

- (1) பக்கங்களின் எண்ணிக்கை 12-8
(2) புதுக்கித் திருப்பிய நாள் _____
(3) ஆதரங் குறிப்பவர் கருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பொது துறை

அரசாணை எண். 737 மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள்: 31-8-1891	1891

மடிக்கலோ துன்புடி கையாளலோ கூடாது.

ORDINARY, MS.

<i>Public</i> DEPARTMENT G.O., DATED <i>31-8-91</i> No. <i>737-✓</i>
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INDEXED.*When given for copying.*

[Despatch Abstract.]

*Recording letter from
 the Govt of India for-
 warding correspondence
 in connection with the
 memorial to this Govt
 of the natives of this Province
 of 1890 for. certain
 interests of Johan-
 nesburg-*

X

HAD AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

Public Dept

2442

From Govt of India
Foreign Dept

to 161:2

27th Augt 1891
to 18 2

Ex. 2

4/3/91 No 226 inc

Ord. Hm. & circ.

2nd 3rd Augt. 91 No 737

31/8/91 22 Augt.
Recorded.

F.O.B.
20/8.

21 Augt.

Forwarding Correspondence
on the subject of ill treatment
of certain natives
at Johannesburg by offi-
cials of the South Africa
Republic

South Africa

No. 196.

Colonial Office.
Downing Street.

7th July 1891.

2.

Let

Sir H. 1 —

+

J.C.B., M.C.B.,

Sir, the reference —

will be 106 of

officers to have to the despatch from this
before the Indians 10th of June, I have the
1891. I - ment of the wit to you a copy of a letter

Re. ... and Office respecting the treat.

will make a Indians in the South African

the Government has to request that you

- public in further representation to

- specially as it of the South African Re.

Can law to know of these Indians, so

that that leads the application of the

applied to in, should it be the case

is now in fact being

in.

I have etc

Yr. H. Knutsford.

Yr. H. Knutsford.

11th.—We are all trusting that you must write to us back we are awaiting
for your earlier answer.

We have, &c.,
K. D. NAIDOO, *and other.*

Please address—

MR. A. APPASAMY

(*an Indian Chief Committee member*),

R. O. Box 1058 Johannesburg,

Transvaal,

S. A. R.

More than (500) five hundred our Indians agreed to this petition.

We have written this petition in Johannesburg Transvaal we posted this
petition in Kimberley because if we post this petition in Johannesburg the
transvaal Government will may be open this we therefore posted in Kimberley
we afraid to their injustice.

No. J. & P. 741, dated India Office, London, the 27th May 1891.

From—SIR JOHN E. GORST,

To—The Under Secretary of State, Colonial Office.

With reference to your letters dated the 13th and 20th of September last and to previous correspondence on the subject, I am directed by the Secretary of State for India in Council to transmit for the earnest consideration of Lord Knutsford copy of a Despatch from the Government of Madras enclosing a memorial from certain natives of that Presidency, inhabitants of Johannesburg, complaining that they have been treated with illegality and injustice by officials of the South African Republic and giving specific instances of this treatment.

Viscount Cross trusts that the grievances complained of will receive serious attention. His Lordship also requests to be informed of the result, if any, of the interview referred to in Sir H. Loch's Despatch to Lord Knutsford, No. 664, dated 21st August 1890.

No. 945, J. & P. dated Colonial Office, London, the 6th June 1891.

From—EDWARD WINGFIELD, Esq., C.B.,

To—The Under Secretary of State, India Office.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter (J. & P. 741) of the 27th ultimo, transmitting a copy of a despatch from the Government of Madras enclosing a memorial from certain natives of that Presidency residing at Johannesburg, in which they complain that they have been treated with illegality and injustice by officials of the South African Republic.

The petitioners appear to complain in the first instance of the enforcement of the law prescribing special locations for Asiatics, and as to this I am to request you to refer Viscount Cross to the letter from this Department of 14th September 1889 in which this grievance is dealt with.

The petition also complains of the provisions of the Pass Law, and as to this I am to request you to lay before His Lordship a letter to the Aborigines Protection Society, of which a copy is enclosed in which the circumstances are explained under which this law was passed during the British Administration of the Transvaal and allowed to remain in operation at its close. Lord Knutsford is not, however, exactly aware of the ground on which the Government of the South African Republic may have considered themselves justified in acting, if they have applied to Indians the provisions of a law apparently intended for natives of South Africa, but he believes that it has been contended, and possibly decided by the local courts, that all coloured persons are within its scope.

Under all the circumstances Lord Knutsford fears that there can be but small hope of any useful result from a further formal representation on the subject to the Government of the South African Republic, but the present correspondence will be communicated to the High Commissioner in case a favourable opportunity should occur of representing the matter in a friendly way to the Government of the South African Republic. The interview with the President of the South African Republic as to which you enquire, has not probably as yet taken place, owing to the absence on sick leave of the British Agent at Pretoria, who, however, has now resumed his duties.

Dated Colonial Office, London, the 19th March 1891.

From—JOHN BRAMSTON, Esq., C.B.

To—The Secretary to the Aborigines Protection Society.

WITH reference to your letter of the 22nd of October last relating to the case of certain natives of the Cape Colony who have been treated as subject to the native Pass Law in the South African Republic, I am directed by Lord Knutsford to acquaint you, for the information of the Aborigines Protection Society, that a reply has now been received from the Government of the South African Republic on the subject.

It appears that the law under which the proceedings of which you complain were taken, is the law No. 6 of 1880, of which a copy is enclosed. This law was passed, as you will observe, during the administration of the Transvaal as a British Province; and it was left to its operation by the Secretary of State in a Despatch dated the 22nd of July 1880, but with a recommendation that certain amendments should be introduced into it, the effect of which would have been that Cape natives would have been put on the footing of natives of the Transvaal instead of "Foreign Natives." The British Legislature, however, of the Transvaal did not deal with the subject again owing to the Boer outbreak and the retrocession of the country. The operation of the British law was discussed in connection with the negotiations and enquiries which led to the conclusion of the Pretoria Convention of 1881, and Mr. Henriquez Shepstone, then Secretary for Native Affairs in the Transvaal, gave strong evidence in favour of the law as it stood. The Royal Commissioners in their report adopted his view, and the 14th Article of the Pretoria Convention was obviously based by them upon the assumption that the law in question ought to remain in force. The London Convention of 1884 does not appear, in Lord Knutsford's judgment, to have been intended to disturb the state of things agreed upon in 1881. The material documents and statements relating to the matter will be found in the Parliamentary Papers—

C 3219, pages 93-4.

C 3114, page 30.

C 2998, page 5.

C 3947, page 58.

It appears to Lord Knutsford that under the circumstances Her Majesty's Government are not in a position to call on the South African Republic to amend the Pass Law since it was enacted by the Legislature under British rule, assented to by Her Majesty's Government, and approved after due consideration by a Royal Commission.

His Lordship notes that in your letter the coloured persons referred to are stated to be the offspring of intercourse between Europeans and Kaffir parents, but this point is not specifically made by the persons in question themselves, either in their petition or before the local courts. Those courts had doubtless an opportunity of judging whether the defendant before them had or had not an admixture of European blood, and as would appear, they found as a conclusion of law that he was within the terms of the Pass Law, and from a

X.—The word "Native" in this Law shall mean any person belonging to or being a descendant of any of the Native Tribes of South Africa.
Definition of term "Native."

XI.—This Law shall commence and take effect from and after the promulgation thereof in the Transvaal Government Gazette.
Commencement of Law.

Given at Government House this ninth day of April 1880: By command of His Excellency the Administrator.

(Sd.) GEORGE HUDSON,
Colonial Secretary.

(Sd.) W. OWEN LANYON,
Administrator.

N^o 81 2945
Dated India Office, London, the 30th June 1891.

From—A. GODLEY, Esq., C.B.,

To—The Under Secretary of State, Colonial Office.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Wingfield's letter of the 3th instant, relating to the memorial from certain natives of India residing at Johannesburg, in which they complain that they have been treated with illegality and injustice by officials of the South African Republic.

In reply I am to say that having regard to the definition of the word "Native" in section 10 of the Law of the South African Republic to which reference is made in Mr. Wingfield's letter, it appears to Viscount Cross to be impossible to justify the application of that law to natives of India, and His Lordship desires to suggest that the Secretary of State for the Colonies should instruct the Chief Commissioner to press this view of the matter strongly on the Government of the Transvaal.

To—HIS EXCELLENCY THE GOVERNOR OF INDIA, K.C.M.G.,
Madras Presidency.

Dated Johannesburg, the 1st December 1890.

MOST HUMBLY SHEWETH,—We the undersigned Indians of this Johannesburg bringing this few lines to Your Honour's kind consideration that we positively presume this ours humble petition.

1st.—A great misconduct and injustice to us and we are all suffering by this Transvaal Government from about [3] three months to reside in this town of Johannesburg. On the first occasion the Transvaal Government made on authority to get a shilling passes to reside in Johannesburg we obeyed to their laws and we paid each of us the sum of one shilling and got passes according to their laws.

2nd.—We beg to state without any reason or without any publishment ordered us to remove from Johannesburg town to location about a mile distance without any Government notice done us and driven us away to the said place Further we beg to state that they have done us so.

3rd.—Further we beg to state that the same two constables told us a week after this was happened again they came to us and told us that if we do not remove away we will be fined one hundred pounds sterling or three months' hard labour which will be very hard on us as we have always obeyed the laws of this Government of Transvaal.

4th.—And again the same two constables came to us without any warrant and arrested eight Indians without any reason brought them to the Magistrate

and have them to be locked up and done so and some of their friends went to the police station to enquire what with they have charged the charge officers did not showed the cause or result these above mentioned bails admitted to [£10] ten pounds sterling without any reasons. ✓

5th.—After the bails forfeited next day the above mentioned Indians appeared before the Magistrate the case was dismissed so injustice they have done.

6th.—Further we beg to state that they have made another laws each Indians to be paid three pounds [£3] Registration licenses we have agreed to that order and we have paid at once to the Johannesburg Government.

7th.—Several Indians bought stand in this town of Johannesburg we have put our principal moneys and bought the properties and commenced the buildings put on the said lands this Government did granted to us to leases and make businesses we have done the same for some months After this they have ordered us to leave the town and clear away to one location we have thrown a great deal of moneys on the said lands and building the Government did registered the leases on that affair.

8th.—We fully trusted and bought the lands if not why shall we buy the place on this conditions we are not failures in any way this Johannesburg Administrator Government treats us the same and doing just as they think this is not a reasonable to do so we are respectable Indians for us we beginning to proceeds to several countries of this Transvaal Johannesburg we Indians peoples has been several countries but we have not seen such a country of the Transvaal Johannesburg we Indians people has been several countries but it is a justice what difference between our Indians and Dutch customers or Jews and also the Mahomedans are coloured peoples just as we are a merchants just as they all keeping unknowledges in laws without knowing justice But the Johannesburg Government granted to this Arabs to remain in town they opposed us and they driven us away to the location. This Arabs to remain in town they opposed us and they driven us away to the location. This Arabs they are coloured peoples we are just as them as Asiatic Minor we are not under them we have not seen such injustice like this Johannesburg Government admitting so. This rules must be overruled in justice.

9th.—Further we beg to state we only asking at present from beginning to the end must decide us in one way or other in English Laws or Roman and Dutch Laws what difference between our Indians and Arabs or Mahomedans this Government has given permission to allow this Arabs to remain in town but they refused us to remain in town Therefore we beg to state Your Honour must decide this questions one way or other according to the justice of this laws If Arabs people remain in town in different we shall remain in town we are asking on this point Your Honour Governor of this Colony will consider this our poor peoples' petition and we hope that Your Honour will grant us the same according to the truth of this statement and all our Indians prays Your Honour will consider this our humble petition and we hope Your Honour will consider this petitions and send the answer quick referred to them or otherwise we are in very sorry possession it will be a very good necessary to Kingdom of English population rather than this block-heads fools it seems us very bad indeed this Dutch Kingdom without having thoroughly knowledge.

10th.—Further we beg to state we agreed the lease of 99 years which Europeans agreed for which on that this Europeans subletted many stands to all our Indians merchants but the European did not complained against our Indian peoples besides now if we apply for a license this Government refuse to give us they says they can grant licenses to European name license in every Government are not so every person if pays amount license must grant to the parties very injustice. This Government are not done proper laws we asking your will rule This our statement we pray Your Honour will take some interest on this questions and we pray Your Honour must assist us in this Dutch Laws why they are doing so.