

THE  
COLLECTED  
WORKS  
OF  
MAHATMA  
GANDHI

VOLUME TWELVE



THE PUBLICATIONS DIVISION

THE  
COLLECTED  
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OF  
MAHATMA  
GANDHI

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who bore us ill-will and fight them with the sword of love. Maybe all of us cannot be so good or behave so well but we can all make an effort. Even if a few of us succeed, we shall have honoured his memory aright and God will send us another Doke. It is not as if one becomes a saint on meeting a saint; it is rather that on becoming a saint one finds a saint.

[From Gujarati]

*Indian Opinion*, 23-8-1913

117. *LETTER TO SECRETARY FOR INTERIOR*

JOHANNESBURG,  
*August 24, 1913*

I thank you for your letter<sup>1</sup> of the 19th instant.

I have come to Johannesburg in order to attend the Doke Memorial Service and shall be here for a few days. If, therefore, General Smuts desires my presence in Pretoria, I would be pleased to come down. I submit the following for General Smuts' consideration regarding the points dealt with in your letter.

As to South Africa-born Indians, it is perfectly true that I did not raise, in the correspondence of 1912, this point. It had entirely escaped me until a friend drew my attention to it. But I assured the friend that no difficulty need be anticipated as the correspondence setting forth the provisional settlement of 1911 protected all existing rights of British Indians. I freely admit that I do not lay claim to a full knowledge of all such rights possessed by my countrymen throughout the Union or even the Transvaal. The fact that very few South Africa-born Indians availed themselves of the right was used by me to show that the Government had no occasion to fear a sudden influx into the Cape of South Africa-born Indians if the right was retained. From the Indian standpoint, I wanted to emphasize the fact that we were fighting for the sentiment, viz., that the liberal and reasonable view, taken by the old Cape Legislature, should be left untouched. And I fear that I must press that view again on General Smuts' attention. I have already submitted that the Cape members laid stress on this point because the Right Hon'ble Mr. Fischer fostered, I submit, without a knowledge of the facts, the view that there was a large influx of South Africa-born Indians into the Cape.

<sup>1</sup> *Vide* Appendix VIII.

I observe that your letter seems to suggest that I am asking for a breaking of the Provincial boundary altogether. Though this would be a legitimate desire, I have not asked for it as I know that it is no part of the provisional settlement.

As to the second point, I am glad that the Government interpretation agrees with that of the Indian community.

As to the Free State difficulty, the point raised by me has not been understood. I do not ask, for the sake of asking, that the attention of intending immigrants should be drawn to the disability. But I have submitted that the wording of the Act seems not to require the declaration in question at the Free State border. If such is also the Government interpretation of the Act, the Free State difficulty could be solved without any statutory alteration. In order to allay anxiety on the part of the Free Staters, I suggested that the disability in the Free State might be notified on the general declaration to be made at the first port of entry at the coast. I need hardly say that I have assumed the legal possibility of an Indian being permitted under the new Act to enter the Free State.

As to the fourth point, the question of the legality of the marriages already solemnized in South Africa of the resident Indian population, as also of the marriages hereafter to be solemnized within the Union, is of vast practical importance. A definite assurance that legislation will be introduced next session is necessary to settle this very thorny problem. Regarding the plurality of wives, I have not asked for a general recognition of polygamy. All I contend is that, in continuation of the practice hitherto followed, existing plural wives of domiciled residents should be allowed to enter. And this was the assurance given in the letter quoted by me in my correspondence with you.<sup>1</sup> The number of such wives could be easily ascertained at the present moment, and the toleration may be restricted only to the number so ascertained.

I observe that cases have already arisen in Natal out of the new Act. I cannot help remarking that the marriage case is inconsistent with the assurance contained in your letter under reply. For Kulsambibi is admittedly the only wife in South Africa of her husband. I would respectfully suggest that the case be withdrawn and the lady set free. The other cases are regarding domicile. The Government contention seems to be that, even where there

<sup>1</sup> *Vide* "Letter to Secretary for Interior", p. 124.

is no dispute as to facts or the *bona fides* of the holder of a certificate of domicile, his right should be impugned if he has been long absent from the Province of domicile. If such is the Government interpretation of the new Act, *existing and acquired* rights are threatened. And in the event of a decision unfavourable to the Indian community, a position will be created that would be totally intolerable and inconsistent with the provisional settlement as also the declaration of the Right Hon'ble General Botha and other members of the ministry that there is no desire to harass the resident Indian population. I, therefore, venture also to suggest that these cases may be withdrawn. I have assumed that you are fully aware of these cases. They are reported in the current issue of *Indian Opinion*.

May I ask for an early reply?<sup>1</sup>

*Indian Opinion*, 13-9-1913

### 118. SPEECH AT MEMORIAL SERVICE<sup>2</sup>

[JOHANNESBURG,  
August 24, 1913]

Mr. Gandhi said that the Indian community revered Mr. Doke's memory for the great work done by him for them. He was one of its truest friends. It could not be said of every man that death was swallowed up in victory and that death had no sting. But it could undoubtedly be said of Mr. Doke. A death like Mr. Doke's really called for no mourning. Mr. Doke's was a life of perfect self-surrender. He had dedicated his all to his Maker.

<sup>1</sup> To this communication Gandhiji received the following reply on September 10: "Am directed by Minister reply your letter 24th August. As to first point, regrets he can add nothing to statements already made in my letter 19th idem. Second point calls for no further action. As regards third point, there is no difficulty, as any declaration made would be on entry into Union and not at Free State Border. With regard to marriage question, cannot give any assurance that a marriage law will be introduced next session on lines asked by you which would apparently alter whole basis of existing law in South Africa. Your reference to an assurance given to you that plural wives would be admitted not understood as I can find nothing in communications from this Department to that effect. Should you please elucidate? Regarding appeal cases at Durban, those you refer to are apparently still *sub judice* and Minister would consequently not be able to interfere."

<sup>2</sup> A memorial service was held at 7.30 p.m. for Rev. J. J. Doke at Grahams-town Baptist Church, Johannesburg, of which he was pastor. Gandhiji, who had specially arrived from Phoenix to attend the service, paid a tribute to the deceased.