Engaging with Immigration Laws and the Bureaucracy: Indian Immigration Agents, Interpreters and Reformers in Cape Town, 1902 to 1916

Uma Dhupelia-Mesthrie
Department of History, University of the Western Cape

Introduction

In 1905 a petition by unsigned ‘British Indians’ of Cape Town found its way into the records of the India Office in London. The handwritten words refer, in particular, to the effects of the Immigration Acts in the British colonies of Natal (1897) and the Cape (1902). These made literacy in a European language a prerequisite for entry thus effectively excluding new Indian immigrants. The petitioners noted the lack of recognition afforded to Indian languages and made an impassioned threat:

Why are you English people joining hands with barbarism? Has the nation lost all its sane humanity? Do the nation wish to lose India the same way as you lost America? ... If the state of Indians should remain without redress as it appears to us they may increase into such an extent as human patience may not endure. Moreover we remind the nation that by handling us so cruelly you may not reduce our courage, but make us so brave as to face the death than to live so miserably, and what the results may be God knows.¹

This little known petition is a reflection of the turmoil that immigration legislation produced. Its warning of a readiness ‘to face the death’ precedes Gandhi’s urgings to Indians in the Transvaal when he promoted the use of satyagraha against immigration restrictions and the registration certificates for resident Indians. Yet satyagraha never took root in Cape Town – instead there were a variety of responses to the Immigration Acts of 1902 and 1906 – some bearing opportunistic zeal and others a reformist zeal targeted to improve the law and its working.

The late nineteenth century and the early years of the twentieth century in South Africa saw the drawing of the gates at port cities with the exclusion of new immigrants from the Indian subcontinent. Natal sought exclusion by incorporating a test in a European language at the port in 1897. That there was a global pattern developing for Asian exclusions has

¹ India Office Records (IOR), (British Library, London) L/PJ/6/713 file 753.
been pointed out by Adam McKeown\textsuperscript{2} and Jeremy Martens.\textsuperscript{3} Literacy tests became the norm in the USA, Australia and New Zealand, with the latter two following the Natal example as did the Cape Colony. Accompanying the literacy test was the employment of new technologies, documents to verify identity, and the development of filing systems so that only those entitled to enter could do so. In the South African colonies, resident Indians soon felt what Karin Barber has called `documentary bullying' by the state.\textsuperscript{4} It was an era of documents: domicile certificates, permits, registration certificates and certificates of identity. It was a time of anxiety for the lack of documentation meant exclusion at the port of entry or the land borders.

The activities of the Cape government in accumulating biographical knowledge about Indians in their midst has been documented. Individuals were photographed, thumb-printed and bodies were searched for defining identification marks. Knowledge about movements and family histories was locked into numbered and ordered files that could be drawn out each time individuals chose to move. Yet the research also points to the way in which individuals `caught in the snare of paperwork' creatively engaged with the law and the bureaucracy to produce fictions about themselves and thus `secure themselves a place in the Cape'.\textsuperscript{5} These documents of identity and the efforts of Indians to secure them legally or illicitly have recently been given some significance by Macdonald\textsuperscript{6} and Dhupelia-Mesthrie.\textsuperscript{7}

They point to the emergence of immigration agents who served as interpreters and professional identifiers. This paper takes this further by providing a detailed focus on two immigration agents - cum interpreters- cum identifiers, namely, Abdol Cader and Chagan


Lal, one Muslim, one Hindu. They acted as intermediaries between the immigration bureaucracy and Indians who sought documentation and landing rights. Yet these intermediaries also developed opponents and this forms the second focus of the paper. Ebrahim Norodien (a businessman) and Shamsudien Cassimali (a court interpreter) on behalf of their political organisation, the South African Indian Association (SAIA) and later the Cape British Indian Union (CBIU), appeared before parliamentary select committees on immigration and government-appointed commissions to make specific points about the immigration law and its administration and, in particular, critiqued the activities of these agents/interpreters. An examination of the activities of these opposing parties provides an understanding of the workings of the immigration bureaucracy and its limitations.

There is a significant and growing literature on intermediaries. Towering amongst these is Frances Karttunen’s biographical collection of several individuals (many of them women) in the Americas as well as Australia, who played a role during the stages of colonisation. She saw them as ‘between worlds’, ‘worlds in collision’. Bernard Cohn has similarly pointed to the role of intermediaries in the very early stages of the colonisation of India, but he equally points to how the British soon set about mastering Indian languages themselves and became the interpreters of Indian society. Rajend Mesthrie has also asked that we pay attention to language as colonisation unfolds and progresses. He draws attention to the range of individuals (among them runaway slaves, rebels, convicts, and children of missionaries) who were interpreters in the eastern Cape. The careers of Krotoa (Eva), Jan Tsatsu, Sol Plaatje and Theophilus Shepstone have been well-documented and to this list is Prinisha Badassy’s cast of Christian Indian and Anglo-Indian men (such as Henry Louis Paul,

---

8 I do not use his surname as his family are quite prominent in Cape Town. Where the official documents refer to his surname, I have replaced these with his first names.
Chelivum Stephen, David Vinden, Anthony Peters and Frank Ward) who worked in the colony of Natal as civil servants interpreting for the indentured and free Indians in the courts and in the office of the Protector of Indian Immigrants.13

Recent work such as that edited by Lawrance, Osborn and Roberts has widened the focus on intermediaries to include clerks, lower level government employees and letter writers many of whom found a place in the emerging bureaucracies of rule.14 Andrew Bank points to the role of assistants to social anthropologists; the latter are also characterised as ‘heirs’ to the early black interpreters in their attempts to provide a mediating interpretative role between cultures.15 Much of this work on intermediaries takes a biographical approach.16

By focussing on immigration agents I add one more category to the list of intermediaries and provide a modest attempt to understand their work. They operated in Cape Town in the Cape Colony which since 1872 had secured responsible government. It was a colony where irrespective of race, people could secure the franchise provided they met the educational and property qualifications.17 This colony became a province of the Union of South Africa in 1910. Chagan Lal and Abdal Cader who were immigration agents until 1916 were both citizens of the Cape, yet they were also Indians which group the government sought to keep out. While as members of a ‘race’ disliked by officialdom, they managed to develop friendships in the bureaucracy and gained the trust of officials who allowed them to act as intermediaries between officialdom and other Indians.

The Immigration Acts of 1902 and 1906: Immigration Agents, Interpreters and Identifiers

In the late nineteenth century, immigration controls in the oldest of the British colonies in South Africa, the Cape Colony, were marked by ‘Victorian liberalism [which] demanded free movement on both commercial and philosophical grounds’ and by a desire to increase the

14 Lawrance, Osborn and Roberts (eds), Intermediaries, Interpreters, and Clerks: African Employees in the Making of Colonial Africa.
17 In 1892 the property qualification was £75 and voters had to be able to sign their names. See V. Bickford-Smith, Ethnic Pride and Racial Prejudice in Victorian Cape Town: Group Identity and Social Practice, 1875-1902 (Cambridge: Cambridge University Press, 1995),144.
white population. The early years of the twentieth century represented a significant shift as the colony sought to shape its identity. Only certain types of whites were wanted – those of English and European stock who were literate, had means or were possessed of labour skills needed in the colony. Asians were targeted for exclusion as panic spread that there would be a flood of immigrants who once refused permission in Natal by its stringent European literacy test would make way to the more liberal Cape ports. The South African War (1899-1902) and the economic boom led to an increase in immigrants. The city of Cape Town grew from a population of 79 000 in 1891 to 170 000 in 1904, among the newcomers were Europeans (mainly British), Australians and Indians. From its early numeration in 1891 at 1 453, the Indian population of the colony grew to 8 489 in over a decade. While a distinct minority - for the total population of the colony was 2 409 804, their growing presence was cause for concern.

The passage of the Immigration Act 47 of 1902 meant that new immigrants had to comply with a means test (£20) and demonstrate an ability to write in a European language. Poor whites who were illiterate were offered a line of entry if they had formal employment contracts. The poor and illiterate from the East as well as the educated who could write in Indian languages were given no concession. Domiciled residents as well as wives and children of domiciled residents were exempted from meeting entry requirements. The Immigration Department oversaw entries into the port and Clarence Wilfred Cousins headed this department for a decade; William van Rheede van Oudtshoorn was his second in command.

Residents in the colony needed domicile certificates at first to secure their re-entry into the colony, failing which they would have to comply with the Act’s proscriptions. Resident magistrates initially issued these and relied on the police to verify the details of the applicant. The Immigration Department then took over processing these applications to ensure proper enquiries, prevent fraud and have centralised control. The application form

---

19 Bickford-Smith, Ethnic Pride, 131.
20 See G6-‘92, Results of a Census of the Colony of the Cape of Good Hope as in the Night of Sunday the 5 April 1891, p.A G19-1905, Results of a Census of the Colony of the Cape of Good Hope as on the Night of Sunday the 17 April 1904, xxi, xxxv11.
asked questions about the applicant’s length of residence, visits to home country in that
time, ownership of property, shops or businesses, the place of residence of applicant’s wife
and children, whether they would join the applicant in the future, and the applicant’s plans
as to where his permanent home would be.

The form was designed to exclude Indian males who had families in India; this represented
the majority of Indians whose migratory patterns required a cycle of return to India to be
with their families. Domicile excluded the labouring poor, and there were many who had no
local property. As has been pointed out elsewhere ‘The ideal Indian as defined by the state
was one who had severed ties with India, set up a permanent home in the colony and
developed vested interests’. In 1904 the Indian population was overwhelmingly male, 7
648 to just 841 females. Domicile certificates were hard to come by and those who did
secure one had to provide their thumbprints, a photograph, and a physical description.

The Immigration Act of 1906 instituted a new system of permits. These were compulsory
for Asians to acquire to secure admission back into the colony, though whites who
wanted a permit for their convenience could also secure one, and many in fact did. The
application form for the permit drew on the similar questions for the domicile certificate.
The permit for Asians bore a photograph, contained a physical description of the holder and,
while there was provision for thumbprints, these were not taken between 1906 and 1911,
presumably because of the impact of the Gandhi-led campaign against fingerprinting in the
north. The Union of South Africa which brought together the British colonies saw the
passage of an Immigration Regulation Act 22 of 1913 under which the Cape permit system –
now renamed a certificate of identity – became applicable nationally. Regulations under the
Act excluded new Indian immigration altogether by proclaiming Indians to be prohibited
immigrants ‘unsuited to the requirements of the Union’. After 1902 thus, the only new
Indians who could gain legal entry into the Cape were wives and children of resident

---

23 G19-1905, Results of Census 1904, 68-69.
24 The Cape Colony went beyond Natal in these requirements where in the 1890s, domicile certificates bore no
identification descriptions of the holder, and it was only in 1906 that thumbprints (but not photographs) were
inserted. See A. MacDonald, ‘Strangers in a Strange Land: Undesirables and Border-Controls in Colonial
25 The Chinese also had to take out permits under the Chinese Exclusion Act of 1904.
Indians. Resident Indians who left the colony without permits or whose permits expired (a year was given) had their rights to reside in the colony extinguished.

The request for domicile certificates between 1903 and 1906 and the subsequent permit/certificate of identity brought Indians in the Cape into the world of writing. The Immigration Department, whose headquarter was in Parliament Street in Cape Town, became the site of much desperation as Indians sought these documents which were simultaneously ‘enabling’ as they were ‘repressive’. Bodies were measured, examined for distinguishing marks, and thumbprints rolled over the fingerprint slab, which as one official described, was ‘a dirty job; an oily, inky thing’. The possession of this document on return was not a guarantee of re-entry. Immigration officers at the port tested the identity of the holder and his rights by a series of questions. The port became a place of turmoil as new arrivals (minor sons mainly, but wives too) were also put through rigorous questioning to verify ages and relationships. As bell hooks puts it for another context where power relations were heavily weighted: ‘The very sound of English had to terrify’. Passengers of all races were, in fact, put through some form of questioning to ensure their rights to land and various intermediaries for a variety of immigrants emerged.

Cape Town had the largest concentration of Indians in the colony - in 1904 they numbered 3 866, 3 752 of whom were male. They included factory owners, wholesale merchants, general dealers, hawkers, shop assistants and many Indian labourers who worked for the municipality, at the docks, in factories, and as cooks and gardeners. The majority were from the Konkan areas (Ratnagiri and Kolaba Districts) in what is today Maharashtra, with others coming from Surat with much smaller numbers from Bengal and the Punjab. Muslim Koknis

---

26 There were smaller offices in Port Elizabeth and East London, the other two port cities but all permit applications were forwarded to Cape Town from where they were issued.
28 SC 10-17, Report of the Select Committee on the Petition of W. van R. Van Oudtshoorn, p.60
29 This has been fully elaborated in my paper ‘False Fathers and False Sons: Immigration Officials in Cape Town, Documents and Identifying Sons from India in the First Half of the Twentieth Century’ to be published in a special issue of Kronos on paper regimes in 2014.
30 bell hooks, ‘‘This is the oppressor’s language/yet I need it to talk to you’’: Language, a Place of Struggle’ in A. Dingwaney and C. Maier (eds), Between Languages and Cultures: Translation and Cross-Cultural Texts (Pittsburgh and London, University of Pittsburg Press, 1995), 296.
31 The Reverend Weinberg and the Reverend Bender were intermediaries for Jewish immigrants; with Mr Nannucci assisted Italians occasionally.
32 G19-1905, Results of Census 1904. pp.68-9. Port Elizabeth had the second largest numbers at 1132 with Kimberley following at 1118.
made up the majority, Hindus in Cape Town numbered just 789. The vast majority would have been unable to write English; languages spoken included Urdu, Kokni, Gujarati, Hindi or Gurmukhi. Some could write in the Indian languages. Shopkeepers slowly picked up words of English and Afrikaans. There were smaller numbers of Tamil ex-indentured Indians from Natal who had lost contact with India and so the immigration office had little meaning for them. For the rest, the world of documents of identity and the arrival at the port, necessitated the use of intermediaries, those who could bridge the divide of language and bureaucracy and ease the process.

Individuals with skills in English, an ability to master and understand the requirements of the bureaucracy and the law, and possessing the aptitude to work both with immigration officers and Indians found new opportunities. The Immigration Department itself did not appoint an official Indian interpreter and they too depended on these agents and interpreters. While officer, Dr James Maclaren, who was stationed at the docks to land passengers, had been in India and knew some Hindi, the clerks in the Immigration Office lacked knowledge of the Indian languages. In the early years, the clerks filled in forms at the office but soon this became burdensome and displaying signs of a weak infrastructure, the reliance on the agents deepened. As Cousins would say in 1914 – twelve years after the first Immigration Act was passed: ‘It would be impossible for the department to fill in the forms for every applicant’. Thus the colony set in place systems and demands which its own bureaucracy could not independently cope with. The Department employed interpreters only on a casual basis (for example, when a new arrival or returning Indian whose entry was doubtful had to be questioned) and they were paid a small sum of £15 or £25 per annum.

Agents filled the bureaucratic fissures by assisting Indians with the forms, accompanying clients to the office (where they interpreted for them). The immigration clerks did the official work of pinning/pasting photographs, measuring and fingerprinting and handing over the completed and signed permit bearing the signature of the Chief Immigration Officer. As will be seen, it was here that they made a handsome income. An audit of 365 applications made by Indians at the Cape Town office between August 1913 and January

33 Ibid., 138, these figures include Cape Town central and its suburbs.
34 Cape Times, 27 February 1914, Evidence of C. W. Cousins before the Indian Enquiry Commission of 1914.
35 Ibid.
1914 revealed that agents were used in 200 of these. There were several agents amongst them Abdol Cader (44 applications); Abdul Kadir (34 applications); Chagan Lal (27); Abdul Ganie (17); Esmail Mahommed (9); A Bala (8); other Indians (51). Attorneys were involved in 10 of the applications.\textsuperscript{36} The following section elaborates on the workings of Abdol Cader and Chagan Lal who dived deep into this sea of opportunity.

Chagan\textsuperscript{37} originated from Rander, Surat. He ran an export and import business and operated a wholesale as well as retail business at 21 Roger Street in District Six, the most populous and racially integrated area in the city. He sold primarily Indian goods and groceries. According to him,\textsuperscript{38} he left India for the Cape Colony in 1899 or 1900 in the early years of the South African War when he was nineteen or twenty years old. He first lived in East London for a few months but then found work with the British troops as a labourer and accompanied them to Johannesburg. There he stayed for eight or nine months where he made and sold sweets. He lived in Cape Town subsequently until the war ended in 1902 but returned to Johannesburg for six or seven months and then made his way back to Cape Town where he lived without returning to India until 1914. Although his wife remained in India, his sons joined him in Cape Town sometime after 1906. By this time he possessed a sum of £800. He claimed to own four houses and property in India and by 1914, when he was 33 years old, he also owned property in Cape Town, presumably his shop and house. He was a man of some standing in the Gujarati community. In 1908 he was chairman of the United Hindu Association founded in 1903 by Gujarati Hindus in Cape Town, a position he retained for seven to eight years.

The Immigration Office first encountered Chagan Lal in 1905 when he sought a document through attorney, G.J. O’Reilly, to proceed to India.\textsuperscript{39} Thereafter Chagan became a familiar face at the Immigration Office. His records reveal he signed his name in English and his spoken English was good. He did not need an interpreter when he applied for a certificate of identity in 1914 to proceed to India. The files of the immigration bureaucracy reveal the

\begin{thebibliography}{9}
\bibitem{36} Ibid.
\bibitem{37} This is based on his file in Western Cape Archives Depot, Interior Regional Director, hereafter, IRC 1/1/46 1076a.
\bibitem{38} All narratives of arrivals and movements have some element of fiction in them as they were tailored to meet the law. This narrative was offered when Chagan sought in 1917 to secure rights to live in the Transvaal.
\bibitem{39} See IRC 1/1/46 1076a.
\end{thebibliography}
extent of friendships he cultivated with staff by this time. His name appears on numerous files as a reference for individuals who proceeded to India on permits. After 1906, investigations by the urban police to verify applicants’ details were abandoned, presumably because of the demands these made. Instead, the department required the submission of at least three references from those who knew the applicant and could verify that he had lived in South Africa for the years claimed. Chagan, as well as many others, like Abdol Cader and the merchant, JMH Gool, at whose home Gandhi stayed in Cape Town, were accepted by the Department because they were established businessmen. They became what may be termed professional identifiers; their names on an application could almost guarantee a permit. When Abdol Aziz made his first application for a permit in 1911, Chagan’s reference written on his business letter- head guaranteed him that permit:

I have much pleasure in stating that I have known ABDOL AZIZ for the last Nine Years, during which period he has been residing in the Cape Colony. He has been dealing in Colonial produce since he has been in the Colony and I know him to be thoroughly straightforward and trustworthy person. He wishes to proceed to Surat, India, for the purpose of seeing his Nephew, who succeeded to his Father’s Kingdom and Throne about Four years ago. He would like to have a permit, enabling him to return in Eighteen Months time, and I consider he is a fit and proper person to whom such a permit might be granted.40

The crucial information needed by the Immigration Department was that Aziz had been in the country prior to the Immigration Act being passed for while he could read and write Gujarati and Urdu he did not know English. That the Department had to rely on a reference was a sign of its weakness in establishing facts prior to the passage of the Immigration Act – an era in which there was an absence of paperwork documenting arrivals and stays.

The reference reveals some of Chagan’s personality but more so it reveals his influence with officials for it was the only reference on the application. It was not only van Oudtshoorn who signed off this application from Aziz who knew Chagan, but evidence shows that Chagan had a close relationship with the Chief Immigration Officer, Cousins himself. He was a man, reflecting contemporary white attitudes, who was prejudiced

---

40 IRC 1/1/107 2650a.
against Asians and Jews and the poor. He developed strong dislikes and likes to people and had many confrontations with lawyers, shipping agents and various individuals.  

As the Chief Immigration Officer who boarded the ships arriving with Jewish immigrants from eastern Europe, he recorded his pride in keeping out ‘the more miserable specimens’. He wrote, for instance, of a ‘filthy young reptile’ he successfully excluded. His duty according to the mandate given by the Immigration Act was to keep Asians out of the colony. He disliked the Indian migrant who took of the colony’s resources and contributed nothing except to the village in India. He referred to Indian Muslims as ‘these low-class Bombay country-folk’. He also believed the ‘wily oriental’ could not be trusted because of a natural propensity to lie. After a day dealing with Indian arrivals, he observed ‘Parliament Street has been so infested with them all day’. Occasional sympathetic words emerge from him when faced by single, young white women whom he saw as their protector.

It was this man with whom Chagan managed to forge a close association; Cousins could speak of his ‘Indian friend’. From Cousins’ private papers we get an indication of conversations the two had. They chatted about Cousins’ younger sister, Constance, who had lived in India since 1911 working at a sanatorium. Just as Chagan was proceeding to India, she had been confirmed in her appointment to a medical mission in Kalimpong managed by the Church of Scotland. Chagan indicated he would visit this sister and persuade her to come to Cape Town. Cousins diarised their exchange: ‘When I suggested that the lack of rupees might influence he vowed that he would himself procure the steamer passage – and – if she let him – he would do it gladly.’

41 I am currently working on his years as Chief Immigration Officer with a view to understanding the kind of man who held such a post and the nature of the work required.
42 Clarence Wilfred Cousins Papers (University of Cape Town, Manuscript Collections, BC 1154 a4.1.3, Diary for 1913, 19 March 1913.
43 IRC 1/1/111 2754a, Note of Cousins, 25 March 1907.
45 Cousins Papers BC 1154 a4.1.3, Diary for 1913, Ibid., 24 February 1913.
46 Ibid., 21 October 1913; PIO 24 2679E.
47 See genealogical tree of William George Cousins prepared by his great-granddaughter at freepages.family.rootsweb.ancestry.com/-stanier/documents/descendants WG Cousins.pdf. Thanks to Andrew Macdonald for this reference.
48 Cousins Papers BC 1154, a4.1.3, Diary for 1913, undated entry January 1914. Cousins does not name his ‘Indian friend’ but the man was from Surat and has to be Chagan.
Cousins also provided Chagan with a reference to ease his travels across land borders: ‘I have found him invariably in the side of straight dealing and have had great assistance from dealing with cases of his countrymen... He is respected and trusted and carries with him the good wishes of all officers of this Department with whom he has been brought into contact’.\(^49\) Chagan’s certificate of identity to proceed to India contained neither his photograph nor his thumb prints, both being mandatory for Indians. Instead of denoting his physical features, the clerk wrote: ‘Well known to members of the staff of Immigration Department Cape Town’. Chagan had come a long way since early January 1906 when his domicile certificate bore his photograph, thumbprints and the noting of his scars and deformed right hand finger.\(^50\) How he achieved this we can only guess and read into this an amiable personality with a capacity to charm.

The telegrams and letters sent by Chagan to Cousins after departing for India in 1914 also reveal considerable familiarity. He delivered a message from Cousins to the Principal Immigration Officer in Durban. He entreated Cousins to ‘look after my brother Ranchhod & also on business & kindly send my son regularly to school & for that I shall thank you sincerely’. Chagan referred to ‘the favour in past have been done to me by your kind mind, that which I hope to continue for ever & I shall not forget till my alive life’. As his ship set sail from Durban he sent a telegram ‘Goodbye you family and your staff. Take care my brother’.\(^51\) Several months after being in India, Chagan became concerned about the limit of a year on his permit – he asked for five years something no Indian ever received. He explained he needed time to deal with some unspecified matter. He secured an extension of three years, usually accorded to individuals on special representations.\(^52\)

On New Year’s Day in 1915, Cousins received a telegram from Chagan in India wishing him a Happy New Year but also including two requests one dealing with immigration matters and one entirely personal. Cousins was to ask Van Oudtshoorn and GW Dick, the officers in Cape Town and Durban respectively, to receive his friend, Gaylal Ukanjee who was sailing for Natal with family, and to ‘entertain them properly’. The second request was to do with Chagan’s business licence. Cousins was to ‘try to get license in Ranchodlal’s name as I am in

\(^{49}\) IRC 1/1/46/1076a, reference dated 27 January 1914.
\(^{50}\) IRC 1/1/45/1076a, certificate of domicile, 22 January 1906 and certificate of identity 28 January 1914.
\(^{51}\) IRC 1/1/46 1076a, letter 4 February 1914 and telegram from Durban.
\(^{52}\) ibid, see note of van Oudtshoorn, 14 September 1914.
difficulties here’. A month later he sent a second telegram: ‘Gayla Ukanjee with wife started steamer Gupat [Surat] twelfth January Natal Kindly land carefully tell Ranchodlal send money immediately obliged’. 53

In between the two telegrams, Chagan wrote a letter to Cousins at his home address in Three Anchor Bay. 54 That he knew his address was not remarkable for the Immigration Officer often had people turning up at his doorstep at all hours. Chagan repeated his two requests, noting ‘for this act of kindness, I shall be highly obligated to you for ever and I shall not forget your obligation till life’. Chagan expanded on his personal difficulties. The one was financial - Nathu Daya of Delagoa Bay, a former business partner, had a case against him and Chagan feared he would attach his properties in Cape Town, hence he wanted a transfer of the business licence. He confided in Cousins of some domestic troubles and that he had taken about five or six months to find a wife. 55 Referring somewhat obsequiously, perhaps to his receiving a permit to travel, Chagan continued: ‘Due to good kind-hearted gentleman like your worthiness, I have succeed in the aim desired at and much more that I have got a wife of 16 or 17 years. Though I had to undergo an expense of 400 pounds for this, I care little as the woman is in every respect good, and all this is due to your worthiness’ favour’. Chagan also slipped in an immigration request - he was sending Jiwan Daya’s permit to be extended ‘plea favour me with it and oblige. Some more time may be put in it; only because this man has recently married a new wife and so some more time is needed’. He ended with compliments to Mrs Cousins ‘for whose long life, I always pray to God’ and made special mention of several members of the Immigration Department.

The above correspondence is quite extraordinary. In the files of the bureaucracy there is nothing quite like this merging of personal and work requests and certainly not to the rather unapproachable and somewhat fearsome Cousins. It reflects years of getting to know each other through work in the Immigration Department. Cousins knew all about Nathu Daya in Delagoa Bay since he had previously deported him after he tried to enter the colony. Cousins, by going against a Supreme Court ruling, incurred a contempt of court fine. 56

\---

53 Ibid., telegrams, 1 January 1915 and 3 February 1915
54 Ibid., letter 7 January 1915.
55 According to Chagan his first wife had left him and he now took another wife.
56 BNS 1/2/5 A145 Enquiry into Administration of Immigration Department, p. 215, evidence of Norodien and p. 302 evidence of Cousins. Cousins argued he acted on a matter of law and not because of Chagan.
Cousins did call Chagan’s brother to his office and perhaps discussed the licence issue. It is likely that Chagan’s friends coming from India may have been treated more courteously than other immigrants and his request for an extension of the permit of Jiwan Daya was most likely granted. Yet there were limits to what could be done for Chagan – his wish for a five year permit was denied – that he could make the request was an indication of him pushing his friendships to the limit.

Abdol Cader was one of the earliest to establish links with the bureaucracy. He had come to Cape Town from Mauritius in 1881, thus making him more established a resident than even the Chief Immigration Officer who only came from England in 1896. A one-time cigar maker, Cader owned an import business but also worked as a supreme court interpreter. It was during the South African War, when there was an influx of people from India that he was in demand for interpretation work. Unlike the majority of Indians in Cape Town, Cader did not travel outside the country for visits to India or Mauritius, most likely because he had a wife and family in Cape Town. He was also secretary of the British Indian League (BIL, f. 1901), a body that made representations on behalf of Indians to government. He cuts a distinguished figure in all his representations. The BIL was fairly moderate in its dealings with government.

Soon after the passage of the Immigration Act of 1902, Cader began assisting Indians to secure domicile certificates. A year before the Immigration Department took responsibility for the issuing of the domicile certificates from the magistrates, Cader was reported to be taking completed domicile certificates to the magistrate’s office for signature. The Medical Officer of Health, A. John Gregory noted in 1904: ‘Where Cader gets them from I am at a loss to discover’. In 1905 Cader sought permission to board vessels that arrived at the port so as to be present when Indian arrivals were questioned by the Immigration Officer. By this time the Immigration Officer at the docks, Dr Maclaren, had already taken to calling on

---

57 See his file IRC 1/1/160 3875a. A clerk later wrote in the file ‘The Abdul Cader’. For his own biographical account see SC 16-1908, Report of the Select Committee on Asiatic Grievances, 30. See also C.1-09, Reports of the Select Committees on the Immigration Department (Reports and Evidence taken by the Select Committees of 1907, 1908 and 1909 Sessions) (Cape Town: Government Printers, 1909), Evidence of Shamsudien Cassimali, 127.  
58 It appealed for Indian languages to be included in the Immigration Act; for domestic and shop assistants to be allowed in and for permits to be for longer duration. Except for the latter where concessions were made they were unsuccessful. (See Indian Opinion, 18 June 1903; Cape Times, 19 July 1908.)  
59 IRC 1/1/160 3875a, Gregory to J T Wylde, Resident Magistrate, Wynberg, 19 December 1904.
Cader to assist with interpreting. He provided an explanation as to how he had come to draw on Cader: `He himself voluntarily comes down to meet all steamers with Indians, and being on the quay it is my custom to summon him on board to aid in interpretation and identification. Therefore though not summoned, his services have been utilised’. In the absence of a white who could interpret (and this would have been the first choice), Cader who was an authorised court interpreter, was considered suitable. Thus it was that `his services if not quite indispensable, are nearly so’. While Maclaren recognised that Cader had an interest in securing the landing of Indians, Maclaren was convinced that he had control of the situation since he had some knowledge of Hindustani himself. 60 Cader was one of four people the Department called on to interpret for Indians. 61

Cader was thus in an unusual role – employed by the Department when needed and employed as immigration agent by Indians. It was the Department which created the opportunity for this dual work, again reflecting administrative incapacity and as will be shown it also displayed lack of judgement. For the next decade, he became a familiar figure at the docks and in the offices of the Immigration Department. He claimed he charged between £2 and £5 for his work as agent, the fee depending on how many times he had to get to the office. He was one of ten people the department approached to identify people. 62 By 1915 Cader was primarily an immigration agent, he had given up his business but claimed his sons supported him financially. 63

As immigration agent and from working inside the department itself, Cader acquired knowledge of what was required to secure a permit or a landing. There were many conversations and exchanges between the interpreters/agents and their clients which the applications do not reveal. He may have said: Do not say you are married or alternatively say that you will bring your wife and children to South Africa. You must say that you wish to make South Africa your home. To an illegal seeking a legal permit he may have advised: You cannot say you came into the country after 1903 – since you cannot write English that would have been impossible. You need to get references – I will provide one but perhaps

60 Ibid., Maclaren to Medical Officer of Health, 7 January 1905.
61 SC 16 -1908, Select Committee on Asiatic Grievances, Evidence of Cousins, 115-6.
62 SC 16-1908, Select Committee into Asiatic grievances, Evidence of Cader, 22-25.
63 BNA 1/2/5 A145 Evidence before Inquiry Commission into Immigration Department in Cape Town, evidence of Cader,
see Mr Gool. Bring three photographs. When fathers sought to bring sons – Cader would have impressed upon them the need to make complementary and not conflicting statements about siblings, uncles, aunts, grandparents and to say they were under sixteen. To uncles and brothers he could have advised: if you want to bring your nephew or brother he has to come as someone’s son.

We are not blessed with letters between Cader and officials but from Cousins’ diaries we get an occasional glimpse of a close relationship. In 1909 Cader took Cousins and his friend on an afternoon’s journey to see a mosque and orphanage on the Cape Flats and also gave them two goats after the trip. When Cader’s wife died in 1913, the two would have a conversation about this loss, with Cader providing some idea of his wife’s character and personality. Slight as this is, there is little doubt that Cader became a much respected figure in the Department. Cousins could confidently say in 1908 that he believed Cader to be ‘absolutely honest and straightforward’. In his dual capacity as secretary of the BIL and immigration agent, Cader could say of the department and the working of the Act: ‘We are very satisfied indeed’. The permit system operated well in comparison to the earlier period: ‘Yes, I will say that Government has been too kind to us’. There was a more aggressive response from other quarters - Ebrahim Norodien and Shamsudien Cassimali sought to improve the administration of the Act and in particular end the dominance of the immigration agents, Cader specifically.

‘There must be some arrangement between Mr Cader and the Immigration Officers’, 1908

In 1906, the SAIA was formed to take a more aggressive position on the Immigration Act and other matters. Ebrahim Norodien, the president was one of the largest merchants in the Peninsula. Since his first arrival in the Colony in 1896 within a decade he built up his import and retail business to a staggering 22 shops in the peninsula. His wife and three children lived in India while he presided over this business empire. While he could speak English, in 1908 he indicated: ‘I write English slightly’. Norodien had some influence

---

64 Cousins Papers BC 1154, A4.2.1 Diary for 1909, entry 8 January 1909.
65 Cousins Papers, BC 1154, B1.3 Family Letters 1914 13 November 1913.
66 SC 16-1908, Select Committee on Asiatic Grievances, Evidence of Cousins,108
67 SC 16–1908, Evidence of Cader,22-23.
68 IRC 1/1/92 2282a, see his letter to Immigration Department, 19 November 1907; and application for a permit, 3 November 1908.
amongst Kokni Muslims, presiding over the Kokni Muslim League. The SAIA claimed to have 500 members in Cape Town with branches in Stellenbosch, Wellington, Paarl and in Kimberley and Port Elizabeth. Shamsudien Cassimali, its secretary, like Cader, had a long period of residence in the Cape Town. He had arrived in 1891 and spoke and wrote English which he learnt at St Mary’s School in Bombay. He had dabbled in being an estate agent, worked for lawyers, and made a living as an accredited supreme court interpreter, being the only accredited Indian in 1915. He earned 7/6 per hour and lower rates in the magistrates courts at 2/6 an hour. While he had two sons in India he was married to a local Malay woman in Cape Town. Norodien and Cassimali drew up a petition of the SAIA and made representations to two select committees of the Cape legislature in 1908; one appointed to look at Asian grievances only (business licences and immigration) and one tasked with examining the administration of the Immigration Act for the whole colony.

The evidence and the petition did not mince words about the Act and its administration. The petition referred to the ‘oppressive’ immigration law; it demanded a clear definition of what domicile meant and for this to be made public knowledge. Once established it should regulate the issue of re-entry into the colony decisively. In Natal, three years was recognised as sufficient. The petition pointed, in particular, to the ‘illiberal and unsympathetic attitude of the department’. Norodien and Cassimali argued against placing discretionary power in the hands of the Immigration Officer who could refuse permits at will. Cassimali argued:

I think the Immigration Officer is given too much power. You do not know what the law is because to-day you have some regulation, and to-morrow there is another, and you do not know where you are, I think if the Law is made hard and fast, and that only parliament could change it, you would know what the law is. If you go the Immigration Office they cannot supply you with regulations. The question of domicile is left to the Immigration Officer’s discretion, and he has too much power.

A significant part of Norodien’s and Cassimali’s evidence was about Cader and the officials of the department. Norodien charged that ‘the officers of the Department do not treat everybody alike. They favour some, whilst the others they treat badly’. While they went to

69 SC 16-1908, Evidence of Cassimali, pp.15,19; BNS 1/2/5 A145, Evidence Before the Inquiry into the Immigration Department, 198.
attorneys to secure permits and landings these would not succeed. Yet there was `one man who can get them all admitted’, Abdol Cader. Norodien alleged that Cader charged up to £36 and that the tariffs fluctuated. To secure the landing of a minor child, it was almost a requirement to pay Cader and the landing of people could be delayed if Cader was not engaged. Cader was further accused of securing the landing of people not entitled to land such as youth who masqueraded as sons or priests to secure entry; to do this the shopkeepers sponsoring these boys were pressed by Cader to pay money. Norodien argued: `There must be some arrangement between Mr Cader and the Immigration Officers, because he was the only man that could get them out’. Asked by the select committee member: `It must have been an illegal arrangement?’ Norodien replied unhesitatingly in the affirmative. Cassimali was asked about why an officer would change decisions about landing individuals, he replied: `Well, as I said before, I suppose there must be an understanding between Mr Cader and the Immigration office, I think, by giving of bribes’. He called for `better officers’ and pointed to Cader’s role in `trading in permits’.

Cassimali would not flinch from these strong charges as the following exchange before the select committee shows:

You definitely accuse Cader of corrupting the Immigration Department? Yes 
...

You are an educated man and you are an interpreter in the Courts, therefor you must be aware of the very serious charge you lay against the Immigration Department and this man Abdol Cader, when you say they are guilty of fraud? What I maintain is that there could be some communication between Cader and the Immigration Department.

You say Cader had bribed the officials of the Immigration Department. You know what a serious statement that is, because you are implicating a lot of men. Now can you give us proof positive of that? I can produce men who have no right to be here. 71

Norodien and Cassimali brought before the select committee individuals who testified (after an assurance that they would not be prosecuted) that they had entered the country illegally after paying Cader money. Mahomed Esol claimed to have been landed as a priest by Cader but he was in fact a shop assistant. Hoosen Adam, a businessman, said he paid £10 to Cader `to get Esol past the Immigration Officers’. He also admitted he brought in a son

---

71 C.1-09, Reports of the Select Committees on the Immigration, Evidence of Cassimali, 138.
and nephew who were both over the age of 16 after paying Cader £12. Another general dealer’s evidence, that of Hoosen Ebrahim, was that he paid Cader £40 to land his two brothers. Mohamed Essack, a general dealer, gave evidence of paying £36 to Cader to get his brother landed. The testimonies did not name any specific immigration officer but bribery was alleged.72

These confessions point to Norodien’s and Cassimali’s influence in the community. Power relations were also at work for Mahomed Esof was then an employee of Norodien who also interpreted for him before the committee. Hoosen Adam explained his motive: ‘I am suffering from having paid that amount of money to Cader, and I want to show the Government what is going on so that it could be stopped’.73 Norodien’s and Cassimali’s motives were complex. It is possible that there was jealousy between them and Cader for they were of different political organisations and the BIL was strong in this period. It could be too that Cader was not from India or from the Konkan belt, those from the latter zone being the primary source of Norodien’s support. Jealousies between interpreters were also not uncommon as Badassy’s work on interpreters in Natal has shown.74 Prestige was at stake too. Both claimed to have not succeeded in getting permits or landings for people, yet Cader was successful. Norodien gave an example of his lack of success: ‘Of course people laughed at me saying I was President of the Association and could not get one man to remain here’. The same happened when he wanted an extension of permit for his store manager – Cader accomplished in minutes what Norodien struggled to do.75 Norodien would prefer working through lawyers rather than Cader. Yet a significant motive was that the SAIA wanted the law amended to allow shop assistants to enter. By pointing to shop assistants entering as sons on a significant scale, they hoped to prove that the law was being successfully broken and their plea was for legal concessions to be made. Norodien as a spokesman for businessmen, specifically pointed to ‘our countrymen …suffering … because they cannot get their servants admitted except by having to pay large sums’.76

---

72 Ibid., 139-47; 161-64.
73 Ibid., 143.
74 Badassy, ‘Turbans and Top Hats’, 44.
75 C.1-09, Reports of the Select Committees on the Immigration, Evidence of Norodien, 156,158; Evidence of Cassimali, 134.
76 Ibid, Evidence of Norodien, 153.
Allegations were made against Cader in this official forum in proceedings that would become public knowledge. Yet the government had received anonymous letters from as early as 1904 and 1905 about Cader landing people without rights and providing coaching to them about questions the immigration officer would ask.\(^{77}\) Just as that investigation revealed no hard facts, here too the allegations of bribery and favouritism were dismissed. A resident magistrate, Blackstone Williams, tasked with investigating these allegations focussed specific attention on whether immigration officials had been bribed and found no evidence for this, though they may have made ‘mistakes’ in their decisions about certain cases where they had been ‘misled by false representations’. He put the accusations done to jealousies between the rival organisations. The Select Committee took the word of the Chief Immigration Officer that there was no favouritism and made a small recommendation that the charges made by agents should be regulated ‘to prevent extortion’.\(^{78}\) By implication, it did not question the need for the existence of immigration agents and their dual role in the department. Hindsight points to the weakness of the members of the legislature and this would come to haunt the Immigration Department several years later. Cader’s position and influence in the department continued unabated. As an agent he could take money to represent Indians, pay for permits and deposits for those whose status was being determined. There was no proof that he took this money for illicit dealings.

Norodien and Cassimali were reformers but self-interest guided a lot of their representations and there were limits to their reforming zeal. Unlike Gandhi who advised Cape Indians to fight the use of photographs as a means of identity as they had done in the Transvaal,\(^{79}\) Norodien would say: ‘The Mahomedan objects to giving photographs, but in this case we want to assist the Government. We know that there must be some means of identification, so we agree to give the photographs’.\(^{80}\) Cassimali also conceded that immigration restrictions were necessary ‘We do not want an influx of Asiatics, because that would not do us any good at all’.\(^{81}\) Norodien was not swayed by the Gandhi-led boycott of the Indian Enquiry Commission appointed in 1914 to investigate Indian grievances after the

---

77 IRC 1/1/160 3875a, letters from A Justice, 17 December 1904 and 10 February 1905.
78 C.1-09, Reports of the Select Committees on the Immigration, viii, ix,x, Appendix C.
80 SC 16-1908, Evidence of Norodien, 4.
81 C.1-09, Reports of the Select Committees on the Immigration, Evidence of Cassimali, p. 123.
mass satyagraha and strikes of 1913 in Natal. Once again he and his organisation (now named the CBIU) made representations about immigration.

'These Agents must be prosecuted to prevent further false entry’, 1915

1910 saw the Union of the South African colonies and immigration matters fell under the Minster of the Interior whose office issued policy directions to the regional immigration offices. In 1913 the new national immigration legislation came into effect. In 1911 the Indian population at the Cape was significantly smaller since the last census, reflecting the tyranny of permits that lasted just a year. Numbering 6 606, it was still predominantly male with just 1 016 females. The 1914 Indian Enquiry Commission dominated by the circumstances of the strikes in Natal, has a significant section on Cape immigration matters. The CBIU employed Attorney Wahl to make representations and Norodien himself appeared before the commission in February 1914. There were several grievances but again the issue of agents (now labelled ‘touts’) was raised. The Principal Immigration Officer, as he was known after Union, once again, citing departmental incapacity, defended the use of agents. Cousins denied that Cader had preferential access or that he charged ‘exorbitant fees’. The Indian Enquiry Commission, in a move that must have delighted Norodien, found the use of interpreters who were also agents problematic – especially since this was not the case at the Durban Immigration Office. It recommended a full time interpreter in Cape Town to assist with the permit/certificate application process so that recourse to agents could be limited.

Thus it was that the Cape Town office employed Michael SJ Pillay in 1914. He had come from India on mission work at the start of the decade and worked in Natal as principal at a mission school before taking on a position in the Port Elizabeth branch of the Immigration Office. In the opinion of Cousins, Pillay’s shift to Cape Town was due to the fact that no Indian in Cape Town would take on the position at the salary offered to him. This was a

---

82 UG32-1912, Census of the Union of South Africa, 1911 (Pretoria, 1912), clxxxviii.
83 Among them were that ten fingerprints were taken on the certificate of identity, that the certificate was valid for only a year and that there were difficulties landing women and children. Cape Times, 24 and 27 February 1914.
84 Ibid.
85 UG 16-14 Report of the Indian Enquiry Commission, 7 March 1914, 33-4. It also recommended that inquiries about the identities of wives and children be undertaken in India so that entry could be facilitated at the port and recommended the certificate be valid for three years.
lowly paid job (the interpreter in Durban received a yearly salary of £90). As Pillay could not be fully occupied as interpreter, he was employed somewhat controversially by Cousins to assist the department in other matters, such as finding information about illegal immigrants. That Pillay was a Tamil Christian (who knew Hindi) and that the majority of Indians in Cape Town spoke Gujarati, Urdu and Kokni did not seem to matter much to the department; it would be left to Cassimali to later point out that his interpretations were not satisfactory.

The appointment of an interpreter would have led to a slight decrease in the visits of Cader and others to the immigration offices (though they still functioned as agents). Matters instead of being resolved were coming to a head in the Immigration Department. The Principal Immigration Officer became convinced himself (rather belatedly) that there could be collusion in his office with agents and he began a strict regimen of examining applications and detaining those he suspected of fraudulent entry. This had the effect of creating substantial unease amongst Indians in Cape Town. It was a result of both Cousins’ appeal to the government and the representations of Indians that a commission of enquiry into the Immigration Department in Cape Town was appointed in 1915. James Hewett, a retired magistrate, chaired the commission. He took over two months to take evidence (which filled 380 typed pages) and a month to write his 53 page report, which was also preceded by an interim draft report. Before Hewett came cases of suspected fraud which were presented by the Principal Immigration Officer; witnesses were invited (not subpoenaed) to give evidence about specific cases after they were given assurance of protection against prosecution); and the staff of the department were interviewed. Norodien and Cassimali once again appeared to take the Immigration Department to task.

---

86 Ibid., 33.
87 BNS 1/2/3 A 145, Enquiry into Administration of Immigration Department in Cape Town, Evidence of Cousins, p.358; Evidence of Pillay, 152-59. I would like to thank Andrew Macdonald for locating this file.
88 Ibid., Evidence of Cassimali.197-8. Muslims rather than Hindus complained about him. (see p.221a)
89 According to him it was a case before the magistrate’s court that alerted him when the magistrate ruled that fraudulent entry could not have taken place without some collusion from the department itself. This planted the seed of doubt in his mind. Ibid., 292ff.
90 Among those who pleaded aggressively for an enquiry was Ramchandra Vasudeo Vartak, a businessman who had formed the Awakened India Society. He drew on support and advice from Henry Polak in the Transvaal. See BNS 1/2/5 A 145 Evidence before Hewett Commission, Vartak, pp.220ff; and letter to Minister of Interior, 18 May 1915.
In the early days of the commission, there were firstly startling cases revealed which implicated Chagan and Cader. These also pointed to the collusion of the senior clerk in the department, Oudtshoorn. For some years he had been placed in charge of the work of Asian permits and he was also the officer who went down to the docks to land passengers. The evidence pointed to him using this dual capacity to both issue documents and land the person who came in with the fraudulently issued permit. Chagan was one of those able to do the impossible – secure permits for people who had not been in the Cape by providing references that they had been here for several years. In addition, some impersonation took place – signatures other than that of the applicant (who was in India when the application was made) appeared on applications and photographs were sent from India by hopeful permit-seekers. All this required collusion in the Department for the applicant not to be present, yet for the documentation to indicate that he was. This he had been doing from as early as 1908 if not before. The narratives point to how the agents worked and their interactions with those on whose behalf they sought permits.

Govin Lalla, a fruit hawker, was one of those who testified that he had been in Cape Town in 1901 but he returned to India in 1906 without securing a permit. Two years later he desired to return so he wrote to Chagan and sent him photographs. His file reflects that he appeared in person in 1908 to apply for a permit; on arrival from India some time later, van Oudtshoorn landed him. Chagan met him at the docks and got him to work for him for two months as payment of £5 for the permit.

Komarjee Ganis, a fruit hawker, had a similar story – he departed in 1908 without a permit and sought Chagan’s assistance in 1909 to return. He sent him two photographs from Surat.

Chagan told me that he had gone to a great deal of trouble in obtaining the permit … I landed here and went to Changan Lal’s [sic]house and thanked him for his trouble in the matter. He wanted from me £7. I expected that he would want some money so I borrowed some from friends and paid him. I did not think it was too much because he told me he had to pay out some money for me in connection with the permit.

---

91 It is not possible here to refer to all the cases of fraud which involved many people and the focus here is only on Cader and Chagan.
92 BNS 1/2/5 A 145, Evidence before the Inquiry into Immigration Department, Govin Lalla, pp.62-65 Govin Lalla’s fraud was only discovered in 1915 when Cousins realised that the signature on the permit application did not correspond with Lalla’s signature on the passenger arrival form. In addition a careful examination of the photograph revealed that it had been taken in India rather than Cape Town.
It was Chagan’s sole reference that he knew Komarjee for six years in Cape Town that got him the permit and someone, possibly Chagan, signed the form on his behalf.\(^{93}\)

Naran Lalla, a shoemaker, was instrumental in approaching Chagan to get a permit for Suka Komarjee, a relative, after Suka’s brother had written and sent him photographs and money. Chagan told Lalla to get three references for Suka. Thus Lalla approached people who knew him and some of his staff and told them to write references for his staff and to put Suka’s name on it. ‘I did so because Chagan told me to do so, he had told me what to do all the way through ... I paid Chagan ... £25 and he handed over the permit. I got no receipt for the money …’ It is possible the sum here was larger than the other two cases because Suka was a first time arrival in the Cape.\(^{94}\) In other cases, Chagan not only signed applications for people but in some cases even gave his thumbprints.\(^{95}\)

Like Chagan, damaging evidence implicated Cader. Mahomed Ebrahim elaborated on how Cader managed to secure a blank application form which was posted to Ebrahim’s nephew in India. Allie Mia, who had never been to Cape Town before, returned the form with his thumbprints placed on it, and Cader secured the permit for a fee of £12. One of the references on the form was by a gentleman who shared Cader’s office. Allie Mia never came in the end as his uncle was afraid he would be detected.\(^{96}\) The evidence reveals the difficulties witnesses faced – what to disclose and what not to disclose. Mahomed Ebrahim made two statements retracting the earlier one in which there were many denials in favour of the above version.

Omar Ismail, a butcher, also implicated Cader in a case involving another Mahomed Ebrahim. Ismail acted as a reference for Ebrahim who was in India and paid Cader £12 to get the permit. Cader had told him that he would have to pay someone else. As Ebrahim could not come within the specified period noted on the permit, Cader was then paid £4/10- to secure an extension. £25 more was paid when Ebrahim actually arrived and he was whisked

\(^{93}\) Ibid., Evidence of Ganis, pp. 58-60
\(^{94}\) BNS 1/2/5 A 145 Evidence before Inquiry into Immigration Department, Naran Lalla, pp.29-30.
\(^{95}\) IRC 1/1/46 1076a, Acting Principal Immigration Officer to Secretary for Interior, 18 July 1917.
\(^{96}\) BNS 1/2/5 A145 Report of Hewett Commission, Detailed Report on Cases dealt with and Submitted with Interim Report, Case of Allie MM Hassan; Evidence of Mahomed Ebrahim, pp.68-69 and 75-76.
away to the Immigration Department to get his papers sorted. Ebrahim who was in jail serving four years for an attempted murder on Cousins also came before the commission to testify. His testimony is of a man frustrated that he had to pay such large sums of money – and gripped by ‘a sort of madness’ he had attacked Cousins. For him the commission presented an opportunity to at last tell his story:

On my trial I had no chance of presenting my grievances to the Judge. I got a sentence of four years and I had no opportunity of bringing my grievances before anybody. I could not explain it. I was not allowed to speak... Omar Ismail and the others did nothing to help me at all.

Cader was called by Hewett to explain his role but he simply denied charging these sums of money, knowing how references were obtained or of providing blank forms. He admitted conversations with Mahomed Ebrahim about Allie Mia - in fact it was him who warned Ebrahim not to bring his nephew on the false permit he had obtained. Cader claimed: ‘They have lain a plot against me to put me down, if they can, but I have always worked with the Government and not against it ...’ As Chagan was in India, he was spared Cader’s uncomfortable moments. Yet Cader could be secure in the fact that no real proof could be produced that money changed hands.

Van Oudtshoorn could escape less easily. He pointed to the trust that they placed on the agents: ‘With regard to references a lot of faith was placed in the man Chagan Lal ‘I mean that as he was the interpreter and brought these cases there he was accepted’. He professed he always checked that the person who was before him was in fact the person who was applying for the permit. As to how Allie Mia could possibly have made an application before him: ‘I cannot explain it in any way’. What Van Oudtshoorn did was to point to possibilities of photographs being substituted by people after he had seen them and to a lot of movement of paper between offices where fraud could take place.

98 BNS 1/2/5 A145 Evidence before the Inquiry into the Immigration Department, Evidence of Mahomed Ebrahim, 160-62; the circumstances of the assault on Cousins has been referred to by Andrew Macdonald in ‘Identity Thieves of the Indian Ocean’, 266-67.
99 Ibid., Evidence of Cader,83-5, 184..
100 Ibid., Evidence of van Oudtshoorn, 17.
101 Ibid., 78.
Norodien, in contrast was in his element and completely fearless of the Principal Immigration Officer who attended all the proceedings and could ask questions of witnesses. His target was Cousins and his administration. He recited the history of their previous complaints and the findings of Blackstone Williams that agents charged unreasonable sums: ‘It surely became a duty of the immigration authorities that they should further enquire from us what necessary steps should be taken to prevent these false entries, but instead of doing so the authorities have been continuing to work with those Agents and have been encouraging them...’ He repeated most of his allegations against the agents (naming Cader again): their role in securing fraudulent landings, their influence in the office and their blackmailing of people to pay sums of money ‘to keep matters quiet’. He accused Cader of having his own thumbprint machine. ‘As a remedy I would suggest that Indian Agents should not be allowed in the office’.

Norodien additionally charged Cousins with a close friendship with Chagan – revealing knowledge of Cousins letter of reference and his role in keeping Dayabhai, Chagan’s enemy, out of Cape Town. Norodien, while pointing to how members of his association were given short shrift at the immigration offices, gave examples of Chagan’s influence over Cousins:

To my knowledge I was told that more than 200 people have entered this Province through Chagan Lal. On one occasion one [boy] was sent away from Cape Town to Durban. Mr Cousins would not listen to the father of the boy but when the father employed Chagan Lal as the Agent the boy was brought back from Durban to Cape Town. In that case Chagan asked for £300 and the father agreed to pay £150 and he paid Chagan Lal that amount. Since that time Chagan Lal professes that he is one of Mr Cousins’s best friends, so the people are running after him to get the benefit of the discretion of the Immigration Officer.

He urged the Commission to ‘show no mercy to the Department and these Immigration Agents. These Agents must be prosecuted to prevent further false entry...’

Cape Town, one of the largest cities in South Africa, was after all a small place. The number of Indians being few meant that knowledge of most things spread easily. Chagan could have showed off his reference as to his relationship with Cousins- gaining a reputation for someone who could do things and enemies who resented his influence. Norodien was not always careful about his facts; while he accused Chagan of having paid Cousins’

---

102 BNS 1/2/5 A145 Evidence before Inquiry into Immigration Department, Evidence of Norodien, 202-18
contempt of court fine in the Dayabhai case, the government, in fact, paid the fine. Cousins blankly denied preferential treatment to any agent, though he admitted he treated them with `kindliness'. He stood by his opinion that they did not charge their clients much. Yet if they did: `Any profits made by their agency ... is a matter between themselves and the Indians concerned'. Cousins deflected attention from himself, pointing to the trust he placed on his senior clerk who was in charge of the Asian work: `It would appear from evidence that had been given that there was a clear understanding between ... these agents, and Mr Van Oudtshoorn'.

Norodien may have been focussed on getting rid of agents and immigration officers and even interpreters (for he even suggested a replacement for Pillay), but once again there were limits to his image as reformer. He and Cassimali asked that Indians should be compulsorily registered in the Cape so as to put an end to illegal immigration and questioned rights once and for all. This was an extraordinary request for two reasons. The much smaller Chinese population had been subjected to registration since 1904 and it was a repressive system where each time they changed addresses, they had to report this to the administration. Cousins could proudly proclaim in 1908: `We know where every Chinaman is ...' Then too, Gandhi had just concluded an eight year struggle that had commenced with the fight against registration. He may have lost the battle, but here were Indians asking for registration in the Cape. Even Cousins and the Commissioner thought that this suggestion had to be dealt with carefully and had little chance of being implemented, given the recently concluded Gandhi-Smuts settlement.

Hewett's conclusions were serious for Oudtshoorn - there were numerous cases which indicated he was guilty of collusion. Cousins did not escape criticism though. The commissioner found that he did not offer `sufficient supervision and control'. Three pages of the report dealt with the immigration agents. It is surprising how lightly Hewlett dealt with this. Like Cousins, he would put it as a matter of choice that Indians made. Except for

---

103 BNS 1/2/5 Evidence before Inquiry into Immigration Department, evidence of Cousins, see particularly pp.275-81, 303-4, 312-3.
104 Ibid., Evidence of Cassimali, Norodien and Vartak who was also more Gandhi-inspired but supported registration, 201, 207, 221a.
Oudsthoorn, the department as a whole could now be released from charges of favouritism or collusion. As for agents who blackmailed people: ‘The Indians alleged to have been subjected to blackmail have really themselves to thank for the plight in which they find themselves.’ His only recommendation was that the practice of agents providing references should cease.  

**Post-Hewett Commission**

The inquiry and its revelations did put an end to the era of influence of Cader and Chagan Lal and other agents with the Immigration Department. Both suffered damaged reputations but neither faced charges. Cader left for the Transvaal while Chagan found himself in some trouble when he returned from India with a heavily pregnant wife in 1916 plus a daughter-in-law without going through the proper prior process to secure their admission. He did not quite seem to realise that things had changed. There was firstly a new Principal Immigration Officer in Cape Town in 1916, E Brande, who had this to say about Chagan. He is ‘a most untrustworthy individual and is responsible for the illicit entry of a number of Indians ... he has money and appears to find no difficulty in obtaining authentic documents to support him in his actions. For these reasons I am very doubtful as to the bonafides of his wife and particularly suspicious of his daughter-in-law ... whom I am not prepared to admit’.  

The prohibition order against his wife was upheld by the appeal board and the Supreme Court. Yet Chagan did not give up. Drawing on many influential politicians, including a former prime minister of the Cape, appeals were made to the Minister of Interior who then advised that his wife should not be deported.  

One year after this decision, Chagan died - according to his grand-daughter-in-law by a gunshot. She adds colour to his official record by relating how he once bought a car for a colonel but that after rumours began to surface, Chagan drove the car into the harbour in Simonstown to get rid of the evidence. Chagan’s family continued his work of assisting

---

108 Ibid., pp.18-20.  
109 IRC 1/1/46 1076a, Brande to Principal Immigration Officer, Natal, 5 December 1916. A central issue was that the children of his first wife were in Cape Town and the law permitted one wife and her children to reside in South Africa. There were questions about whether Chagan’s claims to being ‘divorced’ in India from the first wife could hold.  
110 Ibid., Secretary for the Interior to Brande, 28 July 1917. Among those who took up his case were Sir Thomas Smartt, Sir Edgar Walton and John Merriman. The minister felt he could grant a reprieve as he had undertaken to allow one wife in even though a man may have several wives in India.
people to enter by illegal means; people were secreted in vans carrying fruit from Lourenco Marques, after which they would be helped to get papers.\textsuperscript{111} Illegal entry did not end in the 1920s, overland entry from Lourenco Marques became the central problem and there were many agents involved in that.

The man who took the greatest punishment was Van Oudtshoorn. Although acquitted in 1916 in the Supreme Court of all the charges (mainly because the Indian witnesses were found unreliable), he lost his job. The department did away with his post rather than fire him and he was offered him a position as a senior clerk and assistant magistrate in South Africa’s new colony, South West Africa, which he declined because it did not include settlement of his family. He cut a sorry figure in 1917 as a thirty-eight year old father of four young children, managing a struggling business in Hermanus while receiving a monthly pension of £15 15s.9d, and facing a legal bill of £367 10 s. This was a far cry from his salary in the Immigration Department of £440 per year with allowances. He continued till the end to maintain his innocence pointing to poor systems of paper management – thus pointing to a former friend, Cousins.\textsuperscript{112}

Cousins’ reputation did not fair too well. In 1916 he was appointed Registrar of Asiatics and Principal Immigration Officer in Pretoria. His removal from Cape Town allowed his successor to institute new vigour into the administration and the personality politics that had plagued Cousins’ administration ended. Yet Cousins did not escape unscathed – in 1916 his administration of the Cape Immigration Department was roundly condemned by the judge of the Supreme Court as he read the verdict on Oudsthoorn.\textsuperscript{113} Fully reported in the media, Cousins suffered additional humiliation when a public services inquiry instituted by the ministry made a similar finding- he felt ‘the career of a life-time’ roundly damaged.\textsuperscript{114} Yet he recovered his role in the public civil service - after two years in Pretoria when he quit

\textsuperscript{111} Interview with LG, 13 September 2007.
\textsuperscript{112} SC 10-17, Select Committee on the Petition of W.Van R. Van Oudtshoorn (Cape Town, Government Printers, 1917), 1ff.
\textsuperscript{113} See Cape Times, 12 February 1916; Macdonald, ‘Identity Thieves’, p.68.
\textsuperscript{114} Cousins Papers BC 1154 H2, Cousins defence before the Public Services Commission, 1916. The Commission reported in June 1916. For his response to this see Cousins Papers 1154 B2.2, Cousins to Sir Thomas Watt, 30 June 1916.
the Immigration Department he became Chairman of the Statistical Council and then assumed the better paid position of Director of Census in 1917.115

As for Norodien, the immigration officer wrote on his application to proceed to India in 1921: 'You do not insist on Norodien’s prints being taken’, once again revealing of personal relations dictating practices.116 Norodien pushed the bureaucracy several times, persevering for many years with the aid of lawyers to have his son born of his Indian wife brought to South Africa. This was refused several times because he had another wife and family in Cape Town.117 After four refusals, approval was given as Brande noted it was put to Norodien that ‘he had been helpful to the Immigration Department.’118 Other fathers would not be successful. Yet there was a limit to what officials conceded – in 1919 Norodien’s plea to bring in 24 shop assistants over a two year period to work in his 20 shops was refused outright.119 This was his main ambition since 1902 and in this he was not successful120 though he brought the reputations of many people down in pursuit of it.

In a letter slightly reminiscent of Chagan’s to Cousins, Norodien while in India in 1922 wrote to Brande informing him ‘my whole family and myself are keeping good health by the grace of Almighty’. He informed Brande that his son, son-in-law and the latter’s wife as well as other wives of his shop assistants were travelling to South Africa and appealed that the women should be examined at the port by a female doctor ‘& help them as much as you can’. He ended with ‘wishing to meet you soon & praying for your long life & prosperity.’121 In the end, Norodien was able to have a dialogue with an immigration officer that under Cousin’s administration he could not and maybe that was at the bottom of it all. For several years, Norodien continued to be a force in politics forming part of a coalition that opposed

115 His salary as Principal Immigration officer in Pretoria was at £650 (the top of the scale) with a small additional allowance. As Director of Census he earned £850 plus an allowance of £92.10. See Cousins Papers BC1154 A2, appointment letters for 1916 and 1917.
116 IRC 1/1/92 2282a, application for certificate of identity, 21 March 1921.
117 Norodien, had a case since his son was born before 1914 and according to the Gandhi-Smuts agreement there could be discretion applied.
118 IRC 1/1/92 2282a, see note of Brande, on letter of William Knox Baxter, 22 March 1921.
119 Ibid., Norodien to Brande, 24 January 1919.
120 It could be that Natal’s experience of allowing in shop assistants on temporary permits which then turned into longer stays may have influenced decisions. Macdonald, ‘Strangers in a Strange Land’, 121-22.
121 IRC 1/1/92 2282a, Norodien to Brande, 26 October 1922.
the condonation scheme offered to illegal immigrants in 1928 and leading a big campaign against it. 122

As for the interpreter, Hewlett recommended he be tested for competency and that the possibilities of appointing a white interpreter be investigated. 123 Pillay was dismissed124 and a new interpreter, the man who interpreted for the commission who, ironically had the same name as Abdol Cader but spelt Kader, would hereafter be the official interpreter in the Department for many years to come without controversy.

Conclusion

The law prohibited persons and provided paper systems to ensure that only legitimate arrivals would take place. The law was impersonal. The contact between officials and people was not. Relationships were forged and spheres of influence developed. Like intermediaries across the world, Chagan and Cader had talents and skills and used these for their own personal advancement. Cader built his reputation on his long period of residence in Cape Town, his knowledge of several languages and his moderate representations as a politician. Chagan oozed personality and he managed to strike the right cord so as to personalise his relations with officials getting to the most unapproachable one of them all, the Chief himself.

Several works on intermediaries point to them as `cross-cultural brokers’. 125 As interpreters they translated not just languages but cultures. Translation was not just `a purely linguistic or textual activity’.126 Chagan and Cader knew Indian social and family structures and knowledge of these relations were crucial in the immigration process to establish rights. This they translated for officialdom. Badassy points out, however, that her interpreters in Natal, who were fully part of the civil service (unlike Chagan and Cader), were caught between English and Oriental worlds. She points to `their liminal status’ and

122 The objections were to individual amnesty after confessions were made instead of a general blanket amnesty and the fact that the families of those who had been condoned would not be given permission to join them from India.
123 BNS 1/2/5 A145 Report of Hewett, p. 43.
124 It seems he had taken a bribe of £5.
125 Lawrance et al, ‘Introduction’ in Intermediaries, Interpreters and Clerks, 3
126 D. Robinson, Translation and Empire: Postcolonial Theories Explained (Manchester; St Jerome Publishing, 1997) , 12; see also A Dingwaney, ‘Introduction: Translating “Third World” Cultures’ in Dingwaney and Maier (eds), Between Languages and Cultures, 3.
`ambiguous existence’. They were `mimic men’ who sought the lifestyle of the colonisers – they were `caught by the fancy frills of English middle class lifestyle’. 127 Cader and Chagan were well-rooted in their communities and there is no indication they sought to be `Englishmen’. If they wore suits then so did many businessmen like Norodien and so did many workers too. Chagan was fully part of the small Gujarati Hindu community and this must have been a very important part of his identity. While he may not have wished to be an Englishman what he did know was how to relate to one and penetrated codes of behaviour. He was no Mimic Man. The idea of `white-blacks’ as Chagan’s African counterparts elsewhere in Africa were called128 does not have a resonance here.

Intermediaries all over Africa were able to develop some power within the systems. Lawrance et al make the argument that they were the `hidden lynchpins of colonial rule’. 129 It was their knowledge of how to navigate the bureaucracy that gave Chagan and Cader an edge. Knowledge, as Badassy argues, brought power. 130 Interpretation brought power – for there could be mistranslations by design. 131 Cader, in particular, had power in his translations of what arrivals told him in response to questions posed by the immigration officer. A mistranslation could bring trouble to the person. He also developed the power in his relations with officials to clear up misunderstandings. The agents played a role in shaping the way the bureaucracy functioned. Their availability was seized on by the bureaucracy, a pointer to the weakness of the bureaucracy and state. As Amutabi argues for the African clerks and translators in Kenya, there was opportunity in these circumstances for `intrigue, chicanery and partisanship’. 132

While Macdonald has referred to role of reformers in immigration matters, 133 this paper argues that this title must be qualified. The reformers sought to bring the agents down and were bold in demanding that the law be specific, that people know the law, and that personal powers be reduced be they the agents or the officials. They were fearless in

129 Ibid., 4.
tackling the heart of power in the bureaucracy. Yet they were not above seeking to create their own spheres of influence and advocating documentary systems that may have turned out as repressive as those they fought against. The story of immigration agents/interpreters and their opponents is muddied by personal ambitions and rivalries. This is not necessarily a story of ethics, morality and justice. The narratives of those who faced closed borders, difficult port entries and who fell between the agents and the bureaucracy need their own space – we can hint at lives wanting to escape the villages of India and the dazzling attractiveness of the promise of Cape Town and ‘the madness’ in the hearts of the desperate.