

THE STRUGGLE FOR POLITICAL SUPREMACY IN NATAL 1856—1896 — III

3. *The Struggle for political supremacy and the Indians of Natal*

The steadily increasing numbers of Indians in Natal had been watched with apprehension for some time before a law was passed in 1883 to prevent indentured Indians from voting. By 1894 there were nearly 400 Indian voters on the roll and the white colonists felt it was time to do something about the matter. But the Indians could not be removed from the voters roll on the same grounds as the Bantu. It is therefore quite interesting to note the different manner in which this matter was tackled. Instead of basing their arguments on civilisation, the emphasis now fell on the origin of the franchise and the exceptional abilities of the Anglo-Saxon race to rule others. A Bill was introduced on 15 July 1894 to amend the franchise. This Bill excluded all persons of Asiatic extraction from the franchise, except those whose names were already on the roll.

The draft Bill was published on 22 May 1894 and was read a second time on 20 June 1894. No objections were received from the Natal Indians until the 22nd of June, the day fixed for the third reading. A petition was then received from 500 Indians against the Bill. The third reading was then postponed in order to consider the petition, but in spite of it, the Bill passed both Houses without a dissentient vote. This meant that even the seven white nominated representatives of the Bantu supported the measure.

Because their petition had no effect, the Indians sent a deputation of six members to interview the Governor, Walter Hely-Hutchinson, in Durban on 3 July 1894. The deputation was led by M. K. Ghandi. They requested the Governor to veto the Bill, but he replied that it could not be done until he had consulted the Cabinet. The Prime Minister, who replied on behalf of the Cabinet, stated that the points raised by the petitioners had been fully considered by the Cabinet and that the law was deemed indispensable for the Colony. Since the Bill had been passed unanimously by both Houses of Parliament, the Cabinet requested the Governor to assent to the Bill.

The Governor assented to the Bill, and explained the whole matter to the Secretary of State for the Colonies. According to the Governor there were approximately 40 000 Indians in Natal, the majority of whom consisted of Hindu, Tamil labourers, and domestic servants. Most of these were under special laws and were entitled to return passages to their countries of origin on termination of their service contracts. The 400 Asiatic voters on the roll were mainly storekeepers and their assistants. Some were immigrants who had completed their contracts and who had taken up their residence near towns as gardeners or cooks. The storekeepers who had come from India, Mauritius, and Eastern Africa were very unwelcome but Natal had done nothing to prevent their entry. Therefore, by means of the Bill the white colonists hoped to prevent them from interfering

in the government of the Colony. Although existing Asiatic voters were left on the voters' roll, any future Asiatic immigrants would enter with the knowledge that they would not get the franchise. The white colonists were not afraid of the small number of voters on the roll, but they feared that if the voters' qualifications remained unchanged, the Asiatics would soon have a strong political influence.⁸⁹

The Secretary of State was also informed of the motives of the Ministers and members of Parliament. These were contained in their speeches and a minute signed by the Prime Minister. It was the latter who had moved the second reading of Bill no. 34 of 1894 to amend the franchise, and he stated that although the Bill was described by some people as a class Bill, the description was a misnomer because there were very few classes but several races in the Colony. To him this plurality of races was the greatest political problem. In order to withhold the franchise from such a heterogeneous society, he explained that the principle and practice of representative government had evolved in countries with a homogeneous population. To prove his contention, he referred to Britain, France, Germany, Spain, Italy, Austria, Scandinavia, Holland and Belgium, where there were various nationalities all belonging to the same race. As for the United States of America where white men and Negroes existed together, he regretted that no recognition had been made of differences in political privileges because ever since the Civil War, the problem was becoming greater in America. He also drew attention to the political position in the Cape Colony where no recognition was made of the "two completely differentiated races" that existed there when representative and responsible government were introduced. Consequently he was not amazed that the difficulty with regard to the franchise was becoming more intensified as the years passed by. Therefore, he was not amazed that in 1892 the Cape Colony had been compelled to deal with the blanket vote, which he considered to be an evil and a curse. He was glad that a law had been passed in 1864-65 in Natal which prevented the Bantu from exercising political privileges, because if they had as free an access to the franchise as in the Cape Colony, Natal would have had great problems.

To Robinson the franchise right was a race privilege which had come down to them from Greece and Rome, and was the outcome of many ages of incessant struggle and sacrifice by people striving to be free. He said that franchise was not a product of the civilisation of any race, but of the civilisation of the Caucasian "races," more particularly of the Anglo-Saxon. Because the franchise was a means of controlling a government by people who had been trained for generations to exercise that right with intelligence, knowledge, discretion, and responsibility, he was not prepared to put such power in the hands of Asiatics who would acquire a new and dangerous weapon. He expressed his determination to keep political control of South Africa in the hands of the Christian

⁸⁹ G.H.62: Governor Natal to the Secretary of State, 16.7.1894.

European. But claiming to be the dominant race, he felt that there rule should be one of generosity and justice to all the unenfranchised races under their control. He recognised all the good qualities of the Asiatics but as regards the franchise, he felt the House should fix a limit in order to protect themselves from what might be enormous evils in the future. Indian voters he feared, might become instruments in the hands of agitators and instruments of sedition. Therefore, he hoped the Bill would confine the franchise to men who could be trusted to exercise it with advantage and security to the community at large.⁹⁰

Robinson was heartily supported, but many members wished to exclude Asiatic voters from the municipal franchise as well because their votes were especially numerous in Pietermaritzburg where they could return about four members to the Town Council.⁹¹ Some members like H. Binns of Victoria County, felt that instead of passing a new Bill, section 6 of Law no. 2 of 1883 could simply be amended. Harry Escombe, explained that this law referred to persons who were placed under special legislation but that the new Bill wanted to go further and deal with all Asiatics.⁹² As regards the municipal franchise, the Cabinet did not wish to mix up the two matters, since they feared it would delay the passing of the Bill.⁹³

The Bill passed the second reading with very little objection except that some members wished to make a clean sweep of the Indian voters on the parliamentary and municipal voters' rolls. It was at this stage that the Indians, led by M. K. Gandhi started an opposition and sent telegrams and petitions to parliament. On 27 June 1894, a telegram was brought to the attention of the Assembly by J. W. Leuchars which requested that the third reading be postponed in order to enable the Indian community to submit a petition against it. The reading was therefore postponed for one day only because the Prime Minister reminded the House that the Bill had been published in the Government Gazette and was discussed by the press for six weeks. He felt that the Indians had had sufficient time to communicate their views.⁹⁴ The telegram was followed by the previously mentioned petition of 500 Indians praying that the Franchise Law Amendment Bill should not be passed.⁹⁵ The petition was handed to the Prime Minister by a deputation led by Gandhi. This turn of events convinced Sir John Robinson that there was every reason to believe that before many years were over, the Asiatic voters would outnumber the European voters, and that they would gain control over the Europeans and the unenfranchised Bantu population of approximately 500 000 souls.

In this petition Gandhi pointed out that the Anglo-Saxon and the Indian races belonged to the same stock. In support of his views he

⁹⁰ Natal Leg. Assembly Debates, 1894: Speech of Robinson, 567-8.

⁹¹ *Ibid.*, Speech of Baynes, 580-581.

⁹² *Ibid.*, Speeches of Binns and Escombe, 631.

⁹³ *Ibid.*, 632-634.

⁹⁴ *Ibid.*, 651.

⁹⁵ *Ibid.*, Petition no. 36, 475.

drew Robinson's attention to anthropologists such as Max Muller, Morris, Greene, and a host of other writers who had shown that both races had "sprung from the same Aryan stock, or rather the Indo-European as many call it." Gandhi wrote further that "we have no wish whatsoever to thrust ourselves as members of a brother nation on a nation that would be unwilling to receive us as such, but we may be pardoned if we state the real facts the alleged absence of which has been put forward as an argument to pronounce us as unfit for the exercise of the franchise."⁹⁶ Because Robinson had admitted in his speech that there were some Indians who were intelligent enough to exercise the "precious privilege" Gandhi requested that an "impartial Commission of Enquiry" be set up in order to judge whether Indians would in terms of the Bill "rank lower than the lowest Native. For a while the latter can educate himself into fitness for the power of election the former never can! The Bill seems to be so sweeping that even the Indian member of the British House of Commons, did he come here, would not be fit for becoming a voter."⁹⁷

Gandhi's revelation that the Anglo-Saxons and the Indians were brother nations might have come as a shock to the Prime Minister and his colleagues, but it did not reduce their determination to keep political power in the hands of the white Christian European. Robinson informed the Assembly on 2 July 1894, that nothing in the statements of the petitioners justified the government in postponing the third reading any further. He named three reasons why the Asiatics should be excluded from the franchise.

1. They had no inherent right to the franchise;
2. They would get control of the Colony and then would get control over the Bantu;
3. The Europeans held themselves responsible for the good government of the Bantu and this fact made it absolutely and politically impossible that the Asiatic should get control of Natal.⁹⁸

In view of these considerations the Bill was passed unanimously by the Assembly.

When the Bill was laid before the Legislative Council, telegraphic petitions from Verulam, Richmond Road, and other places were sent to the Council, but rejected by that body because they had not been presented through a member of that House. Consequently a petition was sent through Mr. Campbell to the Council. This petition was also ruled out because it contained references to the Legislative Assembly. Another petition was sent to the Council and presented by Campbell. He moved the postponement of the third reading in order to submit the petition. This motion was rejected because the petition had been submitted too late. In this manner the Bill passed through the Council within four days. The Indian community had no option but to send a deputation to the Governor

⁹⁸ Natal Leg. Assembly Debates, 1894: Speech of Robinson, 688.

⁹⁶ *Ibid.*, 40.

⁹⁷ *Ibid.*, 41.

“who very kindly and courteously received the deputation.”⁹⁹ This deputation handed a petition of leading Indians to the Governor. They considered the Bill unjust and harsh because in Britain any British subject having the proper property qualifications was entitled to vote, irrespective of caste, colour, or creed. The deputation therefore trusted that the Governor, representative of the Queen of Britain and Empress of India, would not sanction such a measure.¹⁰⁰

In a reply to this petition sent on 10 July 1894 to the Governor, the Ministers stated that “unless Asiatics were debarred from voting, the electorate would soon be swamped by voters who were wholly unfitted by their inexperience and habits to exercise intelligently and independently franchise privileges.” They felt assured that the “measure is one which public opinion in the Colony will insist upon as being necessary in itself and justifiable on the highest grounds of public property and advantage.”¹⁰¹

The Governor consented to the Bill, but the Indians submitted a petition signed by 8 889 Indians to the Secretary of State for the Colonies. In this petition of eight printed pages, the Secretary of State was informed of the kind of Indians who had signed the petition, their occupations, qualifications, possessions, and professions. The petitioners refuted the statements that Asiatics had never exercised the franchise or that they were unfit to exercise it. They contended that Indians were not excluded on moral and equitable grounds, because it had been said during the debates that if the Indians were allowed to vote, their vote would swamp the European vote, and that there would be a government by the Asiatics instead of by the Europeans. The petitioners submitted that the Bill was so sweeping and drastic that it was an insult to the whole Indian nation, inasmuch as even if the most distinguished son of India came to Natal and settled, he would not be able to have the right to vote. The granting of Responsible Government to Natal, they complained, had the result of making the Indians less free and they believed that Natal legislators would not treat them better after Indians had been disfranchised, because Indians were hated, shunned by Europeans, and often needlessly vexed and harassed. Therefore, they requested that the British Government should not sanction it.¹⁰²

This petition emphasised the gravity of the political situation. Sir John Robinson concluded that all 8 889 Indians who had signed it, desired to assert their fitness to exercise the franchise. Because there were only 10 279 voters on the roll, these petitioners would have had a considerable political influence on elections, had they been on the roll. The petition was conclusive evidence of the danger that menaced the white electorate of Natal because the voters' qualifications were so low that the franchise was within the reach of every man above the age of 21 years. Robinson

⁹⁹ Petition Indian Residents. Natal, to Secretary of State, 48.

¹⁰⁰ Petition of M. K. Ghandi and others to the Governor, 3.7.1894.

¹⁰¹ Letter of Ministers to Governor, 10.7.1894.

¹⁰² Petition of M. K. Ghandi and others to Governor, 10.7.1894.

feared that race relations would become worse in proportion to the number in Indian voters and the strength of their political power.¹⁰³

All the documents relating to the Bill were submitted to Britain but a change of government prevented the British Cabinet from making a decision with regard to the Bill. This Bill was therefore one of the first questions that came to the attention of Joseph Chamberlain, the new Secretary of State for the Colonies. After prolonged and careful consideration of the subject, he communicated the views of the British Government to the Governor of Natal. He informed the Governor that the British Government had very grave objections to the Bill because no distinction was made between ignorant and the most enlightened of the Indians. Of the latter class there were persons whose position and qualifications would fully qualify them for all the duties and privileges of citizenship such as had even happened in Britain where two Indians had been elected to the House of Commons. However, Chamberlain did not wish to impose his ideas on the Colony and was sympathetic towards Natal's desire to keep political control of the Colony in the hands of the Anglo-Saxon race and to avert any proponderant influx of Asiatic voters.

Chamberlain agreed that Indians did not possess representative institutions in their own country, but as the Bill excluded all future Indian voters from the roll and provided no machinery by which an Indian could be exempted whatever his intelligence, education or possessions, Britain could not assent to the Bill. To assent to such a measure would be to put an affront upon the people of Indian such as no British Government could be a party to. Consequently he hoped that the Natal Cabinet would be able to devise a measure which would secure the essential objects in a manner which would render it possible for Britain to agree to. Therefore, he refrained in the meantime from tendering any advice to the Queen with regard to the Bill.¹⁰⁴

Sir John Robinson greatly appreciated the attitude of Chamberlain, and he frankly admitted that it was "more than ever evident that the question actually at issue was whether the European or the Asiatic should in the future be politically dominant in Natal and in South Africa."¹⁰⁵ Consequently a new Bill was drafted which was so framed as to avoid the objections raised by the Secretary of the State for the Colonies, and at the same time protect the Colony from the dangers which menaced its political and social prospects. The Bill which took a very long time to prepare, excluded from the franchise all persons "who (not being of European origin) are natives or descendants in the male line of natives of countries which have not hitherto possessed elective representative institutions unless they shall first obtain an order from the Governor in Council exempting them from the operations of this Act."¹⁰⁶ Joseph

¹⁰³ Ministers to Governor of Natal, 27.7.1894.

¹⁰⁴ G.H. no. 27: Secretary of State to the Governor, 12.9.1895.

¹⁰⁵ Ministers to Governor of Natal, 18.10.1895.

¹⁰⁶ *Ibid.*

Chamberlain greatly appreciated the conciliatory spirit of the Natal Ministers, and he promised that if the Bill was passed by the Colonial Legislature in its new shape, he would have no difficulty in advising the Queen to assent to it.¹⁰⁷

No sooner had the new Bill been laid before the House than Greenacre presented a petition from certain Indian residents of Natal against the passing of the Bill. The petition was read, received and ignored, but one of the members objected that the document was "a lecture to the Assembly rather than a Petition to the House."¹⁰⁸ In moving the second reading of the Bill, the Prime Minister hoped that the measure would be passed unanimously, because they "believed more than ever that the interests of the Colony demand (that) the control of its destinies should continue in the hands of men of European descent and race, and especially of men who have come from countries that are identified with the exercise of Parliamentary Institutions."¹⁰⁹ He then explained why the Bill of 1894 had been returned by the Imperial Cabinet and he discussed certain objections raised by some members of the House. These members believed that the people of India already possessed representative institutions and that the Bill would enable any Government of the day to swamp the constituencies by placing on the roll an indefinite number of Indian voters. Robinson explained that in India the nomination principle underlay the whole elective representative institutions. But to make assurance doubly sure the Cabinet in drafting the Bill, considered the phrase "representative elective Institutions founded on the franchise" sufficient to put at rest any doubt that might exist in the minds of Natal colonists and members of the House. The Bill would therefore exclude all persons not of European descent who had come from countries which had "not hitherto possessed elective representative Institutions founded on the franchise." Robinson hoped that this would be sufficient protection because the "franchise undoubtedly refers to the Parliamentary franchise as it is understood to exist in the Mother Country. Therefore with the insertion of these words, the contention of the petitioners will altogether break down, and there can be no doubt the operation and effect of these words will be to exclude the Indian-born voters from the exercise of those privileges."¹¹⁰

With regard to the fear that Ministers in power might put Indian voters on the voters' roll, he stated it was wishful thinking because "every white elector in the Colony, would stand shoulder to shoulder as one man in opposition to any such proposal. It would simply be nothing more or less than political suicide on the part of any Government that might attempt it." His government was "quite willing that Indians should come into this Colony for labour purposes and for fixed periods, but we do not want the population of this Colony to be predominated by a majority of Asiatic voters." The House applauded him when he added

¹⁰⁷ S.H. 41. Secretary of State to Governor, 26.11.1895.

¹⁰⁸ Leg. Assembly Votes and Proceedings, 1896: 102.

¹⁰⁹ Natal Leg. Assembly Debates, 1896: 6.5.1896, 166.

¹¹⁰ *Ibid.*, 168.

that "the rest of South Africa is as fully determined as we are that men of European descent shall control its destinies."¹¹¹

The opposition in the Assembly led by Sir Henry Binns, member for Victoria County, fully supported the idea of maintaining white supremacy, but they feared that the wording of the Bill was inadequate. They thought that a slight modification of Law no. 2 of 1883 would be better than the draft Bill. The shortcomings of the draft he found with regard to the supposition that there were no parliamentary institutions and that the elective principle was not applied. Binns quoted a number of examples to prove that the franchise was available for individuals and political bodies.¹¹² However, Harry Escombe absolutely denied that elective representative institutions existed in India. But he hoped his opponents would vote for the principle of the Bill and then in Committee he would try and introduce words which would make it better. He believed that the measure would accomplish all it was intended to accomplish and if it should fall short of what was intended, then there would not be a rest because "the electoral rolls throughout South Africa as regards English Colonies must be kept absolutely confined to persons of European race."¹¹³

In order to placate the opposition, Robinson cabled Joseph Chamberlain and asked if he would be prepared to insert the following words after "elective representative Institutions": "founded on the Parliamentary Franchise."¹¹⁴ Chamberlain agreed and his decision was applauded by the members of the Assembly. The Bill was passed unanimously in both Houses. With the passing of this law, the Natal colonists ensured political supremacy over all the inhabitants. In 1907 the Natal Native Affairs Commission not only recommended ethnic differentiation for Bantu administration, but reaffirmed the determination of Natal colonists to maintain white supremacy: "The Natives must be made clearly to understand, and to realise that the presence and predominance of the white race will be preserved at all hazards, and that all attempts to destroy its hegemony, whether overt or covert, such as the Ethiopian propaganda, will be promptly punished, instead of being disdainfully treated, as in the past."¹¹⁵

Constitutional development in Natal had considerable influence on the South African Constitution of 1909. On account of the proposal of Colonel Greene of Natal, membership of Parliament was restricted by the National Convention to "British subjects of European descent."¹¹⁶ Furthermore a coloured person could not claim the franchise on the grounds that he was civilised because civilisation could not be defined.¹¹⁷ The National Convention also decided unanimously to maintain the

¹¹¹ *Ibid.*

¹¹² *Ibid.*, Speech of Binns, 169-170.

¹¹³ *Ibid.*, 174.

¹¹⁴ G.H.262: Cablegram of Chamberlain.

¹¹⁵ Natal Native Affairs Commission 1906-7: Report no. 141, 5.

¹¹⁶ S.A. National Convention: Minutes of proceedings, 59 and 65.

¹¹⁷ *Ibid.*, 24 and 39. Walton, E. H.: *The Inner History of the National Convention*, 122-5.

political supremacy of the Europeans.¹¹⁸ In 1923-25 Indian voters were removed from the Municipal voters' rolls in Natal. When the United Party was established in 1934, General Hertzog's most capable and ardent supporter with regard to separate representation for the Bantu was Heaton-Nicholls, member for Zululand in Natal. On the other hand, Premier J. C. Smuts and the United Party experienced strong opposition from many Natal members when separate representation was given to Indians in 1946. In this manner the white inhabitants of Natal maintained political supremacy by means of separate representation for the Bantu and total exclusion of Indians from the franchise.

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¹¹⁸ Malan, F. S.: *Konvensie Dagboek*.