

Shifting Grounds: The Search for a School Site in a Divided City, 1943-1948

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Between its official founding in 1943 until 1946, men of the Orient Islamic Educational Institute were preoccupied with locating a building site to accommodate their envisioned boarding college and feeder school. Mandated by their membership and with substantial donations from across the Natal province, their officers regarded this quest as primary. Yet, even with the broken deals that had disappointed them in the 1930s and the emergence of wartime race populist that revolved around white fears of 'Indian penetration', Institute members could not have been prepared for the battles that were to follow.

A key player in these years of drama, and formidable spokesman for the Institute and its quest for a Muslim college was Abdulla Ismail 'AI' Kajee. Kajee was a remarkable and accomplished man, and, unlike many of his colleagues, a self-made entrepreneur. Born in 1896, he was the son of Ismail Ahmed Kajee of Kathor who arrived in Natal in the 1890s and settled in Isipingo where he opened a little store made of corrugated iron. AI Kajee himself was born in Kathor but grew up in Isipingo, with brief but interrupted periods of education in Durban and (in a very short spell) at Aligarh College where he reputedly gained a deep mistrust of British imperial politics. His father died when he was young, but Kajee took up business and generated vast personal wealth as an independent agent. With experience working for a relative in Bulwer, then as a bookkeeper for Amod Bayat in Pietermaritzburg, Kajee soon founded AI Kajee (Pty.) Ltd., Brokers, Airways and Insurance Agents at 175 Grey Street. There he dealt in sugar, rice, flour, wheat, Nestle milk, Five Roses Tea, Quality Products Soap, and Natal Oil Products. Later, together with AB Moosa, he co-founded a chain of cinemas.

In the politics of South African Indians in the 1930s and 1940s Kajee was what has been termed a 'moderate'. In the forward to Calpin's book on Kajee, Sir Evelyn Baring, who knew Kajee from 1929 and was British High Commissioner to South Africa, wrote:

Abdulla Kajee ... realised that [Indians] must at times leave unsaid what they might wish to say and at other times leave undone things they wished to do.... Kajee was eloquent and he was forceful. He also had sense and political judgment. He understood and he acted on the well-known maxim that "politics is the art of the possible".... He was frank and he was no respecter of persons. He had an open mind and was willing to discuss any subject at any time. Later he became fairly well-to-do, but at the time I first knew him he lived in a small office approached through an archway leading out of Grey Street on the side where the big mosque stands. He was a true product of Natal, enjoyed the life of Durban, had an excellent sense of humour and never resented a joke

at his own expense. During all his work he ... realised that the worst fate for Natal Indians would be the development of a complete breach with Europeans.¹

An avid learner, Kajee took a special interest in the political affairs of the Indians in South Africa. He became the dominant figure in the Natal Indian Congress (NIC) from the mid-1930s to 1945 and, often at odds with both fellow Indians and the government, was described as the 'stormy petrel'. He was a founding member of the Orient Club but also showed himself a keen and consistent patron of Indian 'upliftment' through education, establishing schools for poor children of all religious faiths in the Magazine Barracks, Avoca and Wyebank. At different times he served as secretary of the Indian Child Welfare Society and vice-chairman of the Sir Kurma Reddi Unemployment Fund. Celebrated for his oratory skills and clear, if conservative, actions on behalf the civic rights of Greater India, he was a recipient of the King's Silver Jubilee Medal. Agent-General Sir Maharaj Singh wrote of Kajee in April 1941 that 'the more I saw him, the more I respected and admired him. I often used to say, as other Agent-Generals have said, if Mr. Kajee had lived in a country where there was no colour or race bar, he would have secured the highest administrative posts'.²

Through Kajee's efforts, in a roller coaster of wins and reversals, would eventually secure a purchase of city property for the construction of a school. That construction, however, would also face challenges and delays and Kajee himself would not live to witness a foundation stone ceremony.

Unsettling Events: The Making and Unmaking of the Bluff Solution

While the Swalestown and Isipingo sites were still being deliberated over (and eventually rejected), members of the Institute learned in 1942 that the Durban City Council was thinking of dividing six acres in Botanic Gardens between the St Augustine's Church (1 ½ acres), Orient Islamic Trust (1 ½ acres) and an Indian Technical College (3 acres). This was exactly the centralized location the Institute had ideally hoped for. However, in early 1943 an official counter-recommendation proposed that the land be set aside to extend the Botanic Gardens.³

While a decision on the Gardens land was put on hold, the Orient Trust meanwhile purchased eighty acres of land on Bluff road on the Durban Bluff from a Mr. T. Rex Bower in February 1943, at a cost of £8 604 with a view to building the Muslim College complex

¹ 'An Appreciation By Sir Evelyn Baring, High Commissioner For The United Kingdom, In Calpin (online version), Kajee.

² In Sannyasi, *Abdullah Ismail Kajee*, ii-iii.

³ Details in Orient Institute submission to the 1944 Natal Indian Judicial Committee (Third Broome commission). Copy of submission provided by Ebrahim Ansur and is part of the Orient archives.

and boarding facility. As Ebrahim Moosa recalls, the land was situated ‘above the railway line... on top of the hill. We had a beautiful land overlooking the sea.’ But it was also

at that time considered a very low socio-economic area amongst the whites and it was mainly the low class of Afrikaner, mainly the railway shunters. Now, when they heard that Muslim people are going to come and open a school here...they raised objections not to allow an Indian school, never mind about Muslim, they just didn’t want an Indian school in that area.

Indeed, over the next years, the newly wrought plans for a Muslim boarding college in Durban would be delayed due to the vitriolic responses to so-called ‘Indian penetration’, which mushroomed up wherever the Orient Institute identified a suitable site. In a letter to the Mayor of Durban dated 8 March 1944, EA Colenso of the Umbilo District, demanded to know: ‘Is the Council going to allow the Bluff lands to be used for Indian scholastic institutions when the European housing needs are so vital and pressing?’⁴ The Pegging Act of April 1943 created a legal basis for ‘halting’ racial integration, but on the other hand, had created diplomatic tensions with the Indian Government. India had responded with the Reciprocity Act of 1943, which allowed the Indian government to treat white South Africans in the same way that Indians were being treated in South Africa (for example, they were denied entry to the Taj Hotel) and, moreover, threatened the nation with an economic boycott.⁵ A school site for Natal Muslims was, for political reasons, required to honour the obligations set out by the Cape Town Agreement of 1927.

Addressing the technicalities of the Pegging Act, and its confinement of land purchase to previously Indian-occupied areas, AI Kajee observed that parts of the Bluff and other properties being considered *had* been occupied by Indians since the turn of the century, whereas only twenty to thirty white people had built homes there in the period since 1925. ‘You talk of Indian penetration but in this case there has been European penetration’, he stated in a letter to the Town Clerk.

On the one hand, Indians are despised because popular opinion says they do nothing to improve themselves, and, on the other hand, whenever any attempt is made by Indians towards social improvement, Europeans at all times place obstacles in the way... We are prepared to spend thousands of pounds for the education of our people and in so doing make them better citizens. Have you realised that? We are bitter and we may become more bitter but we know it is of no use because you have the whip hand, we know that the weapons are in your hands.⁶

⁴ Letter from E.A. Colenso, Chairman, Mass Meeting Umbilo District, to the Mayor of Durban, 8 March 1944. NA, 3/DBN, 4/1/3/1499, 30/290^N.

⁵ Lloyd, “‘A Family Quarrel’”, 711.

⁶ Letter from A.I. Kajee of the Orient Education Institute to the Town Clerk, 5 January 1944. TBD, 3/DBN, 4/1/3/1499, 290^N.

Bower's sale of land to the Orient on 15 February 1943 was reviewed in March by the City Council. Segregation was emerging as a core principle in Durban and the Bluff was a contested urban space. The Estates Manager and City Engineer of the Housing department had proposed that the area could be divided into two sections, one for white residents and one for '300 Indian homes overlooking the sea'. Councilor Benson noted at their meeting, however, that the property in question had been offered by its owner, Bower, for sale to the city council on a number of occasions without the offer being taken up. Meanwhile, however, there had been lobbying by the Military and Naval authorities. Evoking wartime concerns about the needs of returning (white) soldiers, they proposed reserving the Bluff for white housing. Entwining the drive for a purging of Indian presence with nationalist sentiments around British loyalty proved a potent discourse, taken up by white ratepayer organisations. In its evidence to a Provincial Post-War Works and Reconstruction Commission, the Town Council presented a plan that zoned the city by race and emphasized that this was in the interests of all race groups in the city.⁷ With these resolutions in mind, Councillor Thomas proposed that negotiations commence immediately with Bower and the Orient Institute to reverse the sale.⁸

However, on 6 April, the Estates Manager delivered a report, requested by the City Council's Finance Committee, suggesting that the Council was not likely to gain national Ministerial approval for an exclusive 'European Housing scheme at the Bluff, by reason of the existence of a large proportion of properties already in Indian ownership in that area.' Bower's land was surrounded by Indian-owned properties on three sides; its main frontage on Bluff Road was directly opposite the 'Mohammedan Cemetery'; and on the southern side 132 acres of land, sub-divided into 110 plots, were owned by Indians.⁹

Despite protests from the Town Council and ratepayer organisations, the Orient prepared to begin construction of educational centre. On 25 October 1943 MAH Moosa extended a formal invitation to Minister of Interior Senator CF Clarkson, who had visited the site, and to Mr Basson, the Commissioner for Immigration and Asiatic Affairs, to lay the foundation stone on 8 January 1944. Moosa informed Senator Clarkson that it was 'the wish of the Trustees and the donors that your distinguished name as one connected with Indians and who now occupy an important post in the Government of the country should be

⁷ University of Natal, *Durban Housing Survey*, 405. These principles were analogous to those contained in the Group Areas Act which the National Party passed in 1950.

⁸ TBD, 3/DBN 4/1/3/1499 46409/28

⁹ TBD, 3/DBN 4/1/3/1499 30/290

associated with the proposed school'. In November, AI Kajee followed up the request, pressing Clarkson to accept the invitation on grounds of family history 'You and your father before you have been connected with the Indian affairs in this province, and we should very much appreciate your acceptance of our invitation to lay the foundation stone'.

The Orient Institute had purchased its Bluff land on 15 February 1943, just before the Pegging Act came into effect on 22 February 1943. In March, Senator Clarkson complained that 'it has been clear for some time that fearing such legislation, there has been speculative property buying on a fair scale by Asiatics.'¹⁰ Nevertheless, in early November, he granted a permit to the Institute to occupy the site under section 6 (2) of the Pegging Act, (Act No 35/1943). This effectively certified that he deemed the buildings to be erected and the property to have been occupied by Asiatics prior to the Pegging Act. On 10 November, AM Moolla informed ME Lakhi that the permit had been granted and that Moulvi Mia had been invited to Durban to 'assist us in the final planning of the buildings and it is highly probably that he will take part at the meeting of Trustees to be called'.

Yet, by the end of the year, there was renewed local agitation. On 29 December, the Durban Joint Wards Committee submitted a five page memorandum to Senator Clarkson declaring that it

strenuously protests against your decision ... to permit establishment of an Indian High School on Bluff which is ... earmarked by City Council for European occupation and one of the few remaining areas suitable for returned soldiers. As strong feelings aroused, we consider it imperative you postpone until full facts in your hands.¹¹

The Bluff, they proclaimed, was being 'sacrificed on the altar of the Old Borough's failure to provide the necessary High School facilities for members of the Indian community'. Protests to Clarkson's approval of the Bluff school were lodged by various other parties, with letters to the Town Clerk from Councillor SM Petterson, a Miss S Methuen Gray, Secretary of the Durban South Ratepayers Association, and AG William, secretary of the Ward 4, Co-ordinating Council.¹²

On 29 December 1943, Orient Institute members met to consider whether they should perhaps delay or alter their January plans for the foundation ceremony. They decided to go ahead but with the guest list of 500 being brought down to 300 and with equal numbers of Indians and Europeans attending. Yet, on 2 January 1944, AM Moolla conveyed to trustees that Minister of Interior Clarkson, amongst others, had requested a delay of the ceremony

¹⁰ *Natal Mercury* 23 March 1943

¹¹ TBD, 3/DBN 4/1/3/1499 30/290

¹² TBD, 3/DBN 4/1/3/1499 30/327

until the end of Parliament in May, so that he could consult with opponents to the scheme. AI Kajee confirmed that he had spoken with Clarkson in the company of Moolla, MAH Moosa and Mahomed Ebrahim and that the Senator had offered assurances that he would continue to support the project.

Although invitation cards had been printed and were already being sent out, Kajee wrote to Clarkson conceding postponement of the ceremony, as per his request.

We deeply regret the circumstances which have given rise to this adjournment. You will agree that these circumstances are not of our making, and that, on the contrary, ever since the subject of the site was first raised, we have been careful to proceed step by step, with the consent and the approval of your department. We feel that, in acceding to the request for an adjournment, we are sacrificing much in principle and substance and are threatened with an unwarranted agitation similar to that when the site was first purchased, and to that on the occasion of the Botanic Gardens transaction, which ended in the frustration of our hopes.... [W]e respectfully appeal to you to expedite your intention with regard to this agitation, and to ensure that the actual school building shall begin in May. The Trustees would repeat the adjournment of the ceremony in no way affects their rights and advance their case in this matter of the school.

On the same day, Kajee submitted a memorandum to the Town Clerk on behalf of the Institute:

The history of the Botanic Gardens site, with its promises made and withdrawn, its resolutions passed and rescinded, is, we fear, what the agitators want repeated over the Bluff site. When they were denied the Botanic Gardens site, the Trustees of the Orient Education Institute searched elsewhere, as far away as Inchanga, and even there protests were made. ... The fact is that any area with good roads and amenities is immediately proclaimed a European area no matter where it is situated.

Various newspapers expressed outrage about the thwarting of the School's foundation ceremony. On 8 January, an editorial in the Indian-owned newspaper, the *Leader*, commented that it

cannot but be looked upon with concern by the Indian people.... [who] are trying to live up to the standard which the uplift clause of the Cape Town Agreement demanded.... In education they believe they will give their children that training which will finally enable them to contribute towards a greater and a better South Africa. Educated Indians will not only be of benefit to themselves but will be of considerable value to the country as a whole. ... The burden of illiteracy is today the greatest drawback in the development of South Africa..... The European forgets that nobody can keep another in the gutter without lying down beside him.

Indian Opinion offered similar analysis on 27 January 1944: 'Acts such as these, far from enhancing the prestige of the white man and inspiring respect for him from the other

communities, tend to drag it to the gutter'. The *Natal Mercury* also was critical of anti-Indian sentiments, sarcastically citing evidence of a 'hunt the Indian' dynamic:

If he lives in slums, condemn him; should he aspire to a higher life, 'peg' him. This is, in essence, the viewpoint of those Europeans on the Bluff who, despite its wide acreage, would even deny him those facilities for education which he would be the first to claim for his own children.

In the multi-theatre context of the European war, where allied powers relied also on Indian and African soldiers, the *Mercury* reminded readers of the ironies and hypocrisies that wartime race-thinking implied:

If it was a college for Germans or Bulgarians or Spanish or for any white race, the Bluff residents would have gone out of their way to welcome such a project. But today the blood of the South African soldier, who is said to be fighting for democracy and whose blood has been mixed with the blood of the dying Indian on the fields of Abyssinia, of Northern Africa and Italy, these agitators would deny to the Indian the means for his moral and spiritual improvement.¹³

MI Meer, editor of *Indian Views*, described the Bluff land as 'a dreary, desolate piece of jungle overgrown with weed and man high vegetation.' Meer's paper published the New Year messages of both Prime Minister Smuts and the Administrator of Natal, Heaton Nicholls but declared skepticism of the civic ideals they conveyed. Fine words were 'worth rather less than two-pence until and unless they are executed.... We know how Europeans in this town are busy this very moment justifying European civilisation in Africa by moving heaven and earth against the education of Indian children'. With regard specifically to delays at the Bluff site, Meer was scathing:

A Satanic anti-Indian clamour is now in full swing against yet another self-helping Indian educational endeavour – the proposed Indian high school at the Bluff. The squeal is being sounded from platform and press that the building of this school is yet another nefarious case of 'penetration'. Well, if penetration it be, then we would like to ask: What precisely is wrong about penetration? The penetrator, be he an Indian or an Eskimo, is committing no other crime than that of exercising his God-given right to purchase property in the open market, not with the ill-gotten gains of a dacoit or thief but with his own hard-earned money. Let no anti-Indian emitter of the penetration squeal forget that pertinent fact. Let him always remember the fundamental fact that the Indian is not committing any crime by penetration.¹⁴

On 12 January 1944 Senator Clarkson met with representatives of the various groups leading the segregationist battle: the South Coast Representatives Association, British Empire League, and the Durban Joint Wards Committee. Clarkson told the meeting that Indians were

¹³ *Natal Mercury* 12 January 1944.

¹⁴ *Indian Views*, 7 January 1944. In Reddy and Meer, 'I Remember,' 189-190.

‘prepared to be cooperative. They did not want to penetrate, but to live apart in their own areas’. He was surprised to learn that the City Council had not set aside a single acre of land for Indian education. He felt that it was time that the it ‘shouldered its responsibility.’

Clarkson now proposed that Indians should exchange their Bluff land for a site at the foot of Botanical Gardens:

This matter can be settled overnight if there is co-operation. I am confident that it can be settled if the Council – and you must urge them to do it – will come to an agreement on the controversial site at the foot of the Botanical Gardens. This site today is a laundry area in a predominantly Indian area. You already have there the Sastri College. Let the Indians have these six acres for their new school and I will do all I can in my power to get them to exchange the 80 acres on the Bluff.... I ask you to play the game. The solution is there. I am satisfied with what I have already accomplished with the Indians from the point of view of co-operation and that I can persuade them to exchange the 80 acres on the Bluff for these six acres.¹⁵

Stalemates in a Rigged Game: Deliberations of a Joint Committee

Clarkson suggested that a Joint Committee be formed, comprised of representatives of the Orient Institute, the various ‘objecting’ ratepayer groups and the City Council, to find a solution to the impasse. Representing the Wards, Empire League and the South Coast Associations groups were HE Teifel, AF Salmon, R Robb, George Gray, WW Brady, and AG William.¹⁶ Councillor Petterson objected to the idea of a Joint Committee because the provision of school sites, he argued, was the responsibility of the Union government. Yet the Council elected six representatives to serve on the committee: JM Harris, Senator SJ Smith, AEE Davis, OE Pritchard, LL Boyd, and H Saunders.¹⁷ The Orient chose Mahomed Ebrahim, AI Kajee, MAH Moosa, MA Motala, and IVM Jooma to attend the first Joint Committee meeting, scheduled for 25 February 1944.

Prior this meeting GH Calpin, one time editor of the *Natal Witness* (and later AI Kajee’s biographer), prepared a memorandum for the Orient delegates. A focused strategy was called for. He was convinced that

the Europeans will come with one intention only, to persuade Indians to give up the Bluff site. They may do this by suggesting that they will ‘look around’ for some other site. This is to postpone the scheme indefinitely. Our plan of action must be strictly adhered to; that of declaring ourselves willing to discuss the Botanic Gardens site, or refusing to any postponement or to consider a third choice, and never by implication or reference to give up any right we possess to the Bluff and to the immediate prosecution of our plans there.¹⁸

¹⁵ *Natal Mercury* 13 January 1944.

¹⁶ TBD, 3/DBN, 4/1/3/1499, 30/237

¹⁷ Durban Town Council Minutes, 21 January 1944. TBD, 3/DBN, 4/1/3/1499, 290N

¹⁸ Orient Archives.

Calpin's memo reflected the vulnerabilities of the time-honoured, gentlemanly strategy of the moderate Muslim / Indian leadership, which had rested on the cultivation of goodwill and influence with white politicians. The weak position afforded by subordinate status in a hierarchically constructed racial order, with dependence on the basic decency and fair play of key individuals, was baldly evident. It was crucial to consider how to proceed:

'Let us be careful', some Indians say.... 'We cannot afford to annoy the Minister of the Interior by going against his wishes'. These are pertinent arguments...the goodwill of the Minister of Interior is a valuable asset; but it might be bought too dearly and at the expense of a fundamental principle. It may occur to Indians whether the Minister of Interior appreciates at their true and high value these concessions made by Indians or whether the Minister of Interior will appraise the concessions merely as a triumph of his own diplomatic skill and take encouragement for the next bout with Indians.

Calpin's caution proved apt. At the Joint Committee meeting, AF Salmon was in the chair. Councillor Harris began by asking Kajee what his attitude was to the acquisition of sites in outlying districts. Kajee observed that this was not within the purview of the Committee's responsibilities, which was only to 'deal with this question of the school'. The Orient Institute's aim was to establish a school for all Indian children because the only high school for Indians (Sastri College) 'has been over-flooded for the last four or five years' and the purchase of land had been concluded after consultation with 'the parties that have power over us'. He had personally gone to Cape Town to meet with [name?] Lawrence – of Lawrence Committee fame – who 'could see no objection to the acquisition of the land by the Indian community'. The deal had also been also discussed with the Mayor of Durban. A clearly agitated Kajee explained

It is either for you to ask us to begin our programme at the foot of the Botanic Gardens or let us proceed at the Bluff.... That is our position and on which we take our stand.... We are not here to consider this site or that site.... Here is a site for which for which we paid a high price; here is a site where the officials have not to consider whether they should give permission or not; the minister states that it is a suitable place for a school. Confine yourselves to these two sites.... We ask you to leave us alone and let us proceed and pay for the education of our children.¹⁹

Councillor Boyd declared that they could not confine the discussion to the two sites. Indeed, Chairman Salmon now explained, they had gone to great extents to find alternative sites and these had to be discussed. MAH Moosa countered that Senator Clarkson had given Orient delegates the impression that they were to discuss the two sites only. Councillor Harris

¹⁹ TBD, 3/DBN, 4/1/3/1499, 290N

demanded clarity on whether the delegation had a ‘cast iron’ attitude to the matter, and insisted on a ‘yes’ or ‘no’ on that question. Senator Smith suggested that the Orient delegation may have misunderstood Senator Clarkson and should be given time to consult. He asked the Orient representatives not to be ‘too rigid’ on the matter, cautioning that ‘if the Indian community want to retain that measure of sympathy and friendship which they have got, [they should not] force a fight when it is not necessary’. Senator Smith called for a 15-minute adjournment to allow the Orient delegation to discuss the matter. Councillor Gray stated that they had spent ‘many nights and many days on the deliberation of ascertaining and inspection of alternative sites’ and he asked the delegation to consider them, as they were ‘far more suitable and far more valuable’.

Kajee now turned the tables and asked the chairman whether they were not prepared to discuss the two sites at all? MAH Moosa demanded that Council ‘lay their cards on the table’ regarding the two sites, especially the Bluff site which had been approved by the ‘higher authorities’ of the nation. If, as the councilors had stated, they were the sympathetic ‘friends’ of Indians then they should give them the Botanical site as ‘a large number of the Indian community in the town are satisfied that that is the best place to build their school’.

R Robb of the South African Legion suggested that the Orient delegates ‘play the game’ as loyal subjects and protect the interests of the servicemen. Kajee called Robb’s input ‘an emotional speech based on racial feeling’. While one soldier owned land on the bluff for 20 years, Indians had owned land for half a century and Kajee felt that ‘care for the absent soldier’ was being misused. He insisted on the Council stating clearly why they objected to an Indian school on the Bluff, as at one time most of the Bluff was in Indian hands (and therefore it might be the Europeans who were, in fact, ‘penetrating’). When HE Teifel stated with regard to the Botanical Gardens site, that it was ‘nothing but swamps and a dumping ground for years’ and should not be considered for a school, Kajee retorted

The Indians live by swamps, we thrive on swamps, let us go on living on swamps. You keep your islands but don’t deprive us of that swamp land.... You have put your foot on us for 7 years. We have no voice in the conduct of affairs. We are bitter and we may become more bitter, but we know it is of no use because you have the whip hand, we know the weapons are in your hand. We know what you have got and we are afraid of you.

On the suggestion of Councillor Harris, Mallinson outlined the various alternative sites they had identified as officially ‘acceptable’ to the post-war allotment for Indian occupation, – Gieke Estate; Wiggins Estate; Fenniscowles Estate (adjoining Gieke); and Randles Estate.

The Orient delegation was given ten minutes to discuss whether they were prepared to consider any of these other sites.

After the recess Kajee asked for confirmation that the other delegates were not prepared to discuss the Bluff and Botanical sites under any circumstances. When the chairman answered in the affirmative, Kajee launched into deal-making mode. He said that although it took them four years to find the Bluff site, they would go back to their trustees to discuss the four sites but wanted an assurance that if they opted for one of these, the Council would make the site available. The chairman replied, 'I see no reason why there should be any objection to it. I can assure you that you will have our support'. One of the Orient's concerns was transport to the outlying sites. When the chairman said that transport would be made available to the various sites, Kajee reminded him that 'the Council have not yet provided Indian transport' with the result that people had to walk long distances daily. Kajee said that, in addition to a site for a college and boarding house (300 to stay in residence and 400 day students)²⁰, they would need a smaller piece of ground in the city for a feeder school for the younger children who could not travel to one of these sites. The Joint Committee identified Cartwright Flats as a possible area for the feeder school. Wodley, who represented the ratepayers, was glad that 'after the rough opening of the meeting ... the way in which our friends have met us'. A follow-up meeting was scheduled for 3 March 1944.²¹

The day after the first meeting of 25 February, MAH Moosa wrote to Senator Clarkson to keep him abreast of developments. The Institute had attended the meeting in the expectation that they would discuss the two previously identified options but found that

these two alternatives were ruled out by the Europeans without much ado, the Europeans maintaining that you gave us a false impression to think that the matter can be easily settled. In fact, one representative used strong and undignified language in this connection. No evidence was adduced against our claim to the Bluff or the Botanic Gardens sites. The reason given was merely that Europeans in the neighbourhood in each case objected to the establishment of an Indian school.²²

When the Joint Committee met again on 3 March, there were further grounds for consternation. The chairman broke the news that protests had now been made by residents in the vicinity of two of the four 'alternative' school sites tabled at the previous meeting, namely the Fenniscowles and Gieke's estates. Councillor Harris declared that, in the light of

²⁰ Reddy and Meer, 'I Remember,' p. 189.

²¹ TBD, 3/DBN, 4/1/3/1499, 290N

²² Orient Archives.

new controversies, the Randles Estate was the ‘best solution’ and that ‘failing this our negotiations are going to be an absolute failure’.

The Orient delegates were appalled. IVM Jooma demanded a clear reason for the rejection of the Fennicowles property, since it was the Council itself that had requested them to examine the site. ‘The European members,’ he observed, ‘are going to keep on changing from one place to another without good and just reasons’. As far as he was concerned these ‘objections [were] unfair and unjust and therefore there will be nothing to be gained by continuing our discussions here [in the Joint Committee]’. The matter should, after all, ‘be finally left to Senator Clarkson’.

Kajee stated that he wanted it placed on record that the trustees of the Orient had already met and resolved that the Fennicowles alternative was suitable for them. He suggested that a larger issue of justice must be acknowledged. While he was not ‘unmindful of the difficulties Counsellors have to face’ in taking cognizance of the petitions of their burgesses, they should question

the rightfulness or wrongfulness of these petitions.... We want you to realize your responsibilities. We ask you whether the objections to our occupation of Fennicowles are reasonable. It has been in Indian occupation for all the years that anyone who knows Durban can remember.... Just because a few people get together and raise objections, should you lay down your hands and walk away from it? If you say that, then it comes down to this, [that] the Indian community should not be in South Africa, they should not exist and they should be dumped into the ocean or taken somewhere else...²³

How could the gentlemanly word of the Council be regarded as trustworthy? ‘We find that the position shifts from day to day’. Kajee indicated that he was going to Cape Town the following day and would take up the matter with General Smuts.

I want to show him the unjust way in which we are being treated.... We don’t want to put up buildings that will not be a credit to the town. We are prepared to spend thousands of pounds for the education of our children and in so doing make them better citizens. Have you realized that? If there is any further proposition I will take it myself to Senator Clarkson ... and ask him to send for you to explain the position as you have seen it at this conference.

Kajee’s words created a stir, with several Council members expressing confidence that an amicable solution could be reached. Councillor Boyd did not want the matter to go to the Minister ‘because he will probably say “I authorize them to go ahead with the Bluff site”’. Councillor Harris hoped that the matter would not go to Smuts: ‘I have listened to Mr. Kajee. I know that he is a terror. The chances are that Mr. Kajee and I will be in Cape Town at the

²³ TBD, 3/DBN, 4/1/3/1499, 290N.

same time. He holds a higher rank than I do and I suppose he dines with General Smuts'. Harris acknowledged that Kajee was a 'fighter' but hoped they could meet halfway. Kajee responded that Harris was conveniently forgetting that they were not there out of choice but because of objections to the formerly-settled Bluff project. With tempers rising, Harris accused Kajee of 'talking too much', to which Kajee retorted: 'I am the only Indian talking, there are seven of you'.

William, one of the ratepayer representatives, suggested that while Harris and Kajee were in Cape Town, the other members of the Joint Committee should visit other sites. Two other ratepayer delegates, Brady and Gray, proposed that land for a 'feeder school' be offered to the Orient in the city. The site mentioned was the so-called 'pipe yard' land, which was bounded by Lorne, Carlisle, and Cross streets and Centenary Road. This would be an interim provision and show of good faith while an earnest effort was being made to find an alternative site of a larger scale appropriate to the proposed boarding college. From their point of view, an immediate offer was advisable for, as Brady pointed out, 'the Indian community have met us in many ways' and, as Gray warned, it was 'imperative that we report something to the Minister,' or else the matter would be left solely 'in his hands'. Kajee now accused the Council of withholding the option of the pipeline yard strategically, as a 'pawn in the game' to force the Orient to give up on the Bluff land and the Feniscowles alternative. William agreed with Kajee. He confirmed that councilors had, in fact, been discussing the option of this and was now 'surprised to find they had jumped over the fence' and changed their minds. 'The Indian gentlemen know they are talking against a blank wall,' stated William.

To the ratepayers' proposal, Kajee indicated willingness, even to pay any price difference between the value of the Bluff land and the other sites: 'we are not avaricious; we have not come to ask for something for nothing.' The councilors, however, rejected Brady's and Gray's suggestion and wanted the matter held over. Kajee indicated that he would have to report in Cape Town that the councilors were 'frustrating the efforts to find a solution,' Councillor Boyd said that this was 'nonsense'. 'Yes, everything I say is nonsense, everything you say is wonderful', snapped Kajee, adding that the ratepayers had 'shown every desire to meet us, [but] they do not know the way in which the Town Council moves with its anti-Indian proclivities'. At 10:15 pm the chairman adjourned the Joint Committee meeting *sine die*.

Before he departed for Cape Town, Kajee wrote to Senator Clarkson reporting on the meeting of the previous day. In his later, dated 4 March 1944, he indicated the frustration of

the Orient trustees who had been willing to accept an alternative site to the Bluff (Fennisowles) ‘at considerable sacrifice of advantages and facilities which are not easily compensated by the offers you have put before us’. With Fennisowles now apparently off limits, the Institute was prepared to accept either Cartwright Flats or the site known as the ‘pipe yard’ ground to meet their needs for a town ‘feeder school’. The following day, however, the *Daily News* reported that Durban City Engineer HA Smith had deemed Cartwright’s Flats unsafe. Bridge and road developments were planned for the area, which would now have ‘excessive traffic’. To admit pedestrians would be ‘bordering on the homicidal’ and Smith’s department recommended that Cartwright’s Flats be kept open as [G]arden space.²⁴

Residents, meanwhile, kept up the pressure on City Council. On 6 March, CE Hudson and 404 residents of Umbilo petitioned the Mayor ‘to protest most strongly against the suggestion to allow Indians to acquire Fennisowles Estate for the purpose of erecting a College for Indians.... It would be an encroachment on an entirely European area’.²⁵ EA Colenso, chairman of a mass meeting held in Umbilo on 7 March, wrote to the Mayor the following day that ‘ex-servicemen’ living in Umbilo ‘unanimously condemned’ the project: ‘We wish that our definite and unshakeable wishes in this matter are protected.... If intrusion is permitted grave repercussions might eventuate’.²⁶ Hathorn, Cameron & Co. of Pietermaritzburg wrote to the Town Clerk on 7 March 1944 on behalf of the owners of Gieke Estate that the trustees of the estate would not ‘consider any transfer to Asiatics’. They urged that the adjoining Fennisowles Estate also not be sold to Indians and that the entire ‘Berea area towards Durban should be reserved for European occupation’.²⁷

The 9 March meeting of the Joint Committee was not attended by city councillors. Instead AG Salmon, Mahomed Ebrahim, WW Brady, AI Kajee, AM Moolla, M.H Moosa, AG William and Geoge Gray drafted another memorandum to Senator Clarkson, summarizing the meetings thus far. They noted that while the Fenisowles land was located in Ward 5, white residents adjacent to that area in Ward 4 were objecting to an Indian school, with the result that Councillors were opting to postpone the matter. However, the attendees of the 9 March meeting had resolved that the pipe yard site be made available to the Orient for a feeder day school and that 65 acres of land at the north east of Fennisowles be made

²⁴ *Daily News* 5 March 1944

²⁵ TBD, 3/DBN, 4/1/3/1499, 35/284^N

²⁶ TBD, 3/DBN, 4/1/3/1499, 30/290^N

²⁷ TBD, 3/DBN, 4/1/3/1499, 30/290^N

available for the College (high school and boarding establishment). Council representatives did not attend the final meeting where this decision was taken.²⁸

Further Politics of Division

Against shows of 'white' racial solidarity, tensions and differences of interests were being exposed not only between ratepayers and the City Council, but also between local and national levels of government. Demands for urban segregation were competing with other concerns of Town planning, and playing into resentments about usurpation of local decision-making power by Ministers of Parliament. Against this too, was a general acknowledgement of the informal cultivation of socio-economic class solidarity that had long been attempted by the Muslim commercial elite, not only in Durban, but nationally. While successes were undeniable, race-thinking continued to trump class solidarity as a basis of civic interests. As Kajee himself was to put it to a Johannesburg meeting of the South African Institute of Race Relations later that year,

I have often maintained that the interests of the Indian merchant are the same as the interests of the European merchant or of the African merchant... Superimposed on the race struggle is the class struggle, and the class struggle occurs within races as well as outside them. Some signs of approach are discernable between the workers of the different races as a result of common interests. So far practically no signs of this approach are to be seen between the commercial sections of Europeans and Indians; though their interests are identical.²⁹

Meanwhile, delays were frustrating Muslim donors around Natal. AK Lakhi, for the estate of the now late M.E. Lakhi, wrote to the Orient Institute on 14 June 1944 that 'the lethargic trend in which the affairs of the Orient Islamic Institute have fallen into recently has engaged the attention of some of the contributors to the scheme'. Lakhi wanted to know what was being done about the College site; whether an ultimatum had been given to the city council that if an alternative site was not found the Institute would commence building operations; and whether funds for the entire project had been collected. Lakhi did not want the Institute to accept the Botanical site in lieu of the Bluff site. 'The money I contributed was on the distinct understanding that a Boarding school be established away from the town centre which would naturally interest country contributors'. On 28 June, AM Moolla reported to Lakhi that Orient Trustees had met the previous day and had agreed to lodge an architectural plan for the Bluff site with the Deputy Controller of Buildings through Moulvi Mia. Once

²⁸ Orient Archives.

²⁹ Wits University, SAIRR, 1944, RR157/44

approved, the plan would be lodged with the City Council and if the Orient Institute experienced any difficulties they would take the matter to court.

Around the Botanical Gardens site, however, there had been some additional and complicating politics, this time related to the Natal Indians Judicial Commission (NIJC) which, headed by the familiar figure of Justice Broome, who had undertaken several investigations into Indian 'penetration' around this time, was attempting to investigate 'all aspects of Indian life in Natal' during a moment when these were deeply affected by the Pegging Act. The NIJC was appointed in March 1944 to make its inquiries. March had also seen the failure of Joint Committee deliberations on the question of Indian school sites, with the City Council refusing to go against Ward protesters in relation to the Fenniscowles estate. With this stalemate now sitting in his court, Minister of the Interior Senator Clarkson, wrote on 30 March to the Durban Mayor urging immediate action and declaring, 'I still think the 6 acres at the lower Botanical Gardens is the solution'. On 8 April, however, the Provincial Secretary advised Town Clerk McIntyre that he would 'reserve his consent for the time being to the City Council's proposal regarding the [Botanical Gardens] land in question'. The Council resolved on 29 May 1944 to defer the matter until the NIJC completed its work.³⁰

When, on 30 June, Clarkson again wrote to the Mayor (in a letter copied to Kajee) he requested that the Mayor reconsider the delay on the Botanical Gardens site. The senator explained that, once again, he had been given authority by the Orient Institute to trade the Bluff grounds for the Botanical site, and as 'a clean exchange irrespective of value'. If this were accepted 'the land at the Bluff would be available for a City housing scheme...' Yet, according to the Orient Institute's submission to the NIJC, the City Council, instead, instructed its solicitors to have the deed of servitude registered so that the Botanical site could be incorporated into an expanded Gardens area.

In their September 1944 submission to the NIJC, the Orient Institute stated that it had accumulated £35 000 from 45 subscribers and intended spending £100 000 in all on their school projects. They traced their failed attempts, as a result of a local white activism, to acquire land (Botanical Gardens, Isipingo, Swalestown, Bluff, Feniscowle, pipe yards, Cartwrights, and others). Working with representatives of the Joint Wards and council, as suggested by Senator Clarkson, had been to little avail and 'our files are weighty with appeals and correspondence with those authorities, from the Minister of the Interior downward'.

It is clear that in the earliest days the Durban City council was willing to grant us the site at the Botanical Gardens but that its willingness was overruled by European

³⁰ TBD, 3/DBN, 4/1/3/1499, 290^N

burgesses who made protest upon various grounds in particular on the ground that the Botanic Gardens site was a predominantly European area.... It is clear that once the Durban City Council was, if we may put it, held up to ransom in the case of the Botanic Gardens site, other areas to which the Trust went for land would repeat that experience. Such was proved in the case of the Bluff site.... The fact is that wherever the Trust has attempted to obtain land almost exactly the same protests have been made as a consequence nothing has been done even though the Prime Minister himself reminded the Durban City Council of its obligations in this matter.

On 17 November, amidst rumours that the Orient would commence construction at the Bluff, a JW Roqaly of Hillary submitted a memorandum to the NIJC in which he warned that pursuing the Bluff project 'will lead to a further outburst of racial feeling'. Why, he continued,

if the immediate need is for a day school, [has] such undue haste been shown for the erection of an 'Indian Michaelhouse'. If a Michaelhouse were needed, would it not have been possible to obtain the necessary land infinitely more cheaply and to infinitely greater advantage from a health point of view, in the uplands of Natal (say Field's Hill).

AS Williams, on behalf of the executive of the Ward 4 Council, wrote to the Town Clerk on 16 December to confirm its stand on urban segregation. Williams' letter recounted that on the Polish question, Winston Churchill had advocated segregation, suggesting to the House of Commons 'the removal of millions of people into areas of racial influence in Central Europe.' Williams moralized that 'if this should be done to peoples of the same creed and colour, how much more does it apply to our communities where we have peoples differentiated both in creed and colour of skin'.

Despite ongoing calls for ethnic cleansing, and as had been indicated early in 1944 to AK Lakhi, architectural plans for the Bluff had meanwhile been drawn up and their 'ultimatum' plan to proceed on their legally owned land at the Bluff could now be tested. On 11 January 1945, AI Kajee wrote to the Mayor of Durban, Councillor R Ellis Brown, that the Institute was in a position to start its building operations. Before doing so, they wanted to 'place certain alternatives before you and the Council in order to provide a final opportunity for you to make a decision'. As had been indicated by Clarkson, the alternatives were that the Council grant the Orient Institute land at Botanical Gardens in exchange for the Bluff site; the council grant in exchange for the Bluff site pipe yards and 75 acres at Forest Hills, Isipingo, adjoining the Orient Club and owned by Cecil Platt; or the council make available the pipe yard for purchase by the Institute and in return the Trust will 'abandon the building plans at the Bluff and cut up the Bluff site for re-sale to Europeans'. Kajee hoped that the Council

would accept one of the alternatives as ‘we can postpone this no longer’. If the council failed to reply by 15 February 1945, the Orient would begin building operations at the Bluff.

Phyrric Victories

Press reports of the imminent allocation of a site to the Orient drew action from various groups and letters to the Town Clerk. On 12 January, the European South African Citizen’s Association, which provided an address in Smith Street, wrote to the Town Clerk and Senator Clarkson to protest any possible transfer of land to the Orient on the Bluff *or* Botanical Gardens. The opposition by civic associations was an indication that they did not want Indians to have amenities ‘in or near European areas’. In another case, Kajee’s mention of the Isipingo grounds inspired a submission (dated 30 January) from the Amanzimtoti Town Board, stating that it ‘viewed with alarm’ talk of a school being built on land adjoining the Orient Club. Though this land fell under the jurisdiction of Durban, the site adjoined Amanzimtoti which ‘as a township is purely an European one and has entrenched itself in this regard by the prohibition in its title against the ingress of non-Europeans...’.

On an entirely different register, the Holy Family Convent wrote on 15 January to remind Town authorities that at meetings since 1942, the Council had given an assurance that the St. Augustine’s school, which catered for Coloured children, would also be provided with land when such allocation was made to the Orient. Kajee’s letter of 11 January, and other submissions, appeared to pressurize the Council to new action. A Finance Committee meeting of 16 January resolved that the matter of the application Holy Family, Orient, and one also by a committee on Indian Technical education, should be referred to the Council-in-Committee to investigate and make proposals.

On 24 January 1945, the Orient Institute inspected sites in the Botanical Gardens and Argyle Road areas. AB Moosa, AM Moolla and MAH Moosa, visited the site with the Mayor, Senator SJ Smith, Councillor Boyd, City Engineer HA Smith, the Town Clerk and Mr Mallinson, who represented the council, and Benjamin M Narbeth as well as Albert Christopher who represented the Technical College.³¹ Christopher wore two hats. He was

³¹ The origins of the Technikon date to the Cape Town Agreement which resulted in the Natal Worker’s Congress and the Indian Teachers Society initiating the Worker’s Continuation Classes which began in August 1929 with Christopher as president and AI Kajee and PR Pather as honorary secretaries. In 1930 they formed an Indian Technical Education Committee with Narbeth as chairman and Christopher as vice-chairman. Despite increasing demands for education, various appeals to the city council for facilities to establish a proper institution were ignored. This changed when M.L. Sultan, the Muslim donor referred to in the correspondence above, gave a very large donation in 1942 towards establishing a Technikon for Indians. This gave impetus to

also a member of the Durban Indian Sports Group Association (DISGA) and was concerned that the Curries Fountain grounds that DISGA currently leased from the Council, might be reclaimed for education purposes. The Council's tactic to try to accommodate the various groups in one 'wholesale' move was an inevitable set up for competition and disagreements. According to the report of MAH Moosa to the trustees, Christopher had argued that as the Technical College was a 'non-sectional body' that would cater 'for all sections of the [Indian] community' it should be given part of the sports field, as the DISGA was agreeable to the proposal. The Mayor replied that he had to cater for all three applicants simultaneously and that the Institute had in fact applied for land long before the Technical College.

Still, the local state's refusal to provide sufficient land meant that the needs of Indian education were now placed officially in opposition to the needs of Indian sport. This manufactured competition had been simmering for a few years, with bad feelings created under pressures felt by the 'scarcity' of resources within the engineering of urban segregation. Sport, too, had required long and persistent politicking. In March of 1924, in the face of ongoing Indian activism, the council had agreed to lease 23 acres at the foot of the Botanic Gardens to the DISGA for a period of 25 years. EM Paruk of the Orient Institute was a trustee of DISGA. Due to expire in 1950, the grounds had been well developed with six soccer fields, four cricket pitches, three tennis courts, a quarter mile cinder track, a nine hole golf course, a refreshment room and a clock tower.³²

On 21 July 1943, at the time when the Institute's early plans for Bluff construction were still being made, the Finance Committee of the council held a meeting with representatives of DISGA, the Institute, the Technical College and Roman Catholic Church, the latter planning to build its St. Augustine's school for Coloured children. According to the Institute's report, the meeting was specifically to discuss the allocation of 6 ½ acres of land below the Botanic Gardens to the three parties. DISGA was happy to provide the land in exchange for land elsewhere in the borough on condition that the land was allocated to the Technical College only and not to the Institute or for the Catholic Coloured school. The Orient Institute's report of that meeting was indignant at what they interpreted as a failure of communal solidarity and support:

the project and the committee set out actively in pursuit of acquiring land. The Technikon, when it was established, was named in honour of M.L. Sultan.

³² Rosenberg et al, *The Making of Place* 206-207

How can the Indians plead for non-discrimination when important bodies like the Indian Sports Association would go out of their way to show discrimination to the Coloured community and any other sections which may be represented by their own body. Here is a question of self-help and the establishment of an extra school for Indian children that would relieve the burden of the overcrowded schools and as such should have the help and encouragement of the Sports Association.

Now, in 1945, similar rivalries were emerging as segregationist logic placed 'Indians' in a position of competition for resources that were increasingly limited. Senator Clarkson met in September with a deputation of DISGA consisting of SL Singh, George Singh, M John, and Albert Christopher, proposing that part of the grounds be granted to the Technical College, the Orient Institute and the St Augustine's School. In return, Council would develop sports fields in Argyle Road on 25 acres, as soon as the military vacated that area on 1 July 1946. SL Singh told reporters that DISGA had rejected the proposal.

We told the Minister that we would have to go into the matter to see if it is possible to make some compromise without affecting our position a great deal. We are not concerned with municipal politics. Our concern is the protection of the sporting fraternity. There are also important financial implications at stake through the loss of gate revenue'.³³

Despite DISGA's opposition, on 24 September 1945, council passed a resolution approving the Curries Fountain scheme. Three and three quarters acres of land was to be set aside for the Orient Institute, conditional upon it agreeing to sell its Bluff land to the council and upon the council's success in reaching agreement with DISGA regarding the sought-after exchange. The council's decision, relayed to the Institute on 8 October, stipulated certain special conditions in addition to having to sell its Bluff land to the corporation at the cost price. Any hall built by the Orient could only be used for social and educational purposes, and not for political purposes. Moreover, the mosque must 'be used exclusively for educational purposes in connection with the school and shall not in any circumstances be used as a place of public worship'. The Institute discussed this condition with the Mayor two days later and, on 11 October, recorded their objections. Religion was central to their project and they would not transfer to an alternative site without carrying out as much as possible of the original scheme, which had consisted of a school, residential house, mosque and school hall. They could not give any undertaking with regard to the mosque:

³³ 'Indians Reluctant to Give up Curries Fountain,' *Natal Daily News*, 5 September 1945

We have great difficulty in approving of the condition laid down by your Council's resolution... In our planning the mosque will be designed primarily for the use of Muslim children attending the school. There is no intention of designing a mosque for general public worship, but, by the tenets of our religion, we cannot give any undertaking that members of the public will be forbidden its use as a place of worship and prayer... We only agree to the transfer of our scheme from the Bluff to Curries Fountain, and accept the offer contained in the Council's resolution, if we are permitted to do at the new site what we intended to do at the Bluff.

The Orient Institute met with a sub-committee of the Council on 6 December and agreed that the land which the council was donating to it for educational purposes would contain a school, residential house for staff and pupils, mosque (as per conditions agreed to), and school hall (also as per conditions agreed). A special sub-committee of the Council resolved on 7 December that the Orient Institute's attitude was 'reasonable' and that a mosque could be built provided it was only big enough to accommodate the school's children.³⁴ The Orient Institute implored the Council to formally approve the scheme and conclude its agreement with the DISGA as a matter of urgency, as the Institute wanted to begin building works on 15 January 1946.

On 25 February 1946, the council confirmed the intention to portion Curries Fountain to the following institutions: St. Aidan's Mission (1 acre), Indian Technical College (6 acres); Orient Institute (3.75 acres); Kathiawad Hindu Seva Samaj (1.75 acres); and Convent of the Holy Family, St. Augustine's School (2.75 acres).³⁵ Yet, by early July no transfer had yet been made. AI Kajee wrote on behalf of the Orient Institute to the provincial Director of Education informing him that building operations at this new site would commence 'within the next month or six weeks. The Mayor of Durban, Senator Smith, assured me that possession of the site for building purposes will be possible within this time'. The Orient Institute had obtained an expedited permit from the Building Controller and the plans were in the process of being passed.

On 16 July 1946 Kajee undertook to write four letters. To Mayor Senator S.J. Smith, showing enormous restraint, he confessed to 'a sense of frustration' about delays in the promised acquisition of land.

The Building control and the Education Department have enquired when the Trust is going to begin building – the first because the material and labour set aside for the building should be used. The Education Department is anxious to know how far its problem of high school accommodation can find relief and also that its estimate of grant-in-aid may not unnecessarily be loaded and yet not used. The officials of the

³⁴ *Natal Mercury*, 6 December 1945

³⁵ Durban Town Council minutes, TBD, 3/DBN, 4/1/4/585, 284N.

Trust have been patient and forebearing and have gone a long way to meet the unreasonable racial outcry of the Europeans and their representatives in the City Council.

To D.E. Mitchell, the Administrator of Natal, Kajee recounted that when they met in January the one condition we made when I saw you was that possession of at least a portion of the site should be made available immediately to enable us to commence building. All our efforts to get this have been unsuccessful so far.... I write to ask you to use your powerful influence to get a portion of the site to commence our building operations.

Kajee also petitioned for assistance from Senator Clarkson, the Minister of Interior, explaining to him that

after 2 ½ years since we cancelled the laying of the foundation stone of this school at the Bluff by yourself, the commencement of the erection of the school is still being held up by the Corporation not having made available the portion of the site at Curries Fountain which it agreed to do.... I shall live in hopes until in this matter too I am betrayed.

Finally, Kajee wrote to H.W. Cooper, Private Secretary to Prime Minister Smuts. He requested now that the prime minister intervene in the matter as there, apparently, was no resolution to be found, even though the Institute had made the agreement at the behest of Smuts himself and of Senator Clarkson. 'I know the path of the conciliator is hard and thankless,' he conceded, 'but it is unnecessary for those who, like the City Council of Durban, win the day by virtue of their power to break their words and thus bring me into hatred and contempt with my fellows'.

Conclusion

AI Kajee would not himself live to see the construction of the Orient School. He died in 1948 at the age of just 52. Although his renowned talents and energies were hardly to be questioned, South African political change itself passed him by and the personal stubbornness that made him a fierce fighter proved a limitation. The limitations of moderate politicians, like Kajee, who continually attempted to engage a strategy of gentlemanly diplomacy, premised on a failing platform of class-affinity, were hardly unexpected. Though opposing segregationist legislation, they styled themselves as willing and reasonable subordinates, with 'organic' segregationist sentiments of their own. White politicians, sensing the inability of Indians to confront policies that rested upon such strong waves of white racial populism, pushed for ever more stringent legislation. Kajee's contemporaries in Durban lost faith in

Smuts and argued that he was a hypocrite. MI Meer, for example, after Smuts' speech at the United Nations in San Francisco in 1945, wrote

It is time that General Smuts who spoke 'precisely and humbly' at San Francisco is reminded in as humble and precise terms that Man, whom the Almighty out of His grace has done the honour of imprinting with his own image and whom [Smuts] himself was pleased to describe as 'the divine, highest and noblest product of this world's evolution', is branded by him in his country as a *Kaffir* and a *Coolie* and treated as a pariah outcaste. He is segregated as an untouchable whose contagion is considered as polluting as that of a leper. He is legislated against as an inferior to be kept in his place as such. The place assigned him is that of a menial, of a hewer of wood and drawer of water, of a beast of burden. His status is the status of the gutter and all is well as long as he keeps there. Should he strive to lift himself upward, to raise himself from the gutter, a howling shriek is raised as at a scandal and a disgrace. That is the lot of the non-European in the country, under the governance of the self-same General Smuts who talks of the 'fundamental freedoms and rights of man' and of the 'sacredness, essential worth and integrity of the human personality' at San Francisco. That is the lot of the non-Europeans in this country, because Europeans here are determined to uphold the very Nazi doctrine which General Smuts condemned at San Francisco as 'the monstrous doctrine of a master race'.³⁶

For Indians in the NIC, whose politics were more sympathetic to the poor and working classes, continual negotiation and submission to irrational and oppressive authority was kin to unconscionable collaboration. Emerging powerful voices among communists and trade unionist formed the Anti-Segregation Council (ASC) in April 1944 under Dr Monty Naicker's presidency. At the October 1945 NIC elections, the AI Kajee / PR Pather leadership were ousted. Two years later, Kajee and Pather formed a new political front, the Natal Indian Organisation, to continue with their practiced political tactics which, within new times and an emerging radical generation that would forge national and cross-racial alliances, were now deemed conservative and – by some – irrelevant.

Throughout this period, the Orient Institute's efforts continued. The transfer of land continued to meet with delays. It would be more than a decade before building could commence and a school materialize.

³⁶ Indian Views, 18 July 1945; In Reddy and Meer, 'I Remember,' p.207.