Contracting Freedom:
Governance and East Indian Indenture in the British Atlantic, 1838-1917

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
History in the Graduate School
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ABSTRACT

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Abstract

This is a dissertation about identity and governance, and how they are mutually constituted. Between 1838 and 1917, the British brought approximately half a million East Indian laborers to the Atlantic to work on sugar plantations. The dissertation argues that contrary to previous historiographical assumptions, indentured East Indians were an amorphous mass of people drawn from various regions of British India. They were brought together not by their innate “Indian-ness” upon their arrival in the Caribbean, but by the common experience of indenture recruitment, transportation and plantation life. Ideas of innate “Indian-ness” were products of an imperial discourse that emerged from and shaped official approaches to governing East Indians in the Atlantic. Government officials and planters promoted visions of East Indians as “primitive” subjects who engaged in child marriage and wife murder. Officials mobilized ideas about gender to sustain racialized stereotypes of East Indian subjects. East Indian women were thought to be promiscuous, and East Indian men were violent and depraved (especially in response to East Indian women’s promiscuity). By pointing to these stereotypes about East Indians, government officials and planters could highlight the promise of indenture as a civilizing mechanism. This dissertation links the study of governance and subject formation to complicate ideas of colonial rule as static. It
uncovers how colonial processes evolved to handle the challenges posed by migrant populations.

The primary architects of indenture, Caribbean governments, the British Colonial Office, and planters hoped that East Indian indentured laborers would form a stable and easily-governed labor force. They anticipated that the presence of these laborers would undermine the demands of Afro-Creole workers for higher wages and shorter working hours. Indenture, however, was controversial among British liberals who saw it as potentially hindering the creation of a free labor market, and abolitionists who also feared that indenture was a new form of slavery. Using court records, newspapers, legislative documents, bureaucratic correspondence, memoirs, novels, and travel accounts from archives and libraries in Britain, Guyana, and Trinidad and Tobago, this dissertation explores how indenture was envisioned and constantly re-envisioned in response to its critics. It chronicles how the struggles between the planter class and the colonial state for authority over indentured laborers affected the way that indenture functioned in the British Atlantic. In addition to focusing on indenture’s official origins, this dissertation examines the actions of East Indian indentured subjects as they are recorded in the imperial archive to explore how these people experienced indenture.

Indenture contracts were central to the justification of indenture and to the creation of a pliable labor force in the Atlantic. According to English common law, only free parties could enter into contracts. Indenture contracts limited the period of
indenture and affirmed that laborers would be remunerated for their labor. While the architects of indenture pointed to contracts as evidence that indenture was not slavery, contracts in reality prevented laborers from participating in the free labor market and kept the wages of indentured laborers low. Further, in late nineteenth-century Britain, contracts were civil matters. In the British Atlantic, indentured laborers who violated the terms of their contracts faced criminal trials and their associated punishments such as imprisonment and hard labor. Officials used indenture contracts to exploit the labor and limit the mobility of indentured laborers in a manner that was reminiscent of slavery but that instead established indentured laborers as subjects with limited rights. The dissertation chronicles how indenture contracts spawned a complex inter-imperial bureaucracy in British India, Britain, and the Caribbean that was responsible for the transportation and governance of East Indian indentured laborers overseas.
Dedication

For Salome Theresa Lawrence-Phillips and Terrence Compton Phillips
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Introduction

Between 1838 and 1917, the British government shipped approximately half a million East Indians to the British Atlantic under indenture contracts. This dissertation explores how the British government mobilized culture, gender and race to justify indenture in response to its critics and as part of its strategy of governing East Indians in the Atlantic. It explores the dialectical relationship between governance and the identity of East Indians and British imperialists and planters. Contrary to previous historiographical assumptions about the fixed identity of East Indian in the Caribbean, East Indians were an amorphous mass of people drawn from various parts of British India upon their arrival in the British Atlantic. They were brought together not by their innate “Indian-ness” but by the shared experiences of indenture recruitment, transportation, and plantation life. Ideas about innate “Indian-ness” were products of an imperial discourse that emerged from and shaped official approaches to governing East Indians in the Atlantic. Government officials and planters promoted visions of East Indians as “primitive” subjects who engaged in child marriage and wife murder. Officials mobilized ideas about East Indian gender roles to sustain racialized stereotypes of East Indian subjects. They characterized East Indian women as promiscuous and East Indian men as violent and depraved (especially in response to East Indian women’s promiscuity). By pointing to these stereotypes about East Indians, government officials
and planters could highlight the promise of indenture as a civilizing mechanism in response to indenture’s critics.

This dissertation is also interested in uncovering East Indians’ experience of indenture. It is premised on the idea that it is difficult to recover East Indian voices in imperial records because of the competing goals of indenture’s architects and the power that they had to achieve those goals. As such, it examines the actions of indentured subjects as they are recorded in the imperial record to speculate about how East Indians may have experienced the constraints of indenture.

The primary architects of indenture, Caribbean governments, the British Colonial Office, and planters, hoped that East Indian indentured laborers would form a reliable but malleable labor force upon their arrival in the British Atlantic. They predicted that the presence of East Indian indentured laborers, who were bound to work for low wages as stipulated by their indenture contracts, would undercut Afro-Creole demands for higher wages and shorter working hours. Yet, the architects of indenture could not impose their will on East Indian laborers or on indenture’s critics.

Indenture’s architects used indenture contracts as evidence that indenture was not slavery. In the nineteenth century, indenture’s most vocal critics were British liberals and abolitionists. Liberals saw indenture as antithetical to free labor ideals, while abolitionists feared that indenture was a new iteration of chattel slavery. English
common law required that parties signing contracts be free. ¹ Contracts defined the condition of indentured laborers and placed temporal limits on that condition. Finally, indenture contracts affirmed that indentured laborers would be paid for their labor. Slaves, defined as property and not persons, could not enter into contracts. Further, the condition of slavery had no temporal limits and slaves were not remunerated for their labor. For these reasons, the proponents of indenture could point to the indenture contract as concrete evidence that indenture was not slavery.

Government officials and planters also used contracts to limit the autonomy and mobility of indentured laborers. Indenture contracts prevented Indians from participating in the free labor market and kept the wages of indentured laborers lower than the non-indentured population. In Britain, contracts were civil matters. In the Britain’s Atlantic colonies, indentured laborers who violated their contracts faced criminal trials and their respective punishments such as imprisonment and hard labor. Many indentured laborers faced imprisonment for offences as minor leaving the plantation without permission during work hours. When planters failed to uphold their end of the indenture contract, East Indians had little legal recourse. In this manner, officials used indenture contracts to exploit the labor of and limit the social and physical

mobility of indentured laborers in a manner that was reminiscent of slavery but that instead established indentured laborers as subjects with limited rights.

Indenture contracts gave rise to a complex inter-imperial bureaucracy in British India, Britain and the Caribbean that was responsible for the transportation and governance of East Indian indentured labor overseas. This dissertation explores how Protectors of Emigrants in India, Protectors of Immigrants in the Caribbean, Immigration Agencies and Agents in the recipient colonies, medical officers, and stipendiary magistrates performed their duties in relation to East Indian indentured laborers. Importantly, it also examines how the goals of these offices and officials were subverted by the debates among and interests of the various architects of indenture.

Thirty years before the first group of East Indian indentured laborers arrived in the Caribbean, the powerful abolitionist lobby in Britain had achieved its agenda. In 1807 the British Parliament passed the Abolition of the Slave Trade Act which ended the slave trade, but not slavery, in the British Empire. The Abolition Act of 1833 officially abolished slavery in the British Empire and set aside twenty million pounds to compensate slave owners for the loss of their property.² In reality, this act freed slaves who were under six years of age and made all other slaves apprentices who were

² For more on the compensation of slave owners, see Nicholas Draper, *The Price of Emancipation: Slave-Ownership, Compensation and British Society at the End of Slavery* (Cambridge: Cambridge University Press, 2010).
required to work for their former masters for between four and six years.\textsuperscript{3} Apprentices were required to work for up to forty-five hours a week without compensation. The architects of apprenticeship saw it as a means to familiarize slaves with the demands of wage labor and citizenship while also guaranteeing planters some measure of stability in their workforce.\textsuperscript{4} Apprenticeship, largely considered a failure, ended ahead of schedule. Slaves in the West Indies, Mauritius, and the Cape Colony were fully emancipated in 1838.

Well before emancipation, West Indian planters vocalized their fears that upon emancipation, newly freed people of African descent or Afro-Creoles would flee from plantations resulting in a disruption of sugar production and economic devastation.\textsuperscript{5} Prior to and after emancipation, there were small scale attempts to recruit liberated African laborers from Sierra Leone,\textsuperscript{6} African American laborers from the northern

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\textsuperscript{6} For more on indentured African laborer after abolition, see, Rosanne Marion Adderley, \textit{New Negroes from Africa: Slave Trade Abolition and Free African Settlement in the Nineteenth-century Caribbean} (Bloomington: Indiana University Press, 2007) and Monica Schuler, “\textit{Alas, alas, Congo}”: A Social History of Indentured African Immigration into Jamaica, 1841-1865 (Baltimore: Johns Hopkins University Press, 1980).
\end{quote}
United States, and workers from Europe. These labor schemes were inadequate in scale, however, and planters searched for a sustainable and large scale solution. It came in the mid-1830s under the impetus of John Gladstone, a wealthy planter with estates in Demerara, British Guiana. Gladstone, who had influence with England’s ruling class, began making inquiries with both the President of the Board of Control of the East India Company and the Secretary of State for the Colonies about the viability of transporting East Indian laborers to the British Atlantic. In 1836 Gladstone arranged for two ships, the *Whitby* and the *Hesperus*, to take the first groups of East Indian laborers to British Guiana. Both ships arrived in British Guiana in 1838, with 414 laborers contracted to work on Gladstone’s Vreedenhoop and Vriedenstein sugar plantations. Other planters saw the potential of Gladstone’s scheme and quickly decided that East Indian immigration was the solution that they had so desperately sought, and provisions were made through several legal measures to institutionalize indentured immigration. Under this system of labor, approximately half a million indentured immigrants migrated to the Caribbean for the next three-quarters of a century.

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7 Born in Scotland in 1764, John Gladstone was a Scottish merchant based in Liverpool and later, a Member of Parliament. Although he never visited the West Indies, Gladstone owned sugar plantations British Guiana and Jamaica. He played an active role in trying to achieve compensation for former slave owners following emancipation. Initially a Whig, he became a Tory and served as a Member of Parliament from 1818 to 1827. Gladstone was father of liberal British Prime Minister William Ewart Gladstone. Gladstone died in Scotland at the age of eighty-six in 1851.
This dissertation explores how indenture was adopted and implemented in Britain’s Atlantic colonies. It focuses on British Guiana and Trinidad, two colonies\(^8\) that received the bulk of indentured laborers who migrated to the Caribbean. It views indenture as a set of experiences that was fundamentally shaped by slavery, but overall was definitively not slavery. The historiography of indenture has both been defined by and lagged behind that of African chattel slavery. Historian Hugh Tinker’s *A New System of Slavery: The Export of Indian Labour Overseas 1830-1920* is still perhaps the most influential monograph on the subject of East Indian indentureship in the British Empire. In this work, Tinker likened indenture to chattel slavery. Drawing on the conventions of

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\(^8\) Martin J. Wiener, *An Empire on Trial: Race, Murder, and Justice Under British Rule, 1870-1935* (Cambridge: Cambridge University Press, 2009), 98. Trinidad was a Crown Colony throughout the nineteenth century while British Guiana became a Crown Colony in 1928. Crown Colonies were ruled by a governor appointed by the British monarch. There were three types of Crown Colonies with various levels of autonomy. Some Crown Colonies like St. Helena and Gibraltar were ruled directly by a governor. Others such as Grenada and British Honduras had nominated councils that were made up of members appointed by the Crown with some appointed representatives being from the local population. The third type of Crown Colony, those with representative councils, had the most autonomy. This third type of Crown Colony usually had one or two legislative members elected by the local population. Trinidad had governor appointed by the British monarch and a legislature nominated by the governor. While it was similar in some ways to other Crown Colony governments, British Guiana’s government was also influenced by the fact that it was once a Dutch colony. The peculiar structure of British Guiana’s government and its influence of immigration policy is discussed in the first chapter of this dissertation.
quantitative social history, Tinker compiled statistical evidence to show that “indenture
and other forms of servitude did, indeed, replicate the actual conditions of slavery.”

Scholars such as Tyran Ramnarine, Kusha Haraksingh and Walton Look Lai remained indebted to Tinker’s neo-slavery thesis. These scholars explored how the “assumptions and premises of slavery continued to inform management attitudes” on Caribbean sugar plantations during the period of indentureship. Ramnarine showed that plantation officials colluded with the legal system to “keep Indians on the estates as a captive labour force.” Yet, these scholars departed from Tinker in their recognition that East Indians could effectively resist oppression through measures such as militant labor uprisings and cultural retentions. Although new to the study of indenture, the idea

9 Tinker, A New System of Slavery, xiv.


14 Ibid.
of overt and covert resistance had long been incorporated into studies of African chattel slavery.

Neo-slavery scholars significantly situated indenture as a system that functioned within the larger British Empire in the context of inter-colonial socio-economic push and pull factors. Yet, their insistence on likening indentureship to slavery has severely limited our understanding of indenture. This dissertation refutes the assumption that indenture was slavery in new clothes. Instead, it relies on records created by indenture’s architects, the British Indian government, the British government in London, colonial governments in the Atlantic, and planters, in order to understand the fundamental particularities of nineteenth-century Asian indenture. This dissertation seeks to uncover how the system of indenture functioned and how it shaped conditions of life and labor for East Indians in the Caribbean.

Many neo-slavery scholars accepted planter claims that emancipation would have led to a labor crisis for the Atlantic sugar industry. This dissertation finds such claims to be highly suspect. It views indentured Asian immigration not simply as a solution to a labor shortage, but as a means by which planters could manipulate the labor market in Britain’s Atlantic colonies. Following emancipation, newly freed people of African descent began demanding higher wages. In the ten years after emancipation, wages for sugar workers were at an all-time high in Britain’s Atlantic colonies. Afro-Creole workers also expressed their freedom by stipulating the conditions under which
their labor could be purchased.¹⁵ Many workers refused to perform task labor¹⁶ and work lasting overly long hours.

Planters responded to these demands by taking steps to keep people of African descent tied to plantations and reducing their options for autonomy away from plantations. In 1836, Charles Grant, Secretary of State for War and the Colonies, introduced a new policy which stated that Crown lands in the Caribbean could only be sold in parcels of one hundred acres. This policy sought to discourage newly freed people from acquiring and settling on land away from sugar plantations. In spite of these challenges, however, beginning in 1839, freed people in British Guiana began to purchase land in an attempt to produce sugar for export.¹⁷ These purchases gave rise to two types of Afro-Creole settlements, proprietary and communal villages. Proprietary villages were formed when plantation owners sold part of their lands to freed people in order to keep them close to the plantations. In these villages, residents held the titles to their land. In communal villages, freed people pooled their resources to purchase failing


¹⁶ Under the stipulations of task labor, laborers were paid for completing tasks with no regard for the time it took to complete the task.

¹⁷ Adamson, Sugar Without Slaves, 38.
plantations. Communal villagers often spent too much money purchasing land and were unable to afford drainage and to keep the land ready for cultivation, or they could not purchase the technology needed for sugar production on a large scale. In British Guiana, a colony below sea level, the cost of draining land was particularly heavy. By 1849 the village movement began to fall apart and many Afro-Creoles withdrew into the hinterlands to practice subsistence farming.

Historian Alan H. Adamson has best summarized the post-emancipation labor situation, noting that “the transition from slavery had revolutionized the labor force, diminishing its size and altering its character.” These changes led to a crisis in sugar production. Between 1839 and 1846, sugar exports declined by 43 percent in comparison to exports for the seven years before emancipation. Historians have long taken this to mean that planters’ pre-emancipation laments were correct and that emancipation had led to a labor shortage and a crisis in sugar production. In The Problem of Freedom, historian Thomas Holt challenged this historical consensus. Holt argues that the labor crisis was less about the unwillingness of Afro-Creoles to work or their flight from the plantation, and more about the racist logic that planters applied to Afro-Creoles’

\[18\text{ Ibid., 40.}\]

\[19\text{ Ibid.}\]
rejection of labor conditions that resembled those associated with slavery.\textsuperscript{20} Holt contends that “critical to sustaining social structures founded on blatant inequalities, within the terms of [liberalism] was the notion that some people – because of their fundamental natures – should be restrained, should not be free.”\textsuperscript{21} For colonial officials, Africans could not participate in a post-emancipation free labor economy and society because all people of African descent were fundamentally lazy and incapable of taking care of themselves. Colonial elites promoted the idea that people of African descent shirked their labor obligations in favor of lives of subsistence and leisure.\textsuperscript{22} Officials therefore justified targeting freed Africans with increasingly coercive, punitive measures based on a conception of Africanness that was intrinsically linked to laziness.

According to the racialized logic of planters, the Afro-Creole labor experiment had failed and an alternative labor force was desperately needed. John Gladstone’s experiment of shipping East Indians to the Caribbean showed anxious observers that indentured immigration could be the solution to the Afro-Creole labor problem. Planters

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\textsuperscript{20} Thomas Holt, \textit{The Problem of Freedom}, 206.
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\textsuperscript{21} Ibid.
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\textsuperscript{22} Catherine Hall, \textit{White Male and Middle-Class: Explorations in Feminism and History} (New York: Routledge, 1992), 270. For more on this racialized perception of people of African descent, see Thomas Carlyle’s satirical polemic, “Occasional Discourse on the Nigger Question,” (\textit{Fraser’s Magazine}, 1849/1853) and John Stuart Mill’s response, “The Negro Question” (\textit{Fraser’s Magazine}, 1850).
\end{flushright}
further hoped that East Indians, who they characterized as docile and hardworking before they arrived in the Caribbean, would be a positive influence on the Afro-Creole population. The government of British Guiana and the planters hoped that when Afro-Creoles realized that they were going to have to compete with East Indian “strangers,” they would prove more willing to provide “regular” labor to planters once more. As Holt has noted in *The Problem of Freedom* and in his essay “An Empire Over the Mind,” this image of the malleable and productive Indian was constructed both in opposition to Afro-Creole people who had few incentives to remain laborers on plantations following slavery, and to educate the “wayward” freedmen and freedwomen who openly refused to perform regimented plantation labor following emancipation. In *Fragments of Empire*, historian Madhavi Kale’s reading of the founding records of East Indian indenture reiterated many of Holt’s findings. Through a Foucauldian reading of early indenture records, Kale managed to upset the foundational assumption in the historiography of East Indian indenture studies, or the idea that East Indian indentured laborers were necessary for the successful continuation of sugar production after emancipation in 1838.

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23 C.O.111/234 no. 153, Henry Light to W.E. Gladstone, July 30, 1846

In addition to rejecting the neo-slavery thesis, this dissertation is also built on the premise that indenture was not necessarily the most economically feasible solution to the post-emancipation labor crisis. Indentured labor served the interests of the Atlantic plantocracy. The British Colonial Office,\textsuperscript{25} the administrative department of the British government that oversaw Britain’s overseas colonies, being “cautiously proplanter,” supported indenture long after it had shown itself to be profoundly unfeasible. \textsuperscript{26} Yet, the Colonial Office could not merely serve the interests of the planter class on the watch of the “ever vigilant Anti-Slavery Society,”\textsuperscript{27} nor could it impose its will on colonial governments. On issues related to labor, colonial governments in Crown Colonies made decisions and drafted statutes that “according to constitutional niceties, [they] discussed with the Colonial Office (and other government departments as required) at draft stage or enacted locally and passed to London for formal approval.”\textsuperscript{28} Although it oversaw British colonies in the West Indies, the Colonial Office did not do the same for British


\textsuperscript{26} Adamson, \textit{Sugar Without Slaves}, 40.

\textsuperscript{27} Ibid.

territories in India. Until 1858, the British government entrusted India to the Directors of the East India Company who had a separate and private administrative structure in the form of the India Office. 29 The India Office declined to declare support or opposition to indentured emigration, but in spite of this policy of “neutrality,” support or disapproval for indenture was discernible depending on India Office leadership. 30 Further, the India Office encouraged provincial Indian governments to take an interest in and observe the indenture system. East Indian indenture was the product of many complex negotiations between planters, colonial governments, the Colonial Office, and the Indian government. This dissertation uncovers the nature of these negotiations and how they shaped nineteenth-century East Indian indenture.

It explores how debates in Britain, British India and the West Indies affected the design and implementation of indenture. It builds on the model of a “web of empire,” the theory that “empire [functioned] as a series of historically contingent networks that connected disparate locations into circuits of exchange and debate.” 31 Inspired by the


30 Tinker, 266. For more on the Indian government’s policy on indenture, see Basdeo Mangru, Benevolent Neutrality: Indian Government Policy and Labour Migration to British Guiana, 1854-1884 (London: Hansib, 1987).

31 Tony Ballantyne, “Rereading the Archive and Opening up the Nation-State: Colonial Knowledge in South Asia (and Beyond),” in After the Imperial Turn: Thinking with and through the Nation, ed. Antoinette Burton (Durham: Duke University Press, 2003), 104.
work of Michel Foucault and Edward Said, anthropologists and historians of South Asia such as Bernard Cohn, Nicholas Dirks, Ronald Inman, and C.A. Bayly have sought to uncover the ways in which knowledge\textsuperscript{32} was both necessary for and produced by colonial encounters between Europeans and indigenous South Asians. Although the historiographical debate surrounding “colonial knowledge” has for the most part centered on questions of indigenous Indians’ roles in the production of colonial knowledge, in recent years, Tony Ballantyne has urged scholars to explore how knowledge can be used as an analytic to de-center the nation in imperial historiographies. Ballantyne suggests that scholars redirect their attention to how imperial archives are produced, noting that,

At one level, archives are the products of centripetal processes, as various webs of correspondence, institutional exchanges, and publication networks draw material together into the archival space where it is collected, organized, and stored. But archives also have a centrifugal function: they are centers from which knowledge was distributed, whether through the act of reading, correspondence, the intertextual nature of print culture, or the exchange of manuscript or printed material.\textsuperscript{33}

For more on this methodological approach, see Alison Games, \textit{The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560-1660} (Oxford: Oxford University Press, 2008).

\textsuperscript{32} Or in Bayly’s case, “information.” For more, see C.A. Bayly, \textit{Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870} (Cambridge: Cambridge University Press, 1996).

\textsuperscript{33} Ballantyne, “Rereading the Archive,” 113.
My approach to this study is an attempt to answer Ballantyne’s call to scholars to appreciate the transient nature of colonial knowledge and the interconnectedness of imperial archives.34

In keeping with Ballantyne’s idea of a “web of empire,” chapter one of this dissertation approaches indenture much as colonial officials did, that is, as a problematic system of labor linking the metropole, British India, and the recipient colonies in the Caribbean, primarily British Guiana and Trinidad.35 It relies on records from Royal Commissions of Inquiry which were charged with investigating problems and abuses within the indenture system in the British Atlantic. Although the frequency with which Commissions of Inquiry were called for attested to indenture as a labor system in jeopardy, these commissions were also testaments to the fact that government officials in British India, London, and the Caribbean recognized problems within the system and

34 Ibid.

35 In addition to Dirks, for more on the concept of “colonial knowledge” see Bernard Cohn, Colonialism and Its Forms of Knowledge: The British in India (Princeton: Princeton University Press, 1996); Ronald Inden, Imagining India (Oxford: Blackwell Press, 1990) and Norbert Peabody, “Cents, Sense, Census: Human Inventories in Late Precolonial and Early Colonial India,” Comparative Studies in Society and History 43 no 4 (2001). I follow Dirks definition of colonial knowledge as the knowledge necessary for and produced by colonial processes. Unlike Dirks, I do not see colonial knowledge as a totalizing or necessarily nefarious scheme of colonial power; rather, I see it as the necessary and inevitable outcome of various kinds of interactions within what Mary Louis Pratt terms colonial “contact zones.” For more on this terminology, see Mary Louis Pratt, Imperial Eyes: Travel Writing and Transculturation (London: Routledge, 1992).
were willing to address them. By focusing on the problems and solutions of the indenture system, officials manipulated the parameters of the indenture debate. They directed critics’ attention away from questions about whether indenture was a form of free or unfree labor, and instead, emphasized their own efforts to improve the system. This chapter also traces how the findings of various Commissions of Inquiry were linked to advances in indenture legislation.

In addition to employing the methodologies associated with Ballantyne’s “web of empire,” this dissertation also uses gender and race as categories of analysis. Scholars of indenture have long taken descriptive approaches to gender. For these scholars, the study of gender was also synonymous with the study of women. In *A New System of Slavery*, Tinker traces how the origins of indentured women resulted in these persons being thought of as prostitutes when they arrived in the Caribbean. Quoting a 1914 British report, Tinker maintains that the majority of women who migrated to the colonies were “mostly widows and women who [had] run away from their husbands” with a “small percentage [being] ordinary prostitutes.”

Tinker was concerned with how the purported origin of female indentured laborers defined their experience (of victimization) in the Caribbean and little else about the role that gender played in the indenture process. Tinker best summed up his position with his reflection that “when all

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women on the estates were regarded as immoral, all were liable to become victims in a system which regarded them so casually.”

For Tinker, East Indian women were sexual victims much like the enslaved African women that were brought to the New World before them. Similarly, Look Lai was marginally concerned with women’s experience of indentureship. Commenting on Indian women’s cohabitation with white plantation managers, Look Lai argues that these relationships reflected the white establishments’ exploitation of Indian women and allowed Indian men to engage in physical resistance. For Look Lai, the sexual exploitation of Indian women was one of many grievances of male Indian workers.

Between 1984 and 1987, scholars such as David Trotman, Jeremy Poynting, Rhoda Reddock and Bridget Brereton explored the circumstances specific to women under indenture in the Caribbean. According to these scholars, “Indian women in the Caribbean were both more free and less free [under indenture] than they had been in India.” These scholars argued that women could achieve some modicum of freedom

37 Ibid.


because of their new position as wage labors. Further, because of the “scarcity of Indian women,” female laborers could enter into materially-advantageous sexual relationships with Indian men and European plantation officials. Although working for wages and entering into sexual relationships could prove beneficial to some Indian women, Trotman and Poynting argued that it was these very factors that proved lethal to other women. In spite of the fact that works from this period remained largely descriptive, these scholars were the first to “gender” the category of labor in the historiography on Caribbean indentureship. These scholars made three important contributions to the overall historiography on indentureship: (1) they introduced the idea that East Indian women’s experiences differed from men’s on the sugar plantations of the post-emancipation Caribbean; (2) they saw that indentureship marked a shift in socio-cultural categories, such as gender, within the Indian laboring population; and (3) they drew attention to the “gendered” nature of violence on sugar plantations in the British Caribbean.

Throughout the indenture period, colonial officials wrote prolifically about East Indian wife murders and the fact that East Indian men outnumbered women, a problem

40Rhoda Reddock, “Freedom Denied: Indian Women and Indentureship in Trinidad and Tobago, 1845 – 1917,” Economic and Political Weekly 20 no. 43(1985), 83. Reddock finds that women were paid as little as half of men’s wages.

they referred to as the “sex ratio-imbalance,” on sugar plantations in the West Indies. Historian Basdeo Mangru was perhaps the first scholar to devote significant attention to these issues. In his 1987 essay on wife murder Basdeo Mangru concluded that “despite periodic attempts to whitewash the problem, the evidence demonstrates forcefully that nearly all the serious crimes among the indentured population were traceable directly to the sex-imbalance.”

Mangru repeats almost verbatim the findings of the “1904-1905 Annual Immigration Report” in an effort to address the problem of the scarcity of women in nineteenth-century British Guiana. He offers an uncritical reading of official documentation, and many of his findings echo the anxieties of prominent colonial officials during the indenture period. Mangru noted that “respectable women of both high and low castes seemed reluctant to emigrate unless accompanied by their husbands or closer relatives.”

By way of causation for this problem, Mangru observed that women of good social standing were reluctant to undergo the physical exams for venereal disease that were a prerequisite of immigration. Much of Mangru’s analysis of wife murder hinges on his understanding of the cultural baggage that immigrants


43 Ibid., 212.

44 Ibid.
brought with them from India. Mangru does not question the British preoccupation with wife murders, but rather, traces the practice back to India where he finds that percentages of wife murders in India’s three presidencies “did not differ very significantly from the Guianese statistics.” Mangru even alleges that being in the colony alleviated practices such as uxoricide, but only to an extent, because he found “little evidence of […] forms of torture on the Guianese sugar estates [,] the hacking of unfaithful wives to pieces with the hoe, the shovel or cutlass was not uncommon.”

Mangru essentially dispels scarcity of women as the primary causal factor for wife murder. By emphasizing the argument of cultural continuity, however, he unwittingly reprises what he describes as the “minority position” in late nineteenth-century British Guiana, or that because of their innate cultural traits, “whether women are many or few, [Indian] men will always bear animosity to their particular women on whom they have spent their money.” Mangru ignored the currents of ideology and power that pervade the colonial archive and he ended up perpetuating essentialized understandings of East Indian women as innately promiscuous and East Indian men as innately violent.

46 Ibid., 219.
47 Ibid.
Historian Brij Lal’s 1985 article on suicide in Fiji upset much of the early Caribbean and Fijian historiographies on gender among East Indian indentured laborers in the British Empire. Drawing on the work of Emile Durkheim, Lal examined British officials’ preoccupation with suicides among male Indians on Fijian plantations between 1884 and 1925. He argued that these suicides were caused not by a scarcity of women or men’s sexual jealousy, the official explanations maintained by colonial officials, but by the dislocations and cultural alienation associated with indentureship. Lal therefore rejected colonial officials’ explanations for gendered violence among indentured Indians in British colonies. For Lal,

Sexual jealousy as the main reason for Indian suicides is misleading; sexual jealousy was a symptom rather than the cause of the problems that bedevilled indenture. Instead, it is suggested that it was the disturbance of the ‘integrative institutions’ of society – family, marriage, case, kinship and religion – that was the underlying causes of suicide and other ills affecting the Indian indentured population in Fiji.

Lal was perhaps the first historian of indenture to dismiss claims about the unsavory origin of indentured women as “so exaggerated as to be untruthful.” Instead, Lal pointed to the ways in which statistics about the origins of Indian women sustained stereotypes of Indian men as prone to jealous murder and suicide. Lal’s work echoed the


49 Ibid., 138.
approach of scholars such Poynting, Brereton, Trotman, and Reddock in that it viewed indentureship as disruptive of Indian social practices and traditions.

A decade after Lal’s article on suicide in Fiji was published, historian Prabhu Mohapatra returned to the question of wife murder on the plantations of the British Caribbean. In his 1995 article, “‘Restoring the Family’: Wife Murders and the Making of the Sexual Contract for Indian Immigrant Labor in the British Caribbean Colonies, 1860-1920,” Mohapatra invoked the idea of the sexual contract to explore the discourse surrounding wife murder on the sugar plantations of the British Caribbean. According to Mohapatra, by the 1860s, British officials saw the formation of nuclear family units among East Indians in the West Indies as central to a laboring population that would reproduce itself. British officials were concerned with wife murder primarily because it impeded the formation of stable family units among East Indians on sugar plantations in the Caribbean. Mohapatra was perhaps the first scholar to contend that the discourse of wife murder obscured the true extent of Indian violence on sugar plantations in the British Caribbean. He argued that the conflation of wife murder with other types of murder involving women allowed British officials to respond to a perceived moral laxity among the Indian population by passing “punitive” marriage laws that restricted the mobility of East Indian women, and also increased surveillance over Indian lives and

bodies. Mohapatra successfully demonstrated how the British were manufacturing a category of morality that by definition excluded East Indians, but nonetheless that demanded Indian compliance. By demanding that East Indians adhere to nuclear family structures and monogamous relationships, the British distracted critics from the laboring conditions of plantation and upheld indenture as a worthy system of labor.

Early scholars’ attempts to include the experiences of women along with the mainstreaming of gender history has resulted in more visible efforts to use gender as an analytic in the most recent works on Caribbean indenture. Historian Verene A. Shepherd returned to questions of gender in her 2002 monograph, Maharani’s Misery. Shepherd traced the official investigations launched into the rape and death of an Indian woman, Maharani, on the 1885 transoceanic voyage of the Allanshaw. Shepherd relied on what she terms “sexploitation” to describe East Indian women’s experiences on transoceanic voyages. Slightly departing from the narrative of resistance favored by earlier historians of indentureship, Shepherd explored East Indian women’s efforts of accommodation by looking into the resources that women used to protect themselves on already hazardous transoceanic voyages. By emphasizing the ways in which Indian women could be resourceful in protecting each other, Shepherd did much to depart

51 Ibid.

52 Verene A. Shepherd, Maharani’s Misery: Narratives of a Passage from India to the Caribbean (Mona: The University of the West Indies Press, 2002).
from a historiography that viewed indentured women as victims who were more helpless than men. Yet, Shepherd’s model of sexploitation fails to take women’s sexual agency into consideration. Further, in her model, women’s multiple identities are subsumed by a monolithic identity of “sexual victim.”

In 2007, Lomarsh Roopnarine’s *Indo-Caribbean Indenture: Resistance and Accommodation, 1838-1920* expanded on Look Lai’s and Haraksingh’s take on Asian resistance to indenture in the Caribbean. Roopnarine seriously engaged with the ways in which gender shaped the experience of East Indians on sugar plantations in British Guiana. Roopnarine, following Gayatri Spivak, showed how Indian women experienced a “double colonization” because they were caught “between the domination of East Indian patriarchy and European masculine-imperialist ideology.” 53 In spite of this, Roopnarine argued that East Indian women (and men) brought Indian colonial ideologies of gender with them to the New World, but because they were occupying a new colonial space, East Indian women could also construct new identities for themselves “[by exploiting] the space between East Indian patriarchy and European masculine ideology.” 54


54 Ibid.
While gender has played a prominent role in the most recent work on indentureship, scholars such as Shepherd and Roopnarine remain indebted to earlier paradigms of domination and resistance. Most scholars of indenture also continue to think of the study of gender as indistinguishable from the study of women. Nonetheless, scholars such as Lal and Mohapatra have moved beyond a descriptive approach in their discussions of gender and East Indian servitude. While some scholars have recognized that indenture heralded a socio-cultural shift in the life of the would-be indentured servant, especially in terms of gender relations, for the most part, scholars continue to think about indentured laborers as maintaining a fixed and unified understanding of gender and gender relationships brought from India. For these scholars, East Indians’ understandings of gender, or their gendered subjectivities, do not change as a result of the disruptions caused by indentureship. Instead, Indians continue to desire relationships based on an understanding of gender roles and relationships that they brought with them from India.

Following Serge Gruzinski, I see the colonial processes associated with indenture as productive socio-cultural spaces.\textsuperscript{55} This dissertation questions the historiographical assumption that East Indians formed a unified racial group with rigid understandings of gender or gendered subjectivities upon their arrival in the British Caribbean. Rather, it views East Indians who ventured to the Caribbean as an amorphous group with

multiple ideas about gender and racial hierarchies. In this dissertation, I uncover how colonial official and planters imposed categories of race and gender on East Indians in their efforts to govern indentured laborers.

Chapters two, three and four of this dissertation use gender and race as categories of analysis in order to understand how indenture was a separate from but still shaped by African chattel slavery. Chapter two looks at the regulation of ships of indenture and returns to the case that Verene Shepherd describes in *Maharani’s Misery*. The chapter argues that the far reaching investigations into Maharani’s rape and death is evidence that the colonial state did not see indentured laborers as commodities, but as laboring bodies in need of regulation, protection, and governance. The colonial state’s impulse to regulate, protect, and govern the bodies of indentured laborers was by no means benevolent or benign. Rather, in these processes, the bodies of indentured laborers became the site for the construction of nineteenth-century indenture as fundamentally different from African chattel slavery.

Chapter three of this dissertation looks at the colonial government’s response to East Indian wife murders on plantations of indenture. It argues that the legal discourse of wife murder was a critically important site for the construction of indenture as a new system of labor and for the racialization of East Indians as subjects specifically suited to that system of labor. It also shows how the colonial state shifted from sanctioned violence to paternalism as a strategy of governance in the late nineteenth-century British
Atlantic. These paternalistic strategies allowed for the legally sanctioned surveillance of and interference into the intimate lives of East Indian subjects in a way that was reminiscent of slavery but would have been unlawful after emancipation. Finally, it shows how by making plantation officials responsible and accountable for the prevention of wife murder, the state subordinated the authority of the planter class.

The fourth and final chapter of this dissertation returns to a topic that has long been of interest to indenture scholars who were advocates of the neo-slavery thesis: plantation uprisings. It focuses on the 1872 uprising on British Guiana’s Devonshire Castle plantation and on the rapidly changing demographics of East Indians in the late nineteenth-century Caribbean. The chapter argues that such uprisings reflect the failure of a project that was central to maintaining the indenture system: the hegemonic control of a rapidly evolving East Indian population. This concluding chapter suggests that these uprisings showed that indenture had failed as a viable system of labor long before indenture’s official end in 1917, and that colonial officials were unprepared to deal with the implications of this failure.

Overall, this dissertation uncovers the forces that shaped the lives of East Indians in the Caribbean by focusing on how colonists and planters designed and implemented the system of indenture. It sees nineteenth-century indenture as the product of negotiations among colonial officials, planters, and indenture’s critics. It aims to trace how indenture evolved throughout the nineteenth century as a result of these
negotiations and criticisms. It is premised on the perception that the experiences of East Indian laborers are obscured in the colonial record, and therefore seeks to better understand and explain the forces that shaped the lives of the almost half a million indentured laborers who journeyed to the Caribbean in the nineteenth and early twentieth-centuries.

In his pivotal work, *A History of the Guyanese Working People*, historian Walter Rodney observed that the twentieth-century racial conflict between Indians and people of African descent in Guyana has served “as a springboard for historical inquiry.” Rodney saw these pursuits as legitimate but warned against naturalizing racial conflict between Indians and Afro-Creoles in Guyanese historiography. He critiqued one scholar who “with the skimpiest evidential base…affirms that ‘events [moved inexorably towards culture conflict as more and more immigrants poured into the country.’” Rodney warned that in such an approach, “contemporary conflict serves both as a starting point and as a goal, so that the author reconstructs much of the substantive history under the rubric, ‘The Precursors of Conflict.’” He noted that such an approach “is guaranteed to discover precursors of conflict and nothing but precursors of conflict.”

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57 Ibid., 188.

58 Ibid., 189.
Although this dissertation focuses primarily on East Indian indenture and does not substantially address interracial conflict, it is my hope that by examining the forces that shaped indenture and destabilizing ideas about a fixed East Indian identity in the Caribbean that this dissertation sheds light on how imperial policies played a vital role in isolating East Indians from Afro-Creoles throughout the nineteenth and much of the twentieth century.
Chapter 1- Contracting Freedom: Indenture and the Labor Demands of the Atlantic Plantation Complex, 1838-1875

Whether an artificial system for the transfer from the swarming hives of Eastern Asia to the needy plains of the tropical West can be framed, organized, and conducted with results equally efficacious to the capitalist and beneficent to the immigrants, is the question…

- Edward Jenkins, *The Coolie, His Rights and Wrongs*, 1871

Introduction

On a Sunday morning in August 1870, approximately two hundred East Indian laborers traveled from the sugar estate where they were indentured to Georgetown, British Guiana’s capital, with a dead body in tow.¹ These Indians had traveled throughout the night to meet George William Des Voeux,² the instigator and prime witness of the 1870 Royal Commission of Inquiry into the Treatment of Immigrants.³ On


² George William Des Voeux was born in 1834 in Baden-Baden, Germany and died in London in 1909. He began his education at Balliol College, Oxford but earned his degree from the University of Toronto in 1861. Des Voeux was a stipendiary magistrate in British Guiana from 1863 to 1869. After British Guiana, he was a colonial administrator and Colonial Secretary of St. Lucia from 1869 to 1880. He was later governor of Fiji and High Commissioner of the Western Pacific from 1880 to 1885, governor of Newfoundland from 1886 to 1887, and governor of Hong Kong from 1887 to 1891. He retired after serving as governor of Hong Kong in 1891 and was knighted in 1883.

³ C.O. 111/375 no. 39, John Scott to Earl Granville Leveson-Gower, 7 April 1870. This commission would become known colloquially as the Des Voeux Commission.
Christmas Day in 1869, Des Voeux, then administrator and Colonial Secretary of St. Lucia, wrote a letter to Earl Granville Leveson-Gower, Secretary of State for the Colonies, detailing the atrocities that he had observed on plantations with indentured workers during his tenure as a stipendiary magistrate in Demerara, British Guiana. Following the 1857 Indian Mutiny, the British public’s sympathy for the plight of indentured Indian emigrants to the West Indies had significantly waned, but Des Voeux’s letter, a response to a particularly violent riot on the Leonora plantation in British Guiana, reignited British interest.

The Leonora uprising occurred on August 2, 1869 when a magistrate decided against immigrants in a labor dispute that occurred three weeks earlier. In response to the magistrate’s decision, a group of immigrants severely assaulted the deputy manager of the plantation. A large number of immigrants rioted using sticks and stones as weapons. The European residents of the colony were greatly unsettled by the riot and the governor of British Guiana, Francis Hincks, appealed to an officer in command of


5 Peter A. Baskerville, “Hincks, Sir Francis (1807–1885),” in *Oxford Dictionary of National Biography* edited by H. C. G. Matthew and Brian Harrison (Oxford: Oxford University Press, 2004), http://www.oxforddnb.com/view/article/13336. Sir Francis Hincks was born in Cork, Ireland in 1807. He moved to York, Canada in 1832 to set up an import business that soon failed. Hincks moved into insurance and banking and acquired a reputation as a capable financial manager. Hincks enjoyed a prominent political career in Canada from 1836 to 1855. In 1856, the Colonial Office offered Hincks the governorship of
forces in Barbados to send troops to the colony. Governor Francis Hincks was denied his request for additional troops. The local police force confronted the Indian laborers with muskets and succeeded in quelling the riot without firing at the laborers. The laborers were punished and sent back to work.

In the wake of the riot, Des Voeux’s claims alarmed British officials and led to a Royal Commission of Inquiry into the condition of indentured laborers in British Guiana. Des Voeux’s letter questioned the most basic premises of indenture. In it, he noted that,

To the superficial observation it would seem, that persons who have been rescued from a state said to be bordering on destitution in their own country, who are provided with free houseroom, regular work and wages when they are in health, and in sickness, have the advantages of a hospital, the attendance of a medical man and medicines free of expense, who have moreover a magistrate always at hand to hear their complaints, and a department of officers with the especial duty of securing their good treatment, can have no ground for dissatisfaction. A closer scrutiny, however, would detract from the apparent

Barbados and the Windward Islands which he accepted. As governor of Barbados and the Windward Island, Hincks found himself in an adversarial relationship with planters as he attempted to improve education and quality of life for Creoles in the islands. In 1861, Hincks became governor of British Guiana where he served for the next eight years. Hincks received a knighthood in 1869 and returned to Canada that year. In 1874, Hincks retired from politics and returned to his banking career which ended shortly after because of an embezzlement scandal. In his retirement, Hincks published material defending his past political decisions. Hincks died in Canada in 1885.
value of these advantages, and would show that some of them at least are more nominal than real.\textsuperscript{6}

The creation of the 1870 commission had far reaching implications in the colonies and metropole and among colonial officials and subjects. The indentured Indians who traveled to Georgetown in 1870 with the corpse of an indentured worker were fully aware of the presence and work of the Commission of Inquiry and seized the opportunity to seek redress for their dead compatriot.

Royal Commissions of Inquiry were a regular feature of nineteenth-century indenture.\textsuperscript{7} The 1870 commission is particularly important for two reasons: it coincided with the peak influx of indentured East Indian labor in the Atlantic; and although primarily located in British Guiana, the commission was interested in investigating and overhauling Atlantic indenture in its entirety.\textsuperscript{8} Few inquiries about indenture were as

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\item \textsuperscript{6} The Commission of Inquiry into the Treatment of Immigrants, \textit{The Evidence and Proceedings, Volume 1} (Georgetown: L. M’Dermott, 1870), 7-8.
\item \textsuperscript{7} Hugh McDowall Clokie and J. William Robinson, \textit{Royal Commissions of Inquiry: The Significance of Investigations in British Politics} (Stanford: Stanford University Press, 1937). Royal Commissions of Inquiry had been a feature of English governance since Norman times. According to Clokie and Robinson, such Commissions had three goals: 1) to consider legislative policy; 2) to inquire into the activities of administrative departments; 3) to inquire into social conditions. Clokie and Robinson see the nineteenth century (especially after 1850) as the high point of Royal Commission of Inquiry so it should be no surprise that commissions were a consistent feature of schemes to export indentured Indian labor. More commissions were called for on the issue of indentured immigration than were actually carried out.
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far reaching as the 1870 commission, but like it, most inquiries occurred when officials perceived a crisis. Radhika Mongia has argued that such commissions shaped “the parameters of the debates on indenture.” Inquiries like the 1870 commission wrested the ability to define indenture as free or unfree labor away from liberals and abolitionists, and rather, made the question of whether the colonial government could adequately protect indentured Indian subjects overseas the crux of the indenture debate. Although it may be tempting to view Royal Commissions of Inquiry as a

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8 Stanley L. Engerman, “Contract Labor, Sugar, and Technology in the Nineteenth Century,” *The Journal of Economic History* 43 no. 3 (1983): 648. Between 1866 and 1896, between sixty and eighty percent of all contract laborers leaving India were headed for Britain’s Atlantic colonies.


11 Richard Huzzey, “Free Trade, Free Labor, and Slave Sugar in Victorian Britain,” *The Historical Journal* 53 no. 2 (June 2010): 366. Like Richard Huzzey, I realize that “the anti-slavery movement [should be understood] as a heterogeneous collection of anti-slaveries, with a variety of emphases motivating different constituencies within the British public.” I use the terms abolitionists and abolitionism out of convenience, and not to imply a unity to the forces that led to the end of slavery in the British Empire that perhaps never existed. I also recognize that there was a degree of overlap between liberals and anti-slavery activists. Liberals believed that free labor was superior to slave labor and by doing away with the West India sugar monopoly and opening up the
bureaucratic performance at best, and a bureaucratic farce at worse, commissions were meaningful in constructing and maintaining the system of indenture for both colonial administrators and subjects. As the East Indians who gathered in Georgetown on that Sunday in August 1870 show, commissions also appeased indentured laborers, leading them to believe that the colonial government was mindful of their interests.

From its inception, nineteenth-century indenture was on the defensive. Because it was intended to provide a solution to the alleged labor shortage created by the abolition of slavery, its architects anticipated critiques from abolitionists and liberals alike, and therefore sought to create an institution beyond reproach. In this chapter, I will use immigration ordinances, bureaucratic correspondence, and documentation from several Commissions of Inquiry to show how contentious debates among liberals and abolitionists had resulted in the reinvention of the institution of indenture for the nineteenth century. By the latter half of the century, the system of indentured labor in market, a demand for sugar would arise that “only free labor could feed.” For an excellent overview of the historiographical debate about abolition and emancipation, see Thomas Bender, _The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation_ (Berkeley: University of California Press, 1992).

12 Scholars like Thomas Holt and Madhavi have refuted the long held idea that there was a labor shortage created by the abolition of slavery. See Thomas Holt, _The Problem of Freedom: Race, Labor and Politics in Jamaica and Britain 1832-1928_ (Baltimore: The Johns Hopkins University Press, 1991) and Madhavi Kale, _Fragments of Empire: Capital, Slavery, and Indian Indentured Labor in the British Caribbean_ (Philadelphia: University of Pennsylvania Press, 1998).
the British Atlantic was severely and irreparably compromised due the politics of local societies where the plantation complex inevitably thought about their labor force in racialized terms. Unlike its earlier iterations, nineteenth century indenture was racialized. Yet, this racialized form of indenture would continue into the twentieth century because the colonial government mobilized the symbolic power of monitoring and legislating immigration in order to sustain the deeply problematic system of labor.

Historians Thomas Holt and Madhavi Kale have done much to disrupt the historical narrative which contends that the abolition of slavery and the emancipation of slaves created a labor shortage on Britain’s Atlantic colonies. In *The Problem of Freedom*, Holt revealed that newly freed people of African descent sought to move away from the plantations where they were enslaved in favor of subsistence farming and performing occasional plantation labor. Colonial and plantation officials viewed the actions of newly freed people within a paradigm of racialized thought as they simultaneously attempted to undervalue black labor. For them, freed people were not taking advantage of freedom as it was promised to them, but rather, were shirking the demands of a free labor economy.

In *Fragments of Empire*, Kale shows how historians were complicit in naturalizing this narrative of labor shortage by applying imperial categories of analysis to imperial

archives. 14 Much like Kale, I am interested in the way that imperial archives function to produce “regimes of truth governed by liberal notions of ‘impartiality.’”15 Yet, historians are still largely forced to rely on these imperial archives in their own endeavors to produce knowledge about the past. In an effort to counteract the problems of imperial categories and archives, I offer a dual reading of the sources that inform this chapter. Although I rely on Colonial Office records, and records from Commissions of Inquiry in particular, to understand how nineteenth century indenture operated, I am also interested in the ways in which the archives associated with East Indian indenture contain evidence of the struggle to cement indenture as a category of free labor that was decidedly not like chattel slavery. Thus, although this chapter explores how indenture functioned on the ground in the British Atlantic, it is more concerned with how indenture, deeply flawed, emerged out of the heated ideological debates that defined the nineteenth century.

*The Bureaucratic Infrastructure of 19th Century Indenture in the British Atlantic*

The nineteenth century saw an unprecedented movement of people across the globe. Unlike the indentured European migrants who traveled to the Americas in the


15 Mongia, “Impartial Regimes of Truth,” 750.
seventeenth and eighteenth centuries,\textsuperscript{16} the majority of nineteenth-century European migrants paid their own passage to their new homes in the United States, Brazil, Argentina, and European colonies and settlements in Africa and Australia. These European migrants were ostensibly free when they arrived at their new homes. During this period, however, non-European immigrants also traveled to former slave societies under contracts of indenture. In exchange for the cost of their passage, such emigrants, primarily from India and China, traveled to places where they were contractually obligated to perform labor for those who paid their passage.

Indentured laborers in the nineteenth century were guaranteed other benefits that earlier European indentured laborers did not receive. Their contracts guaranteed that they would receive wages, free housing, medical care, clothing and even food rations. Historian David Northrup has pointed out that nineteenth-century indentured labor was not a successor to earlier European indenture.\textsuperscript{17} Rather, slavery disrupted the direct link between seventeenth and eighteenth-century indenture and its nineteenth-century iteration. While scholars like Hugh Tinker have argued that nineteenth-century

\textsuperscript{16} David Northrup, \textit{Indentured Labor in the Age of Imperialism, 1834-1922} (Cambridge: Cambridge University Press, 1995) 4. Half of all European migrants to British colonies in the 17\textsuperscript{th} and 18\textsuperscript{th} centuries were indentured, and three quarters of those migrating to Virginia in the 17\textsuperscript{th} century were indentured.

\textsuperscript{17} For more on earlier forms of European indenture in the New World, see Kenneth Morgan, \textit{Slavery and Servitude in Colonial North America} (New York: New York University Press, 2001).
indenture was merely a well-disguised form of chattel slavery, I see it as intrinsically shaped by slavery but nonetheless, as fundamentally different from earlier indenture and chattel slavery. The nineteenth-century indenture contract is key to understanding how these three systems differ.

Nineteenth-century indenture contracts were more symbolically important than the indenture contracts entered into by European immigrants prior to the eighteenth century. These contracts were particularly important because they were written and enacted in spaces such as the Atlantic that had been defined by slavery for centuries. In her study of the relationship between wage and marriage contracts in the post-emancipation United States, historian Amy Dru Stanley argued that “it was the abolition of slavery that assured the ascendance of contract.”18 Stanley contends that

Because labor was imagined as property, it was imagined, too, as a commodity. Self proprietors were entitled to put their labor and its fruits up for sale. As with other commodities, one could contract to exchange labor for a wage. Under the common law a master acquired a property right in his servants’ labor ‘by contract of hiring, and purchased by giving them wages.’ The contract transaction – the fact that servants consented to the sale and received something in exchange – legitimated the master’s title to their time and industry. Striking a balance between property right seemingly in conflict, contract adjusted self ownership with master’s right to the servant’s labor, the part of self that the servant put on the market.19


19 Ibid., 9.
Contracts marked an important transition from slavery to the post-emancipation period in the United States in that they allowed freed people “the right to own themselves and enter into voluntary relations of exchange.” In the world of nineteenth-century indenture, the ascendancy of the contract marked not a moment of transition but a moment of inception. Contracts showed that indenture was built on the premise of free labor. By limiting the period of indenture and strictly regulating the conditions of labor, indenture contracts were prophylactics against the proliferation of slavery. These contracts spawned an expansive bureaucratic apparatus under the auspices of the British Colonial Office which promised to provide oversight of Asian indentured immigration. Accomplishing this kind of oversight meant constant negotiation with the powerful plantation complex.

It is perhaps no coincidence that contracts were the centerpiece of early immigration legislation. Immigration from British India began on a large scale in 1834 when slavery was abolished in the British Empire. Beginning in this period, hundreds of thousands of Indians left India for new lives in Indian, Pacific, and Atlantic ocean societies. Between 1834 and 1837, seven thousand South Indian laborers traveled to Mauritius to perform agricultural labor under indenture contracts. Immigration in this

20 Ibid.,4.

period was very loosely regulated. The colonial government in India required only that emigrants appear before a magistrate to verify that they were migrating of their own volition. In 1836, the colonial government of Mauritius expressed anxiety about the lax regulations surrounding Indian indentured labor and made the first systematic efforts to investigate and regulate indentured Indian immigration.

Two members of the Indian Civil Service, Parry Woodcock and T.C. Scott traveled to Mauritius in 1836 to investigate the conditions of indentured labor there. Their report substantiated the need to regulate immigration, concluding that “no legislation is advisable, except what may be required for the purpose of supporting precautionary arrangements, such as have been already made, to prevent undue advantage being taken of the simplicity and ignorance of [Indian laborers].” For Woodcock and Scott, labor contracts were important for preventing exploitation of indentured laborers. They recommended that a magistrate should inspect and provide a copy of the contracts to the British Indian government of Indians attempting to leave the colony to work as indentured laborers overseas. They went so far as to suggest that ships should not be allowed port clearance if the contracts of laborers had not been inspected and certified. Woodcock and Scott believed that,


If care be taken to ascertain every essential point is provided for in the engagements; that all conditions are fully understood and freely agreed to by the emigrating natives; that sufficient provision is made for their suitable accommodation and sustenance during the voyage; and that a copy of the engagement is, in every instance transmitted to the Government under which they are to live, it does not appear to the commissioners that there is anything more which the government of this country can reasonably be expected to do for the protection of that class of persons.24

The British Indian government complied with these recommendations by passing Act V of 1837.25 However, the Act went a step further than Woodcock and Scott’s recommendations. It required that potential emigrants and those seeking to contract their labor appear before an officer of the government with a memorandum of the labor contract in English and in the native language of the laborer. The memorandum should specify the type, period, and wages for the labor to be performed when the emigrant left India.

Indenture contracts provided a measure of security for all of the parties involved in the nineteenth-century indenture labor experiment. By limiting the period of

24 Ibid.

25 Ibid. Act V initially applied to the Presidencies of Fort William and Madras. It was repealed on November 20th 1837 when the governments of Madras and Bombay requested that the measures of Act V be applied to those territories. It was replaced by Act XXXII of 1837 which applied to all of the territories of the East India Company. This act included a new provision which sought to prevent the transfer of indentured laborers from one employer to another.
indenture and making sure that laborers were guaranteed a fair wage, indenture contracts showed observers and potential critics that the Indian government intended to protect the interests of its subjects overseas. Although imperial records more often than not obscure the voice of the subaltern Indian subject, it is not a stretch to imagine that these contracts were meant to guarantee prospective indentured laborers some kind of security. The fact that colonial officials insisted that contracts were written in English and indigenous Indian languages indicates that officials had some nominal interest in ensuring that indenture recruits understood the terms of their indenture. Perhaps most importantly, these contracts reiterated that indentureship was not slavery. Unlike the case of slavery, the colony that was exporting labor was making an effort to protect its subjects overseas while also ensuring that their condition would be temporary and adequately remunerated.

The intra and inter-imperial bureaucracy that arose around enforcing indenture contracts institutionalized indentureship while also ensuring that it did not come to overtly resemble slavery. By June 1838, word of British abolitionists’ agitation against East Indian emigration reached India. Lord Auckland, Governor General of India, responded to this agitation by calling for an inquiry into the treatment of Indian

26 Ibid. Act V stipulated that “Contracts are to be determinable on the expiration of one term not exceeding five years, or of successive terms not exceeding five years each, and to contain a stipulation for re-conveyance of the native to the port at which he embarks.”

27 The government of India would have great difficulty enforcing this provision.
emigrants. Before this inquiry could be carried out, on the July 11, 1838, the governments of Bombay, Madras and Bengal began to withhold permits from ships scheduled to carry emigrants to the West Indies, and appointed committees to look into emigration, its abuses, and potential solutions for those abuses. This inquiry, like the numerous inquiries that characterized nineteenth century indenture, gave rise to some of the most important features of indenture legislation and bureaucracy in India and the British Atlantic.

On October 14, 1840, the 1838 committee submitted its final report. There was much dissent within the committee. Three of four committee members signed the report. The report stated that there were significant abuses in the system, that many emigrants were being “entrapped by force and fraud” into signing contracts, and that they were systematically denied the kinds of wages they were promised. Based on this evidence, three other members of the committee “condemned the whole system at every stage” and “expressed their conviction that no regulations would avail to prevent the like abuses, and recommended that the prohibition of all emigration should be maintained.” The governments of Bombay, Madras and Bengal were enthusiastic about emigration and ignored the majority report. Instead, they complied with the findings of a dissenting member of the committee, J. P. Grant.

28 T. Dickens, Reverend J. Charles and Baboo Russomoy Dutt.

29 Geoghegan, Notes on Emigration from India, 6.
Grant concluded that the system of emigration contained abuses, but “by good regulation, [such abuses could] be prevented for the future; and that the direct advantages of free emigration are immense, whilst the indirect advantages are incalculable.”30 He urged the Indian government to restart emigration to all colonies, and to make some changes to prevent the abuses that were already rampant in the system. First and foremost, he suggested limiting emigration to certain Indian ports. Grant thought that a limited number of ports of departure could be more tightly regulated. Further, he suggested that a Protector of Emigrants, with no connection to the police, should be appointed to oversee emigration from these ports. The Protector of Emigrants would examine emigrants wishing to embark on ships of indenture and ensure that force was not used against persons who changed their minds about becoming indentured laborers.

Changes to the emigration system in India were not enough. Grant also stressed that colonial legislatures should issue laws that would “insure, on the part of masters and owners of vessels, obedience to such regulations as the Indian Government might frame, and to render breach of the same, on the shore or at sea, punishable in any part of the British dominions.”31 He urged restricting emigration to any colony that refused to

30 Ibid.

31 Ibid., 8.
follow these laws and procedures. He suggested too that interpreters play a significant role in the entire system and that Protectors of Indians, who could advise emigrants and see that their rights were being secured, be appointed in any colony that desired emigrants. Protectors of Indians would also facilitate communication between laborers and their families, and allow immigrants to remit portions of their earnings to their families in India. Grant saw that indentured emigration could be made to work more efficiently by these measures. The Colonial Office and the Board of Control and the Court of Directors of the East India Company agreed. As a result, emigration from India to Mauritius was reinstated in 1842 and to the West Indies in 1843.

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32 Ibid., 24. This idea became law when Act XIX of 1856 was passed which allowed the Governor General in Council to suspend emigration to colonies that failed to protect emigrants upon their arrival or during their time in residence in a foreign colony.

33 P. Bruce Buchan, “The East India Company 1749-1800: The Evolution of a Territorial Strategy and The Changing Role of the Directors,” Business and Economic History 23 no. 1 (1994), 53. Founded in 1600, the East India Company (EIC), a corporation, governed British strongholds in India on behalf of the British Crown from 1757 to 1858. In 1858, the British government took direct control of India with the passage of the Government of India Act. The EIC was governed by twenty four directors who were elected by EIC shareholders annually. The Board of Control in England was created by William Pitt’s India Act of 1784. It consisted of six members including one Secretary of State from the British cabinet and the Chancellor of the Exchequer. The Board of Control was supposed to look after the Company’s affairs without interfering with the governance of India. For more on the East India Company, see Philip J. Stern, The Company-State: Corporate Sovereignty and the Early Modern Founds of the British Empire in India (Oxford: Oxford University Press, 2011).
As can be seen with the 1840 report, Commissions of Inquiry gave rise to some of the most important aspects of indenture legislation. In 1857, the Court of Directors of the East India Company called the Indian government’s attention to the high mortality that had characterized the 1856-1857 emigration season. An inquiry into this case found that an increased proportion of women and children, unsanitary conditions, lack of potable water, the lack of food for young children and infants, and the inexperience of medical officers were largely to blame for the high mortality. After this inquiry, emigration officials began to pay attention to the conditions onboard ships that transported indentured emigrants. In 1864, Act XIII consolidated all of the disparate aspects of emigration law in India. The act regulated recruitment, emigration depots, conditions aboard ships of indenture and the duties of the Protector of Emigrants. It standardized indentured emigration as it applied to British and French colonies. The institutions of indentured immigration was now firmly in place.

34 Ibid., 9. Emigration to the West Indies was initially reinstated to British Guiana, Jamaica, and Trinidad because colonial administrators believed that it would be easier to regulate immigration in larger colonies. Throughout the 1850s and 60s, administrators moved away from this position and emigration to smaller colonies like Grenada, St. Lucia, St. Vincent, and St. Kitts was allowed.


36 The second chapter of this dissertation will closely examine conditions aboard and the regulation of ships of indenture.
The Political Power of the Plantation Complex

Throughout the indenture period, colonial governments picked up the tab for one third of the official cost of immigration. 37 In a letter about the Tax Ordinance of 1842, Lord Stanley, Secretary of State for the Colonies, justified the government’s direct fiscal role in the indenture scheme by noting that,

Whatever may be thought of the ultimate prospects of the planters, there can be no question that they are at present suffering severely from the high price and scarcity of labor, and that every possible relief ought to be afforded to their cultivation; and on the other hand, there can be as little doubt that the great body of the consumers are well able to pay the taxes on imports. 38

The labor needs of the planters were essentially more expedient than the any additional tax burden incurred by the public. Expenses such as the travelling allowance of medical inspectors, repairs to the emigration office, and the maintenance of jails that housed immigrants who broke labor regulations were paid out of the colonies’ general revenue.

37 Geoghegan, Note on Emigration From India, 102.

38 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioners Appointed to Enquire into the Treatment of Immigrants in British Guiana (London: William Clowes & Sons for Her Majesty’s Stationary Office, 1871), 42. The 1870 Royal Commission of Enquiry concurred with this sentiment noting that the popular classes indirectly benefited more from immigration “than could reasonably be expected from giving any more popular direction” to this tax revenue.
Although planters benefited the most from immigration, “the general public […] paid a very large share of the expense.”

British Guiana received the largest number of indentured Indian immigrants and its government picked up a disproportionate burden of immigration costs. Formerly a Dutch colony, British Guiana had a constitution that bore the imprint of Dutch rule. The colony’s complex constitution restricted the power of the Crown and allowed planters to wield more political power than in Britain’s other Atlantic colonies. The governor of the colony was the representative of the British Crown and maintained executive power. The colony also had a legislature known as the Court of Policy which sometimes exercised executive power. The Court of Policy consisted of ten prominent individuals and was presided over by the governor. It consisted of four other government officials including the attorney general, the government secretary, the receiver general and the auditor general. The other five members of the Court of Policy were chosen by the College of Electors which was a direct remnant of Dutch governance. It was made up of seven individuals who were chosen for life by an electorate based on property qualifications. The Court of Policy held public and secret sessions. It was in many regards similar to the Executive Council in Crown Colonies.

39 Ibid.

While the Court of Policy performed legislative and some executive tasks, financial matters were left to the Combined Court.\textsuperscript{41} The Combined Court consisted of the Court of Policy and six financial representatives who were directly selected by the electorat that chose the College of Electors. According to H.A. Will, the constitution of [British Guiana] was incompatible with the role of the Crown as guardian of the interests of the unrepresented classes. The planters controlled five unofficial seats in the Court of Policy through the exclusive property qualification for membership and the system of indirect election. Although the qualifications for membership of the two directly elected College of Electors and Financial Representatives were less exclusive, both normally comprised planters or merchants associated with them...By their virtual monopoly of the elected seats in the Combined Court the representatives of the planting interest, being in the majority, could withhold supplies and...veto expenditure, including officials salaries\textsuperscript{42}

Given the structure of the colonial rule in British Guiana, it is not surprising that the government more often than not took the “planters’ view of things.” Thus, the Combined Court allocated significant portions of the colony’s tax revenue to the formal and informal costs of immigration although indentured immigration adversely affected the development of a free labor market in the colony.

The power of planters was not only political. Planters and their allies were also socially preeminent in the colony. During the period of indenture, there were 153 sugar

\textsuperscript{41} The Combined Court was a remnant of Dutch rule that was recognized by the British Crown when it acquired Guiana in 1803.

\textsuperscript{42} Will, \textit{Constitutional Change in the British West Indies}, 9, 95-96.
plantations in British Guiana that made up 136 sugar estates. Approximately fifteen proprietors or part-proprietors of these estates were residents of the colony. Eighty-five estates were owned by individuals who lived outside of the colony. Forty of these eighty-five estates were owned by the several sugar houses in London, Liverpool, and Bristol. Absentee owners who lived in England, were able to influence the Colonial Office through the West India Committee. These sugar houses further held mortgages over many of the remaining estates in the colony.

It was managers located in the colony who answered to non-resident proprietors’ attorneys, who saw to the day to day operations of the plantation. Attorneys usually resided in Georgetown, British Guiana’s capital, and were partners in the “colonial branches of one of the houses engaged in the sugar trade, or were exclusively devoted to the business of attorneyship.” While managers oversaw the workings of the entire sugar estate, between five to eight overseers, colored Creoles or young men from

43 Geoghegan, 105.

44 Will, Constitutional Change in the British West Indies, 95. Established in 1775, the West India Committee was a lobby group in England that advocated for absentee planters and others with business interests in the Caribbean.

45 Geoghegan, 105. Attorney’s held the estate owners’ proxy and votes in electors for the College of Electors, which elected members to the Court of Policy. Jenkins, 73. Some 35 attorneys were responsible for roughly 106 of the estates in the colony.
England or Scotland, supervised the laborers on the plantation. Under these employees, were Afro-Creole and East Indian drivers who directly supervised laborers.

Most educated men in the colony and white and colored men of middling status were directly or indirectly connected to the sugar interest in British Guiana. These men wielded a great deal of social as well as political influence in the colony. According to H. A. Will, “command of the labor market was the central political purpose of the planting interests, and in [British Guiana] it rested primarily on a high level of Indian immigration.”46 It is therefore not surprising that the government of British Guiana was so heavily in favor of immigration.

**The Reemergence of State Authority Over Indentured Laborers**

British Guiana received the largest number of indentured immigrants and had a well-developed and complex immigration bureaucracy. The Colonial Office paid close attention to indentured immigration in British Guiana and as a result, many Commissions of Inquiry occurred there. The scope of the 1870 Royal Commission of Inquiry was expansive. In addition to thoroughly examining George William Des Voeux, the commission interviewed forty-six witnesses from the Immigration Department and the colonial government of British Guiana. The commission also

46 Will, *Constitutional Change in the British West Indies*, 95-6.
interviewed several stipendiary magistrates, private citizens, members of the medical and legal professions, and agricultural laborers. Fearing that large numbers of indentured immigrants would leave sugar estates to lodge complaints before them, the commissioners decided to visit sugar estates to observe “the everyday relations between laborers and employers.” According to their report, the commissioners,

Desired to hear from the managers the statements of their difficulties, and to be shown what they had done and were doing for the welfare of their people. We wished to hear what the immigrants had to say, without bringing them into a position on where they would not have ventured, except in rare cases, to speak with freedom, and we found it possible to arrive with far more confidence at the truth which lay at the bottom of conflicting statements where we could submit them, to a certain extent, to the test of our own immediate personal observation.

The commissioners believed that only by observing immigrants in their natural habit could they get to the truth about how indentured immigration was functioning. They visited and inspected fifty-five estates employing immigrant labor, frequently without alerting the plantation authorities there. Of the estates they were unable to visit, the commissioners noted,

We have reason to believe that [the immigrants] were generally not ignorant of the presence of the Commission in the colony, or of its purpose; and in order that opportunity should be afforded to all to reach us within a day’s journey at the

47 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioners Appointed to Enquire into the Treatment of Immigrants in British Guiana, 15-16.

48 Ibid., 16.
outside, we visited the counties of Essequibo and Berbice, and resided for ten or twelve days at the Government Court House.⁴⁹

The commissioners were confident of the fact that their “presence became very generally known in the colony.”⁵⁰

In her observations on the discursive functions of Committees of Inquiry, sociologist Radhika Mongia has neglected to address how such commissions played important performative roles. The commissioners in the 1870 Inquiry wanted their presence and mandate to be known throughout the colony of British Guiana by plantation authorities and immigrants alike. Although the commissioners justified their visits to plantations by citing the fear that immigrants traveling to Georgetown to make complaints to them might become a public nuisance, these unannounced plantation visits were a performance of the “impartiality” of the commission. By visiting plantations and inspecting immigrant dwellings, hospitals, and record books themselves, the commissioners demonstrated their commitment to high standards of evidence gathering for those who were observing its actions. These procedures bolstered the commission’s claims to impartiality while also assuring observers that only the state, manifest in the commission, could keep both plantation authorities and immigrants in

⁴⁹ Ibid., 16.

⁵⁰ Ibid.
check and could thereby ensure that the scheme of indentured labor was functioning optimally.

On Friday, August 26, 1870, the commission began formally gathering evidence from witnesses. George William Des Voeux was the first witness called before the commission. William Edward Frere, Esquire, was president of the commission, Sir George Young, Baronet, and Mr. Charles Mitchell, Esquire, were the primary commissioners. N. Daniel Davis served as secretary of the commission. Two men, Edward Jenkins and T.H. Cowie, attended the proceedings as unofficial participants representing indentured laborers and the plantation complex respectively.

The commission called on Des Voeux to substantiate the claims of his 1869 letter which had served as a catalyst for the inquiry. Des Voeux’s letter, read out before the commission, outlined two major types of abuses against indentured immigrants: the extrajudicial exploitation and physical abuses inflicted by the plantation complex on indenture laborers; and the negligence, due in part to insufficient resources, of the Immigration Agency and the general immigration infrastructure which resulted in abuses of indenture laborers’ rights. Des Voeux cited several cases where the plantation establishment neglected the needs of immigrants, their civil rights, and physically harmed them in order to maximally exploit the scheme of indentured labor. For instance, it was common for some well-known managers to publically proclaim that

51 Cowie was hired by the West India Committee in London.
“immigrants on their estates shall be always during the hours of work, either actually at work, or in the hospital or in gaol.”\textsuperscript{52} The plantation complex enforced the truth of this aphorism by willfully skirting the Immigration Ordinance. The Ordinance required that sick immigrants receive medical treatment in designated immigration hospitals. Yet, medical officers who were charged with looking after the health of immigrants were employed by the plantation complex, not the colonial government, and in order to preserve their employment, they often “[d]ischarged] immigrants from treatment before they were completely cured.”\textsuperscript{53} Medical officers frequently turned a blind eye to the fact that hospitals that catered to immigrants provided them with inadequate and innutritious food supplies; often a thin gruel that did not provide the sustenance that the laborers required.\textsuperscript{54}

Des Voeux contended that the commonly held practice of releasing immigrants from hospital before they were cured contributed to the “large proportion of cases of so-called idleness which are brought before magistrates.”\textsuperscript{55} Undernourished and incompletely healed, immigrants were forced back to the field by the terms of their

\textsuperscript{52} The Commission of Inquiry into the Treatment of Immigrants, \textit{The Evidence and Proceedings}, 11.

\textsuperscript{53} Ibid., 8.

\textsuperscript{54} Ibid., 20.

\textsuperscript{55} Ibid.
contracts. Those who did not have the stamina or outright refused to perform field labor because of their poor physical conditions were brought before magistrates for failing to perform the daily tasks they agreed to in their immigration contracts. Although magistrates, who were theoretically independent of the plantation, had the discretionary power not to convict immigrants for this offence, it was difficult for them to go against the findings of medical officers, and many immigrants were in effect funneled from hospitals to jails when they were physically unable to perform field labor.

Indentured immigrants in British Guiana faced a number of conditions that were not conducive to their health and well-being. Des Voeux found that on several plantations, Indians lacked sufficient potable water. Many immigrants had to travel as much as a mile away after a day of labor to obtain water which even then was contaminated by waste from rum distilleries. Although attempts were made by some planters to obtain water from the Demerara River, this water was muddy and undrinkable and because of the difficulty of obtaining this water, it was often in poor and unreliable supply. He also expressed concern about the food rations provided by plantation authorities, noting that food rations were of “wretched description.”

In addition to poor food and water supplies, immigrants were housed in old slave quarters or “nigger yards” where houses were small and divided by flimsy 56

56 Ibid., 21.

57 Ibid., 8
partitions. Des Voeux noted that on average, immigrants were “allowed considerably less room...than convicts in the English prisons.”58 Many of these houses lacked proper ventilation and were overcrowded. Entire families or four or more single men were sometimes confined to a room. Immigrants who cohabitated in one of these houses usually had to share common passages, kitchen sheds, and other conveniences. Des Voeux believed that immigrants should be allotted housing where “their privacy is not so continually invaded, and they are more secure from loss of their goods and attempts on the chastity of their wives.”59

While Des Voeux’s letter cited individual cases where the plantation establishment willfully mistreated individual indentured laborers, he also alleged that most of the abuses against immigrants had far reaching systemic causes. Des Voeux thought that the Immigration Agency lacked the fiscal and human resources needed to properly monitor the treatment of immigrants in the colony. Further, because of its lack of fiscal resources and the structure of colonial society, immigration officials were forced to depend upon the plantation complex in the course of pursuing their duties. Also, members of the plantation complex comprised the upper echelons of colonial society and they were less than scrupulous when it came to ostracizing immigration officials

58 Ibid.
59 Ibid.
who acted against planter interests in the course of their duty of seeing after the welfare of immigrants.

Plantation officials frequently violated the privacy of immigrants in their makeshift homes. Officials entered the homes of immigrants without permission or warrants to “turn them out to work.” Officials used this practice to search the homes of indentured immigrants for stolen goods “even when there was only a suspicion of theft.” In such cases, Des Voeux urged immigrants to pursue criminal charges against plantation officials but more often than not the immigrants feared the consequences of such action and failed to act. Those who chose to act faced several obstacles in court. In many cases, because of a lack of qualified personnel, plantation managers held positions as lay justices or justices of the peace. Because there was no oversight from higher courts, such managers were in some cases “allowed to remain on the Bench even during the trial of their own cases.” It was therefore not surprising that immigrants could not depend on legal officials in the colony to protect the rights that were guaranteed to them in their indenture contracts.

For Des Voeux, the root of all of the problems with the immigration system could be traced to the structure of colonial society. In his testimony before the commission of inquiry, he boldly stated: “I do not consider that any public officer in this colony is

60 Ibid., 13.

61 Ibid., 14.
independent, at least in position. I do not say that they do not act independently, but I consider their position is not an independent one.”62 Throughout his testimony, Des Voeux realistically recognized that the suggestions he made in his letter could not be acted upon as he envisioned them, yet his observations reflected his desire to dilute the influences of the planter class on the immigration infrastructure and more firmly shift authority over immigration and indentured laborers to the colonial state. He firmly believed that indentured immigration could only be saved if immigration officials could divorce themselves from the influence of the plantation complex. In his letter he noted with characteristic righteous indignation that “had I lived as long as most of my brother magistrates amidst the demoralizing influence of the all-pervading West Indian moral cowardice, or had I, as they mostly have, a family dependent on me, my course might have been, though I trust not, only parallel with theirs. 63 Des Voeux stressed that if his circumstances were different, perhaps even he would not have been immune from planter influence. Many of the solutions that he suggested for improving the immigration system involved securing the independence of immigration officials.

62 Ibid., 84. Des Voeux had faced severe ostracism from the plantation complex and had had his reputation besmirched in the Colonist, a newspaper that was geared towards the planter interest (16) for speaking out in the interest of indentured laborers.

63 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioners, 7.
Des Voeux contended that it was impossible to find impartial magistrates in Demerara. He argued that most “magistrates had for the most part been a long while in the colony and had risen from inferior positions.” Therefore, more so than other persons in the colony, they were susceptible to the influence of planters. He suggested the creation of a new class of officers with “sole jurisdiction in all cases, both civil and criminal between employers and employed, both indentured and free.” These officers would be required to reside in town (not on plantations or in plantation housing as was common practice) and hold court about once a month in police stations. They would have the authority to punish plantation officials for illegal wage stoppages and for false arrests (without a warrant) and imprisonment. These officers should be appointed by the Secretary of State for the Colonies. Ideally, appointees would not come from West Indian society or have any connection with anyone of those societies, with the exception of military officers or those who were independently wealthy and would not be easily influenced by the planter elite.

Des Voeux thought that such officers could prove immensely beneficial to the immigration system. Officers living in town and holding courts less frequently would set an example for how to govern immigrants by good treatment and not by intimidation or fear. Immigrants would see that these officers were looking out for their interests and not view them as another iteration of plantation authority. They would further free up regular district magistrates to take charge of larger districts and coroners’
inquests.64 There would be a total of seven of these officers instead of twelve magistrates which would release $3, 500 65to pay three additional circuit magistrates. Finally, these officers would benefit Afro-Creole laborers as well, by ensuring fair wage practices for immigrant laborers.

Des Voeux reserved his harshest criticisms and most sweeping reforms for the Immigration Agency. He believed that the Immigration Agent was too preoccupied with the routine tasks of his office and therefore had “little time for the proper and searching investigation of the complaints which are continually pouring in upon him from all quarters.”66 Sub-Immigration Agents were tasked with visiting estates to supervise re-indenturing immigrants, paying re-indenture bounties, or granting return passage for those immigrants wishing to return home. Sub-Immigration Agents dedicated very little time for the investigation of complaints against the plantation complex. That these Agents were, “on their travels forced to accept the hospitality of managers” made it difficult for them to perform their investigative duties “strictly, regularly, and

64 Ordinary justices were known to frequently botch coroners’ inquests.

65 Beginning in 1839, the British Guiana dollar became the currency of British Guiana. In 1839, one pound was worth 4.8 British Guiana dollars.

67 Des Voeux suggested increasing the number of Sub-Immigration Agents and providing them with a more adequate travel allowance. Further, he believed that Sub-Immigration Agents should acquire practical knowledge about the kinds of work that took place on a sugar plantation. Des Voeux urged the commission to look into whether Sub-Immigration Agents could be drawn from a better class of men in the colony. For him, the ideal people for this job would be discharged non-commissioned officers of the army who had served in India. They would have knowledge of Indian languages and would also be receiving a pension and therefore be financially independent. Des Voeux also suggested that government officers should begin random inspection of estates and payment offered to immigrants. These officers would be required to present evidence to magistrates should cases about wages or task labor go to trial instead of the immigrants themselves. He thought that the police should not perform this job because they lacked knowledge of Asian languages and were notoriously allied with the plantation managers who were often justices of the peace and therefore had authority over the police.

Finally, and perhaps most importantly, Des Voeux suggested that the state should no longer fund immigration. In British Guiana and most colonies that received immigrants, the government officially funded a third of immigration costs out of tax revenue. The government also unofficially covered many of the costs of immigration.

67 Ibid.
Planters did not pay duty on the supplies needed by estates and thus were not fairly contributing to public revenue. The colonial government also funded the police, hospitals, asylums, jails, and expenses of justice that arose from Indian immigration. Des Voeux estimated the total financial burden to the state far surpassed one third of initial indenture costs. He believed that if the plantation took up the entire financial burden of importing immigrants, fewer immigrants might be imported and there might be better treatment for immigrants in the colony and for Afro-Creole laborers who would have better bargaining power. Des Voeux thought that by ceasing to fund immigration and by more independently regulating conditions for indentured laborers, the immigration system could be preserved.

Des Voeux’s claims about abuses rampant in the immigration system formed not only an impetus but a discursive framework for the 1870 Committee of Inquiry. The commissioners expended a great deal of time and energy substantiating Des Voeux accusations. For the most part, they believed that the cases he cited were the exception and not the norm. In the words of the commissioners, “Mr Des Voeux’s accusations were so sweeping and universal, that it was not likely they would receive cordial confirmation from others who might still be resident in the colony.” The committee

68 Ibid., 24.

proceeded to reduce general complaints about the immigration system to particular incidents, and when no particular incidents could be found, they easily concluded that the problems cited by Des Voeux were exceptions or oversights, and therefore did not point to any endemic flaws in the immigration system.

For instance, in his letter, Des Voeux drew attention to poor nutrition in hospitals and medical practitioners who colluded with plantation authorities to send immigrants back to work before they were ready as two of the worse abuses of the immigration system. The commissioners claimed that they did not observe food of poor quality in plantation hospitals although they did find “on one estate, repeated entries in the case-book by the medical attendant, complaining that the patients were not properly fed, and that men were ‘sinking’ from insufficient nourishment.” The commissioners refused to apportion blame to medical officers, concluding that “doctors do not consider it part of their ordinary duty to examine the quantity of the provisions, or to see that the scales of diet are adhered to.” If doctors were not performing a duty that they did not see as their duty, clearly there could be no problem.

The commission further claimed to be unable to substantiate the problem that estate hospitals turned sick immigrants out to work. They concluded that “in the absence of any suggestion of particular cases for[ …]investigation, it is difficult for us to

70 Ibid, 28.

71 Ibid.
affirm or deny” that immigrants may have been “excluded from hospital by default of
the medical practitioner.”72 Unable to substantiate the claim that sick immigrants were
turned out to work, the commissioners concluded that the law was not “deficient for the
protection of the infirm or convalescent among immigrants.”73 By looking for examples
of the complaints that Des Voeux cited in his letter, the commissioners were
undoubtedly taking what they saw to be a rational approach to the inquiry. Yet, they
proceeded to use a lack of evidence or insufficient evidence as an indication that things
were more or less well with the indentured immigration scheme.

Although they concluded that most of Des Voeux’s sweeping claims were
unfounded,74 the commissioners did uncover a far reaching abuse within the
immigration system. The commissioners found that immigrants were paid far below the
rate that plantation authorities had been reporting to the colonial government. The
commissioners collected returns from “almost every estate in the colony to which
immigrants [were] indentured.” Among these returns were the “pay lists” which were
supposed to keep track of how much immigrants were paid on various plantations for

72 Ibid.

73 Ibid.

74 Ibid., 24. They went so far as to suggest that Des Voeux’s observations of the
immigration system were skewed by his adversarial relationship with plantation
authorities because of his grandiose actions performed in the course of protecting the
interest of immigrants.
their labor. Although according to the pay lists immigrants were paid a fair wage, when the commissioners examined how the lists were compiled, they were alarmed to find out that these lists were based on the earnings of particularly hard working immigrants or reported the sum of money that an immigrant may have earned after days of working at numerous tasks as opposed to what he or she may have earned at the end of the day. The trouble with the pay lists, more so than any other issue, convinced the commissioners that there was room for improvement within the scheme of indentured labor. They concluded that the key to improvement could be found in shifting the responsibility for the protection of immigrants more clearly to the colonial government and away from the plantation. The commissioners contended that the Immigration Department should become more firmly a government department. Further, the “Immigration Agent-General must be an officer in dignity and trust equal to the highest officials of the government.” They further suggested that the Immigration Agent General take a seat on the Court of Policy. They felt that the Immigration Agent could “represent, in his official capacity, the interest of a very large section of the population, who are at present necessarily excluded from direct representation in the Legislature.”

By granting the Immigration Agent a seat on the Court of Policy, the commissioners

75 Ibid., 54.

76 Ibid.
hoped to offset some of the power that those affiliated with plantations wielded on the Combined Court.\textsuperscript{77}

Although the commissioners sought to offset planter influence in the colonial government, they maintained that the government should continue to fund a significant portion of the immigration costs, and they rejected Des Voeux’s suggestion that planters should exclusively foot the bill for immigration.\textsuperscript{78} They thought that immigration had proved beneficial for British Guiana by increasing sugar cultivation in the colony. Further, they contended that the public was responsible for any increased cost of regulating immigration. The commissioners saw the best way to do this was to make the Immigration Office a government department, and therefore the cost of running it would “be permanently charged upon the public purse.”\textsuperscript{79} Although it may have seemed counterintuitive for the commissioners to want to offset planter authority within the colonial government simultaneously as they wanted the government to continue to fund immigration which was disproportionately beneficial to planters, this may not have been the case in the eyes of the committee.

\textsuperscript{77} Ibid., 38, 54.

\textsuperscript{78} Ibid., 199.

\textsuperscript{79} Ibid., 200.
The commissioners thought that immigration was beneficial for the colony because it had increased sugar cultivation. They therefore saw immigration as tied to the fate of the colony of British Guiana. They believed that if the community felt that it had a stake in immigration, the public would ensure that immigrants received better treatment. The commissioners hoped that “tax-paying Creoles” in particular would see that treating immigrants already in the colony well would translate into securing their own wage rates because it would maximize the labor already in the colony and discourage planters from importing new labor and flooding the labor market which would have the effect of further devaluing Afro-Creole labor.80

Although it was reluctant to substantiate many of the claims made by George William Des Voeux, the 1870 Commission of Inquiry conceded that the system of indentured immigration in British Guiana could be improved. The key to this improvement was that the government should take more control of the Immigration Office. This would have resulted in the colonial government taking sole responsibility for the regulation of immigration. Thus the plantation would be subject to government regulation in its attempts to discipline East Indians into becoming suitable laboring subjects.

80 Ibid.
Conclusion

Royal Commissions of Inquiry shifted the debate about indentureship away from the terms of freedom and unfreedom. Rather, they focused on discrete problems within the indentured immigration infrastructure, framing nineteenth-century indenture as a deeply problematic but eminently fixable institution. Overwhelmingly, officials believed that fixes to the system could only be administered and guaranteed by the government. Royal Commissions of Inquiry were a key weapon in the state’s arsenal for displacing the plantation’s monopoly on power over laboring subjects.

In her 2004 monograph, *No Bond but the Law*, historian Diana Paton argues that following emancipation in Jamaica, the formerly enslaved population experienced the abolition of slavery not as freedom from bondage, but rather, as a new form of bondage. The state, “symbolized by the notion of the law, became in a sense a new type of bond” for newly freed men and women.81 Paton, particularly interested in regimes of punishment before and after emancipation, is critical of the traditional periodization that accepts that a complete break occurred between slavery and freedom.82 She concedes that on the subject of punishment, it is tempting to see why historians might acknowledge a break between slavery and freedom. She notes that “because the legal


82 Ibid., 5.
meaning of slavery is that slaveholders have the right to inflict physical violence on their slaves, part of the legal meaning of slavery’s abolition is that this right is withdrawn from slaveholders.”83 Yet, the situation was never so clear cut in Jamaica and the rest of the British West Indies. The state sanctioned the flogging of slaves and former slaves both during and after slavery, just as prisons, the hallmark of a modern penal system, coexisted with forms of corporeal punishment during slavery. For Paton, emancipation did not completely free slaves from coercion; rather, the state took control of the task of disciplining laboring subjects.

Paton’s project relies in large part on exploring the tension between freedom and unfreedom. She sees the 1830s, and specifically the period of apprenticeship, as producing “a period of rapid state formation” as former slaves, now apprentices, “came into regular and direct conflict with representatives of the imperial state at precisely the moment when the state claimed to be responsible for their liberation.”84 The formerly enslaved, during and following this period, struggled to free themselves from the surveillance and intervention of the state. Their increased mobility and the decline in strength and the increasing fragmentation of the plantation complex meant that former slaves could forge livelihoods that were not completely dependent upon the plantation.

83 Ibid., 4.
84 Ibid., 8.
Although Paton, like Thomas Holt before her, is less interested in Asian indentured immigration, I argue that a focus on the state’s interaction with indentured laborers provides another means for historians to further understand the complicated relationship between freedom and unfreedom in the post-emancipation period.

Indentureship lasted from 1838 to 1917 in the British Atlantic. It had a significantly longer lifespan than apprenticeship, and unlike apprenticeship and freed status, indenture contracts effectively forced Asian indentured workers to maintain close contact with state and plantation agents just as the state and plantation were renegotiating their relationship in the wake of emancipation.
Chapter 2 - Bodies and Commodities: Gender and the Regulation of Indenture Voyages to the Late Nineteenth-Century Atlantic

Introduction

On September 24, 1885, Dr. Edward A. Hardwicke noticed a young woman lying under a blanket on the deck of the immigrant vessel, the Allanshaw. The young woman, Maharani, was one of 652 British Indians on their way from Calcutta to work as indentured laborers in British Guiana. Upon approaching the other East Indian women on deck, Dr. Hardwicke, surgeon superintendent of the Allanshaw, learned that Maharani was sick. Specifically, she complained of a pain in her arm and belly. Dr. Hardwicke examined Maharani’s arm but could find nothing wrong with it, but he noticed that she had a quick pulse and a fever.

At 6 o’clock on the morning of the September 25, Dr. Hardwicke ordered that Maharani be put in the hospital and he made an entry into the ship’s journal and case book to that effect. On the morning of the September 26, Dr. Hardwicke reexamined Maharani and found that she was still suffering from abdominal pain. Maharani’s symptoms persisted throughout the day; she refused to give any information about her illness. The next day, at 6:45am, Dr. Hardwicke examined Maharani again. He found her

1 C.O. 384/160, Sir Henry Irving to Lord Granville, 24 November 1885.
to be “exhausted” with a thready pulse. Hours later, at 10:30 am on September 27, Maharani was dead.²

The mysterious circumstances surrounding Maharani’s death resulted in an official inquiry that brought the unresolved tensions of the nineteenth-century indenture project to the surface. In this chapter, I explore some of the conflicting evidence given during the inquiry into Maharani’s death and the findings of the Commission of Inquiry. I show how colonists’ anxiety about the sexual propriety of British Indian women, which was crucial to the justification of the late-nineteenth century indenture project, underpinned much of the enquiry.

Scholars of nineteenth-century indenture continue to struggle with the problem of how to write about indenture. The historiographical debate that posits indenture as similar to slavery or not is largely to blame. While most scholars of indenture continue to write about it in the vein of slavery, they have neglected one of the pivotal components of indenture that scholars of slavery recognize as key to understanding the Atlantic. This component, the transoceanic voyage from India to the Atlantic, is crucial to understanding the differences between indenture and slavery, and yet, there is no consensus on how to approach it. The titles of scholarly books that address this facet of indenture, such as The First Crossing and The Other Middle Passage, hint at both the

² Ibid.
romance that is associated with ocean voyages and the awkwardness of writing about voyages of people who traveled to the New World in a state that was less than free.

Newer works, such as Verene Shepherd’s *Maharani’s Misery: Narratives of a Passage from India to the Caribbean*, eschew romance for tragedy. A latecomer to the study of East Indian indenture, Shepherd deliberately avoids taking a stance on whether cases like Maharani’s indicate that indenture was like slavery or not. Rather, she is interested in the experiences of women aboard ships of indenture and the “gender-specific exploitation or, more precisely, ‘sexploitation’ on emigrant ships.”3 Shepherd is interested in the experiential dimension of emigrant voyages, but she also acknowledges that ships were highly regulated spaces. She notes that “there was concern that such ships should not become spaces of ‘sexploitation,’ thus giving ammunition to the anti-slavery and anti-emigration causes.” 4 I rely on the same body of sources as Shepherd. However, while she sees Maharani’s case as “firm empirical data…of Indian women’s sexploitation,” I see the 1885 voyage of the *Allanshaw* as a case study that sheds light on how indenture was configured and reconfigured in light of constant criticism from former abolitionists. Thus while Shepherd sees the regulation of emigrant ships as incidental to her narrative, the regulation of such ships is integral to my understanding


4 Ibid., xix.
of the Allanshaw’s 1885 voyage. As she notes, “neither sexual segregation, spatial organization, the maintenance of a hierarchy among sailors and officers, nor the putative separation of the different races (black, white, Indian) on the ships protected Indian women from sexual violence.”5 Like Shepherd, I agree that women onboard ships of indenture faced undue sexual exploitation, and that the legislation that governed the oceanic voyage of indentured laborers offered insufficient protection to indentured laborers during what was undoubtedly a traumatic phase of their lives. Yet, I disagree that the wealth of information about the regulation of ships of indenture should be disregarded because regulations failed to protect indentured laborers. Rather, I am interested in the discourse of regulation. In this chapter, I also explore how recruited female and male indentured laborers are conceptualized within the regulatory legislation that governed indenture voyages. I argue that the far reaching investigations into Maharani’s rape and murder provide evidence that the colonial state did not perceive indentured laborers as commodities, but as laboring bodies in need of regulation, protection and governance. The colonial state’s impulse to regulate, protect and govern the bodies of indentured laborers was by no means benevolent or benign. Rather, in these processes, the bodies of indentured laborers became the site for the construction of nineteenth-century indenture as fundamentally different from African chattel slavery.

5 Ibid.
Regulation on Board Ships of Indenture

From indenture’s inception, colonial officials understood the importance of appropriately regulating the oceanic voyages of recruited workers in order to fend off criticisms that nineteenth-century indenture was a new form of slavery.6 Officials recognized that images and accounts of the harrowing Middle Passage had played a large role in the abolitionist movement. The engraving and prints showing 454 slaves tightly-packed in the hold of the Brooks, an eighteenth-century slave ship, was one of the most salient images of the abolitionist movement.7 It was therefore important that indentured workers’ journey from the Indian Ocean to the Atlantic not resemble captive Africans’ transatlantic voyage of the slave trade.

6 Laurence Brown and Radica Mahase, “Medical Encounters on the Kala Pani: Regulation and Resistance in the Passages of Indentured Migrants, 1834-1900,” in Health and Medicine at Sea edited by David Boyd Haycock and Sally Archer (Woodbridge: The Boydell Press, 2009), 196. In comparing nineteenth century indenture to other forms of migration, Brown and Mahase contend that the transport of nineteenth-century migrants to Australia “produced similar – if not quite as extensive – levels of bureaucratic state involvement.”


Boarding a ship was a transformative moment for an indenture recruit. British Indian subjects who embarked on voyages to the Atlantic to enter into contracts of indenture in the New World were entering a situation that was both physically and legally nebulous. Boarding ships of indenture, an amorphous mass of Indians were leaving behind the constraints and protections of British Indian subjectivity to journey to

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8 The laws governing indenture mandated that those who were recruited to be indentured laborers could not sign contracts of indenture in India, they could only do so upon arriving in the colony where they would be indentured. In theory, laborers only became indentured upon their arrival in recipient colonies.
unfamiliar colonies on the other side of the globe to occupy unfamiliar social roles. They made this journey on private chartered ships⁹ that were only theoretically regulated by the British imperial state.¹⁰ Colonial officials sought to offset anxiety about the tenuous conditions of East Indians on ships by heavily regulating indenture voyages. They sought to ensure that indenture recruits were embarking on ships of their own volition, that these women and men were adequately provided for at sea, that the ships transporting the laborers would not be overcrowded and that mortality aboard indenture ships would be kept as low as possible. The issue of mortality was particularly important. As historian Marina Carter has noted, “the minimization of mortality was to be the means by which a ‘free’ labour migration avoided degeneration into a ‘coolie trade.’”¹¹

From indenture’s inception, its architects were concerned that indentured laborers might be deceived or coerced into embarking on indenture voyages. An 1836 Royal Commission of Inquiry suggested that a magistrate speak with all emigrants about to embark on ships of indenture to ensure that they had agreed to take these

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⁹ Laurence Brown and Radica Mahase, “Medical Encounters on the Kala Pani,” 199.

¹⁰ Scholars have debated whether by the nineteenth century merchant vessels were representatives of the British state at sea. In this chapter, I do not approach these vessels as the imperial state at sea. Rather, I show how the imperial state struggled to exercise its authority and therefore subvert the autonomy of merchant vessels.

indenture voyages of their own volition. The commissioners suggested that the “refusal of a port clearance to any vessel taking away such natives” until it could be verified that the ship’s contingent of emigrants were ready to journey to other British colonies and territories of their own free will.12 Throughout the indenture period, officials remained concerned that potential emigrants were being misled or, in the worst of cases, kidnapped.13 Officials’ early emphasis on ensuring that British Indian men and women were consenting to journey to the New World of their own volition highlights the importance the moment of embarkation in the process of indentureship. To separate indenture from slavery, would-be indentured laborers needed to be verifiably free as they journeyed into ideologically unchartered waters. They needed to be free and aware of the implications of embarking on a ship of indenture so that indenture contracts could be legally and symbolically valid.14

The 1836 commission recommended that emigrant ships should also be disallowed port clearance if it was suspected that “proper provision had not been made

12 J. Geoghegan, Note on Emigration from India (Calcutta: Office of Superintendent of Government Printing, 1873), 3.

13 It is difficult to ascertain whether kidnapping allegations were taken very seriously. While the Protector of Immigrants and the Colonial Office followed up on these allegations from time to time, from my research, it is hard to get a sense of what percentage of allegations were investigated and what actions were taken when these allegations were found to be true.

14 For more on the symbolic importance of indenture contracts, see chapter one.
for the suitable treatment of the emigrants during the voyage.”\textsuperscript{15} The 1837 Immigration Act and every subsequent immigration act stipulated that immigrants should have adequate supplies of water, rice, dal, ghee (clarified butter), salt, turmeric, onions and tobacco on their voyages to the New World. Specific food items and quantities varied with each immigration ordinance. While ship captains were required to provide certain provisions like rice and dal, some rations fell out of favor. In 1879 the Protector of Immigrants of Trinidad issued a circular asking the Indian government to reduce the amount of rum issued to Indians on indenture voyages as a “medical comfort” “in order to prevent the possibility of immigrants becoming too partial to liquor.”\textsuperscript{16} Colonial officials in India and Britain did not leave it to the private parties who were in charge of shipping Indians overseas to determine the kind and quantity of rations that were necessary for emigrants aboard ships of indenture. The decision to officially regulate the type and quantity of rations in annual immigration ordinances was another important measure that demonstrated that indenture voyages were not slave voyages.

For officials, making sure that immigrants were adequately provided for was not merely an issue about sufficient rations. It also meant that there would be an adequate number of trained personnel on ships of indenture to see after the well-being of

\textsuperscript{15} Geoghegan, \textit{Note on Emigration from India}, 3.

\textsuperscript{16} CO 384/126 Circular No. 54 from the Protector of Immigrants, Mr. Richards, “Rethinking the Use of Rum as Medical Comfort,” received 6 October 1879.
emigrants. The surgeon superintendent, sometimes referred to as a medical officer, was the individual responsible for the welfare of indentured emigrants on their voyages. The 1837 Immigration Act stipulated that “a medical officer, a European or a native, with a sufficient supply of medicines, should accompany each ship.”17 In 1843 and 1844, the issue of medical personnel reemerged as officials in India and Britain debated whether or not to reinstate indentured immigration to the West Indies. As a condition of restarting immigration to the West Indies, officials “suggested as desirable that a qualified surgeon superintendent should sail on each ship conveying coolies.”18 Each immigration act from 1842 onwards would stipulate that a surgeon superintendent be onboard any ship leaving India with indentured laborers. Surgeon superintendents were in charge of preventing or containing outbreaks of contagious diseases onboard emigrant vessels. To a lesser extent, they were also in charge of making sure that immigrants were adequately clothed, fed, and provided with water.

Surgeon superintendents were paid for each immigrant that made it to the ships' destination alive. These officials, like ship captains, risked being barred from future employment on ships of indenture if their ships had high immigrant mortality rates. Colonial officials soon recognized that there was a correlation between the quality of a surgeon superintendent and mortality onboard emigrant vessels. Qualified surgeons

17 Geoghegan, *Note on Emigration from India*, 4.

18 Ibid.
could make more money and enjoy better fringe benefits on ships that transported convicts to Australia.\textsuperscript{19} Throughout the indenture period, officials had a difficult time attracting qualified candidates to work on ships of indenture. This was especially the case with voyages to the West Indies which were considered long and arduous. For West Indian voyages, surgeons were most often recruited from the Indian Civil Medical Service, or the British army and navy.\textsuperscript{20} In the 1860s immigration authorities raised the bounty that surgeons received for each immigrant that made it to her or his destination alive and as a result, the pool of surgeons for indenture voyages to the West Indies began to stabilize.\textsuperscript{21}

By the 1870s officials in the Caribbean began to request that nurses also be placed onboard immigrant ships.\textsuperscript{22} Thornton Warner, an Immigration Agent for Trinidad, believed that placing two nurses onboard a ship would be particularly beneficial to women and children. However, officials were reluctant to require the presence of nurses onboard emigrant vessels, fearing that it might be difficult to find qualified women who


\textsuperscript{20} Hugh Tinker, \textit{A New System of Slavery: The Export of Indian Labour Overseas 1830-1920} (London: Hansib, 1993), 147-149.

\textsuperscript{21} Ibid.

\textsuperscript{22} C.O. 295/268, Governor James Longden to the Earl of Kimberly, 31 July 1873.
were willing to deal with the arduous conditions of indenture voyages. Nonetheless, government officials in Trinidad and Britain agreed that appropriately qualified nurses would benefit not only women and children, but they might also contribute to lowering the overall mortality onboard emigrant ships.

Indian personnel also played an important role on indenture voyages. The surgeon superintendent appointed sirdars or “chiefs” for every twenty-five Indians onboard the ship. Sirdars, usually repeat emigrants, helped to maintain order on the emigrant vessels. Compounders or high-caste Indian crew members served as intermediaries between emigrants and the crew. Topazes or sweepers were in charge of maintaining cleanliness on the ships. Cooks were drawn from the high-caste Hindu population in order to circumvent dietary restrictions. For the most part, indigenous personnel were paid a flat rate for each voyage on which they worked.

Repeat emigrants were highly sought after to work on indenture vessels. In 1873 Governor Longden compiled a list of all of the topazes in Trinidad so that they might be reenlisted to work on emigrant vessels. That list accompanied an 1872 report compiled by Acting Immigration Agent, Herbert Trollope, who found that topazes for the most part were not low caste Hindus but Eurasians who had fallen on hard times.


24 C.O. 295/260, Governor Longden to the Earl of Kimberly, 12 January 1872.
and saw work on emigrant vessels as a means to escape hardship in Calcutta. Dr. Mitchell, Agent General of Immigration, to Earl of Kimberley, Colonial Secretary, 8 August 1872.

The Immigration Agent, Dr. Mitchell, believed that Eurasians suffering from hardship were not suitable for employment as topazes. He saw them as a “social ulcer” with the potential to disrupt the discipline of the ship. Further, he noted that most of these men spent all of their wages upon arriving in the colony and subsequently became a “burden to the public.” Mitchell believed that it was best to hire able-bodied Indian men who could be indentured upon their arrival in the colony.

In addition to making sure that emigrant ships had adequate provisions and were appropriately manned, officials were concerned that ships were not overcrowded and that the space that indentured laborers occupied was well regulated. Overcrowding was thought to be linked to higher mortality rates. Any ship carrying twenty or more indentured laborers was subject to regulation by the indenture bureaucracy. The 1837 Immigration Act “forbade the shipment of more than one emigrant for every 1 1/3 tons burthen.” The 1842 Immigration Act further refined this special allocation to “one person for every two tons burthen” and mandated that the space between decks should be no less than six feet. Later immigration acts, such as Act VII of 1871, took the destination that emigrants were traveling to into consideration by allotting emigrants

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25 C.O. 295/263. Dr. Mitchell, Agent General of Immigration, to Earl of Kimberly, Colonial Secretary, 8 August 1872.

26 Geoghegan, Note on Emigration From India, 52-53.
extra space for longer journeys and specifying special allotments for children under ten years of age.\(^27\)

Officials believed that emigrant men and women should occupy separate spaces on ships.\(^28\) In response to an 1884 circular, the Immigration Agent of Guiana, Robert Mitchell, recounted his recommendation that “two divisions of strong bamboo” be installed on an emigrant vessel.\(^29\) These bulkheads were meant to keep single women, married people with families, and single men separate. They were also meant to protect emigrants from the crew. Mitchell reported that installing these bulkheads posed great difficulty because “of the impossibility of determining until the last minute the

\(^{27}\) According to the 1871 Act, children over ten years of age were counted as adults for the purposes of spatial allocation. Two children were to receive the spatial allotment of one adult.

\(^{28}\) Katherine Foxhall, *Health, Medicine and the Sea*, 3; David Hastings, *Over the Mountains of the Sea: Life on the Migrant Ships, 1870-1885* (Auckland: Auckland University Press, 2006), 173-197; and Marcus Rediker, *The Slave Ship: A Human History*, 123-4. “Single” emigrant women on voyages to Australia and New Zealand were similarly segregated. Hastings found that sailors on one ship called the single women’s compartment the “virgins’ cage.” Single women were women traveling alone or young girls and teenagers whose parents occupied the married quarters. Hastings finds that “at the very best, the single women were treated like girls in a boarding school [and at worst] they were treated like prisoners, although they had committed no crime.” A precedent for this kind of separation could also be found during slavery, where the space below deck was separated into two compartments, one for women and girls and the other for men and boys. Unlike indenture vessels, there was no recognition of family units and marriages on slave ships.

\(^{29}\) C.O. 384/153, Robert Mitchell to the Protector of Immigrants, Calcutta, 18 September 1884.
deckspace required for each body of emigrants." He believed that permanent bulkheads would be impractical if emigrant vessels were to comply with the spatial allocations for individuals required by immigration legislation. Mitchell also feared that permanent bulkheads would interfere with ventilation below deck.

In spite of the problem with permanent bulkheads, Mitchell believed that some sort of division between the sexes of emigrants and between emigrants and the crew was necessary. He feared that “the class of woman who formed the majority of the softer sex” on board emigrant vessels would defy any attempts to impose moral restraints on their actions. Mitchell thought that it was all but futile to try to restrict the actions of these women. Yet, he hoped that residence in the colony would have a “civilizing effect” on these women and would help them to “turn over a new leaf and settle down as respectable women.” Although Mitchell expressed a great deal of concern about the conduct of emigrant women, he believed that assaults or violence by the crew and officers of ships were “rare occurrences.” He contended that when such assaults or

30 Ibid.
31 Ibid.
32 Ibid.
33 Ibid.
violence occurred, perpetrators were severely punished. The concern about the space allotted to immigrants was as much about comfort as it was about regulating the bodies and bodily desires of indentured emigrants.

Officials took great pains to provide emigrants with adequate food, medical care and space on indenture voyages. They believed that by sufficiently legislating indenture voyages they could protect emigrants from each other, from moral depravity, and from the crew and officers of the ships. If colonial officials’ vision of an indenture voyage could be realized, the hold of ships like the *Allanshaw* when it was filled with indentured recruits would be a far cry from that of the *Brooks* when it was transported enslaved Africans. In spite of the detail of these provisions, some emigrant vessels experienced alarmingly high mortality rates. Because of their length, voyages to the West Indies were thought to be particularly susceptible to high mortality rates. In 1857 officials drew the Indian government’s attention to the high mortality on ships headed for the West Indies during the 1856-1857 immigration season. Emigrant mortality on ships such as the *Roman Emperor*, the *Maidstone*, and the *Scindian* was above twenty percent. Mortality on the *Merchantman* exceeded thirty percent.  

34 Ibid.

The government of Bengal appointed Dr. Frederic J. Mouat, a surgeon in the Indian Medical Service and Inspector-General of Jails,\textsuperscript{36} to investigate that seasons’ high mortality rate. Government officials suspected that the high mortality rate was related to the “condition” of emigrants boarding indenture ships in Calcutta. They believed that other possible reasons may have been related to diet and the way that ships were outfitted for the long transoceanic voyage. Dr. Mouat did not believe that the primary issue was the health of emigrants embarking in Calcutta or the conditions of the depots there.\textsuperscript{37} Rather, he thought that the increased mortality was due to the following: (1) the larger number of women and children that were boarding immigrant ships; (2) poor sanitation conditions on emigrant vessels and the shipment of water from the River Hooghly even when it was “unwholesome;” (3) there were few ways to separate healthy immigrants from sick immigrants; (4) the “foul state” of the ships’ bilge; (5) unsuitable food given to young children and babies and finally, and perhaps most importantly; (6)

\textsuperscript{36} Laurence Brown and Radica Mahase, “Medical Encounters on the Kala Pani,” 201. Dr. Mouat was born in England in 1816. After training at University College London and Edinburgh University and qualifying as a member of the Royal College of Surgeons, he entered the Indian Medical Service in Bengal in 1840 as an assistant surgeon. He became a surgeon in 1853 and a surgeon major in 1860. He lived in India for thirty years where he held posts as the Deputy Inspector-General of Hospitals and Professor of Medicine at the Bengal Medical College. He was an advocate of prison reform in India. He died in 1897.

\textsuperscript{37} Sunil S. Amrith, “‘Contagion of the Depot’: The Government of Indian Emigration” in Imperial Contagions: Medicine, Hygiene, and Cultures of Planning in Asia edited by Robert Peckham and David M. Pomfret (Hong Kong: Hong Kong University Press, 2013).
the inexperience of medical officers and their inability to communicate with emigrants and to treat diseases endemic to India.\textsuperscript{38}

Dr. Mouat’s report went on to suggest additional measures to prevent high mortality such as installing a sick-bay on emigrant vessels, reducing the number of women and children on vessels to twenty-five percent and prohibiting pregnant or nursing women from emigrating, and prohibiting the use of water from the River Hooghly. He also suggested that medical officers should be hired on the basis of their knowledge of Indian languages and diseases that were endemic to India. He noted that “young surgeons fresh from Europe, and youths who have just completed their professional education should not be employed” on indenture voyages.\textsuperscript{39} He further emphasized the role of technology in reducing mortality on voyages. He believed that large steam vessels were better suited to conveying emigrants to the West Indies than sailing ships.\textsuperscript{40}

\textsuperscript{38} Geoghegan, \textit{Note on Emigration from India}, 27.

\textsuperscript{39} Ibid.

\textsuperscript{40} Tinker, \textit{A New System of Slavery}, 146-147. In the early period of indentureship, voyages between India and the Caribbean usually lasted between three to four months. With the advent of steam, the voyage from Calcutta to Demerara, British Guiana, could last as little as forty-nine days. The first steam ship to transport emigrants to the West Indies was the \textit{Enmore} which sailed to Demerara in 1872. Steamships would remain underutilized for the purposes of transporting emigrants from India. In 1895, only twenty-two of the emigrant ships leaving Calcutta did so by sail and only six did so by steam. Shorter voyages on steam ships did not completely solve the issue of high
The 1857-8 inquiry into emigrant mortality during voyages concluded that high mortality could be “prevented by proper care and attention; and that there [was] no need to prohibit the continuance of emigration, on grounds either of humanity or of policy.” According to Dr. Mouat, mortality could be reduced primarily by having the colonial state increase the “penalties for proper sanitary arrangements” and by conducting more thorough examinations of ships and emigrants leaving Calcutta. For the most part, mortality rates on emigrant vessels following the 1856/57 season remained below twenty percent. The Indian government saw the 1869-70 emigration season as having had a particularly high mortality rate. Only one ship during that season, the Shand, had a mortality rate that exceeded twenty percent.

Colonial officials treated emigrant voyages as an opportunity to differentiate indenture from slavery. They insisted on thoroughly regulating the material and spatial conditions of emigrant vessels. When these regulations failed, Commissions of Inquiry mortality on emigrant vessels however. Outbreaks of dysentery and other contagious diseases continued to plague indenture voyages.

41 Geoghegan, *Note on Emigration From India*, 28.

42 Ibid., 54. Colonial officials saw the high mortality rate aboard the Shand as grounds for a Commission of Inquiry. The commission found that the high mortality aboard the ship was due to 1) the voyage length, 2) the condition of the Indians who embarked on the ship, 3) lack of meat and fresh vegetables available on the voyage and 4) the damp condition below deck that was a result of the ship having previously carried salt cargoes.
were called to find the root causes of problems that plagued the transportation of indentured labor overseas. These commissions played a crucial role in sustaining the problematic institution of indenture. But officials used indenture voyages to more than advertise that indenture was a humane institution. The remarks of officials like Mr. Mitchell, Immigration Agent of Trinidad and later, British Guiana, show that these voyages were a crucial moment in the disciplining of British Indian women and men into appropriately gendered laboring subjects.

**Gendering the Indenture Project: The Mystery of Maharani**

On March 1, 1886, Governor Henry Irving forwarded the report and minutes of evidence of the Commission of Inquiry into Maharani’s death to Earl Granville, Secretary of State for the Colonies. Three commissioners, prominent officials from British’s Guiana’s colonial bureaucracy, had been charged with investigating the circumstances surrounding Maharani’s death. They interviewed twenty-two witnesses about Maharani’s alleged rape, the conduct of the ship’s surgeon, captain, officers and crew, and overall mortality aboard the *Allanshaw*. In the case of Mahrani’s death, the governor believed “nothing more could have been done than [had] been done in the cause of justice,” but that the report was valuable “in the light which it throws on the life

43 For more on this, see chapter one of this dissertation.

44 C.O. 384/160 no. 56, Sir Henry Irving to Earl Granville, 1 March 1886.
of coolies on board and their relations to the officers and crew” on immigrant vessels. \(^{45}\)

In spite of its many mandates, the Commission of Inquiry became increasingly about the Indian women and their relationship to the officers and crew of the *Allanshaw*.

The *Allanshaw* had a relatively low mortality rate of 2.6 percent in spite of an outbreak of Cerebro-spinal flu during the voyage. The ship’s voyage from Calcutta to British Guiana lasted 105 days. There were 370 men, 178 women, thirty boys, thirty-three girls, and forty-one infants onboard. \(^{46}\) Seven births and seventeen deaths occurred during the voyage. Eleven of the seventeen deaths were the result of the outbreak of the flu. \(^{47}\) The Immigration Agent, A.H. Alexander, on inspecting the ship within forty-eight hours of its arrival in British Guiana, found it to be “clean, dry and in a satisfactory state.” However, Alexander complained that the partitions that were meant to separate the men and women in the ship’s hospital were insufficient and that immigrants may have been insufficiently clothed, but he nonetheless concluded that the “general appearance of the immigrants was good” and that the ship had complied with the

\(^{45}\) Ibid.

\(^{46}\) Of these immigrants, forty-eight had been indentured previously in British Guiana and thirty-two had been indentured in other colonies.

\(^{47}\) The surgeon-superintendent of the ship believed that these deaths could have been avoided had the ship been outfitted with a small ice-machine. Dr. Hardwick also suggested that lime-preserved eggs and potassium bromide be included on future voyages of the ship in order to reduce mortality.
relevant shipping regulations. The investigation into Maharani’s death found that contrary to Alexander’s report of a relatively uncomplicated voyage, the Allanshaw was plagued with the kinds of difficulties that colonial officials saw as detrimental to indenture voyages and the indenture project as a whole.

Dr. Hardwicke was the first witness called to testify before the commission of inquiry. The commissioners used his testimony as the basis for questioning the other witnesses that were called before the commission. Dr. Hardwicke gave a detailed account of the events leading up to Maharani’s death after he found her on deck and responded to her death and allegations that she was sexually assaulted. He testified that around 11 o’clock on the morning of Maharani’s death, a young Indian woman, Mohadaya, approached him. She told him of Maharani’s good character and inquired after the cause of her death. Dr. Hardwicke told her that he was unsure of the cause of death. Mohadaya told Dr. Hardwicke that Maharani had confided in her that she had been “criminally” or sexually assaulted by two sailors on her way to use the water closet one night. He asked Mohadaya about the date of the assault, but she did not know when it had occurred. She said that Maharani told her only that she had been pulled out of the closet above deck and criminally assaulted by two sailors in. One sailor gagged her with her sari while the other assaulted her. Mohadaya could not identify the sailors specifically, but she said that Maharani described one man as “tall and stout” and he usually wore a red shirt and had a tattoo on his chest. Dr. Hardwicke asked Mohadaya
whether anyone else had heard this story. She informed him that another Indian woman, Moorti, had. Dr. Hardwicke called for Moorti who corroborated Mohadaya’s account of Maharani’s assault. A case of mysterious illness and sudden death had abruptly become one of rape and manslaughter.

Dr. Hardwicke reported that in light of Moorti and Mohadaya’s claim that Maharani had been raped, he performed a post mortem on Maharani’s body in the presence of two compounders. He claimed to have found no external marks of violence on Maharani’s body, specifying that her “vagina was not inflamed [that he] did not see any laceration whatever in any part of it.”

Although during his testimony before the commission Dr. Hardwicke stated that he believed that Maharani died “solely due to peritonitis” or the inflammation of the tissue that lines the inner wall of the abdomen and the abdominal organs, at the time of the post mortem, he believed that Maharani died of nervous shock due to “a considerable extent to mental depression as the result of shame.”

For Dr. Hardwicke, Maharani was of such good character that her sexual

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48 C.O. 384/160 no. 56 Enclosure, “Minutes of Evidence Taken before the Commissioners appointed to enquire into the history of the voyage of the ship Allanshaw from Calcutta to Demerara 1885,” 1 March 1886.

49 Ibid.
encounter with one or more sailors, whether consensual or not,\textsuperscript{50} caused her to literally die of shame.

On the basis of Dr. Hardwicke’s post mortem and Mohadaya and Moorti’s testimony, the commissioners concluded that Maharani had a sexual encounter with one or more sailors. The commissioners then shifted gears in their examination of witnesses in order to uncover whether Maharani was of good moral character, and the identity of her sexual partners. Dr. Hardwicke claimed only to have known Maharani and the women onboard the ship in passing prior to the incident. He also claimed that he did not know Maharani prior to her illness and death, but he was aware that she “bore a very good character and was a modest […girl].”\textsuperscript{51} When Moorti and Mohadaya were called to testify before the commission, they corroborated Dr. Hardwicke’s recollection of Maharani’s character as a chaste young woman who was always seen in the company of women and not men.\textsuperscript{52} The ship’s captain, F.C. Wilson, and crew also testified to Maharani’s good character. Most of the officers onboard claimed to know Maharani

\textsuperscript{50} Ibid. Although he claimed to find no external evidence, Dr. Hardwick maintained that Maharani was in all likeliness raped. He conceded that “a full grown man could have had forcible connexion with the woman within a week and not have caused more serious injury” that what he saw.

\textsuperscript{51} Ibid.

\textsuperscript{52} Ibid.
only in passing, and they testified to her impeccable character, and generally, to the
good behavior of the single women aboard the ship.

Dr. Hardwicke, Captain Wilson and the ship’s officers identified Maharani’s
likely rapist as they testified to her good character. Dr. Hardwicke reported that he was
concerned about all of the women on board the ship and that he “saw suspicious signs
at the beginning of the voyage and was afraid men might go for the women.” He
reported that he “had more difficulty than usual” keeping the men and women apart
during the voyage.53 He noted that some of the crew, notably a mixed-race American
seaman named Robert Ipson, posed a greater threat to the women than the rest of the
crew.

Dr. Hardwicke, the captain and the officers believed that it was Robert Ipson
who had most likely raped Maharani. Ipson was arrested when the Allanshaw arrived in
British Guiana, but he was released on the charges of Maharani’s rape and murder due
to insufficient evidence. In light of the fact that he was accused by the captain and
officers of the Allanshaw of raping Maharani, it is unsurprising that Robert Ipson may
have had an axe to grind with the captain and officers of the Allanshaw. His testimony
may reflect as much. Although it may be tempting to dismiss Ipson’s testimony as
malicious and his only recourse against his accusers, the fact that some parts of the

53 Ibid.
testimony were corroborated by other witnesses indicates that Ipson’s testimony perhaps warrants a closer look.

Robert Ipson testified that he was not popular on the *Allanshaw* because of his reputation as a practical joker, and because he challenged people to “lick it out” when crossed. He adamantly maintained that he did not have anything to do with Maharani or any of the other Indian women. He testified that he had his sexual needs met when he briefly left the ship to go ashore in St. Helena, the south Atlantic island where ships stopped for supplies on their way to the New World. For the most part, he said it was not the crew who had relations with the Indian women, but the captain, surgeon, first mate and the steward. He also claimed that there were about half a dozen “fancy women on the ship” who were kept by the ship’s officers and received butter, cheese, cooked food, fresh water and soap in return for their favors. Ipson reported that Mohadaya and Moorti were perhaps the most prominent of these fancy women and that they were often seen sitting in the captain’s chair. Indeed, he “saw the captain and the doctor shoving their hand between the women’s legs and asking ‘what is this?’.” He claimed moreover to have seen the captain, doctor, and first mate taking various women to the chart house. Other seamen corroborated Ipson’s story of the officers “skylarking on deck” with the Indian women.

54 Ibid.

55 Ibid.
Although few of the able seamen would go so far as to repeat the explicit details of Ipson’s testimony, several of them admitted to hearing rumors about relationship between the Indian women and the officers on the ship. James J. Grant, the assistant compounder, conceded that he heard Mohadaya referred to as “Mistress of the Ship,” and he observed Mohadaya, her mother and her sister, Moorti and Maharani (who “were always together”) receiving extra privileges such as being allowed to take their meals on deck. Another sailor, Bain, also reported that he saw women on deck receiving extra privileges; he said that he would not be surprised if the “captain was [Mohadaya’s] fancy man.” Bain also claimed to see Dr. Hardwicke take a girl into the chartroom at one point when no one else was on deck. William Lee, another able seaman, who was notably wary of Ipson, testified that he had not seen the crew interfere with the women except on one occasion. He could not confirm rumors that Maharani was the first mate’s woman, but said that he did observe her dancing and playing “tom tom” on the poop deck. Overall, the able seamen reported that there may have been indecent relations between the officers and Indian women on the ship, including Maharani, but few went as far as Ipson in providing explicit details about these relationships.

The majority of the commissioners tried to downplay much of the able seamen’s testimony in their January 1886 report written by Demerara Sheriff Henry Kirke and A.
The commissioners concluded that Maharani had a sexual encounter, likely with Robert Ipson, but she had not been raped. They thought that the contradictory testimony of witnesses, the lack of concrete evidence against Robert Ipson, that no one heard Maharani cry out on the night of her alleged rape, and the lack of physical evidence on her body all indicated that Maharani had not been raped. They thought that “Maharani was carried to the forecastle, probably by Robert Ison, without attempting to cry out, and that while there, he and others of the crew had connexion with her, if not with full at least with forced consent on her part the latter being more probably from the previous modest and retiring nature character of the woman.”


57 William Blackstone, Commentaries on the Laws of England, IV (1765-1769). [http://www.lonang.com/exlibris/blackstone/bla-415.htm](http://www.lonang.com/exlibris/blackstone/bla-415.htm). Sharon Block, Rape and Sexual Power in Early America (Chapel Hill: The University of North Carolina Press, 2006), 16-17. 2006. William Blackstone defined rape “as the carnal knowledge of a woman forcibly and against her will.” Sharon Block finds that in eighteenth and early-nineteenth century America, “violence and physical force were necessary constituents of rape” although “their deployment did not necessarily turn a consensual sexual encounter into a coerced one.” According to Bloch, Sir Matthew Hale’s 1736 Historia Placitorum Coranae raised concerns about the difficulty that male defendants might have in defending themselves from rape accusations. Hale outlined certain “circumstances of fact” that needed to be determined if a victim was to be believed. He suggested that if a woman “concealed the injury for any considerable time…and made no outcry when the fact was supposed to be done, when and where it is probably she might be heard by others” it might be wise to assume that “her testimony was false or feigned.” Bloch finds that Hale’s standards of evidence were ubiquitous in British and American courtrooms well into the nineteenth century. Using such evidentiary criteria, it is unsurprising that the majority of commissioners did not see Maharani as a victim of rape.
of the commissioners believed that the most plausible explanation for Maharani’s death was that she suffered “from inflammatory action in or near the womb, which might have been caused by sexual excess or excitement.” The commission also declared that “the evidence was…inconclusive against any particular individual if not as regards the actual cause of death.” They went on to specify that the surgeon and captain could not be blamed for Maharani’s death as “every precaution was taken and every means adopted to prevent any interference on the part of the crew with the woman [Maharani].” For the majority of commissioners, Maharani had not been raped and the state’s attempt to regulate ships of indenture had been more or less successful.

After establishing that Maharani had not been raped in line with the contemporary definition of rape, the commissioners turned their attention to Dr. Hardwicke. They stated that no “blame can…be attributed to the Surgeon Superintendent or captain for it would appear that every precaution was taken and every means adopted to prevent any interference on the part of the crew with the women.” The commissioners found that Dr. Hardwicke may have been “indiscreet” with the Indian women, but his interaction with these women was harmless and his partiality to some of the Indian women was merely “[misconstrued]” by the crew. According to the commissioners, this misperception arose because

58 Ibid.
The romping and rough play of a lot of cooly women and children, might easily be converted by a person of a prurient disposition into evidence of indecent behavior, and it is impossible for east Indians to see any familiarity between persons of the opposite sex without inferring criminal intercourse, as in their own country no woman who wishes to preserve herself respect can speak to a man who is not a member of her family.\textsuperscript{59}

Thus, even if Dr. Hardwicke was not “actually guilty of any improper act, he was at any rate most indiscreet, and laid himself open to suspicion and comment.” The commissioners recommended that Dr. Hardwicke should be censured for his indiscretion.\textsuperscript{60}

The majority of commissioners found that Captain Wilson failed to establish discipline on board the \textit{Allanshaw} and that he was perhaps unfit to “command a coolie emigrant vessel.” Based on the evidence of witnesses and the ship’s log, the commissioners determined that “at different times, a great deal of insolence and insubordination, of a more or less serious character, on the part of the crew to the

\textsuperscript{59} Ibid.

\textsuperscript{60} CO 384/179, Robert Mitchell to Henry de Worms, Undersecretary of State for the Colonies, 25 February 1890. Five years after Dr. Hardwicke came under scrutiny in the case of Maharani’s death, he was accused of having an inappropriate sexual relationship with a fourteen or fifteen year old female immigrant, Caroline Edgehill (Bhugmonia) on the 1890 voyage of an immigrant ship called the Ganges. Although the Emigration Agent for Guiana, Robert Mitchell, found it “difficult to conceive that [Dr. Hardwicke’s] relations with Caroline Edgehill were purely platonic,” he nonetheless paid Dr. Hardwicke for the voyage so that he could return to India. Though “finding such familiarity with a female emigrant was reprehensible in the extreme,” Mitchell withheld Dr. Hardwicke’s gratuity for the voyage. On reading the testimony gathered in the case, Henry Thurstan Holland, Secretary of State for the Colonies, found Caroline Edgehill’s accusation to be “uncorroborated” and ordered that Dr. Hardwicke receive his gratuity.
captain and officers’ occurred on the ship. The commissioners also concluded that even after taking into consideration the “character of the men he had to deal with,” the captain “shewed weakness and inability to govern men.” In spite of their critique of Captain’s Wilson leadership on board the Allanshaw, the commission did not recommend any punitive action against him.

The majority of commissioners also concluded that the officers and crew were not to blame for Maharani’s death. They found no compelling evidence that the officers behaved improperly with the immigrants, so there was no “reason to charge them with neglect of duty or conduct subversive of discipline.” While some sailors, including Robert Ipson and John Smith, were thought to be “insolent and troublesome,” for the most part, the commissioners agreed that the crew “must on the whole be regarded as good.” On ship’s arrival in Georgetown, the troublesome sailors, Robert Ipson, J. Smith, J. Erickson, G. Sudderland, A. Bain and J Peterson were charged and sentenced to various lengths of imprisonment for disobeying the captain’s orders for an incident unrelated to Maharani’s death.61 However, the commissioners reserved particular criticism for Robert Ipson. They acknowledged that had he not been on the ship, “the

61 On October 15th, these sailors disobeyed the captain’s orders to leave the poop deck. John Smith struck the captain on that occasion and received the longest sentence of ten weeks imprisonment.
voyage of the *Allanshaw* would never have found the subject of investigation.” In the case of others of the crew, they felt that justice had already been served. Finally, the commissioners turned their attention to the overall mortality aboard the *Allanshaw*. They reviewed the treatment of cases and deaths on the ship from Cerebrospinal fever, and concluded that “mortality on board… was by no means excessive.” In spite of their critiques of the captain, surgeon, and some members of the crew, the majority of commissioners believed that the voyage of the *Allanshaw* had been more successful than problematic.

Dr. Robert Grieve, one of the commissioners, disagreed with the majority report, and he wrote a minority report to the governor. Dr. Grieve asserted that “there were occurrences on board the *Allanshaw* [that were] disgraceful in their character and serious in their consequences.” He believed that one or more crew members had raped Maharani and her death was related to the rape. He did not doubt that her death was caused by inflammation near her womb, but he remained troubled about the root cause of the inflammation. Dr. Grieve was convinced by the evidence of one of the Indians aboard the ship, Chitamun, who saw a woman fitting Maharani’s description being taken to the forecastle. He thought that “whatever passed in the forecastle was the exciting cause of the disease which proved fatal,” but that the “opportunity of clearing

up any mystery surrounding Maharani’s death was lost when the enquiry into the matter at the time was closed before thoroughly probing it.” Dr. Grieve found the surgeon’s handling of Maharani’s death to be severely lacking and “characterized by the same indecision which [was] so painfully evidence in every emergency during the voyage.” Above all, Dr. Grieve felt that parties needed to be held accountable for all that had gone wrong on the Allanshaw’s voyage.

Dr. Grieve thought that the conduct of the officers and crew wanting. He believed that the near mutiny that occurred on October 15, 1885 revealed the captain’s inability “to command a vessel containing a mixed population, such as inhabit a ship carrying East Indian immigrants.” Dr. Grieve conceded that the East Indian immigrants aboard the ship were more or less well treated but that the outbreak of Cerebro-spinal fever could have been avoided. He blamed Captain Wilson and Dr. Hardwicke for Maharani’s death and the “disgraceful” occurrences aboard the Allanshaw. Importantly, of Captain Wilson and Dr. Hardwicke, Dr. Grieve found the “responsibility [to be] personal and not in any of the default regulations under which their service was conducted.” He therefore found the captain and surgeon both worthy of censure. That Dr. Grieve’s emphasized the personal responsibility of Wilson and Hardwicke’s and not shipping regulations for what happened is noteworthy. As a colonial bureaucrat, he believed that it was important to lay blame for this event on two specific people and not the rules and regulations that governed the shipping of Indian emigrants to the Atlantic.
He, like his counterparts in Britain and British India, were able to avoid having to address whether the indenture system was flawed.

Although at odds about the facts of the Allanshaw's voyage, the end result of the majority and minority reports were not entirely in opposition. A. H. Alexander and Henry Kirke found that although a few things could have been done differently onboard the Allanshaw, the voyage had a relatively low mortality rate, so there was no real problem at hand. Dr. Grieve believed that the occurrences aboard the Allanshaw were dissatisfactory, but he was careful to point out that this was the fault of individuals and not the indenture establishment. Neither the majority nor minority report offered a critique of the indenture system in general. Rather, both reports were based on the assumption that the rules and regulations of immigration voyages were sufficient to protect indentured immigrants from themselves and from the crew. When something went wrong, it was a less a case that the rules and regulations had been insufficient and more that human error was to blame.

Maharani was one of almost half a million British Indians who made the transatlantic voyage from India to the Atlantic in the nineteenth and early twentieth centuries. She was an atypical indentured laborer for two reasons: she was a woman, and 2 traveled alone. In the eyes of colonists and indenture advocates, these two facts rendered her both a threat to the system of indentured labor and the system’s most potent symbolic instrument. Approximately twenty-five percent of British Indian
emigrants to the Atlantic were women. The majority of women who emigrated were part of male-headed family units. Women who traveled alone or without the protection of a patriarch were thought to be characters of ill-repute.

Officials who administered the system of indenture believed that unaccompanied women could pose a threat to the establishment of an idealized nuclear Indian family once they reached the West Indies. Colonists believed that because indentured women were so few in number, they could move from male partner to male partner or maintain several partners simultaneously to improve their lot in life. Yet, these very women also provided an opportunity for the public-relations savvy colonists who were interested in maintaining the system of indentured labor. British colonists, specifically the plantation hierarchy and colonial bureaucrats, could be the patriarchs that these women so badly needed. These patriarchs could protect the virtue of these unregulated Indian women and teach them the value of being chaste, monogamous, members of a nuclear family. By ensuring the safety and well-being of Indian indentured women until they could enter into endogamous marriages, instead of exploiting women’s vulnerability, colonists could fend off criticisms that indentureship was in any way similar to slavery. If this theory could be put into practice, colonists could end up with an indentured workforce that was at least partially capable of biologically reproducing itself (that is, without producing children who would be a liability to the colonial state).
For colonists in the West Indies, women were the key to sustaining indenture on a rhetorical and a literal level. Colonial officials viewed Maharani’s mysterious rape and death as a failure of the safe-guards that were put in place to protect women like her. Her death was also an affront to the ability of colonial patriarchs to protect Indian women from danger on board ships of indenture, as well as the plantations of the New World.

**Conclusion**

On November 29, 1781, the crew of the slave ship *Zong* forced approximately 132 Africans overboard to their deaths because the ship was running low on potable water.\(^6^3\) The ship’s Liverpool owners attempted to file an insurance claim for the drowned slaves. The insurance company refused to pay. The ships’ owners sued the insurers and won.\(^6^4\) The abolitionist Granville Sharp attempted to have the ship’s crew tried for murder, but failed. The *Zong* massacre was a turning point for the abolitionist movement. Here, I use it as a moment that epitomized and revealed the logic of chattel slavery. Literary scholar Ian Baucom finds it notable that while the names of the slaves who were thrown overboard do not survive, the “value put upon them and the ship that


\(^6^4\) The insurers attempted to have the first verdict overturned in a hearing before the Court of King’s Bench, but failed.
was to carry them to Jamaica by their Liverpool owner does.”  

The Zong was insured for £2, 500, each slave was insured for £30 for a total of £13, 200. For Baucom, the value that was imposed on these enslaved Africans was indicative of a certain kind of violence that was integral to the transatlantic slave trade, that of “becoming a ‘type’: a type of person, or terribly, not even that, a type of nonperson, a type of property, a type of commodity, a type of money.”

The Zong’s 1781 voyage and Allanshaw’s 1885 voyage occurred slightly over a century apart. They have much and little in common. By today’s standards, murder(s) occurred on both ships. By the standards of their day, the courts and colonial bureaucracy found that no murder(s) occurred, although dissenting voiced contended otherwise. In both cases, no individuals or no parties were held accountable for the murder(s) because those in power determined that no crime had occurred on either ship. The Zong and Allanshaw are most dissimilar because of the kinds of human cargo they were transporting. The Zong was charged with transporting slaves, deemed no longer people at the moment of their capture and enslavement, but property with a cash value and commodities by the law. The status of the human cargo of the Allanshaw was more nebulous if as legally fictive as designating a person as property. Indentured laborers signed documents to embark on voyages of indenture, but the actual indenture contract

65 Baucom, Specters of the Atlantic, 11.

66 Ibid.
could not be signed until would-be laborers arrived at their destination. Indentured laborers were not commodities. Their ability to enter into contracts indicated as much. Historians have long struggled with how to write about the status of Asian indentured laborers, and for many decades, indenture historiography has vacillated between viewing indentured laborers as slaves or as free people. The language of slavery and freedom does not fully capture the complexity of nineteenth-century indentured servitude and the moment of indenture voyages further problematizes this slave-or-free paradigm. The heavy regulation of indenture voyages and Maharani’s case point to an alternate way of perceiving indentured laborers that more aptly captures the complexity of their condition on voyages of indenture. Colonial bureaucrats saw indentured laborers not as commodities of fully-fledged human subjects, but as bodies in need of regulation and discipline. The indenture project was being inscribed on the bodies of would-be indentured laborers. The fact that Dr. Hardwicke found no evidence of violence on Maharani’s body, and also that the majority of commissioners found this to be inescapable evidence that a rape did not occur provide an apt metaphor for the way that nineteenth-century indenture operated. If there was no physical evidence of violence on the bodies of indentured laborers, indenture could be seen as an unproblematic if not successful institution. The absence of evidence was evidence of indenture’s viability as an institution.
Chapter 3 - Wife Murder and Capital Punishment: The Decline of State Sanctioned Violence and the Rise of Paternalism as a Strategy of Governance in the British Atlantic, 1832 – 1890

Introduction

On 19 November, 1868, the governor of British Guiana, Sir Francis Hincks, wrote to the Secretary of State for the Colonies, Richard Temple-Granville, Duke of Buckingham and Chandos, to inform him of a recent of East Indian wife murder. Moonosammy, an indentured laborer on the Loehaber Plantation in Berbice County, had killed his wife with a cutlass three days after she left him.1 By 1868, colonial officials in the British Atlantic understood wife murder, a capital offense, to be a discrete category of criminal activity that occurred when an enraged indentured Indian husband killed his adulterous wife.2 Moonsammy, like many indentured laborers convicted of wife murder, was sentenced to death on 14 November, 1868. Unlike most of his compatriots, however, he was never executed.

1 C.O 111/369, Circular, British Guiana Governor’s Secretariat Office, 19 November 1868.

Although Moonosammy was not the first indentured Indian to be pardoned for wife murder, his trial marked an important turning point in the prosecution and punishment of the crime. In 1868, unprecedented public opposition to Moonosammy’s sentence ultimately prevented his execution. The impediments to Moonosammy’s execution began shortly after his trial. The jurors found him guilty of murder “in accordance with the law,” but later, one juror declared under oath that he would “gladly and willingly” have found him guilty of manslaughter, a non-capital offense, if given the opportunity. The juror claimed that he only voted to convict Moonosammy of murder because he believed that the governor would pardon Moonosammy. The juror, and those who later petitioned against Moonosammy’s capital sentence, believed that he was “extremely provoked” by his wife and that he was in a “disordered and excited state of mind” at the time of the crime and therefore could not understand the consequences of his actions. In the wake of the trial, the most “influential inhabitants of Berbice,” such as plantation officials and clergy members, petitioned Governor Hincks to commute Moonosammy’s sentence. Of immediate concern to all parties, including the governor and Chief Justice Joseph Beaumont, was whether plantation authorities had made adequate attempts to prevent the murder. After the trial, it was revealed that Moonosammy had made three appeals to a plantation driver to get his wife back. Bystanders later reported that the driver sat idly by as Moonosammy retrieved his cutlass shortly before the murder. Faced with this new evidence and intense public scrutiny, Governor Hincks, who was noted
for being unsympathetic to the plight of indentured East Indians, commuted Moonosammy’s sentence to a lifetime of penal servitude.\(^3\) Hincks’s decision reified the archetypes of the adulterous Indian wife and her murderous husband. In essence, Moonosammy was a defective subject. He was thus incapable of understanding the law. This fact made it all the more evident that the plantation had failed in its paternalistic duty, codified by the Heathen Marriage Ordinance no. 10 of 1860, to protect Moonosammy’s wife from her murderous husband.

This chapter examines Moonosamy’s trial and the public outcry surrounding his scheduled execution, within the context of key pieces of legislation and shifts in colonial and metropolitan policy that occurred between 1832 and 1868, to make three arguments. First, by considering the particulars of Moonosammy’s trial within a transnational framework, the chapter will demonstrate that the legal discourse of wife murder was a key site for the construction of indentureship as a new system of labor, and for the racialization of East Indians as subjects specifically suited to that system of labor. Second, the chapter will show how this case marks a shift from sanctioned violence to paternalism as a strategy of governance in the British Atlantic. These paternalistic strategies allowed for legally sanctioned surveillance of and intrusion into the intimate

\(^3\) Dwarka Nath, *A History of Indians in Guyana* (London: Thos Nelson and Sons Ltd.), 1950. Hincks had a particularly antagonistic relationship with James Crosby, Protector of Immigrants. Hincks attempted to strip the office of the Protector of Immigrants of its autonomy during Crosby’s tenure as Protect of Immigrants.
lives of East Indian subjects. Finally, the chapter will show how by making plantation
officials responsible and accountable for the prevention of wife murder, the state
undermined the authority of the plantation hierarchy. Even though scholars have
debated whether advances in nineteenth century criminal legislation marked a more
humanitarian and rational approach towards British and colonial subjects, this chapter
will show that, in the British Atlantic, such developments were mobilized in response to
the challenges posed by indentureship as a racialized semi-free system of labor that
chafed against the reigning tenets of liberalism.

It is difficult to obtain an exact estimate of the number of East Indian wife murders
that occurred during indentureship because the Colonial Office only started requesting
these statistics from colonial governors in 1870. Prior to 1870, it is only possible to find
mention of individual wife murders in correspondence between colonial governors and
the Secretary of State for the Colonies or in newspaper articles. Historians Prahbu
Mohapatra and David Vincent Trotman have attempted to collect wife murder statistics
for British Guiana and Trinidad using statistics that appeared in Annual Immigration
Reports. Mohapatra and Trotman agree that the majority of murders committed among

\[\text{\textsuperscript{4}}\] Richard Keller, “Madness and Colonization: Psychiatry in the British and French
debate on whether nineteenth century criminal legislation see: V. A. C. Gatrell, *The
Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University
East Indians involved men killing women. A high percentage of these murders were of wives or women who cohabitated with their male partners. Between 1885 and 1900, there were one hundred and three murders in British Guiana, seventy eight of which were of women and fifty eight of these were of wives. Similarly, in Trinidad, between 1872 and 1879, there were one hundred and two murders, seventy six of which were of women, including fifty-nine wives. Fewer wife murders were committed after 1900. In British Guiana, between 1900 and 1915, there were sixty-six total murders, of which thirty were of women, including twenty wives or intimate partners. Although murders of women accounted for the majority of murders throughout the latter period of indentureship, colonial officials did not perceive murders of women to be a problem.

Throughout the period of indentureship, officials remained explicitly concerned with the issue of wife murder.

Following sociologist and cultural theorist Stuart Hall, I am not explicitly interested in wife murder statistics. Hall was critical of the ideological function of statistics, or how “they appear to ground free floating and controversial impressions in the hard incontrovertible soil of numbers.” More often than not, statistics do not capture the totality of any criminal phenomenon. For these reasons, Hall focused on how crime statistics were interpreted and how these interpretations were circulated by the media.

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In this chapter, I take a similar approach. I acknowledge that colonial officials used statistics to establish that wife murder was a crime worthy of consideration. Yet, I am more interested in how statistics about and individual incidents of wife murder are interpreted and how these interpretations circulated in the colony.

Scholars of indentureship have long taken note of the incidence of East Indian wife murder in the British Atlantic, but few have addressed the subject in depth. The first scholars to explicitly address East Indian wife murder were largely concerned with finding causes for the prevalence of wife murders in Britain’s Atlantic colonies. These early scholars, much like nineteenth century British officials, believed that the imbalanced gender ratio of indentured recruits could be blamed for the wife murders that occurred.6 Throughout the period of indentureship, the gender ratio of indentured labor seldom exceeded two women to five men. Colonial officials were preoccupied with this gender imbalance or “sex-ratio disparity” and blamed it for a host of social ailments within the Indian community. Indian women were considered morally suspect because of their status as unaccompanied migrant laborers and officials feared that they would engage in sexual promiscuity to improve their lot in life. Colonial officials believed that Indian women’s promiscuity coupled with Indian men’s “notoriously

powerful feelings of jealousy” would inevitably result in violence. In addition to the commonly accepted “sex-ratio disparity” explanation, some scholars such as Basdeo Mangru have attempted to trace wife murder back to India with limited success. Attempts to trace Atlantic wife murder back to India gained little currency in the historiography of indentureship, possibly because it risked essentializing East Indian women as promiscuous and East Indian men as violent.

In 1995 Prahbu Mohapatra took a new approach to Atlantic wife murder. Rather than seeking explanations for the prevalence of East Indian wife murder in Atlantic societies, he explored why British colonists remained preoccupied with the crime. Mohapatra suggested that colonial government used wife murder to justify the “restoration” of the Indian family, or the stabilization of the family along nuclear lines, to garner support for indentured labor. Officials believed that their attempts to “restore” the family would also create a stable labor force that would biologically reproduce itself. Wife murder was an impetus for the colonial government to pass a series of marriage and family laws that formed the legal foundation/framework for the Indian family. Like Mohapatra, I am interested less in the causes of wife murder and more in how wife murder functioned as a discourse that was mobilized by British colonists and subjects to achieve various outcomes. I use colonial and metropolitan responses to cases like Moonosammy’s to show how colonial officials and the plantation establishment used wife murder as a justification to discipline East Indians into becoming efficient laboring
subjects and to circumvent the criticism of anti-slavery activists and liberals about the threat that indentureship posed to the health of a free labor society and economy.

Nineteenth century indentureship was highly contested institution from its inception. In order to understand why indentureship was a highly contested system of labor, it is important to consider the problems associated with slave emancipation in the British Atlantic. Historian Thomas Holt⁷ has explored the paradox of emancipation in colonial Jamaica and metropolitan Britain. In the post-emancipation period, he argued, racism in Jamaica underwent a transformation. Instead of serving as a partial justification for the enslavement of Africans following the emancipation of slaves, racism came to “[justify] the domination of entire nations.”⁸ Following emancipation, British colonists used the language of race to circumvent the tenets of liberal democracy that underwrote much of the abolitionist discourse that ostensibly guaranteed autonomy and “self-possession” to newly freed people following complete emancipation in 1838.⁹ Although the Slavery Abolition Act of 1833 guaranteed slaves their freedom after a period of apprenticeship, the planter elite was accustomed to having a laboring population that


⁹Ibid., xxii.
was tied to plantations and under their complete control. After slavery was abolished, the planter attempted to tie newly freed people to the plantations where they were formerly enslaved. Colonial elites effectively used the language of race to “[redraw] the boundaries of membership in the body politic.”\textsuperscript{10} Holt contends that “critical to sustaining social structures founded on blatant inequalities, within the terms of [liberalism] was the notion that some people – because of their fundamental natures – should be restrained, should not be free.”\textsuperscript{11} For colonial officials, Africans could not participate in a post-emancipation free labor economy and society because all people of African descent were fundamentally lazy and incapable of taking care of themselves. Elites promoted the notion that people of African descent shirked their labor obligations in favor of lives of subsistence and leisure.\textsuperscript{12} Officials thus justified targeting freed Africans with increasingly coercive, punitive measures based on a conception of Africanness that was intrinsically linked to laziness.

As a form of semi-free labor, indentureship was problematic within a liberal ideology that upheld the value and desirability of a free labor market. Much like

\textsuperscript{10} Ibid.

\textsuperscript{11} Ibid.

\textsuperscript{12} For more on this racialized perception of people of African descent, see Thomas Carlyle satirical polemic, “Occasional Discourse on the Nigger Question,” (Fraser’s Magazine, 1849/1853) and John Stuart Mill’s response, “The Negro Question” (Fraser’s Magazine, 1850).
attempts to control the lives of freed blacks in the post-emancipation period, Asian indentured labor required the British to find a way to “redraw the boundaries of the body politic.” Even before emancipation was enacted, officials began discussing indentured Asian labor as an alternative to freed Africans in what was purportedly an Atlantic free labor economy. Officials hoped to use indentured labor to force Afro-Creole laborers to abandon their preference for subsistence farming and temporary work in favor of low wages and long term plantation work. The British therefore needed to justify the exclusion of Indians as racialized subjects who were not suited to the demands of a free labor economy. As this chapter will show, that the legal and medical discourse of wife murder provided officials with the tools to racialize East Indian subjects, and thereby provide ideological support for indentureship.

**The Decline of Capital Punishment in the British Empire**

In August 1868, the Attorney General of British Guiana wrote a letter to Governor Hincks that was forwarded to the Secretary of State for the Colonies, Richard Grenville-Temple, in response to a circular dispatch issued by the colonial secretary about changes to execution procedures. The attorney general assured Governor Hincks that the changes to procedures outlined in the original dispatch were unnecessary in the case of British Guiana. All executions in that colony occurred behind prison walls, and they were attended only by the sheriff, chaplains, the governor and necessary subordinate officers. Members of the press and the family of the prisoner were admitted to the
execution only at the discretion of the sheriff, and in the case of the prisoner’s family members, only after formal application procedures. Although no official autopsy was performed after the execution, a surgeon examined the body in order to issue a death certificate. Finally, the body of the criminal was buried within the walls of the prison. The attorney general, perhaps with a hint of pride, assured his superiors that this execution procedure had been adhered to for the last nineteen years in British Guiana.

The colonial secretary’s inquiry about execution procedure in British Guiana is best understood against the backdrop of rising metropolitan anxiety about capital punishment. Between 1770 and 1830, thirty-five thousand people were condemned to death by hanging in England and Wales for violent crimes, sodomy, property crimes, fraud and forgery.¹³ English capital sentences outnumbered those in most other European countries. Approximately seven thousand of these criminals were executed at public hangings attended by thousands of jovial onlookers.¹⁴ The majority of those sentenced to die received reprieves from the king, usually after public appeals on their behalf. These pardoned prisoners were subsequently transported to Australia or sent to prison hulks. Whether or not a prisoner received mercy was determined by his


relationship to the community. Felons who enjoyed ties to the community were less likely to be executed than those who were considered to be strangers or foreigners.

In the nineteenth century the British system of capital punishment fell apart. For decades, British legal historians have debated whether material or moral factors (or a combination of both) provided the primary impetus for the sudden collapse of capital punishment in Britain. These debates aside, most historians agree that the historical roots of the collapse can be traced to the Reform Act of 1832 which let about one hundred independent members into parliament. These largely middle-class progressives advocated the repeal of England’s capital statutes on the grounds that they were inefficient and uncivilized. Execution rates rapidly declined in the 1830s, and public executions were outlawed by the Capital Punishment Amendment Act of 1868. Legal historians have cited various reasons for the decline of capital punishment in Britain, but they agree that the collapse of capital punishment contributed to the rise of


17 Gatrell, *The Hanging Tree*, 16.

18 Ibid.
the penal reform system.\textsuperscript{19} Although the nineteenth century saw the decline of capital punishment and the end of public execution, most Britons did not favor outright abolition of capital punishment. Nonetheless, even those who favored maintaining a system of capital punishment expressed some degree of anxiety about who deserved to be executed. The debate over an offender’s suitability for execution was ultimately decided by two landmark trials: the 1800 trial of James Hadfield and the 1843 trial of Daniel M’Naghten.

On 15 May 1800, James Hadfield, \textsuperscript{20} a war veteran of the Napoleonic Wars who had been captured and sustained severe head injuries in the Battle of Tourcoing, attempted

\textsuperscript{19} Gatrell finds that that the decline of capital punishment and the rise of the penal reform system fits into the chronological framework outlined by Michel Foucault’s \textit{Discipline and Punish: The Birth of the Prison} (New York: Vintage, 1995) even though Foucault paid little attention to the English case. Gatrell agrees with Foucault that the decline of capital punishment had little to do with rise of humanitarianism and more to do with the “state’s consolidation and bureaucratic competence” that rendered capital punishment less meaningful. Diana Paton, \textit{No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780 – 1870} (Durham: Duke University Pres, 2004). Using the case of Jamaica, historian Diana Paton has argued that there was no clear shift from pre-modern (corporeal) to modern (penal) forms of punishment in post emancipation Jamaica. My work on British Guiana suggests that this may not have been the case in all British Atlantic colonies. The fact that colonies like British Guiana and Trinidad received more indentured servants than colonies like Jamaica seems to have resulted in a more definitive shift from corporeal to penal forms of punishment. Because indentureship was a controversial form of labor, officials could not afford to enact the same kinds of violence on the bodies of indentured servants that they applied to the bodies of newly freed people.

to assassinate King George III. Even though Hadfield failed to assassinate the king, he was charged with high treason and was tried in Westminster Hall before the Bar of the Court of King’s Bench, the supreme criminal court of the United Kingdom.²¹ Hadfield was guaranteed legal representation not available to defendants in civilian murder trials because of the spectacular nature of his trial. His able and renowned lawyer, John Erskine, was able to convince a jury and Chief Justice Lord Kenyon that Hadfield was insane and deserved to be found not guilty for that reason. After copious testimony from medical experts and those who knew Hadfield, Chief Justice Lord Kenyon interrupted the trial to concur with Erskine that Hadfield, who had suffered from delusions that he was God and Jesus Christ and had fallen under the influence of a radical millenarian sect, was indeed insane and should be acquitted. Lord Kenyon believed that Hadfield was insane, but he was reluctant to release him from custody on the grounds that he was a danger to society. This was due mainly to the fact that, in addition to attempting to assassinate the king, Hadfield had previously attempted to murder his eighteen-month old son.

Prior to Hadfield’s trial, insanity pleas were seldom recognized by British courts because they were difficult to prove, and most importantly, according to existing law, the courts could not confine an insane person to a prison or asylum. Defendants

²¹ Ibid., 497.
acquitted on the grounds of insanity were usually sent home, released into the care of their families and friends, or chained to the walls of churches or public places.22 In order to confine acquitted defendants to an asylum, a separate hearing with two justices of the peace needed to be held in accordance with the Vagrancy Act of 1744. The ambiguity of existing law, coupled with the fact that Lord Kenyon believed that Hadfield would be a threat to the public if he was released led parliament to respond to Hadfield’s trial by passing the Criminal Lunatic’s Act of 1800 which aimed to regulate “trials for high treason in certain cases […], and for the insane persons charged with offenses.”23 The act designated insanity as a “special verdict” and required that defendants found not guilty by reason of insanity be automatically confined in a hospital or asylum for an unspecified period of time. Hadfield was retroactively found not guilty by reason of insanity and confined to the Bethlehem Royal Hospital (and later, the new Bethlehem Asylum) for the rest of his life.

Forty-three years after Hadfield’s trial, on 20 January 1843, a Scottish woodturner named Daniel M’Naghten shot at British Prime Minister Robert Peel, missed, and killed Peel’s secretary, Edward Drummond, instead. M’Naghten appeared the following day at the Bow Street Magistrate’s Court, where he explained that he attempted to kill the Prime Minister because he believed that the Tory Party was having him followed and

22 Ibid., 488.

23 Ibid., 511.
was trying to kill him. Dr. Edward Thomas Monro examined M’Naghten in Newgate Prison and determined that he suffered from paranoid delusions.\(^\text{24}\) During the trial, a number of expert witnesses testified that M’Naghten was insane. He was acquitted of murder and forcibly institutionalized at Broadmore Criminal Asylum for the rest of his life under the Criminal Lunatics Act 1800.\(^\text{25}\)

While the Criminal Lunatics Act of 1800 had laid out a procedure for the detainment of defendants found not guilty on the grounds of insanity, it did not to formalize a procedure for testing the validity of an insanity plea. Before M’Naghten’s trial in 1843, judges acquitted defendants or declared them unfit to plead on the grounds of mental insanity or “lesser states of mental abnormality” on a discretionary basis.\(^\text{26}\) In the wake of that trial, the House of Lords and the Lord Chancellor convened a panel of judges instructing them to establish stricter guidelines for determining the legitimacy of an insanity defense. The judges came up with guidelines known as the M’Naghten Rules.

\(^\text{24}\) Leon Radzinowicz and Roger Hood, *A History of English Criminal Law, Volume 5: The Emergence of Penal Policy* (London: Stevens and Sons, 1986), 682. There are several accepted spelling of M’Naghten’s last name. “M’Naghten” was used in legal records while “McNaughton” and “McNaughten” were used in some medical records.

\(^\text{25}\) The outcome of M’Naghten’s trial was controversial as there was evidence that he deliberately planned to assassinate Prime Minister Peel as part of an agenda to gain universal male suffrage. Many believed that he fabricated his insanity defense.

These guidelines were to be used by juries to determine whether or not a defendant should be acquitted on the grounds of mental insanity. According to the guidelines, to establish a defense on the ground of insanity, it must be clearly proved that at the time of committing the act the accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and gravity of the act he was doing, or if he did know it, that he did not know he was doing what was wrong. 27

M’Naghten’s Rules were not laws, but they were treated as such until the Homicide Plea Act of 1957 provided legal clarification for insanity defenses. The sensational nature of the M’Naghten trial ensured that knowledge of M’Naghten’s Rules circulated throughout the empire28 and transformed criminal law and medical jurisprudence for Britain and “the whole English-speaking world.”29


28 An 1891 amendment to the Foreign Jurisdiction Act formally recognized the legal validity of insanity pleas in the Atlantic colonies. The amendment made it illegal to execute persons found guilty of any crime if they were diagnosed as insane. Further, the acquittal and treatment of the insane person was to be paid out of the General Revue and Assets of the Colony.

Race, Insanity, and Empire

By the latter half of the nineteenth century, most Britons in the metropole and the empire believed that it was immoral to execute an insane person. Less clear, however, was what it meant to be an insane person in Britain and its colonies. Scholars have argued that throughout the nineteenth century the discourse on insanity was racialized and class-oriented.30 Madness or insanity was primarily constructed in opposition to reason and a host of related binaries such as “rationality versus irrationality, thinking versus feeling, maturity versus childishness, humanity versus animality, virtue versus perversity, civilization versus savagery,” and so forth. 31 Europeans who suffered from mental defects were characterized in terms usually reserved for persons who were thought to be racially inferior. Mental defects were thought to be inherited, and afflicted persons were, according to one nineteenth-century medical treatise, 

Careless, slothful, filthy, lazy, [and] timorous. At the age of puberty, they display the effects of animal instinct in the most offensive gestures and habits. Some become


subject to fits of capricious violence, to hysteric attacks, to nymphomania or satyriasis; others grow dejected, melancholy, and sink under a gradual decay of physical health. 32

Medical professionals believed that European persons afflicted by such mental defects were particularly susceptible to criminal behavior.33

Psychiatry and its interest in insanity spread unevenly throughout the British Empire beginning in the early nineteenth century. While psychiatry and psychiatric institutions did not exist in Africa throughout the nineteenth century, it was widely practiced at the time in British India.34 By the 1870s, the state administered asylums that housed people diagnosed as insane as well as those found by the courts to be criminally insane in Trinidad and British Guiana. Although psychiatry was part of the medical infrastructure in several Atlantic colonies by the latter half of the nineteenth century, colonial psychiatry was perhaps most firmly entrenched in British India. While psychiatric institutions were prevalent in nineteenth century India, practitioners were primarily interested in the diagnosis and study of European mental illness. Indians who were found to be insane were indefinitely confined and left untreated in either private or, after 1845, public asylums.


34 Keller, “Madness and Colonization,” 299.
Even in the colonial context, white European insanity was the normative lens through which all other versions of insanity were interpreted. Because the behaviors associated with insanity were considered to be antithetical to white subjectivity, white insanity was often thought of as a more “sophisticated and complex” illness. 35 Conversely, non-white insanity was thought to be an “exaggerated expression of [the] innate primitives and savagery” of non-white subjects. 36 Descriptions of insanity served to reiterate colonial racial and social hierarchies. In the nineteenth century colonial context,

Higher-class European women and men [were] described and understood in a language akin to that of modern neurotic complaints, namely in terms of ‘temporary weaknesses’ or ‘lowness of spirits’ which were due to ‘sudden loss of fortune,’ ‘overexertion,’ or ‘domestic trouble.’ The condition of lower-class Europeans was in contrast seen primarily as a necessary consequence and manifestation of lack of will power and of potentially immoral living conditions and pursuits...Mental illness among Indians was explained in terms of racial inferiority and savage customs. 37

Hierarchical notions about the various racial manifestations of insanity framed the way in which cases of insanity among the non-European populace were recorded. In India doctors described cases of Indian insanity “in morally disapproving and less apologetic


37 Ernst, “Idioms of Madness,” 164.
terms than they did in regard to patients of higher social standing.” 38 It was not uncommon for doctors to record Indian cases of insanity in hospital and asylum case books by noting that the patient had “become suddenly insane from causes which have never been explained.” 39 When attempts were made to clarify the cause of Indian insanity, medical professionals tended to allude almost entirely to the “racial background or religious activities” of their patients. 40

Widespread interest in psychiatry as a neglected area of public health in the colonies and metropole paralleled increased metropolitan interest in scientific classification and hierarchies of race. A classificatory impulse in the natural sciences lent credence to the rise of racial science by the mid-nineteenth century. Racial science “attempted to categorize clearly and to delimit different groups of people in imitation of the schemes of botany and biology,” and scientists readily turned to colonial psychiatry to add scientific legitimacy to their beliefs about the inferiority of non-white peoples. 41

By the latter half of the nineteenth century, the convergence of psychiatry and racial

38 Ibid.

39 Ibid.

40 Ibid, 162-4.

41 Ibid, 165-6.
science made it possible for colonists to conceive of entire colonial populations as particularly susceptible to insanity.42

**The Ideological Undercurrents of Moonosammy’s Trial and its Aftermath**

This overview of some central developments in English criminal law and medical jurisprudence allows us to better appreciate the context in which the attorney general of British Guiana wrote his 1868 letter about the practices surrounding capital punishment in the colony. He was in fact boasting that British Guiana was in compliance with a law (the 1868 Capital Punishment Amendment Act) nineteen years before it was passed. The original circular about the new regulations for execution and the attorney general’s letter demonstrated the extent to which colonial regulation and legislation mirrored, and at times anticipated metropolitan developments. Although it is important to use metropolitan examples to contextualize the colonial legal system, it is equally important to pay attention to the manner in which metropolitan legislative agendas were shaped and transformed in various colonial arenas. Here, I return to Moonosammy’s sentence and the outcry surrounding it to highlight such processes.

The majority of criminals convicted of capital offenses who were sentenced to die received pardons or commuted sentences in Britain. What was unprecedented about

Moonosammy’s case was not that his sentence was commuted, but that the public outcry in support of commuting his sentence came from elite members of Berbice society rather than his peers. Unlike nineteenth-century Britain where critics used the gruesome nature of public execution to criticize capital sentences, the terms of the debate in British Guiana were less about the horrible spectacle of execution and more about the innate deficiency and special needs of the East Indian subject.43

As several scholars have argued, capital punishment in the metropole provided an arena for the construction of British national identity premised on civility and humanitarianism. While concepts of civility and humanitarianism remained central to debates over capital punishment in Britain’s Atlantic colonies, the stakes of the debate were necessarily different. By shifting the parameters of the debate from the gruesome spectacle of public execution to the problematic subjectivity of indentured Indians, colonial elites could attest to their own civility, and also establish a social order in which non-white subjects were inherently defective. Their argument suggested that such subjects were best suited to a regimented system of labor in which they could be constantly monitored and shaped into moral and efficient laborers. This logic fueled much of the outcry surrounding Moonosammy’s sentence. Significantly, Berbice elites in

43 If we believe the Attorney General, one of the reasons this debate was perhaps not about spectacle was because the practice of public execution had been curtailed nineteen years before such measures were required by law in England.
British Guiana expressed no ill-ease about capital punishment in and of itself, but about who was a suitable candidate for capital punishment. Their defense of Moonosammy was premised on three essential and related factors: (1) he was “extremely provoked;” (2) he did not understand the consequences of his action; and (3) the plantation did not do enough to prevent him from killing his wife. In spite of its humanitarian guise, this rhetoric was premised on a logic that aimed to categorically exclude Indians from full participation in the body politic.

The emergence of anxiety about gender norms among East Indian coincided with the arrival of the first group of indentured Indians to the British Atlantic. Throughout the period of indentureship, officials remained preoccupied with the gender imbalance or “sex-ratio disparity” of East Indian indentured laborers and blamed it for unstable intimate relationships within the Indian community. Officials considered Indian women morally suspect because many of them traveled to British Atlantic societies unaccompanied by men. They feared that East Indian women would use the “sex-ratio disparity” to their benefit by serially seeking out partners who could provide for them materially. Officials also feared that traditional Indian practices such as child marriage would result in violence if Indian girls chose to free themselves from their undesirable marital unions when they reached adulthood. Colonial officials believed that Indian women’s opportunistic promiscuity, coupled with Indian men’s propensity for violence, would inevitably result in wife murder.
When Berbice elites in British Guiana contended that Moonosammy was “extremely provoked,” they did not believe that he acted as a reasonable person might have in a similar situation. Rather, they presumed a specific cultural context for his “[extreme] provocation,” one in which his wife was predisposed to adultery and he was predisposed to violence. An understanding of Indians as irrational or excessive subjects was thereby embedded in the exculpatory discourse of provocation.

People among the governing elites in British Guiana feared the ubiquity and popular potency of the language of “provocation.” In the wake of Moonosammy’s 1868 trial, excerpts from an 1863 correspondence between the chief justice and the governor’s office of British Guiana were published in a local newspaper.\(^4\) In his letter to the governor, the Chief Justice Joseph Beaumont complained that

> There seems to be a notion afoot among the criminal and lower classes, and even amongst the more intelligent classes from who the juries are drawn, that provocation in some large and loose sense unknown to the law, will either excuse, or at least palliate any crime. The English law has (mercifully) been very jealous and guarded in admitting provocation to extenuate crimes, and I think it is a great misfortune that any more loose notion should have become so extensively adopted as seems to me the case here. I very decidedly set my face against it and I trust that my colleagues and myself will gradually be able to move the injurious mistake from the minds of most of the population.

The chief justice feared that the concept of provocation had become too embedded in the popular imagination even though it had no legal basis. He therefore urged his

\(^4\)C.O. 111/369, Chief Justice to Governor Francis Hincks, 2 December 1863 (quoted in a clipping from an unknown newspaper).

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colleagues against recognizing provocation as an extenuating circumstance for violent crime. He nevertheless believed that Indians were unaware of the consequences of violent crimes such as wife murder and urged the governor’s office to issue a proclamation that would alert immigrants to the fact that “provocation” was not a legitimate legal defense. Chief Justice Beaumont further suggested that “a remission of the sentence of death” might be “appropriate and even consistent” until immigrants could be made aware of the consequences of their crime. Government Secretary Walker, “an officer of great colonial experience,” who was charged with responding to the chief justice’s letter, was less than sympathetic to the idea of a proclamation. He opposed the idea of a proclamation on the grounds that Indian immigrants in the colony would have been aware that the punishment for violent crimes in India would have been the same as in British Guiana.

Even though the government secretary disagreed with the chief justice, the governor’s office nonetheless erred on the side of caution. It issued a proclamation urging the population against committing violent acts and “specially cautioned them not to imagine that ‘any provocation’ could justify such acts.” As is evidenced by the chief justice’s 1863 letter, the notion that Indians were morally defective subjects who required exceptional treatment was deeply entrenched in the mindset of the governing elites in British Guiana.
The Chief Justice’s fear regarding all East Indians in 1863 was soon realized when Moonosammy’s defenders argued that he was incapable of understanding the nature and consequences of his actions. In his letter to the colonial secretary, Governor Hincks noted that jurors and petitioners who argued on Moonosammy’s behalf cited his incapacity to understand the consequences of his crime as one reason for their inclination to find him guilty of manslaughter (a non-capital offense) instead of murder (a capital offense) even though there was no legal basis for a manslaughter verdict. This justification for commuting Moonosammy’s sentence was consistent with the M’Naghten rules which determined whether someone accused of a crime was insane in Britain. Although the rhetoric of incompetence lent itself to an insanity defense, the jurors in Moonosammy’s trial stopped short of accepting that Moonosammy was insane or of unsound mind, in spite of the fact that the insanity defense was well ingrained in British jurisprudence by 1868. Moonosammy was never examined by a doctor to determine whether or not he knew the consequences of his actions. Further, at the height of the fervor about Moonosammy’s sentence, no member of the public or the government suggested that it might have been appropriate to medically diagnose Moonosammy as a person incapable of understanding the consequences of his own actions.

There are two reasons for this oversight. First, if Moonosammy was found to be insane, he could not be executed for capital murder and would have been acquitted and
institutionalized in an asylum. Unlike an acquittal or an execution, a verdict of manslaughter allowed jurors to punish Moonosammy for his crime, while simultaneously allowing them to position themselves as civil and humane subjects who refused to execute an incompetent defendant. In their report to the judge, jurors framed their deliberations as a contest between the law and their own humanitarian impulses. The juror who swore under oath that he would have found Moonosammy guilty of manslaughter if given the opportunity stated that he only voted to find Moonosammy guilty of murder because he believed that the judge and governor would have accepted the jury’s recommendation to show mercy to Moonosammy. The fact that the law won out in the end highlighted the jurors’ position as suitable subjects who upheld the law at all costs. Further, by citing their adherence to the law, jurors did not have to deal with the consequences of their humanitarian impulse. They therefore freed themselves of culpability when it came to failing to provide for subjects with exceptional needs.

Here, we see how colonial juries provided what Richard Vogler, in his discussion of jury development around the globe, has described as a “double benefit for the European [minority]” in British Guiana. According to Vogler, colonial juries allowed European elites to exercise exclusive control of local criminal justice and to assert their

authority over both native peoples and other European settlers. The twelve jurors who delivered the verdict in Moonosammy’s trial were European males who met stringent property requirements. The jurors’ preference for a manslaughter sentence over a murder sentence in a wife murder trial pointed to what jurors believed was an inadequacy of the law. In this process, we see the means by which colonial juries could attempt to shape legal outcomes that at times contradicted metropolitan legislative agendas. At the same time, the jury’s failure to introduce the language of insanity, which would have allowed for Moonosammy’s acquittal, demonstrates that jurors could uphold a racist logic that allowed them to maintain European authority over non-white colonial subjects.

Finally, and perhaps most importantly, Moonosammy did not need to be diagnosed as insane. By 1868 there was perhaps a link between Indianness and defective subjectivity in the colonial imaginary which owed its roots to psychiatric practice and institutions in British India. In the colonies of British Guiana and Trinidad, the widely circulated tales of East Indian wife murder had served to cement notions that East Indians were morally defective and excessively violent subjects. An 1854 editorial in the

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46 Ibid.

British Guiana Colonist that warned against leniency for East Indians who committed wife murders contended that although wife murder was a custom of Indians, there should be no excuse “for the perpetration of barbarities from which the mind instantly recoils.” The author of the editorial perceived a profound difference in the mental capacity between British colonists and East Indians.

In Britain, a formal diagnosis of mental illness was necessary because insanity was thought to be the exception and not the rule for white metropolitan British subjects. Thus, a formal scientific process was needed to reveal the presence of defective subjects in the body politic. Around 1868 the convergence of the already racialized discourse of psychiatry with the science of race naturalized links between non-white subjects and mental defects. In the British Atlantic the tropes of the murderous husband and his adulterous wife attested to a specific link between Indianness and mental defectiveness.

The final and most convincing reason that Moonosammy’s advocates gave for protesting his scheduled execution, the fact that the plantation failed in its duty to prevent Moonosammy from killing his wife, reveals how the racialization of East Indian subjects as inherently defective was necessary for the construction and legitimation of indentureship as a novel form of labor in the late nineteenth-century Atlantic. Further, the fact that Governor Hincks cited this as the primary reason for commuting Moonosammy’s sentence demonstrates how the state used wife murder to subordinate the authority of the planter hierarchy. For Governor Hincks, the most compelling
extenuating circumstance was that plantation authorities neglected to intervene in Moonosammy’s relationship and thereby failed to prevent the murder. That the plantation’s failure to monitor conjugal relationships among East Indian was considered an extenuating circumstance for Moonosammy’s defense highlights the extent to which colonial officials operated on the premise that Indian indentured laborers were unfit subjects, incapable of governing themselves.

East Indian marriages were governed by laws known as Heathen Marriage Ordinances throughout the indenture period in the British Atlantic. British Guiana’s Heathen Marriage Ordinance of 1860 marked one of the most significant legislative attempts to intervene into the intimate lives of East Indian subjects in the British Atlantic. It had two related goals. The first goal was to regulate marriage and divorce among non-Christian indentured laborers; the second was to prevent “offenses against marriage” or wife murder and other forms of spousal violence. In this chapter, I am interested in the ordinance’s latter goal. By the 1860s British officials perceived wife murder to be a significant social problem among the East Indian population, and they believed that they were responsible for protecting Indian women from murder at the

48 Mohapatra, “‘Restoring the Family,’” 251. The ordinance was later amended in 1887 and incorporated into the Immigration Labor Ordinance of 1891.

49 Ibid.
hands of their husbands. Bureaucrats who worked for the Secretary of State for the Colonies believed that the law should be used to send a message that wife murder would not be tolerated in Atlantic plantation societies. The Secretary of State for the Colonies thought that frequently commuting the capital sentences legally “groundless” reasons could result in more women being murdered. Capital punishment for wife murder was the last resort in preventing the crime. Officials hoped that legislation such as the Heathen Marriage Ordinance played an essential role in preventing cases of wife murder. The most significant aspect of the ordinance that sought to preempt “offenses against marriage” was known as the “transfer clause” which required magistrates and plantation officials to separate Indian husbands and wives if they suspected that the wives were vulnerable to violence from their husbands. Ideally, a wife would report feeling threatened by her husband to plantation authorities, and a stipendiary magistrate would permit plantation authorities to move the wife or husband to another plantation. In practice, overseers and managers received circulars from the colonial government that instructed them to monitor Indian relationships for warning signs of

50 CO111/369. Minute Papers, Secretary of State for the Colonies (B. Guiana 1.3681), 19 December 1868.

51 Ibid.

Around the time the 1860 ordinance was passed, the colonial government considered imposing a $100 fine on any manager or overseer who failed to separate a jealous husband from his vulnerable wife. Between 1862 and 1870, plantation authorities separated one hundred and thirty husbands from their wives.54

The transfer clause of the Heathen Marriage Ordinance provided a legal justification for plantation authorities to monitor and intervene in the intimate lives of indentured Indian subjects in a manner that was reminiscent of slavery. The clause was premised on assumptions about the inherent defectiveness of Indian subjects that gained currency through popular discussions of wife murder. Legislation such as the Heathen Marriage Ordinance served to reiterate depictions of East Indians as excessively promiscuous and violent subjects who were in need of constant surveillance in order to protect Indian subjects from their own unchecked impulses. The government’s decision to accept the failure of surveillance as grounds for commuting Moonosammy’s sentence demonstrates how the state held the plantation accountable for the protection of East Indains, thereby subordinating the authority of the planter elite. The transfer clause relied on and also reinforced a racialized perception of indentured Indians as a class of people who were unfit for the requirements of liberal subjectivity.

53 C.O 111/369, Circular, British Guiana Governor’s Secretariat Office, 19 November 1868. 54 Mohapatra, “‘Restoring the Family,’” 251.
East Indian Excess and Colonial Literary Imagination

Ideas about the defective nature of East Indian subjects were not limited to legal debates. In her 2005 monograph, *Bleak Houses: Marital Violence in Victorian Fiction*, literary scholar Lisa Surridge explores Victorian writers’ ambivalence about government involvement into the private sphere when there were incidents of domestic violence. Surridge finds that overwhelmingly, middle class authors were more comfortable with state intervention into working class homes because of widely held conceptions of working-class men as brutish and naturally prone to violence and working-class women as combative and provocative.55 Further, she finds that middle class authors, most famously, Charles Dickens, frequently projected their ideas about ideal gender roles on the working class characters in their fiction. Surridge argues that the novel simultaneously reflected and affected middle class values. While novelists of the nineteenth century were less prolific on the issue of domestic violence in Britain’s Atlantic colonies, a few authors who came into contact with East Indians in Britain’s Atlantic colonies did attempt fictionalized portrayals of East Indians. Here, I explore these fictional portrayals and find like Surridge that white middle-class gender ideals more often than not influenced portrayals of East Indian men and women. Nonetheless, colonial ideas about the problematic gender roles of East Indian men and women

emerged to reinforce the idea that indentured East Indians were unfit for the requirements of liberal subjectivity.

In 1870, the Aborigines Protection Society and the Anti-Slavery Society retained English barrister Edward Jenkins to serve as their representative on the 1870 Commission of Inquiry into the Treatment of Immigrants in British Guiana. 56 Jenkins was by no means arbitrarily selected to accompany the commission. In addition to being a barrister; he was a best-selling novelist, with a record of social activism. His first novel, Ginx's Baby, was published earlier in 1870 to wide acclaim. The novel, “a pathetic satire on the struggle of rival sectarian groups for the religious education of a derelict child,” contributed to the passing of the 1870 Education Act in England which was considered to be the most “important piece of social legislation in Victorian Britain.”57

Although reluctant to leave his wife and two young children behind, Jenkins boarded a ship in Southampton, England for Georgetown, British Guiana to lend his humanitarian expertise to the investigation into the conditions of Indian and Chinese indentured immigrants in Britain’s South American colony. After several months of collecting testimony from indentured laborers and observing firsthand Indian laboring

56 Edward Jenkins, The Coolie: His Rights and Wrongs (New York: George Routledge and Sons, 1871), 5. Jenkins joined the commission after the investigation in the colony was already underway.

and living conditions on sugar plantations, Jenkins returned to England where in addition to contributing to official Blue Book reports, he published a tract of four-hundred and forty-six pages entitled *The Coolie: His Right, His Wrongs* that further detailed the commission’s findings. Jenkins hoped that his comprehensive narrative approach to *The Coolie* would make it accessible to England’s reading public.

Unfortunately, while many specialists found Jenkins’s work “substantial material for consideration,” the English reading public remained unmoved by the horrendous conditions of the system of overseas indentured labor that he painstakingly described in his tract. Determined to move the English public to sentiment and action, Jenkins returned to the medium of fiction in writing *Lutchmee and Dilloo*, a “Victorian Romance” that chronicled the trials of a young Indian couple, Lutchmee and Dilloo, as they enter into indentureship in India and end up on the fictional Belle Suzanne sugar plantation in British Guiana.

*Lutchmee and Dilloo* contains many of the tropes of a Victorian romance. Lutchmee and Dilloo, exceptional in their “exotic” beauty, share an idealized love that grew out of their “child marriage.” Dilloo, wishing to protect his wife but also to better his position in life, travels to British Guiana under a five year indenture contract. After several years of not hearing from Dilloo and narrowly escaping being raped by Dilloo’s dastardly rival Hunooman, Lutchmee follows Dilloo to British Guiana as a bound

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58 Ibid.
laborer. When Lutchmee and her husband are serendipitously reunited, Lutchmee finds that life on the plantation has changed Dilloo in a way that frightens her. Although Dilloo is honest and a hard-worker, the injustice of the plantation system has led to his decline and it is only a matter of time before his relationship with his wife also begins to unravel. Literary scholar David Dabydeen maintains that it is the plantation and the system of indentureship that are key to Lutchmee and Dilloo’s undoing in Jenkins’s work, but I seek to offer a more nuanced alternative reading of the novel. If one looks closely at the relationship among the European, Indian, and African women and men in the novel, an allegory emerge about the promise of indentureship in particular and colonization in general, more so than a tale about the plantation being inherently harmful to colonized subjects.

Between September and November of 1904, a serialized story about East Indian indentured laborers appeared in the Canadian weekly ecumenical newspaper, The Presbyterian Witness. 59 The story was written by J.D. McKay, a Canadian missionary to Essequibo, British Guiana. Ten years later, McKay’s story was published as a novella by a small press under the title Under the Southern Cross: A Tale of Love and Mission. McKay’s attempt at Victorian romance echoes many of the themes of Lutchmee and Dilloo. Much like Dilloo, Jugmohun, a young Brahmin, leaves his “child-bride” Daulat behind, and

agrees to a contract of indenture which leads him to the plantations of British Guiana. Years later, and towards the end of the novella, Jugmohun finds that Daulat, much like Lutchmee, has followed him to the colony.

Commenting on Under the Southern Cross, Geoffrey Johnston and C.A. Dunn have argued that the male protagonist, Jugmohun “tells us more about [the story’s author] McKay, than about the hero.” 60 While Johnston and Dunn see the story as more valuable for this reason, I offer a different interpretation. Although Jugmohun reflects McKay’s ideals about middle class Evangelical masculinity, he is by no means simply a reflection of McKay. Instead, Jugmohun has the potential to embody the appropriate tenets of Evangelical masculinity that McKay represents. The key to becoming appropriately masculine in the novella lies in the regimented labor required by an indenture contract. I argue that the novella is more about the promise of civilization, and as Juliet MacCannell Flowers’ work suggests, the promise of whiteness as part of a colonizing project, than it is about McKay. In what follows, I will read Lutchmee and Dilloo and Under the Southern Cross simultaneously if not trans-textually as allegories of larger British schemes of indentureship and colonization. I will pay particular attention to gendered and raced characterizations and relationships of the women and men in the novels and will further contextualize these characterizations and interactions within the larger cultural discourses of the late nineteenth-century British Empire.

60 Ibid., 2.
Before they arrived in the New World, Indians were perceived as favorable alternatives to the former African slaves. There are two reasons for this. First, India was a part of the British Empire, and second, Indians, even though they were manual laborers, did not carry the stigma of slavery with them to the Atlantic. The British certainly did not see Indians as their equal. Rather, they saw India and Indians through an “orientalist” schema of appreciation for India’s past accomplishments, and they thought that Indians had the potential to be a “civilized” people. Jenkins and McKay write about Indian men and women in a highly eroticized and gendered prose that reflects this orientalist schema.  


62 McKay, Under the Southern Cross,13.

63 Jenkins, Lutchmee and Dilloo, 34-35.
darkness of skin, with a shaggy head of hair and a moustache and beard that added their bristly terrors to a face naturally ugly and deeply pitted with small pox” is far removed from Dilloo’s middling but “refined” appearance. 64 Jenkins’s description of Hunooman is similar to his description of British Guiana’s Afro-descended Creole population. David Dabydeen argues that Jenkins’s uncharitable description of the novel’s antagonists is evidence that Jenkins subscribed to the nineteenth-century pseudoscience of phrenology or the idea that one’s physical appearance, especially bone structure and facial features, reflected one’s character.65 The fact remains, however, that “good” Indians in both McKay’s and Jenkins’s works are almost European in their appearance, while descriptions of the primary antagonists in Jenkins’s story remain remarkably similar to contemporary descriptions of the Afro-descended men and women who are generally depicted in grossly stereotypical terms with “thick lips, flat noses, and curly hair.”66 The emphasis on the physical characteristics of Indians demonstrated how East Indian identity was constructed not only within an orientalist framework, but also in opposition to black identity.67

64 Ibid, 32.

65 Ibid, 16-19.

66 Mckay, Under the Southern Cross, 23.

According to John Tosh, working class masculinity in nineteenth century Britain had long celebrated “aggressive […] physical strength” as the preeminent badge of manliness,\(^{68}\) while aristocratic masculinity was hinged on “sport and codes of honor derived from military prowess, finding expression in hunting, riding, drinking and ‘wenching.’”\(^{69}\) The middle class would eventually resort to asserting their own masculinity through a strong identification with morality and Evangelical religion, which resulted in a third category of masculine identity.\(^{70}\) While British masculinity varied by class, all of these forms of manliness had one thing in common: they were all tied in some way to work.\(^{71}\) The working class embraced work, the middle class could work as long as their work “was absolutely free from any suggestion of servility or dependence on patronage,” and the gentry were forbidden from performing manual


\(^{70}\) Tosh, *Manliness and Masculinities*, 37.

\(^{71}\) Davidoff and Hall, *Family Fortunes*, 92.
labor.\textsuperscript{72} The British constructed social distance on the premise of class and distance from work.

Jenkins’s and McKay’s imagery with regards to Indian masculinity is reminiscent of nineteenth-century images of classed-based masculine identities. Blacks, due to their “marvelous endurance,” and “natural muscular strength,” were analogous to the English working class, while Indians, with refined features “and evidently inferior muscular strength” were more analogous to the English middle class.\textsuperscript{73} This analogy explains why even though the British readily praised East Indians for having refined features, they seemed unconcerned that the perceived feebleness of the Indian might make him a less than adequate worker. The Indian’s refined physicality made him a more suitable subject for civilization that the Afro-descended people already present in the British Caribbean. In the British imagination, the Indian subject’s lack of suitability for physical labor was thereby perceived as a positive attribute that helped to elevate East Indians above blacks in the racial hierarchy of the British West Indies.

While Jenkins’s description of Dilloo is spare at best, he almost fixates on his physical characterization of Lutchmee. He opens the novel with a highly erotic description of Lutchmee,

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\textsuperscript{72} Tosh, \textit{Manliness and Masculinities}, 37.
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\textsuperscript{73} Khan, \textit{Callaloo Nation}, 30.
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A young Indian girl, whose loose white robe and jacket of colored cotton scarcely hid one line of the delicate mould of her form, displayed, as it was, by the abandon of her posture, in all its grace, litheness and perfection...Leaving her light-brown oval face, with its regular eyes, arched eyebrows, delicately-chiseled nostrils and well-turned mouth and chin, in fine relief as they were irradiated by the parting glow of the sun.  

Daulat, the female protagonist of Under the Southern Cross is much like Lutchmee in her child-like beauty and “refined” disposition. Jugmohun is proud of his wife’s “maturity, grace and sobriety” and laments that in spite of her adolescence, “surely, she had never been young.” Lutchmee and Daulat, reflect the authors’ notions of idealized womanhood. Although they are “exotic” with “child-like” beauty, they are also exceptional in their sexual propriety. Not all Indian women are as beautiful or as honorable as Lutchmee and Daulat. The other female Indian characters in both stories are of a questionable background and display the most promiscuous behaviors once on the plantations of the Atlantic. It does not take Jugmohun long to figure out that “marriage ties for the most part [are] lightly held” in British Guiana. Men did not “scruple” to take up formerly abandoned widows as their new wives once they were on

74 Jenkins, Lutchmee and Diloo, 31.

75 McKay, Under the Southern Cross, 8.

76 Ibid., 43.
the sugar estates, and because marriages were legally “impossible,” many of these Indian couples simply lived together in “coolie wed-lock.”

The case is much the same on Belle Suzanne. Mr. Drummond, the plantation manager, and his overseers are quick to point out that Indian marriages “mean nothing” in the colony. The female antagonist in *Lutchmee and Dilloo*, Ramdoolah, with her “displeasing face” and bejeweled body is one such disreputable woman who has “exceeded the woman of Samria in the number of husbands” she has had. In her first meeting with Lutchmee, Ramdoolah, a former “dancing girl,” gloats that “there is not one woman on the estate who came of a respectable stock.” Although, she like many women on the plantation has been married “many times over,” Ramdoolah cautions Lutchmee that Indian men are known to “[murder] women who [are] not faithful to them.” Here, Jenkins lends further credence to the archetype of the murderous husband by demonstrating that even adulterous wives knew the dangers of murderous husbands.

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77 Ibid.
78 Jenkins, *Lutchmee and Dilloo*, 86.
79 Ibid., 92.
80 Ibid., 94.
81 Ibid.
Lutchmee and Daulat, although they enter into contracts of indenture, prove largely unsuitable for manual labor when they arrive in the colony. Fortunately for Lutchmee, the plantation manager, Mr. Drummond, takes an immediate liking to her “delicate, child-like” disposition, and does his best to keep her from a life of hard labor. Although Drummond initially keeps Lutchmee from manual labor in his attempt to seduce her, he is impressed by her “determination to be true to her husband” and abandons all attempts to win her over. Later in the novel, Drummond employs Lutchmee in the capacity as a nurse when one of the overseers is injured in a disturbance on the plantation, and thus she is protected from the harsh realities of field labor for most of the novel.

Unfortunately for Daulat, she is not immediately spared from field labor by the questionable intentions of a plantation manager. Unlike Lutchmee, she does not end up indentured on the same plantation as her husband, Jugmohun. Rather, he travels to find her “tired” and unhappy, though still “unusually graceful [in] bearing” after a few days of work on the Marcidus plantation. After seeing his wife in this laboring state, Jugmohun immediately decides to spend all the money he has saved during five years

82 Ibid., 75.

83 Ibid., 76.

84 McKay, Under the Southern Cross, 46.
of indenture to buy Daulat out of her indenture contract. Jugmohun is well aware that this decision means that he will have to enter into another five year indenture contract to recoup his lost wages. Daulat is unsuitable for field labor, but household labor proves no problem for her. Upon her return to the plantation where Jugmohun is indentured, “her skillful finger soon made the place a model of neatness and cleanliness.”85 Like Daulat, Lutchmee “energetically” takes on the tasks of housekeeping.86 By failing at the tasks of plantation labor and excelling at domestic labor, Daulat and Lutchmee exemplify Victorian ideals of female domesticity. Even when Lutchmee is forced to work outside of the home, the work she does best, nursing the overseer Craig, is an appropriate form of female labo, nursing being a profession associated with “social housekeeping.”

Although Lutchmee is an amalgamation of white middle-class and Orientalist womanhood, she, like other women of color on the Belle Suzanne plantation, is still susceptible to the “god-like” charm of white men.87 For Jenkins, Indian women, like the black women that came before them, cannot help but be enthralled by the “glorious being,” “manliness,” and “spirit” of the plantation’s white occupants.88 Even though

85 Ibid., 48.
86 Jenkins, Lutchmee and Dilloo, 92.
87 Ibid., 73.
88 Ibid.
Lutchmee “idolized her strong, active husband,” she is “fascinated” by Craig, the injured Scottish overseer placed in her care. Lutchmee experiences an “exquisite delight in every act she [can] perform for” Craig, and while caring for him, for the first time, Lutchmee experiences “a shadow of resistance towards the supremacy of [Dilfoo] in her heart.”

Lutchmee is too “natural” to explore her true feelings for Craig, and initially, “the repugnance of race” keeps Craig from reciprocating even platonic or grateful feelings towards Lutchmee. Nevertheless, eventually, “the antipathy of race finally [dies]” within Craig and he comes to appreciate the “artless and pretty ways” of Lutchmee. Lutchmee’s and Craig’s relationship never escalates to the level of romance, but Craig brought “into [Lutchmee’s] life fresh human elements, feelings she never experienced before: ideas – novel, sweet, piquant.” For Jenkins, although Indian men and women might have companionate relationships, their relationships will never transcend the mundane. Eventually, Lutchmee’s feelings for Craig grow into a “pure and delicate esteem,” even as her husband becomes increasingly jealous of her association with the young overseer. Craig, like Mr. Drummond, although “fond” of

89 Ibid., 128.
90 Ibid., 156.
91 Ibid., 130,154.
92 Ibid., 155.
Lutchmee, is generally indifferent to the brown women around him. Nevertheless, Lutchmee remains quietly devoted to Craig.

Lutchmee’s fascination with Craig can almost be read as a fascination with and a desire for whiteness, and by extension, a desire for a more civilized subjectivity. In her discussion of race and colonialism, Lacanian theorist Juliet Flower MacCannell argues that “high civilization from the eighteenth to the twentieth century in the West [disavowed] its link to jouissance,” thus the greater your degree of civilization, the greater your distance from...jouissance.”93 MacCannell further complicates her argument about civilization being defined as distance from jouissance by factoring in her conceptualization of whiteness, “whiteness, to our most intimate self-regard, certifies an absence of stain; it is a negative emblem that silently proclaims that we, at least, are not tinted or tainted by jouissance, by the Thing. The white skin encasing us is a sign that there is nothing alien or dark within us.94 Lutchmee’s fascination with Craig has little to do with the overseer as a person. Rather, Lutchmee is enthralled by Craig’s physical appearance, “his English face...with ruffled auburn locks and pallid features [etc.],” features coded by the signifiers of whiteness. The fact that Lutchmee experiences these “fresh human elements” in her platonic relationship with Craig, and not with her


94 Ibid., 93-94.
husband for whom she maintains a “strong, deep love,” reiterates Lutchmee’s and Dilloo’s lack of racial progress when compared to whites on the plantation. Lutchmee’s and Dilloo’s love may be strong, but it certainly is primitive. Even though Lutchmee desires Craig, for her to act on her desire she would no longer be a model female Indian subject – a morally pure proto-Victorian woman. The impossibility of Lutchmee and Craig having a romantic relationship reiterates Lutchmee’s place as a yet-to-be civilized subject who nonetheless ardently desires whiteness/civilization.

Lutchmee’s position as a yet-to-be civilized subject is further evident in her relationship with Ms. Marston, a local magistrate’s daughter who is the only woman in the novel to surpass Lutchmee’s beauty. “Fair, well-bred, and elegant,” Isabel Marston, or Bella as she is familiarly known, is also “[consumed] with passion for the cold, unsophisticated, matter-of-fact” overseer Craig. Initially, Isabel is jealous of Craig’s growing attachment to Lutchmee, but she is eventually won over by Lutchmee’s “native

95 Ibid., 128.

96 Ann Laura Stoler, *Carnal knowledge and imperial power: race and the intimate in colonial rule* (Berkeley: University of California Press 2002), 54. “No description of European colonial communities fails to note the obsession with white prestige as a basic feature of colonial thinking.”

97 Jenkins, *Lutchmee and Dilloo*, 133.
nobleness,” and eventually befriends the Indian girl. Isabel is the object of desire for many of the brown men on the plantation. When she visits Belle Suzanne in hopes of running into Craig, the Indian men on the plantation “[gaze] somewhat rudely at the graceful figure and proud bearing of the English girl, [and have] such wild wishes as come out of the bottomless depth of evil in uncultured natures.” Perhaps because he is beneath her social station, Isabel and Craig do not definitively end up together. When Craig finds that she cares for him, he becomes devoted to Isabel in a way that trumps his warm, platonic feelings for Lutchmee. Craig’s and Isabel’s mutual devotion to and desire for each other thereby preserves the contours of white colonial subjectivity.

While Lutchmee’s and Craig’s relationship never escalates to a romance, Dilloo’s jealousy quietly seethes and he rapidly begins to spiral out of control. Isabel, “troubled” by Dilloo’s “strange [new] manner,” in a moment of ominous foresight, tells Lutchmee to “come to the magistrate’s house and ask for [her]” should she ever be in trouble. Even Dilloo’s friends tell him that he has become “too hot and jealous.” In the sense of

98 Stoler, _Carnal Knowledge_, 56. Stoler notes that white women were “insecure and jealous of the sexual liaisons of European men and native women.”

99 Ibid., 58. While “these very [white] men [imagined] their women to be desired and seductive to others.”

100 Jenkins, _Lutchmee and Dilloo_, 270.

101 Ibid, 282.
foreboding that Lutchmee’s friends and acquaintances feel, we see how ingrained the narrative of the adulterous wife and the murderous husband is on the plantation and in Jenkins’ imagination. After seeing his wife rush to greet Craig with girlish delight, Dilloo reaches a breaking point. For the first time in his life, he, “in a great rage at his wife’s softness, took a thin cane... and beat her.” 102 On the night of the Tajda or Muharrum celebration, Lutchmee finally reaches the point of no return in her relationship with Dilloo. 103 Lutchmee informs Craig that Dilloo and another indentured servant have been plotting to assassinate Mr. Marston, Isabel’s father and the well-meaning magistrate who has unjustly ordered Dilloo to be incarcerated on more than one occasion. Fearing that Lutchmee is no longer safe with her husband, Isabel orders Lutchmee to stay away from her home after the attempted assassination plot fails. In betraying her husband’s involvement in a plot against British Guiana’s white establishment, Lutchmee chooses the trappings of white civilization over the passionate but primitive love that once existed between her and her husband. Although the decision to expose the murder plot renders Lutchmee more sympathetic to the white planter and colonial establishment, and thus paints her in a favorable and moral light, Lutchmee’s decision also marks her as disloyal – not only do her careless actions lead to her husband’s decline, she is the one

102 Ibid, 304.

103 Usually spelt Tajdah. A Shi’ite Muslim celebration that all Indians were allowed to celebrate in British Guiana.
who definitively betrays him. Undeniably, Lutchmee is placed in a difficult situation – she must choose between loyalty to her husband and her “culture” and doing the “right” thing. In doing the right thing, however, Lutchmee reveals certain tensions apparent in British portrayals of Indian womanhood in the Caribbean – Indian women more so than Indian men can lead Indians to the path of civilization,\textsuperscript{104} Indian women are, however, mercurial, easily led astray, and ultimately, treacherous.

Lutchmee’s decision to betray Dilloo marks other important shifts in the novel. Earlier in the novel, it is Dilloo who protects Lutchmee from the dangers of the world. As he comes into contact with white “civilization,” Dillo’s role as protector is increasingly undermined, and as a vulnerable Indian woman, Lutchmee must increasingly rely on the kindness of white Europeans to maintain her sexual propriety. When Dilloo leaves for India, a white magistrate and his wife take up this duty to protect Lutchmee. Most notably, they save her from nearly being raped by Hunooman.\textsuperscript{105} As Dilloo becomes increasingly unhinged in the novel, white men and women must take up the mantle to protect Lutchmee from other brown men, most

\textsuperscript{104} This notion of redemptive femininity was key to middle-class manliness in Victorian England. Men were thought to natural have sexual and violent urges that could only be kept in check if they maintained appropriate ties to the domestic sphere.

\textsuperscript{105} Jenkins, \textit{Lutchmee and Dilloo}, 50.
notably Hunooman. 106 After Lutchmee makes the decision to betray her husband’s involvement in a murderous plot, it is only white characters who can protect Lutchmee from Dilloo. Dilloo’s short temper and escalating violence renders him impotent as a patriarch and protector. This shift in the need for white protection emphasizes Indian women’s treachery (leading to their need for protection) and Indian men’s violence. Ironically however, it is white characters that cause Lutchmee to need protection from her husband in the first place and thereby set this dynamic of treachery and violence into motion in the first place.

Ultimately, it is Dilloo’s resistance to English hierarchies and his insistence on vengeance that leads to his decline and death in Jenkins’s novel. Jugmohun does not share Dilloo’s desire to resist colonial institutions and fares much better than Dilloo in the scheme of indentureship. Upon his arrival on the plantation _Lucri Causa_, Jugmohun immediately takes “kindly” to the “hard work and small wages” of plantation life, unlike the vast majority of his countrymen.107 Jugmohun readily overcomes his caste prejudices to respect a low caste “sahib log” because the man, in spite of his low birth, being “masterful and intelligent,” was able to make money in the “busy marts of


107 McKay, _Under the Southern Cross_, 34.
commerce.” Working and thereby “breaking caste” is perhaps the first step that Jugmohun takes towards becoming “civilized.” By working in spite of the Brahmin’s religious prohibition on manual labor, Jugmohun overcomes a significantly “disability” in his life. Jugmohun’s conversion to Christianity represents a second more explicit step towards a more civilized masculinity. Upon falling ill, Jugmohun is sent to the plantation hospital where he meets an Indian man from Trinidad who educates him about Protestant Christianity. After leaving the hospital and learning more about Christianity, Jugmohun decides to become a missionary of sorts, and attempts to spread the word of Jesus to his “bitter and stubborn” countrymen. When Daulat and Jugmohun are reunited towards the end of the novella, he carries her to observe a Christian service, and although she does not understand what is taking place, “the service made a deep impression upon her mind.” The story ends before Daulat can convert, but she and Jugmohun meet a happy end nonetheless. Daulat, hopelessly unsuited to field labor nevertheless “wrought by her husband’s side in the rice fields

108 Ibid., 30.

109 Ibid., 8.

110 Ibid., 37.

111 Ibid., 48.
and elsewhere [until the] children came, and her hands were tied by household
duties.”

Much like Jugmohun, Dilloo is well suited to work and gains a reputation for being the hardest worker on the Belle Suzanne plantation. Nevertheless, he insists on questioning the plantation’s hierarchies, even when Mr. Drummond attempts to reward him for his hard work. Thus it is not Dilloo’s failure to work but his obsession with vengeance that leads to his ultimate undoing. His obsession with vengeance also marks him as un-Christian, much in contrast to Jugmohun. Along with other “agitators,” he plots a plantation uprising to coincide with the Tajda celebration. Although there is general dissatisfaction with plantation conditions among the Indians, Dilloo is more concerned with evening personal scores. He hopes that the uprising will give him an opportunity to finally kill Hunooman and Mr. Marston who are both further up in the plantation social hierarchy than he is.

The Tajda plot fail and Dilloo is gravely wounded in the process. He and a co-conspirator, a former Sepoy, escape into the forest to seek the help of an “obe” or obeah man, a Afro-Creole shaman who they believe can restore Dilloo’s health and protect him from the consequences of his actions. Dilloo and his companion find the “obe” man or

112 Ibid., 51.

113 Hunooman became a sirdar or the Indian in charge of other Indians’ labor soon after arriving in British Guiana.
witch doctor only to confirm what they suspected, that Dilloo’s wounds are fatal.

Dilloo’s dying wish is to see his wife. The “obe” man’s companion, a Creole woman, Ms. Dallas, is sent to summon Lutchmee. Lutchmee readily agrees to see her dying husband, and she, Ms. Dallas, Craig, and Mr. Telfer, a missionary, set out for the “obe” man’s dwelling. Upon their arrival, Lutchmee with “beating heart, drew near her husband…knelt beside him and wrung her arms.” 114 “Sorrow, compassion, [and] mutual forgiveness” pass between Lutchmee and Dilloo as they come to terms with the gravity of their situation. Interrupting the husband and wife, Mr. Telfer the missionary offers Dilloo the possibility of “a long life, an endless and possibly blest hereafter; of forgiveness of sin done here” in urging the “dying man” to convert to Christianity.

Summoning his last reserve of strength, Dilloo “half [raises] his body” and fiercely utters his last words: “No, No! Jesu Kriss Massa Drummond’s God – Massa Marston’s God – all Ingles God. No God for Coolie!” 115 Turning away from his wife and the men gathered around him, Dilloo “breathed out his soul into the bosom of the Unknown God.” 116 The novel ends with Dilloo on the verge of death resisting English institutions and hierarchies in the guise of religion.

114 Jenkins, Lutchmee and Dilloo, 358.

115 Ibid.

116 Ibid.
Standing in stark contrast to the vengeful Dilloo as he escapes the scene of Hunooman’s murder is Pety, a Creole man in the employ of Mr. Drummond who Dilloo has publically slighted on several occasions. Seeing Dilloo and his companion in need, Pety “drew out of his belt sundry pieces of silver, which he forced on the unwilling coolies.”\(^{117}\) In this act of kindness, Pety makes himself an accessory after the fact to Hunooman’s murder, but Pety is unperturbed by the potential consequences of his actions. He merely quotes scripture to the stunned Indians, and is satisfied that by “doing a good turn to an enemy,” he was following what “seemed to be in strict accord with scriptural injunction.”\(^{118}\)

As Dilloo and Pety cross paths, we get a better glimpse of the pro-colonial undercurrents of Jenkins’s work. As an Afro-descended Creole, Pety shares more cultural values in common with the British than he does with Indians like Dilloo.\(^{119}\) In this moment, Pety, a subject who is the product of centuries of slavery and colonization, is portrayed as slightly naïve, but entirely noble in contrast to the fleeing coolies. Dilloo’s

\(^{117}\) Ibid., 344.

\(^{118}\) Ibid.

\(^{119}\) In both McKay’s and Jenkins’s writing, people of African descent are often portrayed as the imperfectly colonized subject. In McKay’s work, Afro-descended people wear “ragged European clothes” symbolizing their status as culturally similar though still inferior to the British (23). In Jenkins’s work, Creoles often attempt lofty speeches in English or quote scripture inappropriately for what is intended to be a humorous effect.
obsession with vengeance seems impractical and altogether “uncivilized” when juxtaposed with the actions of this simple Creole man.

In the introduction to Lutchmee and Dilloo, commentator David Dabydeen laments that Jenkins “writes of and for [Indians and that they] remain indentured to his authorial voice” throughout the novel. The same can be said of McKay’s writing in Under the Southern Cross. Indian characters in both works are remarkably flat – they speak eloquently in their own languages and act when need be, yet they are incapable of truly complex emotions. Dilloo is only blinded by jealousy; Jugmohun is hardworking and noble, while Lutchmee and Daulat are beautiful, child-like, and devoted to the upright men around them. Lutchmee is altogether too “natural” to even define her own emotions. When one considers that as early as the eighteenth-century the novel had moved from being “an inevitable progression of fiction” or “describing merely impressions of external life...confusedly,” to integrating expression of “character” into the development of the plot, Jenkins’s and McKay’s work, admittedly subpar examples of Victorian fiction, become not only allegories for colonization, but also literary acts of colonization.

120 Jenkins, Lutchmee and Dilloo, 21.

**Conclusion**

By situating Moonosammy’s trial and the controversy surrounding it within the broader legal trends of the nineteenth century, along with the scientific advances that underpinned such trends, I have attempted to highlight the ways in which the legal discourse of wife murder provided officials with the tools to racialize East Indian subjects in ways that made them unfit to function in an Atlantic free labor economy. The discourse of wife murder allowed colonial officials to justify indentureship as a viable system of labor, in spite of its incongruence with late nineteenth-century British liberalism. To conclude, I will explore how Moonosammy’s trial allows us to see the ways in which the colonial state bolstered informal cultural knowledge about Indians with a new reliance on medical and scientific knowledge in its attempts to racialize East Indian subjects.

Even before indentureship was inaugurated as a system of labor in the British Atlantic, colonial officials spoke and wrote at length about the racial traits of East Indians. Atlantic officials claimed that their knowledge about Indians was premised almost entirely on India’s place in the British Empire, and seldom on any real interaction with Indians. Prior to their arrival in the British Atlantic, colonial officials saw East Indians, in the 1814 words of Trinidad Planter William Burnley, as a “new race of men, healthy and free, with habits and science ready formed, and sufficiently numerous to stand unsupported and distinct from [the] present [African] population on [their]
immediate arrival.”122 The planter elite optimistically assigned racial characteristics to East Indians in opposition to what they believed were the racial characteristics of enslaved Africans.

As Indians arrived in the Caribbean en masse, racial descriptions of East Indians shifted once again. In her journal of an 1858 indenture voyage on the Salsette, the wife of Captain Edolphus Swinton spoke at length about the “dirty habits of coolies” who “should not have the charge of their clothes... [as] indeed, some of them would have arrived in a state of nudity, had [she] not supplied them from [her] own wardrobe.”123 Captain Swinton and his wife worked to ensure the health and comfort of Indians on the ship because they believed that Indians were a race of people prone to “dirty habits,” and who, therefore, could not take care of themselves.

By the late nineteenth and early twentieth century, racial knowledge about Indians acquired specific ethnological connotations. Officials began citing British Indian cultural archetypes, such as the “child bride” and the Hindu widow, and cultural practices, such as arranged marriage, in their descriptions of social problems among indentured Indians in the British Atlantic. These cultural archetypes and practices were often the target of


123 Ron Ramdin ed., The Other Middle Passage: Journal of a Voyage from Calcutta to Trinidad, 1858 (Port of Spain: Hansib Publishing, 1994), 55.
British legislation in India. In his 1898 memoir, Demerara sheriff Henry Kirke recounted a gruesome tale of wife murder to illuminate the problems caused by the “scarcity” of Indian women in the colony. In his account, Kirke readily cited “primitive” cultural practices that echo the sentiments in works such as Lutchmee and Dilloo. He noted that “no love had preceded the [Indian] marriage ceremony; a young girl of ten or twelve years of age is sold to a man like sheep without asking her consent, so no affection from her spouse can prevent her from dishonouring him.” Kirke did not find it surprising “that loveless marriages often lead to adultery, and adultery often leads to murder.” At best, Indian marriages could be companionate and at worst, Indian women and men would respectively embrace their adulterous and murderous tendencies. In the 1904-1905 Annual Immigration Report for the Colony of British Guiana, the Protector of Immigrants, J.B. Cropper echoed Kirke’s assessment about the primitive cultural practices of East Indians. According to Cropper,

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124 Aravind Ganachari, “Infanticide in Colonial Western India: The Vijia Lakshmi Case,” Economic and Political Weekly 38 no. 9 (2003): 902. The British sought to eradicate child marriage with the Age of Consent Act of 1881. Hindu widows were prominently featured in the debate over sati or suttee. For an excellent account and analysis of this debate, see Lata Mani, Contentious Traditions: The Debate Over Sati in Colonial India (Berkeley: The University of California Press, 1998).


126 Ibid.
The withdrawal of even a single woman from Coolie dwellings to the Overseers’ lodge is regarded with jealous eyes by her fellow countrymen; and when it is remembered that any female above childhood is already the actual wife and partner of one of them, it is evident that no surer way could be found of sowing the seeds of discontent and riot.¹²⁷

As these examples illustrate, throughout the period of indentureship, colonial officials did not hesitate to make claims about the cultural practices and ethnic character of Indian subjects. More often than not, however, these claims were not based on any interaction with or scientific observation of Indians. I term this unsubstantiated knowledge about the racial characteristics of Indians “colloquial cultural knowledge.”

Informal cultural knowledge sustained attempts to racialize East Indian subjects throughout the early nineteenth century. The rise of eugenics and scientific racism in the latter half of the nineteenth century served to highlight the inadequacy of colloquial cultural knowledge as a racializing mechanism of that period in the British Atlantic.¹²⁸ In the examples of the evolution of racial discourse that I have cited, it is apparent that by the latter half of the nineteenth century, Indians were racialized primarily through the discourses of wife murder. Interpreted through the frame of advancements in racial science and psychiatry, the legal discourse of wife murder could be mobilized to

¹²⁷ Annual Reports of the Agent-General (Protector) of Immigrants (British Guiana), 1904-1905 (in the Colonial Office Documents, Public Records Office, CO 114 Series), 6-7.

characterize East Indians as subjects who were innately, if not biologically defective. Moonosammy’s trial and works such as *Lutchmee and Diloo* allow us to see the extent to which ideas about Indians as unfit and morally defective subjects were not only ingrained in the colonial imaginary and shaped colonial interpretation of metropolitan legislation, but could also be used to subvert liberal ideologies for material gain.
Chapter 4 - Mobilizing Labor: Indian Labor Uprisings and the Denouement of Indenture, 1869 – 1917

Introduction

On Monday, September 30, 1872, over two hundred East Indian laborers from the Devonshire Castle plantation in Essequibo, British Guiana rose up against the plantation’s management.¹ The laborers had been agitated for weeks, and as official measures to appease them proved increasingly unsuccessful, planters and colonial officials in Essequibo prepared for the worst. At 1 o’clock in the afternoon, twenty-four armed policemen, led by Frederick Griffin, the Acting Inspector-General of Police, confronted the Indians and ordered them to disperse. The local stipendiary magistrate, Henry Loughran, read the Riot Act² and translators were dispatched into the crowd to encourage the immigrants to disband. Realizing that the laborers were not going to

¹ Correspondence Respecting a Disturbance Among the Indian Immigrants Employed on the Devonshire Castle Estate (London: William Clowes & sons, 1873). There is no consensus on the exact number of Indians that rose up in the historical record or in indenture historiography. At the time of the incident, government officials believed that between 200 and 300 Indians rose up. Here, I use Governor John’s Scott estimate.

² Sir Thomas Crossley Rayner, The Laws of British Guiana: A New and Revised Edition, Volume 5 (London: Waterlow and Sons Limited, 1905), 31. According to the Ordinance Number 23 of 1846 entitled “An Ordinance to Introduce into the Colony of British Guiana the Laws of England with Respect to Riots and Routs and Unlawful and Tumultuous Assemblies,” reading the Riot Act allowed local authorities to declare gatherings of twelve or more individuals as unlawful. When read, it required that assembled individuals disperse or face legal consequences.
disperse, Inspector Griffin ordered the armed police to charge into the crowd. The immigrants, armed only with hackia sticks, responded with a charge of their own. In the midst of the clash, a single shot was fired. The armed policemen took the shot as signal to open fire on the assembled immigrants. By the end of the day, five laborers were dead, and nine were seriously wounded.

East Indian labor disturbances became common in the Caribbean beginning in the 1870s. The first major uprising occurred on the Leonora plantation in British Guiana 1869 and triggered one of the most significant Royal Commissions of Inquiry in Atlantic indenture’s history. Between 1869 and 1871, additional uprisings over poor labor conditions and low wages occurred on plantations Hague, Uitvlugt, Mon Repos, Non-Pareil, Zeelugt and Vergenoegen. The Devonshire Castle uprising was the first time that the colonial police fired on unarmed Indians resulting in a loss of life. The colonial police continued to use force in all of the major uprisings that followed Devonshire Castle. In 1913, violence reached an all-time high when the police opened fire on rioters at Rose Hall. Fifteen immigrants died as a result of gunshot wounds. Although this final chapter reflects on the implications of the major Indian uprisings that occurred between 1869 and 1913, the 1872 Devonshire Castle uprising serves as its primary case study.

\[3 \text{ These were sticks made from a very hard wood from a tree that is indigenous to British Guiana.}

\[4 \text{ A Report of the Proceedings and Evidence at the Inquest on the Bodies of Five Rioters, Killed by the Fire of the Police (Georgetown: The Colonist Office, 1872), iii.} \]
Scholars for the most part have used these uprisings to illustrate the horrors of the indenture system. Here, I do not contest this historiographical consensus. In addition to highlighting the horrors of indenture as an institution, I contend that these uprisings reflect the failure of a project that was key to maintaining the indenture system: the hegemonic control of indentured Indian laborers. In this final chapter, I argue that these uprisings showed that indenture had failed as a viable system of labor long before indenture’s official end in 1917, and that colonial officials were not prepared to deal with the implications of this failure. Increasingly stringent immigrant labor polices had created a large group of frustrated unindentured and indentured laborers who were no longer satisfied to exist at the fringes of the free labor market.

Historians of indenture have often been skeptical of the nature and effectiveness of Indian uprisings. In his authoritative account of Asian indenture around the globe, Hugh Tinker lamented that “although the history of Indian indenture is filled with incidents of protest leading to violence, the most significant feature of these incidents is their short-sightedness.”5 For Tinker, indentured labor uprisings paled in comparison to slave revolts. He believed that “Indians thought only in terms of immediate objectives; there was no planning, and absolutely no co-ordination between workers on different

estates.” ⁶ He was further critical of the fact that indentured laborers did not protest to improve their lot in life, but only acted when the rights and materials promised to them were threatened. For Tinker, this lack of concerted activity among Indians on different plantations was due to “the effectiveness of the isolation which the system enforced” on indentured Indians. ⁷ In spite of his disappointment in the nature and effectiveness of Indian uprisings, Tinker reluctantly conceded that “it can be argued that the rise of protest in the Caribbean was evidence that the Indians were acquiring at least the beginnings of consciousness of their own rights.” ⁸ This concession aside, Tinker saw Indian uprisings as testaments to the horrors of the indenture system with no real potential to dismantle the institution of indenture.

Indenture scholars writing after Tinker were perhaps more generous about the effectiveness of Indian uprisings. In his essay on the abolition of indenture, historian Brinsley Samaroo compared indenture uprisings more favorably to slave uprisings, noting that although Indian uprisings, like slave uprisings, were harshly suppressed, “resistance persisted, as Indians were becoming increasingly better organized, producing strong leadership as the immigrants grew more accustomed to the new

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⁶ Ibid.

⁷ Ibid.

⁸ Ibid., 230.
Samaroo was cognizant of the financial and human costs of putting down these uprisings, noting that they added to “the burden of maintaining an already costly system” and thereby “contributed to this later abolition movement.” Yet, for Samaroo, uprisings were only one of many factors that led to the abolition of indenture and were not the most important factor. He accorded more prominence to the increased cost of recruiting indentured laborers and the agitation of Indian nationalists as factors that led to the abolition of indenture.

Historian Walter Rodney was an early critic of the historiographical treatment of Indian labor uprisings in *A History of the Guyanese Working People, 1881-1905*. Rodney noted that historians’ “emphasis on the real or imagined remedial actions of immigration functionaries tended to obscure the self-liberating activity of indentured laborers.” Although Rodney was largely interested in the correlation between Indian


\[\text{10 Ibid.}\]

\[\text{11 Ibid. At the turn of the century, recruiters in Indian began demanding more financial incentives to recruit labor for the Caribbean. Assamese tea planters were competing for and paying higher bounties for laborers.}\]


\[\text{13 Ibid.}\]

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labor uprisings and fluctuations in the global sugar market, he saw Indian indentured laborers’ frequent use of indenture’s remedial institutions and the courts as “proof of the restlessness, absenteeism, and noncompliance among the indentured workers” in British Guiana.  

Prior to the large uprisings that characterized the 1870s and 1880s, Rodney offered that it was not uncommon to see “fifty or sixty indentured laborers with their shovels and forks in Georgetown, taking their case directly to officials.” Rodney saw these mass appeals to authority as a “channel of demonstrative protest which virtually constituted a picket line – with the tools of their trade as pickets – to bring about their grievances to the public gaze.” Thus, Rodney believed even before they took violent action en masse, Indians had a tradition of making their dissatisfaction with plantation conditions known.

Rodney, like historian Walton Look Lai, cited harsh treatment by managers, the sexual exploitation of Indian women by plantation officials, and low wages as the obvious causes for violent Indian uprisings. Yet, for him, violent riots provided insight into British Guiana’s socioeconomic context and “to the trauma brought on by the

14 Ibid., 152.

15 Ibid., 153.

16 Ibid.

vicissitudes of international trade between 1884 and 1902.” Rodney notes that there were relatively few violent uprisings between 1879 and 1883 because sugar was largely profitable in those years. He contends that it was not until the sugar crisis of 1884 that “violent labor confrontation became a characteristic of the estate scene.” As further evidence for this theory, Rodney points out that there were thirty one, fifteen and forty-two strikes in 1886, 1887, and 1888 respectively, because wages never recovered from the 1884 crisis. In 1889 and 1890, there were twelve and two uprisings respectively. During these two years, sugar had temporarily become profitable again.

While Rodney’s observation of the correlation between Indian labor uprisings and fluctuations in the global sugar market are astute, they do not take the effect of indenture labor contracts into consideration. Indentured laborers did not benefit from upturns in global sugar prices. Indenture labor contracts kept wages low and static. Thus, an increased demand for sugar did not result in increased wages for indentured immigrants. Rather, immigrants may have found themselves working harder for the


19 Ibid., 154.

20 In 1888, from May until August, there were disturbances among indentured workers on both coasts of the Demerara River. Plantations such as Enmore, Non pareil, Mon Repos, Hope, Versailles, and Met-en-Meerzog were affected.
same wages. Such logic more aptly explains why workers on the Devonshire Castle plantation rose up in 1872, a relatively good year for sugar.21

Nonetheless, Rodney took Indian uprisings seriously. For him, uprisings showed that Indian laborers shared the plight of exploited workers in Guiana, and perhaps, throughout the world. Although uprisings were an inevitable reaction to the “authoritarian responses of those in power,” they were not entirely effective in improving the conditions of Indian workers. Rather, Rodney finds that

It may well have been that each peak of resistance gave way to a moment of paralysis induced by the murderous reprisals of the colonial state - until such time as the events passed into a tradition of resistance which was itself a morale booster. 22

For Rodney, Indian uprisings made the struggles of a nascent Indian working class visible but could not effectively remedy the exploitation of plantation workers.

In the indenture historiography, scholars have largely dismissed the effectiveness of indenture uprisings because no single uprising succeeded in dismantling the institution of indenture. As Walter Rodney concluded, “an outbreak of one estate rarely ever sparked off similar protests elsewhere, so the system was never


This success-or-failure paradigm obscures more than it reveals about the importance of Indian uprisings. In this chapter, I argue that events leading to the colonial state’s violent response to the Devonshire Castle uprising, and that response itself, point not to the ineffectiveness of indenture strikes and riots, but to the state’s anxiety about its ability to control the rapidly evolving East Indian population. These upheavals demonstrate that even if indenture had convinced its critics that it was decisively not slavery, it had nevertheless failed to contain the discontent of immigrant laborers.

**The Evolution of the Immigrant Population in the Late Nineteenth-Century**

Historians of indenture have been interested in the particular groups of Indians who initiated protests and uprisings. Rodney noted “it was an article of faith among planters to assert that upper-caste Indians were the real troublemakers on the estate,” but that it was seldom the case that upper-caste Indians played leadership roles in uprisings. Instead, Rodney suggested that women often played a greater role than had been recognized by both plantation authorities and historians writing about upheavals. He found that many uprisings started in the weeding gang which was largely made up of

23 Ibid., 157.

24 Ibid.
women. Walton Look Lai and Tyran Ramnarine believed that while women often provided the impetus for uprisings, it was in fact time-expired Indians and those who had been indentured in other colonies such as Natal, Fiji and Mauritius who were the primary instigators of Indian uprisings.

Historians’ emphasis on time-expired and reindentured immigrants indicates that by the late 1860s, the structure of Indian society in Trinidad and British Guiana was becoming increasingly complex. Although indenture legislation aimed to keep Indians tied to plantations, many Indians who completed their indenture chose to stay in the Caribbean without renewing their indenture contracts. Although not indentured, many of these Indians chose to remain close to the plantation and continued to depend on it for their livelihood. These Indians, free from the stipulations of the indenture contract, could move more freely around the colony and circulate knowledge of their discontent about plantation labor conditions. Yet, the existence of indentureship kept wages low for all Indians, whether they were indentured or not.

Indenture contracts were the most effective way to tie Indians to plantations. The first Indian immigrants to arrive in British Guiana were required to provide only a

25 Ibid.

month’s work on a plantation. But as a 1910 Commission of Inquiry report noted, it was soon found “necessary for [Indians’] sake as well as for that of their employers that they should be under control for a long period.” In 1848 indentures were extended to five years and immigrants were eligible for a free return passage to India after three years. By 1854 immigrants were eligible to return to India after ten years of residence in the colony although indentures of three years remained standard. In 1862 the length of indenture contracts increased to five years with no limitations placed on the number of times an immigrant could be reindentured. Plantation authorities and colonial officials offered increasingly large bounties to encourage immigrants to reindenture themselves. The 1870 Des Veoux Commission was most critical of the fact that no limitations were placed on immigrants’ ability to reindenture themselves. The commissioners noted that

The effect of later legislation has been to keep the immigrant population, as a whole, out of the free labour market. It is true that no man is bound to indenture a second time, but care has been taken so to arrange the incidents of the system as to induce him with a very strong inducement to reindenture. For this purpose the supervising duties of the immigration agents have been postponed to the offering of greater facilities for reindenture.

In light of such criticism of reindenture schemes, reindentures all but ended when the colonial government began requiring that planters pay a fee of $200 to the immigration

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27 The Committee on Emigration from India to the Crown Colonies and Protectorates, Report of the Committee (London: Eyre and Spottiswoode, Ltd., 1910), 57.

28 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioners, 72.
fund for every laborer who was reindentured. As early as 1875, immigrants who had
served out an indenture contract could only be hired under the ordinary labor laws of
the colony.

Immigrants never made significant financial gains by reindenturing themselves.
In 1871 the standard reindenture bounty was $50. A healthy immigrant with a
reputation for industriousness could make up to $65 for signing a second indenture
contract. Conversely, an adult who was not in the best health and minors made as little
as $25. The Des Veoux Commission estimated that immigrants added 19 cents a week to
their income by entering into subsequent indenture contracts. On average, an able-
 bodied male immigrant in British Guiana worked four to five days a week and was paid
approximately 28 cents a day. If an immigrant worked five days a week at 28 cents a
day, his weekly wage would be $1.40. A male immigrant would therefore increase his
wage by 13.6 percent for reindenturing himself.

As reindentures became increasingly rare, the colonial government made it more
difficult for time-expired laborers to return to India. Male time-expired Indians who

29 C.O. 384/106 no. 73, Sir Robert James Longden to Henry Herbert, Earl of Carnarvon, 3
April 1876.

30 Ibid., 96-97.

31 Many immigrants did take advantage of the lump sum of the bounty to buy a cow or a
share in the cow. Such immigrants would negotiate with the plantation management to
graze their cows on land on or adjacent to the plantation. These immigrants would
depend on the products produced from the cow as a means to acquire wealth.
arrived in the colony after 1893 had to pay one-fourth of their return passage while women had to pay one-sixth of their return costs. By 1897 male immigrants were responsible for one half of their return cost while females were responsible for one-third.\textsuperscript{32} In response to the increasing financial burden of returning to India, Indians throughout the indenture period tended to stay in the Caribbean. Of the approximately 22,000 immigrants who arrived in the Caribbean between 1845 and 1848, only 5,000 or 22.7 percent of them chose to return to India by 1856.\textsuperscript{33}

Many of the Indians who stayed in the Caribbean chose to do so without reindenturing themselves. In spite of the large number of immigrants who arrived in the Caribbean every year, the proportion of unindentured workers began to exceed indentured workers by the 1870s in Trinidad and the 1880s in British Guiana.\textsuperscript{34} In Trinidad, indentured workers made up 74 percent of the Indian community which was comprised of 13, 488 workers in 1861. By 1871 indentured workers were 38.7 percent of the Indian population. In 1891 only 15.3 percent of 70, 242 Indian workers were indentured.\textsuperscript{35} The decline of indentured workers and growth of the free immigrant

\textsuperscript{32} The Committee on Emigration from India to the Crown Colonies and Protectorates, \textit{Report of the Committee}, 58.


\textsuperscript{34} Ibid., 120.

\textsuperscript{35} Ibid.
population occurred more slowly in British Guiana where Indians could be indentured for a total of ten years until the 1870s. In 1871, 72 percent of Indian workers were indentured in Guiana. Of the 40,227 Indian indentured workers on estates in that period, between 17,000 and 18,000 laborers or between 42 percent and 45 percent of laborers had been reindentured. In 1881 and 1891, the percentage of indentured workers fell to 26 percent of 87,988 and 15 percent of 108,484 workers respectively. Even though thousands of Indian workers arrived in the Caribbean annually, by the 1870s in Trinidad and the 1880s in British Guiana, unindentured workers vastly outnumbered indentured workers.

As Indians became more demographically significant in the Caribbean, they also came to dominate the plantation workforce. Walton Look Lai suggests that by the 1870s, the terms “sugar worker” and “Indian worker” were used interchangeably. By 1872 Indians comprised approximately 75 percent of the plantation labor force in Trinidad. By 1895, the proportion of Indian plantation laborers rose to 87 percent. Although there were numerically more Indians in British Guiana, the proportion of Indians comprising the plantation labor force lagged behind Trinidad. In 1871 Indians comprised between


37 Ibid.

38 Ibid., 117.
57 and 60 percent of the Guianese plantation labor force. By 1891 approximately 80 percent of the 90,000 full-time plantation workers in British Guiana were Indian. In the late nineteenth century, both indentured and unindentured Indian laborers in British Guiana and Trinidad depended primarily on sugar production and sugar plantations for their livelihoods. In spite of the fact that East Indians dominated the plantation labor force, wages for East Indian laborers remained low. In 1871 the Des Voeux commission concluded that “the class of Indian immigrants at present in this colony, as a rule, cannot earn more than half as much in the same time as the negro.” It is therefore not surprising that the Indian population, both indentured and unindentured, felt and reacted most strongly to fluctuations in the global price of sugar. Although Guiana was Britain’s largest Atlantic colony, it was difficult for the subjects of the colony to acquire

39 People of African descent remained on plantations in small numbers and performed many of the skilled tasks of sugar production.

40 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioner, 90-98. The commissioners later qualified this conclusion. They found that it was difficult to compare the wage rates of indentured East Indians to those of free laborers. They cited two reasons for this difficulty. First, Afro-Creole task gangs had no difficult securing higher wage rates because they could “transfer their services from place to place without difficulty.” The second reason was that some Afro-Creoles chose to reside on estates and paid no rent for their houses. These laborers made less than those who worked in task gangs. The commissioners also found that “another difficulty arises from the absence, in many cases, of Creole labour to compare with that of Coolies.” This was largely due to the fact that Afro-Creole began to refuse to perform certain kinds of labor on sugar estates. That type of labor was usually exclusively assigned to East Indians. Alternatively, Afro-Creoles had a “practical monopoly” on the types of labor that they chose to perform.
and cultivate land. Crown lands could only be bought in parcels of one hundred or more acres, and when land could be acquired, it was very expensive to drain it and make it suitable for cultivation. Most unindentured Indians continued to rely on plantations for employment. Throughout the 1870s planters and colonial officials in British Guiana remained anxious that Indians would leave sugar plantations after their indenture contracts expired. They feared that it would be impossible to replace these indentured workers with new workers from India. In his 1876 letter to the Secretary of State for the Colonies, Henry Herbert, British Guiana’s governor, Robert Longden, conveyed reports from plantation officials that Indian immigrants were unhappy with the abolition of reindenture and the reindenture bounty. Governor Longden dismissed these claims, finding that most Indians who chose to stay in the colony stayed either on or in

41 British Guiana is below sea level.

42 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioner, 184. The Des Voeux Commissioners lauded the fact that these free laborers could still find employment on plantations, but feared that immigrants would begin demanding their return passage to India in the event of an economic downturn. For the commissioners, the solution to this problem was granting Indians small plots of Crown lands that had been drained in preparation for subsistence cultivation.

43 C.O. 384/109 no. 73, Sir Robert James Longden to Henry Herbert, Earl of Carnarvon, 3 April 1876.

44 Robert Longden was born in London in 1827 and died in England in 1891. In the 1860s he was president of the Virgin Islands. Before becoming governor of British Guiana, he was governor of Dominica in 1865, British Honduras in 1867, Trinidad in 1870. He became governor of British Guiana in 1874. He was governor of Ceylon from 1876 until his retirement in 1883.
close proximity to sugar estates.\(^4^5\) The abolition of reindenture resulted in an increase of unindentured Indians living on sugar plantations and did not significantly affect the overall number of Indians living on sugar plantations. In the second half of 1874, the number of unindentured Indian workers living on sugar estates in Guiana rose from 9,672 to 13,780. Thus, even though the overall number of indentured laborers was shrinking, planters could still rely on a semi-dependent Indian labor force who worked for lower wages than Afro-Creole laborers.

\(^4^5\) CO 114/25, James Crosby, Immigration Agent General, “1875 Immigration Report,” 5 May 1875.
Indians had few real alternatives to working on sugar plantations until the early twentieth century. In the 1880s unindentured Indians began cultivating rice on lands that once belonged to sugar plantations. In the early twentieth century, Indian villages emerged around rice cultivation, but for most of the nineteenth century, Indians largely relied on sugar cultivation for employment and remained in close proximity to the plantation. In spite of what Walton Look Lai has referred to as the isolationism of Indians in the Caribbean, the experience of indentureship on sugar plantations led to many changes in Indian culture and society in the Caribbean.

When immigrants served out their indenture, it is no surprise that plantation and colonial officials noted a difference in the behavior and attitude between time-expired and newly indentured laborers. In 1871 the Des Veoux commissioners remarked that

The Coolie, after he has been here for some time, gives up to a great extent the habit of saluting his superiors that he had on arrival, and becomes much more independent in bearing. The difference of bearing between immigrants about to return to India and those who have just arrived in this colony, is very marked in this respect.

The experience of working on the plantation did much to challenge Indian notions of caste and authority. Tasks on the plantation were done according to physical ability, and so, when assembling task gangs, the plantation’s management paid little attention to


47 Ibid., 91.
 caste distinctions. More often than not, Indians of different caste and religious
 backgrounds found themselves working side by side. Outside the realm of work,
 Indians of all castes and religions shared living space in the “coolie barracks.” 48
 Indentured Indians who lived in close proximity to unindentured Indians could not help
 but notice that “the accumulation of wealth after indenture was open-ended and
 dependent on factors unrelated to birth and hereditary status.” 49

 Indian forms of communication also underwent significant changes during the
 indenture period. The Bhojpuri dialect of Hindi became the lingua franca of
 unindentured Indians who settled in rural villages. Indians working on plantations also
 adopted a creolized form of English that facilitated communication between Indians and
 non-Indians. The experience of working on the plantation posed serious challenges to
 the traditional hierarchical structure of Indian culture. Indians in the Caribbean, much
 like the Africans that came before them, were involved in a process of creolization. 50

 48 Former slave quarters.

 49 Walton Look Lai, Indentured Labor, Caribbean Sugar, 255.

 anthropological perspective : An Anthropological Perspective
 American culture by focusing on how Indian culture evolved in the Atlantic.
Immobilizing Indentured Labor

As the proportion of unindentured laborers increased, the colonial state passed increasingly punitive legislation that sought to keep indentured Indians and their labor tied to the plantation. The colonial iterations of master and servant ordinances that governed labor relationships between employees and employers throughout Britain and in many parts of the British Empire often specifically excluded immigrant laborers. Yet, master and servant ordinances had much in common with immigrant labor ordinances. Both had three defining characteristics: (1) they defined the employer and employee relationship as a private contract where employees exchanged work for wages from their employees; (2) they were enforced by lay justices of the peace or magistrates and not high courts; and (3) workers who violated their contractual obligations were not sued but whipped, imprisoned, sentenced to forced labor, fined forfeited their wages. In the nineteenth century, activists in England and Scotland began to agitate against the punitive aspects of master and servant ordinances. In 1867 legislation was introduced in Britain that called for the reduction of penal sanctions for labor contract violations, and by 1875 the modern-trade union movement, in one of its founding campaigns, succeeded in removing penal sanctions from statute law. Just as penal sanctions for


52 Ibid.
labor offences were falling out of favor in Britain, they were experiencing renewed popularity in the Caribbean.

The Des Voeux Commissioners noted that “the [indenture] system [rested] entirely upon the sanction of legal penalties,” and therefore, “there was no option but to imprison” laborers who breached their indenture contracts. In 1846 the Code of Regulations for Coolie Labor in Trinidad for the first time attempted to impose penal sanctions for immigrants who violated their labor contracts. Under the code, authorities could imprison workers who were absent from work. The code also required that indentured laborers obtain a pass to leave the plantations where they were indentured. These measures proved controversial and were repealed a year later. Nonetheless, in 1852 and 1853 in Trinidad and British Guiana respectively, new legislation resurrected penal enforcement of immigrant labor contracts. Indentured laborers now had to live on plantations and faced arrest if they left the plantation without a ticket of leave or a certificate that showed they were exempt from labor. Desertion, or absence from the plantation without a ticket of leave, was punished by imprisonment. Between 1850 and 1870, revised immigration labor ordinances made

53 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioners, 118.

offences such as malingering, “wilful indolence,” “habitual idleness,” disobedience, neglecting work, refusing to amend work, insolence, and insubordination, and breach of hospital regulations, punishable by imprisonment. 55

Colonial officials added sentences of hard labor to terms of imprisonment to deter indentured laborers from seeing imprisonment as a valid option to avoid their labor obligations.56 In 1864 the Consolidated Immigration Ordinance made it legal to employ gangs of convicted immigrants on sugar estates. This 1864 clause was not acted upon until 1868 when the colonial state footed the bill to open two jails in the plantation region of Demerara. Immigrants at these jails performed task work at nearby plantations. In theory, a prisoner could reduce his sentence by finishing the number of

55 Ibid.

56 C.O. 384/109 (confidential), Sir Robert James Longden to Henry Herbert, Earl of Carnarvon, 3 March 1876. The 1864 Immigration Ordinance made it legal for the Immigration Agent General to add the length of prison terms to length of indenture contracts laborers convicted for labor related and non-labor related offenses (e.g. assault or petty theft). There was no limit to the length of time that could be added to indenture contracts for immigrants who were repeatedly imprisoned. Because of stringent labor laws and the high rate of conviction of Indian immigrants for labor and non-labor offenses, in 1876, the Governor of British Guiana estimated that planters were losing 200,000 days of labor a year because of the large number of indentured immigrants who were facing imprisonment. Longden was sympathetic to this loss of labor but did not believe that short prison sentences or sentences less than seven days were an effective way to curb prison offenses. He believed that short sentences were a waste of the state’s resources that served only to “familiarize the coolie with the idea of going to prison, and thus [weakened] the moral dread of imprisonment.” Longden favored reducing the number of offenses that could lead to the extension of indentureship, and favored this punishment primarily for the offense of desertion.
tasks prescribed for the length of his sentence in a shorter length of time. In practice, many prisoners found their sentences doubled in order to finish their prescribed tasks. This system meant that by accusing laborers of violating their indenture contracts, plantations could gain access to the labor of imprisoned indentured laborers at practically no cost.\textsuperscript{57} Colonial officials and planters believed that this system would perform a disciplinary function. They thought that laborers would avoid labor offenses when they realized that they would be made to perform the labor they were responsible for on the plantation for no wages as prisoners.

Planters relied on the state to control immigrants in ways that were not stipulated by indenture contracts. Many planters used vagrancy laws in addition to the desertion provisions of the immigration ordinance to keep both unindentured and indentured immigrants tied to the plantation. According to the immigration ordinance, plantation authorities had to alert the closest police station the moment they became aware that an immigrant had deserted the plantation. For these purposes, desertion was defined as absence without leave from the daily muster roll or absence from work for seven consecutive days.\textsuperscript{58} While the police relied on plantation authorities to inform them of cases of desertion, they were free to pursue cases of vagrancy of their own

\textsuperscript{57} The Commission of Inquiry into the Treatment of Immigrants, \textit{Report of the Commissioners}, 118.

\textsuperscript{58} Ibid., 115.
volition. It became common practice for the police to take custody of an immigrant, indentured or unindentured, found two miles away from the plantation during work hours without a pass and return her or him to plantation without a warrant. The Des Voeux commissioners found that vagrancy laws were often used to keep immigrants from leaving the plantation to make their discontent known to the immigration department in Georgetown or even to nearby stipendiary magistrates.

Planters took ample advantage of punitive indenture contracts. They prosecuted between one fifth and one sixth of indentured laborers annually for labor offences. In many cases, labor suits were withdrawn by the plantation’s management as the threat of conviction was enough to elicit good behavior from a disobedient laborer. On average, in cases where management pursued suits, immigrants faced conviction 65 percent percent of the time. One third of convicted offenders faced imprisonment, and many of those who were fined ended up in jail when they could not pay their fines. In 1872, the year of the Devonshire Castle uprising, 9,045 of the 38,918 or 23.2 percent of indentured immigrants in Guiana were accused on a labor offense. Of these accusations, 3,652

59 Ibid.

60 Ibid.

were withdrawn, 4,303 immigrants were convicted, and 1,090 immigrants were acquitted.

Throughout the indenture period, planters relied on criminal penalties to enforce what were theoretically civil contracts. Historian Walter Look Lai best sums up this phenomenon:

Laborers were to be bound physically to their plantation, and laws of a criminal nature had to be formulated to reinforce the purely formal civil contractual agreements contained in the formal contract of indenture...In this way, the notion of freedom of contract was given a unique twist, all in the service of an economic imperative deemed to be appropriate to a colonial plantation environment.62

Although planters relied on the colonial state to keep indentured laborers and their labor in check, the state provided little recourse for immigrants who felt that the plantation was not holding up its end of the indenture contract. Indian laborers most often complained that their wages had been illegally stopped by the plantation. The Des Voeux commissioners interviewed several magistrates in Guiana who all concurred that the Immigration Ordinance contained no provisions that allowed immigrants to recover lost wages. The magistrates, for the most part, also agreed that the Petty Debt Ordinance, which governed such cases among non-immigrant laborers, provided no protection for immigrant laborers.

When immigrants managed to get their suits for lost wages before the courts, they faced several obstacles. For the most part, Indians did not speak English, the language of the court, fluently and they were not familiar with the procedures and forms of English law. Magistrates, many of whom enjoyed close personal relationships with the plantation’s management, often rejected the testimony of Indians as unreliable. Many Indian plaintiffs found that they had no witnesses to testify on their behalf. The Des Voeux commissioners did not fail to see how immigration and criminal and civil laws were used to favor the interests of the planters over those of the immigrants. In their 1871 report, they concluded that,

The inequality of position before the law which we have noticed, whereby the labourer when accused is treated as if accused on a criminal charge, and precluded from giving evidence, while his complaint necessarily takes the form of a civil suit, we should prefer to see rectified by conceding the privilege of giving evidence to the immigrant, rather than by depriving the employer of it when accused in his turn. 63

The state was not in fact “a neutral arbiter, enforcing contracts voluntarily entered into by two equal parties.”64 It overwhelmingly advocated for the interests of planters even as it promoted the fallacy that it protected Indian laborers who were often posited as dependents in discussions of immigration.

63 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioners, 121.

64 Mohapatra, “Assam and the West Indies, 1860-1920,” 465.
In the latter half of the nineteenth century, the laws that applied to the immigrants who made up the majority of the plantation labor force became increasingly stringent. Immigration labor ordinances made it difficult for indentured immigrants to physically leave the plantation and make their discontent with labor and living conditions known. Indentured laborers who were physically tied to the plantation could be more easily surveilled and controlled. Immigrants who were not indentured found themselves dependent on the plantation and their wages depressed because of the existence of indentured labor contracts which kept wages on the plantation low. The existence of indenture negatively affected the status of all Indian laborers regardless of whether or not they were indentured.

Historian Prahbu Mohapatra has argued that the goal of this increasingly punitive legislation was to keep wages low and “immobilize the laborer, thereby regulating competition among the planters themselves.”65 He contends that these strategies were successful and in fact, fueled the expansion of plantations between 1850 and 1875 in the West Indies. Mohapatra has also found that the most important goal and effect of penal legislation was “to ensure ‘labor discipline,’ [thereby] minimizing the likelihood that workers would withdraw their labor.” 66 However, by the late nineteenth

65 Ibid., 464-465.

66 Ibid., 465.
century, immigrants were beginning to make their discontent with labor conditions known through increasingly violent upheavals.

**Devonshire Castle: The System Laid Bare**

The Sugar Duties Act of 1854 equalized duties on British and foreign sugar.\(^6^7\) Although planters in the Britain’s Atlantic colonies feared the worst from having to compete with slave grown sugar, the sugar industry in the Caribbean did not face the disaster that many had predicted. This was largely because the equalization of duties had been a gradual process that began in 1847. Further, Asian immigration had kept wage costs relatively low in the Caribbean. Lower wages and technological advances in sugar production meant that sugar production in Guiana began to steadily recover after 1846.\(^6^8\) Between 1870 and 1872, British Guiana exported 96,092 hogshead of sugar, up from 71,482 hogsheads, a decade earlier.\(^6^9\) Although the sugar industry was relatively healthy in British Guiana throughout the 1860s and early 1870s, wages for immigrant laborers remained low.


\(^{68}\) Sugar prices in London also increased with the outbreak of the Crimean War.

\(^{69}\) Alan Adamson, *Sugar Without Slaves*, 179.
The Devonshire Castle uprising in British Guiana erupted because laborers on the plantation believed that they were not being compensated sufficiently for their labor. On Tuesday, 24th of September, 1872, Mr. King, an agent from the Immigration Department, visited the Devonshire Castle sugar estate. 70 There, he was approached by several immigrants who complained of low wages on the plantation. One of the immigrants, Paraag, also complained that he was being overworked. Four immigrants, Oderman, Gopaul, Serjoo, and Maxidally, asked to be removed from the estate. 71 In response to these complaints, Mr. King offered to have arbitrators evaluate the work of the laborers. 72 Arbitrators were usually managers from neighboring estates. The findings of arbitrators were not binding. Managers of the estate where the dispute arose could accept or reject arbitrators’ findings on their own volition. 73 The immigrants refused. Although Mr. King left the plantation having assured the immigrants that they were


73 The Commission of Inquiry into the Treatment of Immigrants, Report of the Commissioners, 99-100.
receiving higher wages than laborers in Demerara, the Indian laborers remained unsettled.

On Friday, September 27, the immigrant who had complained of being overworked, Paraag, became very agitated in the building where he worked. Peter Abel, the plantation’s manager, ordered him out of the building. He refused and continued to encourage other Indian laborers to join his protest. Unable to pacify Paraag, Peter Abel called for a local constable, Pompey Reid, to arrest him. Reid succeeded in arresting Paraag. As Reid attempted to remove Paraag from the building, Paraag called to his compatriots for help. Two Indian laborers, Pertaub and Wawall, freed Paraag from Reid’s custody. Now freed, Paraag recruited the men from the nearby shovel gang to join his protest. The men left their work and after threatening Abel and two overseers, Hugh Mckenzie and James Robertson, about 250 of the estate’s 450 Indians walked off the plantation.

On leaving the plantation, the immigrants encountered stipendiary magistrate Henry Joseph Loughran. Loughran warned the leaders of the group that their gathering was “not permitted.” The leaders of the group, namely Paraag and Ooderman, informed the magistrate that they were on their way to Georgetown, British Guiana’s capital, to find the governor in order to complain that the manager and the overseer had assaulted them. In his testimony at the inquest into the death of the laborers involved in the uprising, the manager testified that he then informed the immigrants that their
complaints could be addressed without appealing to the governor, and that as a servant of the Queen and not the planters, he would summon the manager and overseer and “have justice done.”74 The magistrate reported that he reassured the laborers that “if [he] were unable to do them justice, [he] would go with two or three of the leaders to the Governor [himself] rather than any wrong should be done to them.”75 Somewhat placated by the magistrate’s assurances, the immigrants returned to the plantation. In spite of his assurances to the immigrants, the magistrate sent a message to the nearby village of Suddie, requesting “as many of the armed police as could be spared, with instructions that they should be moved to Daniel’s Town during the night, if possible, in order that no public display of force should be made.”76 At 1 o’clock in the morning on Saturday, Inspector Griffin accompanied a contingent of armed police to Daniel’s Town, fulfilling the magistrate’s request with “admirable promptness.”77

On Saturday, almost none of the Indian laborers showed up to work “except a few porters, some of whom were indentured.”78 As stipendiary magistrate Loughran

74 Ibid.,31.
75 Ibid.
76 Ibid.,32.
77 Ibid.
78 A Report of the Proceedings and Evidence at the Inquest on the Bodies of Five Rioters, Killed by the Fire of the Police,7.
attempted to make his way to Devonshire Castle to investigate the complaints made by immigrants the previous day, some Indian laborers from the Anna Regina plantation, who were gathering to make their dissatisfaction with their manager and wages known, stopped him. Loughran successfully convinced the Anna Regina laborers to return to their plantation and made his way to Devonshire Castle. There, he asked Peter Abel to summon the laborers in order to hear their formal complains. Through an interpreter, Loughran interviewed Paraag, Ooderman and a third laborer, Partaub, about the alleged assault and the low wages on Devonshire Castle. After the impromptu hearing, Loughran informed the laborers that he would hold a special session at the court house in nearby Daniel’s Town that Monday to further investigate their claims.

On Monday, September 30, over two hundred Indian laborers from Devonshire Castle assembled outside of the court house in Daniel’s Town. The complainants, Partaub and Paraag, refused to enter the court house. One witness to the incident, John Henry Blake, clerk to the stipendiary magistrate of the North Coast district, testified that he heard the immigrants saying that “the magistrate was not going to give them

79 Loughran offered to issue a summons for free for the manager of Anna Regina if the Indians would disperse.
justice.” After they turned away from the court house, the immigrants began to make their way back to Devonshire Castle. In response to the assembled Indian laborers, the armed police who had arrived in Daniel’s Town earlier that morning were deployed to Devonshire Castle. At the estate, the police opened fire on the immigrants after Loughran and Inspector Griffin failed to convince them to disperse. Five Indian laborers, Maxidally, Kaulica, Baldeo, Beccarroo, and Aukloo lost their lives at the hands at the colonial police on that day.

In the first two weeks of October, 1872, an inquest was held into the death of the five Indians. After hearing testimony from the Devonshire Castle management, immigration and court officials and the local police, four jurors found that the police constables had acted appropriately “in defense of their lives, and in defense of the lives of the said several other persons, then and there being, and also for the preservation of the public peace.” The jurors added “the riot, which was confined to one estate (Devonshire


82 A Report of the Proceedings and Evidence at the Inquest on the Bodies of Five Rioters, Killed by the Fire of the Police, 40.
Castle), would, but for the fortunate explosion of those rifles, have become a widespread rebellion most disastrous in its consequences.”83

In spite of the fears that the jurors voiced at the inquest, the Indian laborers identified as the ringleaders of the Devonshire Castle uprising were not severely punished.84 The colonial government attempted to prosecute the ringleaders of the uprising on three separate occasions but each time, the jury was unable to reach a verdict. 85 Governor John Scott lamented that the reason that there was no conviction when there was “no doubt” that the men were “guilty under the laws of the colony” was due to the “mixed class of men composing the jury” who often “disagree on the clearest issues.”86 After the third trial, Governor Scott and the attorney general decided not to prosecute the ringleaders further. Instead, they were set free. Ten of the laborers returned to work at Devonshire Castle. The governor used the power “vested in him by

83 Ibid.

84 CO 111/395 no. 21, John Scott to John Wodehouse, Earl of Kimberley, 7th February 1873.

85 CO111/395 no. 27, John Scott to John Wodehouse, Earl of Kimberley, 26 February, 1873. The first trial was held on the 18th of December, 1872, the second trial on 6th February, 1873 and the third trial on 10th February, 1873. The immigrants were prosecuted under Ordinance no. 23 of 1846 entitled “An Ordinance to Introduce into the Colony of British Guiana the law of England with Respect to Riots, Routs and Unlawful Tumultuous Assemblies.”

86 Ibid.
the immigration ordinance” to move the other five Indian laborers, Ooderman, Gopaul, Peraag, Pertaub and Cunalysing “who were most conspicuous in the proceedings prior to and during the actual riot” to separate plantations outside of Essequibo.87 In spite of the three inconclusive trials, Governor Scott later assured the Secretary of State for the colonies that recent reports from the immigration department indicated that immigrants on Devonshire Castle estate and on nearby plantations in Essequibo were “working satisfactorily, and that they appear in a remarkable degree peaceably disposed and contented.”88 The jury’s reluctance to convict the ringleaders of the Devonshire Castle disturbance demonstrated that the colonial state was limited in its ability to enforce pro-immigration policies among the general population of British Guiana.

In the aftermath of the Devonshire Castle disturbance, the voices89 of those who rose up against the plantation’s management were silenced. The root cause of the uprising, the Indian laborers’ complaints about insufficient wages and overwork was reduced, in the words of Governor Scott, to “a common complaint, often found to be

87 Ibid.

88 Ibid.

89 The only laborer to testify at the inquest was Madaree, an indentured Indian from the plantation Land of Plenty who was on loan to Devonshire Castle. Madaree served as a translator for stipendiary magistrate Loughran.
Although the thoughts and motivations of Indian laborers are unavailable to us, their actions have been recorded in a wealth of source material for posterity. Here, I read the actions of the Indian laborers and inconsistencies in the colonial record in order to explore why violent uprisings became a feature of plantation life beginning with Devonshire Castle in 1872.

A striking feature of the Devonshire Castle uprising is the way in which the Indians attempted to avail themselves of the immigration infrastructure. In all of the records that document the uprising, the fact that several immigrants complained about low wages and overwork to an immigration agent on September 27 is seen as the starting point for the events that occurred at Devonshire Castle. The complaints reflect that prior to the uprising the Indian laborers at Devonshire Castle may have believed that the immigration system was capable of addressing their grievances.

When the system offered them insufficient redress in the form of Mr. King’s offer of an arbitrator, the laborers who left the plantation en masse claimed that they were doing so in order to complain to the governor of the colony about wages and working conditions. 91 The laborers were only deterred by the assurances of a stipendiary

90 Correspondence respecting A Disturbance Among the Indian Immigrants Employed on the Devonshire Castle Estate, 1.

91 Such appeals to authority were not unusual in accounts of slave resistance in the early modern world. See for example: Maria Elena Diaz, The Virgin, the King, and the Royal
magistrate, Loughran, who promised them swift and decisive action. They went so far as to turn up at the court house in Daniel’s Town as they had promised the magistrate. Up to this point in the events leading up to Devonshire Castle, it is fair to conclude that the immigrants believed that the state, in the form of the governor and a stipendiary magistrate, would and could safeguard their interests. The accounts of the Devonshire Castle uprising provide little insight as to why the immigrants changed their minds about participating in the special court session. It seems plausible that by turning away from the court house on Monday, September 30, the Indian laborers expressed their frustration with the plantation and the colonial bureaucracy. Their decision to return to the plantation reflected that they were no longer willing to work within a system that had failed to address their grievances.

Inconsistencies in the colonial state’s response to Devonshire Castle illustrate many of the anxieties that had emerged around indenture in the 1870s. Colonial officials did little to investigate the exact demographics of the uprising and in the record. In all of the accounts, it is never specified whether the leaders of the uprising were indentured or

unindentured. The introduction to the inquest reports notes that the Indians who rose up at Devonshire Castle were “fighting men, with some old Sepoys among them.” At the inquest, Peter Abel testified that “free coolies” participated in the uprising and that “a great number of [the Indians] were Coolies who had been [in British Guiana] for years.” In his testimony before the inquest, Robert Bunbury, commented that “there were a great many women” at the uprising” but that “the women had no sticks.” In his letter to the Secretary of State for the colonies, the Governor noted that one of the ringleaders of the uprising, Ooderman, was a Brahmin with “great influence over the other immigrants.”

Colonial officials were also inconsistent in their accounts of the scope of the disturbance. Many accounts allude to the fact that Indians from plantations other than

92 It was not yet common practice in British Guiana to identify immigrants as indentured or indentured. Several immigrants who played marginal roles in the uprising were identified as indentured indicating that even though the majority of Indians in Guiana were still indentured, the status of “indentured” was still noteworthy.

93 A Report of the Proceedings and Evidence at the Inquest on the Bodies of Five Rioters, Killed by the Fire of the Police, i.


95 A Report of the Proceedings and Evidence at the Inquest on the Bodies of Five Rioters, Killed by the Fire of the Police, 13.

96 CO111/395 no. 27.
Devonshire Castle may have participated. At the time that the Devonshire Castle upheaval, workers at the nearby Anna Regina and Hampton Court plantations were also complaining of low wages and were agitated. So much so that on Saturday, September 28, stipendiary magistrate Loughran was intercepted by a gathering of laborers from Anna Regina on his way to investigate the situation at Devonshire Castle. The jurors at the inquest concurred that had shots not been fired, there would have been a “widespread rebellion most disastrous in its consequences.” Yet, William Humphrys, the coroner, was sure to mention that he “did not see any Hampton Court Coolies during the riot,” but “immediately after [he] saw about fifteen or twenty five on the Devonshire Castle estate.” The governor concluded that the uprising at Devonshire Castle was an isolated incident an October letter to the Secretary of State for the Colonies. He noted that the “proceedings of the coolies at Anna Regina had no connexion with those of the Devonshire Castle coolies.” Although there were many conflicting accounts of the character and scope of the Devonshire Castle incident, official accounts about the state of Essequibo after it remain remarkable consistent. In letters to the Secretary of State for the Colonies, Governor Scott on several occasions mentioned

97 Ibid., 40.


99 Ibid.
that immigrants in Essequibo were “working peaceably and industriously.”  

He maintained that he saw “no cause to fear any further excitement or any disturbances of the public peace.”

I contend that the conflicting accounts about the participants and the scope of the Devonshire Castle uprising were indicative of mounting anxiety on the part of planters and colonial officials about the state of indenture. During the 1870s, reindenture was on the decline and a growing free Indian population was becoming increasingly settled in British Guiana. Although free Indians remained dependent on plantations, they could not be as easily surveilled nor could their movements be controlled like those of the indentured population. It is therefore not surprising that witnesses described groups such as women, Brahmins, and free Indian laborers who had long been resident in the colony as playing key roles in the Devonshire Castle disturbance. Planters and colonial officials had long identified these groups as troublemakers.

**Conclusion**

The crisis at Devonshire Castle was literally and figuratively the manifestation of colonial anxiety about indentured immigration. By rising up against the plantation’s management and judicial authorities in protest of a system that was premised on

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100 *Correspondence respecting A Disturbance Among the Indian Immigrants Employed on the Devonshire Castle Estate, 6.*

101 Ibid.
suppressing their wages, immigrants expressed their dissatisfaction at being forced to participate in an unfree labor market. In so doing, they revealed that although it may have been somewhat effective in addressing the critics of indenture, the elaborate immigration bureaucracy could not contain the deeply rankling sense of grievance of laborers who were not being fairly compensated for their work. By violently suppressing the uprising, the colonial state was also confronting the limits of its own authority. It had reacted violently against its disobedient “dependents” and thereby revealed that the whole apparatus of indenture was primarily interested in the maintenance of a docile and accommodating labor force.
Conclusion

In the period leading up to World War I, public opinion in Britain, India and the Caribbean turned increasingly against indenture. Two reports on the indenture system, the Sanderson Committee Report of 1910\(^1\) and the McNeill-Chimmam Lal Report of 1913\(^2\) contained accounts of low wages for indentured immigrants and astronomical rates of prosecutions of indentured Indian immigrants for labor offenses. As was typical of these kinds of inquiries and reports, they did not suggest abolishing indenture, but, advocated amending the system. While such reports may have contributed to the preservation of the system in the late nineteenth century, by the early twentieth century, the tide had turned against indenture and the content of these reports were nails in the coffin of an institution that had been floundering for decades.

By the early twentieth century, Indian nationalists had become vocal critics of the indenture system. Mohandas Gandhi,\(^3\) then a lawyer in South Africa, had successfully

\(^1\) The Committee on Emigration from India to the Crown Colonies and Protectorates, Report of the Committee on Emigration from India to the Crown Colonies and Protectorates (London: Eyre ad Spottiswoode, Ltd., 1910).

\(^2\) J. McNeill and Lal Chimman, Report on the condition of Indian immigrants in the four British colonies: Trinidad, British Guiana or Demerara, Jamaica and Fiji, and in the Dutch Colony of Surinam or Dutch Guiana. Part I: Trinidad and British Guiana (Simla: Government Central Press, 1914).

\(^3\) Born in 1869, Gandhi was the most famous leader of India’s nationalist movement. From 1893-1914, he practiced law in South Africa where he launched a campaign to
drawn the Indian government’s attention to the improvised condition of Indian
indentured laborers there. His 1901 letter to the government of Bombay about the
wretched condition of indentured Indians in South Africa ended up before the Viceroy
of India, George Nathaniel Curzon. Prompted by Gandhi’s letter, Lord Curzon became
the first Viceroy to publically question indenture’s value to India and the Empire. By
1910, the Indian National Congress (INC) began exerting pressure on the British
government to abolish indenture. G.K. Gokhale,\textsuperscript{4} leader of the INC brought a motion
before the Legislative Council of the Governor-General of India that called for an end to
indenture. In his speech before the council, Gokhale expressed particular dissatisfaction
with the laws that governed indentured laborers overseas and the penal enforcement of

\textsuperscript{4} Born in 1866, Gokhale was a leader of the INC and the Servants of India Society, a
social and educational reform society which he founded. As a prominent social
reformer, Gokhale advocated reform of existing government intuitions and was a strong
proponent of non-violence in the independence movement. Gokhale was a mentor to
both Mohandas Gandhi and Mohammed Ali Jinnah, the founder of Pakistan. He died as
a relatively young man in 1915.
indenture contracts. He lamented that the worst feature of indenture contracts was that Indians “are placed under a special law, never explained to them…and which imposes on them a criminal liability for the most trivial breaches of the labor contract, in place of the civil liability which usually attaches to such breaches.” Gokhale attacked the very heart of indenture, calling attention to problems with the indenture contract. Of indenture contracts, he noted that “the stream is poisoned at the source; that it is a contract between two parties that are absolutely unequally matched, a contract vitiated by the fact that most important facts in connection with it are kept from the knowledge of one party.” Gokhale also expressed concern about “frightful immorality” bred by indenture. He commented on the lack of “respectable women” who were indentured overseas, and about the effect of “women of loose morals” on their male compatriots. For Gokhale, indenture was “degrading to the people of India from a national point of view” and nothing less than abolition could resolve this overarching problem.

Afro-Creoles in the Caribbean had long opposed indentured immigration because they saw it as antithetical to their self-interest. They saw that the money that the

6 Ibid., 520.
7 Ibid., 524.
8 Ibid.
colonial government used to subsidize immigration “could be deployed to sponsor minor industries, build roads in the interior, provide teacher training and so on.” 9 As early as the 1870s, many Afro-Creoles commented on the ways in which indentured immigration hurt free Indian laborers who were pushed out of plantations in favor of newly arrived indentured Indians. In spite of the complaints of Afro-Creole laborers, indentured labor enjoyed the support of the Colonial Office until the beginning of World War I.

Lord Curzon’s successor as India’s Viceroy, Charles Hardinge, was sympathetic to Indian nationalists’ anti-indenture views and influenced by the findings of the McNeill-Chimmam Lal Report, he suspended indentured emigration for the duration of World War I. Following the war, there was not enough support from the Indian government or the Colonial Office to restart indenture. British concerns about political stability in India outweighed Caribbean governments’ and planter support for indentured and free Indian immigration. 10 The British Government outlawed Indian indenture in 1917.

Seventy percent of East Indians who had initially come to the British Caribbean as “sojourners” opted to stay in their new homes during and after indenture’s


10 C.O. 571/4, C. Sanbach Parker to G. Grindle, 6 April 1916.
abolition.\textsuperscript{11} These immigrants and their descents came to comprise large segments of the population in British Guiana, Trinidad, and to a lesser extent, Jamaica. While East Indians proceeded to make significant contributions to Caribbean society throughout the twentieth century, state-supported indenture and planters’ attempts to disenfranchise Afro-Creoles in the labor market had created an uncomfortable dynamic between Afro-Creoles and Indians that lasted for much of the twentieth-century.

This dissertation has shown how debates and negotiations among the Indian government, the British government, colonial governments in the Caribbean, the powerful planter class and indenture’s critics shaped nineteenth-century East Indian indenture. It has also demonstrated that East Indians did not arrive in the Caribbean with a fixed racial or ethnic identity. Rather, what it meant to be East Indian in the Caribbean was shaped by East Indians’ common experiences of indenture recruitment, transportation, and plantation life. Ideas about a fixed East Indian identity both emerged from and shaped colonial approaches to governing East Indian subjects. In this way, the bodies of East Indian subjects were a site for the construction of nineteenth-century indenture. The discourse of wife murder was another site for the construction of nineteenth-century indenture and for the racialization of East Indians as subjects. It allowed indenture’s architects to depict East Indian subjects as defective and thereby

highlighted indenture’s civilizing potential. By depicting East Indian subjects as bodies
in need of regulation and protection, colonial officials and planters subverted the rights
of indentured subjects. By the late nineteenth century, however, the policies of colonists
and planters did not change quickly enough to meet the needs of a rapidly evolving
Indian population. The spate of uprisings in the late nineteenth and early twentieth
centuries attest to the loss of colonial and planter hegemony over East Indian subjects.

Although this dissertation focuses primarily on East Indian indenture and does
not substantially address interracial conflict, it is my hope that by examining the
nineteenth-century debates that shaped indenture and the forces that formed East
Indian identity in the Caribbean, it contributes to the kind of history that Walter Rodney
called for; one that seeks to understand the complicated dynamics that shaped the lives
of those that came before us. I also hope that it sheds light on the way that imperial
policies, and not race, isolated East Indians from Afro-Creoles in the nineteenth and
early twentieth-century Caribbean and thereby contributed to the conflicts that continue
to haunt Guyana and Trinidad and Tobago to this day.
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Biography

Anne Marie Phillips was born on December 5, 1986 in Georgetown, Guyana. She began her secondary education at St. Francois Girls’ High School in Belmont, Trinidad and Tobago and completed it at Tarpon Spring High School in Tarpon Springs, Fl. Anne earned B.A.s in History and Sociology with minors in English and Religion at Florida State University. She began her graduate studies at Duke University in 2007. At Duke, she has received generous support for her research and writing from the History Department, the Graduate School, the Center for Latin American and Caribbean Studies and the Program in Women’s Studies. Anne has also held fellowships from the Mellon Foundation and the Ford Foundation.