

I do hope that Gregorowski<sup>1</sup> will be able to go to Bloemfontein.<sup>2</sup> It will be very sad if he cannot. In that event it would be better to ask Lapin to send whom he likes. If there is anything definite on Wednesday, I propose to ask for relief for Mrs. Sodha<sup>3</sup>. This will be in your hands on Thursday. I may therefore wire<sup>4</sup> tomorrow regarding this matter.

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5468

### 388. LETTER TO L. W. RITCH

[CAPE TOWN]

*April 18, 1911*

MY DEAR RITCH,

I am sorry I have nothing yet to report. I am somewhat impatiently looking forward to tomorrow 10.30. It seems to me that disappointment awaits me again. Lane will tell me he has nothing definite to tell me. What is likely to happen is that at the last moment Smuts will rush his measure thro' whatever it may be. That will mean that he will give us the letter and we will have to force him to fulfil the spirit.

I have asked for information about the Sodha appeal. If Greg-

<sup>1</sup> R. Gregorowski; a Johannesburg lawyer whose opinion Gandhi frequently sought on legal and constitutional matters; later he appeared as counsel for satyagrahis in law courts; *vide* "Letter to R. Gregorowski", 2-3-1911 & "Letter to E. F. C. Lane", 4-3-1911.

<sup>2</sup> For the appeal in Rambhabai sodha's case. Gregorowski did go but the appeal, heard on April 22, was dismissed with costs.

<sup>3</sup> Rambhabai Rattanshi Sodha, wife of R.M. Sodha, a passive resister. Gandhiji decided to maintain her at Tolstoy Farm with her three children for the duration of her husband's absence in jail, but she was arrested while crossing into the Transvaal in November, 1910; *vide* "Telegram to Minister of Interior", 8-11-1910 & "Letter to the Press", 14-11-1910. A Johannesburg magistrate sentenced her to fine of £10 and a month's imprisonment which the High Court, on appeal, reduced to a simple fine; *vide* "Trial of Rambhabai R. Sodha", 30-12-1910 & "Rambhabai Sodha", 4-3-1911. A further appeal was then filed with the court at Bloemfontein.

<sup>4</sup> The telegram, if sent, is not available.

rowski cannot go, I hope that you will have fixed up some decent counsel.

*Yours sincerely,*

M. K. GANDHI

[PS.]

Please tell Miss Schlesin that I have duly received Finot and Dr. Mehta's speech.<sup>1</sup>

From a photostat of the original in Gandhiji's hand: S. N. 5471

### 389. TELEGRAM TO JOHANNESBURG OFFICE

CAPE TOWN,  
*April 19, 1911*

TO  
GANDHI  
JOHANNESBURG

[SMUTS] WISHES PASS GENERAL BILL REMOVING FREE  
STATE BAR BUT CONSIDERS POSSIBLE HE MAY NOT  
THIS SESSION MEANWHILE DOES NOT WANT AGITATION.  
IF SODHA APPEAL UNSUCCESSFUL DOES NOT WANT  
IMPRISON HER..<sup>2</sup> AM STAYING IF BILL NOT PASSED.  
CONSIDER ENGLISH VISIT<sup>3</sup> ESSENTIAL SITUATION REQUIRES  
CAREFUL CONSIDERATION.

GANDHI

From a Photostat of the original as delivered: S. N. 5475

### 390. LETTER TO HERMANN KALLENBACH

CAPE TOWN,  
*April 19, 1911*

MY DEAR LOWER HOUSE,

You will see the interview and my letter to Ritch. The interview will flatter you. Smuts was very gushing about you.<sup>4</sup> He has evidently

<sup>1</sup> *Vide* "Letter to L. W. Ritch", 12-4-1911

<sup>2</sup> *Vide* the following item and "Abstract of Interview with General Smuts", 19-4-1911.

<sup>3</sup> *Vide* "Letter to L. W. Ritch", 15-4-1911

<sup>4</sup> For Gandhiji's interview earlier on in the day with General Smuts, *vide* "Abstract of Interview with General Smuts", 19-4-1911.

heard a lot of you. He almost gave one the impression that he had met you.

In the circumstances I feel I ought to go to London if it is at all possible. But I can only go if perfect peace can be secured at the Farm and if Cachalia comes and funds are found by the Community.

I am even prepared to leave from here directly if necessary.

There has been nothing from you now for sometime.

If Thyagarajan and Subbiah wish to go, let them go please.

I was very sorry to learn about the quarrel between Naidoo and Medh. I thought of this when I told Smuts (without your permission) that we shall be glad to see him on the Farm.

With love,

*Yours sincerely,*

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

### *391 LETTER TO GENERAL SMUTS*

[CAPE TOWN]

*April 19, 1911*

DEAR GENERAL SMUTS,

After having thought over our conversation<sup>1</sup> of this morning, I feel that I should place the position frankly before you.

If the question is not settled during the present session, the prospect of passive resisters remaining totally inactive is too appalling to contemplate. There are men on Tolstoy Farm with their families who are pecuniarily ruined. There are others outside in the same position. If they are not to court arrest or are to avoid it, their movements must be hampered. If they cannot for instance go to Natal and return without being challenged at the Border. Some who are traders cannot trade because they will not produce their registration certificate[s] so long as the struggle lasts. I should have nothing to say about all this misery if we were conducting an active campaign. But, to continue using military terms, our conversation contemplates a truce for a year or longer i.e., until the Parliament meets again. I do not

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

know how this is to be done. As you know the campaign has cost us heavily, and our monthly expenditure for supporting families, &c., is naturally great. If we are to again start begging, we must agitate here, in India and in England. There are men from Natal. They have broken up everything. Are we to keep them for months in a state of suspense?

I am sincerely anxious to help you, but I do not know how I could promise inactivity on the part of the passive resisters. What you, the Imperial Government and I want to avoid is the ferment. I fear that, in the nature of things, it is well nigh impossible to avoid it if the matter is not closed during this session.

On the other hand, it will be churlish for me not to appreciate your own difficulty, especially at the fag-end of an exhausting session. You have many difficult questions to solve. Indians know at present only one. But I confess that I do not apprehend the difficulty your legal advisers do as to the alternative solution suggested by me. Seeing that you want some day or other to pass the general bill, there is no reason why the Transvaal Province may not anticipate the education test of that bill. It will keep out not a single white man whom you may want in the Transvaal and it will keep out all the Indians save six highly educated men per year. So far as I have been able to gauge the feeling of the leaders of the opposition, they will not raise any opposition. All will understand that the solution will be tentative and intended to meet the trouble in the Transvaal. The Free Staters will have a long time to consider your general bill and at the next session all will start anew. Is it too much then, sorely tried though you are with many other troubles, to ask you to remove the serious handicap in the way of my countrymen, and enable them to take their humble share in the approaching Coronation festivities[?]

As this letter is of a very personal nature and arises out [of] a conversation part of which you wish shall remain confidential, I will not publish [it] without your authority.

*I remain,*

*Yours faithfully,*

[PS.] As Mrs. Sodha's appeal comes up on Saturday at Bloemfontein, why not now instruct the Attorney General not to arrest her in the event of its being lost by her.

From a photostat of the draft in Gandhiji's hand: S. N. 5477

392. ABSTRACT OF INTERVIEW WITH GENERAL SMUTS<sup>1</sup>

[CAPE TOWN, ]  
April 19, 1911

UNREVISED

*Nothing to be published*

*To be kept in the safe aft[er] perusal*

ABSTRACT OF AN INTERVIEW BET[WEEN] J. C. S. AND G.  
AT 11.30 P. M.<sup>2</sup> 19-IV-11

The General was extra cordial. S. [& G. ] are such friends that they have left off shaking hands. But at this interview there was a hearty handshake.

“Well, Gandhi, I am sorry for you. You have been long delayed, but what can I do? You will insist on enjoying yourself in Cape Town,” commenced G. S drawing, while speaking as above, a chair near his and asking G. to be seated.

“You, as a lawyer, will understand when I tell you that it is difficult to carry out your alternative suggestion<sup>3</sup>.” G. S. turns away from G., appears to [be] looking at something in his basket and continues, “Gandhi my boy, I am sorry for you. You know I want peace.” (I suppose he is having a quiet laugh while saying all this.) “But”, looking now towards G., “my advisers consider that your suggestion cannot be carried out. How can we keep out whites from the other provinces[?] Parliament will not pass such a bill. I therefore want to pass my bill which I like and which I consider is fair. I shall try but I may fail to pass it during this session. All the members want to go away. And the Free State members are still opp[osed] to admitting any Asiatic. I think I can beat them in the Assembly but the Senate will throw out the Bill. I therefore want to pass the measure during the next session, if I cannot carry it this session. But meanwhile I want peace. I do not want to harass your people. You know that. And I do not want you to bring people from India and elsewhere to fight. I want to help the Imperial Government & they want to help me.

<sup>1</sup> Where the original is torn, the missing letters are suggested in square brackets.

<sup>2</sup> This is an error for “a. m.”; *vide* the preceding item.

<sup>3</sup> *Vide* “Letter to E. F. C. Lane”, 7-4-1911

I want to help you & you want to help me. Will you not see our point of view?"

"I emphatically do," interposed G. S. continued: "I know you have many leaders. I know you to be high-minded & honest. I have told Imp. Govt. so. You have a right to fight in your own way. But this country is the Kaffirs'. We whites are a handful. We do not want Asia to come in. Now that Natal won't have immigration, I am hopeful of solving this question. But how can we hold out against you? I have read out your pamphlet<sup>1</sup>. You are a simple-living & frugal race. In many respects more intelligent than we are. You belong [to] a civilization that is thousands of years old. Ours, as you say, is but an experiment. Who knows but that the wh[ole] damned thing will perish before long. But you see why we do not want Asia here. But as I say the Natal difficulty being out of the way, I shall cope with the problem here. But I want time. I shall yet beat the Free Staters. But you should not be aggressive. The whole question as you know will be discussed before the Imperial Conference. You should therefore wait. Now just think it over and let me know." He paused and continued: "I do not know how your people spread. They go everywhere. I have now more petitions against dealers. My difficulty of the future will be regarding them. I do not want to disturb them. I want to let things remain as they are. But I do not know what will happen. You are too hard." After changing the subject, S. said: "Gandhi, what are you doing for a living?"

G. I am not practising at pr[esent].

S. But how then are you living? Have you plenty of money?

G. No. I am living liking [*sic*] like a paup[er], the same as other passive resisters on Tolstoy Farm.

S. Whose is it?

G. It is Mr. Kallenbach's<sup>2</sup>. He is a German.

<sup>1</sup> Hind Swaraj; *vide* "Hind Swaraj", 22-11-1909.

<sup>2</sup> Hermann Kallenbach; a prosperous German architect of Johannesburg with "a vein of other-worldliness" who, when challenged to a duel by a Volks-rust 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 the farm carpentry, gardening and sandal-making, the last of which he had learnt at a Trappist monastery; Honorary Secretary of the British Indian Association for a time during the absence of Gandhiji and Polak; associated in dietetic experiments with Gandhiji who describes him as "a man of strong feeling, wide sympathies and childlike simplicity". *Vide also Satyagraha in South Africa and An Autobiography*, also "Address to H. Kallenbach", 31-7-1911 and "Reception to Mr. Kallenbach", 5-8-1911.



- S. (Laughing) Oh, old Kallenbach! He is your admirer, eh? I know.
- G. I do not know that he is my admirer. We are certainly very great friends
- S. I must come and see the Farm—where is it?
- G. Near Lawley.
- S. I know—on the Vereeniging line. What is the distance from the station?
- G. Ab[ou]t 20 minutes. We shall be pleased to see you there.
- S. Yes, I must come one day.  
So saying he got up to say good-bye. G. did likewise and said:  
“You say you cannot amend the Transvaal Imm, Act. I must confess,  
I do not see any difficulty.”
- S. Yes, there is. The whites won’t have it unless you adopt my suggestion.
- G. And that is [?]
- S. To give the Governor the power to make regulations setting a different test for different people. The regulations must only refer to Indians. And this I know you won’t like. But you think the whole thing over & let me know what you think. You know I want to help you. If there are any individual cases of hardship, you can always come to me.
- G. I shall think over the whole thing, but if you want peace, do you want to persecute Mrs. Sodha<sup>1</sup>[?]
- S. I do not indeed.
- G. Do you want to imprison her?
- S. No. I know nothing about this case as you know.
- G. The appeal is on on Saturday. We may lose it. Then she must go to gaol or pay £10. She won’t pay the fine, & must therefore go to gaol.
- S. No, I do not want her to go to gaol. But you have brought many into the Transvaal illegally. Now you won’t.
- G. I do not admit having brought anybody illegally. I certainly did not bring Mrs. Sodha illegally. I gave due notice to the Registrar. And I brought her because her husband like many

<sup>1</sup> *Vide* “Letter to L. W. Ritch”, 17-4-1911 and “Telegram to Johannesburg Office”, 19-4-1911

other passive resisters had to break up his home.

S. Alright, you let me know the result of the appeal and I shall see to it that she is not arrested. Let me know at once will you?

G. Thank you I will.

During the conversation, he said the Free State matter was confidential. The interview lasted nearly 40 minutes.

From a photostat of the original in Gandhiji's hand: S. N. 5476

### 393. LETTER TO L. W. RITCH

[CAPE TOWN, ]  
*April 20, 1911*

MY DEAR RITCH,

The enclosed has been sent to me by Chhaganlal with a request to give it to you. The extract is good for reproduction in *Indian Opinion*, but can we?

I hope you were successful in your case. When you want any cash, I assume you have been taking it from Miss Schlesin. Anyhow, the extract should go to Henry to read.

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S. N. 5487

### 394. TELEGRAM TO BRITISH INDIAN ASSOCIATION

CAPE TOWN,  
*April 20, 1911*

TO  
BIAS  
JOHANNESBURG

INTEND RETURNING ON KNOWING DEFINITELY. RESULT  
NOT STILL HOPELESS. SUGGEST INSTEAD MEETING CACHALIA  
SORABJI OTHERS GOING OUTSIDE PLACES EXPLAIN POSITION  
AND COLLECT. NO TIME SHOULD BE LOST. NO CABLING  
INDIA ENGLAND TWO DAYS.

GANDHI

From a photostat of the original as delivered: S. N. 5482

395. *LETTER TO L. W. RITCH*

*Thursday, April 20, 1911*

MY DEAR RITCH,

I have your two wires to which I replied yesterday in anticipation.<sup>1</sup> But I have replied by wire<sup>2</sup> also today. I am not quite without hope, and propose to stay for a conclusive reply if he would deign to give one.

If you think that Maud should have a copy of my personal letter<sup>3</sup> to Smuts, and I think she should have it, please make a copy at your side and send one to her. I have seen no one today. Last night I saw Sir David<sup>4</sup> at Anderson's house and had a long chat with him. I do not think that he can exercise the slightest influence in this matter. I am going to see Alexander tomorrow to see if a question cannot be put in the House. But I want to await S.'s reply before taking drastic measures.

*Yours sincerely,*

M. K. GANDHI

From a photostat of the original in Gandhiji's land: S. N. 5488

396. *LETTER TO E. F. C. LANE*

[CAPE TOWN,  
*April 20, 1911*]<sup>5</sup>

DEAR MR. LANE,

I wired yesterday the gist of the conversation with General Smuts to the Congress at Durban and the Association at Johannesburg.<sup>6</sup>

<sup>1</sup> *Vide* "Telegram to Johannesburg Office", 19-4-1911

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

<sup>3</sup> *Vide* "Letter to General Smuts", 19-4-1911

<sup>4</sup> Sir David Hunter; member of Union Parliament from Durban, and a friend of the Indian community; sometime General Manager of the Natal Government Railways. *Vide* also "Sir David Hunter", 3-2-1906.

<sup>5</sup> It is evident from the reference to the telegram to the BIA, Johannesburg ("Telegram to Johannesburg Office", 19-4-1911) that this letter was written on April 20, 1911.

<sup>6</sup> The wire to the Durban Congress is not available; for the other, *vide* "Telegram to Johannesburg Office", 19-4-1911

The following wire has been received from the Congress:

Congress disapprove stopping agitation Transvaal trouble. Should be settled this session. According Government promise matter should be completed before Coronation, even if prolongation session necessary.

The Association wires as follows:

Your wire 19th. Committee resolved continue agitation unless law altered this session and to cable England and India immediately.

I have been discussing the matter with the Cape Indian leaders too. They unhesitatingly state that suspension of the agitation in the manner suggested by General Smuts is impossible.

As I have now gathered from the General that he has definitely decided to drop the general bill for the present session and that he will not adopt the alternative solution<sup>1</sup> suggested by me, I have dissuaded any public announcement or the sending of cablegrams to India and England.

I still hope that, if the Free State members cannot be conciliated, the alternative solution which, in my opinion, can offer no difficulty, will be acted upon during this session. In any case, may I know General Smuts' definite decision as soon as possible?

*Yours sincerely,*

M. K. GANDHI

From *Indian Opinion*, 29-4-1911; also photostat of draft in Gandhiji's hand: S.N. 5489

### 397. LETTER TO L. W. RITCH

[CAPE TOWN, ]

*Friday [April 21, 1911]*

MY DEAR RITCH,

Got an official reply<sup>2</sup> from S. at 2.30 p.m., went to Lane at 3 p.m. Left him at 4.45 p.m., went over and saw Alexander and then went to the telegraph office and it is now 5.45 p.m. Not much time to write to you at length. Lane showed me the confidential correspondence with the G[overnor-]G[eneral], showing that the bill could not possibly be brought up this session whether we stopped

<sup>1</sup> *Vide* "Letter to E. F. C. Lane", 7-4-1911

<sup>2</sup> From Lane; *vide* Appendix, "Lane's Letter to Gandhiji", 21-4-1911.

passive resistance or not.<sup>1</sup> I thought therefore that we could suspend p[assive] r[esistance] if certain assurances were given. I have told of what I want. I intended to leave tomorrow by the Limited Express at 9 a.m. So Lane telephoned to S. whether he could give assurances, and he said “yes” to the last two but not [to] the first. But I am staying. Anyhow, I am writing a letter<sup>2</sup> to take to Lane in the morning. We have a chance of getting loaves & fishes for the passive resisters and I am trying. If the written assurance be given, I certainly think that the best thing will have happened. We are bound to get a general bill next session.

I have not the time to give you copy of General Smuts’ letter<sup>3</sup>. I have much work before me for the evening. Will pass a day at Kimberley so that I should be there on Wednesday morning.

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the original in Gandhiji’s hand: S. N. 5492

*398. LETTER TO E.F.C. LANE*

7, BUITENCINGLE [STREET,]  
CAPE TOWN,  
*April 22, 1911*

DEAR MR. LANE,

I beg to acknowledge your letter<sup>4</sup> of the 21st instant.

I regret that General Smuts finds it impossible to settle the Transvaal Asiatic trouble during this session. I am, however, grateful for the statement contained in your letter that the matter will engage General Smuts’ attention during the recess with a view to bringing about a settlement during the next session.

I share General Smuts’ anxiety that passive resistance may now be brought to a close.

<sup>1</sup> For the Union Government’s reasons for dropping the bill, *vide* Appendix, “Union Government’s Reasons for Dropping Immigrants Restriction Bill (1911), 12-4-1911.

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

<sup>3</sup> *Vide* Appendix, “Lane’s Letter to Gandhiji”, 21-4-1911

<sup>4</sup> *Vide* Appendix, “ Lane’s Letter to Gandhiji”, 21-4-1911.

May I then suggest the following for his consideration so that the suspicion that is sure to be roused among my countrymen owing to a postponement of the solution may be allayed?

An assurance should be given that:

- (a) legislation will be passed next session repealing Act 2 of 1907 subject to the reservation of the rights of minor children in terms of the Chotabhai judgment<sup>1</sup> and restoring legal equality as to the immigration of Asiatics into the Transvaal and maintaining existing rights. If the racial bar in the present Immigration Act of the Transvaal is removed by a general bill, such bill should naturally be free from a racial bar throughout the Union;
- (b) passive resisters who but for their resistance would have been entitled to registration should now be so entitled notwithstanding anything to the contrary in Act 36 of 1908;
- (c) educated passive resisters who are now in the Transvaal but who are not registrable under the Asiatic Act should be allowed to remain in the Transvaal as educated immigrants in anticipation of the forthcoming legislation, their number not to exceed six. They may have special certificates in order to enable them to

<sup>1</sup> A.E. Chotabhai, domiciled in the Transvaal since 1899 and registered lawfully under Act 36 of 1908, brought his minor son aged 15, whose name appeared in his father's registration certificate, in January, 1910. On the boy's attaining majority, his application for separate registration under Act 36 of 1908 was rejected by the Registrar of Asiatics. Chotabhai appealed to Magistrate Jordan who dismissed the appeal and ordered deportation. Chotabhai then moved the Provincial Court where Justice Wessels in Chambers dismissed the application but restrained the order of deportation pending appeal to the higher Court. The Full Bench of the Transvaal Division of the Supreme Court dismissed the appeal with a dissenting judgment by Justice Mason. Finally on January 25, the Appellate Division of the Supreme Court of South Africa ruled that, although Act 36 of 1908 provided only for registration of minors resident in the Transvaal at the commencement of the Act or born within its boundaries, it did not follow that minors entering lawfully after that date were to be excluded from the registration provided for under the earlier Act 2 of 1907, and that it appeared improbable that the Legislature would allow Asiatic minors free entry into the Transvaal but allow the Registrar no discretion to permit them to remain in the country on their attaining majority. The appeal was upheld. The case, in its various stages, was reported in several issues of Indian Opinion between August 1910 and April, 1911; *vide* also "Cable to S.A.B.I. Committee", 29-8-1910; "Speech at Meeting of Kathiawad Arya Mandal", 20-9-1910; "Johannesburg", before 17-11-1910 & "Chhotabhai Case", 28-1-1911.

move to and fro without hindrance.

If the above assurance be given,<sup>1</sup> I do not anticipate any difficulty in persuading my countrymen to suspend passive resistance.

I trust General Smuts will recognize that, in asking for the above assurance, I am simply requesting ratification of what he has so often publicly stated.

I am sure that the Indian community will be deeply grateful to General Smuts for consenting not to imprison Mrs. Sodha in the event of her appeal failing.<sup>2</sup>

I am thankful, too, for the verbal assurance given by General Smuts that he will be pleased to grant relief in cases of individual hardship.

I need hardly reiterate the statement that, whatever befalls the present passive resistance movement, the Indian community will continue to worry him about the many matters in the different Provinces which have from time to time formed the subject-matter of memorials, etc.

Lastly, I venture to repeat what I have said so often that those who have the privilege of guiding the Indian community in South Africa have always been anxious, and will continue, to help the authorities and to study and appreciate the European standpoint consistently with that community's self-respect and interests.

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

From *Indian Opinion*, 29-4-1911; also Cd. 6283 and photostat of type-written office copy: S. N. 5496

<sup>1</sup> It was; *vide* "Lane's Letter to Gandhiji", 22-4-1911.

<sup>2</sup> *Vide* "Letter to L. W. Ritch", 17-4-1911 and "Abstract of Interview with General Smuts", 19-4-1911.

### 399. SPEECH AT KIMBERLEY

[April 24, 1911]

A largely attended meeting of members of the Indian community, amongst which was a fair sprinkling of Europeans, took place last evening in the Supper Room of the Town Hall, for the purpose of hearing an address from Mr. M. K. Gandhi who had just arrived from Cape Town, and was on his way up to Johannesburg.

. . . The Mayor<sup>1</sup> briefly introduced Mr. Gandhi to the meeting and Mr. Dawson then read the following address<sup>2</sup> to Mr. Gandhi . . .

Mr. Gandhi, who had an enthusiastic reception, thanked the meeting for the great welcome that had been accorded him, and the beautiful address presented. He thanked His Worship the Mayor for presiding on the occasion and said that it suggested the harmony of humanity in Kimberley. He could not take the reception as a personal tribute, but he considered it a mark of approbation of the great work which had been done by the passive resisters of the Transvaal. He was glad to be able to inform the meeting that they were nearing a solution of the difficult question that had cost the community over 3,500 imprisonments and untold suffering. He had in his possession a letter<sup>3</sup> from General Smuts which stated that the legitimate demands of the Indian community would be granted during the next session of Parliament. In that letter, the speaker contended, was official recognition of passive resistance as a legitimate form of agitation for the redress of grievances. Addressing meetings in London, he had not hesitated to call [the] Transvaal passive resistance one of the greatest movements of modern times.<sup>4</sup> He knew of no instance in modern history in which a body of people had undertaken self-suffering by way of redress, and that was what the Transvaal movement amounted to.

Mr. Gandhi likened the Transvaal passive resistance to the conscientious opposition offered by the Prophet Daniel to the Laws of the Medes and the Persians, which the Prophet considered to be contrary to the demands of reason and holiness. He exhorted his countrymen to be always reasonable in their demands. He contended that the Indian community throughout South Africa had, as a rule, endeavoured to see the European standpoint. Whilst they fought for legal equality, they admitted that there should be differential treatment by reason of the prevalent prejudice, which the Indians would have to wear down by honourable conduct. He asked his hearers not to consider the forthcoming settlement as a victory to gloat over, but merely as a natural

<sup>1</sup> Councillor W. Gasson, who presided

<sup>2</sup> Not reproduced here

<sup>3</sup> *Vide* "Lane's Letter to Gandhiji", 22-4-1911.

<sup>4</sup> *Vide*, for example, "Speech at Farewell Meeting", 12-11-1909



consequence of the heroic fight that so many Indians in the Transvaal had put up. He paid a glowing tribute to Mr. Thambi Naidoo<sup>1</sup>, whom he considered to be one of the greatest of passive resisters in the arduous campaign. (Loud applause.)

Mr. Dawson, Chairman of the Indian Association, moved a vote of thanks to Mr. Gandhi which was seconded by Mr. Joshua, the ex-Secretary of the African Political Association. Mr. Gandhi briefly returned thanks and in turn proposed a vote of thanks to the Mayor, which was carried by the whole audience standing.

*Diamond Fields Advertiser, 25-4-1911*

#### 400. TELEGRAM TO H. KALLENBACH

[JOHANNESBURG,  
*April 26, 1911*]<sup>2</sup>

TO

KALLENBACH,

LAWLEY

MEETING          TOMORROW          TWO          O'CLOCK          HAMIDIA          HALL  
DEPUTATION.          PRESENCE          NAIDOO,          SODHA<sup>3</sup>,          MEDH<sup>4</sup>,

<sup>1</sup> Thambi Naidoo; a Tamil cartage contractor from Mauritius whom Gandhiji described as “lion-like” and as one of the two most eminent satyagrahis; who but for his rashness of temper “could easily have assumed the leadership of the community in the Transvaal”; had a flair for languages and cooking; became Chairman of the Tamil Benefit Society in 1912. *Vide also Satyagraha in South Africa*, Ch. XX.

<sup>2</sup> This meeting mentioned in the text was held on April 27, 1911; clearly therefore this telegram was sent of April 26 presumably on instructions from Gandhiji who had returned to Johannesburg that morning after a month’s absence at Cape Town.

<sup>3</sup> Ratanshi Mulji Sodha; an educated satyagrahi who suffered imprisonment during 1908, 1909 and 1910 for defying the Asiatic Registration Act; *vide* “Prisoners Condition”, 10-10-1908 & “Trial of Dawjee Amod and Others”, 14-10-1908 and “Johannesburg”, 9-5-1910; “Mr. Sodha’s Discharge”, 14-5-1910; “Telegram to Minister of Interior”, 8-11-1910 & “Trial of Rambhabai R. Sodha”, 30-12-1910.

<sup>4</sup> Surendrarai Bapubhai Medh; a sergeant in Gandhiji’s Stretcher-bearer Corps during the Zulu “Rebellion” in 1906; a “stalwart passive resister” who “sacrificed his all” and “covered the community with glory”; among the first batch of Natal Indians to enter the Transvaal, following Sorabji, in order to test educated Indians’ right of entry into that Colony; held the record for the longest imprisonment “having been eleven times in gaol” and having “twice fasted for eight days” in protest against the ill-treatment of prisoners; *vide* “Notable Discharges”, 30-4-1910; “Who is a Satyagrahi?”, 5-11-1910 & “Letter to Director of Prisons, Pretoria”, 22-11-1910, also *Satyagraha in South Africa*, Ch. XI.

DESAI<sup>1</sup>, ABSOLUTELY NECESSARY.

GANDHI

From a photostat of the handwritten office copy signed by Sonja Schlesin “for M. K. Gandhi”: S. N. 5509

*401. TELEGRAM TO H. S. L. POLAK*

JOHANNESBURG,  
*April 26, 1911*

TO  
POLAK  
CARE RUSTOMJEE  
DURBAN

TELEPHONE INTERRUPTED. RETURN EITHER TODAY OR  
TOMORROW.<sup>2</sup> REPLY. PUBLISH FULL CORRESPONDENCE<sup>3</sup> EXCEPT  
PERSONAL LETTER<sup>4</sup> SMUTS' 20TH.

GANDHI

From a photostat of the handwritten draft with correction in Gandhiji's hand:  
S. N. 5513

<sup>1</sup> Pragji Khandubhai Desai; “a well-trying passive resister” who fasted in jail in protest against the warders’ ill-treatment of prisoners; among the earliest to arrive in Tolstoy Farm, he worked “harder than in jail” to build wood-and-iron structures for the settlers; Gandhiji “requisitioned his services” to teach youngsters on the Farm “who were on bad terms with their books”; wrote regularly for the Gujarati section of Indian Opinion; *vide* “Pragji Desai’s Resolve”, 5-11-1910, also *Satyagraha in South Africa*, Ch. XXXIV.

<sup>2</sup> Polak left for Johannesburg on April 27, 1911.

<sup>3</sup> This was accordingly published in Indian Opinion, 29-4-1911.

<sup>4</sup> *Vide* “Letter to General Smuts”, 19-4-1911; the letter was actually dated the 19th.

#### 402. LETTER TO APPASAMY NAIKER<sup>1</sup>

[JOHANNESBURG,  
*April 28, 1911*]<sup>2</sup>

DEAR MR. APPASAMY NAIKER,

I understand that the few remarks that Mr. Solomon made at the combined meeting yesterday have offended you and some other friends very much. Mr. Naidoo and I are indeed very sorry. We admit that the remarks should not have been made by Mr. Solomon, but we trust that this letter will be sufficient to soothe your feelings and those of others who have felt hurt. Whatever has happened in the past, it must undoubtedly be the wish of every lover of India to forget it, and for us to work together for bettering our condition.

*Yours truly,*

From a photostat of the typewritten office copy: S. N. 5517

#### 403. INTERVIEW TO "THE STAR"<sup>3</sup>

[JOHANNESBURG,  
*April 28, 1911*]

The correspondence with appeared in *The Star* of yesterday gave every promise of a settlement being reached, but did not indicate any exactness in the form of compromise. As a result of a meeting extending to four hours last evening, Mr. Gandhi has been given authority by his countrymen to conclude a temporary arrangement, which will permit of General Smuts advising the Governor-General to extend clemency to passive resisters at present confined. Efforts can also be made by those who have sacrificed their business to re-establish themselves, and the women and children who are living on Tolstoy Farm and [have] become a charge on the Indian community can gradually be restored to their homes. When the final stage has

<sup>1</sup> The letter is followed by a statement, presumably by Solomon, which reads: "I have read the above, and I entirely associate myself with the sentiments expressed. I am indeed very that my remarks should have caused offence to any Indian at all."

<sup>2</sup> The office copy, which is the source of this item, is dated April 27, 1911. This is evidently a slip for the meeting referred to in the text was held on April 27 and the letter itself was therefore written on April 28, 1911.

<sup>3</sup> This was republished in *Indian Opinion*, 6-5-1911, under the title "The Close of Bitter Struggle".

been reached, Mr. Gandhi is passing from public life. He has already arranged for his legal practice to be taken over by Mr. Ritch, who up to now has represented the Indian cause in London. His immediate intention is to provide for the care and education of the children whose parents are now in necessitous circumstances, and then he intends to retire to his farm in Natal, and in the spells of leisure no doubt to come in closer touch with the philosophic musings of Tolstoy and to reap inspiration from the savants of his beloved India.

A representative of *The Star* called on Mr. Gandhi today to obtain an appreciation of the stage to which the Asiatic problem has been advanced. It would appear that the Immigration Bill is finished with and that two alternatives<sup>1</sup> are before the Government. The first is the introduction of a new Immigration Bill from which the colour bar will be entirely eliminated, and to carry which General Smuts will have to bear down the opposition of the Free State. The second course is to practically preserve the *status quo* and to simply amend the immigration laws of the Transvaal. The first course while meeting objections raised by the Transvaal Indians, will involve the right of educated immigrants to travel throughout the Union, and will place limitations on the privileges which Indians in other Provinces at present enjoy. The adoption of such measure would not bring that finality which is desirable. On this point, Mr. Gandhi states the country is not yet ripe for general immigration legislation, because the policies throughout the Provinces have been distinct, and it would be purely a makeshift to have general legislation in name with actual statutory distinctions for the different Provinces, because it is common cause that the Provincial Asiatic legislation is to remain intact and that movements of Asiatics are to be restricted to the respective Provinces.

[GANDHI:] Such being the case, I cannot help saying that it will be sane statesmanship for the present to recognize the situation as it is; and yet it will be possible to administer the Provincial laws by the Central Government. Generally speaking, that the laws are so framed as to ensure practical equality of administration of European immigration.

#### NO HITCH ANTICIPATED

[INTERVIEWER:] You have no doubt now doubt a solution being reached?

So far as I can see, there ought to be no hitch, because each party has taken all the precautions humanly possible to avoid misunderstanding or ambiguity. Undoubtedly a great deal will depend on how General Smuts carries out his declarations. At last night's

<sup>1</sup> The reference is to the proposal contained in Gandhiji's letter to Lane of April 7, "Letter to E. F. C. Lane", 7-4-1911.

meeting, the greatest difficulty that the Indian leaders had to face was the almost ineradicable suspicion the rank and file entertain regarding the Government's motives. They read everything that is hostile to themselves in all that is said or written on behalf of the Union Government. At one time the position was tense, and there was a very heated controversy, but calmness ultimately prevailed, and the meeting decided, with [a] few dissentients, to accept the provisional settlement.<sup>1</sup>

What was your experience in Cape Town?

I must confess that General Smuts was extremely obliging and conciliatory in his attitude, and throughout the negotiations, he evinced a sincere desire to come to a settlement. He more than once declared that he did not wish to prolong the distress which he knew the passive resisters were suffering.

In reply to a further question, Mr. Gandhi said that the present Indian population in the Transvaal was at the outside 8,000, and was about 7,000 below the number of pre-war residents. In conclusion, he requested that his gratitude and that of his countrymen should be acknowledged through *The Star* to the members of the European committees in Johannesburg and London, to Lord Amphill<sup>2</sup> and Professor Gokhale<sup>3</sup>, without whose support "we could not have reached the stage we have".

*The Star*, 28-4-1911

#### 404. LETTER TO E. F. C. LANE

[JOHANNESBURG, ]  
*April 29, 1911*

DEAR MR. LANE,

Referring to the conversation between us of this morning, we had an overcrowded meeting at the Hamidia Hall on Thursday last Mr. Cachalia presided, and the meeting lasted four hours. After some

<sup>1</sup> For Gandhiji's report of the meeting, *vide* "Transvaal Notes", 2-5-1911.

<sup>2</sup> Arthur Oliver Villiers Russell, second Baron of Amphill (1869-1936); Governor of Madras, 1899-1906; acted as Viceroy and Governor-General of India in 1904; took active interest in the Indian struggle in South Africa and was President of the South Africa British Indian Committee, London. He wrote the introduction to Doke's biography of Gandhiji.

<sup>3</sup> Gopal Krishna Gokhale (1866-1915); Indian statesman; President, Indian National Congress, 1905; founded the Servants of India Society, 1905; member Bombay Legislature and Viceroy's Legislative Council, 1902-15; member Indian Public Services Commission, 1912-5.

heated discussion, a resolution was carried, approving, as hereafter explained, of the provisional settlement set forth in the letters<sup>1</sup> of the 22nd instant exchanged between us.<sup>2</sup>

There were several questions which were asked at this meeting, and are still being asked. I think that it is right that I should draw General Smuts' attention to the most important of them. The acceptance by the meeting is based upon the interpretation of the letters indicated by the following questions put by the meeting:

(1) Will the legislation proposed and designed to meet the objection of passive resisters take away existing rights either in the Transvaal or in other parts of South Africa?

ANSWER: It will not, whether the proposed legislation affects only the Transvaal or the whole of the Union.

(2) Will the passive resisters who are pre-war residents, but who are at present outside the Transvaal, such as Mr. Dawad Mahomed<sup>3</sup> or Mr. Rustomjee<sup>4</sup>, be entitled to registration in spite of their having failed to apply for their registration during the statutory period?

ANSWER: Yes.

(3) Will the passive resisters who, although registered, have been deported, be prohibited from entering the Transvaal?

ANSWER: No.

<sup>1</sup> *Vide* "Letter to E. F. C. Lane", 22-4-1911 also Appendix, "Lane's Letter to Gandhiji", 22-4-1911.

<sup>2</sup> Here the draft has the sentence: "The smooth working will depend now entirely upon a liberal policy being followed by General Smuts" which appears to have been subsequently deleted.

<sup>3</sup> One of the earliest traders in South Africa, he spoke English and Dutch well although without any literary education. "Skilful", "intelligent and resourceful", he was the principal contributor to public funds raised in South Africa for Indian causes; Chairman, Natal Indian Congress; erstwhile resident of the Transvaal, he crossed over into the Colony in August, 1908 and refused to give his thumb-impressions at the border under Act 2 of 1907. He thus courted arrest to establish the right of entry of old Transvaal Indian residents and as released on grounds of ill-health after serving five months of his six months' sentence; *vide* "Letter to General Smuts", 14-8-1908; "Comments on Transvaal Indian Campaign", 28-8-1908 & "Speech at Meeting in Hamidia Mosque", 30-8-1908 and "Duncan's Views", 13-2-1909; "Statement of Transvaal Indian Case", 16-7-1909; also *Satyagraha in South Africa*, Ch. XXX.

<sup>4</sup> Parsi Rustomjee; philanthropic and public-spirited Indian merchant of Natal and the "Grand Old passive Resister", affectionately known as Kakaji, he was first co-worker and staunch friend and later client of Gandhiji's; strong supporter of the Natal Indian Congress.

(4) Will the passive resisters who hold Peace Preservation Ordinance Permits but have been deported be similarly protected?

ANSWER: Yes.

(5) Will the educated passive resisters who are to be allowed to remain in the Transvaal under temporary certificates be treated as immigrants for this year, and be free from liability to registration under Act 36 of 1908?

ANSWER: Yes.

(6) Will the standard of education possessed by the persons referred to be set for future Asiatic immigrants?

ANSWER: No. It was explained that only those who are highly educated will be allowed to pass the education test, and that probably all but Mr. Joseph Royeppen out of the six would be rejected if they were to seek admission as new immigrants on merits.

(7) Will educated Asiatics who are registered residents be compelled to give finger-prints or thumb-prints?<sup>1</sup>

ANSWER: No.

(8) Will conscientious objectors or well-known Asiatics be similarly exempt?

ANSWER: Yes, from finger-prints and also from thumb-prints, if they can give a well-formed signature.

The last two answers were given on the strength of previous correspondence<sup>2</sup> in 1908 and the dispatches recently published. The matter was not mentioned in the discussion between us because it was

<sup>1</sup> In thus formulating Question No. 7 Gandhiji may have had the procedure for taking out licences in mind rather than that of registration for he refers to these persons as having already registered. Smuts' telegraphic reply of May 20, 1911 (Appendix VI) makes the point explicit, but in Question No. 8 the reference is clearly to the procedure for registration. Smuts' reply, however, limits the concession to licensing procedure only. Presumably all that the telegram did was to safeguard the right of the Transvaal

Government to take thumb-impressions from resident Asiatic traders seeking licences if they were not educated or even from conscientious objectors seeking registration. The procedure for registration of uneducated persons could not have been at issue because the bulk of these save perhaps for the thirty mentioned in Gandhiji's letter of May 4, 1911 (pp. 59-60) had registered voluntarily, and it was agreed between the satyagrahis and the Government that immigration of uneducated persons must cease.

<sup>2</sup> *Vide* "Letter to Colonial Secretary", 28-1-1908; "Johannesburg Letter", 30-1-1908.

quite plain to me.

I am sure General Smuts will not mind my troubling him with the above, as I know he as well as I is most anxious to avoid any misunderstanding.

I find that Mr. Sodha is not a pre-war resident of three years' standing. He resided continuously for two years before the war in the Transvaal, and actually left as a refugee. There is, of course, no doubt as to the two facts. But a strict reading of Act 36 of 1908 requires three years' pre-war residence. May not the strict letter of the law be waived and Mr. Sodha be allowed to register? If he is not, he falls under the category of educated immigrants, as he possesses educational qualifications. He will then, with Messrs Royeppen, Sorabjee, Medh, Desai and Shelat<sup>1</sup> be the sixth educated man. That leaves out a very desirable and highly educated man, Mr. Samuel Joseph, a nephew of Mr. Royeppen and a school master. He was born in South Africa, and is even now the organist in a Native Protestant Christian Church, and is giving some private tuition. May I ask for his protection, by waiving the strict interpretation in regard to Mr. Sodha? We might have thrown out one of the six before named in favour of Mr. Samuel Joseph, but the merits in point of suffering of the others are far greater than Mr. Samuel Joseph's.

I have been asked to mention another case of extreme hardship. That is Mr. Camay's. He was an Indian postmaster in Johannesburg. He is well educated. I believe he had served for nearly ten years in the above capacity when he had to leave because he declined to register.<sup>2</sup> Mr. Camay is a Parsee. He has his family in Johannesburg. He has suffered a great deal during the struggle. I believe that he was very popular as postmaster, and enjoyed the complete confidence of his superiors. In my opinion, he ought to be reinstated.

I have not yet before me a list of Indian passive resisters who being pre-war residents are entitled to registration, but I am getting the

<sup>1</sup> Umiashankar Manchharam Shelat; a sergeant in the Stretcher-bearer Corps formed by Gandhiji in the Zulu "rebellion" of 1906; later, as a satyagrahi, suffered imprisonment and deportation in 1908 and 1909; was one of the "stokers" at the Mass Meeting in August 1908 when Indian burned their registration certificates; vide "Speech at Mass Meeting", 23-8-1908 and "Trial of Naidoo and Others", 16-6-1909 & "Johannesburg Letter", before 21-6-1909; also *Satyagraha in South Africa*, Ch. XI.

<sup>2</sup> Vide "Johannesburg Letter", 26-8-1908 and 31-8-1908.



names together. I take it that their registration will proceed immediately we agree on the points mentioned by me herein.

You were somewhat surprised when I mentioned the Chinese passive resisters. But they have continued to suffer to the end and their Chairman, Mr. Quinn, was only recently discharged from gaol. There are now, I think, more Chinese than Indian passive resisters in gaol. I am quite sure that General Smuts will not expect Indian passive resisters to desert their Chinese fellow sufferers. They naturally ask for the same protection for the Chinese passive resisters as for themselves. There are, I understand, only about twenty pre-war Chinese passive resisters who were not registered when the struggle was revived in 1908. But I introduced the question of the Chinese in order to mention the somewhat delicate matter of four who are undergoing terms of imprisonment for public violence among themselves. When the struggle was revived, the Chinese became two factions and fought with each other. As a result, some were convicted. Now the two factions are united. They are even preparing a petition to the Governor-General for the exercise of the clemency of the Crown. Will not General Smuts recommend them for favourable consideration?

I have written at great length. But I thought that I could not be too precise or too frank.

If you will kindly place this letter before General Smuts, and if he considers it necessary, appoint a day for an interview, I shall come down, and the matter may be finally closed.<sup>1</sup>

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

From *Indian Opinion*, 27-5-1911; also photostat of draft in Gandhiji's hand: S. N. 5521

<sup>1</sup> Acknowledging this letter on May 1, 1911, Lane said: "The various points raised by you are now under consideration of the Committee, and further communication will be sent to you in due course." S. N. 5525. Smuts actually discussed the points mentioned in this letter in his letter of May 19 and telegram of May 20, 1911; *vide* Appendices, Resolutions at Mass Meeting", 24-6-1908 & Chamney's Affidavit", 25-6-1908.

405 . PETITION TO SECRETARY OF STATE FOR COLONIES<sup>1</sup>

JOHANNESBURG,  
May 1, 1911

[TO]

THE RIGHT HON'BLE THE SECRETARY OF STATE FOR THE COLONIES  
LONDON

THE PETITION OF A. M. CACHALIA, CHAIRMAN OF  
THE BRITISH INDIAN ASSOCIATION

HUMBLY SHEWETH THAT

The painful struggle over the legal status of Asiatics, that has gone on in the Transvaal for the last four years, now gives promise of a happy ending. In view, however, of the approaching meeting of the Imperial Conference, the British Indian Association ventures to draw the attention of His Majesty's Government to the present actual position of British Indians residing in the Transvaal.

The struggle arising out of the passing of the Asiatic Registration Act (No. 2 of 1907) has caused such intense suffering among the Asiatic communities residing in the Transvaal, and has so much occupied the attention of both Asiatics and Europeans, that it has not been possible for the Association to devote much energy to securing a redress of the disabilities which were in existence at the commencement of the struggle and of others which have since been imposed, but to which passive resistance did not extend.

THE PRESENT POSITION IN REGARD TO THE  
REGISTRATION AND IMMIGRATION LAWS

In terms of a letter<sup>2</sup> addressed by the Private Secretary of General Smuts to Mr. Gandhi, and dated the 22nd April, the proposals in which were submitted to a meeting<sup>3</sup> of British Indians on the 27th April, and accepted by a Resolution carried with but six<sup>4</sup> dissentients:

<sup>1</sup> This was presumably drafted by Gandhiji; it was published in Indian Opinion, 13-5-1911, under the heading "The Present Position".

<sup>2</sup> Vide Appendix "Lane's Letter to Gandhiji", 22-4-1911.

<sup>3</sup> For Gandhiji's accounts of the meeting, vide "Transvaal Notes", 2-5-1911.

<sup>4</sup> Cf., however, "Transvaal Notes", 2-5-1911

- (a) Law 2 of 1907 is to be repealed during the forthcoming session of the Parliament of South Africa, subject to the reservation of the rights of minor children in terms of what is known as the Chotabhai judgment<sup>1</sup> ;
- (b) Legal equality in respect of immigration of Asiatic immigrants with Europeans immigrants will be restored, subject, however, to differential administrative treatment as distinguished from statutory differentiation;
- (c) In the legislation to be passed, the existing rights of British Indians will be maintained, that is, if it is Provincial legislation, the existing rights of Asiatics in the Transvaal shall not be interfered with; if it is legislation applicable to all the Provinces, the existing rights in the Provinces as well as in the Transvaal shall be preserved;
- (d) If the legislation should be Provincial, not more than six highly educated Asiatics will be allowed in any one year to pass the education test, and be admitted as immigrants to the Transvaal;
- (e) Passive resisters who, but for passive resistance, would have been entitled to registration if they had applied within the proper time will be now allowed to register;
- (f) Educated passive resisters not registrable under the Registration Act will be allowed to remain in the Transvaal in anticipation of the forthcoming legislation, and will be deemed to be Asiatic immigrants for the current year;
- (g) Passive resisters who are suffering imprisonment as such will be recommended to His Excellency the Governor-General for discharge, upon an assurance being given that the community will suspend passive resistance for the time being.

My Association takes this opportunity of tendering thanks to the Union Government for the obviously conciliatory and generous manner in which they have met it, and also to His Majesty's Government for their friendly and effective intervention to bring to a happy ending the unfortunate situation.

But the suspension of passive resistance now agreed upon does

<sup>1</sup> *Vide* 2nd footnote of "Letter to E.F.C. Lane", 22-4-1911

not mean that the British Indian community in the Transvaal has obtained redress of all its most serious grievances. The British Indian Association, therefore, craves leave to mention the most prominent of these that the community is still labouring under.

#### LAW 3 OF 1885

Law 3 of 1885, which was the subject-matter of correspondence up to the time of the outbreak of hostilities between His Majesty's Government and the late South African Republic, still remains on the Statute-Book of the Union, save for the removal of the £3 fee for the registration of those Asiatics who settled in the Transvaal for the purposes of trade; and it excludes British Indians and other Asiatics from:

- (a) burgher's rights;
- (b) ownership of landed property except in Bazaars and Locations;
- (c) residence in towns, except in Bazaars or Locations set apart for their residence.

Owing to the unfortunate prejudice against Asiatics prevalent in South Africa, the Association regards as outside practical politics any demand at present for burgher's rights, i.e., rights for political franchise.<sup>1</sup>

The deprivation, however, of the right to own landed property except in Bazaars or Locations is a very serious disability, and it naturally interferes with the progress of the community, and, strange as it may appear, the absence of building enterprise on the part of the community owing to this disability is used as an argument against the community, and so fosters prejudice. Though residence of Asiatics is restricted under this law to Locations or Bazaars, there being no penalty prescribed for non-residence therein, the Courts have held that Asiatics cannot be compulsorily segregated. The presence, direct and indirect, of rival European traders has, however, virtually driven a number of the poorer Asiatics into the Locations already established under the law. It is worthy of note, as an indication of the hostile spirit actuating the Government for the time being of the Province, that

<sup>1</sup> Transvaal Indians had consistently adhered to this position; *vide* "Deputation to Morley", 22-11-1906 and "Interview to the Press", 1-2-1908 & "Speech at Closer Union Society", 20-8-1908.

these Locations have been so far situated as to make general trade therein practically impossible, and to put Asiatic hawkers, who must every morning go to the public market for buying produce, to very great inconvenience. Moreover, whereas under this law Asiatics are permitted to own landed property in such Locations, the Government permit them only to hold leases of no longer than 21 years of Stands into which such Locations are divided. Indeed, in Johannesburg, they are only allowed a monthly tenure. Here it may be added that, up to the time of the outbreak of the late war, there was a Location in Johannesburg, in which ninety Stands were held under 99 years' lease. This Location, among other areas, was expropriated under a special Ordinance, and since then Asiatics have not been able to hold any landed property in their own names save as above mentioned.

In order, however, to enable British Indians to become virtual owners of landed property, equitable trusts under legal advice were created, whereby Asiatics have been able hitherto to acquire a permanent interest in land, their European friends taking transfer of land for which the Asiatic beneficiaries pay, and the ostensible owner passing a bond over such land in favour of the equitable owner. These trusts have been recognized by the Courts, and the method has been in vogue almost since the time of the promulgation of this law.<sup>1</sup>

#### GOLD LAW AND TOWNSHIPS ACT (1908)

In order, as it would appear, to defeat such trusts and to bring about effectual compulsory segregation, the Legislature has included in the Gold Law and the Townships Amendment Act of 1908 certain

<sup>1</sup> The case of Aboobaker Amod's Church Street property in Pretoria was the subject of much controversy. The Boer law of 1885 denied Asiatics the right to hold land outside Locations except for religious purposes but it was amended in 1886 to exempt Aboobaker Amod; *vide* "Blue Bok", 29-2-1908. A Supreme Court judgment in 1906 reluctantly acquiesced in this but ruled that the property could not be transmitted to the heirs; *vide* "Deputation to Lord Elgin", 8-11-1906. Special provision authorizing the inheritance was made in the Asiatic Law Amendment Ordinance of 1906 ("Letter to Dr. J. Oldfield, 6-11-1906) as well as in the draft legislation repealing portions of Law 3 of 1885 suggested by Gandhiji; *vide* "Blue Book", 29-2-1908. Since the ordinance and its variations remained inoperative owing to the Indians' opposition to them, this property was meanwhile held in trust by Polak; *vide* "Legalized Robbery", 17-3-1906 & "The Land Act in the Transvaal", 7-4-1906. This is the solitary instance of land held by an Indian individual in the Transvaal; *vide* "Fair and Just Treatment", 11-8-1906.

subtle provisions<sup>1</sup>, which, on the face of them, appear to be comparatively innocuous (though still highly offensive), yet which are obviously designed to accomplish the object above indicated. The Association has made this discovery only lately, by accident. In the town of Klerksdorp, European owners of Stands occupied by, and in some cases equitably owned by, British Indians have been notified by the Government that they are committing a breach of Section 130<sup>2</sup> of the said Gold Law, and that if the British Indian occupants be not removed by the 30th April (last), proceedings will be taken against them.<sup>3</sup> The penalty for non-compliance is a fine of £50 and an additional fine of £5 per diem so long as the breach continues. These notices have created consternation among British Indians. The community has received legal opinion to the effect that the combined reading of the two laws above referred to means that every Indian residing within mining areas in this Province runs the risk of being dispossessed of his occupation of Stands therein and having his equitable ownership completely destroyed. The latter object is attained by a section in the Townships Act aforementioned which provides for forfeiture to the State, without compensation, of land occupied by British Indians and other Asiatics, although, as before explained, they may be virtual owners of such Stands. The only protection of existing rights granted under these drastic laws is in respect of leases directly held by Asiatics and entered into before promulgation of the Gold Law. Many important towns, including Johannesburg (which accommodates nearly one-half of the total Indian population of the Transvaal), are affected by these laws. If, therefore, they are to be strictly enforced, virtual ruin of the Transvaal Indian community must almost certainly follow and that oft-declared policy of prominent members of the present Ministry of the Union, viz., the starvation of British Indians out of the Province, will be effected at a stroke of the pen.

<sup>1</sup> Gandhiji must have had in mind Sections 104, 113, 114, 122, 127 and 128; *vide* "Letter to Colonial Secretary", Before 25-4-1908, "Petition to Transvaal Legislative Assembly", 15-6-1908 & Appendix, "The Draft Gold Law in the Transvaal", 4-4-1908.

<sup>2</sup> Section 130 (Sec. 127 in the Draft Gold Law, Appendix "The Draft Gold Law in the Transvaal", 4-4-1908) prohibits European owners of Stands in "proclaimed areas" from subletting any rights to Coloured persons and the acquisition of any rights whatsoever by the latter in such areas.

<sup>3</sup> *Vide* 3rd footnote of "Extract from Letter to Maud Polak", 5-4-1911

Had such an attempt been made by an open and plain amendment of Law 3 of 1885, instead of by an obscure interpolation in statutes covering hundreds of sections and ostensibly dealing with matters of quite a different nature, the Association feels certain that such a measure would never have received His Majesty's sanction. The Association naturally lays the greatest emphasis upon this part of the petition, and hopes that His Majesty's Government will not fail to grant relief.

#### FOOT-PATHS BY-LAWS, ETC.

The Association is loth to bring before His Majesty's Government by-laws and regulations needlessly interfering with the personal liberty of the community represented by the Association, in view of the fact that material interests of the community are, as shown above, hardly recognized or respected; but there can be no rest for Transvaal Indians so long as the Statute-Book of the Province remains disfigured by legislation preventing the use by them of foot-paths and tram-cars.<sup>1</sup> These pinpricks will not be stopped so long as British Indians continue generally to be bracketed with the natives of South Africa.

#### THREATENED LEGISLATION

The Association further begs to draw the attention of His Majesty's Government to the promise of the Union Government to deal with the question of trading licences granted to British Indians. The Association is aware the various Chambers of Commerce of this Province, largely composed of rival European traders, have promoted and sent petitions to the Union Parliament, containing highly coloured and inflammatory statements prejudicial to Indian interests, and praying for the restriction and even extinction, of Indian trade licences.<sup>2</sup> The Association fervently hopes that, as the Indian population in the Transvaal is comparatively small, and is not to be in future at all materially added to, no restraint of Indian trade will be countenanced by His Majesty's Government. The Association humbly

<sup>1</sup> The British Indian Association had time and again taken up the question of these disabilities with the local authorities, and the Colonial and Imperial Governments; *vide*, for example, "Foot-Paths Again", 17-3-1904 and "Lord Selborne and Indians in the Transvaal", 14-10-1905. "Statement Presented to Constitution Committee", 29-5-1906.

<sup>2</sup> *Vide*, for instance, "Johannesburg Letter", 25-4-1908.

suggests that the objections, mostly exaggerated, made in the petitions above referred to, to the habits of the Indian community as to insanitation, etc., in so far as they are based on facts, can be, and are, easily met by general municipal health regulations.

In conclusion, the Association trusts that His Majesty's Government will take such steps as may be necessary and expedient to safeguard the existing rights of British Indian subjects of the Crown, resident in the Transvaal, to ameliorate their position in respect of the matters hereinbefore referred to. And for this act of justice and mercy your Petitioner shall, as in duty bound, for ever pray.

A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

Colonial Office Records: 551/22

#### 406. *SPEECH AT JOHANNESBURG FAREWELL*

[*May 1, 1911*]<sup>1</sup>

A large gathering of local Indian sportsmen met at the Hamidia Islamic Hall, Vrededorp, to wish good-bye to Mr. Joseph Royeppen on the eve of his departure for his home in Durban, after the conclusion of his part in the Transvaal Passive Resistance movement. Mr. Gandhi was in the chair. . . . The chairman opened the proceedings and naturally touched on his own pet game of passive resistance. He said there were many games. In some they won, and in others they lost, but there was a game in which they must always win, and that was passive resistance. He referred to the long and dreary game that had been played by them for the last four and a half years, and trusted that the winning point was now scored. A community which could play the game of passive resistance so honourably as they had done could play any other game equally well. . . .

*The Star*, 4-5-1911

<sup>1</sup> A report appearing in the Gujarati section of *Indian Opinion*, 13-5-1911, states that this function was held on May 1, 1911 under the auspices of the Bande Mataram League. *Vide* also the following item.



## 407. TRANSVAAL NOTES

*Tuesday [May 2, 1911]*

An overflow meeting was held at the Hamidia Hall on Thursday, the 27th ultimo. Mr. Cachalia presided. Probably 200 men had to stand outside the Hall. The proceedings lasted over four hours. Messrs Kallenbach and Ritch were also present. The discussion was at times heated, if not actually stormy, and throughout there was intense as to the intentions of the Government. Mr. Gandhi explained the whole of the correspondence, and advised acceptance of the proposals made therein. After Mr. Coovadia and Messrs Royeppen, Solomon Ernest, Thambi Naidoo, Imam Abdul Kadir Bawazeer, Sorabjee, Sodha and others had spoken in favour of acceptance, Mr. Abdul Rahman of Potchefstroom moved that the proposal as to suspension of passive resistance be accepted conditional upon fulfilment of the pledges given by General Smuts. The proposition was somewhat crudely worded, but it sufficiently expressed the sense of the meeting. Mr. Shelat seconded. There was a counter-proposition to the effect that the proposal might not be accepted until the intentions of the Government were carried into practice. The original proposition was carried with but five dissentients.

It was also decided at this meeting that the proposal to send a public deputation to England consisting of Messrs Cachalia and Gandhi should be withdrawn, and that the funds collected be devoted to sending Mr. Polak to England, in order to enable him to rejoin Mrs. Polak, as also to take up such public work as may be found necessary during the Conference and after. According to the programme at present arranged, about the middle of October, Mr. Polak will leave with Mrs. Polak for India, and there attend the meeting of National Congress in December, and remain there up to the time of passing of the Bill that is to be introduced during the forthcoming, session of the Union Parliament, in terms of General Smuts' letter of the 22nd ulto. Telegrams in support of the meeting were received from Klerksdorp and Peitersburg, and delegates attended from Germiston, Boksburt, Heidelberg, etc.

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The Chinese have also held meetings, and have passed resolutions accepting the proposed settlement, asking Mr. Gandhi to

attend to certain difficulties of their own. The one very satisfactory result, so far as the Chinese are concerned, that has been achieved is that the two parties into which they were unhappily divided after the renewal of the struggle in the middle of 1908 have now reunited.

\* \* \*

Mr. Gandhi is now in further correspondence with General Smuts, and final letters may be exchanged during the week.

\* \* \*

Mr. Polak arrived last Saturday evening, and was received by Mr. Cachalia and other members of the community and he left for London last Monday by the *Imperial Mail*. He was seen off by nearly one hundred Indians and Chinese, including Messrs Kallenbach, Ritch, Issac, Van Weenen and Miss Schlesin. He was garlanded by Mr. Cachalia, and was the recipient of several bouquets. Flowers were showered upon him, and as the train was about to steam out, Mr. Camay, in a few well-chosen words, thanked Mr. Polak for his great services, wished him a happy time with Mrs. Polak and his family, and hoped that whatever public work he might do would be crowned with the same brilliant success that had attended his efforts in India.

\* \* \*

A reception was held by the Bande Mataram League in honour of Mr. Joseph Royeppen, on Monday night. Refreshments were served, and the tables were laid for nearly 50 guests, among whom were Messrs Cachalia, Quinn, Fancy, Thambi Naidoo, David Ernest, Bawazeer, Sorabjee, Medh and others. Messrs Kallenbach and Issac were also present, Mr. Gandhi was in the Chair. Several speeches were made,<sup>1</sup> all more or less dealing with the passive resistance struggle.

\* \* \*

The British Indian Association is sending a petition<sup>2</sup> addressed to the Secretary of State for the Colonies, dealing with grievances arising out of the operation of Law 3 of 1885, the Gold Law, and the Townships Amendment Act, and several other matters.

Mr. Ritch has already appeared in the Courts in several cases with success.

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<sup>1</sup> For a report of Gandhiji's speech *vide* the preceding item.

<sup>2</sup> *Vide* "Petition to Secretary of State for Colonies", 1-5-1911.

Mr. G. Ramasmy has sent a box of vegetables to the Farm.

*Indian Opinion*, 6-5-1911.

408. LETTER TO E. F. C. LANE<sup>1</sup>

May 4, 1911

DEAR MR. LANE,

With reference to the interview<sup>2</sup> with General Smuts, I have conferred with Mr. Cachalia and other leaders. It seems to be no easy matter to give you a complete list of the names of those who as passive resisters would be competent to apply, and, in any case, the preparation of the list will take some time. But I think I can easily describe the classes who may be permitted to apply, I do not deal with those who are in South Africa, for General Smuts, I understand, does not anticipate any difficulty about them.

There are no Chinese passive resisters outside South Africa.

Those Indians who may be in India should fall under one or [the] other of the following sub-heads:

(a) Those who, after the 1st of January, 1908, were deported under the Registration Act 2 of 1907 or Act 36 of 1908, and have not yet applied under either of the Acts;<sup>3</sup>

(b) Those who, though not deported, left South Africa owing to the struggle some time after the 1st day of March, 1907.<sup>4</sup>

<sup>1</sup> On May 5, 1911, Lane acknowledged this letter saying that it was being forwarded to the Minister for considerations (S.N. 5529) and on May 19 the Acting Secretary of the Interior wrote to Gandhiji recording the Government's final acceptance of the satyagrahis' demands. The Minister trusted that this acceptance would be regarded by the Asiatic community as "a final settlement of the questions involved"; *vide* Appendix, "E.M. Gorges' Letter to Gandhiji", 19-5-1911.

<sup>2</sup> This does not appear to be the interview of April 19, 1911 ("Abstract of Interview with General Smuts", 19-4-1911) for none of the issues discussed in this letter figured in that meeting. Gandhiji, however, mentions in his letter of May 8, 1911, to Polak that he went to Pretoria to see Smuts and met people on Thursday and Friday. It would be natural to suppose that these days were May 4 or 5. If this meeting did take place as is strongly suggested by the letter to Polak, no record of it is available.

<sup>3</sup> A batch of 16 Indians was deported for the first time on April 14, 1909 and by June 5, 1909, about 29 had been deported.

<sup>4</sup> In August 1907, H.O. Ally left the Transvaal since he wished neither to join the satyagraha campaign nor to register under Act 2 of 1907. Several others left about the same time for the same reasons.

The onus of proof of deportation under (a) and of leaving under (b) should fall on the applicant.

By adopting the above method, General Smuts' fear that the door may be opened to applicants who may have left South Africa for India years ago and may now set up a fictitious claim is set at rest.

I understand that not more than thirty Indians are likely to fall under (a) or (b), and that not more than 150 are likely to apply from South Africa.

It follows from the correspondence between us that those who have applied to the Registrar for registration under either the Act of 1907 or that of 1908, and have been rejected, cannot now reapply. But there are some in South Africa who applied for voluntary certificates before the Act of 1908 was passed, but who, having been rejected by the Registrar, did not apply after the Act of 1908.<sup>1</sup> These men will now apply under the Act so as to be able to avail themselves, if necessary, of the right of appeal reserved under the Act of 1908.

Of the Chinese in South Africa, there are not more than 30, of whom all but two are in the Transvaal, these two being in Delagoa Bay.

I take it that registration will proceed at once. I venture to suggest that applications be not received after, say, the 31st December next.

May I point out the desirability of finally closing this matter, as some passive resistance prisoners are still in gaol who are to be recommended for discharge, and as I am most anxious, if I can, to close among ourselves further discussion of the interminable points that crop up pending a final announcement.

*Yours etc.*

[M.K. GANDHI]

From Indian Opinion, 27-5-1911, also photostat of draft in Gandhiji's hand, in which the last paragraph is missing: S. N. 5529a

<sup>1</sup> In his reply dated May 19, 1911, the Acting Secretary of the Interior estimated their number at 180, including Chinese and Indians; *vide* Appendix, "E.M. Gorges' Letter to Gandhiji", 19-5-1911.

#### 409. LETTER TO A. E. CHOTABHAI

May 4, 1911

DEAR MR. CHOTABHAI,

I am much obliged to you for your note of the 3rd instant enclosing[a] cheque for £300 in conneciton with your son's case<sup>1</sup>. As I have already informed you, I do not desire to make any personal use of your generous gift. It is my intention shortly to make over the Phoenix Farm, together with the machinery and the Press Buildings, which have been valued at £5,000, to trustees in trust for public purposes; and I propose, if I can induce our wealthy men to follow up your gift, to devote the money towards building a substantial school at Phoenix. Should, however, such support not be forthcoming, I propose to retain the sum to use, if required, for the objects of passive resistance, should its revival next year unfortunately become necessary.

Thanking you for your promise of co-operation in public work,

*Yours sincerely,*  
M. K. GANDHI

*Indian Opinion*, 13-5-1911

#### 410. LETTER TO H.S.L. POLAK

*Sunday night [May 7, 1911]<sup>2</sup>*

MY DEAR HENRY,

I have written a great deal. My right hand is tired. It is intensely cold. I am therefore trying the left hand. I had intended to give you a long letter but just as I commenced your letter, there was an interruption. I shall, therefore, be brief. Why feel grateful to me when I was bound to [do] what I could to contribute to your joint happiness. After all on that memorable boxing day (was it not), I gave Millie to you or you to Millie, so far as the outside world is

<sup>1</sup> For details of the Chotabhai case, *vide* 2nd footnote of "Letter to E.F.C. Lane", 22-4-1911

<sup>2</sup> From the contents; *vide* also "Letter to Dr. Pranjivan Mehta", 8-5-1911

concerned. It was at my instigation that you separated.<sup>1</sup> It was nothing but my duty to bring you together as soon as the opportunity offered itself. No more therefore of thanksgiving. You do your duty and if I succeed in doing mine as well, we shall be fairly quits.

Now that you are there, I shall not write to Millie except when some special occasion demands it.

I have your promise that you will neither worry Sally nor Maud. They are both grown-up women and will not take even advice if not offered in a most tactful manner. I shall need their certificates before I say that you have at the end of your visit there, discharged your duty just as well as you did in India. I feel sure that you will not be impatient with the young Indians whom you will meet there.

Herewith a copy of translation of Harilal's letter. What a fine boy and yet how mad! He had left details of his movements with Joseph with instructions to inform of them if he found me inquiring. He is in Delagoa Bay. I have wired to him asking him to wait there and to confer with me before leaving for anywhere else. I understand his desire is to bury himself somewhere in the Punjab and study there. He has wired saying he is writing to me. I shall therefore hear from him tomorrow.

Have not yet received final letter from Smuts.

With love to you all,

*Yours,*

BHAI

[PS.]

*Monday*

I have your radio message which I suppose you sent just to tease me. No news yet from Harilal but Joseph had a letter from him describing his journey to D'Bay.

From the original: Gandhi-Polak Correspondence. Courtesy : National Archives of India

<sup>1</sup> *Vide* "Abstract of Interview with General Smuts", 19-4-1911

#### 411. LETTER TO H. S. L. POLAK

May 8, 1911

MY DEAR POLAK,

Herewith your plate, also Mr.Cachalia's authority<sup>1</sup>, draft for £116/9/-, and copy of a translation of Harilal's letter. Pater's letter will be, I take it, sent you by West<sup>2</sup>. You will have noticed that he did not understand your telegram. Cordes<sup>3</sup> address is John H. Cordes Junior, 68 gr. Bleichen, Hamburg. I see that your passage to London will come to over £45, including what was paid on the luggage at Park. This does not include the expenses during the voyage, including gratuities. I, therefore, put down your passage at £55 as far as Waterloo. Here then is my estimate:

Passage to London	£ 55
May 20-Oct.15 at £50 per month	£ 250
Passage to Bombay for you, Milly, Celie and the boys	£ 100
Stay in India Nov.-March at £25	£ 125
Cable expenses, etc.	£ 100
Passage from India to South Africa	£ 60
	<hr/>
	<u>£ 690</u>

I, therefore, estimate £700 as the expenses. There may be a

<sup>1</sup> The reference is to Cachalia's letter to Polak authorizing him to represent African Indians in England, following the decision of the BIA meeting of April 27 to send him on deputation instead of Gandhiji and Cachalia.

<sup>2</sup> Albert H.West. It was in Isaac's vegetarian restaurant in Johannesburg, where Gandhiji met so many European colleagues of his, that he met West also. The latter in fact sought him out offering to nurse plague patients. Instead Gandhiji asked him to take charge of the printing press at Phoenix offering him only £10 a month for the task. From then on, this "God-fearing humane Englishman. . . . remained a partner of my joys and sorrows" until Gandhiji left South Africa in 1914. He put the press at Phoenix, of which he became joint manager, on a secure foundation. Though not detailed for satyagraha work, he was arrested in 1913 for sheltering striking indentured Indians at Phoenix.

<sup>3</sup> A German Theosophist who gave up a lucrative post to become a member of the Phoenix Settlement; was in charge of the school at Phoenix and also looked after the nursing work in the Colony; was at this time doing a year's course at the Theosophical Society in Adyar under Mrs. Besant whom he greatly admired; later went to India to join Gandhiji at Sevagram where he died in 1960.

saving if you return earlier. Of the above amount, £44 has been spent here roughly for your passage, and £200 has been now sent to you on account of the deputation. I have deliberately calculated £50 for the expenses there, because during your stay the activity of the Committee will be greater, and so I have put down £25 instead of £18 per month, and that may enable Maud not to worry; and I have put down a larger amount for your private expenses also because of your being there, and that will be, I should say, £25. I think that you should be able to manage without unnecessary stinting. At the same time, if you find that the amounts are not enough, you can fall back upon the £100 for cables, etc., because my estimate is only rough, and you are by no means bound down to it. I have not got your account ready yet. It will be sent next week. The £16/9/-included in the draft represents the balance of the purses after deducting £20 sent to Milly, and £5/1/-your subscription to the Theosophical Society, to the Law Society, and £2 taken in Durban. But, if I have misunderstood your instructions, please let me know. I think that you told me that from the amount of the purses I should deduct the amount of the draft sent to Milly and the expenses incurred thereafter.

The Gold Law business will tax your energy and ability. I sent you under separate cover the Statutes of 1908 and the amendment to the Townships Act, 1909. The Klerkdorp people have put down, among only three of them, £150 towards your expenses. You will, therefore, realize their anxiety, as also the need for prompt work. Please give me details of all you do regarding the Gold Law for publication. You will be somewhat angry with me that I have not yet got the Natal petition<sup>1</sup> ready. I could not manage it. I had to go to Pretoria all of a sudden to see the General, and, as you may imagine, Thursday and Friday were spent in interviewing people here. Smuts told me that he was going to give a favourable reply on all the points as soon as he was satisfied with reference to the number of passive resisters falling under question 2, that is, pre-war residents. He thought that my answer permitted of 300,000,000 applications from India, and his apprehension was not ill-founded. I have, therefore, defined more accurately whom I consider to be passive resisters outside South Africa. You will see my definition from the copy enclosed.<sup>2</sup> The interview was long and apparently cordial. He was eager to meet us on every point. He

<sup>1</sup> *Vide* "Memorial to Secretary of State for Colonies", 15-5-1911

<sup>2</sup> *Vide* "Letter to E.F.C.Lane", 4-5-1911



certainly mentioned that there would be an unperceived diminution of the rights hitherto enjoyed by the Cape, that there would be a stringent education test for the Cape and Natal also. He is greatly desirous of passing a general Bill, and asked me to help him to solve the Free State difficulty. I can see no way out of it without first passing the provincial legislation. I hope to be able to tackle the Natal petition today. You have, I take it, Gregorowski's opinion on the Gold Law. Khota's case<sup>1</sup> you will find reported in *I.O.* on page 148, Vol. 1909. What we want is an amendment of the Gold Law, and suspension of operation of Section 130 thereof meanwhile.

*Yours sincerely,*

[M. K. GANDHI]

From a photostat of the typewritten office copy: S. N. 5531

#### 412. LETTER TO DR. PRANJIVAN MEHTA

TOLSTOY FARM,

*Vaisakh Sud 10 [May 8, 1911]*<sup>2</sup>

DEAR SHRI PRANJIVAN,

Your two letters reached me this week.

I have held since 1899 the same views that you do about Theosophy. They pressed me hard that year to join the Society but I refused in no uncertain terms, saying that, though the Society's rule respecting brotherhood appealed to me, I had no sympathy for its search for occult powers. I do not think that Mrs. Besant<sup>3</sup> is a

<sup>1</sup> Messrs Khotas & Co. had since 1898 been trading on a stand sublet to them by a white in Nigel, a mining area. In 1909, the Receiver of Revenues refused to renew their trading licence by virtue of Sections 92 and 130 of the Gold Law which forbade Asiatics from residing or trading in proclaimed area. On appeal, the transvaal Supreme Court disallowed the Government's interpretation and ordered the Receiver to issue the licence.

<sup>2</sup> The gift of £300 mentioned later in this letter was received by Gandhiji on May 4, 1911 ("Letter to A. E. Chotabhai", 4-5-1911). In that year *Vaisakh Sud 10* corresponds to May 8.

<sup>3</sup> Annie Besant (1847-1933); an associate of Charles Bradlaugh; free thinker and a radical socialist, became president of Theosophical Society in 1907; founded Indian Home Rule League of which she became President in 1916; President of Indian National Congress, 1917, and interned for a time by Lord Pentland; advocated the cause of extreme nationalists in India after the Montagu Reforms; her works include: *Autobiography*, *Religious Problem in India*, and a translation of the *Gita*, etc. In a letter to Lord Chelmsford, Gandhiji ranked her "among the most powerful leaders of public opinion" in India.

hypocrite; she is credulous and is duped by Leadbeater. When an Englishman suggested to me to read Leadbeater's *The Life after Death*, I flatly refused to do so as I had grown suspicious of him after reading his other writings. As to his humbug. I came to know of it later. All the same, I have drawn from Theosophy the lessons which seemed to me worth drawing. Blavatsky's<sup>1</sup> *Key* had made a good impression on me. Theosophy sent many Hindus inquiring into their own religion. It has performed the same service as Christianity has. Moreover, Theosop-hists believe in the same basic principles as we do and therefore it is easy enough to come across good persons among them. Though there is no dearth of crooks at all levels from the highest to the lowest among the Vaishnav and other sects, we do find gems like Narasinh Mehta<sup>2</sup> and Bhojo Bhagat<sup>3</sup> amongst them. Ritch was a Theosophist. He urged me to become a member. Not only did I not become one, I helped him to be free from that humbug. Polak is a Theosophist, but he stays miles away from the practices and writings of Theosophists. The same is true of Kallenbach. When I was in India, I sent Gokaldas to the College<sup>4</sup> at Benares. Then also I was disappointed. Even after wards, as long as I had not come to see the light, which I have now, that is, as long as I had not outgrown the fascination for modern education, I used to inquire about institutions like the Benares College and even wished to send the boys there, thinking that something was better than nothing.<sup>5</sup> All that is over now. Cordes, at Phoenix, is a staunch Theosophist. I have not yet been able to get him out of the hold of Theosophy. In himself, he appears to be a sincere man. He has gone to Adyar at present, against all persuasion. Being honest, he will see the the fraud that is there and turn his back on it, unless he is taken in. It is worth ascertaining what humbug prevails there safe under the cover of Mrs. Besant's goodness. Her

<sup>1</sup> Helena Petrovna Blavatsky (1831-91); born of aristocratic Russian parents, founded the Theosophical Society in 1875. The Society's headquarters, set up at Adyar in 1879, addressed itself to the task of promoting a universal brotherhood and to studying comparative religion. She was controversial figure and many questioned "the spiritual phenomena she exhibited". May 8, the day of her death is, however, commemorated by her many followers the world over as "white lotus day".

<sup>2</sup> A saint and poet of Gujarat

<sup>3</sup> A medieval Gujarati poet

<sup>4</sup> Central Hindu College at Benares founded by Annie Besant

<sup>5</sup> Here Gandhiji uses a Gujarati saying, "It is better to have somebody one can call uncle than to have none at all."

desire to pass off as the “Master” is understandable. One who runs after occult powers cannot but become so intoxicated. It is for these reasons that all our *shastras* have looked upon occult powers and Yogic attainments as unworthy pursuits. And that is the reason, I think, why *bhaktiyoga*<sup>1</sup> is regarded as superior to *hathayoga*<sup>2</sup>.

Please read the accompanying letter<sup>3</sup> from Harilal<sup>4</sup>. He had told Joseph Royeppen everything and asked him to inform me as well, if necessary. That is how I came to know more about his movements. He is at present in Delagoa Bay, and has replied to my telegram from there. He did not like going to England with your money and under any binding. As Joseph tells, me, he wants to go to the Punjab and study there in peace. His letter is all ignorance. Even the idea of going to the Punjab, in the absence of more details, seems no better. But I shall know more in a couple of days. He did a lot of thinking in gaol. Moreover, he witnessed a great transformation in my life and saw my as well. All these things have, it appears, influenced his mind unconsciously. I think his morals are sound. I have, therefore, no his account. I have told him that he ought not to have taken the step he has,<sup>5</sup> without my knowledge. I shall give more information next week.

Six educated satyagrahis from Natal have been given permission to settle here. I think we might send them for studies in England for a year expense if they would [agree to] spend the remaining part of their life, or at least ten years, in such public work as we suggest. There are two or three of them who would [agree]. Even more might come forward. I want your consent for sending them [abroad]. If the idea appeals to you, cable just “Gandhi-Johannesburg Yes” and I shall understand. Not that they will leave immediately. I am discussing the matter with them. I am inclined to send them if they agree and if I am satisfied. My idea is that, for the present, such persons should be trained at Phoenix in agriculture and weaving; they should learn press

<sup>1</sup> The way of devotion

<sup>2</sup> The way of psycho-physical control

<sup>3</sup> Not available

<sup>4</sup> Gandhiji’s eldest son. While still 20, he went to jail as a satyagrahi in the Transvaal campaign of 1908 at his father’s instance; *vide* “Trial of Harilal Gandhi and Others”, 28-7-1908; “Johannesburg Letter”, 1-8-1908 & “Trial of Harilal Gandhi —II”, 10-8-1908. Gandhiji regarded it as a part of Harilal’s education; *ibid*.

<sup>5</sup> That is, his leaving home without informing Gandhiji

work also. When they have been so trained it may be possible to send them to India. I feel that a similar programme should be taken up in India, too. It will be, I think, easier to manage it here, though it might prove a little more expensive.

Young Indians are able to exert greater force of character here. The control which Purshottamdas<sup>1</sup> does, and can, exercise over his senses here would certainly be impossible in India. Likewise, the freedom his wife enjoys and her unconstrained manner of living will not, I think, be possible at present among our class in India. I keep thinking that it would be well if a few persons were trained here thoroughly. Those who bind themselves to work for ten years will have to be maintained by us. Please go through the enclosed letter<sup>2</sup> from Purshottamdas. The ideas mentioned in it are being implemented, independently of me. West and others have followed their own judgment in putting these into practice. I worked very hard on Chotabhai's case. He wanted to give me something in return. I refused to take anything for myself. He has now given me £300 to be spent as I think best.<sup>3</sup> Having had his amount to start with, I intend to go begging for more and, if I get some, to have a building put up for the school at Phoenix.<sup>4</sup> Failing in this, I feel inclined to use the amount for promoting the cause of satyagraha in some manner.

Polak has gone to England. We have started a subscription for him locally and decided to collect as much as £700. With this, he may stay in England up to October, leave for India in the middle of that month, accompanied by Mrs. Polak, attend the Congress, stay on there till the Bill to be enacted here next year is passed and return soon after. By that time, it should be March next year. The expenditure on all this, including the passage, is put at £725. If, while in India, he stays with friends, something will be saved from this. I expect you will invite them to Rangoon for some time. You must have noticed that Mrs. Polak's habits are not as simple as her husband's.

If I can get some time during the next six or eight months, I propose to give my attention to farming or weaving. Purshottamdas has been to a factory to see a handloom. I have given him permission

<sup>1</sup> Purshottandas Desai; for some time in charge of the school at Phoenix

<sup>2</sup> Not available

<sup>3</sup> *Vide* "Letter to A. E. Chotabhai", 13-5-1911 and "Mr. Chotabhai's Gift", 13-5-1911.

<sup>4</sup> *Ibid.*

to buy one of the same type. If he does I will ask you to meet the cost. It will be necessary for some time to spend money on all these ventures. I wish to have a free hand, so far as you are concerned.

I see that I can make at least £200 if I forget all else and only practice. But I am resolved not to have anything to do with that. Most of the work will go to Ritch. I have given him a seat in my own office and he has already started work. He is anxious to earn money for the sake of his family. His desire will be satisfied by this arrangement and the community will save £25 which it gives as a monthly allowance to his family.

The final letter from Smuts has not yet been received. But it will come. So I believe.

*Bande Mataram from,*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5084. Courtesy: C. K. Bhatt

#### 413. *FRAGMENT OF LETTER TO MAGANLAL GANDHI*<sup>1</sup>

[About *May 8, 1911*]<sup>2</sup>

. . . But I also see that . . . was . . . that is why . . . I hardly ever interfere. I propose to visit Phoenix next month. We shall then discuss things further. Please do nothing about the cow for the present. Sam<sup>3</sup> has made a request [to that effect]. The idea of saving an hour from press work is excellent. This is what will have to be done. Everyone should have his working hours in the press cut down, the remaining hours being devoted exclusively to farming. That is to say, if everyone has to devote nine hours to the common tasks, eight of these

<sup>1</sup> The first few pages of this letter are missing and the only one available is damaged at places. From the contents, however, it would appear that it was addressed to Maganlal Gandhi.

<sup>2</sup> It is his "Letter to Dr. Pranjivan Mehta", May 8, 1911, the preceding item, that Gandhiji first mentions that Harilal has left home without informing him. This letter was, therefore, presumably written about the same date.

<sup>3</sup> "Sam" was Govindsami, a machine foreman in the International Printing Press at Phoenix and a *shikari*.

hours or at the least . . . the rest . . . similarly in other . . . since we have founded...shall become shoemakers, blacksmiths, etc., and order its affairs as in a village.

Please ask Purshottamdas to take the money spent on painting and debit the amount to the building account. I shall write more later.

Harilal has taken a most extraordinary step. The fault lies with me. Perhaps one may blame the circumstances. In any case, Harilal is not to blame.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5086. Courtesy: Radhabehn Choudhri

#### 414. CABLE TO PRANTIK PARISHAD<sup>1</sup>

*May 9, 1911*

THANKS. YOU SHALL SEE STRUGGLE CARRIED ON ANY COST  
MOTHERLAND'S ASSISTANCE.

[M. K. GANDHI]

From the Gujarati translation reproduced in *Gujarati*, 14-5-1911

#### 415. MR. CHOTABHAI'S GIFT

Mr. Chotabhai, of Krugersdorp, whose name has become famous throughout South Africa for the plucky stand he made against the Union Government when they unsuccessfully attempted to drive away his son from the Transvaal, has generously presented Mr. Gandhi with a cheque for £300 for his work in connection with the case<sup>2</sup>. As is his wont nowadays, Mr. Gandhi has declined to make any personal use of the gift. Of his intention to convert the whole of his Phoenix property into a trust, we will say nothing for the time being.

<sup>1</sup> This was sent to acknowledge the congratulations addressed to Gandhiji by the Madras Provincial Conference (presumably the Madras Mahajan Sabha) on the success of his passive resistance campaign.

<sup>2</sup> *Vide* "Letter to A. E. Chotabhai", 4-5-1911 and "Letter to Dr. Pranjivan Mehta", 8-5-1911

But we wish to draw the attention of our readers to Mr. Gandhi's request for donations to supplement Mr. Chotabhai's gift, in order to enable him to build a school on the Phoenix ground. It is well known that in South Africa we have no scholastic institution worthy of the name. We, therefore, trust that our wealthy and liberal-minded countrymen will respond to Mr. Gandhi's call.

*Indian Opinion*, 13-5-1911.

416. LETTER TO H.S.L. POLAK

May 15, 1911

MY DEAR HENRY,

You will this week have the Natal petition.<sup>1</sup> The Cape petition you have taken with you, I imagine.

Smuts has not yet replied to my last letter and we cannot call it a final settlement unless we have his final letter.

Harilal returned on Saturday. He is too unsettled to be able to [do] anything here. He is now going back. He will go to India and there search for knowledge.

My mind is a perfect blank just now. I can think of nothing to write to you upon.

*Yours sincerely*

BHAI

From the original : Gandhi-Polak Correspondence. Courtesy : National Archives of India

<sup>1</sup> *Vide* "Memorial to Secretary of State for Colonies", 15-5-1911. Referring to it in his letter to the addressee dated May 8, 1911 (*ibid*), Gandhiji says that he hopes "to tackle the Natal petition today".

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

[DURBAN, ]  
*May 15, 1911*

THE MEMORIAL OF DAWAD MAHOMED, DADA OSMAN<sup>2</sup> AND MAHOMAD CASSIM ANGLIA, IN THEIR CAPACITY OF PRESIDENT AND JOINT HONORARY SECERATRIES RESPECTIVELY OF THE NATAL, INDIAN CONGRESS

HUMBLY SHEWETH THAT

1. Your Memorialists, at a meeting of the Committee of the Natal Indian Congress, representing the Indian population of the Province of Natal, in the Union of South Africa, held on the 28th day of April, 1911, were authorized and instructed respectfully to submit the following humble respresentation regading the grievances of the Indian Colonists residing in this Province.

IMMIGRATION RESTRICTION

2. Your Memorialists have read with satisfaction the correspondence<sup>3</sup> issued recently in the Transvaal, announcing the temporary arangement that has been arrived at between the Indian residents of the Transvaal and the Union Government. Your Memorialists venture respectfully to remind you that the painful stgruggle that has been carried on during the last four years by the Transvaal Indians has been watched with the closest interest and the utmost sympathy by the Indians of this Province, who have given it moral and material support.<sup>4</sup> The Indians of Natal have cordially shared the determination of their Transvaal brethren to offer the utmost resistance to legislation differentiating against Indians as a race,

<sup>1</sup> There is evidence in Gandhiji's letter of May 8, 1911 to Polak to suggest that he drafted this.

<sup>2</sup> An Indian merchant of Vryheid

<sup>3</sup> *Vide* letters to Lane, "Letter to E.F.C. Lane", 7-4-1911; 8-4-1911; 20-4-1911; 22-4-1911; 29-4-1911 and also Appendices "Lanes' Letter to Gandhiji", 11-4-1911; 21-4-1911 & 22-4-1911.

<sup>4</sup> In 1908, prominent Natal Indians offered satyagraha and others contributed funds to help the Transvaal campaign; *vide* "Pamphlet by Dr. Hundy", 7-9-1907; "What do do For Those Thrown Out of Employment?", 28-12-1907 and Appendix "The Asiatic Law Amendment Act", 22-3-1907



and they will await the fulfilment of the official undertaking of the Union Government to substitute for the present racial immigration law of the Transvaal a measure applying legally to all races alike, and the repeal of the Transvaal Act No. 2 of 1907, except for the preservation of the rights of minors, in the next session of the Union Parliament.

3. Your Memorialists desire respectfully to express grave apprehension, however, regarding the general Immigration Bill that they understand is to be introduced in the Union Parliament next session, as they have reason to believe that an attempt will be made to curtail the existing rights of the Natal Indian community.<sup>1</sup> Your Memorialists respectfully venture to urge that His Majesty's Government will most carefully watch the progress of immigration legislation in South Africa with a view to preservation of existing Indian rights, especially the rights of entry into this Province of the wives and minor children of domiciled Indians, and to receive certificates of domicile as a matter of right,<sup>2</sup> where claimants can prove statutory domicile to the satisfaction of the Minister. Your Memorialists respectfully remind you that the present Natal immigration laws define the duration of residence within the Province constituting domicile, but that the Union Immigration Bill that has just been withdrawn contains no definitive provision. In order, therefore, to avoid arbitrary administrative action, resulting in the unnecessary arousing of ill-feeling between the Administration and the Indian community, your Memorialists respectfully submit that the new Union Immigration Bill should define domicile, the period of residence in the Provinces of Natal and the Caps Colony, constituting statutory domicile, being, say, three years, as it is at present in this Province.

4. Your Memorialists respectfully submit further that the new education test proposed, being of an arbitrary nature, will result in the virtual exclusion of Indian immigration into this Province. This, in the humble opinion of your Memorialists, will result in great hardship to the resident Indian community, many members of which conduct important commercial transactions with business firms in India, in which special knowledge is often required. The new education test, however, designed to exclude all except a limited number of highly educated Indians of professional attainments, will prevent the resident Indian community from being able to avail itself of

<sup>1</sup> *Vide* "Natal Petition to Union Assembly", 9-3-1911

<sup>2</sup> This was eventually conceded in the Indians' Relief Act of 1914.

facilities hitherto enjoyed, and your Memorialists, therefore, respectfully request that, before the new Union Immigration Bill comes before the Union Parliament, His Majesty's Government will ask for guarantees that temporary permits, extensible from time to time, should be issued to confidential clerks and managers, in order to avoid great injury that would otherwise result to Indian commercial interests.<sup>1</sup> The number of such temporary permits issued may not exceed annually the number of Indian immigrants who last year passed the education test of the present Natal Acts, and your Memorialists venture respectfully to remind you that the extension of such facilities, whilst being much appreciated by the Natal Indian community, will not result in any permanent addition to the resident Indian population. Your Memorialists further note that, as stated in the Parliamentary paper issued during the last session of the Union Parliament, under the education test proposed in the defunct Bill, the number of Indians who were allowed to pass was to be about twelve.<sup>2</sup> As six was the number approximately conceded for the Transvaal, which carries a possible Indian population of 15,000 and a resident Indian population of not more than 8,000, twelve for the whole Union was altogether too small, regard being had to the fact that the Indian population of the Cape is not less than 15,000 and that of Natal not less than 150,000, including indentured Indians, In proportion to the numbers, there should be for the whole of the Union 72 new Indian immigrants of culture, but your Memorialists would be satisfied if it were understood that 50 British Indians of culture in any one year would be allowed to enter under any education test that might be proposed.

#### DEALERS' LICENSES ACT

5. This Act has proved most mischievous in its operation against British Indian merchants and traders of Natal<sup>3</sup> and, notwithstanding

<sup>1</sup> The Indians' complaint in this regard was a long-standing one; *vide* "Lord Selborne and Indians in the Transvaal", 14-10-1905; "The Nelson Cenetary: A Lesson", 28-10-1905; "Deputation to Lord Selborne", 29-11-1905; "British Indians in the Transvaal", 8-11-1906 & "Letter to Private Secretary to Lord Elgin", 1-12-1906

<sup>2</sup> *Vide* "New Bill in Parliament", 18-3-1911.

<sup>3</sup> For Indian greivances against the Dealers' Licenses Act, *vide* "Indian Traders in Natal", 18-11-1899; "Last year's Stock-Taking", 7-1-1904 & "Natal Dealers' Licensees Act", 2-4-1904; "Letter to William Wedderburn", 12-4-1911 and "Letter to Private Secretary to Lord Elgin", 7-11-1906; 1-12-1906 & "The Dealers' Licenses Act", 30-3-1907.

the slight amendment made partially restoring the inherent right of appeal against the decision of Licensing Officers or Boards to the Supreme Court, <sup>1</sup> before any sense of security is given to them the Act will require fundamental alterations. Difficulty is constantly experienced in having trade licences transferred from place to place. The Licensing Officers take up very often an uncompromising attitude and only recently a resolution was moved by a member of the Natal Provincial Council—designed to deprive British Indian merchants even of existing licences.<sup>2</sup>

#### NATAL TOWNSHIPS

6. Your Memorialists invite your attention to the petition submitted to His Excellency the Governor-in-Council in this matter. Your Memorialist are not yet aware of the decision of His Excellency, but they respectfully trust that a right hitherto enjoyed by the British Indians of Natal will not be now taken away.

#### INDENTURED LABOUR

7. Your Memorialists take this opportunity of tendering respectful thanks of the British Indian community of Natal for the decision to stop the supply of indentured labour to Natal from India.<sup>3</sup> Your Memorialists welcome this decision not only because the attitude of the Europeans generally in South Africa is hostile towards legitimate Indian aspirations, but also because, in your Memorialists' humble opinion, the system of indenture is in itself inherently bad, and savours of a state bordering on slavery. Your Memorialists feel sure that most of the troubles that British Indians throughout South Africa have had to undergo have been largely due to an artificial increase in the Indian population of South Africa, brought about by the introduction of this class of labour. Your Memorialists respectfully

<sup>1</sup> *Vide* "Natal Licensing Act", 11-12-1909

<sup>2</sup> On April 4, Hulett introduced a resolution in the Natal Provincial Council requesting the Union Parliament to delegate to the Council "the power of granting or withholding all trading licences in the Province". In his own words, Natal ought to have "the right to say who should trade or who should not trade", and his object was to rearm the Natal Government with powers sought to be conferred on it by the new Natal Licensing Bill ("Natal Bills", 9-5-1908 & "New Natal Bills", 16-5-1908) which had been disallowed by the Imperial Government; *vide* "London", before 18-9-1909.

<sup>3</sup> *Vide* "The Indian Council and Indentured Labour", 5-3-1910 & "A Momentous Decision", 7-1-1911

submit that the tax of £3 per year which is exacted from those who have finished their indentures, whether they be males or females, and even their children, is a cruel and tyrannical imposition; and now that the supply of indentured labour from India is to be stopped, there would appear to be no justification whatsoever for the existence of this imposition. Under it men have been persecuted, women's chastity has been at stake, and Indian youths have had their lives blasted. This is a tax which, in the humble opinion of your Memorialists, requires total abolition in the interests alike of humanity and the British Empire. Your Memorialists here desire to remark that the relief that was supposed to be granted by a slight amendment of the Act imposing the tax, in connection with women, has almost entirely failed in its purpose.

#### CONCLUSION

8. In conclusion, your Memorialists respectfully pray that His Majesty's Government will give that consideration to the matters hereinbefore referred to that they deserve, and that the status of British Indians under the Union will be placed on a just, equitable and satisfactory footing, consistently with the declarations made from time to time by His Majesty's Ministers regarding equality of treatment irrespective of race, colour or creed.

DAWAD MAHOMED

DADA OSMAN

MAHOMED CASSIM ANGLIA

*Indian Opinion*, 20-5-1911

#### 418. LETTER TO MAGANLAL GANDHI

*Vaisakh Vad 2* [May 15, 1911]<sup>1</sup>

CHI. MAGAN LAL,

Herewith Chhaganlal's letters. Many persons have been agitated in their minds by the Harilal episode.<sup>2</sup> I can well understand the varied feelings surging within you. Please consider this: If

<sup>1</sup> It was in 1911 that Harilal left his father's home, returned after a trip to Delagoa Bay, and left again after discussing the matter with his father—this time for India. In that year, *Vaisakh Vad 2* corresponds to May 15.

<sup>2</sup> *Vide* "Letter to Dr. Pranjivan Mehta", 8-5-1911 and "Letter to Maganlal Gandhi", 18-5-1911.

Harilal's or Manilal's<sup>1</sup> or Ba's<sup>2</sup> being unhappy with you, or their bitter words, make you think of leaving, you will be behaving as one separate from us and I shall find it difficult to do my duty to them and to you. Suppose you feel that Khushalbai<sup>3</sup> is better disposed towards Chhaganlal, or suppose he is so in fact, should you leave for that reason? Alternatively, if appears that he is better disposed towards you, must leave then and injure Chhaganlal?

If you decide on leaving, Harilal's and Manilal's best interests cannot but suffer. We are engaged in a mighty task. We are seeking the ultimate Truth. I do not claim that we aim at discovering something entirely new. We are only experimenting in the manner of living appropriate for one who aspires to realize such knowledge in his own being. We wish to clear away the layers of earth deposited by the white ants over the years. In the process, we are bound to come up against difficulties. God will assuredly remove them all, our intentions being good. Your duty, at this juncture, is to observe what happens, unconcerned. The responsibility is entirely mine. I alone will be to blame for any false step of mine. It is possible that it may put you in danger for a time. But the fruits of my error will be for me alone to taste. It can do you no harm if you go on doing your duty, placing your faith in me.

Harilal returned this morning. I have always believed that he will never take a step which he knows to be wrong. Now I believe that all the more. I am waiting to see what he does next.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W.5085. Courtesy: Radhabehn Choudhri

<sup>1</sup> Gandhiji's second son.

<sup>2</sup> Kasturbai Gandhi (1869-1944); taught as a volunteer in a primary school in Indian plantations around Champaran; went to jail several times as a satyagrahi, once in South Africa and, later, twice in India. In his reference to her, Gandhiji speaks of her as a spirited and courageous person; for touching incidents in their married life as narrated by Gandhiji, *vide An Autobiography*, Part I, Ch. IV & Part IV Ch. X.

<sup>3</sup> Gandhiji's cousin and father of Chhaganlal and Maganlal Gandhi. Gandhiji wrote to him occasionally; *vide*, for example, "Letter to Meghjiabhai Gandhi and Khushalchand Gandhi", 14-5-1908

419. LETTER TO ACTING PRIVATE SECRETARY TO  
MINISTER OF INTERIOR

[JOHANNESBURG, ]<sup>1</sup>

May 18, 1911

THE ACTING PRIVATE SECRETARY TO  
THE MINISTER OF THE INTERIOR

DEAR SIR,

With reference to the provisional settlement of the Asiatic difficulty, will you please place the following before General Smuts?

Pending General Smuts' reply to my letter<sup>2</sup> of the 29th ultimo, passive resisters have to remain in a state of suspense. They have not resumed their ordinary occupations[s]. Mr. Joseph Royeppen is still in Johannesburg awaiting General Smuts' reply, and other passive resisters are similarly vegetating. Those who have purposely remained out of work still continue in the same state. As General Smuts is aware, passive resistance prisoners still remain in gaol although virtually the settlement has gone through.

Moreover, friends in London and India have not yet been informed of the settlement being actually completed. And, in view of the approaching Imperial Conference, we here are anxious to give definite information to the friends in England. May I, therefore, request an early reply to my letter? Could you please telephone tomorrow some definite information?

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

From *Indian Opinion*, 27-5-1911; also photostat of draft in Gandhiji's hand: S.N. 5532.

<sup>1</sup> As is evident from the last sentence of the letter, Gandhiji was in Johannesburg at the time.

<sup>2</sup> *Vide* "Letter to E. F. C. Lane", 29-4-1911. The Acting Secretary of the Interior sent two replies to this letter of Gandhiji's as well as to a subsequent communication dated May 4 ("Letter to E. F. C. Lane", 4-5-1911) first a long letter dated May 19, followed by a telegram on May 20; *vide* Appendices "E. M. Gorges' Letter to Gandhiji", 19-5-1911 & "Telegram to Gandhiji from Secretary for interior", 20-5-1911.

## 420. LETTER TO MAGANLAL GANDHI

*Vaisakh Vad 5 [May 18, 1911]*<sup>1</sup>

CHI. MAGAN LAL,

I have sent Thakar<sup>2</sup> your letter about him. This happens because your minds are estranged. We know that Thakar is by nature suspicious.

*Gulliver's Travels* contains so effective a condemnation, in an ironic vein, of modern civilization that the book deserves to be read again and again. It is a very well-known book in the English language. Children can read it with enjoyment, so simple it is; and the wise ones get dizzy trying to comprehend its hidden significance. In Brobdingnag, Gulliver tumbled as low as he had risen high in Lilliput. Even in Lilliput, he has represented the tiny people as possessing a few powers which were superior to his own, that is to say, to those of normal people.

You should now read Carpenter's *Civilization: Its Cause and Cure*; I shall send it tomorrow. Admittedly, Chhaganlal experienced, some difficulty owing to his inadequate knowledge of English. Even so, if we know the subject on which we wish to write or speak, we usually find the words. The deficiency in your knowledge of English will never be made good without a visit to England. I see that even the short stay in England has done Chhaganlal a lot of good. He was, moreover, trouble by an illness, so that he had to face further difficulties. The experience he gained will be very useful. I expect to be there now in no more than a few days. I am planning to leave in the beginning of June. I shall be able to let you know more positively if I get Smuts' reply. It is expected any day.

It is just as well that Harilal has left. He was much unsettled in mind. He has assured me that he does not in the least resent the the arrangement I had made regarding Phoenix.<sup>3</sup> He bears no ill will towards any of you. He was angry with me, really, He gave vent to all his pent-up feelings on Monday evening. He feels that I have kept all the four boys very much suppressed, that I did not

<sup>1</sup> It was in 1911 that Harilal, referred to in this letter, left his father's home in the Transvaal and sailed for India. In that year *Vaisakh Vad 5* corresponds to May 18.

<sup>2</sup> A worker in the press at Phoenix.

<sup>3</sup> Vide "Letter to A. E. Chotabhai", 4-5-1911

respect their wishes at any time, that I have treated them as of no account, and that I have often been hard-hearted. He made this charge against me with the utmost courtesy and seemed very hesitant as he did so. In this, he had no thought of money at all in his mind. It was all about my general behaviour. Unlike other fathers, I have not admired my sons or done anything specialy for them, but always put them and Ba last; such was the charge. He seemd to me to have calmed down after this outburst. I pointed out his error in believing what he did. He saw it partly. What remains, he will correct only when he thinks further. He has now left with a calm mind. He is resolved to lean more about those things on account of which I was displeased [with him]. He is strongly inclined to study Sanskrit. Thinking that, since Gujarati is our langauge, his education should for the most part be in Gujarat, I have advised Harilal to stay in Ahmedabad. I believe that is what he will do. However, I have left him free. I feel it will all turn out well.

*Blessings from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5087. Courtesy: Radhabehn Choudhri

#### *421. LETTER TO MAGANLAL GANDHI*

*Monday [After May 18, 1911]<sup>1</sup>*

CHI. MAGANLAL,

I send you Chi, Chhaganlal's letter, etc. Dr. Mehta also sent me a copy of what he (Chhaganlal) had written. You need not be sorry because you do not have a good knowledge of English. It is not our

<sup>1</sup> Mrs. Vogl's Indian Bazaar mentioned in the postscript was held once in 1910 and again in 1911, but from the reference to Harilal Gandhi, who finally left his father's home for India between May 15 and May 18, 1911, (letters to Maganlal Gandhi, 15-5-1911; 18-5-1911) it is clear that the letter was writtern in 1911. The Thakar incident and Maganlal's projected visit to England are both discussed in this letter as well as in the preceding item. The sequence of events would suggest that this letter was written later. In the May 18 letter Maganlal Gandhi's knowledge of the English language is discussed in the context of some remark which Chhaganlal Gandhi appears to have made, and Maganlal Gandhi had evidently brought up the subject. In this letter, Gandhiji has heard more of this from Dr. Pranjivan Mehta to whom Chhaganlal Gandhi evidently addressed this remark.



language. We may try to express our ideas in that language as best as we can. This is just for your consolation, not to suggest that one should not try to be proficient in it, It is to get that proficiency and the experience of the life there that you have to go to England. Apart from this there is nothing else to be gained [by a visit to England]. We shall fix up your going as soon as you are ready.

I do not write more about Harilal as you will know everything from my letter<sup>1</sup> to Manilal. What does Harilal Thakar say in the enclosed letter?

*Blessings from*

MOHANDAS

[PS.]

Please remember that Santok<sup>2</sup> and Ani<sup>3</sup> have to sew something and send it for Mrs. Vogl's<sup>4</sup> Bazaar<sup>5</sup>.

From the Gujarati original in Gandhiji's hand: C.W. 5090. Courtesy: Radhabehn Choudhri

#### *422. LETTER TO MINISTER OF INTERIOR<sup>6</sup>*

JOHANNESBURG,

*May 19, 1911*

SIR,

I have the honour to acknowledge the receipt of your letter<sup>7</sup> of even date.

With reference to paragraph "C" thereof if you will re-read my letter<sup>8</sup> of the 4th instant, you will see that the qualifications of the 180 Asiatic passive resisters therein mentioned are not restricted

<sup>1</sup> Not available

<sup>2</sup> Wife of Maganlal Gandhi

<sup>3</sup> Wife of Purshottamdas Desai

<sup>4</sup> Wife of Vogl, a draper. The Vogis sympathized with the Indian cause and Mrs. Vogl took a keen interest in Indian women, conducting classes for them; *vide* "Letter to the Vogls", 1-2-1908.

<sup>5</sup> Opened on November 15, 1911, by William Hosken

<sup>6</sup> The reply to this letter was sent by telegram as requested by Gandhiji; *vide* Appendix "Telegram to Gandhiji from Secretary for interior", 20-5-1911

<sup>7</sup> *Vide* Appendix, "E. M. Gorges' Letter to Gandhiji", 19-5-1911

<sup>8</sup> *Vide* "Letter to E. F. C. Lane", 4-5-1911

as you have restricted them in said paragraph. The number (180) included in addition to the class you mention those<sup>1</sup> who never were able to apply under the voluntary system or any of the Asistic laws. The community will feel grateful for the concession regarding 3 educated Mahomedans.

The absence of any disclaimer in your letter of the interpretation of the provisional settlement as set forth in my letter<sup>2</sup> of the 29th ultimo, I construe to be an endorsement thereof by the Hon. the Minister.

There never has been any request for the release of those who may have been convicted of having, or of having used, forged certificates. Such people have never been claimed as passive resisters.

As the Association has to advise, by cable, freinds in England and India as to the situation, may I request a telegraphic reply on receipt hereof?

*I have, etc.,*

M. K. GANDHI

From Indian Opinion, 27-5-1911; also photostat of draft in Ritch's hand with emendations by Gandhiji: S.N.5534.

### 423. LETTER TO G.K.GOKHALE

JOHANNESBURG,  
May 19, 1911

DEAR PROFESSOR GOKHALE,

I do not know indeed whether, after your cablegram inquiring about the now defunct Immigration Bill, you expected me to write to you regularly. I have always refrained from inflicting letters

<sup>1</sup> This, as is clear from the reply (Appendix, "Telegram to Gandhiji from Secretary Interior", 20-5-1911) to the letters, refers to those who had acquired domiciliary rights in the Transvaal by virtue of three years' residence before the Boer War. These rights constituted an important issue in the 1908 campaign, These were fervently insisted on by Indians and eventually conceded by Smuts; *vide* "Letter to General Smuts", 13-6-1908; "Letter to the Press", 22-6-1908; "Letter to Colonial Secretary", 6-6-1908; "Letter to A. Cartwright", 14-7-1908 & "Letter to A. Cartwright", 27-7-1908.

<sup>2</sup> The draft (S.N.5534) from Gandhiji's file, our other source for this letter, has "4th instant". This date, as a note in the margin indicates, was subsequently corrected over the telephone to "29th ultimo"; *vide* Appendix, "Telegram to Gandhiji from Secretary for interior", 20-5-1911.

on you, being personally aware of the many other calls upon your time. Mr. Polak brought my knowledge up to date by telling me that, when he last saw you, you were, if possible, much busier than you used to be when I had the privilege of staying with you in Calcutta.<sup>1</sup> But I feel that it is necessary for me to give you a review of the situation here, at periodic intervals. Whilst I naturally consider that without passive resistance during the four years nothing whatsoever could have been done, I am quite certain that the efforts made by the public in India under your guidance and Mr. Polak's wonderful work there and Mr. Ritch's in England have very materially hastened the end of our troubles; but we have to fight such a stubborn enemy, that ceaseless watchfulness is absolutely necessary. I am not unaware of the fact that the gaining of theoretical equality in the immigration legislation will not have visibly altered for the better our material condition here; but the struggle has knit us together in a wonderful manner, and it has undoubtedly secured for us an honourable hearing. The community has gained confidence in itself. We are, therefore, only now free to devote our attention to the existing local legal disabilities affecting not so much our honour as a nation but the material position of the settlers themselves. For instance, the prohibition to own landed property in the Transvaal must be removed; the disability as to using tram-cars is too galling to be tolerated for any length of time; the diabolical attempt being made through the operation of the obscure section<sup>2</sup> in the recently passed Gold Law of the Transvaal must be frustrated at any cost if the Indian traders are to be left undisturbed in possession of their premises and their business. So much for the Transvaal. In Natal, the inhuman annual tax exacted from freed indentured Indians, their wives, and their little children, male and female, is a burden that cannot but oppress the conscience of every Indian who has any knowledge of the tax. The Dealers' Licenses Act of Natal, in spite of the slight amendment made in it recently, is like a cloud threatening to burst upon the community at any moment. And, at the Cape, similar statute threatens the existence

<sup>1</sup> Gandhiji stayed with Gokhale in 1901 in Calcutta.

<sup>2</sup> Section 130 under which Europeans were forbidden to sublet Stands to Coloured persons in proclaimed areas. In his representation to the Transvaal Government in 1908 ("Letter to Colonial Secretary", Before 25-4-1908 & "Petition to Transvaal Legislative Assembly", 15-6-1908) against the draft Bill, Gandhiji had not foreseen any difficulties under this clause and was concerned with provisions affecting Asiatics more directly.

of Indian traders; and a clause in its immigration law makes the right of domicile possessed by Indian settlers a mockery by compelling them, in the event of their absence from the Cape, to carry a permit which is really a document giving leave of absence whose breach would cancel the right of domicile. It will be too much to expect you to read thememorials<sup>1</sup> submitted or being submitted to the Secretary of State for the Colonies in these matters, but perhaps you will ask one of your workers to study them, and then take what steps you may consider necessary. These will be found in *Indian Opinion*.

About the beginning of November, Mr. and Mrs. Polak will be in India, when, of course, Mr. Polak will be able to give you all the assistance you will need. Whilst there is little doubt that the Provisional Settlement will go through, we are yet awaiting a final reply from General Smuts. All the passive resisters are being warned to keep themselves in readiness, in the event of General Smuts' promise not being fulfilled next year. Tolstoy Farm is, therefore, still being continued, but every effort is being made to use the passive resistance funds most sparingly. I am preparing an account to the end of April of disbursements, which I shall embody in a public letter to Mr. Ratan Tata<sup>2</sup>, reviewing the position. The expenses of Mr Polak's tour are being raised locally.

Hoping that you are keeping well,

*I remain,*

*Yours sincerely,*

M. K. GANDHI

From a photostat of the typewritten original: G.N. 3802

#### 424. LETTER TO KNOX

[JOHANNESBURG,]

May 19, 1911

DEAR MR. KNOX<sup>3</sup>,

I must apologize to you for not sending you the article in *Indian Opinion* you wanted. The same week that you telephoned, I had the file of *Indian Opinion* searched, but the article could not be

<sup>1</sup> Vide "Petition to Secretary of State for Colonies", 1-5-1911 and "Memorial to Secretary of State for Colonies", 15-5--1911.

<sup>2</sup> Gandhiji did this on April 1, 1912.

<sup>3</sup> A European sympathizer of the Indian cause in South Africa

traced. As I do not possess an up-to-date index, it is somewhat difficult to trace it. I endeavoured to get you on the telephone but without success. Since then the matter has escaped me. I have now your reminder. During the two days that Mr. Polak was here on his way to London, I asked him whether he remembered the date on which the appreciation was published. He gave me an approximate date which, however, did not prove correct, but he also told me that perhaps the enclosed might suit your purpose. It belongs to Mr. Kallenbach. After use, will you kindly return it to me?

*Yours sincerely,*  
[M. K. GANDHI]

From a photostat of the typewritten office copy: S.N. 5535

#### *425. A WORTHY OBJECT*

We draw the attention of our readers to the brief report in our Transvaal Notes of a meeting<sup>1</sup> of the Hamidia Islamic Society with reference to the proposal to raise funds for supporting the project for erecting a mosque in London and for a Mahomedan University at Aligarh. We need hardly state that both the projects are laudable. The erection of a mosque in London would be but a tardy performance of a sacred duty, and the establishment of a University at Aligarh, if properly conducted, can only advance the cause of unity between the two great sections of the population of India.

*Indian Opinion*, 20-5-1911

#### *426. A LICENSING SCANDAL*

We reproduced in our issue of the 6th instant the report of the licensing appeal heard before the Durban Town Council on behalf of the Natal Indian Traders, Ltd.<sup>2</sup> Our readers are aware

<sup>1</sup> Held on May 14, 1911

<sup>2</sup> Messers Natal Indian Traders, Ltd., had appealed to the Durban Town Council against the Licensing Officer's refusal to transfer D. K. Patel's trading licence in their favour. The Licensing Officer justified his decision on grounds of expediency and Whites' right of self-preservation in the face of Asiatic competition in trade. He argued that while, in consequence, a partnership concern would have perpetual right of succession, a licence issued to an individual terminated at his demise or retiral. The Council upheld the Licensing Officer's decision. *Indian Opinion*, 6-5-1911.

that this Company is a joint-stock business, and is composed very largely of Colonial-born Indians. It is an attempt for the first time made by this body of specially deserving men, to whom Natal is the only home and India exists in the imagination as a place from which their parents came. This Company has a nominal capital of £6,000, and has over 480 registered shareholders. We do not know what future awaits this new corporation, though, if we may state a truism, its future will largely depend upon the corporate ability, energy and above all, interest shown by the members. Anyhow, its effort to make of itself a success has been checked in so far as it can be by the Licensing Officer for the Borough of Durban. He has declined to transfer an *existing* licence in favour of the Company. There is here no question of adding to the number of already existing licences held by British Indians. The reasons given for his refusal are so preposterous, arbitrary, unjust and heartless that they will bear repetition in this column, although they also appeared in the report we have referred to. The Licensing Officer states:

In my opinion it would be unwise to transfer an existing licence to a large partnership concern which will not determine, as any privately owned business does with the death or retiral of the principal—this Traders Company will apparently have perpetual right of succession—as members can come and go—most of them appear to have a very small holding in the concern.

What a Licensing Officer could have to say against a perpetual right of succession we fail to see, but, of course, Mr. Molyneux, the Officer in question, is here referring to Indian businesses only, which he has assumed it to be his duty to curtail as much as and whenever he can. He has enunciated also the principle that all Indian businesses must end with the death or retiral of the present owners, thus contemplating a forced sale of such businesses and a consequent heavy loss. In his speech before the Council—by the way, an extraordinary procedure to be adopted by Licensing Officers, to take up a partisan standpoint and to be allowed to speak in defence thereof—Mr. Molyneux sought to justify his despotic action as fair on the ground of self-preservation, that is, of the Europeans residing in the Borough of Durban. Whatever that much misunderstood doctrine may mean, the Licensing Officer has in this instance entirely ignored the fact that, after all, this Company's business is largely connected with Indian custom. I can only hope that the 480 members of this Company will not take lying down this attempt to throttle it on the

threshold of its career, and that every member of it will resent it not only as a cowardly assault upon his personal rights, but also upon his honour as a British citizen within the Union.

*Indian Opinion, 20-5-1911*

427. *LETTER TO MINISTER OF INTERIOR<sup>1</sup>*

*May 20, 1911*

SIR,

I have the honour to acknowledge the receipt of your telegram of even date in reply to my letter<sup>2</sup> of the 19th instant. I beg to express my thanks for the promptness with which my request for a telegraphic reply was met and for the evident frankness thereof . . .

I am authorized by the Association to signify acceptance of the provisional settlement and, in doing so, to add that the correspondence subsequent to the letters exchanged between Mr. Lane and myself of the 22nd April last is to be taken as not in any way abating the proposals set forth in my said letter<sup>3</sup>.

The list of those who will be intitled to relief under the settlement is being prepared and will be sent at an early date.

The following are the names of the passive resisters still undergoing imprisonment: C.F.J. Frank, Lee Kong, Luk Nan Dickson, Ho Loaw, Sam You, Chong Ah Kie, Wo Kim Ah Wy, Ismail Essack and Louis Benjamin. They are either at the Fort or at Diepkloof. I shall thank you to let me know the dates when they will be discharged so that arrangements may be made for their conveyance.

I venture to submit herewith a form of authorization<sup>4</sup> for the educated passive resisters. You will notice that each applicant has written his own application. An official endorsment at the foot thereof

<sup>1</sup> In his reply (S.N. 5539) dated May 22, 1911, the Acting Secretary for the Interior said that the Minister "was in communication with the Minister of Justice with the object of procuring the immediate release of Asiatics named on the list furnished in your letter as corrected by your telephone message in respect of Wo Kim and Ah Wy". He added, "It is understood of course that all Asiatics who have destroyed their registration certificates will not apply for the required duplicates."

<sup>2</sup> *Vide* "Letter to Minister of Interior", 19-5-1911.

<sup>3</sup> *ibid*

<sup>4</sup> Not available

will be sufficient cover for the holder. If necessary, duplicate of the application in the applicant's handwriting may be filed with the Department.

In conclusion, I am to convey to the Hon'ble the Minister the thanks of the Association for the conciliatory manner in which he has met the question, and to express the hope that there never will be any cause for a revival of the struggle which has cost the Asiatic communities so much.

*I have, etc.,*

[ M. K. GANDHI ]

From *Indian Opinion*, 27-5-1911; also photostat of handwritten draft: S. N. 5538

#### 428. STATEMENT FOR PROPOSED DEPUTATION

[After May 20, 1911]<sup>1</sup>

##### THE STATEMENT OF THE BRITISH INDIAN DEPUTATION TO GENERAL SMUTS

The Deputation welcome the Provisional Settlement of the vexed British Indian question as set forth in correspondence<sup>2</sup> between General Smuts and Mr. Gandhi, and tender their thanks to General Smuts for his generous and conciliatory attitude.

<sup>1</sup> This statement deals with those Indians whose pre-war residence in the Transvaal amounted to less than three years. Their case had not been taken up during the negotiations of April, 1911, and does not figure in the demands conceded by the Minister of the Interior in his communications to Gandhiji of May 19, 1911 and May 20, 1911; *vide* Appendices V & VI. Special pleading was conceivably necessary in their case, and any deputation for this purpose must have been proposed after May 20. We have, however, no evidence that Gandhiji or any official of the BIA sought an interview with Smuts or that an Indian deputation met him. As this document was found among Gandhiji's papers and as he himself personally conducted the negotiations on behalf of the Indians, it is reasonable to suppose that he drafted this.

<sup>2</sup> For letters by Gandhiji to the Minister of the Interior, *vide* "Letter to E.F.C. Lane", 7-4-1911; "Telegram to Johannesburg Office", 7-4-1911; "Letter to General Smuts", 19-4-1911; "Letter to E.F.C. Lane", 20-4-1911; 22-4-1911; 29-4-1911; 4-5-1911; "Letter to Acting Private Secretary to Minister of Interior", 18-5-1911; "Letter to Minister of Interior", 19-5-1911 and the preceding item and for communications from the latter, *vide* Appendices, "Lane's Letter to Gandhiji", 11-4-1911; 21-4-1911; 22-4-1911; "E.M. Gorges' Letter to Gandhiji", 19-5-1911; "Telegram to Gandhiji from Secretary for Interior", 20-5-1911.



The Deputation would, however, respectfully draw General Smuts' attention to the following:

(1) Whilst the Deputation are glad that educated passive resisters at present in the Transvaal but not registrable under the Act to the number of six or seven are to be allowed to remain in this Province as permanent residents,<sup>1</sup> it is felt that similar facility should be given to certain educated Indians who may be required as confidential clerks or assistants. In the opinion of the Deputation, this is a crying necessity. Only the other day, a respectable merchant, Mr. Ameer Saheb, was refused permission, pending his absence owing to sickness, to bring in an assistant who was needed for his business.

(2) The Asiatic Act of 1908 enables only those who prove three years' pre-war residence to re-enter the Transvaal. Now that the Government have been pleased to enable pre-war resident passive resisters who can prove three years' pre-war residence to exercise their rights under Act 36, in spite of their having failed to apply within the statutory period,<sup>2</sup> the Deputation request that the claims of those who have lived in the Transvaal before the war for less than three years but who left owing to the outbreak of hostilities may be recognized. This will be an act of justice which will be much appreciated.

From a photostat of the typewritten draft: S. N. 5557

<sup>1</sup> *Vide* Gandhiji's letters to Lane, dated 22nd and 29th April, 1911, "Letter to Minister of Interior", 19-5-1911 and Appendices "Lane's letter to Gandhiji", 22-4-1911; E.M. Gorges' Letter to Gandhiji", 19-5-1911.

<sup>2</sup> *Vide* "Letter to E. F. C. Lane", 29-4-1911; "Letter to Minister of Interior", 19-5-1911 and Appendix, "Telegram to Gandhiji from secretary for interior", 20-5-1911.

## 429. NOTICE TO PASSIVE RESISTERS<sup>1</sup>

JOHANNESBURG,  
May 22, 1911

The following passive resisters are earnestly requested to send in their names immediately to the Honorary Secretary, Box 6522, Johannesburg:

(a) Those who are pre-war Transvaal residents of 3 years' standing but who have been unable to obtain their registration certificates owing to passive resistance;

(b) Those who are otherwise entitled to registration but have not been registered owing to passive resistance;

Under the Provisional Settlement arrived at with the Government, such persons will be permitted by the Government notwithstanding the lapse of the statutory period of their deportation, to apply to the Registrar of Asiatics for registration, if the application is sent before the 31st December next.<sup>2</sup>

Those who have at all applied for registration under the Act 36 of 1908 or Act 2 of 1907 during the struggle, and whose applications have been rejected, are requested *not* to send their names.

Those who know passive resisters of the classes above named in India should at once write to their friends advising them to take steps to secure registration before the 31st December next.

Persons sending in their names should send (a) their full names; (b) period of pre-war residence or such other claim; (c) proof of their passive resistance, such as discharge certificates or other proof that they have been passive resisters; (d) all documentary or other evidence in support of their claims; (e) those who applied voluntarily in 1908 should send particulars.

These applications will be framed whenever possible and

<sup>1</sup> This was presumably drafted by Gandhiji.

<sup>2</sup> The settlement as accepted by the Government is set forth in Appindices, "E. M. Gorges' Letter to Gandhiji", 19-5-1911 & "Telegram to Gandhiji from Secretary for interior", 20-5-1911. Gandhiji's demands on behalf of the Indians are contained in his letters to Lane, "Letter to E.F.C. Lane", 22-4-1911; 22-4-1911 and 4-5-1911.

forwarded to the Registrar free of charge by the Association. Each applicant will have himself to prosecute his application at his own expense during the subsequent stages if such become necessary. Applicants will have the ordinary right of appeal against the Registrar's decisions.

A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*Indian Opinion, 27-5-1911*

**430. LETTER TO H.S.L. POLAK**

*May 22, 1911*

MY DEAR HENRY,

I cannot write to you at length as there is no time. Final letters have been exchanged and now we must trust to the future to take care of itself. I sent you a cable on Friday night as General Smuts' reply was not quite satisfactory. I did not want you to commit yourself to Reuter. I am presently sending a cable now. I have just heard that Natal has sent you its authority.

I take it that you will show Maud all the papers I send you.

More next week.

With love,

*Yours sincerely,*

BHAI

From the original : Gandhi-Polak Correspondence. Courtesy : National Archives of India

**431. INTERVIEW TO REUTER**

JOHANNESBURG,

*May 23, 1911*

Mr. Gandhi, interviewed by Reuter's representative, stated that the settlement<sup>1</sup> contemplated the introduction next session of legislation repealing

<sup>1</sup> The Provisional Settlement as set out in "Letter to Minister of Interior", 19-5-1911; "At Last !", 27-5-1911 and Appendices, "E. M. Gorges' Letter to Gandhiji", 19-5-1911 & "Telegram to Gandhiji from Secretary for Interior", 20-5-1911.

the Asiatic Act of 1907 and restoring legal equality as regards immigration. As a set-off to the suspension of the passive resistance the Government recognizes the right of the passive resisters, numbering ten, to enter the Transvaal by virtue of their education,<sup>1</sup> and reinstates the passive resisters<sup>2</sup> who formerly had rights of residence, the Government also releasing the imprisoned passive resisters immediately and pardoning Mrs. Sodha.

*The Times of India*, 25-5-1911

### 432. LETTER TO REGISTRAR OF ASIATICS<sup>3</sup>

May 26, 1911

THE REGISTRAR OF ASIATICS

PRETORIA

SIR,

I have the honour to enclose herewith list<sup>4</sup> of 38 Chinese who, in terms of the settlement or otherwise legally, are entitled to make applications for registration. It will be observed that there are only 26 names that fall under class C in the letter<sup>5</sup> of the 19th instant of the Department of the Interior.

There are 11 who are holders of Peace Preservation Permits, and one is a lad who has only just reached the age of 16, and who is here with his father.

<sup>1</sup> *Vide* Appendices, "Lane's Letter to Gandhiji", 22-4-1911; "E. M. Gorges' Letter to Gandhiji", 19-5-1911 & "Telegram to Gandhiji from Secretary for Interior", 20-5-1911.

<sup>2</sup> The 30 Indians who were either deported or left for India during the satyagraha campaign of 1908 as also others who applied for voluntary registration and whose applications had been turned down ("Letter to E. F. C. Lane", 4-5-1911). The latter were accorded the right to appeal to courts of law.

<sup>3</sup> This was almost certainly drafted by Gandhiji. This letter, along with another draft dated August 21, 1911 ("Letter to Registrar of Asiatics", 21-8-1911) on the same subject which is addressed to the Registrar of Asiatics and is, moreover, in Gandhiji's hand, was found among his papers but we have no evidence that they were sent; they were not published in *Indian Opinion* as such letters usually were. In his letter of May 19, 1911 (Appendix, "E. M. Gorges' letter to Gandhiji", 19-5-1911), the Minister of the Interior had asked that the list referred to here be sent to him early. In fact, it seems reasonable to assume that the letters bearing on the Provisional Settlement and on larger issues concerning Act 2 of 1907 or Act 36 of 1908 were drafted by Gandhiji.

<sup>4</sup> Not available

<sup>5</sup> *Vide* "E.M. Gorges' Letter to Gandhiji", 19-5-1911.

Of the 26 referred to in the list, 2 are in Delagoa Bay.

As for the 3 Mahomedans<sup>1</sup> who are to receive certificates, I am authorized to submit the following names: Mr. Kajee Kalumia Dadamia, Mr. Ismail Essop and Mr. Rasool Sarfudeen. With the exception of the last named, the other two have not received English education. The first named is an Urdu scholar and both the first and the second named are passive resisters, but probably are not strictly pre-war residents of three years' standing, though they are both pre-war residents of the Transvaal. Mr. Sarfudeen will hold a certificate the same as Mr. Royeppen and others.

I shall thank you to let me know when the persons herein described will be able to make their applications. I take it that you will be good enough to afford facility for making application at Johannesburg. Will you please give me two days' notice, so that the men may be got ready in time.

May I ask you to facilitate the discharge of passive resistance prisoners, two of whom were released today by effect to time. I need hardly assure you that there is no desire to hold a demonstration of any sort on their discharge.

*I have, etc.,*

From a photostat of the typewritten draft: S. N. 5541

### 433. FOR PASSIVE RESISTERS

We draw the attention of our readers to Mr. Cachalia's notice<sup>2</sup> regarding those passive resisters whose right of residence in the Transvaal may have been forfeited by reason only of their passive resistance. Time is of the essence in this matter. We trust, therefore, that those who are affected by the notice will lose no time in complying with its request. We hope, too, that those who have applied under the Asiatic Acts, but have been rejected, will *not* send in their names.

*Indian Opinion, 27-5-1911*

<sup>1</sup> *Vide* "E.M. Gorges' Letter to Gandhiji", 19-5-1911.

<sup>2</sup> *Vide* "Notice to Passive Resisters", 22-5-1911.

#### 434. AT LAST !

A provisional settlement of the Asiatic trouble in the Transvaal has at last been reached, and the Indians and Chinese of the Transvaal are free to resume their ordinary occupations, at least for eight months. The correspondence<sup>1</sup> between the Minister of the Interior and Mr. Gandhi shows that every precaution has been taken to see that the parties understand each other and to leave no room for a misunderstanding. And yet a lay reader will understand from it very little of the settlement. To fairly grasp the many points discussed in it a knowledge of the Asiatic laws is indispensable, though, happily, no such detailed knowledge is necessary in order to know what the settlement really consists in. It is necessary to recall that, in the statement made by the Indian deputation that went to London in 1909, but two things were stated to be essential for satisfying passive resisters, namely: (1) Repeal of Asiatic Act 2 of 1907 and (2) legal equality for immigrants to the Transvaal, it being understood that there might be differential administrative treatment in the operation of such immigration law, subject, however, to the guarantee that at least six educated Asiatics in any one year should be able to immigrate to the Transvaal under any test that might be provided in the law.<sup>2</sup>

It was stated on behalf of the community that those who were actually fighting would, if required, forgo their individual rights and cease passive resistance if only the above demands were granted. Messrs Sorabji and others who entered the Transvaal as educated Indians<sup>3</sup> would have retired without claiming any rights for themselves. Those who, owing to the revival of the struggle, could not be registered, would have quietly forfeited their rights and, of course,

<sup>1</sup> *Vide* "Letter to E.F.C. Lane", 22-4-1911; 29-4-1911; 4-5-1911; "Letter to Minister of Interior", 19-5-1911 & 20-5-1911 and Appendices, "Lane's letter to Gandhiji", 11-4-1911; 21-4-1911; 22-4-1911; "E.M. Gorges' Letter to Gandhiji", 19-5-1911 & "Telegram to Gandhiji from Secretary for Interior", 20-5-1911.

<sup>2</sup> *Vide* "Statement of Transvaal Indian Case", 16-7-1909

<sup>3</sup> Sorabji entered the Transvaal to test educated Indians' right of entry and was tried three times; *vide* "Trial of Sorabji Shapurji—I", 8-7-1908; Trial of Sorabji Shapurji—II", 10-7-1908 & Trial of Sorabji Shapurji—III", 20-7-1908.

their means of livelihood.<sup>1</sup> This declaration was made in order to show to the world how entirely impersonal the struggle was and how it was being maintained solely for an ideal—to wit, national honour. In the result, the teaching of Jesus of Nazareth : “Seek ye first the Kingdom of God and His righteousness and all else will be added unto you”<sup>2</sup> has perhaps never been better verified than in this settlement. General Smuts was at one time reputed to desire to fling the demands of the community contemptuously back in their faces. In that event, the sacrifice above referred to would have been needed. But God willed otherwise. General Smuts reconsidered his position and eventually accepted the co-operation of the passive resisters. He could not carry his legislation during the last Parliament and yet, owing evidently to the Imperial Conference and the approaching Coronation, desired cessation of passive resistance.<sup>3</sup> The passive resisters then offered to suspend their operations if General Smuts undertook to grant their cardinal demands and to pass them into law next session of Parliament and further promised not to penalize passive resisters for their passive resistance.<sup>4</sup> The correspondence<sup>5</sup> we publish is, as will be seen, largely taken up with what may be termed the non-essential and ephemeral part of the settlement. Whatever intricacy there may be regarding this

<sup>1</sup> On February 10, 1908, voluntary registration of Indians commenced after Smuts and the Indians had arrived at a compromise; *vide* “Letter to Colonial Secretary”, 28-1-1908 & “Interview to “The Transvaal Leader”, 30-1-1908. The Indians later claimed that Smuts had failed to implement the compromise and decided on May 30 to resume satyagraha; *vide* “Letter to “Indian Opinion”, 30-5-1908. Out of the total Indian population in the Transvaal estimated variously at 13,000, reckoning by the number of permits issued (“Interview to the Tribune”, 20-10-1906), and “Letter to The Star”, 4-7-1908), at 10,000 by the census (“Interview to the Tribune”, 20-10-1906), at 9,000 by Gandhiji (“Letter to The Star”, 4-7-1908), 8,700 had applied for voluntary registration by May 9, 1908. The reference here is to those who could not, for one reason or another, register before May 9, the last date set for voluntary registration.

<sup>2</sup> “But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you.” *St. Matthew*, Ch. VI, v. 33.

<sup>3</sup> *Vide* “Letter to L.W. Rich”, 21-4-1911 and Appendix “Lane’s Letter to Gandhiji”, 21-4-1911

<sup>4</sup> *Vide* “Gandhiji’s letters to Lane”, 22-4-1911 & “Letter to E. F. C. Lane”, 29-4-1911 and Appendix, “Lane’s Letter to Gandhiji”, 22-4-1911

<sup>5</sup> This was published in *Indian Opinion*, 27-5-1911, under the heading, “The Settlement Completed: Final Correspondence between the Minister and Mr. Gandhi”.

part of the settlement, there is none as to its main part, viz, the repeal of Law 2 of 1907 and amendment of the present Transvaal immigration law.

But will the promise be redeemed? This question has been asked from many quarters. Ordinarily there can be no doubt about it. General Smuts as a responsible Minister with a Parliamentary majority behind him has bound his Government to introduce the necessary legislation.<sup>1</sup> If the Parliament does not accept it, it will amount to a vote of no-confidence entailing the resignation of the Ministry of which he is perhaps the most important member. But we are free to admit that General Smuts will not take any such heroic steps over an Asiatic question. Nevertheless the remote contingency of the Parliament rejecting his measure could not be allowed to stand in the way of our accepting the olive branch. Our quarrel hitherto was with General Smuts. He was the stumbling-block in the way of our reaching the goal. He has now softened his heart and is pledged to concede what only a few months ago he declared he would on no account give. Such being the case passive resisters properly decided upon a cessation of their activity.<sup>2</sup> This puts General Smuts upon his honour. The same stubborn, calm and dignified resistance that was offered to General Smuts could next year with equal certainty of success be offered, if need be, to the mighty Union Parliament. Passive resistance is a force which is effective against the mightiest opposition even as light is against the deepest darkness. Those, therefore, who express misgivings for the future either do not understand passive resistance or do not believe in the sincerity or the strength of the Transvaal passive resisters.

But if the legislature ratifies General Smuts' promise, will passive resistance end for ever? The Union Government in general and Smuts in particular, as being the Minister in charge of the Asiatic department, can alone answer the question. General Smuts' pledge being redeemed, passive resistance will undoubtedly cease on the question that gave rise to it. If, however, some new anti-Asiatic legislation equally offensive is introduced striking at the honour or the existence of the community, it may be affirmed with reasonable certainty that South Africa will witness fresh passive resistance. The

<sup>1</sup> *Vide* Appendix, "Lane's Letter to Gandhiji", 22-4-1911

<sup>2</sup> At the British Indian Association meeting of April 27, 1977; *vide* "Letter to E. F. C. Lane", 29-4-1911 and "Transvaal Notes", 2-5-1911.



British Indian Association has rightly acknowledged and appreciated the conciliatory manner in which General Smuts has at last approached the question. If, then, he has reconsidered his attitude towards Asiatics and the statement alleged to have been made by him that he will not rest until he has driven out the last Asiatic from South Africa, and wishes to apply the same spirit of conciliation that he has applied (though somewhat late in the day) to the demands of the passive resisters, there need never be any fear of a recrudescence of Asiatic passive resistance in South Africa.

*Indian Opinion, 27-5-1911*

### 435. FOR SATYAGRAHIS

We draw the attention of every satyagrahi to the notice<sup>1</sup> issued over Mr. Cachalia's signature. It is essential that satyagrahis whose rights were earlier forfeited, but have been secured under the settlement, should send the required information to the Association immediately. If any of them are in India, they should also be informed. We advise those who applied under, and submitted to, the Obnoxious Act<sup>2</sup> or Act 36<sup>3</sup> while the struggle was in progress, not to send in their names. If any Indian conceals the fact of his having so applied and sends in his name regardless, he will only invite contempt both on the community and himself. If the Registrar has already received an application from a person who is applying now, the fact will soon be discovered and the applicant will not be registered.

[From Gujarati]

*Indian Opinion, 25-5-1911*

### 436. LETTER TO HARILAL GANDHI

TOLSTOY FARM,  
*Vaisakh Vad 14 [May 27, 1911]*<sup>4</sup>

CHI. HARILAL,

I have the letter you wrote before leaving Delagoa Bay. It is

<sup>1</sup> *Vide* "Notice to Passive Resisters", 22-5-1911.

<sup>2</sup> Act 2 of 1907, the Asiatic Registration Act

<sup>3</sup> Of 1908, the Asiatics' Registration Amendment Act

<sup>4</sup> This letter, it appears, was written just after Harilal Gandhi left South Africa, and that was in the middle of May, 1911. In that year, *Vaisakh Vad 14* corresponds to May 27.

desirable that Rami<sup>1</sup> grows up under the influence of strictly Indian ideas. Accordingly, I think you have done right in deciding not to send her chocolates. However, I should caution you against taking the line that ‘this must be done because Bapu wants it so, From among the ideas I suggest, you should put only those into practice that appeal to you. I should like you to grow up in freedom. I know your motives are good. Whenever your ideas are mistaken, they will therefore get corrected automatically.

The prisoners have not been released so far but they will soon be.<sup>2</sup>

It appears that the cable<sup>3</sup> I sent you about [the need for] your applying for registration has not reached you. I sent it care of Nanji Dulabhdas.

Keep reading Indian Opinion carefully while you are there.

The following Gujarati books are eminently worth reading: Kavyadohan, Panchikaran, Maniratnamala, Dasbodh, Chapter VI of Yogavasishtha—Hindi translation available—Poet Narmdashanker’s<sup>4</sup> Dharma vishe Vichar<sup>5</sup>, two volumes of Raychandbhai’s<sup>6</sup> writings.

And, of course, there are Karanghelo and other books. Karanghelo evidences the maturity of the Gujarati language. Taylor’s grammar and his introduction to it are both vary good. I have forgotten whether it is a preface or a separate essay on the Gujarati language.

I should advise you to make it a regular practice to read Tulsidasa’s *Ramayana*. Most of the books I have listed at the end of

<sup>1</sup> Harilal’s daughter

<sup>2</sup> Vide “ Letter to Registrar of Asiatics”, 26-5-1911.

<sup>3</sup> Not available

<sup>4</sup> Narmdashanker Lalshanker Dave (1833-1889); poet and a pioneer of modern Gujarati literature whom Gandhiji often quoted

<sup>5</sup> The correct title is *Dharmavichar*.

<sup>6</sup> Raychandbhai Ravjibhai Mehta; poet and connoisseur of pearls and diamonds with a “passion to see God face to face” ; renowned for his feats of memory as *shatavadhan*; a relation by marriage of Dr. Pranjivan Mehta who introduced him to Gandhiji. This first meeting convinced Gandhiji that Raychandbhai “was a man of great character and learning” whose “burning passion for self-realization” “cast a spell” over him, and “in moments of spiritual crisis, therefore, he was my refuge” and “the predominant factor” that led to Gandhiji’s vow of *brahmacharya*. Gandhiji kept up a correspondence with him till the poet’s death; vide *An Autobiography*, Part II, Ch. I, XV, XXII & Part III, Ch. VII.

*Indian Home Rule* are worth going through.<sup>1</sup> In order to learn Sanskrit well, I would advise you always to start your reading with it. Only then will you remember and understand it all. You won't find it difficult after the first book is properly done. Do not take up the second book before you have mastered the first. Whenever you come across a Sanskrit verse, you should immediately try to understand its meaning in Gujarati.

Please write to me in detail and regularly.

*Blessings from*

MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S. N. 9532

### 437. LETTER TO H. S. L. POLAK

*May 28, 1911*

MY DEAR HENRY,

So you have already granted an interview. I am sending you cuttings. The whole thing seems to have been fixed up nicely. You have called it a compromise. Is not settlement a better term? Ritch points out that compromise may presuppose give and take whereas we have yielded nothing. Please criticize *I.O.* freely. I am trying to get Ritch to write for it every week. I dare say you will not fail to notice what is his.

The collections for your mission continue. We have now reached over £500 the whole of it is not yet banked. Cachalia and Sorabji are travelling in the Klerksdorp District.

We are trying to organize a dinner at the Masonic Hall for the European Committee.

I propose to go to Phoenix for a fortnight at an early date. I wanted to during the first week of June but I may not be able to do so. I want to start the work of registration before I go.

I do not propose any longer to write the weekly official letter. I want to leave it to Ritch and I do not want Maud<sup>2</sup> to duplicate her

<sup>1</sup> *Vide* "Appendices to "Hind Swaraj""Some Authorities and Testimonies Bt Eminent Men", 22-11-1909

<sup>2</sup> Assistant Honorary Secretary of the South Africa British Indian Committee in London

letters either. A packet addressed to Ritch should be enough. Ritch should come before the public as much as possible. Moreover, I wish to slip out of the public gaze as much as possible. I should like to bury myself in the Farm and devote my attention to farming and educating.

With love all round,

BHAI

From the original : Gandhi-Polak Correspondence. Courtesy : National Archives of India

### 438. LETTER TO G. A. NATESAN

TOLSTOY FARM,  
LAWLEY STATION,  
TRANSVAAL,  
May 31, 1911

DEAR MR. NATESAN<sup>1</sup>,

In my cable<sup>2</sup> advising of the provisional settlement, I asked Prof. Gokhale to inform you of the contents of the cable. I hope he repeated the cable to you. The settlement has gone beyond our expectations. We did not expect to be able to save individual rights. These have now been fully protected. But we are by no means yet out of the wood. General Smuts has to translate his promises into legislation. This, however, there is little doubt, will be done unless General Smuts has no regard whatsoever for his reputation. The danger therefore lies not in the likelihood of his breaking his promise but in his passing other legislation affecting adversely the position of domiciled Indians. His actions, therefore, will have to be closely scrutinized. I need hardly say how much we owe to your wonderful work there. I hope that you will persist in your agitation for securing an amelioration of the condition of those who are residing in S.A. I have no doubt that you are keeping yourself in touch with the

<sup>1</sup> G.A. Natesan; of G. A. Netesan & Co., Madras, published lives of Indian leaders, and edited, *Indian Review*; Gandhiji maintained a "regular correspondence" with him. *Vide* "Letter to A.H. West", 24-12-1909; "Collector's Assassination", 1-1-1910 & "Letter to Maganlal Gandhi", before 9-12-1910 and *Satyagraha in South Africa*, Ch. XXXI.

<sup>2</sup> Not available.

columns of *Indian Opinion* in which are reproduced all the petitions<sup>1</sup> recently sent to the Imperial Government.

You have earned the gratitude of every Indian in S.A. by your work on the indenture question also.<sup>2</sup> Having observed the system for nearly 18 years, I have come to hold very strong views on the question of indentured emigration from India. Even if it were possible to secure fair treatment from the masters (which it is not) the system is inherently bad. Indentured men lose terribly in moral fibre. In many cases they improve as animals, they lose in almost every case as men. As a solution of the problem of poverty such emigration has in no way proved helpful. As a nation we lose in prestige by sending our poorest brethren as practically slaves. No nation of free men will tolerate such a system for a moment. I hope therefore that you will with all your might agitate for putting an end to the system, first outside India and then within our own borders. If I could help it, I would certainly not send a single Indian under indenture, say, to Assam.

As the struggle has only been suspended, Tolstoy Farm will be continued though under considerably modified conditions.

Mr. and Mrs. Polak will be in Indian about the month of November and they will remain there pending the introduction of General Smuts' Bill next year.

With renewed thanks for all you have in our behalf,

*Yours sincerely,*  
M. K. GANDHI

From a photostat of the original in Gandhiji's hand: G.N. 2224

<sup>1</sup> *Vide* "Petition to Secretary of State for Colonies", 1-5-1911 and "Memorial to Secretary of State for Colonies", 15-5-1911

<sup>2</sup> On March 1, 1911, a public meeting, held under the auspices of the Indian South African League of Madras, unanimously passed a resolution urging the Government of India to restrain the *sirdars*, who were on their way to India to recruit, on behalf of the Natal planters, indentured labourers on to India to recruit, on behalf of the Natal planters, indentured labourers on five-year contracts before the Indian Government's embargo on indentured emigration came into effect on July 1, 1911. Supporting the resolution, G.A. Natesan spoke of "the moral evil" of emigration and emphasized "the need to dog the *sirdars* wherever they went and to prevent them from recruiting *coolies* under false information". These *sirdars* lured illiterate villagers with money and fanciful accounts of Natal as a land of gold, and the credulous villagers were made to sign the bond of indenture at their recruiting depot at Madras. Natesan sent round a circular warning all the villages around Madras against the *sirdars*; this circular was published in *Indian Opinion*, 5-8-1911.

439. LETTER TO G. A. NATESAN

21-24, COURT CHAMBERS,  
CORNER RISSIK & ANDERSON STREETS,  
JOHANNESBURG,  
*June 2, 1911*<sup>1</sup>

DEAR MR. NATESAN,

This is to introduce to you Mr. R. M. Sodha. As you know Mr. Sodha is one of the staunchest passive resisters. If he travels towards your side, may I ask you please to introduce Mr. Sodha to our leaders there? Mr. Sodha is the husband of the celebrated Mrs. Sodha who was persecuted by the Transvaal Government.

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

From the original in Gandhiji's hand: C.W. 3422. Courtesy: Revashanker Sodha

440. KRUGERSDORP AGITATORS

From a recent number of the Krugersdorp paper we reproduce, elsewhere in this issue, the report<sup>2</sup> of a meeting held in that town, addressed by Mr. Van Veyeren, member of the Provincial Council. Amongst other questions discussed was the "coolie" question, and it was unanimously decided to form an association, the members of which undertake not to support "coolie" traders. The committee of this association, we learn has drafted a petition asking the Government not to allow hawkers and pedlars to travel in the districts, districts, "because these itinerant traders are more detrimental to the welfare of the country than beneficial". This is not the first time that Krugersdorp has broken out in this way. The famous but now evidently defunct "White League"<sup>3</sup> originated at this dorp. Its efforts

<sup>1</sup> Ratanshi M. Sodha left for India on June 2, 1911, following the provisional Settlement of April 20. *Indian Opinion*, 10-6-1911.

<sup>2</sup> Not reproduced here

<sup>3</sup> *Vide* "Johannesburg Letter", 28-3-1908.

have not been quite successful, so it would appear. Why do these anti-Asiatic leagues and associations never succeed? Because their foundations are rotten; because the motive is greed and selfishness; and because the members are each seeking their own personal gain. There is not a man amongst them who would not grasp an advantage for himself at the expense of a fellow-member. But when it is the Asiatic who competes, all join together in order to ruin him. These rival traders have the impudence to say that even hawkers and pedlars should not be allowed to travel in the districts. One may be quite sure that the people who live in the outlying places and depend upon these useful traders for many of their wants do not say that they are more detrimental than beneficial. No, the whole thing is too transparently self-seeking on the part of these leagues and associations. They represent none but themselves, and all they are anxious about is that the field of competition should be cleared so that their profits may be larger.

Whilst there may not be much to fear from these agitators, the British Indian Association will no doubt keep a watchful eye upon their movements so that the rights and means of livelihood of respectable small traders shall not be filched away.

*Indian Opinion*, 3-6-1911

#### 441. WHAT HAS SATYAGRAHA ACHIEVED?

A number of Indians sometimes question if satyagraha has achieved anything. All that they can see is that people were tortured in gaol and put up with the suffering, and the utmost that was achieved in the end was theoretical equality of rights in the matter if new immigrants which is unintelligible to most and unavailing in practice. The only outcome of any value is that (a few) highly educated men will enter the Transvaal<sup>1</sup> every year whose services we may have no occasion to use. For the benefit of those who believe this, we enumerate below, point by point, the several gains resulting from the campaign.

<sup>1</sup> *Vide* Appendices "Lane's Letter to Gandhiji", 22-4-1911, "E. M. Gorges' Letter to Gandhiji", 19-5-1911.

1. The Indian community's pledge<sup>1</sup> has been redeemed. There is a saying among us that if one's honour is saved all else is safe.

2. The Obnoxious Act<sup>2</sup> will be repealed.<sup>3</sup>

3. Public opinion has been roused all over India about our disabilities.<sup>4</sup>

4. The entire world has learnt of our struggle and has admired the Indians' courage.

5. A law has been passed (in India) to prohibit the emigration of indentured labour to Natal.<sup>5</sup>

6. Satyagraha helped bring about whatever improvement there has been in Natal's licensing legislation.<sup>6</sup>

<sup>1</sup> Taken at a mammoth meeting of Indians in the Empire Theatre, Johannesburg, on September 11, 1906, to the effect that they would not submit to the Asiatic law Amendment Ordinance, the forerunner of the Asiatic Registration Act; *vide* "The Mass Meeting", 11-9-1906

<sup>2</sup> The Asiatic Registration Act ( Act 2 of 1907).

<sup>3</sup> *Vide* Appendices "Lane's Letter to Gandhiji", 22-4-1911 and "E.M. Gorgges' Letter to Gandhiji", 19-5-1911.

<sup>4</sup> The Transvaal campaign had wide repercussions in India. For protest meeting held in that country in 1908 and 1909, *vide* "Chronology" and "Interview to the Natal Mercury", 30-11-1908; "Letter to Private Secretary to Lord Crewe", 29-11-1909; "Letter to Lord Amphill", 5-10-1909 & "Letter to Private Secretary to Lord Crewe", 26-10-1909.

<sup>5</sup> On December 29, 1909 the Indian National Congress passed a resolution urging the prohibition of recruitment of indentured labour. On February 25, 1910, Gokhale tabled a resolution in the Indian Legislative Council to that effect, and it was unanimously passed. The Indian Emigration Act of 1908 was amended to admit of Gokhale's resolution, and on April 1, 1911, the Government of India issued a notification prohibiting the emigration of labour to Natal from July 1, 1911; *vide* also "The Indian Council and Indentured Labour", 5-3-1910; 5-3-1910; "Duty of Natal Indian Congress", 2-4-1910; "G.K. Gokhale's Services"; 16-4-1910 & "A Momentous Decision", 7-1-1911. Gandhiji had asked for stoppage of indentured Indian immigrants as far back as 1895; *vide* "A Band of Vegetarian Missionaries", 18-5-1895.

<sup>6</sup> The Natal Dealers' Licences Act (Act 18 of 1897 enacted by the Boer Government) did not allow appeals to courts of law against the decisions of licensing officers regarding renewal of old trading licences. After the Boer War, following representations by Natal Indians to the Imperial authorities that this section of the law was being unfavourably interpreted to their detriment, ("Petition to Chamberlain", 27-12-1902, in fact, Gandhiji returned to South Africa early in December, 1902 especially to discuss the licences problem with Chamberlain, Secretary of State for the Colonies in the Imperial Government, who was then



7. A law similar to the one in the Transvaal, which was passed in Rhodesia, was disallowed.<sup>1</sup>

8. The sinister licensing Act which was passed in Natal was disallowed.<sup>2</sup> Anyone who doubts that this was due to the satyagraha campaign may peruse the reasons which the Imperial Governmental gave for disallowing the law [in its despatch].

9. Enactment of legislation for the whole of South Africa along the lines of the Transvaal law has been rendered impossible.<sup>3</sup>

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visiting South Africa), the Colonial Government in Natal issued a circular to the Town Councils instructing them to interpret the law “in a judicious and reasonable manner” so as to respect vested rights and warning them that, otherwise, “the law might have to be reconsidered”; *vide* “The Dealers’ Licences Act Redivivus: II”, 17-9-1903. Thanks to protracted agitation by the Natal Congress, the Government, on November 24, 1909, embodied this concession in a law and enacted an amendment (Act 22 of 1909) to the licence law of 1897, permitting appeals to the Supreme Court on decisions of Town Councils regarding licences; *vide* “Natal Licensing Act”, 11-12-1909.

<sup>1</sup> *Vide* “Rhodesia Indians”, 30-5-1908; “Sarvodaya[—VII]”, 27-6-1908; 4-7-1908 and “Some Suggestions”, 12-6-1909

<sup>2</sup> Two bills had been announced in 1908 which sought to discountinue the issue of new licences to Asiatic traders and to dispossess old licence-holders within a period of ten years; *vide* “Natal Bills”, 9-5-1908; 16-5-1908 & “New Natal Bills”, 16-5-1908 & Imperial assent to this legislation was, however, withheld; *vide* “London”, before 18-9-1909

<sup>3</sup> The Union Immigrants’ Restriction Bill (Appendix, “Immigrants’ Restriction Bill”, 4-3-1911), ready by the beginning of March, 1911, sought to end Asiatic immigration except for an agreed annual quota of educated Asiatics—an outcome of the Transvaal campaign—and repealed the more liberal Cape and Natal Immigration Laws, the education tests under which were less severe than in the Transvaal; *vide* “Letter to Colonial Secretary”, 6-7-1908 and “Interview to the Transvaal Leader”, 1-3-1911; “Letter to L.W. Ritch”, 2-3-1911; “Letter to Maud Polak”, 6-3-1911; “Natal Petition to Union Assembly”, 9-3-1911 & Appendix, “Cape Petition to Parliament”, 15-3-1911. In the case of the Transvaal, the Bill repealed all the earlier “obnoxious” immigration and registration laws except Act 36 of 1908 (Appendix, “Immigrants’ Restriction Bill”, 4-3-1911), while, in the case of the Orange Free State, Chapter 33 of the Constitution, which Gandhiji contended was racial in character and therefore repugnant to the spirit of the Immigrants’ Restriction Bill (*vide* “Letter to E. F. C. Lane”, 20-3-1911 & “Letter to Private Secretary to Minister of Interior”, 24-3-1911), was nevertheless retained. The Bill, besides, left unprotected the immigration rights of wives and minor children of domiciled Natal and Transvaal Asiatics, and others domiciled but temporarily absent from Natal; *vide* “Natal Petition to Union Assembly”, 9-3-1911. Polak was sent to Durban to help Natal Indians (*vide* “Letter to H. S. L. Polak”, 2-3-1911) to organize against the whittling down of what were, by comparison, almost unlimited rights of immigration

10. Enactment of further thoughtless legislation in the Transvaal has been prevented.

11. The Railway regulations which were promulgated in the Transvaal, making distinctions between whites and Coloureds, were

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which Asiatics possessed under previous laws; Ritch was similarly sent to the Cape to help the divided Indian community in that province (*vide* "Letter to Abdul Hamid Gool", 2-3-1911), which, in his estimate, lacked the will to defend itself against the projected diminution of its rights. It was at this stage that Gandhiji argued that the satyagraha campaign had been waged for, and on behalf of, the Transvaal alone and that, while he was willing to help with advice, Natal and the Cape should raise the funds and conduct their own campaigns when their rights were threatened; *vide* "Letter to L.W. Ritch", 8-3-1911; "Letter to Maud Polak", 13-3-1911 & "Letter to L.W. Ritch", 17-3-1911. He was, therefore, content to handle the Transvaal problem from Johannesburg and to try and secure the exemption of educated Asiatics from the purview of Act 36 of 1908. He left for the Cape to conduct the negotiations in person only when Smuts refused to receive Ritch as a representative of the Indians; *vide* "Telegram to L. W. Ritch", 9-3-1911. On March 4, 1911, Smuts informed Gandhiji that educated immigrants were free to enter the Union and reside in any Province and were exempt from registration laws; *vide* "Letter to E. F. C. Lane", 4-3-1911. When Gandhiji replied that he had had legal advice saying that these private assurances were not contained in the Union Bill (*ibid*), Smuts recanted and moved an amendment which accorded Asiatic immigrants into the Transvaal legal equality with other races and exempted them only from registration under Act 36 of 1908; *vide*, "Letter to J. J. Doke", 17-3-1911 & appendix, "Lane's letter to Gandhiji", 16-3-1911. Gandhiji, who had anticipated this clever move ("Letter to L. W. Ritch", 16-3-1911), now demanded that the principle of legal equality of races which was conceded to the 1909 deputation in London (Appendix, "Lord Crew's Minute", before 17-9-1909) and in Botha's despatch of December 20, 1910, to the Imperial Government ("Report of European Committee Meeting", 23-3-1911) should extend to the Orange Free State also (*vide* "Telegram to Private Secretary to General Smuts", 17-3-1911); that is to say, the Immigrants' Restriction Bill should nullify relevant provincial legislation in the Free State to the extent necessary for securing this objective; *vide* "Telegram to Private Secretary to General Smuts", 10-3-1911. Hosken's Committee, coming out in support of the Indian cause, denied Smuts' allegation that this demand was a new one; *vide*, "Letter to H. S. L. Polak", 22-3-1911. Gandhiji then said he would be content if the Union immigration bill was dropped and the Transvaal legislation alone amended suitably; *vide*, "Letter to Sonja Schlesin", 27-3-1911. Smuts thereupon decided, for reasons of his own, that this could not be done during the current session of the Union Parliament. Gandhiji's claim that satyagraha had prevented the extension of the unfavourable Transvaal immigration laws to the rest of the Union should be viewed against this background of facts. In fact, the Secretary of State for India had himself admitted that the Union immigration legislation extended "the Transvaal policy of practical exclusion" to the entire Union; *vide India*, 31-3-1911.

repealed and substituted by regulations of general application.<sup>1</sup>

12. Everyone knows that the Obnoxious Act of 1907 was the first step in legislation aimed against the Indians. They took up arms even at this stage and thus thwarted the designs of the local Government.<sup>2</sup>

13. It is impossible that the Committee of European Sympathizers with Hosken as Chairman would have been called into being otherwise.<sup>3</sup> The Committee is now likely to be useful to us in other matters as well.

14. Apart from these, we have also won the sympathy of many

<sup>1</sup> The Railway Regulations, passed by decree and gazetted on December 17, 1909, under the Railway Regulations Act of 1908 (“Substance of Letter to Colonial Secretary”, 23-12-1909 & “Indian National Congress and Muslims”, 8-1-1910), sought to discriminate between whites and Asiatics denying the latter, among other things, the right to ‘travel by express trains; *vide* “Letter to General Manager, C.S.A.R.”, 4-1-1910. After a meeting between the railway authorities and Gandhiji and Cachalia, the General Manager accepted the draft regulations submitted by the British Indian Association on April 11, 1910 (*ibid*, but the Central South African Railways’ *Tariff Book No. I*, published in February, 1911, retained the old Regulations in complete disregard of the earlier agreement, and only the Cape was exempted from the discriminatory provisions. Following further protests by the BIA and the Natal Indian Congress, the General Manager Wrote to Cachalia in June, 1911, assuring him that the regulations which were to come into force in June, 1911, would meet the Indian objections.

<sup>2</sup> The first registration legislation against which the Indians protested massively and unanimously (“Letter to Colonial Secretary”, 25-8-1906 & “The mass Meeting”, 11-9-1906 to “Johannesburg Letter”, 11-9-1906) was the Asiatic Law Amendment Ordinance of 1906 gazetted on August 22, 1906, before the Transvaal was granted Responsible Government. Gandhiji himself describes the Gandhi-Ally deputation of 1906 as “the first battle” in satyagraha “waged in the arena of British politics”; *vide* “Satyagraha Again”, 27-6-1908

<sup>3</sup> The Committee of European Sympathizers was founded in 1908 by Albert Cartwright, then editor to *The Transvaal Leader*. He was the first member of the Progressive Party actively to espouse the Indian cause, and he played a decisive role in bringing about the famous compromise of January, 1908; *vide* “Johannesburg Letter”, 30-1-1908. The Chairman, William Hosken, was a rich and prominent member to the pre-Union Transvaal legislature and at one time a leading member of the Progressive Party. His mediatory efforts in the later stages of the 1908 campaign were not inconsiderable. By 1910, his sympathies had become more active, and he wrote a letter to Smuts supporting Gandhiji and the Indians in their demands; *vide* “Report of European Committee meeting”, 23-3-1911. The letter appears to have angered Smuts who sent a “dangerous telegram” in reply; “Telegram to L. W. Ritch”, 24-3-1911.

whites.

15. The prestige of the Indian community has risen and those who were wont to be protected by the Transvaal Government have now to be protected.

23. The charge of fraud against the Indian community has been disproved.<sup>1</sup>

24. Considering the latest instance, we find that the proposed poll-tax bill in Natal, which was discriminatory, was abandoned in fear of satyagraha.

25. General Smuts and the Imperial Government were obliged to rescind their decisions, the former on three occasions and the latter on two.<sup>2</sup>

<sup>1</sup> The Transvaal Indians, and Gandhiji personally, were accused of organizing large-scale, illicit immigration of fellow-Indians into the Transvaal; *vide* "Influx of Asiatics", 10-3-1906; "Cable to S.A.B.I. Committee", 23-3-1907; 6-4-1907, "Chamney's Report", 13-4-1907 & "Johannesburg Letter", 13-4-1907; "Extracts from Blue Book", 7-3-1908; "Cape Town Indians", 11-4-1908; "Letter to the Press", 22-6-1908 & "Indian Traders in Natal", 25-7-1908; on a variety of occasions, Gandhiji refuted this charge at length; *vide* "The Early Closing Act", 31-3-1906; "The Mass Meeting", 11-9-1906, & "Letter to the Press", 19-11-1906; "Interview to the Morning Leader", 20-10-1906; "Letter to 'the Times'", 22-10-1906; "Representation to Lord Elgin", 31-10-1906; "Deputation to Lord Elgin", 8-11-1906; "Deputation to Morley", 22-11-1906; "Resolutions at Transvaal Indian Mass Meeting", 29-3-1907 & "Letter to 'The Natal Advertiser'", 9-4-1907; "Angada's Mission of Peace", 29-6-1907; "Letter to J.A. Naser", 28-9-1907 & "Letter to Colonial Secretary", 7-10-1907 and "Interview to the Star", 6-1-1908; "Interview to the Transvaal Leader", 6-1-1908; "Interview to the Press", 1-2-1908; "Letter to the Press", 22-6-1908 & "Letter to *The Star*", 4-7-1908.

<sup>2</sup> Gandhiji possibly had in mind the following occasions when Smuts was obliged to go back on his decisions: (a) when, at the instance of the Gandhi-Ally deputation of 1906, the Imperial Government refused assent to the Asiatic Law Amendment Ordinance; *vide* "Cable to S.A.B.I. Committee", 29-12-1906 (b) when, in the 1908 compromise proposals sent through Albert Cartwright to Gandhiji in jail, Smuts undertook to repeal Act 2 of 1907; *vide* "Letter to Colonial Secretary", 28-1-1908 & "Johannesburg Letter", 30-1-1908 and "Speech at Reception", 5-10-1910; and (c) when he went back on the issue of a limited annual quota of educated Asiatic immigrants who, he had contended, could not enter the Transvaal under the Immigrants' Restriction Act; *vide* "Statement of Transvaal Indian Case", 16-7-1909. The Imperial Government went back on its position in the cases of (a) the Asiatic Law Amendment Ordinance of 1906, and (b) the immigration of educated Asiatics, an issue in which Lord Crewe, in conformity with his earlier position that the autonomy of self-governing colonies should not be lightly interfered with, was

26. Whereas formerly the Government did not pause to think before passing laws directed against us, now it not only gives careful thought to such laws but is also obliged to consider our probable reactions to them.

27. Indians command more respect as men of their word. “Better to lose millions than to lose one’s reputation as a man of one’s word.”<sup>1</sup>

28. The community has demonstrated the power of truth.

29. By placing its trust in God, the community has demonstrated to the world the supreme value of religion.

Theirs alone is victory who follow truth and religion. On further reflection, we shall probably discover many other benefits, but the last mentioned is the foremost among them. A great campaign such as this could not have been waged without faith in God. He has been our only true support. If, through this struggle, we have learnt better to depend on Him alone, that is a sufficient gain in itself, and all else will follow as a matter of course.

[From Gujarati]

*Indian Opinion*, 3-6-1911

reluctant to receive the 1909 deputation. Later however, he sent a telegram to Smuts endorsing at least two of Gandhiji’s demands; *vide* “Deputation Notes[-XIII]”, after 16-11-1909 & Appendix “Lord Crew’s Minute”, before 17-9-1909.

<sup>1</sup> A Gujarati saying

## 442. ABBREVIATIONS<sup>1</sup>

[After June 5, 1911]<sup>2</sup>

N.N. not noted  
N. noted  
R. rejected  
P. pending

From the original in Gandhiji's hand: S.N. 5526 a

## 443. LETTER TO MAGANLAL GANDHI

[Before June 9, 1911]<sup>3</sup>

CHI. MAGANLAL,

Please see the enclosed letter from Anandlal<sup>4</sup>. Show it to Purshottamdas also. I have written to Revashankerbhai<sup>5</sup> asking him to give Anandlal the passage money.

I shall not be able to start till June 9 at any rate. On that day a banquet is to be given to the Hosken Committee. I may leave on the 10th perhaps. Please send the enclosed letter to Nayak; I do not know his address.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5089. Courtesy: Radhabehn Choudhri

<sup>1</sup> Devised by Gandhiji for classifying applications that started coming in, following the Provisional Settlement, from persons seeking entry into the Transvaal. Found among his personal papers, this list of abbreviations was evidently meant for his personal use in his dealings with the Registrar of Asiatics.

<sup>2</sup> The first application received from Bhagu Bhikha of Durban was dated June 5, 1911.

<sup>3</sup> The banquet to the Hosken Committee mentioned in the letter was given on June 9, 1911, and this letter was clearly written before that date. Addressed to Maganlal Gandhi in Phoenix, it speaks of an impending visit by Gandhiji after the 10th. The hypothesized date is further supported by the fact that Gandhiji addressed a meeting held to bid farewell to Sorabji Shapurji at Durban on June 16.

<sup>4</sup> Son of Amritlal Gandhi, a cousin of Gandhiji

<sup>5</sup> Revashanker Jagjivan Jhaveri: a friend of Gandhiji and brother of Dr. Pranjivan Mehta

444. ADDRESS TO W. HOSKEN<sup>1</sup>

JOHANNESBURG,  
*June 9, 1911*

WILLIAM HOSKEN, ESQ.

DEAR SIR,

We, the undersigned, on behalf of the British Indian Reception Committee, hereby wish to place on record our gratitude to you and the members of the Committee over whose deliberations you have presided during the past three years that the Committee has been in existence.

We are aware that it is due to the efforts of your Committee that the provisional settlement of the Asiatic question that has so agitated the country for the past four years has been hastened. Though the question that gave rise to passive resistance is not yet finally settled, it is a matter for satisfaction that we have a declaration from the chief opponent of the demands of the Asiatic communities that they should be satisfied. It was no small thing for you and your Committee to espouse what was undoubtedly an unpopular cause.

It is not in our power to reward you for your labours. We can but pray to the Almighty to reward you, and the other Members of the Committee, for your advocacy of a cause which you believed to be just. We shall pray that you may have long life and health, so as to enable you to continue to serve high ideals as you have done in the past.

[A. M. CACHALIA

V. CHETTIAR

ABDUL KADIR BAWAZEER

SORABJI SHAPURJI ADAJANIA

M. K. GANDHI]<sup>2</sup>

*Indian Opinion*, 17-6-1911

<sup>1</sup> This was presented to Hosken at a banquet given to the Committee of European Sympathizers by the British Indian Association; *vide* also "The Banquet", 17-6-1911

<sup>2</sup> The names of the signatories, who constituted the British Indian Reception Committee, are taken from the Gujarati version of the address.

#### 445. ENCIRCLED

The draft Municipal Councils Ordinance to be introduced in the Provincial Council of the Transvaal is a very drastic measure. The British Indian Association of the Transvaal has entered a timely protest against its provisions that bear upon Indians.<sup>1</sup> The most injurious section is no doubt that which gives the Municipal Councils absolute control over hawkers' and other licences.

The effect of the Gold Law, read together with the Townships Act, is to ruin Asiatic store-keepers. The effect of the draft Ordinance, if it be allowed to pass in its present shape, will be to crush Asiatic hawkers. It is a well-known fact that the majority of the Indians of the Transvaal depend upon hawking for their bread and butter. And it is evident that the framers of the Ordinance had Indian hawkers in view. Thus a circle is being drawn—it does not much matter whether with or without the knowledge of General Smuts—round the Transvaal Asiatics, although the General intends next year to bring in legislation to give effect to his promise to the passive resisters, and although he has stated that it is his intention to treat the resident Indians with fairness and justice. We fear very much that, if the draft Ordinance is an indication of what is meant by fairness and justice, the Indian idea of these two words is totally different from General Smuts'. We hope, however, that better counsels will prevail among the Provincial Councillors and that the Ordinance will be amended in the direction pointed out by Mr. Cachalia.<sup>2</sup>

*Indian Opinion*, 10-06-1911

<sup>1</sup> This Ordinance in effect consolidated municipal regulations and decrees, most of which Transvaal Indians had objected to at one time or another and which empowered Town Councils to enforce these with the authority of provincial law. For instance, it empowered the Government, in the main, to: (a) shift Asiatic Locations and demarcate new ones; (b) withhold a variety of licences without judicial review; (c) exclude Asiatics from the Municipal Voters' List. The purpose of all these had earlier been served by separate laws and decrees. For the provisions of the Ordinance as affecting Asiatics and the British Indian Association's petition against it, *vide* Appendices VII-A & B.

<sup>2</sup> *Vide* Appendix, "S.A.B.I. Committee's Letter to Colonial Office", 17-7-1911



## 446. LETTER TO HARMANN KALLENBACH

ON THE TRAIN,  
[Before *June 11, 1911*]<sup>1</sup>

MY DEAR LOWER HOUSE,

Nothing has pained me so much in my leaving Johannesburg, at the present juncture, as your physical and mental condition. If I could have avoided going to Natal, I would certainly have done so, if only so that I could be with you and exercise the privilege and the duty of a friend to nurse you and encourage you. But, I think, to leave for Phoenix was a higher duty. The struggle demands it.

Had I known [of] the comfort (physical) under which I am writing this I would certainly have pressed for your coming with me and that 3rd-class. The coach I am in is a corridor, 3rd-class, for well-dressed 3rd-class passengers. It is truly more comfortable than the 1st-class on these trains. It is cleaner. It is cushioned, has a lavatory and sleeping accommodation and I am the only passenger. Our miserable false pride often keeps us from so many good things of the world. You know how necessary lavatory accommodation is for me. Here I have everything added to the pleasure of travelling 3rd-class. And I suppose no European or other passenger would want me to leave this. However we shall see. When you come I strongly advise you to take a 3rd-class ticket. I assure you that a few of us doing this will be able to do a great deal for 3rd-class passengers. The moral effect will be great. It will be good discipline for you. You must have noticed too that it attracted no attention at the station. It is only our own false pride and self-consciousness which make so many worries and troubles.

The physical health requires very great attention just now. What I have suggested is, I am sure, the best remedy. The seat of the trouble is undoubtedly the stomach. But it has been accentuated by your mental condition. You are a true man. Any false chord, therefore,

<sup>1</sup> From the contents it appears that the letter was written before the item following.

shakes your whole system. Your attention is almost divine. You have quite unjustly transferred it all to me. And now you find your idol not satisfying you. This hurts you as if a dagger had gone through you. But why? Who am I? If your affection for me weakens, why suffer agony? It is a passing phase. Let the idol be broken. The residue will be a purer thing. Nor need there be any worry about the practice. Take what work you can with calmness. You will give up the profession automatically when the time is ripe. As Tolstoy says it is a great thing to create the proper mental condition. The rest comes as a matter of course. The result does not follow when a man deceives himself or others. If I always hanker after doing a thing, I can only end by doing it. This is the law of nature. But if I only pretend that I want to do something which I really do not, then I end by not doing it. I am a false coin and no change can be had from such a coin.

Whatever Call is, do not worry about him or my affection for him- I cannot do otherwise than love him. He has really some very good points in him. I am sure that you too would like him one day. But what can it matter either way?

I shall certainly expect a letter from you every day. You will really do me a favour by writing. I shall be always otherwise.

*Yours sincerely*

UPPER HOUSE

[PS.]

I hope the room will be given up early. All surplus clothing should be sold and sent to Phoenix.

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

447. LETTER TO H. S. L. POLAK

June 11, 1911

MY DEAR HENRY,

On my way to Natal. The train jolting Mrs.G. and the two Sorabjis with me. The older one leaving for India. The Hosken banquet<sup>1</sup> a great success. Silver casket address to Hosken and gold watch and chain to Sorabji. We are all travelling 3rd-class a rougher experience this time with Mrs.G. and no lavatory accommodation but it is certain that only a 3rd-class traveller can bring about reform in 3rd-class carriages. Natives are herded together like cattle!

There is nothing new in the Townships Act Regulations. Ritch will send you an extract.

I propose to stay at Phoenix for a fortnight and then return with Mrs.G.

Tables were laid for 300 men and women over 60 Europeans were present including Mrs. Hosken.

I take it that you will have met the distinguished Indians who may have attended the Coronation.

Ritch is having very good practice Desai has been fixed up as clerk for him. I am now trying to get a Tamil lad.

At the Farm we shall have very few. T.Naidoo is settling in Towns.

With love to all,

Yours,  
BHAI

From the original: Gandhi-Polak Correspondence. Courtesy: National Archives of India

<sup>1</sup> Which took place on June 9; *vide* "Letter to Maganlal Gandhi, before 9-6-1911 & "The Banquet", 17-6-1911

448. LETTER TO HERMANN KALLENBACH

Friday [June 16, 1911]<sup>1</sup>

MY DEAR LOWER HOUSE,

I have your two letters together. I am sorry for Hilt and glad for you. Both Hilt and Albert will prove a blessing to you for they put you on your mettle. I do not know that we have need to be sorry for Hilt's illness. There should be sorrow for the cause of it. You must have produced a different and pleasurable sensation in Hilt when you laid him by your side. Yes, indeed, the real individual life is only to be lived in the open and in close touch with our neighbours. Living the other so called individual life in our rooms, fearing the touch of a fellow-being, we must feel like thieves having no light to the property we may be holding.

Call is indeed a fine letter-writer. The coming union may make him. He is idealizing it and for that reason it may be very good for him.

I am not going to congratulate you on getting new work. I shall wait and see what it makes of you. Sorabji receives his address tonight from the Congress.

With love,

*Yours sincerely,*

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

<sup>1</sup> From the reference to the address given by the Natal Indian Congress to Sorabji; *vide* "Speech at Durban Farewell to Sorabji", 16-6-1911

#### 449. SPEECH AT DURBAN FAREWELL TO SORABJI<sup>1</sup>

[June 16, 1911]

As a satyagrahi Mr. Sorabji has displayed many fine qualities. He has rightly been described as the greatest of the satyagrahis. From one point of view I place Mr. Thambi Naidoo on par with him. (Applause.) Another person who can match Mr. Naidoo in self sacrifice is unlikely to be found even in India. To be sure, Mr. Sorabji stands out from the rest because we volunteered for suffering. He came from Natal and was the first from that Colony to join the campaign.<sup>2</sup> Complaints were frequently made against the satyagrahis in gaol, but never against Mr. Sorabji. He is by nature, a mild and amiable person. That cannot be said even of Mr. Thambi Naidoo. No improper word was ever heard to escape his mouth. He has none of the Parsis' faults but I have found in him all their finer qualities. Though so well endowed he is without a trace of pride. Though a Parsi, he is an Indian first. Hindus, Muslims and Christians alike admire him. That he continues firm on his course, having once set it, and that he tries to understand every issue, is his fourth virtue. Mr. Sorabji is without compeer. The best way of honouring such a man is to emulate him. India will prosper only when it produces many more Sorabjis.

[From Gujarati]

*Indian Opinion*, 24-6-1911

#### 450. THE CORONATION

South Africa will be celebrating, on the 22nd instant, the Coronation of King George V. What part are we going to play in the celebrations? The provisional settlement removes the cause of mourning.

<sup>1</sup> The function was arranged on June 16, 1911, by the Natal Indian Congress to bid farewell to Sorabji Shapurji Adajania, who was returning to India on the conclusion of the Transvaal satyagraha campaign.

<sup>2</sup> Sorabji first entered the Transvaal as a satyagrahi to test educated Indians' rights on June 24, 1908; *vide* "Johannesburg Letter", 23-6-1908

But the letter<sup>1</sup> addressed to the Town Clerk by Mr. Dawad Mahomed and other leaders, we understand, still remains unanswered. If the Town Council cannot see their way to accord the same treatment to all the subject of the Crown, on a unique occasion like the Coronation of our Sovereign, if Europeans cannot forget their prejudice at such a time, we consider that it is the duty of the Indian community to refrain from taking any part in the local official celebrations, to refuse to accept any grant that may be made for a separate celebration by us. The community will express its loyalty to the Throne by sending an appropriate message.

We have been informed that the Town Council officials, instead of returning a definite reply to Mr. Dawad Mahomed, are trying to hoodwink the unwary and ignorant or poor Indians to submit to degradation by accepting a miserable grant for a hole and corner celebration among themselves. The market master has, we are told, been approaching the stall-holders and asking them whether they would agree to take part in some *tamasha* he may arrange for them. We hope that these designs will be frustrated and that the leaders will see to it that not a single Indian in the Borough of Durban has anything to do with the official celebrations.

We would appeal to the Town Council to rise to the occasion. If it boldly decided for the time being to refuse to recognize any racial distinctions, it would perform a service to the model Borough, to South Africa and to the Empire, that brief but happy interruption need not prevent us from resuming our prejudices the day after and setting about quarrelling again. But let the 22nd of June be held as a sacred day on which, at any rate, we may practise Imperial ideals. We are sure that such conduct on the part of the Town Council will be a tangible proof of its loyalty and will please King George much more than any lip-loyalty.

At the time of the late war, on the battle field, all distinctions disappeared as if by magic. Tommy drank from the same cup—or

<sup>1</sup> In this letter dated April 18, 1911, Dawad Mahomed and other Natal leaders had expressed the Indians' inability to join in the Durban Corporation's Coronation celebrations so long as the Transvaal passive resistance continued. Should, however, a settlement be reached and the Indian community decide to participate, they would join in "the general festivities" provided they were enabled to take an equal part there in with any other section of the population". But if the corporation made distinctions on racial grounds, they would celebrate the occasion independently of it. *Indian Opinion*, 22.4.1911.

rather tin—of water as the Indian stretcher-bearer.<sup>1</sup> Tommy shared the same tent with the Indian, and was often glad to have the same food as his Indian brother. There was perfect fellowship between them. We know that incidents like the above gladdened the hearts of the thousand Indians who were on the battle field. *Punch* was so delighted that it sang, in connection with the incident: “We are sons of the Empire after all.”<sup>2</sup> After the close of the war, we know that the fellowship gave place to bitter jealousy, and consequent discord. But the lesson of the war remained and was repeated at the time of the Zulu revolt. The small band of Indian ambulance-bearers<sup>3</sup> met the Colonial soldier citizen on terms of equality. Captain Sparks and other officers appreciated the corps’s services, and the Indians were enabled again to realize that they were “Sons of the Empire after all”. Is it impossible to repeat the two experiences on the Coronation Day? We appeal to South Africa for an answer.

*Indian Opinion*, 17-06-1911

#### 451. THE BANQUET

We congratulate the organizers of the Banquet to Mr. Hosken’s Committee on the splendid success that attended their efforts. From all accounts received, this banquet was quite worthy of its predecessors. The response from the Europeans to the invitation of the Reception Committee was liberal. The banquet was the least that the community owed to its European friends and supporters. In the beginning states of the struggle, when everybody poured ridicule on the heads of passive resisters, it required a great deal of nerve, courage and sacrifice on the part of the European sympathizers to stand by us. We know how Mr. Hosken became the butt of the cartoonist. We can have no notion of that these friends of the cause must have been obliged to put up with in their clubs and their churches. Indeed, theirs must have been at times a lot as hard as, if not harder, than that of our

<sup>1</sup> For the formation of the Indian Ambulance Corps during the Boer War and the work done by it, *vide* “Indian Ambulance Corps”, 13-12-1899 & “Indian Ambulance Corps in Natal”, 14-3-1900 and “The Natal Volunteer Indian Ambulance Corps”, 12-11-1904.

<sup>2</sup> *Vide also Satyagraha in South Africa*, Ch. IX.

<sup>3</sup> For the formation and work of the stretcher-bearer Corps during the Zulu rebellion, *vide* “Speech at Congress Meeting”, 24-4-1906, “Indian Volunteers”, 23-6-1906 & “Indian Stretcher-Bearer Corps”, before 19-7-1906.

imprisoned countrymen. And yet they never swerved during the four years that the struggle lasted. We echo the sentiments expressed by Mr. Doke, that the European Committee and the passive resisters were true Imperialists, who fought in the teeth of tremendous opposition to uphold Imperial ideals. Let us hope that the happy link established between Europeans and Indians in South Africa will continue to bind the two communities and result in an increase of mutual respect and forbearance. Then will South Africa have set an example worthy to be followed in the other parts of the Empire.

*Indian Opinion*, 17-6-1911

#### 452. HOSKEN'S PORTRAIT

We publish Mr. Hosken's portrait as a supplement to this issue and we are sure our readers will welcome it. It was first published in *The Star*. We have secured it through the courtesy of the paper's proprietors. We should like our readers to have the portrait glazed and to hang it up in their rooms. We have noticed that Indians have on the walls of their rooms pictorial advertisements set in frames, which are issued by wine and tobacco merchants. At other times, we see meaningless pictures stuck on walls, and we are often judged by the things with which we surround ourselves. We earnestly hope that every Indian will have in his living-room only the portraits of those who have us in their debt or whose memory we wish to cherish, and that they will be careful about the other things with which they choose to surround themselves.

[From Gujarati]

*Indian Opinion*, 17-6-1911

#### 453. LETTER TO G. K. GOKHALE

*June 17, 1911*

DEAR PROFESSOR GOKHALE,

This will be presented to you by Mr. Sorabji Shapurji Adajania, one of the greatest of passive resisters. Of all the rich experiences I have gained during the memorable struggle none has been so great as the discovery of men like Mr. Sorabji. I am sure that you will be glad to meet Mr. Sorabji. He proposes to return in time for the



legislation that General Smuts had promised to introduce next year.

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

From a photostat of the original in Gandhiji's hand: G. N. 2247.

#### *454. LETTER TO HERMANN KALLENBACH*

*Monday [June 19, 1911]<sup>1</sup>*

MY DEAR LOWER HOUSE,

Yes, I knew about the disturbance at the Farm. None of us is fit to live on a Tolstoy Farm. We can but qualify by making continuous endeavour.

I am having no rest here this time.

It will be a fine thing if the picnic comes off on Thursday. You will have a tough job to tackle.

With love,

*Yours,*  
UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

#### *455. LETTER TO HERMANN KALLENBACH*

*[Before June 22, 1911]<sup>2</sup>*

MY DEAR LOWER HOUSE,

Well, I was the first to have sent a letter. The Rabbi was all the better for having neglected the forage bag. Mrs. Gandhi was very much upset to think that Manilal should not get the biscuits, etc.

I hope that Big eyes is better as also Devdas.

Have suggested a Coronation picnic at the Farm for the 22nd. Please see my letter to Ritch. Something ought to be done at the time

<sup>1</sup> From the reference to the picnic; vide the following item, and also "The Coronation", 17-6-1911. The Monday before June 22, 1911 was on June 19.

<sup>2</sup> From the reference to the picnic, evidently in connection with the Coronation of King George V on June 22, 1911; vide "The Coronation", 17-6-1911.

of the Coronation.

So long as work is allowed to act upon us by way of intoxication, so long must depression continue. The best deeds if used as intoxicants are practically worthless for the satisfaction of the Inner Man. If I feed a hungry man for show or for satisfying my pride or giving me a false happiness I gain nothing. The hungry man is certainly fed as he might be from a mechanical contrivance, say, by pressing a button.

Manilal is splendid.

With love,

UPPER HOUSE

From the original: Gandhi-Kallenbach Correspondence. Courtesy: National Archives of India

#### 456. LETTER TO H.S.L. POLAK

*Friday [June 23, 1911]<sup>1</sup>*

MY DEAR HENRY,

I had your letters last week. This week's I receive tomorrow (Saturday). I leave for J'HB on Monday.

You would have enjoyed yesterday's scenes in Town. I remained at Phoenix West went there to report. The whole affair was spontaneous. I merely guided. And yet Ramsay Collins thought the Indians would have accepted anything if I had not been in D[urba]n. Anyhow they certainly surpassed themselves. Well, they have had their first lesson in passive resistance. I have told them that they might have to raise passive resistance over the £ 3 tax. West tells me Rustomjee<sup>2</sup> was grand. Abdulla Hajee Adam was superb and defiant. The Mayor of Durban is a cad and a disgrace to Judaism. He showed not a single virtue of a Jew and showed every weakness which the Jew is reported to possess. I was ashamed of him for your sake. In the report, I have laid him down very gently. He was really much worse than he appears in the report. Collins was mad with him. However, he deserves our thanks for waking us up. Hollander<sup>3</sup> may yet be our salvation in Natal

<sup>1</sup> From the contents

<sup>2</sup> Parsee Rustomjee

<sup>3</sup> F.C. Hollander, Mayor of Durban in 1912

or Durban as Smuts has been in the Transvaal.

I want your comment on the recent numbers of *I.O.* and more especially on the Coronation Leader.<sup>1</sup>

You will see what line to take on the Gold Law from the editorial note this week. Harcourt<sup>2</sup> has given us a grand opening. Smuts has again overreached himself. He certainly never intended to protect leases up to the period stipulated therein. This is no protection. The Roodepoort case is, I think, accidental.

Another change at Phoenix! As soon as we can we propose giving part of press time to communal agriculture.<sup>3</sup> To this end we shall take in more men of a suitable type. Please do not be alarmed. *I.O.* will not be allowed to suffer. It can only gain by the men coming to their work fresh from the fields. We are performing the opening ceremony of the library and school building tomorrow.

Manilal is more settled now. He does not want to go to London before the struggle is quite over. If satisfactory legislation is passed next year, he intends to leave in March for London.

The account you give me of family affairs is cheering. I am delighted that Pater is doing better than before. You were bound to be satisfied with the boys. They are naturally clever, beautiful and healthy. And I never doubted Millie's ability to make the most of them.

With love,

*Yours sincerely,*

BHAI

From the original: Gandhi-Polak Correspondence. Courtesy: National Archives of India

#### 457. THE CORONATION

Our countrymen through out South Africa sent their loyal greeting to their Majesties on the Coronation Day. It may seem some what anomalous to a stranger why and how British Indians of South Africa should tender their loyalty to the Throne or rejoice over the crowning of Sovereigns in whose dominions they do not even enjoy the ordinary civil rights of orderly men. The anomaly would however,

<sup>1</sup> *Vide* "The coronation", 24-6-1911

<sup>2</sup> Lewis Harcourt, Secretary of State for the Colonies

<sup>3</sup> *Vide* also "Letter to Harilal Gandhi", 3-7-1911

disappear, if the stranger were to understand the British constitution. British Sovereigns represent, in theory, purity and equality of justice. The ideal of King George is to treat his subjects with equality. His happiness depends upon that of his subjects. British statesmen make an honest attempt to realize the ideals. That they often fail miserably in doing so is too true but irrelevant to the issue before us. The British monarchy is limited and rightly so under the existing circumstances. Those then who are content to remain under the British flag may, ought to, without doing may violence to their conscience, tender their loyalty to the Sovereign for the time being of these mighty dominions, although, like us, they may be labouring under severe disabilities. In tendering our loyalty, we but show our devotion to the ideals just referred to; our loyalty is an earnest of our desire to realize them.

The genius of the British constitution requires that every subject of the Crown should be as free as any other, and, if he is not, it is his duty to demand and fight for his freedom so long as he does so without injuring anyone else. There is no room for helotry and slavery in this constitution, though both exist abundantly. Largely it is the fault of the helots and the slaves themselves. The British constitution provides a happy means of freedom but it must be confessed that it is not easy of adoption. There is no royal road to freedom. British people themselves have reached what they mistake for freedom through much travail and suffering. Yet they are strangers to real freedom—the freedom of self. They cannot and do not blame the constitution for the disability. Nor can we because we have ours. And we have not even bled for our freedom, real or so called. If, however, we understand the spirit of the British constitution, though we suffer from disabilities in this sub-continent and though we are far from happy in the sacred land of our birth, we are bound heartily to shout.

LONG LIVE THE KING !

*Indian Opinion*, 24-6-1911

#### 458. CORONATION

The Coronation of King George V was celebrated all over the Empire. The Indian residents of this country sent congratulatory cables on the occasion thus declaring their loyalty. We, however, find

some Indian asking questions: "Why, and to whom shall we show our loyalty? With what face can we take part in the celebrations? We are submerged in a sea of troubles. Conditions in our dear country give us no cause for rejoicing. That the King is to go to India for his Coronation gives us no reason to be happy. That will only result in the draining of (Indian) money. Indian will only be ruined further." Such thoughts are but natural. Indeed it is harmful to suppress them. It is necessary, therefore, to put them to the test of logic.

Our view of the matter is that, if those who argue in this manner feel that they cannot be loyal, they should declare their want of loyalty and outlaw themselves. Otherwise they will lay themselves open to the charge of insincerity and cowardice.

We believe, however, that we can remain loyal to His Majesty despite our untold sufferings. Our sufferings here are to be blamed on the local authorities, and more so on ourselves. If we become truthful [that is] if we rebel against ourselves (against the Satanic within us), thus exorcizing the devil, and ourselves manage our affairs instead, we will not have to put up with any hardship whatever and shall be able to declare, 'Oh, how happy we are under the reign of King George!' To the extent that we are unable to exorcize the Satan in us, we shall have to take to entreating the local authorities, and we might there by slake our burning woes. If we do not do either, how is King George to blame? Someone may answer saying that everything is done in the name of King George, and therefore the credit for the good things and blame for the wrong things should both be his. What we have said above disposes of that argument. The British monarchy is not free, but is confined within limits. These checks are implicit in that British system of monarchy. If the King oversteps the limits, he will be dethroned.

Moreover, the British Constitution aims at securing equality of rights and equality before the law for every subject. Those who do not enjoy such equality are free to fight for it, the only restriction being that the mode of agitation shall not harm others. Not only is every British subject free to fight in this way, but it is his duty to do so. It is a duty to express one's loyalty to such a constitution and to its head, the King Emperor, for that will only be an expression of loyalty to one's own manhood. The loyalty of a slave is no loyalty. He only serves. If a slave can be loyal, that must be due to coercion. The loyalty of a free man is willed.

It may be urged against this reasoning that it would justify submission even to a wicked king or a vicious constitution; the argument then is not quite proper. For instance, we could not, as free men, be loyal to the pre-War Boer constitution and to its head, President Kruger, for the constitution itself laid down that there shall be no equality between Europeans and Coloureds in the governance of the country or in ecclesiastical affairs. We cannot fight such a constitution and be loyal to it at the same time. In a situation like that we would have to defy not only the head but the basis of his authority as well. If we refused to fight, we would cease to be men and be thought brutes. If the British Constitution were to change and lay down that there would be no equality, not even in theory, as between whites and Coloureds, we could no longer owe allegiance to such a constitution and would have to oppose it. Even in such a contingency, however, we could remain loyal to the King within limits; such is the virtue of the British system. It is not here necessary to explore these limits for the question does not arise.

It must be remembered that the British people won what they consider their freedom after they had let rivers of blood flow. Real freedom, however, even they have yet to win. We, on the other hand, have shed no blood, endured nothing, for the sake of freedom, real or imaginary. The Transvaal satyagrahis alone gave evidence of having suffered in some measure in the course of their great campaign. But their suffering was a drop in the ocean. Only when we come forward to suffer as much—and infinitely more—shall we succeed in winning freedom for ourselves. The British Constitution permits one to seek this freedom. The British Emperor must wish that all his subjects get such freedom; such is the British way. And there are Englishmen who sincerely strive to act on these principles according to their own lights. We can, therefore, and ought to, remain loyal to the British Emperor, our grievances notwithstanding.

[From Gujarati]

*Indian Opinion*, 24-6-1911

#### 459. HONOUR TO A SATYAGRAHI<sup>1</sup>

When Mr. Harilal Gandhi arrived at Zanzibar on his way to India, he was recognized and given a welcome by the Zanzibar Indians. He demurred but to no avail. He was taken to Mr. Wali Mohammed Nazar Ali's house where he was entertained lavishly. Replying to a reception [given in his honour,] Mr. Harilal Gandhi pointed out that the Transvaal campaign had shown what an unfailing remedy satyagraha was. Should there be foul play yet again, satyagrahis, whichever part of the world they might happen to be in, would return to join the struggle, and so on.

[From Gujarati]

*Indian Opinion*, 24-6-1911

#### 460. POLAK'S WORK

Though Mr. Polak has not been in England for long,<sup>2</sup> he has set to work in right earnest. He has met a number of persons. He spoke at a meeting of the League of Honour<sup>3</sup> and again at a function organized by the All-India Muslim League. It was Mr. Polak who drafted the statement<sup>4</sup> addressed by the [SABI] Committee to the Secretary of State for the Colonies and he has set out all the issues in that document. The problem of stands in Vrededorp has been suitably dealt with, and pointed attention has been drawn to the consequences of the Gold Law. Mr. Polak is thus always immersed in the selfsame task, wherever he may be. He has no other interests apart from the problem of South African Indians. Surely, this is no small matter. For only when a person loses himself in duty will he be capable of dedication. Mr. Polak has a profound understanding of this maxim and remains imbued with it. If the Indian community produced a number of persons like him, India would be free soon. In doing his

<sup>1</sup> This article was based evidently on an account of the event given by Harilal in a letter to Gandhiji; *vide* "Letter to Harilal Gandhi"; 3-7-1911

<sup>2</sup> Polak left Johannesburg on May 1, 1911 and arrived in London in the third week of May, 1911.

<sup>3</sup> On the conditions of Indians in South Africa

<sup>4</sup> *Vide* Appendix "S.A.B.I. Committee's Letter to Colonial Office", 17-6-1911

own duty. Mr. Polak has served to remind us of ours.

[From Gujarati]

*Indian Opinion*, 1-7-1911

#### 461. JOHANNESBURG<sup>1</sup>

##### POLAK'S LETTER

We have had two letters from Mr. Polak after his arrival in England. He writes that he has had an interview with Mr. Justice Ameer Ali<sup>2</sup> and that he has met Mr. Gupta of the Indian Office. He has had talks with Lord Lamington<sup>3</sup>. He also called on other gentlemen and ladies.

Mr. Polak's address was considered the best among all those delivered at the League of Honour. He attended and addressed two meetings of the All India Muslim League.

[From Gujarati]

*Indian Opinion*, 1-7-1911

<sup>1</sup> A weekly despatch, "Johannesburg Letter", appeared almost regularly in *Indian Opinion* from march 3, 1906, onwards (Vol. V. "Letter to Chhaganlal Gandhi", 17-2-1906 & "Johannesburg Letter", 26-2-1906), but from October 16, 1909, the word "Letter" was dropped from its title and Gandhiji seems to have contributed only occasional paragraphs.

<sup>2</sup> Justice Syed Ammeer Ali (1849-1928) C.I.E; Bar-at-law; Judge of the Calcutta High Court, 1890-1904; in November, 1909, became the first Indian member of the Judicial Committee of the Privy Council; a member also of the SABI committee and President of the London branch of the All-India Muslim League; auther of *Islam* and books on Mohammedan law.

<sup>3</sup> Sometime Governor of Bombay and a sympathizer of the Indian cause who became a member of the SABI committee in January, 1909; in November that year, asked a question in the House of Lords regarding the hardships suffered, during the Ramzan fast, by Muslim satyagrahis in Transvaal jails. *Indian Opinon*, 27-2-1909 and *India*, 19-11-1909.



462. FRAGMENT OF LETTER TO DR. PRANJIVAN MEHTA<sup>1</sup>

[After July 1, 1911]<sup>2</sup>

. . . I feel it would be a mistake if you imagined that we would get the young men we wanted the moment I get to India, As I understand it, we shall have the same difficulties we had to face in this country. It will do us credit if we leave for India only after the work we have begun here has been put on a firm footing. I have not yet had a quiet stay at Phoenix. It would be good in a way, I think, if I could free myself from the cares of legal practice and devote myself to teaching for a year or so. I am not taking on any new responsibilities here. I am only trying to put the existing ones in order.

Arrangements are being made to keep the men occupied in the press for half the time and on the land during the other half. I intend to engage a larger number of suitable persons for the purpose. Only thus can men be released from the press. As a result of [men] being engaged in farming, the land will improve but there will be no profit in the immediate future. By this arrangement [on the contrary], I feel it will become difficult for me to meet the monthly expenses. I feel inclined to ask you to bear the expenses for the additional men. If we extend our activities, it is likely that the expenditure will in all amount to about £1,000. If you can possibly allow this expenditure, please do. The land is very likely to appreciate in value as a result of the expenditure that will be incurred.

This is over and above the help we have already asked for. At any cost we must start a school on a larger scale at Phoenix. I am thinking of leaving here to go round for funds for this purpose.

I often feel it will be better still if you come over here once, while on your way to India, and see Phoenix. Chhaganlal must have

<sup>1</sup> The earlier pages of this letter are missing. Judging from the contents, however, it would appear to be addressed to Dr. Mehta. The first sentence, in particular seems to be a further discussion of Gandhiji's scheme for educating satyagrahis which Dr. Mehta was to finance; *vide* "letter to Dr. Pranjivan Mehta" 8-5-1911.

<sup>2</sup> Chhaganlal Gandhi, whose departure is mentioned in the letter, left India in the first week of July, 1911, reaching South Africa on July 20.

left this week.

*Bande Mataram* from  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5088 Courtesy: C. K. Bhatt

### 463. LETTER TO H.S.L. POLAK

*Unrevised*

*Sunday night [On or after July 2, 1911]<sup>1</sup>*

MY DEAR HENRY,

I have your letter describing your achievements, for such they are. Pleases me all the more to notice that you can now combine honeymoon, pilgrimage to your people and work and all this in a manner agreeable to you and Millie. Your and Millie's desires have been mostly fulfilled without your having to worry about them. You have sought first the Kingdom of God (what you thought was your duty) and everything else (the trip to London, meeting your people, etc.) has been added upto you. May your work and your joint life flourish in the best manner possible. I am giving fair notices<sup>2</sup> of your work in the Gujarati columns of *I.O.* I am rather cautious about London. Where for public good you think that a longer notice is necessary, please warn me in time. I may neglect these things as my attention is now chiefly devoted to the education of the boys on the Farm. I allow nothing to disturb me during school hours at present.<sup>3</sup> I only hope that nothing will happen to disturb me. Pray for me. I go to Town only twice a week. I propose to draw up the Trust Deed<sup>4</sup> and when it is fixed up I shall make collections in S. A. for a large school at Phoenix. The staff will be you. West, Chh., Maganlal<sup>5</sup>. Purushottamdas and myself. Miss West<sup>6</sup> will be the boarding superintendent. If your procreating ambitions and your animal passions are satisfied, I

<sup>1</sup> From the contents it is evident that the letter was written on or after July 2, 1911, which was a Sunday.

<sup>2</sup> *Vide* "Polak's Work", 1-7-1911 and "Johannesburg", 1-7-1911

<sup>3</sup> *Vide* "Fragment of Letter to Manilal Gandhi", about 25-7-1911

<sup>4</sup> *Vide* "Letter to Maganlal Gandhi", 17-7-1911. For its final version *vide* "The phoenix Trust deed", 14-9-1912

<sup>5</sup> Son of Khushalchand Gandhi, Gandhiji's cousin

<sup>6</sup> Ada West, sister of A.H. West, who had adopted the Indian name 'Devi'

would certainly like Millie to take her share in the school work. Harilal may come in later. Thakar may expand sufficiently to come in also.

Medh is at present doing *I.O.* collections. I shall know tomorrow what success he is having. Did I tell you that Medh had given to our ideals 10 years under a double vow of truth and *brahmacharya*.<sup>1</sup> That reminds me to tell you that Pragji is a possible candidate for Phoenix, subject to the above vows.

I had your cable. You must by this time have received Gregg's opinion<sup>2</sup> and Townships Act, etc.

With love to you all and kisses to the angels,

Yours,

BHAI

From the original: Gandhi-Polak Correspondence. Courtesy: National Archives of India

#### 464. LETTER TO HARILAL GANDHI

July 3, 1911

7.30 p.m.

CHI. HARILAL,

I got your letter from Zanzibar at Phoenix. There could not have been any subsequent to that, I am expecting one again in a few days. As regards the reception you were given at Zanzibar, I was happy that most of those who took part were Khojas<sup>3</sup> and Secondly, that they were not put off by the mention of satyagraha. Your reply was good. I thought it proper to insert a short paragraph<sup>4</sup> about it in *Indian Opinion* and you must have seen it. *The Star* publishes every week a biographical sketch of some well known person and they have published mine, too. I send you a cutting [herewith]. Please pass it on to Sorabji after reading it. He must have reached there by now.

Our people in Durban put up a fine show indeed.<sup>5</sup> On Coronation Day I had been to Phoenix. The credit for the

<sup>1</sup> *Vide* also "Letter to Harilal Gandhi", 3-7-1911

<sup>2</sup> *Vide* also the following item.

<sup>3</sup> A Muslim sect

<sup>4</sup> *Vide* "Honour to a Satyagrahi", 24-6-1911

<sup>5</sup> The reference is to the Durban Indians' boycott of the Coronation celebrations; *vide* also "The Coronation", 17-6-1911

demonstrations on that day should, therefore, go to the local fighters.

Here, registration has not yet begun. I expect to send the first list to Mr. Chamney<sup>1</sup> tomorrow.

I had a talk about a good many things with Manilal . He is thinking of going to England next year if the campaign is not resumed. His work in the press is good.

I have probably written to you about the vow Medh has taken.<sup>2</sup> I have now taken up school work on the Farm. I wonder how long I can keep it up. Pillay's children have all left and he himself is not here either.

Thambi Naidoo now lives in Johannesburg all the time. P.K. Naidoo<sup>3</sup> is here.

Be went to Phoenix with me. It was found necessary to take her.

I have had no letter from Chanchi<sup>4</sup> for a long time now.

Your brothers are all happy. They are sitting beside me reading while I write this. It is 7.30 p.m.

Messrs Ritch and Pragji arrived at the Farm today (Sunday)<sup>5</sup> . I propose to spend five days [in the week] at the Farm and the remaining two at Johannesburg,

*Blessings from*

BAPU

From a photostat of the Gujarati original in Gandhiji's hand S.N. 9531

<sup>1</sup> Montford Chamney, whom Gandhiji ironically described as "His Lord ship" (*vide* "Johannesburg letter", before 10-1-1908) occupied high administrative positions in the Transvaal for the duration of the satyagraha campaigns, holding successively the offices of Protector of Immigrants, Registrar of Asiatics and Principal Immigration Officer. During the 1908 campaign, he filed affidavits saying that smuts had made no promise to repeal the Asiatic Registration Act. Gandhiji later accused him of "hopeless incompetence" and demanded his dismissal. *Vide* "Speech at Mass Meeting". 16-8-1908 & Appendix, "Chamney's Affidavit", 25-6-1908 and "Johannesburg Letter", 3-10-1908

<sup>2</sup> Medh had taken a vow to observe *brahmacharya* for ten years.

<sup>3</sup> P.K. Naidoo; born in South Africa, was one of the "valiant fighters" who repeatedly suffered imprisonment throughout the satyagraha campaign in South Africa; rendered particular service during the Great March of 1913; was an office-bearer of the Tamil Benefit Society. Gandhiji, in his account of his imprisonment of January, 1908, describes him also as "a master of the tonsorial art" *vide* "My Experience in Gaol[-II]", 14-3-1908, also *Satyagraha in South Africa* Ch. XXXI & XLIV.

<sup>4</sup> Chanchalbehn Gandhi, addressee's wife

<sup>5</sup> Sunday was July 2, whereas the letter is dated July 3.

#### 465. KRUGERSDORP BAZAAR

The action of the Municipality of Krugersdorp in trying persistently to abolish the Asiatic Bazaar or Location at Krugersdorp is quite on a par with the zeal that the European residents of that dorp have generally shown in their anti-Asiatic crusade.<sup>1</sup> The School Committee has been a willing tool in the hands of the interested agitators. But we hope that the Krugersdorp Indians will not fail to place before the authorities the other side of the question. We have little to say regarding compensation. For that question cannot arise unless Indian consent to vacate the Stands they occupy or unless they are by law compelled to do so. We wish merely to point out that the state of things the School Committee blame has been deliberately brought about by those who have control of the Location.<sup>2</sup> The threat of removal has hung over the heads of the Indian residents of that Location for several years. We are sorry if the school children have to overlook the closets of that Location. Give the residents fixity of tenure, and we promise that in a month's time they will carry out all desirable alterations. We know that our harassed countrymen have pleaded, times without number, that they should be placed in a position to construct substantial and up-to-date buildings on their Stands. Not only has no encouragement have given to them in that direction but they have been actually thwarted in any such effort they have made. To say the least, it is dishonest to blame them for a state of things for which their very detractors are largely if not entirely responsible.

*Indian Opinion*, 8-7-1911

#### 466. INDIAN WIVES

The decision of Justice Wessels in the matter of an application on behalf of an Indian woman to enter the Transvaal, being the wife of a registered Indian. Raises points of the highest importance to the

<sup>1</sup> *Vide* "Krugersdorp Agitators", 3-6-1911.

<sup>2</sup> *Vide* "Johannesburg", 8-7-1911

Indian throughout South Africa.<sup>1</sup> The lady in question is the same person who was some time ago turned away by the Immigration Officer at Durban and whose case we have already referred to. The Judge's remarks show that Bai Rasul (for that is the applicant's name) has been unduly hampered in her endeavour to make good her claim. The Judge said that, if the Court had the power, he would have granted a temporary permit to enable the applicant to produce the necessary proof of her marriage. Had the Immigration Officer granted such a permit, there would have been no case in the Court. We still hope that Bai Rasul will be given every facility to prove her claim. For surely, there is no question of Indian competition in trade.

But what is of greater importance is the Judge's *obiter dictum* that an Indian may not bring more than one wife. Hitherto those who have more than one wife have been allowed to bring them without any let or hindrance. If the Judge's dictum is sound law, all we can say is that it will have to be altered. In British Dominions, wherein all religions are respected, it is not possible to have laws insulting to any recognized religion flourishing under it. To hold otherwise in this country would simply create misery in many an Indian household in South Africa. We are glad, therefore, that the British Indian Association and the Hamidia Islamic Society have already moved in this matter. It ought to be possible to settle this matter without any agitation being necessary.

*Indian Opinion*, 8-7-1911

## 467. JOHANNESBURG

### TALE OF KRUGERSDORP<sup>1</sup>

Indians living in the Krugersdorp Location should not become complacent. We learn from a Krugersdorp newspaper that the conflict between the Government and the Municipality regarding the Location continues. It is thanks to the local School Committee that the issue has

<sup>1</sup> Adamjee, an old registered resident of the Transvaal, brought over Bai Rasul, his wife, from India, at Durban, the Immigration Officer refused her permission to disembark, although normally such immigrants were allowed to land temporarily on furnishing a bail of £10. Bai Rasula then attempted to enter the Transvaal from Delagoa Bay, and her case eventually went up to the Transvaal Supreme Court. For a report of the judgment, *vide* the following item.

<sup>1</sup> *Vide* "Krugersdorp Bazaar", 8-7-1911.

become public knowledge. It has complained that pupils of the school which overlooks the Location have to suffer the sight of Indian closets. The municipal authorities have replied to the School Committee saying that £1,100 would have to be paid to the Indians as compensation if the Location were to be shifted. The Government contends that this sum should be paid by the Municipality. The municipality has argued that it should not be asked to pay this money, because it is the Government which has been pocketing the income (from the Location). As it was the Government that had set up the Location, it should it self pay. The editor of the newspaper has suggested that the Europeans should hold mass meetings, pass resolutions, make the Government pay this amount and have the Location shifted. It appears to have been agreed at a previous meeting of the Committee that the compensation of £1,100 would have to be paid.

My own advice to the Indians living in the Location is that they should immediately address the Government and the Municipality saying that they are willing to make the necessary improvements in the building if allowed to do so. They should also say that they had given no undertaking as to the shifting of the Location and that it is impossible to shift as there is a mosque within its precincts. I hope the Indians in the Location will not delay action in this matter.

#### DEPORTATION ORDER CANCELLED

There is an Indian youth named Mr. N. Dala. He was arrested in Barberton and ordered to be deported. The main reason for this order was that he was believed to be eighteen years of age. His friends sought Mr. Ritch's advice and told him that Mr. Dala was not in fact over sixteen years of age. His case was then referred to the Supreme Court for getting the order of deportation cancelled. A medical practitioner deposed in Court that Mr. Dala's age should be around sixteen. On the strength of his evidence the Court has cancelled the deportation order. The plea was that the law did not confer any authority [on the Court] for deporting young Indian below sixteen. Mr. Dala has not however, secured the right of residence in the Transvaal as a result of this case. He will have to submit an application for this purpose, and he will get a registration certificate only if he is legally entitled to it. Only Mr. Dala benefits from the judgement in this case; otherwise there is nothing noteworthy about it.

## BAI RASUL CASE<sup>1</sup>

But the judgment given by the Supreme Court last week in the case of Bai Rasul is an important one. Bai Rasul is Mr. Adamjee's wife. Some facts of this case have already appeared in *Indian Opinion*. As she could not disembark in Natal, she went to Delagoa Bay with her husband and from there tried to enter the Transvaal. The case then went up to the Supreme Court, the demand being that Mr. Chamney, the Immigration Officer, should not restrain her (from entering the Transvaal). It was an intricate case. When Mr. Adamjee got his registration certificate, his marriage with Bai Rasul had already been solemnized. Even so, he had mentioned (in his application) the name of the women from whom he was divorced as his present wife. Hence it became difficult for him to prove that Bai Rasul was his present wife. Giving its ruling, the Court said that no one could bring his concubine into the Transvaal. That the former wife [of Mr. Adamjee] had been given a divorce was not proved to the Court's satisfaction, nor that the marriage with Bai Rasul had been duly solemnized, For these reasons the Court did not grant the prayer and dismissed the suit with costs. The Court said in the course of the judgement that if it had the power, it would have granted a temporary permit to Bai Rasul to enable her to prove her right (of entry) but that it was not so empowered.

If the Court's verdict has stopped here, there would have been no great difficulty. But the court went on to observe that, if a person had more than one wife, it could grant right of entry only to one of them, that is, the first wife. Other wives could not be deemed lawful. If this opinion of the judge stands and the [Immigration] Officer acts on it, our Muslim brethren are likely to be greatly inconvenienced. So far there has been no difficulty in securing entry for as many wives as a person had, but now objections are likely to be raised.

Both the Hamidia Islamic Society and the [British Indian] Association will soon launch a campaign in this regard.

I hope Mr. Adamjee's advisers will now have Bai Rasul brought to Durban and then proceed cautiously in the matter. As regards marriage and divorce, it is necessary to produce affidavits from respectable Moulvis and others. Bai Rasul's affidavit will also have to be produced along with these. If this is done, I believe that the court

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



cannot but pass an order [in her favour]. Once an order is obtained in the case of Durban, she will clearly have no difficulty in entering the Transvaal.

[From Gujarati]  
*Indian Opinion*, 8-7-1911

468 . *LETTER TO MAGANLAL GANDHI*

*Ashadh Vad 1 [July 12, 1911]*<sup>1</sup>

CHI. MAGANLAL,

Herewith Chi. Chhaganlal's letter. He appears to be well and truly contrite. Copy out a sentence from Thoreau occasionally and give it to Mr. West for use in *Indian Opinion*. I must now wait for Chhaganlal's cable. That there hasn't been one so far suggests that again there has been some obstacle to his coming here. It is good that Jamnadas also is coming.

Today I found your letter concerning the dream you had at Phoenix about Tolstoy. I must have preserved it with the intention of writing something in reply. There is no need to attach any importance to dreams. They might merely mirror our fancies. It will be enough if we always keep our attention fixed on goodness.

*Blessings from*  
MOHANDAS

From the Gujarati original in Gandhiji's hand: C.W. 5636. Courtesy:  
Radhabehn Choudhri

<sup>1</sup> The reference to Chhaganlal Gandhi's impending arrival in South Africa, would suggest that this letter was written before that event. That was in 1911, in which year *Ashadh Vad 1* corresponds to July 12. The date is confirmed by the fact that Gandhiji had already, by July 3, shifted to Tolstoy Farm; *vide* "Letter to Harilal Gandhi", 3-7-1911.

## APPENDICES

### APPENDIX I

#### LETTER FROM GENERAL MANAGER, C. S. A. R., TO GANDHIJI

JOHANNESBURG,  
*April 11, 1910*

SIR,

With reference to the interview that Mr. Bell, Solicitor to the Railway Administration Mr. Hoy, Assistant General Manager, and the undersigned had with Mr. Cachalia and yourself this morning, I now place on record, as agreed, a summary of the understanding arrived at in the course of the discussion, namely:—

1. That Regulations 221 to 224 inclusive be replaced by the following:

221. It shall be lawful for the General Manager where practicable to set apart different compartments on trains for passengers of different races, and the passengers for whom the compartments are so reserved shall travel only in such compartments and no other, nor will any other compartment be considered as available. Such compartments shall be marked "Reserved".

222. It shall be competent for the guard or the conductor or any other railway official to remove passengers from one compartment to another without giving any reason therefor.

223. It shall be competent for the station-master or other authorised official to refuse a first or second-class ticket to any passenger who may, in his opinion, not be dressed in a decent or cleanly condition.

224. The penalty provided in Section 42 of the Act will apply to any contravention of Regulations 221 to 223, inclusive.

2. That the foregoing alterations in the wording of the regulations have been adopted so as to meet the views and wishes of the community Mr. Cachalia and yourself represent.

3. That the manner in which the regulations and the authority entrusted to the Administration has been carried out in the past has been acceptable to the Asiatic community with the exception of such cases as have been brought specially under notice and which, when it was found that there was just cause for complaint, have been dealt with in a manner that you and the community you represent considered to be proper and just.

4. I undertook that the Administration would continue to act in this spirit, and it was agreed that, should it be represented to you at any time that any member of the staff has acted in an improper manner and you have satisfied yourself by previous enquiry that there has been good cause for complaint, you would communicate with the Assistant General Manager and the Administration would, after investigation,

deal with the case as the circumstances call for, and in the spirit of requiring justice and proper treatment being extended to yourselves and to your countrymen.

5. For the purpose of giving effect to the foregoing, you approved, on my suggestion, that while the regulations to be published should be framed in the manner now provisionally agreed to, there would be no objection to the Administration rene-  
wing the instructions to the staff on the lines at present obtaining or with such modi-  
fication of the existing instructions as circumstances may from time to time call for.

6. It was agreed that, in giving effect to the intention of the agreement now arrived at, toleration would have to be exercised, and that, if an instance should occur (as it is quite possible may be the case) when, say, one of your countrymen might desire to travel by a train and the officers of the Administration considered difficulty and possibly disturbance would probably result therefrom, it shall be open to the officers of the Administration, at their discretion, to require such passenger to travel by another train, and if needs be on another date.

7. It was further agreed that should difficulties arise in connection with the proposed new regulations which may seriously interfere with their practical working, a meeting would be convened with a view to altering the regulations, and you undertook to approach the question of such alteration in the spirit in which our present discussion has been conducted.

8. May I take this opportunity of reiterating the expression of satisfaction I conveyed to Mr. Cachalia and yourself at the spirit in which the discussion had been conducted by both of you and which has resulted in the arrangement now arrived at subject to confirmation by the Transvaal and Orange River Colony Governments and the Railway Board.

*I have, etc.,*  
T. R. PRICE  
*General Manager*

Colonial Office Records: C.D. 5363

## APPENDIX II

### *W. J. WYBERGH'S LETTER TO GANDHIJI*

JOHANNESBURG,  
*May 3, 1910*

MY DEAR MR. GANDHI,

Many thanks for your letter and the pamphlet on Indian Home Rule. I have been prevented by business from giving adequate study to it until the last few days. I find it very difficult to criticise it adequately within reasonable length because I do not think that on the whole your argument is coherent or that the various statements and opinions you express have any real dependence upon one another. I am also inevitably rather ignorant of the actual conditions in India and am afraid, therefore, of being

presumptuous in expressing any opinion upon the correctness or otherwise of many facts which you appear to take for granted and make the basis of argument. Meanwhile I must say that on many questions of fact you are at variance with ordinary opinion. To begin with, as to the question of “loyalty”. I must say that while, as a rule, you avoid giving any occasion for specific charges of disloyalty, yet there are so many subtle hints and ambiguous expressions, so many things left unsaid, and so many half-truths put forward, that I am not at all surprised at anyone considering the book highly dangerous. Granting that you do not intend to be disloyal, yet I am sure that the average plain ignorant man without intellectual subtlety would suppose that you were preaching against British rule in India, for you attack everything which the plain man would identify with this rule. You discourage violence, but only because you think violence is both wrong and ineffective, not because the object sought is wrong.

On the far more important general principle underlying your book I must say definitely that I think you are going wrong. European civilisation has many defects and I agree with many of your criticisms, but I do not believe that it is “the Kingdom of Satan” or that it ought to be abolished. It appears to me a necessary step in the evolution of mankind, especially manifested in and suitable for Western nations. While I recognise that the highest ideals of India (and Europe too) are in advance of this civilisation, yet I think also, with all modesty, that the bulk of the Indian population require to be roused by the lash of competition and the other material and sensuous as well as intellectual stimuli which “civilisation” supplies. You are practically preaching “liberation” in the religious and metaphysical sense as the immediate aim of all humanity, for that is what your *Swadeshi* in its best sense, as explained in Chapters XVI and XVII, and as illustrated throughout the book, really means. Now you individually, and others individually, may have arrived at the stage where it is right to make this the immediate ideal, but the bulk of humanity have not; and I agree with Mrs. Besant when she says that there is a real danger in preaching “liberation” to people who are not ready for it. She says somewhere that what the bulk of the people in India require is not to abandon desire and activity in the lower worlds but to increase them and learn from them, and that passivity for them means stagnation. That does not mean that all the *forms* of Western civilisation are suitable for India, and I don’t doubt that we British have erred (in all good faith) in trying to introduce British institutions indiscriminately. But Western *ideals* are necessary to India, not to supersede but to modify and develop her own. India ought, I think, to be governed on Indian lines, (whether by Indians or Englishmen is another question) but “civilisation” is both necessary and useful, if it grows naturally and is not forced and it cannot be avoided. To turn now to the still more general application of your ideals, apart from Indian questions:—Firstly, I think you are confusing between “passive resistance” and “non-resistance”. What you call “soul-force” and “passive resistance” have nothing to do with love or spirituality in themselves. In advocating these things instead of physical force, you are only transferring the battle and the violence from the physical to the mental plane. Your weapons are mental and psychic, not

physical, but also not spiritual. You are still fighting to win, and fighting harder than ever, and, in my opinion, all fighting in modern times is tending to become more and more a matter of intellectual and psychic force and less of physical force. It is not thereby becoming more moral or less cruel, rather the reverse, but it is becoming more effective. Personally, I have grave scruples about employing "soul-force" for the attainment of physical or political objects, however strongly I may believe in the value of those objects and the justice of my cause. In political life it is often a great temptation to me to do so, for, as you know, I feel very strongly on political questions; but, while, of course, I regard all possible means of *intellectual persuasion and argument* as right and necessary, I think that the use of what you call "soul-force" for concrete ends as dangerous in the extreme, and I always have in mind the refusal of Christ to use "soul-force" for even the perfectly harmless and apparently legitimate purpose of making stones into bread. I think that in this story a very profound truth is conveyed. Now, while I think this is very wrong, it does not follow that those who, even while using wrong methods, are unselfishly working for a cause (however mistaken) will not reap for themselves the moral and spiritual benefit which follows upon all unselfish sacrifice, and I am sure that you will do so and are doing so, but I think this is not due to your methods but in spite of them, and that it is actually due to your motives. But there is a danger to others less single-minded. As the *Bhagavad Gita* says: "He who sitteth controlling the organs of action, but dwelling in his mind on the objects of the senses, that bewildered man is called a hypocrite." It would be better to use the "organs of action" I think!

But taking the "passive resistance" movement as a whole, on the assumption that what you are really aiming at is not merely a political object but the assertion of the superiority of *non-resistance*, of love and of true inner freedom as against the compromises and conventions of life, it does not seem consistent that you should allow yourselves to be regarded as martyrs, or complain of the hardships of prison (not that you yourself have, I believe, ever done this) or make political capital out of what seems to you injustice or ill-treatment, or indeed allow the matter to be advertised in the Press or send deputations to England and India and generally carry on a political agitation. If it is really a matter of religion, then I think that the truest heroism is not concerned in this exceedingly active "passive resistance" but that it consists in suffering *as private individuals* and saying nothing about it.

Of course, if the object is political, all these things become questions of tactics and may be very proper and useful weapons according to circumstances. Personally, while I admire heroism displayed in a political cause, and the very real heroism of many "passive resisters" I must say that it seems in no way superior to the more active forms displayed by soldiers or rioters or revolutionaries. Neither does it differ from or deserve more sympathy than that which has been shown by many quite ordinary sufferers in other political causes and such as, for instance, the anti-Asiatic movement. It so happens that neither the soldiers nor the opponents of Asiatic immigration have been called upon to go to prison, but both alike in their respective spheres and according to their duty have risked and often lost that which they held

most dear in a cause which, though not strictly “religious”, they regarded as most sacred. The physical sufferings of soldiers at any rate have vastly exceeded those of “passive resisters” yet, if the soldier complains that the bullets are too hard or that campaigning is uncomfortable and therefore that the enemy is treating him most unkindly, he is regarded as simply ridiculous. Of course, under certain circumstances, it is good tactics to parade your injuries, but that is a matter for you to decide.

Finally, I come to the question of “non-resistance” itself, and its proper use and place. It appears to me that for the individual saint, seeking liberation, for whom the time has come when the personality has to be killed out and the whole world order transcended, in order that the pure spiritual consciousness may unfold,—for him non-resistance may be the right course. I do not presume to speak of this with certainty because I do not know. In its very nature, however, non-resistance of this description can have no political end in view, for its object is to enable a man to escape and transcend the world altogether. But, as a practical political principle suitable for adoption by ordinary men living the ordinary life of citizens, it seems to me altogether pernicious, and utterly disastrous to the public welfare. It is mere anarchy, and I have always regarded Tolstoy, its principal apostle, as very likely a saint personally, but when he preaches his doctrines as a political propaganda and recommends them for indiscriminate adoption, as the most dangerous enemy of humanity. I have no manner of doubt that Governments and laws and police and physical force are absolutely essential to average humanity, and are as truly “natural” in their stage of development and as truly moral as eating and drinking and propagating the species. To undermine them without being ready to substitute something else a little better but still of the same character is simply to destroy the possibility of all advance. Therefore, to my mind, such preaching is far more injurious than more disloyalty, which after all only proposes to substitute another Government. It is a fatal confusion to suppose that what is right for the saint is right for everyone else. “Render unto Caesar the things that are Caesar’s and unto God the things that are God’s.” When all humanity has reached sainthood Government will become unnecessary but not till then. Meanwhile civilisation must be mended, not ended. Even if as regards India you are right and Mrs. Besant is wrong, and it is really the case that India should be deprived of the Government both of British rulers and of Indian princes, and each man should be a law unto himself, I am at any rate quite clear that for Western nations and for South Africa such ideas are fatal. It would, if true, only illustrate how fundamental are the differences between Indian and European, and would practically justify South Africa in taking extreme measures to get rid of the Indian population. Has it not occurred to you that, if your ideas about India are correct, your conclusion in Chapter XX that “deportation for life to the Andamans is not enough expiation for the sin of encouraging European civilization” would apply with great force to deportation from the Transvaal to Delagoa Bay or to India? I have written at far too great a length, but you have raised very interesting and important issues in your pamphlet and have asked me to criticise. Let me assure you that you and others like you have my most sincere respect and most affectionate regard and

admiration, and that, as a matter of public duty, I shall continue to oppose both your object and your methods to the utmost of my ability.

*Yours very sincerely,*

W. WYBERGH

PS.

As you once invited me to contribute to *Indian Opinion* an essay on passive resistance, which at the time I was unable to do, it occurs to me that you might like to publish this letter. If so, please do so.—W. W.

*Indian Opinion, 21-5-1910*

### APPENDIX III

(i)

#### V. CHERTKOV'S LETTER TO GANDHIJI

My friend Leo Tolstoy has requested me to acknowledge the receipt of your letter to him of August 15 and to translate into English his letter to you of September 7th (new style 20th September) written originally in Russian.

All that you communicate about Mr. Kallenbach has greatly interested Tolstoy, who has also asked me to answer for him to Mr. Kallenbach's letter.

Tolstoy sends you and your co-workers his heartiest greetings and warmest wishes for the success of your work, his appreciation of which you will gather from the enclosed translation of his letter to you. I must apologise for my mistakes in English in the translation, but, living in the country in Russia, I am unable to profit by the assistance of any Englishman for correcting my mistakes.

With Tolstoy's permission, his letter to you will be published in a small periodical printed by some friends of ours in London. A copy of the magazine with the letter shall be forwarded to you, as also some English publications of Tolstoy's writings issued by *The Free Age Press*.

As it seems to me most desirable that more should be known in England about your movement, I am writing to a great friend of mine and of Tolstoy—Mrs. Fyvie Mayo<sup>1</sup> of Glasgow—proposing that she should enter into communication with you. She possesses considerable literary talent and is well known in England as an author. It should be worth your while furnishing her with all your publications which might serve her as material for an article upon your movement which, if published, in England, would attract attention to your work and position. Mrs. Mayo will probably write to you herself.

<sup>1</sup> A journalist and translator of Tolstoy, she had written an article on the Transvaal Indians' struggle.

With sincerest good wishes from myself. Kindly transmit to Mr. Kallenbach the enclosed letter.

V. CHERTKOV

(ii)

*TOLSTOY'S LETTER TO GANDHI*<sup>1</sup>

“KOTCHETY”<sup>2</sup>,

RUSSIA,

September 7, 1910

I have received your journal *Indian Opinion* and I am happy to know all that is written on non-resistance. I wish to communicate to you the thoughts which are aroused in me by the reading of those articles.

The more I live—and specially now that I am approaching death—the more I feel inclined to express to others the feelings which so strongly move my being, and which, according to my opinion, are of great importance. That is, what one calls non-resistance, is in reality nothing else but the discipline of love undeformed by false interpretation. Love is the aspiration for communion and solidarity with other souls, and that aspiration always liberates the source of noble activities. That love is the supreme and unique law of human life, which everyone feels in the depth of one's soul. We find it manifested most clearly in the soul of the infants. Man feels it so long as he is not blinded by the false doctrines of the world.

That law of love has been promulgated by all the philosophies—Indian, Chinese, Hebrew, Greek and Roman. I think that it had been most clearly expressed by Christ, who said that in that law is contained both the law and the Prophets. But he has done more; anticipating the deformation to which that law is exposed, he indicated directly the danger of such deformation which is natural to people who live only for worldly interests. The danger consists precisely in permitting one's self to defend those interests by violence; that is to say, as he has expressed, returning blow by blows, and taking back by force things that have been taken from us, and so forth. Christ knew also, just as all reasonable human beings must know, that the employment of violence is incompatible with love, which is the fundamental law of life. He knew that, once violence is admitted, doesn't matter in even a single case, the law of love is thereby rendered futile. That is to say that the law of love ceases to exist. The whole Christian civilisation, so brilliant in the exterior, has grown up on

<sup>1</sup> An English translation by Pauline Padlashuk, Johannesburg, was published in *Indian Opinion*, 26-11-1910, under the title “Count Tolstoy and Passive Resistance: A Message to the Transvaal Indians”. A translation by Aylmer Maude is also available in Tolstoy's *Recollections and Essays* published by Oxford University Press.

<sup>2</sup> Castle of Tolstoy's eldest daughter



this misunderstanding and this flagrant and strange contradiction, sometimes conscious but mostly unconscious.

In reality, as soon as resistance is admitted by the side of love, love no longer exists and cannot exist as the law of existence; and if the law of love cannot exist, therein remains no other law except that of violence, that is, the right of the mighty. It was thus that the Christian society has lived during these nineteen centuries. It is a fact that all the time people were following only violence in the organisation of society. But the difference between the ideals of Christian peoples and that of other nations lies only in this: that, in Christianity the law of love had been expressed so clearly and definitely as has never been expressed in any other religious doctrine; that the Christian world had solemnly accepted that law, although at the same time it had permitted the employment of violence and on that violence it had constructed their whole life. Consequently, the life of the Christian peoples is an absolute contradiction between their profession and the basis of their life; contradiction between love recognised as the law of life, and violence recognised as inevitable in different departments of life: like Governments, Tribunals, Army, etc., which are recognised and praised. That contradiction developed with the inner development of the Christian world and has attained its paroxysm in recent days.

At present, the question poses itself evidently in the following manner: either it must be admitted that we do not recognise any discipline, religious or moral, and that we are guided in the organisation of life only by the law of force, or that all the taxes that we exact by force, the judicial and police organisations and, above all, the army must be abolished.

This spring, in the religious examination of a secondary school of girls in Moscow, the Professor of Catechism as well as the Bishop had questioned the young girls on the ten commandments and above all on the sixth "Thou shalt not kill". When the examiner received a good reply, the Bishop generally paused for another question: Is killing proscribed by the sacred Law always and in all cases? And the poor young girls perverted by their teachers must reply: No, not always; killing is permitted during war, and for the execution of criminals. However, one of those unfortunate girls, (what I relate is not a fiction but a fact that has been transmitted to me by an eye-witness) having been asked the same question, "Is killing always a crime?" was moved deeply, blushed and replied with decision "Yes, always." To all the sophisticated questions habitual to the Bishop, she replied with firm conviction: killing is always forbidden in the Old Testament as well as by Christ who not only forbids killing but all wickedness against our neighbours. In spite of all his oratorical talent and all his imposing grandeur, the Bishop was obliged to beat a retreat and the young girl came out victorious.

Yes, we can discuss in our journals the progress in aviation and such other discoveries, the complicated diplomatic relations, the different clubs and alliances, the so-called artistic creations, etc., and pass in silence what was affirmed by the young girl. But silence is futile in such cases, because every one of this Christian

world is feeling the same, more or less vaguely, like that girl. Socialism, Communism, Anarchism, Salvation Army, the growing criminalities, unemployment and absurd luxuries of the rich, augmented without limit, and the awful misery of the poor, the terribly increasing number of suicides—all these are the signs of that inner contradiction which must be there and which cannot be resolved; and without doubt, can only be resolved by acceptance of the law of love and by the rejection of all sorts of violence. Consequently, your work in Transvaal, which seems to be far away from the centre of our world, is yet the most fundamental and the most important to us supplying the most weighty practical proof in which the world can now share and with which must participate not only the Christians but all the peoples of the world.

I think that it would give you pleasure to know that with us in Russia, a similar movement is also developing rapidly under the form of the refusal of military services augmenting year after year. However small may be the number of your participators in non-resistance and the number of those in Russia who refuse military service, both the one and the other may assert with audacity that “God is with us” and “God is more powerful than men”.

Between the confession of Christianity, even under the perverted form in which it appears amongst us Christian peoples, and the simultaneous recognition of the necessity of armies and of the preparation for killing on an ever-increasing scale, there exists a contradiction so flagrant and crying that sooner or later, probably very soon, it must invariably manifest itself in utter nakedness; and it will lead us either to renounce the Christian religion, and to maintain the governmental power, or to renounce the existence of the army and all the forms of violence which the state supports and which are more or less necessary to sustain its power. That contradiction is felt by all the governments, by your British Government as well as by our Russian Government; and, therefore, by the spirit of conservatism natural to these governments, the opposition is persecuted, as we find in Russia as well as in the articles of your journal, more than any other anti-governmental activity. The governments know from which direction comes the principal danger and try to defend themselves with a great zeal in that trial not merely to preserve their interests but actually to fight for their very existence.

*With my perfect esteem,*

LEO TOLSTOY

From *Tolstoy and Gandhi* by Dr. Kalidas Nag

#### APPENDIX IV

##### *TRANSVAAL MINISTERS' DECLARATION*

In view of the gravity of the cases of the sons of Messrs Chhotabhai and Tayob Haji Khan Mahomed, we give the following extracts from the Blue-book dated October, 1908, containing “correspondence relating to legislation affecting Asiatics

in the Transvaal”:

EXTRACT FROM COLONIAL SECRETARY'S SPEECH ON THE SECOND READING OF  
THE ASIATICS REGISTRATION AMENDMENT BILL, AUGUST, 1908

The third difficulty that they felt against Act 2 of 1907 referred to children. That Act provided machinery under which it was necessary that not only the adult males but also minors between the ages of 8 years and 16 years should register. There was no special reason really for that provision that minors of those ages should be registered, and, as a matter of fact, in the voluntary registration that had taken place I had adopted an alternative procedure which was just as effective, viz., where the parent had been registered, the names, ages, and description of the children up to the age of 16 were inserted on each certificate, so that if a parent at any future date said he had five children it would be quite easy from the certificate to identify these children. That was all that was thought necessary, and that I embodied in the voluntary certificates, and therefore there was no trouble in meeting the Asiatics [*sic*] and embodying them in the law. Hon. members will see, that is the third innovation made in the Bill—that minors below the age of 16 shall not be required to have certificates of administration, but shall be taken up in the certificates of their parents.”

EXTRACTS FROM THE PRIME MINISTER'S MINUTE TO THE GOVERNOR,  
DATED THE 5TH SEPTEMBER, 1908

Nine points were raised by the Asiatics, and these were recorded in writing as representing their final demands; and, after a discussion lasting some hours, it was decided to meet their views as far as possible and to allow no opportunity for any reasonable men to say that such views had not been met in the widest possible spirit. The objections met were as follows:

- (1) Alteration of the definition of the term “Asiatic” so that Mahomedan subjects of the Turkish Dominions should not as expressed in Law 3 of 1885 be specially described as Asiatics.
- (2) Unregistered Asiatics domiciled in the Transvaal for three years prior to the 11th October, 1889, should be allowed to return and register themselves, provided they made their applications within one year of the coming into force of the new Act.
- (3) The names of male minor Asiatics to be recorded on their parents' certificates and their registration not to be required until they reached the age of sixteen years.
- (4) Thumb-impressions should not be required from applicants for trading licences who could sign their names in English in formed handwriting.
- (5) An appeal from the decision of the Registrar of Asiatics refusing to register an applicant for registration should be allowed to a Magistrate specially appointed to hear all such appeals.
- (6) The provision in Act 2 of 1907 allowing Asiatics under certain circumstances to acquire liquor should be deleted on the grounds that it

was contrary to the religion of the majority of the persons concerned to consume the same.

- (7) While Act 2 of 1907 was to remain on the Statute Book all Asiatics holding Certificates of Registration under the Validating Act were to be specially exempted from the provisions of the Asiatic Law Amendment Act.
- (8) Transfer of certain property in Pretoria to be allowed in favour of the heirs of a deceased Indian named Aboobaker Amod who had acquired the property before the passing of Law 3 of 1885.

The ninth subject of discussion was the fresh demand made for the immigration of Asiatics not claiming previous domicile in the Transvaal but who could pass an educational test. This is a claim which Ministers had previously decided was inadmissible, and, even had it been otherwise, it is difficult to see by what means a Bill providing for the immigration of Asiatics of the class in question could be passed through either of the Houses of Parliament in view of the almost universal feeling of the white Colonists on the subject. The Asiatic leaders were informed that in this single respect, their wishes could not be met, and this was distinctly understood by them. A Select Committee representing all parties in the Legislative Assembly was then appointed to re-draft the Bill in accordance with the arrangement come to. The Committee consisted of Sir Percy Fitzpatrick, Messrs Jacobsz, Chaplin, Wybergh, and the Colonial Secretary and a copy of their report, dated the 20th ultimo, submitting a new draft Bill is attached.

EXTRACT FROM THE REPORT OF THE ATTORNEY-GENERAL,  
DATED 9TH SEPTEMBER, 1908

IV. The minor Asiatic (i.e., a boy under sixteen) will be included in the certificate of his parent or guardian. Under Act No. 2 of 1907, it was the duty of the parent or guardian, if the child was under eight, to furnish the necessary particulars relative to him, and when such child attained the age of eight to apply for registration on his behalf. Under the New Act the child, when he attains the age of sixteen, will have to apply for registration, and, if he attained that age while he was outside the Colony and he desires to take up his residential rights (if any) in it he will have to apply from a place outside the Colony but in South Africa."

*Indian Option, 10-9-1910*

APPENDIX V

*IMMIGRANTS' RESTRICTION BILL*

(1911)

Re-printed from "The Union of South Africa Government Gazette Extraordinary", dated the 25th February, 1911

GOVERNMENT NOTICE NO. 353 OF 1911

The subjoined Bill, "To Consolidate and Amend the Laws in force in the various Provinces of the Union relating to Restrictions upon Immigration thereto, to provide for the Establishment of an Union Immigration Department and to regulate Immigration into the Union or any Province thereof", is hereby published for general information.

W. E. BOK,

SECRETARY TO THE PRIME MINISTER

PRIME MINISTER'S OFFICE,  
CAPE TOWN, 24TH FEBRUARY, 1911

BILL

TO

Consolidate and Amend the Laws in force in the various Provinces of the Union relating to Restrictions upon Immigration thereto, to provide for the Establishment of an Union Immigration Department and to regulate Immigration into the Union or any Province thereof.

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*To be introduced by The Minister of the Interior*

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Be it enacted by the King's Most Excellent Majesty, the Senate, and the House of Assembly of the Union of South Africa as follows:

PRELIMINARY

1. The laws mentioned in the First Schedule to this Act shall be and are hereby repealed to the extent set out in the fourth column of that Schedule, together with so much of any other law as may be repugnant to or inconsistent with the provisions of this Act.

2. In this Act, and in the regulations made thereunder, unless inconsistent with the context

"department" shall mean the Immigration Department established under this Act;

"immigration officer" shall mean the chief immigration officer or any other officer of the department, or any other person, whether an officer of the

- department or not, on whom powers have been conferred or to whom duties have been assigned by the Minister as to the carrying out of this Act or the regulations;
- “magistrate” shall mean a chief magistrate or a resident or assistant resident magistrate;
- “master”, in relation to a ship, shall mean any person (other than a pilot) for the time being in charge or command of any ship;
- “Minister” shall mean the Minister of the Interior, or any other Minister to whom the Governor-General may assign the administration of this Act;
- “owner”, in relation to a ship, shall, in addition to the actual owner, include the charterer of the ship, or any agent within the Union of the owner or charterer;
- “police officer” shall mean any member of a police force established in the Union under the authority of law;
- “port” or “port of entry” shall mean.
- (a) any place on the coast of the Union; or
- (b) any railway station or place within the Union at or near any border thereof, at which entry into the Union can be effected;
- “regulation” shall mean a regulation made and in force under this Act;
- “ship” shall include any vessel or boat of any kind whatsoever used in navigation, whether propelled by sails, steam power, or other mechanical means, or by towing or oars or in any other manner whatever.

#### THE IMMIGRATION DEPARTMENT

3.(1) The Governor-General may establish and, out of moneys voted by Parliament for the purpose, maintain a department to be known as the Immigration Department, which shall be under the control of the Minister.

(2) The function of the department shall be the performance of all work, whether within or outside the Union, necessary for or incidental to the prevention of the entrance of prohibited immigrants into the Union, or the entrance of persons into any Province wherein their residence is unlawful, or necessary for or incidental to their removal from the Union or any such Province. The department shall further carry out any other powers and duties specially conferred or imposed upon it by this Act or by regulation.

#### CHAPTER I

##### *Prohibited Immigration*

4. The entry into the Union by land or sea of any such person as is described in this section (in this Act and the regulations referred to as a “prohibited immigrant”) is forbidden, namely,

- (a) any person who, when an immigration officer dictates to him not less than fifty words in the language selected by such an officer, fails to write out those words in that language to the satisfaction of that officer;

- (b) any person who is likely, if he entered the Union, to become a public charge, by reason of infirmity of mind or body, or because he is not in possession for his own use of sufficient means to support himself and his dependents;
- (c) any person who, from information received from any Government (whether British or foreign) through official or diplomatic channels, is deemed by the Minister to be an undesirable inhabitant of or visitor to the Union;
- (d) any prostitute, or any person, male or female, who lives on or knowingly receives any part of the earnings of prostitution or who procures women for immoral purposes;
- (e) any person who has been convicted in any country of any of the following offences (unless he has received a free pardon therefor), namely, murder, rape, arson, theft, receiving stolen goods knowing the same to have been stolen, fraud, forgery or uttering forged documents knowing the same to have been forged, counterfeiting coin or uttering coin knowing the same to be counterfeit, house-breaking with intent to commit an offence burglary, robbery with violence, threats by letter or otherwise with intent to extort, or of any attempt to commit any such offence, and by reason of the circumstances connected with the offence, is deemed by the Minister to be an undesirable inhabitant of or visitor to the Union;
- (f) any idiot or epileptic, or any person who is insane or mentally deficient, or any person who is deaf and dumb, or deaf and blind, or dumb and blind, or otherwise physically afflicted, unless in any such case he or a person accompanying him or some other person give security to the satisfaction of the Minister for his permanent support in the Union, or for his removal therefrom whenever required by the Minister;
- (g) any person who is afflicted with leprosy or with any such infectious, contagious or loathsome or other disease, as is defined by regulation, or who is of a low or degenerate type of the human species.

#### PERSONS NOT PROHIBITED

5. The following persons or classes of persons shall not be prohibited immigrants for the purposes of this Act, namely,

- (a) any member of His Majesty's Regular Naval or Military Forces;
- (b) the officers and crew of a public ship of any foreign State;
- (c) any person who is duly accredited to the Union by or under the authority of His Majesty or the Government of any foreign State, or the wife, family, staff or servants of any such person;
- (d) any person who enters the Union, under such conditions as may be prescribed from time to time in accordance with any law or under any

convention with the Government of a neighbouring territory or state and who is not such a person as is described in paragraph (b), (c), (d), (e), (f), or (g) of the last preceding section.

#### OFFENCES AND PENALTIES

6.(1) Every prohibited immigrant who, after the commencement of this Act, enters or is found within the Union, shall be guilty of an offence and liable on conviction

- (a) to imprisonment with or without hard labour for a period not exceeding three months without the option of a fine; and
- (b) to be removed at any time by the Minister's warrant from the Union.

(2) Pending the removal, the prohibited immigrant may be detained in such custody as may be prescribed by regulation.

(3) The prohibited immigrant may be discharged from the imprisonment or custody aforesaid if security be given to the satisfaction of the Minister that the prohibited immigrant will within one month leave the Union, and not return thereto.

(4) Every such sentence of imprisonment shall terminate as soon as the prohibited immigrant is removed from the Union.

(5) Every officer in charge of a prison or gaol shall, if the warrant of removal be produced to him, deliver the prisoner named therein to any police officer or immigration officer, and the prisoner shall be deemed to be in lawful custody so long as he is in the custody of any such police officer or immigration officer, or of any police officer or immigration officer for the time being in possession of the warrant.

#### PROVINCIAL RESTRICTION

7. The provisions of the last preceding section shall apply *mutatis mutandis* in respect of every person who, though domiciled in any Province, enters or is found in any other Province in which, according to the provisions of any law in force at or immediately prior to the commencement of this Act, he has unlawfully entered or has been found to be residing unlawfully, and any such person shall, in respect of the said other Province, be liable to be dealt with as in the last preceding section is described and removed to the Province wherein he is domiciled. For the purposes of this Act every such person shall be a prohibited immigrant in respect of the said other Province.

#### TRADING LICENCES

8.(1) No prohibited immigrant shall be entitled to obtain a licence to carry on any trade or calling in the Union or (as the case may be) in any Province wherein his residence is unlawful or to acquire therein any interest in land, whether leasehold or freehold.

(2) Any such licence (if obtained by a prohibited immigrant) or any contract, deed or other document by which any such interest in land is acquired in contravention of this section, shall, on conviction of the prohibited immigrant as such, be null and void.



## ARRESTS

9.(1) Every person who is suspected on reasonable grounds of being a prohibited immigrant may be arrested without warrant by an immigration officer or police officer, and shall be brought as soon as possible before a court of resident magistrate to be dealt with according to law.

(2) Any magistrate may, if information on oath be laid before him that there is upon any premises a named or described person reasonably suspected of being a prohibited immigrant issue a warrant empowering a police officer of or above the rank of sergeant to enter those premises and search for the person named or described in that warrant, and arrest him.

## PLEA OF IGNORANCE

10. No prohibited immigrant shall be exempt from the provisions of this Act or the regulations, or be allowed to remain in the Union, or in any Province wherein his residence is unlawful, by reason only that he had not been informed that he could not enter the Union or (as the case may be) that Province, or that he had been allowed to enter through oversight, misrepresentation, or owing to the fact having been undiscovered that he was such a prohibited immigrant.

## CHAPTER II

### *Special Powers for preventing entry of and dealing with Prohibited Immigrants at Ports of Entry*

11.(1) Any immigration officer may, as and when he deems fit, board any ship which is entering or has entered a port.

(2) Any immigration officer may, whenever it is necessary for the more effectual carrying out of this Act or the regulations, prohibit or regulate any communication with, or landing on the shore from, any ship on which the immigration officer is proceeding with the examination of persons or which has on board or is suspected of having on board any prohibited immigrant, and the immigration officer may take such steps to carry out any such prohibition or regulation as the Minister may approve.

(3) Any immigration officer may order the master of any ship to moor or anchor the ship at such distance from the shore or landing place or in such position as the immigration officer may consider expedient for enabling the provisions of this Act or the regulations to be carried out effectually.

## DUTIES OF SHIPS' CAPTAINS

12. It shall be the duty of the master of any ship which enters any port to deliver to an immigration officer upon demand

- (a) a list of all passengers on board the ship, classified according to their respective ports of destination and specifying the class which each such passenger has voyaged and such further particulars as may be prescribed by regulation;

- (b) a list of stowaways, if any have been discovered;
- (e) a list of the crew and all persons (other than passengers or stowaways) employed or carried on the ship in any capacity by or on behalf of the owner;
- (d) a certificate under the hand of the medical officer (if any) of the ship or, if there be no medical officer, under his own hand, stating any known cases of disease whether infectious or otherwise which have occurred upon the voyage or any known cases of physical or mental, infirmity or affliction, the names of the persons who have suffered or are suffering therefrom and the nature in each case of the disease, infirmity or affliction.

#### PLACE OF DETENTION

13.(1) If it appear to an immigration officer (whether upon the representation of the master or otherwise) that any person prohibited from landing ought, for the better carrying out of the objects and purposes of this Act, to be kept elsewhere than on the ship which conveyed him, the immigration officer may cause him to be removed in, custody from the ship and to be detained in any other place, whether afloat or on shore, which may be appointed by the Minister for the detention of prohibited immigrants.

(2) Every such person shall, while detained, whether on board the ship or at any such other place aforesaid, be deemed to be in the custody of the master and not of the immigration officer, and the master shall further be liable to pay the cost of the landing; removal, detention, maintenance, and control of any such person while so detained.

(3) As soon as the ship is about to sail (due notice whereof shall be given by the master to the immigration officer) any prohibited immigrant removed under this section from the ship shall, if the immigration officer so require, be placed thereon again.

(4) The immigration officer may, prior to the said person being landed, require the master or the owner of the ship to deposit a sum sufficient to cover any expense that may be incurred by the department in connection with the landing, removal, detention, maintenance and control aforesaid.

(5) If for any reason any such prohibited immigrant be not placed again on the ship, in accordance with sub-section (3), the owner shall, without payment by the Government, provide, at the request of the immigration officer, a passage with proper food and accommodation, in another ship, for the prohibited immigrant to the place at which he originally embarked.

(6) Any such person who escapes or attempts to escape from detention, while being dealt with under the powers of this section, may be arrested without warrant, and shall, in addition to any other offence which he may have committed under this Act, be deemed to have committed an offence in respect of the escape or attempt to escape.

#### FORFEITS

14.(1) If after a ship has arrived at any port, any prohibited immigrant lands from the ship at that port without proper authority, the master or the owner shall forfeit a sum to be fixed by the Minister but not exceeding one hundred pounds in respect of every such prohibited immigrant.

(2) Until the sum so fixed has been paid and until the owner or the master has, to the satisfaction of the immigration officer, provided for the removal from the Union of every such prohibited immigrant, no clearance papers shall be given to the master or to the owner.

(3) The ship may be declared executable by order of a Superior Court to satisfy any forfeiture incurred under this section.

#### MEMBERS OF THE CREW

15.(1) On or after the arrival and again before the sailing of a ship at any port, an immigration officer may require the master to muster his crew and may serve upon him a list of such of the crew as are prohibited immigrants.

(2) If any of the crew, being prohibited immigrants, do not answer to the names at the later muster, the master or the owner of the ship may be required before the ship sails to deposit with the immigration officer a sum of twenty pounds in respect of each such person so missing.

(3) Any such sum shall be forfeited to the Government unless the master or owner prove to the satisfaction of the chief immigration officer, within six months thereafter, that the person in respect of whom the sum was deposited is no longer in the Union.

(4) Until any sum required under this section is deposited no clearance papers shall be given to the master or owner.

(5) The ship may be declared executable by order of a Superior Court to satisfy any forfeiture incurred under this section.

#### AN AGREEMENT

16. For the purpose of facilitating the clearance of ships habitually calling at the various ports, the Minister may, in his discretion, enter into a bond or agreement with the owner whereby the owner undertakes that he or the masters of ships belonging to him and so calling at ports will carry out so much of the provisions of the last two preceding sections as relate to the owner or the master, and thereupon the provisions of the said bond or agreement shall be substituted for those sections so far as they relate to the payment or deposit of moneys by the master or the owner.

#### CLEARANCE PAPERS

17. A port captain or harbour master shall not permit a ship to leave port or to go to any outer harbour or anchorage unless clearance papers be produced to him.

### CHAPTER III

#### *General and Miscellaneous*

18. An immigration officer may require any person entering the Union to make a declaration in the form prescribed by regulation that he, or any person accompanying him, is not a prohibited immigrant and to state in the declaration such further particulars as may be prescribed by regulation, and may require him to fill in and complete in every respect that form and to produce, in support of the declaration, documentary or other evidence.

Every such declaration shall be exempt from any stamp duty ordinarily imposed by law on affidavits and solemn declarations, anything to the contrary notwithstanding in any law in force in the Union relating to stamp duty.

Any person who fails on demand to comply with any provision of this section or who declares upon the form anything as a fact or produces or gives such evidence as aforesaid, which he knows to be false, shall be guilty of an offence.

#### PERSONAL EXAMINATION

19.(1) Every person entering the Union shall, if required, appear before an immigration officer and furnish such information as is prescribed by this Act or the regulations relative to his claim to enter the Union.

(2) Every person entering the Union who is on reasonable grounds suspected of being afflicted with any disease or physical or mental infirmity which would under this Act or the regulations render him a prohibited immigrant shall, if required by an immigration officer, submit himself to examination by a medical practitioner appointed by the Minister for the purpose.

#### AIDING AND ABETTING

20. Any person, who

- (a) aids or abets any person in entering or remaining within the Union or any Province in contravention of this Act or the regulations, knowing that person to be prohibited from so entering or remaining;
- (b) aids or abets a person ordered to be removed from the Union or any Province in evading the order, or harbours any such person knowing him to be the subject of any such order;
- (c) for the purpose of entering the Union, or any province wherein his residence is unlawful, or of assisting the entrance of any other person, in contravention of this Act or the regulations, commits any fraudulent act or makes any false representation by conduct, statement or otherwise,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months, or to such imprisonment without the option of a fine.

## IMMORAL AND OTHER OFFENCES

### 21. Any person, who

- (a) has been convicted, whether before or after the commencement of this Act, of a contravention of any of the provisions enumerated in the Second Schedule thereto, or of any amendment of those provisions;
- (b) having been removed at the expense, either whole or partial, of any Government from the Union or any part thereof now included in the Union, or being the subject of an order under any law to leave the Union or any part thereof now added in the Union, returns thereto without lawful authority, or has failed to comply with the terms of any such order;
- (c) having been refused by an immigration officer permission to enter the Union or any Province, has entered the Union or that Province;
- (d) admits to an immigration officer in a written document that he is a prohibited immigrant either in the Union or in any Province,

may, if not already under detention, be arrested without warrant and removed from the Union or (as the case may be) from the Province, by the Minister's warrant and, pending removal may be detained in such custody as may be prescribed by regulation.

## DEPORTATION

22. Any person (not being a natural born British subject, or a person naturalized in any part of His Majesty's dominion), who, whether before or after the commencement of this Act, if serving a sentence of imprisonment for any of the offences mentioned in paragraph (e) of section *four* and who by reason of the circumstances connected with the offence is deemed by the Minister to be an undesirable inhabitant of the Union, may, during or at the expiration of his sentence, be removed from the Union by the Minister's warrant, and, pending removal, may be detained in such custody as may be prescribed by regulation. The provisions of sub-section (4) and (5) of section *six* shall be deemed to be incorporated *mutatis mutandis* in this section.

## THE BURDEN OF PROVING

23.(1) The burden of proving that a person has not entered or remained in the Union or any Provinces in contravention of this Act or any regulation shall, in any prosecution for or in respect of such a contravention, lie upon the accused person.

(2) Any order, warrant, or other document, which under this Act or the regulations may be issued by the Minister, shall be good and effectual if signed by any officer in the public service authorized by the Minister by notice in the *Gazette* to sign such an order, warrant, or other document, and when so signed shall be evidence in all courts of law and for other purposes that it was issued in accordance with the provisions of this Act or the regulations.

#### MAGISTRATES' POWERS

24. A court of resident magistrate shall have special jurisdiction to impose the maximum penalties provided for a contravention of this Act or the regulations, anything to the contrary notwithstanding in any law relating to courts of resident magistrate.

#### TEMPORARY PERMITS

25.(1) Anything to the contrary notwithstanding in this Act contained, the Minister may in his discretion issue a temporary permit to any prohibited immigrant to enter and reside in the Union or any particular Province upon such conditions as to period of residence or otherwise as the Minister may in the permit specify.

(2) The Minister may also in his discretion issue a permit to any person who at the commencement of this Act is lawfully resident in the Union or any Province and who, desiring to proceed thereout with the intention of returning thereto, is for any reason apprehensive that he will be unable to prove on his return that he is not a prohibited immigrant. The permit in this sub-section mentioned shall expressly authorise the person named therein to return to the Union or the particular Province (as the case may be), but before issuing the permit the Minister shall require such proof of the said person's identity and such means of identification to be furnished as may be prescribed by regulation.

#### AUTHORITY TO MAKE REGULATIONS

26.(1) The Governor-General may make regulations, not inconsistent with this Act, prescribing

- (a) the duties of immigration officer;
- (b) the steps to be taken to prevent the entrance of prohibited immigrants into the Union or the entrance of persons into any Province in which their residence is unlawful;
- (c) the times, places, and conduct of the enquiry or the examination, medical or otherwise, of persons entering or desiring to enter the Union or any Province or who, being found in the Union or any Province, are suspected of being prohibited immigrants or unlawfully resident therein;
- (d) the procedure for, and the manner of, the detention of prohibited immigrants and unlawful residents pending their removal from the Union or any Province, and the procedure necessary for and the manner of any such removal;
- (e) lists of infectious, contagious, loathsome or other diseases, the affliction with which will render a person a prohibited immigrant;
- (f) the issue of permits described in the last preceding section, the conditions upon which any such permit may be issued, the fees which may be charged therefor, and the amount and the nature of the

- security to be found for the due carrying out of any such conditions;
- (g) the conditions under which prohibited immigrants may be allowed to pass through the Union while journeying or being conveyed to a place outside the Union or from one Province to another within the Union;
- (h) the forms of warrants, permits, certificates, declarations, books, or other documents to be used, or to be made or kept, for the purposes of this Act or the regulations, and the particulars to be inserted on or in any such document;

and generally for the better carrying out of the objects and purposes of this Act.

(2) The regulations may provide penalties for the contravention thereof or failure to comply therewith, not exceeding the penalties mentioned in the next succeeding section.

#### PENALTIES

27. Any person, who—

- (a) for the purpose of entering the Union or any particular Province, or of remaining there in contravention of this Act or any other law, or assisting any other person so to enter or so to remain, fabricates or falsifies any permit or other document or utters, uses or attempts to use any permit or other document which has not been issued by lawful authority or which though issued by lawful authority, he is not entitled to use or any fabricated or falsified permit or other document knowing it to have been falsified; or
- (b) fails to comply with or contravenes the conditions under which any permit or other document has been issued to him under this Act or the regulations; or
- (c) obstructs, hinders, or opposes an immigration officer or police officer in the execution of his duty under this Act or the regulations; or
- (d) contravenes or fails to comply with any provision of this Act or the regulations for the contravention whereof or failure to comply wherewith no penalty is specially provided;

shall be liable on conviction to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months, and, in the case of a contravention of paragraph (a) or (b) of this section, to such imprisonment without the option of a fine.

#### TITLE OF THE ACT

28. This Act may be cited for all purposes as the Immigrants' Restriction Act, 1911, and shall commence and come into operation on the first day of 1911.

*FIRST SCHEDULE*

*LAWS REPEALED*

Province	No. and Year of Law	Title or Subject of Law	Extent of Repeal
Cape of Good Hope	Act No. 30 of 1906	The Immigration Act, 1906	The whole
Natal	Act No. 30 of 1903	The Immigration Restriction Act, 1903	The whole
„	Act No. 3 of 1906	To Amend the Immigration Act, 1903	The whole
Transvaal	Act No. 2 of 1907	The Asiatic Law Amendment Act, 1907	The whole, except so far as it is applicable to the registration of minors lawfully resident in the Transvaal
”	Act No. 15 of 1907	The Immigrants' Restriction Act, 1907	The whole
”	Act No. 38 of 1908	The Immigrants' Restriction Amendment Act, 1908	The whole
Orange Free State	Law No. 18 of 1899	The admission and expulsion of aliens to and from the Orange Free State	The whole
	Ordinance No. 25 of 1902	The Indemnity and Peace Preservation Ordinance, 1902	Sections <i>nineteen</i> to <i>twenty-four</i> , inclusive



SECOND SCHEDULE

*PROVISIONS REFERRED TO IN PARAGRAPH (a) OF SECTION TWENTY-ONE*

Province	No. and Year of Law	Title or Subject of Law	Section Contravened
Cape of Good Hope	Act No. 36 of 1902	The Betting Houses, Gaming and Brothels	Sections <i>twenty-two</i> , <i>thirty-one</i> <i>thirty-two</i> and <i>thirty-three</i>
Natal	Act No. 31 of 1903	The Criminal Law Amendment Act, 1903	Sections <i>three</i> , <i>thirteen</i> , <i>fourteen</i> and <i>fifteen</i>
Transvaal	Ordinance No. 46 of 1903	The Immorality Ordinance, 1903	Sections <i>three</i> , <i>thirteen</i> , <i>fourteen</i> and <i>twenty-one</i>
"	Act No. 16 of 1908	The Criminal Law Amendment Act,	Section <i>four</i> and Section <i>five</i> , paragraph (a)
Orange Free State	Ordinance No. 11 of 1903	The Suppression of Brothels and Immorality Ordinance, 1903, as amended by Ordinance No. 19 of 1908	Sections <i>two</i> , <i>eleven</i> , <i>twelve</i> and <i>thirteen</i>

*Indian Opinion* 4-3-1911

APPENDIX VI

*CAPE PETITION TO PARLIAMENT<sup>1</sup>*

CAPE TOWN,  
*March 15, 1911*

1. At a public meeting of British Indians held on the 12th instant under the auspices of, the above Association, a resolution was unanimously passed directing your Petitioners to petition this Honourable House on the subject of the Immigrants' Restriction Bill, 1911, at present before it.

2. Much as your Petitioners regret that the existing restrictions upon the free movements between the Provinces of British Indians lawfully domiciled within the Union are to be maintained, they recognise that they cannot reasonably close their eyes to the popular prejudices that unhappily exist against their class and consequently they accept this decision of the Government, fervently hoping that a better understanding of them will at some future date lead to a removal of the restrictions.

3. Your Petitioners earnestly desire however to bring to the notice of the Honourable House the many respects in which their position as lawfully-domiciled residents of this Province will be altered for the worse:

(a) Instead of their education test being, as it is under the existing laws of the Province, one in an European language selected by the would-be immigrant, the choice of the language is to be absolutely with the Immigration Officer.

(b) The Immigration Officer is to be invested with other powers so absolute as your Petitioners submit may possibly lead to serious cases of hardship.

(c) The wives and minor children of lawfully-domiciled residents are not protected from the danger of exclusion as prohibited immigrants.

(d) British Indians born in the Province and others lawfully-domiciled therein who are temporarily abroad upon their return are liable to be called upon to pass the education test and to be excluded in the possible event of their failing.

(e) British Indians domiciled within the Province who desire to absent themselves temporarily may be refused permits such as are now

<sup>1</sup> This petition to the Legislative Assembly was presented to Parliament, signed by Messrs Adam H. Gool Mahomed, Shamsudin Casimali and Abdul Hamid Gool, M.B., in their capacities as Chairman and Joint Honorary Secretaries, respectively, of the Cape British Indian Union.

granted them and thus either be prevented from attending to matters of importance abroad or have to face the danger of rejection upon their return. Your Petitioners humbly submit that certificates of domicile should be granted to all applicants for them who shall prove residence in the Province for a period to be specified.

(f) No right of appeal to the Courts of Law of the Union against the decision, however arbitrary, of the Immigration Officer, is provided for in the Bill under consideration.

4. Your Petitioners therefore humbly pray that this Honourable House will amend the Bill in terms of the above suggestions humbly and respectfully submitted and thereby preserve the rights hitherto enjoyed by them under the Laws of the Union and the Province, or grant such other relief as to this Honourable House may seem meet.

*Indian Opinion, 25-3-1911*

#### APPENDIX VII

##### *LANE'S LETTER TO GANDHIJI*

*March 16, 1911*

DEAR MR. GANDHI,

With reference to my telegram of the 4th instant, it was not meant to convey to you the idea that Chapter XXXIII of the Orange Free State Laws would be cancelled. No provision was made for this in the Schedule and it was never the intention of the Government to repeal the Chapter.

An amendment will be moved which will, in effect, exempt the educated Indian immigrants from registration under the Transvaal Act No. 36 of 1908. They will thus have full power to reside and to travel in Cape Colony, Natal and the Transvaal, but will not be able to reside in the Orange Free State without complying with the provisions of the local law.

With regard to the second point you raised, I regret to say that the difficulty is not appreciated by the department and perhaps you will be good enough to give a more detailed expression of your views, when the matter will be again considered.

*Indian Opinion, 25-3-1911*

APPENDIX VIII

TELEGRAM TO GANDHIJI FROM PRIVATE SECRETARY TO  
MINISTER OF INTERIOR

*March 24, 1911*

YOUR LETTER OF 20TH AND TELEGRAM OF 22ND MARCH RECEIVED. IN REPLY I AM DIRECTED TO INFORM YOU THAT THERE SEEMS TO BE A WRONG IMPRESSION REGARDING MATTER MENTIONED BY YOU. THERE WILL BE NO COLOUR OR RACIAL BAR OF ANY KIND WHATSOEVER AT EARING IN IMMIGRATION BILL OR ANY AMENDMENT WHICH GOVT. INTEND TO MOVE YOU HAVE REPEATEDLY STATED THAT INDIAN COMMUNITY DESIRE AS A FINAL SETTLEMENT OF THE ASIATIC QUESTION ONE REPEAL ACT 2 OF 1907 TWO EDUCATION TEST FOR ALL UNDER A NEW IMMIGRATION ACT AND DIFFERENTIAL ADMINISTRATION. NOT ONLY DOES GENL. SMUTS CONCEDE THESE POINTS BUT HE GOES FURTHER AND PROPOSES TO EXEMPT EDUCATED INDIANS ADMITTED UNDER NEW ACT FROM REGISTRATION IN TRANSVAAL WHERE THE TROUBLE HAS ARISEN. HE WILL ALSO MOVE AMENDMENTS IN REGARD TO RIGHTS OF DOMICILED OR LAWFULLY RESIDENT PERSONS WIVES AND MINORS WHICH WILL LEAVE THE RIGHTS OF ASIATICS IN NATAL AND CAPE AS THEY ARE TODAY. YOU ARE THEREFORE WRONG IN THINKING THAT THE POSITION OF ASIATICS IS MADE WORSE UNDER THE PROPOSED BILL. THEIR EXISTING RIGHTS WILL BE MAINTAINED EVERYWHERE AND NO STATUTORY DIFFERENTIATION WILL BE MADE. IN REGARD TO YOUR CONTENTION CONCERNING THE ORANGE FREE STATE GENERAL SMUTS HAS NOTHING TO SAY AND PROPOSES LEAVING THE SITUATION AS IT EXISTS UNDER THE PRESENT LAW OF THE PROVINCE. GENL. SMUTS ASKS ME TO SAY IN CONCLUSION THAT IN ACCORDANCE WITH THE STATEMENT IN THE FIRST PARAGRAPH OF YOUR LETTER OF 4TH INST. HE HOPES YOU WILL DO YOUR BEST TO SEIZE THE OPPORTUNITY THAT NOW OFFERS OF BRINGING THE STRUGGLE TO A CLOSE AND WILL NOT RISK A CONTINUATION OF THE PRESENT UNSATISFACTORY POSITION BY THE ABSOLUTELY NEW CONTENTION REGARDING THE O. F. S. SUCH AN ATTITUDE ON YOUR PART WILL HE FEARS EXASPERATE THE EUROPEAN COMMUNITY AND COMPLICATE THE POSITION STILL FURTHER.

From a photostat of the original: S.N. 5350

APPENDIX IX

(i)

*GENERAL SMUTS' TELEGRAM TO HOSKEN*

CAPE TOWN,  
*March 24, 1911*

I HAVE RECEIVED YOUR TELEGRAM. I VERY MUCH REGRET YOUR ATTITUDE. THE INDIAN COMMUNITY HAVE NEVER SO MUCH AS EVEN ASKED THAT EDUCATED INDIAN IMMIGRANTS SHOULD BE EXEMPT FROM THE REGISTRATION LAWS OR SPECIAL LAWS OF THE PROVINCES. ALL THEY HAVE ASKED IS PERMANENT RESIDENTIAL RIGHTS AS OPPOSED TO MERELY TEMPORARY PERMITS. I NOW ENTIRELY OUT OF MY OWN MOTION PROPOSE TO EXEMPT THEM FROM REGISTRATION UNDER THE TRANSVAAL ACT AND AT ONCE IT IS DEMANDED THAT I SHOULD ALSO EXEMPT THEM FROM THE O. F. S. LAW ON PAIN OF THE PASSIVE RESISTANCE MOVEMENT BEING CONTINUED. YOU NOW INFORM ME THAT THIS NEW DEPARTURE MEETS WITH YOUR APPROVAL. I CAN ONLY EXPRESS MY REGRET AT YOUR ACTION WHICH I FEEL IS ILL CONSIDERED AND MISCHIEVOUS. IT IS NOT YOU WHO WILL SUFFER IN THE END BUT THE INDIAN COMMUNITY AGAINST WHOM THE WHITE POPULATION IS BECOMING DAILY MORE EXASPERATED AND DEMANDING EVEN MORE STRINGENT LEGISLATION. A GOLDEN CHANCE FOR A FINAL SETTLEMENT IS NOW TO BE THROWN AWAY BECAUSE OF THE ABSOLUTELY NEW CONTENTION THAT EDUCATED ASIATICS MUST ALSO BE ADMITTED NOT ONLY INTO THE TRANSVAAL BUT THE O. F. S. AS WELL.

From a photostat of the original: S.N. 5353

(ii)

*HOSKEN'S TELEGRAM TO GENERAL SMUTS*

INDIAN COMMUNITY HAS ALWAYS STOOD FOR THESE RIGHTS FOR PERMITTED EDUCATED INDIANS. SEE MR. GANDHI'S LETTER IN LORD CREWE'S DESPATCH. INDIANS HAVE ASKED NOT SO MUCH FOR PERMANENT RESIDENTIAL RIGHTS EDUCATED ASIATICS AS FOR REMOVAL OF COLOUR BAR REGARDING FREE STATE WE ONLY CLAIM FULFILMENT POSITIVE COMMITMENT BY PRIME MINISTER IN [HIS] DESPATCH 20TH DECEMBER. IS THAT PROMISE NOT STILL BINDING? ON SECOND READING, DID YOU NOT MAKE SAME PRONOUNCEMENT? AS QUESTION PRACTICAL POLITICS, PROBABLY NOT ONE INDIAN WILL ATTEMPT TO ENTER FREE STATE, BUT INDIAN COMMUNITY CANNOT ACCEPT COLOUR DISABILITY. I AM MOST ANXIOUS PROMOTE PEACEFUL

SETTLEMENT IN INTERESTS SOUTH AFRICA AND EMPIRE.

From a photostat of the typescript: S.N. 5357

APPENDIX X

*LANE'S LETTER TO GANDHIJI*

CAPE TOWN,  
*April 11, 1911*

DEAR MR. GANDHI,

With reference to your visit here this afternoon, regarding the Immigration Bill, I regret to inform you that at the present time General Smuts is not in a position to be able to give you any information as to be the bill or to any modification that may be made to it before it is again brought before Parliament. The whole matter is still under consideration and is likely to be so until towards the end of the week. Under these circumstances I am afraid that we cannot give you any outline which you could use in your cable, and I can only suggest your cabling that your are in touch with the department and that when they are able to communicate anything definite you will again cable to India.

*Believe me,  
Yours faithfully,*  
EARNEST F. C. LANE

M. K. GANDHI, ESQ.  
CAPE TOWN

From a photostat of the original: S. N. 5451

APPENDIX XI

*LANE'S LETTER TO GANDHIJI*

CAPE TOWN,  
*April 21, 1911*

DEAR MR. GANDHI,

I am in receipt of your letters of the 19th and 20th April, in regard to the draft Immigration Bill, and have submitted them both to the Minister.

General Smuts has asked me to say to you that he regrets that, in view of the probable prorogation of Parliament early next week, it will not be possible for the Government to proceed with Immigration legislation in any form this session.

The Government are keenly desirous of arriving at a solution of this vexed question and in the recess they will go into the matter again and see what can be done to secure a settlement.

In the meantime, General Smuts feels that the passive resistance movement, which has caused and still continues to cause considerable suffering, might now well

be brought to a close. Its continuance only tends unnecessarily to complicate the situation, and when the Government are endeavouring to fix a satisfactory solution of the question of Indian immigration the Indian community should not embarrass matter by maintaining their campaign.

General Smuts notes that Mrs. Sodha's appeal comes up at Bloemfontein on Saturday next, and requests me to say that your representations on her behalf are receiving his favourable consideration.

*Yours sincerely,*

ERNEST F. C. LANE

PRIVATE SECRETARY TO  
MINISTER OF THE INTERIOR

M. K. GANDHI, ESQ.  
CAPE TOWN

From a photostat of the original: S. N. 5491; also *Indian Opinion*, 29-4-1911

## APPENDIX XII

### *UNION GOVERNMENT'S REASONS FOR DROPPING IMMIGRANTS' RESTRICTION BILL (1911)*

#### A

#### *PARAPHRASE OF GLADSTONE'S TELEGRAM TO HARCOURT*

*PRIVATE AND PERSONAL*  
*URGENT*

*APRIL 12, 1911*

Immigration Bill. J. C. Smuts tells me this morning that Gandhi says that passive resistance in Transvaal must continue if selected immigrants are not admitted into Orange Free State. He wants J. C. Smuts to drop the Bill and substitute another applying immigration proposals to Transvaal only. He says exclusion by Orange Free State is absolutely inadmissible and that in addition the Bill causes new and serious trouble in Cape of Good Hope and Natal.

J. C. Smuts says that he cannot shake Orange Free State members who are now backed by a resolution of the Provincial Council. He says a new Bill in the last days of the session is impossible and that in any case it is impossible to differentiate Transvaal from Union and to set up new immigration machinery along its borders.

In these circumstances J. C. Smuts thinks best course is to drop the Bill and endeavour to bring in a more acceptable measure next year. He thinks passive resistance is almost at an end and that he could arrange a truce with Gandhi till fresh Bill was introduced. At the same time he feels bound to proceed if you insist but he thinks Indian Government dislike present Bill so much that are not likely to object to the course which he proposes. But he would like to [have?] your views.

I greatly regret delay involved but I cannot see any alternative course open to less objection.

GLADSTONE

Colonial Office Records: C. O. 551/10

B

*PARAPHRASE OF HARCOURT'S REPLY*

Reference your private and personal telegram of April 12th Indian Government are being consulted and I am anxious to learn their opinion before expressing my views.

J. C. Smuts is, I presume, satisfied that he prevent a renewal of agitation by Gandhi and that there is no likelihood of his action in dropping the Bill in deference to Gandhi's opposition leading to greater trouble in the future by enhancing Gandhi's prestige and his belief that he can dictate terms to the Union Government. Is J. C. Smuts in a position to foresee that he could next year introduce a Bill which would be more acceptable to Gandhi, as regards the two matters now objected to, than the present one? Please let me know by what date you must receive an expression of my views.

HARCOURT

Colonial Office Records: C. O. 551/10

C

*BOTHA'S MINUTE FOR IMPERIAL GOVERNMENT*

. . . <sup>1</sup> Ministers had framed a measure which, while subjecting all immigrants to an equal statutory test, gave large powers to the Immigration Officers similar to those existing in Australia at the present time, under which all but a few selected Asiatics—principally professional men—could be excluded from the Union. A difficulty then arose in regard to the right of such Asiatics to enter the Orange Free State after landing in the Union, and unanimous objection was made by all members of Parliament representing Orange Free State constituencies to any educated Indians being allowed to enter that Province. A strong resolution protesting against any modification of the Orange Free State laws regarding Asiatics was also passed by the Orange Free State Provincial Council.

The Indian community, on the other hand, stated that they accepted the draft law as it stood, but that they would be compelled to continue their agitation in order to secure that all educated Asiatics admitted in terms thereof should enjoy the same freedom in the Orange Free State as was contemplated that they should enjoy in all other Provinces of the Union.

Ministers felt that as an alternative a Bill which referred only to the Transvaal might be passed, but constitutional questions arose, and when it was, moreover, seen

<sup>1</sup> The preceding paragraphs of this minute are not available.



that the main object of the Bill, namely, a settlement of the Indian immigration question, would not be achieved, Ministers considered that the only course was to drop the matter for the present and to endeavour during the recess to devise some solution which would prove of a durable nature.

Ministers accordingly informed the leaders of the Indian community of the position of affairs, and have some reason for hoping that the passive resistance movement will be temporarily suspended pending the introduction of Immigration legislation during the next session of Parliament.

Ministers desire to inform His Excellency, in conclusion, that it is with great regret that they have been obliged to postpone the matter; but in view of the objections to the proposed law which reached the Government from many quarters, they felt that further consideration was essential, so that a settlement agreeable to all parties might be arrived at.

LOUIS BOTHA

Cd. 6283

D

*SMUTS' SPEECH IN UNION PARLIAMENT*

General Smuts said that before the Speaker left the chair he would like to say a few words. He was sorry that this Bill, which was one of the most important and one of the most valuable that had come before the House this session, would not be put on the Statute-book; but hon. members would see that, owing to so much time having been taken up with other very important and necessary legislation, it would not be possible for them to go on with the Bill, and the matter of immigration would have to stand over to be dealt with by legislation next year. When he introduced the second reading of this Bill he stated that the Government had two objects in view. The first was to secure uniformity in regard to the immigration laws of South Africa, and the second was to effect some settlement of the Indian question, which had been one of considerable anxiety and difficulty for some years past, and he laid on the table the correspondence which had passed between the British Government and the Union Government, in reference to the possibility of an early solution of those difficulties. Although it was not possible to pass this Bill into law this session, and to carry into effect the solution which was practically agreed upon between the British Government and the Union Government, he was fairly hopeful, even apart from this legislation, of putting a stop to passive resistance for the following twelve months, and of securing some peace on this question in South Africa until Parliament had a chance of dealing with it next session. That being so, there was no immediate necessity to deal with the question, and it could very well stand over for mature consideration, and for more careful thought in South Africa generally. The subject was a very important one. It dealt not only with Indian immigration, but with all white immigration, and the delay in proceeding with the Bill would probably tend to facilitate its passage through Parliament, because more mature consideration would be given to it. He therefore moved that the order be discharged and the Bill withdrawn.

*Cape Times, 26-4-1911*

APPENDIX XIII

*LANE'S LETTER TO GANDHIJI*

CAPE TOWN,

*April 22, 1911*

DEAR MR. GANDHI,

I am in receipt of your letter of the 22nd of April, which was written in reply to my letter of the 21st instant.

I have shown your letter to General Smuts and he has asked me to say that he quite appreciates the spirit in which you write, and he has every hope that by approaching this question in a conciliatory way a temporary solution may be arrived at which will leave all concerned free to devote their energies to securing a more lasting one.

I am authorized to say that the Minister intends introducing legislation during the next session of Parliament to repeal Act 2 of 1907, subject to the reservation of the rights of minor children. In devising such legislation the Minister intends to introduce provisions giving legal equality for all immigrants, with, however, differential treatment of an administrative as distinct from a statutory character.

In regard to the second point you raised, I am to say that in such proposed legislation power will be taken to register all passive resisters who, but for their present resistance, would have been entitled to register had they done so at the proper time, nothing in Act No. 36 of 1908 withstanding.

Power will also be taken to regularize the issue at the present time of temporary certificates, which the Minister is prepared to grant to the educated passive resisters who are now in the Transvaal, but who are not registrable under the existing Asiatic Acts. Their number is, I understand, not more than five or six at the outside. These certificates would entitle the holders to remain in the Transvaal in anticipation of the forthcoming legislation.

In conclusion, I am to say that if an assurance is given by you to the effect that the community will suspend their passive resistance movement, the Minister will ask His Excellency the Governor-General to consider favourably the question of releasing passive resistance prisoners who are now undergoing sentence for contravening the existing Asiatic legislation.

I hope that, after consultation with the Indian community, you will be able to inform General Smuts on his return to Pretoria of the cessation of the passive resistance, so that he may be able to assure His Majesty's Government that the leaders of the Indian community intend to co-operate with the Government with a

view to arriving at a definite solution of this question.

*Believe me,  
Yours sincerely,*

ERNEST F. C. LANE

PRIVATE SECRETARY TO  
MINISTER OF THE INTERIOR

M. K. GANDHI, ESQ.  
CAPE TOWN

From a photostat of the original: S.N. 5500; also *Indian Opinion*,  
29- 4-1911

#### APPENDIX XIV

##### *E. M. GORGES' LETTER TO GANDHIJI*

PRETORIA,  
*May 19, 1911*

SIR,

With further reference to your letter of the 4th instant, I am directed by the Hon. the Minister to inform you

- (a) That Asiatics who were deported subsequent to the 1st January, 1908, under Act 2/07 or 36/08, and who have valid claims to registration under such Acts, but who have not yet applied owing to the passive resistance movement will be permitted to make their applications not later than the 31st December next, subject of course to the provisions of the Acts and Regulations.
- (b) That Asiatics who, although not deported, left South Africa without applying for registration owing to the passive resistance movement, and who can prove that they have valid claims to registration, will also be permitted to make their applications for registration in accordance with the provisions of Act 2/07 or Act 36/08 and the Regulations made thereunder, on or before the 31st December next, provided applications under (a) and (b) do not exceed 30 in number.
- (c) With regard to the fifth paragraph of your letter, it is understood there are 180 Indians and Chinese in South Africa, who were refused registration under the voluntary system, and who have not yet made their applications under Acts 2/07 or 36/08. In their respect I am to inform you that provided a list of their names is furnished without unreasonable delay opportunity will be afforded to them of making their applications not later than the 31st December next, subject to the provisions of the Acts named
- (d) That the seven educated Indians now in the Transvaal and named by you will receive temporary authorization to remain here pending alteration of

the law, when permanent documents will be issued to them authorizing their residence in the Transvaal. Similar authority will also be given as a special case to three educated Mahomedans. The proposed number of six educated Indians per annum, whose immigration was previously agreed to, will be adhered to in the future, the increase of the number to ten during the current year being only due to the special circumstances of the case.

The Minister trusts that the acceptance of the requests now made will be regarded by the Asiatic community as a final settlement of the questions involved. On hearing from you to this effect the Department of Justice will be communicated with, the object of procuring the release of passive resisters at present undergoing confinement for contravention of the Asiatic Registration Acts.

Prisoners sentenced in connection with the possession of forged certificates of or the use of certificates not issued to them cannot be released.

*I have, etc.,*

E. M. GORGES

ACTING SECRETARY FOR THE  
INTERIOR

From a photostat of the original: S. N. 533; also *Indian Opinion*, 27-5-1911

#### APPENDIX XV

##### *TELEGRAM TO GANDHI FROM SECRETARY FOR INTERIOR*

PRETORIA,

*May 20, 1911*

WITH REFERENCE TO YOUR LETTER YESTERDAY AS CORRECTED BY TELEPHONE TODAY THERE IS NO OBJECTION TO INCLUSION AMONGST 180 ASIATICS DESCRIBED PARAGRAPH C OF MY LETTER OF 19TH OF THOSE NOW IN SOUTH AFRICA WHO FAILED TO APPLY WITHIN PROPER PERIOD FOR REGISTRATION ON GROUNDS THREE YEARS PRE-WAR RESIDENCE IN TRANSVAAL. REGARDING QUESTION NUMBER ONE OF YOUR LETTER 29TH APRIL WHILE IT IS NOT PROPOSED TO TAKE AWAY ACTUALLY EXISTING RIGHTS OF INDIVIDUALS THE POSITIONS IN THE VARIOUS PROVINCES WILL NO DOUBT BE AFFECTED BY ANY LAW WHICH IS INTENDED TO BE GENERAL AND UNIFORM FOR THE WHOLE UNION. QUESTION TWO DEALT WITH ABOVE. QUESTIONS THREE AND FOUR WERE DEALT WITH IN A AND B OF MY LETTER YESTERDAY. QUESTION FIVE DEALT WITH PARAGRAPH D MY LETTER YESTERDAY. QUESTION SIX NO FIXED STANDARD OF EDUCATION. QUESTION SEVEN WELL

EDUCATED REGISTERED ASIATICS NEED NOT GIVE FINGER OR THUMB PRINTS WHEN TAKING OUT LICENCES. QUESTION EIGHT WELL KNOWN REGISTERED ASIATICS NEED NOT GIVE FINGER OR THUMB PRINTS WHEN TAKING OUT LICENCES PROVIDED THEY CAN SIGN NAMES CLEARLY IN ENGLISH.

From a photostat of the original as delivered: S. N. 5536; also *Indian Opinion*, 27-5-1911

## APPENDIX XVI

### A

#### TRANSVAAL DRAFT LOCAL GOVERNMENT ORDINANCE, 1911

##### EXTRACTS AFFECTING ASIATICS

###### ASIATIC BAZAARS<sup>1</sup>

66. (1) The council may set apart, maintain, and carry on Bazaars or other areas exclusively for occupation by Asiatics, and control and supervise the same in the accordance with by-laws to be made from time to time by the council, and may lease the land and any buildings or other erections thereon to Asiatics upon such terms and at such rents as may be prescribed from time to time by such regulations.

(2) The provisions of sub-sections (4) to (7) inclusive of the last preceding section shall *mutatis mutandis* apply for the purpose of enabling a council to close such Bazaars and areas and lay out other land suitable for the same.

(3) The council shall not set apart, nor close, such Bazaars or other areas reserved exclusively, for occupation by Asiatics without the approval and consent of the Governor-General, nor shall any by-law made under this section be of any force or effect unless and until the approval and consent of the Governor-General shall have been obtained thereto.

<sup>1</sup> It was in April 1899 that the Kruger regime first decided to relegate Asiatics to Locations and the power to regulate these was vested in the Town Councils; *vide* "Memorial to Chamberlain", 16-5-1899. In April 1903, the post-War British Government under Lord Milner, Lieutenant-Governor of the Transvaal, issued the Bazaar Notice; *vide* "British Undians in South Africa", 12-4-1903. The power to demarcate Bazaars was transferred to Town Councils by Ordinance in 1905; *vide* "Asiatic Bazaars in the Transvaal", 22-7-1905. *Vide* also "The British Indian Association and Lord Milner", 11-6-1903 & "Petition to Transvaal Governor", 8-6-1903; "Petition to the Transvaal Council", 8-12-1903, "Legislative activity in the Transvaal", 30-9-1905 & "Deputation to Lord Selborne", 29-11-1905; "Representation to Lord Elgin", 31-10-1906 and "Fine on Indians", 25-4-1908; "Johannesburg Letter", 16-5-1908; "Transvaal Municipal Consolidation Bill", 23-5-1908 & "Petition to Transvaal Legislative Assembly", 15-6-1908.

67. (1) The council may grant leases of plots in any Native Location or Asiatic Bazaar or township established by the council or under its control, for any term not exceeding thirty-three years, in such form and subject to such conditions as the Governor-General may approve.

(2) Any such lease shall be valid though not executed before a notary public, and any such lease or a cession thereof shall be valid if registered in a register to be kept by the council in accordance with regulation to be made by the Governor-General.

Any transfer duty or stamp duty payable on any such lease or cession thereof under any law relating to transfer duty, or stamp duty, shall be paid in manner prescribe by such regulations and the council shall account to the Minister of Finance for such duty as is so payable.

#### SANITATION, ETC.

75. The council may from time to time make, alter and revoke by-laws for all or any of the following purposes, namely;

(12) for licensing and regulating tea-rooms, cafes, restaurants, hotels, eating-rooms, boarding-and lodging-houses, and all purveyors of milk, dairies, milkshops, cow-sheds, bakehouses, butchers' shops, and all factories and places where articles of food or drink are manufactured or prepared for sale or use, or sold;

(13) for licensing and regulating Kaffir eating-houses;

(14) for regulating and licensing pedlars and hawkers; provided that no person, who sells only fresh farm-produce grown on land occupied by him, shall be required to take out a pedlar's or hawker's license;

(15) for regulating or preventing the washing of clothes on public or private premises, and licensing persons for washing and laundry work.

#### ASIATIC TEA-ROOMS<sup>1</sup>

88. The council may from time to time make, alter and revoke by-laws for all or any of the following purposes, namely:

(6) for regulating and licensing Asiatic tea-rooms or eating-houses.

#### LICENCES

91. The council may refuse a licence in respect of any premises as a theatre, music hall, public hall, concert room, or other place of amusement, or any premises where articles of food or drink are sold, used or prepared for human consumption, or any boarding or lodging houses or any premises for washing or laundry work, or to license hawkers or pedlars on any of the grounds mentioned in the last preceding

<sup>1</sup> It was in 1905 that a law was passed requiring all Indian hotel-keepers to take out licences; *vide* "Indian Hotels in the Transvaal & "Legislative Activity in the Transvaal", 30-9-1905; "Letter to Town clerk", 6-2-1907 & "Johannesburg Letter", 9-2-1907 and "Petition to Transvaal Legislative Assembly", 9-7-1907 & "Johannesburg Letter", 2-11-1907.

section, and also on one or more of the following grounds;

- (a) that the applicant has failed to produce satisfactory evidence of good character;
- (b) that the premises in respect of which a license is sought or any adjacent premises owned or occupied by the applicant are frequented by persons of bad character;
- (c) that the granting of such a license is, in respect of the premises for which it is sought, calculated to cause nuisance or annoyance to persons residing in the neighbourhood;
- (d) that the granting of such a license would be contrary to the public interest;

and no appeal shall lie against the refusal of the council to grant any such license.

92. The council may in respect of a license which it may grant under its by-laws and which entitles the holders thereof to carry on any trade or business for manufacturing, preparing, selling, or using articles of food and drink for human consumption,

- (a) impose conditions prohibiting or restricting the employment of Native, Asiatic, or Coloured labour in the preparation of such articles of food and drink;
- (b) impose conditions prohibiting or restricting the employment on premises, where articles of food and drink are sold, of females under the age of sixteen years, or the employment on such premises of females after eight o'clock at night;

provided that the conditions imposed by the council under this section shall be clearly endorsed upon the licence and the licensee shall sign a duplicate of the form of license containing such conditions. The council shall retain the duplicate so endorsed and signed and the same shall, when produced before any court of law, be *prima facie* evidence of the conditions imposed.

93. Anything to the contrary in this Ordinance notwithstanding, the council may, in its discretion refuse to grant licences to the hauler of any jinricksha or to the driver of any road locomotive, tram-car, omnibus, motor-car, cab, trolley, or other vehicle playing for hire.

#### VOTERS' ROLL<sup>1</sup>

114. Every white person, male or female, being a British subject of the age of twenty-one years or upwards, who occupies and resides in premises within the municipality of the gross annual value of twelve pounds and upwards, or who owns

<sup>1</sup> The section, by omission, denies Indians the right to municipal franchise from which Transvaal Indians were first debarred in 1903; *vide* "Petition to Natal Legislature", 10-6-1903; "What is a Coolie", 21-5-1904 and "Statement of Transvaal Indian Case", 16-7-1909.

immovable property within the municipality in respect of which either erf tax or assessment rate is payable or leviable, shall be entitled to be enrolled on the voters' list for the municipality, provided that a husband and wife shall not both be entitled to be enrolled on the voters' list in respect of the same property.

#### TRAM-CARS

171. The council may, from time to time, make, alter, and revoke by-laws for all or any of the following purposes:

- (a) for regulating the use of any tramways established, acquired, or worked by the council and for making charges in connection with the use of the council's tram-cars;
- (b) for regulating the use of the council's tram-cars by Natives and Asiatics and prohibiting or restricting the use of such tram-cars by Natives, Asiatics, and all persons who are not respectably dressed or well conducted;<sup>1</sup>
- (c) for regulating the conditions of service and duties of persons employed by the council in working tramways, and for imposing fines (by means of stoppages of pay) on such persons for negligence, dereliction of duty, or other offence prejudicial to the good and proper working of the tramway system.

No such by-law shall be inconsistent with, contrary or repugnant to the provisions of this Ordinance or of any other law in force within the municipality.

*Indian Opinion*, 10-6-1911

#### B

#### PETITION TO TRANSVAAL PROVINCIAL COUNCIL

JOHANNESBURG,

*June 6, 1911*

HON'BLE THE ADMINISTRATOR AND THE MEMBERS OF  
THE PROVINCIAL COUNCIL OF THE TRANSVAAL

THE PETITION OF A. M. CACHALIA IN HIS CAPACITY AS CHAIRMAN OF  
THE BRITISH INDIAN ASSOCIATION

HUMBLY SHEWETH THAT

1. Your Petitioner has read the Draft Local Government Ordinance, 1911<sup>2</sup>,

<sup>1</sup> *Vide* "Letter to Town Clerk", 10-2-1906; "A Reply to the Leader", 16-2-1906; "Johannesburg Trams and Indians", 17-2-1906; "Johannesburg Letter", 26-2-1906; after 18-5-1906; 26-5-1906 & "Statement Presented to Constitution Committee", 29-5-1906; "Johannesburg Letter", 25-5-1907; "Petition to Transvaal Legislative Assembly", 15-6-1908 and "Letter to Private Secretary to Lord Morley", 26-6-1909

<sup>2</sup> The Transvaal Government had attempted a somewhat similar registration in



published in the Government *Gazette* of the 17th May, and observes with grave misgivings that several of its clauses threaten the lawfully resident British Indians with further serious disabilities.

2. Your Petitioner remarks that Sections 66 and 67 of the Ordinance empower the Council to “set apart, maintain and carry on Bazaars or other areas exclusively for occupation by Asiatics, and control . . . same in accordance with bye-laws to be made from time to time by the council”, and that by subsection (3) of Section 66 the Council may (subject to the approval and consent of the Governor-General) close such “Bazaars” after posting up a notice of their intention to do so, in a conspicuous place. As to this, your Petitioner would observe that, apart from the general question of segregation to which, on principle, your Petitioner takes exception, the powers conferred are capable of being employed most detrimentally to British Indians, especially those of the shop-keeping class who may establish themselves in such Bazaars. The expansion of the towns has been followed almost invariably by the closing of the “Bazaar” previously established and the consequent removal of its occupants to another Bazaar located still further away from the town centres and routes. This uncertainty of tenure militates against business enterprise and prosperity, and constitutes a grave hardship to the British Indians who take up their abode and callings in such “Bazaars”.

3. Section 75(12), (13) and (14) and Section 88(6) especially touch Asiatic interests. Councils will, under these Sections continue to control eating-houses, butchers’, Asiatic and Kaffir eating-houses, pedlars’, hawkers’, laundrymen’s and laundry licenses; and your Petitioner observes that, while provision is made for appeal to a Resident Magistrate against the refusal of Councils to grant other business licences referred to in the measure, Section 91 expressly provides that “no appeal shall lie against the refusal of the Council to grant any of the above licenses.” The experience of British Indians in other Provinces of the Union where similar uncontrolled power is or was invested in licensing boards or Councils prompts your Petitioner to protest most earnestly against the express exclusion of the right of appeal against arbitrary refusals to a properly constituted judicial tribunal, apart from the fact that such a provision constitutes an infringement of the liberty of the subject.

4. Your Petitioner further draws attention of this Hon’ble House to the fact that there is now no occasion to provide for licensing Asiatic tea-rooms or eating-houses as none such have existed after the withdrawal of the Chinese indentured labourers. The wants of the small Asiatic community residing in this Province are supplied by private boarding-houses.

5. Section 92 may, by penalizing the employment of Asiatic labour, work serious hardships upon British Indians employed in useful industries, and in some

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1908 but had to drop it. *Vide* “Johannesburg Letter”, 16-5-1908; “Transvaal Municipal Consolidation Bill”, 23-5-1908; “Petition to Transvaal Legislative Assembly”, 15-6-1908 & “Johannesburg Letter”, 23-6-1908.

cases may result in deprivation of their means of livelihood, In the humble opinion of your Petitioner, the discrimination against Asiatics expressed in this Section should be deleted.

6. Your Petitioner further submits that the discretion vested in the Council in regard to the granting or withholding of drivers' licences (Section 93) should be subject to a right of appeal to a judicial tribunal.

7. While your Petitioner's community, bowing to the unhappy prejudice against Asiatics existing in this Province, have not sought the political franchise, they feel keenly the specific disability imposed upon their people by Section 114, whereby they are precluded from being placed upon the Municipal Voters' roll, a disability shared by them with such white persons only as have been convicted of serious criminal offences.

Your Petitioner would venture to remind this Hon'ble House that the Indians are large contributors of Municipal rates, and, as statistics abundantly prove, are among the most law-abiding sections of the populations, and therefore, ventures to expect to their being classed with white convicts.

8. Your Petitioner observes that Section 171(b) empowers the prohibition or restriction of the use of tram-cars by "Natives, Asiatics and all persons who are not respectably dressed or well conducted". This restriction is at once humiliating and inconvenient for the Asiatic communities, and, in your Petitioner's humble opinion, totally unwarranted.

9. In conclusion, your Petitioner earnestly calls the attention of this Hon'ble House to the grievances above indicated and prays that the Draft Ordinance will be amended so as to grant relief in the premises. And for this act of justice and mercy your Petitioner shall, as in duty bound, for ever pray, etc.

A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

From *Indian Opinion*, 10-6-1911; also Colonial Office Records:  
C. O. 552/22

APPENDIX XVII

*S.A.B.I COMMITTEE'S LETTER TO COLONIAL OFFICE*

THANET HOUSE,  
231-232, STRAND, W. C.,  
*June 17, 1911*

THE UNDER-SECRETARY OF STATE  
COLONIAL OFFICE, S. W.

SIR,

I have the honour to acknowledge the receipt of your letter No. 18542/1911 of the 13th instant, inviting me—on behalf of the Secretary of State—to put before him, in writing, any further observations that I may have to make in addition to those already made to him formally by the Transvaal British Indian Association, of which I have received a copy. As, however, I have been deputed to speak on behalf to the Cape and Natal Indians also, copies of whose memorials have been sent to me, I propose with Mr. Secretary Harcourt's permission, to deal generally with the situation affecting the Indian communities of South Africa.

2. If one feeling more than another predominates in those communities it is one of great unrest and insecurity. The Indians of South Africa realize that, but for the frequent intervention of His Majesty's Government on their behalf, their existence would be scarcely tolerable, and it was with the gravest apprehension that they watched the negotiations which culminated in the passing of the Act of Union. In the Transvaal the Indians feared the extension of the operation of the principles underlying the licensing laws of the Cape and Natal; in these Provinces the Indians dreaded the adoption of the Location Registration and immigration laws of the Transvaal. The tendency, ever since the Peace of Vereeniging, has been to equalize the treatment of Indians through South Africa on the basis of its harshest aspect. The Secretary of State will no doubt remember when, in 1903, Lord Milner issued his Bazaar Notice, Natal hastened to follow suit. The drastic licensing law of Natal was taken over by the Cape, and now attempts are being made to extend its operation to the Transvaal also. It is strongly felt, therefore that if they desire to retain any civil rights and privileges whatever, the Indians of South Africa must oppose a united front to attacks that are being made with increasing frequency in all quarters of the Union upon their vested interests. This was, in fact, one of the main reasons why, in various ways, the Cape and Natal Indians so closely associated themselves with the claims of their Transvaal brethren during the passive resistance struggle that is now suspended.

3. The great fear of the Transvaal Indians has ever been that attempts would be made to render effective the provision of Law 3 of 1885 requiring residence in Locations. In 1903 the Transvaal Supreme Court held that trading licences must be issued to Indians trading outside of Locations, and the Law contains no sanction for non-residence

therein, but the Vrededorp Stands Act was the first measure passed with the object of compelling Indians to reside and trade in Locations. The Townships Act and Gold Law have but fulfilled the Indians' worst anticipation. Contracts between Europeans and Indians conferring upon the latter the equitable ownership of fixed property, although its nominal ownership is refused them by another provision of Law 3 of 1885, have been recognized in the Transvaal Courts, as in the case of *Syed Ismail and Another v. S. Jacobs, N.O.*, but the new laws will result in the penalizing of European registered owners and of the Indian equitable owners, the former, like myself, being liable to a heavy fine for permitting Indian Coloured persons to reside on their own premises, and the latter to the confiscation of the property which is virtually theirs. The net effect of these several enactments is to shake the security of Indian investments and the compulsory segregation of Indian traders in Locations where no business can be done, and where they will be unable to hold any relations with their present clientele. Many hundreds of them will be ruined and obliged to leave the country for losses incurred through no fault of their own. Very many of those affected, though sympathizing with and materially assisting the passive resisters, have themselves taken no active part in the struggle, but if these measures become effective, as there is every reason to fear they will, I have very little doubt but that a much more embittered struggle will commence than that which it is hoped is now happily over, for all sections of the community are likely to unite in lively opposition to these attempts to ruin them. The policy that is being pursued is not merely one of pinpricks, but one calculated to oblige lawfully resident Indians, who cannot be removed in any other way, to leave the country, apparently of their own accord, because conditions are no longer bearable for them.

4. Very much the same may be said in regard to the Cape and Natal Indian communities. The Cape Immigration law has been used to diminish the already diminishing numbers of resident Indians. Cases have occurred very recently where advantage has been taken of the over-staying by two or three days of the period of the permit of absence, to exclude Indians who have been long resident in the Province and who, in some cases, still have businesses there. The Cape Law, unlike that of Natal, contains no definition of domicile, and great hardship constantly results from its administration. Indeed, in both these Provinces, it is the belief of the Indian community that immigration administration is most harsh and unsympathetic and that the officials appear to act upon the assumption that it is their duty, upon any colourable pretext, to prevent the re-entry of an Indian already resident therein. The immigration officers frequently act in a most arbitrary manner, and, as Mr. Secretary Harcourt will no doubt see from cables dated the 14th instant, in contempt and defiance of orders of the Courts, but it is not every Indian sufferer who can afford to seek the protection of the Provincial Courts, and there is no doubt that great hardship has been inflicted upon many inoffensive people by the high-handed methods of the immigration officers both of the Cape and Natal. The Cape Indians suggest that provision should be made in any alteration of the Provincial immigration laws for the creation of Immigration Boards superior to the Immigration officials, and that

Indians should have effective representation thereon.

5. The Licensing laws continue to bear most heavily upon Indian traders and hawkers. Licensing officers in the Coast Provinces have adopted the policy of "weeding out" Indian traders for a variety of amazing reasons, and sometimes for no reason at all. At the Cape hundreds of Indian hawkers have been ruined and many Indian firms employing them have had to close down. In Natal, the amending law of 1909, whilst it has undoubtedly been of great service to the Indian community in preventing, to some extent, the flagrant injustice of the past, has induced the licensing authorities to seek other means of depriving licensing-holders [*sic*] of their means of livelihood. Where the Indian trader has entered into a compromise with his creditors, though the only method by which he could satisfy them was by continuing his trade, he has been refused the re-issue of his licence. If he has desired to transfer his business to other premises, he has been refused the necessary endorsement upon his licence. If he has wished to take a partner the partnership has been prohibited by the licensing officer. If he has desired his son to take over the business this has been denied to him and attempts have been made to confine the duration of a licence to the lifetime of a holder, so that a son may not succeed his father. Transfers of licences, even to Colonial-born Indian, are almost impossible. It is difficult, indeed, to know what is to be the future of the Colonial-born Indians if they are to have one avenue of advancement after another closed to them, as is threatened. In view of the fact that the resident Indian community is not likely to be added to in the future, it is held by the Cape and Natal Indians that these restrictions upon Indian trade should be removed at an early date; but as against this, avowedly with the object of punishing the Indian trading community for the part that they are supposed to have taken in the stoppage of Indentured labour supplies by the Government of India, Mr. G. H. Hulett, recently procured the passing of the resolution, in the Natal Provincial Council, asking for the transfer of licensing matters to the cognizance of the Council instead of the Union Parliament, which can alone, at present, legislate thereon. The Natal Indians have strongly protested against any such procedure, basing their protest upon the effective provisions of Section 147 of the South Africa Act. I have the honour to enclose herewith, for Mr. Secretary Harcourt's further information, a copy of the transactions of the Natal Indian Congress thereon.

6. A very bitter feeling has spread throughout the Indian community of South Africa by reason of the £3 annual tax imposed upon ex-indentured Indian men, women and children, the tax upon women and children being especially resented by, and offending the feelings of, the Indian community, who urge that these, at least, should be exempt from taxation, and protected from the evil results that are admitted to flow from such imposts. The amending act of 1910 has but slightly improved the situation. Whilst some magistrates occasionally grant a complete exemption to particular individuals, others grant temporary exemptions for a limited period, whilst others, again, grant no exemption at all, but give very brief periods of grace for payment, and in default thereof, sentence the unfortunate women to imprisonment

with hard labour. It is perhaps unnecessary for me to dwell upon the economic and social evils that must naturally ensue from this enforced payment.

7. The Cape and Natal Indians were much gratified to peruse the despatches addressed by Mr. Secretary Harcourt to the Governor-General of the Union of South Africa, in which the Secretary of State declared that, in a settlement of Transvaalcontroversy, Cape and Natal Indians' rights and privileges should not be diminished. Unfortunately, the Bill presented to Parliament in the last session materially affected, to their disadvantage, Indian interests, and it is very gravely feared that the Bill that it is proposed to introduce next year will not contain all the safeguards that are necessary. It is urged that statutory domicile should be defined as in the present Natal law, that the existing tests should not be made more severe, and that Indian traders should retain the right that they already possess to procure necessary clerical and other confidential assistance from India. I am specially instructed and authorized to request that the Secretary of State will most carefully examine any proposed immigration legislation in order to avoid the infliction of grave injury and injustice upon Indian residents in these Provinces.

8. South African Indians have two serious general causes of complaint. The first is that attempts are being made, by legislation, virtually anti-Asiatic, but couched in language that would make it appear to be of general application, to defeat the purpose of the safeguards contained in Section 147 of the South Africa Act. The second is that, whilst the legislation itself may be acceptable, the regulations framed thereunder, and which very seldom come before Parliament for sanction, not infrequently contain provisions of a highly objectionable racial character.

9. I very much fear that I have to a great extent reiterated what has already been said on the subject of the South African Indian grievances, but I have thought it better, in view of the nearness of the debate upon the treatment of Indians resident in the self-governing dominions, at the Imperial Conference, and of the fact that I shall be unable to discuss the situation personally with the Secretary of State, to err on the side of repetition rather than that any matter referred to herein should not be sufficiently elaborated. Should there be any information that I may be able to furnish him with, in addition to whatever is already in the possession of Mr. Secretary Harcourt, I shall be most happy to place myself at his disposal.

*I have, etc.,*  
*Your most obedient servant,*  
H. S. L. POLAK

Colonial Office Records: C. O. 551/22