THE NEW SLAVERY
An Account of the Indian and Chinese Immigrants in British Guiana.

JOSEPH BEAUMONT, Esq.
Joseph Beaumont, Esq.
THE NEW SLAVERY - An Account of the Indian and Chinese Immigrants in British Guiana.

With an Introduction by Anne-Marie Lee-Loy

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Series Preface by the President of Guyana, H. E. Bharrat Jagdeo

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SERIES PREFACE

Modern Guyana came into being, in the Western imagination, through the travelogue of Sir Walter Raleigh, *The Discoverie of Guiana* (1595). Raleigh was as beguiled by Guiana’s landscape (“I never saw a more beautiful country...”) as he was by the prospect of plunder (“every stone we stooped to take up promised either gold or silver by his complexion”). Raleigh’s contemporaries, too, were doubly inspired, writing, as Thoreau says, of Guiana’s “majestic forests”, but also of its earth, “re-splendent with gold.” By the eighteenth century, when the trade in Africans was in full swing, writers cared less for Guiana’s beauty than for its mineral wealth. Sugar was the poet’s muse, hence the epic work by James Grainger *The Sugar Cane* (1764), a poem which deals with subjects such as how best to manure the sugar cane plant, the most effective diet for the African slaves, worming techniques, etc. As John Singleton confessed (in his *General Description of the West Indies*, 1776), there was no contradiction between the manufacture of odes and that of sugar: “…a fine exuberant plant, which clothes the fields with the richest verdure. There is, I believe, scarcely any cultivation which yields so lucrative a return per acre as under favourable circumstances, than that of the sugar cane. So bountiful a gift of Providence seems not only calculated to call forth the activity and enterprise of the agriculturist and merchant, but to awaken also feelings of a higher and more refined enthusiasm.” The refinement of art and that of sugar were one and the same process.

The nineteenth century saw the introduction of Indian indentureship, but as the sugar industry expanded, literary works contracted. Edward Jenkins’ novel *Lutchmee and Dilloo* (1877) was the only substantial fiction on Guiana, and whilst it was broadly sympathetic to the plight of Indian labourers, it was certain of Britain’s imperial destiny, and rights over mineral resources. It was not until the period leading up to
Guiana’s Independence from Britain (1966) and the subsequent years, that our own writers of Amerindian, African, Asian and European ancestry (A. J. Seymour, Wilson Harris, Jan Carew, Edgar Mittelholzer, Martin Carter, Rajkumari Singh et al.) attempted to purify literature of its commercial taint, restoring to readers a vision of the complexity of the Guyanese character and the beauty of the Guyanese landscape.

The Guyana Classics Library will republish out-of-print poetry, novels and travelogues so as to remind us of our literary heritage, and it will also remind us of our reputation for scholarship in the fields of history, anthropology, sociology and politics, through the reprinting of seminal works in these subjects. The Series builds upon previous Guyanese endeavours, like the institution of CARIFESTA and the Guyana Prize. I am delighted that my government has originated the project and has pledged that every library in the land will be furnished with titles from the Series, so that all Guyanese can appreciate our monumental achievement in moving from Exploitation to Expression. If the Series becomes the foundation and inspiration for future literary and scholarly works, then my government will have moved towards fulfilling one of its primary tasks, which is the educational development of our people.

President Bharrat Jagdeo
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Introduction by
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The Caribbean Press
The Guyana Classics Library
INTRODUCTION

By 1871, the year that The New Slavery was published, slavery had been abolished in the British West Indian colonies for almost 40 years. During that period, some 90,000 indentured labourers had been introduced to British Guiana as a replacement workforce in the wake of freedom for the Black slaves—and as a means of maintaining the hierarchical sociopolitical structures of colonial society. Unsurprisingly, indentured labour, a system that, Joseph Beaumont would memorably describe as “rooted upon slavery, grown in its stale soil” would quickly be accused of “emulating its worst abuses.” Indeed, the earliest attempt to import indentured labour from India to British Guiana ended in scandal and public outcry when antislavery advocates' accusations that the new labour system was really no different from slavery appeared to be substantiated by subsequent governmental inquiry and an excessively high mortality rate amongst the migrants. The scathing reports about the so-called “Gladstone Coolies” brought an abrupt end to indentured immigration from India for about six years. By 1844, however, the Colonial Government bowed to the insistent pleas of the planters for a steady supply of controllable workers—the only type of labour that, the plantocracy insisted, would save the declining sugar industry in the West Indies. Indentured immigration from India was soon followed by indentured immigration from China. During the 1800s, attempts were also made to procure indentured immigrants from locations as diverse as Madeira Portugal, Barbados and the United States, but China and India would quickly become the most significant sources of indentured labour for the West Indian colonies and, more particularly, for British Guiana.

Unlike the first attempt to introduce indentured immigrants to British Guiana, the indentured immigration scheme that emerged in the 1840s was established as a state-controlled rather than private enterprise as a means of ensuring that the abuses inherent under slavery would be avoided. State
control was exercised over the way in which the recruitment of the labourers was managed, the labour contract, and by a series of ordinances and regulations that set out the obligations and responsibilities of the labourers and their employers to each other. For example, potential labourers were interviewed prior to embarking on the ships for the colony to ensure that they were migrating of their own free will, while labour contracts spelled out that employers were responsible for ensuring adequate housing and hospital accommodations when necessary. It seemed, on the surface, to be an exemplary labour arrangement — one in which the desperately poor had the opportunity to better their situations under fair, even generous working conditions, while planters were assured of the steady body of workers necessary for the intensive labour involved in sugar production. Nevertheless, from the very onset, the protections designed to distinguish indentured labour from slavery were undermined in the actual practice of the system; or as one contemporary observer put it:

“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 much from the apparent value of these advantages, and would show that some of them at least are more nominal than real”.

Although these comments were made specifically with reference to the situation of the indentured labourers once they arrived in British Guiana, the existence of nominal rather than real advantages for the labourers very much characterized all stages of the indenture process. For example, recruitment agents in both India and China, eager to obtain the money that they received per individual recruit, were accused of kidnapping and forcibly containing individuals who were then shipped off to the colonies against their will. In The New
Slavery, Beaumont reproduces a dramatic report from the Indian newspaper, The Pioneer, which details how a young woman was tricked with an offer for local work and then trapped in a room with other women to be shipped off as indentured labourers to Jamaica. She was released upon the interference of two English ministers but the event triggered a tightening of the laws regulating recruiters in India. In China, the phrase “the sale of pigs” to describe the process by which indentured labourers were recruited vividly captures the dehumanization and commodification of the individuals who were often violently coerced into embarking on the ships for the colonies. While The Pioneer hinted that sexual slavery of women was a dark underside of the recruitment system by noting somewhat obliquely that “Not the least ugly feature in the system is that it appears that young, good-looking women are the class of coolies preferred in ‘Jamaica’”, fears of just such a traffic in women were overtly expressed in China perhaps due to the fact that additional money was paid out to men who brought their wives with them as an incentive for female migration. Indeed, when the suggestion that such money be allocated was first introduced, the Colonial Office was warned that the “wholesale purchase and shipment of prostitutes” would be the end result. Reports such as the Agent General of Immigrants in Trinidad’s 1862 Report, which noted that the Chinese men had “for the most part, repudiated the wives whom they picked up at Hong Kong, more with a view of sharing in or appropriating their advance money” seemed to validate these fears.

The recruitment process was also marred by accusations that the indentured labourers were being enticed by misrepresentations and falsehoods about the type of work, wages, the conditions of labour, and even the length of journey upon which they were about to embark. In the colonies, these issues became part of a wide range of complaints that were levelled against the system that can be summarized under three main points: first, the indentured labourers were unfairly subject to criminal prosecution and severe penal punishment were they to be found to breach the terms of their contracts; second, planters were not upholding their obligations under the indentured labour contracts; and third, those entrusted to enforce the laws concerning indenture were bi-
ased on behalf of the planters. Indeed, in British Guiana, the law had become so skewed that immigrants who left their plantations to lay complaints with the Immigrant Agent, the colonial administrator who was charged with advocating on their behalf and supervising the indenture system in general, could be arrested and imprisoned on charges of vagrancy, while labourers who carried a sick worker to the hospital without first gaining the permission of estate management to do so might be charged with “wilful trespass”. It was this imbalance of power between worker and employer, coupled with violent intimidation that was often part of the daily interaction between estate management and workers, that led to accusations that indenture was simply a new slavery. Certainly, Beaumont’s description of the indentured labourer’s condition paints a picture of slavery in practice if not in name:

“Practically an Immigrant is in the hands of the employer to whom he is bound. He cannot leave him; he cannot live without work; he can only get such work and on such terms as the employer chooses to set him; and all these necessities are enforced, not only by the inevitable influence of his isolated and dependent position, but by the terrors of imprisonment and the prospect of losing both labour and wages”.

Some one hundred years later, Cheddi Jagan, the first premier of British Guiana, would make a similar argument when he claimed that the only difference between indentured labour and slavery was that the former substituted “paper chains … for iron chains”. If indentured labour mimicked slave society in its labour structures and practices, then it should come as no surprise that the new labour system also inherited one of slave society’s deepest fears; namely, the fear of revolution. How do you keep tens of thousands of indentured labourers from rebellion? This was a question that was particularly pertinent in British Guiana, which had received significantly more indentured labourers in the early part of 19th century than either Trinidad or Jamaica. In August 1869, this question became even more pressing when a dispute over wages resulted in a riot and the beating of a deputy manager on Plantation
Leonora. Although labour gangs “forsaking work for a long tramp to town” to lodge complaints with the Immigration Agent did not seem to be unusual at this time, the unrest at Leonora was striking for both the sheer numbers involved and for the trickle-down effect it seemed to have. For many members of the plantocracy, the answer to the question of containing such activities on the part of the labourers was simple: increase coercive power to crush the possibility that any revolutionary activity might take hold. Indeed, the immediate response to the unrest at Leonora was to build up the police force and to make an appeal to the Barbadian commander of forces to ready his troops so that they might quickly come to the assistance of the colonialists in British Guiana if the indentured labourers rose up in a true revolution. There was, however, another response to this question of containment; namely, to hold the plantocracy legally accountable to their obligations and responsibilities as provided for by the laws governing indenture. In doing so, it was claimed that “the interests of the whole colony, and especially . . . the public peace” would be secured. In 19th century British Guiana, prominent proponents of this latter position included Immigration Agent, James Crosby, one-time stipendiary magistrate, George William Des Voeux, and the author of The New Slavery, Chief Justice, Joseph Beaumont.

Beaumont’s term as Chief Justice of British Guiana lasted between 1863 and 1868. He arrived in a colony where the local plantocracy, as represented by the Combined Court and the Court of Policy, was engaged in an overt struggle for power over the labour system with the Colonial Office. Of course, this struggle went back to the abolition of slavery in 1833, followed by the early end of the mandatory apprenticeship system, but it also included more recent attempts by the Colonial Office to maintain and enhance its reputation as an empire that had rid itself of the ugly scourge of slavery – an objective that clashed directly with the plantocracy’s desire to produce the most sugar possible at the least possible cost. This power struggle can be seen in such events as the rejection of the Colonial Office’s request for money to provide salaries for professional stipendiary magistrates, as opposed to magistrates drawn from the plantocracy, and in the Colonial
Office’s refusal to allow legislation that appeared to favour the planters. The Colonial Office reserved the right to make governmental appointment of outsiders to the colony in key roles in the application of the law, including the posts of Governor, Immigration Agent and Chief Justice. In fact, Beaumont was appointed to Chief Justice against the wishes of some of British Guiana’s plantocracy who had, through Governor Francis Hincks, put forward their own, planter-sympathetic nominee for the position.

These governmental appointments were made to ensure the independent administration of justice thereby protecting the indentured labourers; but it is just such a lack of independence that Beaumont decries in *The New Slavery*. Specifically, Beaumont points out that although “the judges as well as the magistrates hold their offices at the pleasure of the Sovereign, … practically that pleasure is administered by or under the influence of the twin Colonial influences: and no one can hope to maintain his independence or his office against the will of these associated powers.” He further goes on to suggest that to try to retain such independence when to do so was contrary to the interests of the planters meant emulating “a martyr’s vocation or possess[ing] a martyr’s spirit.” Beaumont, the son of Wesleyan minister whom Beaumont described as “a vigorous opponent of slavery in all its forms”, must have possessed some measure of the martyr’s spirit; for as Chief Justice, he openly and regularly opposed the decisions of stipendiary magistrates when he believed that they were biased in favour of the planters. Unsurprisingly, Beaumont quickly fell afoul of those in power, including Governor Hincks who had aligned himself with the plantocracy. Tensions between the two men would finally reach the point where Hincks would attempt to remove Beaumont from office on grounds that included having “caused public scandals and made the colony more difficult to govern.” Although the Colonial Office would force Hincks to reinstate Beaumont, Beaumont continued to rankle the powers in the colony. Barely a year later, when similar complaints were once again raised, the Colonial Office would find that despite the fact that Beaumont had not committed judicial misconduct, his “want of judicial temper” and his tendency to “embarrass the Executive Government rather than to promote
the ends of justice” warranted removing him from office.21

If the plantocracy had hoped that by getting rid of Beaumont they would silence criticism about the treatment of the indentured labourers in the colony and thereby limit the interference of the Colonial Office in such matters, they were soon to find otherwise. On Christmas day, 1869, George William Des Voeux, a former stipendiary magistrate of British Guiana who was serving as Administrator of St. Lucia, penned a letter to the Colonial Secretary, Lord Granville, to warn that the “ill feelings” of the indentured population “will ere long, unless checked by remedial measures, result in far more serious calamities” than the frightening riot that had occurred at Leonora earlier that year.22 In response, Granville ordered a Royal Commission to investigate the conditions of the indentured immigrants in the colony. The Commissioners, Sir George Young, Mr. Charles Mitchell and Mr. W.E. Frere, began their investigation in the summer of 1870 and tabled their report in Parliament in June the following year. Beaumont, who was at that time located in England, very much wanted to participate in the inquiry, but was unable to do so due to the cost of the journey. He therefore attempted to provide his evidence as three statutory declarations to the Commission, but, as Beaumont notes, the Commissioners felt precluded from receiving them.23 Beaumont was, however, undeterred and publicly aired his observations, memories and concerns drawn from his experiences in British Guiana in The New Slavery.

To read The New Slavery as simply a legal declaration or a compilation of facts, particularly facts pertaining to the administration of justice during Beaumont’s time as Chief Justice in the colony, is interesting in and of itself. One would learn, for example, of the extremely high number of prosecutions and imprisonments for labour law breaches, the imbalanced ratio of Chinese and Indian immigrants to other members of the colony within gaol populations and other interesting tidbits of information, such as Beaumont’s recollection that all of the Indian and Chinese immigrants convicted in the Court of Assizes were indentured labourers as opposed to free men. One would also learn that indentured immigrants were apparently more involved in violent offences, such as
murder, than the creole population, and of the high death rate amongst the immigrants in general. But to read the text in this fashion is to miss out on an opportunity to explore one of the most important, although less tangible machinations of colonization. Specifically, The New Slavery provides an important vantage point from which to consider the significance of stories and storytelling to the colonial enterprise. Indeed, in many ways, The New Slavery is a text that is ultimately concerned with the way in which narratives set out the parameters of identity within spaces of colonial contact.

The interpretation of the behaviour of individuals involved in colonial interactions is seminal to defining identity within such narratives. In this context, Beaumont’s anger about the behaviour of the plantocracy in matters such as the arbitrary stoppage of wages and the granting or withholding of passes, or his disgust with the pervasive presumption that “Court and jury were expected to convict” immigrants is not only directed at the “disgraceful failure of justice”; it also expresses his dismay at the “disgraceful failure” of the narrative of English fairness and respect for humanity. In his courtroom, he was faced regularly with stories of English brutality and disregard for life and their willingness to twist or ignore laws that would prevent or punish such behaviour. Indeed, cruelty, violence and other forms of oppression that the English plantocracy engaged in must have begun to appear distressingly as no mere aberrant feature of a now gone slavery, but as a fundamental component of English character. Throughout The New Slavery, however, Beaumont resists this ugly depiction of Englishness, invoking instead the narrative of English justice and fairness by interpreting the behaviour of the plantocracy as the result of their having become corrupted or as their blindness – and more specifically, a blindness born from ignorance rather than wilfulness. In this way, Beaumont is able to condemn their behaviour, but ultimately also conclude that, despite the fact that it is the indentured labourers who bear the brunt of abuse under indenture, the system does a “serious
injury, not only to the Immigrants but to the community at large”; or, perhaps more accurately, a serious injury to narratives defining Englishness that Beaumont would maintain.\(^{26}\)

While Beaumont might not have consciously understood his work to be involved in a process of re-inscribing English identity through narrative, he certainly was very aware of constructing counter images of the negative stereotypes of the indentured labourers that were popular in the 19th century. In this, he was not alone. His contemporary, Edward Jenkins, for example, a barrister who attended the Royal Commission on behalf of the Anti-Slavery and Aborigine Protection Societies, wrote two texts, *The Coolie: His Rights and Wrongs* (1871) and the novel *Lutchmee and Dilloo* (1877) based on this experience. Both texts attempt to provide a more positive image of the indentured labourers than was commonly held at this time. In fact, Jenkins specifically notes that the aim of his novel is to “throw the problems of Coolie labour in our Colonies into a concrete and picturesque form”\(^{27}\). Jenkins achieves this by painting a sympathetic picture of the novel’s upright title characters struggling against the predominantly base and morally bankrupt society into which they have migrated. Nevertheless, despite Jenkins’ desire to “make the story [of indentured immigration] a wider and therefore, … a more interest[ing] study of human life” and thereby illicit sympathy for the migrants, the novel still constructs negative stereotypes about the labourers.\(^{28}\) Most notable, his assumption that “shrewdness and cunning ability . . . are common to all these Asiatic immigrants”, manifests itself in characters like Chin-a-foo, Hunoomaun and Ramdoolah in *Lutchmee and Dilloo*, or in his description of his reaction to the immigrants who air their grievances to the Commissioners in *The Coolie*\(^{29}\).

In *The New Slavery*, however, Beaumont, albeit not entirely free from the assumption of English cultural and racial superiority, does recognize both the constructed nature of such stereotypes and the key role that they play in justifying the unfair and oppressive legal and sociopolitical structures of the colony. As a former Chief Justice, Beaumont is perhaps more sensitive than most to the conflation of discursive narratives with the will to dominate since the court proceedings he was involved with often revealed how such narratives
underpinned the exercise of oppressive power in explicit fashion. For example, throughout the text, Beaumont is particularly perturbed by his discovery that many decisions of the stipendiary magistrates in favour of estate management are based on the assumption that “there is some a priori discredit attaching to the testimony of Indians and Chinese”; that such decisions are grounded, in other words, on the popular stereotype of the “cunning Asiatic” rather than on uncovering the individual facts of each case. Similarly, in a case where a Chinese convict, subjected to systematic physical and emotional abuse by an overseer in a penal settlement, finally strikes back, killing the overseer, Beaumont records a certain casual nonchalance in the defence that the prison’s superintendent presents to extenuate the behaviour of the overseer. The superintendent does not bother to directly address the facts of the case or seem to think it is necessary to justify the overseer’s treatment of the convict. Instead, despite the fact that the convict had never demonstrated any violent behaviour prior to the event that took the life of the overseer, the superintendent draws on the stereotype of the indentured immigrant as unruly and dangerous when he claims that overseers should be allowed “some such freedom [to commit abuse] … in order to maintain discipline amongst such people.” In fact, the superintendent appears so sure that the court will rely on this stereotype to make a judgment against the convict, that his only other defence of the overseer’s behaviour is to characterize him as a “good-hearted but an eccentric fellow”, despite, at least in the treatment of the convicts, very real evidence to the contrary.

One of Beaumont’s most powerful subversions of the narrative of the cunning Asiatic occurs when he points out that the difficulty in arriving “satisfactorily at the very truth and fact” in court cases involving the indentured labourers occurs not because “of any characteristic defect either of intelligence or of truthfulness on the part of the Immigrants, but of the difficulty of obtaining a just and accurate interpretation, not only of their language, but of their habits and ideas.” In that brief statement, Beaumont readjusts the lens through which the behaviour of the indentured immigrants is viewed. The assumption that the immigrants possess innate degenerate and otherwise
negative racially prescribed characteristics that make them inclined to criminality is challenged by placing a context around their behaviour. Thus, for example, in *The New Slavery*, criminal activities such as opium smoking and gambling, which were popular amongst the Chinese migrants, are understood to be a reaction that is “caused and fostered by poverty and distress” rather than by an inherently debased morality. Similarly, the disproportionately high number of indentured immigrants convicted by the court is placed in relief against laws that are unfairly wielded to punish the immigrants through incarceration. As Beaumont puts it: a “large proportion of these people … are forced into the position of criminals under the Labour Laws” (emphasis added). It is, in other words, not that the immigrants are more predisposed to crime than others, but that the law is more predisposed to identify their behaviour as criminal. Beaumont’s contextualization of the indentured immigrants’ behaviour in this manner provides a radical readjustment of depth perception, so to speak, that requires an equally radical re-evaluation of the categories of “crime” and “criminal” in British Guianese colonial society.

Immigrant activities previously perceived to be rebellious, defiant or subversive can be, once contextualized, reread as resistance to oppression, rightful protest about abuse and means of self-protection. Indeed, in the final analysis, Beaumont so redefines the typical construction of indentured immigrants’ identity within colonial narratives that, rather than being depicted as a threat to British Guiana, the labourers are represented as a people whose self-control, patience and self-discipline are largely responsible for the safety of the colony.

*The New Slavery* is also unique in that it reveals that Beaumont is well-aware of the limitations that he faces in articulating the perspectives of the indentured labourers. Colonial discourses draw their authority to create knowledge about the colonized on the presumed panoptic vision of the coloniser as exemplified by Jenkins’ claim in the preface to Lutchmee and Dilloo that he can “reproduce with exact fidelity the picture of a Coolie’s life” (emphasis added). In contrast, Beaumont recognizes a blind spot – or perhaps more accurately, a silence – in the stories of the indentured immigrants that he attempts to re-
veal. As he himself puts it: “I do not suppose that anything which I could say would have half the weight of that story of a miserable Immigrant’s life and death, told at first hand, and with all its piteous details” (emphasis added). In response, Beaumont consciously provides space for immigrant voices to be heard throughout his text. Indeed, the very structure of *The New Slavery* highlights such voices by beginning with the Chinese woodblock depicting indentured life and ending with the transcripts at the inquiry into the death of Low-a-si. Simply, the first and the last words belong to the indentured labourers. Of course, one might argue that such voices are necessarily translated and thus, perhaps the subaltern does not really speak. Yet to do so would miss the fact that although work produced by those invested with colonial power such as *The New Slavery* – work like “reports, dispatches, minutes, judgments, laws, letters, etc…..amount to a representation of their will . . . these documents do not get their content from that alone, for the latter is predicated on another will” In this case, it is the will of the indentured labourers to be heard that comes through the text, muffled as these voices may be at times by the coloniser’s rhetoric and concerns. *The New Slavery* is successful in providing striking moments when the voices of the indentured labourers can be heard asserting their humanity, shouting their pain, and sharing their little joys. In Beaumont’s careful descriptions of the living that he witnessed, we hear the grumbling stomachs of naked, malnourished children and the murmurings of discontent when the police stop labourers on the road, demanding to see their passes. We want to stop up our ears at the screams of agony and the sounds of flesh being beaten as angry overseers and drivers assert their will. But we also hear the rustle of brightly coloured material being made into clothing or the tinkle of gold bangles and imagine the pride the immigrants must have felt to be able to make such purchases and the simple delight they must have found in being able to own something of beauty in a world filled with so much that was ugly. We listen to the shouts of greeting and the raised happy voices of friends and families as they gather in large groups to make the long journey on foot across the country to visit other friends or family on their days off. We hear the drums of *taja* and sense the spiritual
release and spirit of community that occurs in that celebration. And it is in these stories that we glimpse the lives of the indentured labourers, not in stereotypical extremes as people depraved and degraded or nobly long-suffering. Instead, we are introduced to people who are more complex and also more familiar; ordinary people just “going about their little business or their domestic affairs, to purchase food or clothing, to see after their money matters at the Bank or with their debtors or creditors, to visit their friends or relatives . . . or perhaps to consult a lawyer or to make a complaint or application to the Immigration Agent General”\textsuperscript{10}. It is in these moments that the writing of an obscure Chief Justice caught up in the nineteenth century machinery of colonial administration gains currency and relevancy and becomes a historical record of more than his work in the courtroom; instead, it becomes a powerful venue in which so many of the tens of thousands of unnamed and unknown labourers who lived and died under indenture can have at least part of their stories told.

ANNE-MARIE LEE-LOY
Ryerson University
Notes:


For the purposes of this introduction, the “West Indies” refers to Jamaica, Trinidad and Guyana during the colonial period. In further acknowledgement of this historical period, “British Guiana” will be used instead of “Guyana”.


3 The name “Gladstone Coolies” makes reference to the man who requested and received permission to import the first indentured labourers from India to British Guiana: Sir John Gladstone. In May 1838, just under 400 labourers, signed to five-year labour contracts began working on a number of sugar plantations in the colony. See also J. Scoble, Hill Coolies in British Guiana and Mauritius (London, 1840); K.O. Laurence, Immigration into the West Indies in the 19th Century (Barbados, 1971); Edgar Erickson ‘The Introduction of East Indian Coolies into the British West Indies’, The Journal of Modern History, 6.2 (1934): 127 – 146.

4 The terms of the Kung Convention, signed in China in 1866, but never ratified by the British Government, provided for return passage of Chinese labourers. This cost was so prohibitive that it quickly led to the end of indentured labour migration from China. Indeed, after 1866, only two ships, the Corona in 1874 and the Dartmouth in 1879 brought Chinese indentured labourers into British Guiana. See also Walton Look Lai, The Chinese in the West Indies, 1806 – 1995. A Documentary History (Jamaica: The Press University of the West Indies, 1998).


8 Meagher, op. cit., p. 86.

9 PRO CO 295/222. It should be noted, however, that a significant number of Chinese women who migrated to British Guiana were recruited by Reverend William Lobschied, a missionary based out of China. These women were more likely to be “true wives” or women widowed by the political unrest and famine of the period. See Meagher, op. cit.


11 Ibid., p. 84.


13 Jenkins, op. cit., p.109. For further details of the 1869 labour unrest, see The Colonist, 7 December 1869.

14 Jenkins, op. cit., p. 337.
16 Ibid., p. 526.
18 Ibid.
20 Ibid. p. 534.
21 Ibid., p. 544.
22 Jenkins, p. 307.
24 Ibid., pp. 93 and 15.
25 Ibid., pp. 6 and 62.
26 Ibid., p. 27.
28 Ibid., p. 30.
31 Ibid., p. 73.
32 Ibid.
33 Ibid., p. 21.
34 Ibid., p. 52.
35 Ibid. p. 32.
38 Literary theorist and critic, Gayatri Spivak’s famous article ‘Can the Subaltern Speak?’ warns that giving “collective voice” to the disposed can lead to Western intellectuals “speaking for” the subaltern. ‘Can the Subaltern Speak?’ can be found in *Marxism and the Interpretation of Culture*, edited by Cary Nelson and Lawrence Grossberg (London: Macmillan Education Ltd., 1988), pp. 271 – 313.
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JOSEPH BEAUMONT, Esq.
Plate 1 – THE MANAGER’S HOUSE

On each side of the “yard” are seen “gangs” of “bound” immigrants – Indians on one side, Chinese on the other – presenting various types of each class. In front of each gang appears a representative figure, undergoing at the hands of his “driver” the operation of having his heart’s blood drawn into vessels supported by the manager’s “boys”. In the foreground is seen on one side a plaint Coolie in charge of the manager’s cattle; on the other, a recalcitrant Chinese undergoing “necessary discipline” at the hands of the constable or driver. The “attorney” of the absentee proprietor has come to inspect the estate, and may be seen seated with much repose and dignity enjoying the cool breeze at the windward corner of the gallery, and imbibing in company with the manager – his horse meanwhile awaiting the great man, very much at its ease in the background, where the smoking kitchen affords a further pleasing prospect. Within the house, through the open windows, are to be seen the manager’s wife and children, fat and well liking; while at the farther end of the gallery the “overseers” are seated with their books, overhauling the pay-list and arranging the stoppages. The butler is seen carrying up the steps what is possibly meant for one of the vessels already filled by the driver’s agency below. To the mind’s eye of the great man are present (as shown on the label issuing from his cranium) the dignified planter and his placid lady at home in England; while to the mind’s eye of the representative Chinese are present (indicated in like manner) his aged parents at home in China – the mother painfully striving to descry her lost son, the father imploring him to return.
Plate II
Plate II – THE HOSPITAL

This is represented as when visited by the estate’s doctor. He has just arrived; and having left his impatient horse (a characteristic beast) in the care of a Chinese at the foot of the hospital stairs, has seated himself in any airy spot at their head, where his patients are marshalled for inspection. On his right stands his lieutenant, the comfortable “sick-nurse” behind whom may be seen, within her chamber, his wife, regaling herself – possibly on bread and honey, but not impossibly (having regard to the dietary table at her husband’s hand) on hospital stores and medical comforts. As the diet table hangs on one side, there hangs on the other a wretched Chinaman who has sought so to end his troubles; while another Chinese, a ragged rascal whom the doctor has discharged from hospital, is propelled down the stairs with some vigour of foot and stick by the manager or overseer. Within the main ward are shown three bedded patients, the two farther ones in distressed action, while the nearest has just “shut up the story of his days”, and passed beyond the tender mercies of the estate, even though at the mortal instant a chicken has been brought to his bedside. In the inner ward are seen two patients placed in the stocks, no doubt for greater “facility of treatment”. Beneath the hospital is a large pot, in charge of a blowsy black woman. The contents may be fowl soup, but as to that the lively fowls at all events indicate no concern or foreboding. The nurse’s pigs are represented in fine condition, while outside their sty appear several convalescent, or “chronic cases”, who having come, prodigals, to this far country would gladly fill their bellies with the husks which the swine reject. They are, however, at present, more usefully occupied, and (in their hospital shirts and with bandaged limbs) are engaged in hospital economy. One carries upstairs the nauseous “bucket”. Others are seen hoeing the ground. One poor wretch has given in and thrown down his hoe, and is being condoled or expostulated with by a Coolie woman while he crouches over his “inefficient” leg, helpless from anasarca, or intolerable from erysipelatous sores.
THE NEW SLAVERY

The substance of the following pages was intended for publication as part of a general account of the Colony of British Guiana, which was in great part passed through the press a year ago, when it was destroyed by fire, amongst other contents of Mr. Watt’s printing-office. That and other accidents concurred to delay the completion of that work, until occasion seems to have arisen for the publication of what follows in this separate and unusual form; an occasion which has arisen thus.

Early in last year Mr. Des Voeux, Governor of the Island of St. Lucia, addressed to Lord Granville, then at the Colonial Office, a letter making very grave representations as to the evils and abuses of the system of Coolie Immigration carried out in the Colony of British Guiana, in which it is adopted more extensively than in any other Colony, except the Mauritius. Mr. Des Voeux had been for five years a Stipendiary Magistrate in British Guiana, during which time he had obtained considerable experience and insight of that system; experience and insight which happily were not thrown away upon one of his independence and ability. Such, however, is the social and political condition of that important and interesting Colony that his appeal would not only have been in vain with reference to the object to be desired, but Quixotic and suicidal, if made by one holding Mr. Des Voeux’s position there. The political system of Demerara was divined and defined by Mr. Trollope, under a happy inspiration, as “despotism tempered by sugar”, though perhaps the sources of the inspiration must account for the “sugar” being set down as a mollifying power. To those twin forces the Immigration system is as sacred as was the old system of slavery in former days. It is as the Ark of the Covenant between them; and for one of their “paid servants” to touch it with profane hands, or even to approach to unveil it, would be a capital and inexpiable offence. Were such an one pertinacious enough to resist his just annihilation and to appeal to the Caesar of Down-
ing Street, I fear that a Magistrate so indiscreet, inconvenient, and impracticable as to disregard those cardinal maxims of official life, *quieta non movere* and *point de zèle*, would do so to little purpose.

Mr. Des Voeux, however, was fortunate in the moment when he greatly ventured on his good work. For it happened that the sugar forces of Demerara were in the year 1869 so far emboldened at various late successes in Downing Street, and so much alarmed withal at various untoward events in the Colony, indicating that even those successes would hardly suffice to keep the Immigrant population in subjection as absolute as they required without a considerable increase of force, that they proposed to establish, at the cost of the general revenue of the Colony, a paid armed force for the purpose of maintaining what was (somewhat euphemistically perhaps) called “order” amongst the labourers upon the sugar estates. And, startling as this proposal – concurred in, of course, by the twin Government of the Colony, and supported by the Home Government of the sugar interest, the potent “West India Committee” – must have been, it may be presumed that but for the happily-timed advent of Mr. Des Voeux’s *exposé*, it would have been carried out.

Whether Mr. Des Voeux thus timed his letter advisedly or not, I do not know; but, whether fortuitous or contemplated, the concurrence of the two representations being brought to the notice of the Colonial Office, made it impossible to let the matter “slide” in the plane which the planters proposed. It was impossible to black-list Mr. Des Voeux, or to pooh-pooh his communication, when, coupled with his forcible representations of the intolerable oppressions to which the Immigrants were subject, he took the same ground as the planters did themselves, viz. the imminent and increasing danger of disturbances of the Queen’s peace. Accordingly, with a firmness and promptness highly creditable, Lord Granville required the Colonial Government to issue and make provision for the expenses of a Special Commission of Inquiry into the condition and treatment of the Immigrants.¹

The members of that Commission – Mr. Frere, Sir George Young, and Mr. Mitchell – were appointed under the direction of the Colonial Office, and with their Secretary, Mr. Davis,
would appear to have been selected with great judgment. Their inquiry occupied some five months, and was conducted with an earnestness, skill, and fairness which would justify the hope that their report, which has just been made, will be entitled to great respect. I am not indeed without hope that the results of the Commission will be found so thorough as to require nothing but firm adoption and honest application. Yet so great are the difficulties of getting at the bottom of questions of this nature in British Guiana, so triple is the brass with which the fortress of oppression is armed, so strong are the inducements to smooth over so sore a subject if it may seem possible, and so convinced am I that the mischief is so great and so deep-seated that it must be probed to the core and extirpated by the roots, that I feel it an absolute duty to endeavour to draw attention to it. The subject is remote in its interest, and likely to be thought indifferent by a public opinion which shrinks from what is tedious, and which is apt to deem all Colonial questions tedious, all West Indian questions more tedious, and questions concerning the labouring classes in the West Indies most tedious. It shrinks, too, from Commissions and blue books. And so it may well happen that this great question may after all be shelved, unless public opinion can be aroused and concentrated upon it. If that may be done, I cannot doubt that the public mind, indifferent as it sometimes seems, is really so true and earnest in the detestation of slavery and organized oppression, that this system of oppression, which is in truth a new slavery under another guise, will be brought to an end.

As it has happened to me to have had, during my time in British Guiana, extensive and exceptional opportunities of observing the actual working of the system of Immigration, which led me long ago to apprehend its evils, I felt it my duty to offer myself as a witness on the late inquiry. But though I was prepared to proceed to the Colony for purpose of giving my evidence, I could not with propriety do so, unless some provision was made for the attendant expense; and as Lord Granville declined to make any such provision, I proceeded to tender my evidence in the form of three statutory declarations, which I forwarded as opportunity served to the Colony. In doing so I not only felt that in that form it would be of
comparatively little value, but that if the Commissioners should deem themselves bound by legal rules, it would probably be inadmissible. Still, as I felt bound to do what I could to advance the object of the inquiry, I took that course as the only one open to me. But it was with no surprise, and I make no sort of complaint, that I received from the Commissioners an intimation of their opinion that they considered themselves precluded from receiving my declarations in evidence. Those declarations, omitting only the formal heading &c., will be found in extenso in the following pages. Though in some respects unsuitable in point of form and expression for a publication of this nature, I have thought that they form on the whole a not inappropriate mode of stating, in the most solemn way, what I know and what, as it seems to me, ought to be made public upon this subject.

I publish my declarations, therefore, just as they were made, adding only in a few cases such corrections or explanations as seemed most convenient for annotation. I have not thought it convenient, however, to add any enlarged exposition of various statutory and other matters which were referred to in general terms, knowing that the Commissioners would have them in their hands. To do so would greatly lengthen what is already a much more bulky publication than I or my readers could have wished; and, as I only seek to excite in the public mind the conviction that this matter of Coolie Immigration to British Guiana is one which must be searched to the bottom, I hope that these pages may be found to contain illustrations of the system sufficiently intelligible, without my attempting to give a complete account of it.

It will however be well that in these introductory remarks I should say a few words, for the benefit of those to whom the subject may be strange, both as to Demerara itself, and as to the general scheme and operation of Coolie Immigration.

Demerara gives its name in common parlance to the colony of British Guiana, of which it is the most important constituent part. It is in various respects amongst the most remarkable provinces of our grand Colonial Empire. It is by far the most considerable of our West India Colonies in respect of extent and of export trade, though in respect of population it ranks below Jamaica and Barbadoes. Guiana is one of the most
wonderful and noble regions of the round world; and our section of it by no means the least valuable. With its natural features and capabilities, however, I am not now concerned, except indeed to note that the region to which the Immigrants are confined is a narrow slip of seaboard, reclaimed from the vast alluvial tract formed along the coastline of Guiana. Stretching some 300 miles along this seaboard, and here and there extending a short distance up the great rivers from the Corentyn to the Essequibo, are found some 150 sugar plantations, varying from 500 to nearly 2000 acres in extent, all lying below the level of high-water, and protected by dams from the tides and inland waters. And upon these estates, containing in the whole some 100,000 acres of swamp land, 100,000 Indian and Chinese Immigrants, “introduced” for that purpose by the Government, have been, and about 40,000 of their number are now confined, and there “bound” to labour in agricultural service.

If the natural features of this Colony are remarkable, its industrial features are still more so. I will here, for the sake of brief and simple illustration, adopt the planters’ estimate of the Colony, and look merely at the exports of their staple produce. These amount in annual value to no less than 11l. per caput of the entire population, taking their number at 200,000; whereas the gross value of her own produce and manufactures exported from the mother country amounts in value to less than 6l. per caput. It is not a little remarkable to find that upwards of one million and a half sterling (one-fifteenth of its total amount) accrues to the Customs revenue of Great Britain from the imported produce of British Guiana; and that considerably more than one half of the first-class sugar, and one-eighth of the second-class sugar imported by us is the produce of that colony. I believe, indeed, that there is but one other region in the world where so great a ratio of exportable wealth has ever been produced from proportionate industrial resources, and that is the island of Cuba.

The political and social condition of British Guiana is however by far its most remarkable feature. Its system of government is not only that of a complete and highly organised oligarchy; but a mercantile oligarchy, an irresponsible oligarchy founded on the traditions of slavery, and an absentee oli-
garchy which rules by deputy. Though her Majesty’s Government holds the supreme executive authority (and in that capacity it is not too much to say that it is as absolutely despotic as that of any Eastern chief), the general legislative power is almost equally shared by the planters’ nominees in “the Court of Policy”, while the power of the purse-strings is wholly in the control of their nominees in “the Combined Court”. The elected members of those Courts are the refined and concentrated produce of a system of nomination and election quite unique, and so elaborate and exclusive as to be well worth a study in itself; but the short result of which is to guard at every point against the possibility of any but the planters’ class having any voice in either of the colonial assemblies. If therefore the planters cannot dispense with the action of the Government, they can at any time bring its machinery to a dead lock; and as the Governor must keep things quiet in Downing Street, the oligarchy much keep things quiet in Parliament, and the Colonial Minister must satisfy the West India Committee, the result is that fusion of forces, practically irresponsibly, which has been so well described as “despotism tempered by sugar”.

As to the administration of justice, its independence exists in name. But not only do the Judges as well as the Magistrates hold their offices at the pleasure of the Sovereign, but practically that pleasure is administered by or under the influence of the twin Colonial influences: and no one can hope to maintain his independence or his office against the will of these associated powers. And thus it happens that, just at the points at which judicial independence becomes practically important, when the acts of the Executive Government or the interests or the privileges of the planters come into question, no Judge or Magistrate can decide adversely to them, without being exposed to the risk of punishment. No doubt one should dare this risk rather than betray the cause of the oppressed, and should rather deem it an honour to suffer in such a cause. But it is hard to for most of us, who do not emulate a martyr’s vocation or possess a martyr’s spirit, to encounter destruction even for the sake of duty; and it is easy for most of us under such influence to deceive ourselves as to the requirements of duty so as to square our conduct with our in-
terest. Having had painful experience of the pressure on the one hand and the inducements on the other, I cannot wonder if even those who see and approve the better part should sometimes follow the worse, or that those not so pliable should imitate the example of the discreet Imperial Judge, of whom Juvenal tells us that, though

“optimus atque
Interpres legum sanctissimus, omnia quanquam
Temporibus diris tractanda putabat inermi justitia.”

And thus the faces of the people in Demerara are ground by legislation, by taxation and by privilege, abuse of power, and violence, so that their patient but manly bearing seems to me most admirable and touching. And this is by the way, and merely to prepare the mind of the reader for the particular consideration of the Immigrants’ position, I will here present but one compendious instance of the practical outcome of this “despotism tempered by sugar”, which will be found in the matter of taxation. Taking the figures for the year 1867 (the last of which I have particulars), the amount of revenue raised by taxation was $1,323,214.67, the whole of which in effect (or, to speak exactly, $1,250,590.84) was raised by taxes upon consumption. I might show in detail how the articles taxed are almost without exception those consumed by the labouring classes. But the complexion of the case if shown with greater force by contrasting the general rate of customs duties on articles imported for their consumption, and those imported for the planters’ use. The chief article of food consumed by the labourers (who are wholly unrepresented) pay duties equivalent to from 10 to 20 per cent, in some few cases falling as low as 8 per cent, or rising to 40 and even 100 per cent ad valorem. The chief articles imported for the use of the planters (who raise and appropriate the taxation) are what are called “estate supplies”, such as coal, bricks, machinery, manures, lime, hay, staves, &c. Of these manures and machinery, large importations, were actually exempt. The duties upon the others were equal to from 2 to 5 per cent. And even these (to the amount, in 1867, of $42,853) were carried – in violation, as I believe, of law no less than of justice – to the
credit of the “Immigration Fund”, which otherwise the planters themselves would have had to make good!

This point brings me to the question of “Coolie Immigration”, a scheme contrived in order to substitute and control the labour of the freedmen, when they had become thoroughly alienated from the planters by the course pursued after the emancipation of the slaves, and which, after various experiments, has for some twenty years been settled upon a tolerably uniform system. The Colonial Government have, with the sanction of the Home and Indian and Chinese governments, established agencies in India and China, in order there to engage suitable persons as labourers to emigrate to Demerara. The engagement and shipment of such persons are managed by the agents in the East; while there is a separate establishment in Demerara to superintend the working of the system there. Those planters who desire Immigrants bespeak them in each year, and at the proper time the requisite number is authorized to be shipped from India or China. The entire expense is in the first instance borne by the Colony; but the planters are charged an “Indenture fee” estimated to amount to two-thirds of the cost of introducing the Immigrants allotted to them, and payable by instalments extending over four years.

The Immigrants having reached the Colony, are “allocated” by the Immigration Agent to the planters, according to a rota or order arranged by him, and thereupon they are “indentured” in a prescribed form – or, at least, are taken so to be; for such is the habit engendered by knowing that no such persons can obtain redress, that I believe this fundamental requisite is not unfrequently omitted. As to their indentures, the Immigrants have nothing to say to them. They are often, in fact, inconsistent with the terms on which they were engaged in India. But the people are “indentured” all the same, with a high hand; and, with or without indenture, once on the estate to which they have been allocated (in the selection of which they have no choice), they are treated as subject to the duties and penalties imposed by law upon Indentured Immigrants. The main obligation of their position is that for five years they are bound, under a sharp penal discipline, to serve as agricultural labourers the employer to whom they have been al-
lotted. During that period they are bound not to go more than two miles from their estate without “a pass”; numerous other onerous details of conduct are prescribed for them by law; and at every point they are confronted with severe penalties imposed upon them, not only for any breach, but any neglect of duty. The employers are, on their side, bound to provide the Immigrants with house-room, and with medical attendance and hospital accommodation in sickness. They are not bound to find them work but only, if they do so, to pay them wages at the same rate as are paid under similar circumstances to other labourers!

At the end of the term of five years (which may, however, be extended indefinitely, under various penal provisions), the Immigrant becomes free, and entitled to a “certificate of industrial service”. It is a striking illustration of the character of the legislation on this subject, however, that he still remains, *prima facie*, an Indentured Immigrant, and only entitled to the full enjoyment of his freedom upon production of his certificate; but that nevertheless, should he lose this precious document, he must actually pay $5 (which goes to the planters’ fund) for its renewal! Not only men, but Indian women and children are placed under indenture. As to the Chinese women, their own Government required that they should be exempted from the obligation to labour before it would consent to their emigration, and so far they are protected. At the close of their first term the Immigrants are expected to re-indenture themselves for a second term of five years, in which case they receive $50 bounty from the Immigration fund. And as to the Indian Immigrants, after they have resided ten years in the Colony, they are entitled, if they possess a “certificate of industrial service”, to a return passage to India.

Such is a short outline of the scheme of Coolie Immigration, and upon the face of it it gives rise to very serious questions. Thus, at the outset, the propriety of the Colonial Government not only organizing a Government system of Immigration to compete with the Creole labourers, *but taxing them to pay for the importation of their competitors*, is a very considerable question. So also the propriety of the Indian Government permitting organized agencies of this nature, under the sanction of the Queen’s Government, to take away great bodies of
people from India, is a serious matter for consideration, but one beyond the scope of my knowledge or of these pages. But this at all events is plain, that they are bound, if they do permit such agencies, to take care that their people are not entrapped or misled or forced in such a matter. And it is greatly to be feared that whatever precautions are taken on this score are very inadequate. The Chinese Government has shown a more active interest for its people. Indeed, Chinese Immigration has been arrested for some years by reason of that Government having required further provision to be made for the benefit of the Chinese Immigrants, and in particular that they shall be entitled to a return passage to China.

But the question to which I desire to call attention is that of the oppression and suffering to which the Immigrants are subject in British Guiana. On this grave question I might add very much to the declarations which follow; but I shall only add a very few remarks. In the Appendix will be found the depositions taken at an inquest held upon the body of a Chinese named Low-a-si. These I publish in extenso, because I do not suppose that any thing which I could say would have half the weight of that story of a miserable Immigrant's life and death, told at first hand, and with all its piteous details. I believe it to present not only a vivid, but a characteristic picture of the reckless, wanton, and unfeeling violence under which these poor wretches too commonly suffer. Many well-meaning people, no doubt, will think that in writing upon this subject I ought not to have spoken so plainly and so strongly as I have. I would point them to that case, and ask them to read it; and after reading it carefully, I trust that they will be prepared to agree with me, that this evil is not one to be spoken of with bated breath. I do not doubt - I heartily acknowledge, because I know – that many of those who are responsible for it are estimable and kindly people. But they are none the less the instruments and even the actors in a most cruel tyranny because they are blind to its true character. The same worthy persons, or their parents, were the instruments and the actors too in the old crime of slavery, stone-blind to its disgrace and its cruelties. And the same language was used then by the "judicious" critics, who would often show their superior wisdom by palliating that system; but assuredly it would never
have been abolished had the men who achieved that great object judiciously paltered with the truth.

This is not a question of more or less, of this or that safeguard, or an occasional defect here, or excess there. But it is that of a monstrous, rotten system, rooted upon slavery, grown in its stale soil, emulating its worst abuses, and only the more dangerous because it presents itself under false colours, whereas slavery bore the brand of infamy upon its forehead. So far from being prepared to modify my language upon the subject therefore, I declare that what is here written I believe to be far short of the truth. Would that I could pretend to any of that graphic or sympathetic faculty which would enable me to present the case with just warmth and power, or that some Max Havilaar might arise to depict the lot of these poor Immigrants in its true colours! The only adventitious aid however of which I can avail myself, is that of the Chinese artist of the two wood-cuts which I am enable to insert in this pamphlet, by the kind favour of Mr. Jenkins (who has done good service to this cause) and of Messrs. Strahan. They have already appeared in Good Words with Mr. Jenkins’s papers, but they seem to me to be so deeply interesting, by reasons of their truthfulness, both real and symbolized, as well as their extraordinary cleverness; and, as the genuine reflex of the mind of a Chinese Immigrant conveyed in a mode so entirely spontaneous, they seem to me of such high value, that I am exceedingly glad to be able to present them to my readers. Let them compare these with the picture orally portrayed by the witnesses in Low-a-si’s case, and then say if this Coolie Immigration to Demerara is not verily “a new slavery”.

As to one most pregnant and painful feature of Low-a-si’s case – the disgraceful failure of justice which has occurred – I do not intend to say any thing here. It is too grave and distressing a subject, and involves too much of personal reflection, to be fit that I should here discuss it. I am not without hope however that, if this matter can only be adequately brought before Parliament and the country, there may be a further opportunity of investigating it, and bringing home the responsibility to those whose connivance has entailed that shameful reproach to the administration of justice, which I could not fail to anticipate when the case was before me.
I ought perhaps to say a few words as to the remedy for the evils of which I write. On this part of the case I feel chiefly anxious to guard against the deceptions of mere palliative treatment, which I am convinced will do more real harm than apparent good. So long as the political system of Demerara is what it is, it would be idle to expect that vigorous and independent administration of justice which, as the vis medicatrix naturae, might aid efficiently in the eradication of such a cancer. But if the remedy must be active and trenchant, I do not believe it is either difficult or hazardous if applied speedily, skilfully, and thoroughly.

The capital point is, I believe, to abolish the special penal laws by which the Immigrants are kept in subjection. Along with this, no doubt, must concur numerous minor matters—new and stringent provisions efficiently carried out to prevent deception in recruiting, to ensure the selection of suitable labourers only, to ensure an adequate supply of women properly selected and freed from the obligation of agricultural service; the freedom of children from such obligation; a return passage to the Chinese; a sufficient term of acclimatization, with easy work and full rations; new and more efficient provisions for medical care; some provision for the moral and educational care of the children especially; provision for an adequate staff of interpreters, and means of assistance to the Immigrants in the Magistrates’ Tribunals; the extension and invigoration of the powers and increase of the responsibility of the Immigration department for the protection of the Immigrants; additional security in the matter of wages both as to the amount and payment; the vigorous enforcement of increased responsibility on the part of the employers in respect of their duties towards the Immigrants; and, in particular, the vigilant and relentless enforcement of adequate penalties against employers and their servants for everything in the shape of violence towards the Immigrants. All these matters are important in themselves, but they are, I believe, quite secondary in importance to the abolition of what must justly be called the penal servitude under which the Immigrants groan from the Labour Laws.

The ordinary law of master and servant in Demerara is severe enough in all conscience, and unequal enough as be-
tween master and servants (to say nothing of the unequal mode of its administration) to satisfy the most exacting demands of the former. It is, however, a liberal and just code as compared with what are specially known as the “Labour Laws”, i.e. the compulsory and penal provisions of the law for enforcing the Immigrants to labour; and I repeat in conclusion my conviction, that so long as these “Labour Laws” are continued in operation, no secondary remedy will avail to remove the evils which exist, and which I venture to predict will, if not redressed, lead to such serious disturbances as to teach one more lesson of the sound policy of doing justice to “subject races”.

Since the above pages were in the press my attention has been drawn to various paragraphs in the Indian papers of last month, with reference to some late judicial proceedings at Allahabad, in which important disclosures have been made respecting the mode in which Coolie Immigration thence to the West Indies is conducted – disclosures which confirm the impression which has for long been formed in my mind, that the evils of the system are much the same throughout, and indeed suggest a grave doubt whether they are not innate and ineradicable. I have not been able thus far to meet with a report of the proceedings themselves; but I find in the Madras Times of March 15th an article which enters very much into particulars. As there stated, the case is one which adds another to the long bead-roll of the services of Missionaries to the cause of humanity; since but for their intervention the outrages of the ruffians who have been thus acting in the name of the Government might have been continued without check. The internal evidence which this article contains of bona fides is such to afford a strong presumption, confirmed by articles in other Indian papers, of its substantial accuracy. I therefore gladly append it to these introductory observations. It presents a striking “companion piece” to the case of Low-a-si – the commencement and the end, the prologue and epilogue, to a most grievous tragedy.

“It would be well, says the Pioneer of India, if magistrates and the police throughout the country would direct some special atten-
tion to the operations of a set of scoundrels who, there is reason to believe, are just now particularly active, who are formidably organized, and the cause of great misery in native households, and of much (not entirely undeserved) odium to government. Some late judicial proceeding have established the fact that the enrolment of coolies for service in the West Indies, as pursued in Allahabad, differs in no essential respect, except one, from the old African slave trade. This one exception is that in the present case the victims are British subjects! Here in India, as formerly in Africa, the slaves are seized by force, and detained against their will, and despite their tears and entreaties. Not the least ugly feature in the system is that it appears that young, good-looking women are the class of coolies preferred in 'Jamaica'. The 'emigration agents' go about in uniform and wearing the chapprass, to all appearance the immediate servants of government. It is therefore no wonder, but we are tempted to think it almost a pity, that such villainy as is perpetrated with the apparent sanction of government does not excite a rebellion. A small émeute would quicken the governmental conscience amazingly.

From a subsequent number of the *Pioneer* it appears that four of the Allahabad kidnappers, alias Jamaica emigration agents, have received a measure of punishment, having been sentenced to twelve, nine, and six months' imprisonment respectively for "unlawful confinement". The discovery of the slave depot where some ten or twelve women were kept in durance came about in this wise:-

A fine-looking young woman went out on the morning of the 14th to earn her usual daily wages by grinding corn for a Bunyah. It appeared, however, that the Bunyah had no corn for grinding that morning, and she was consequently returning home, when a man accosted her, and offered her a job in corn-grinding at six pice for the day. She followed him to the serai at Khurdabad in the city, where another man made his appearance and demanded her name. She began to suspect something was wrong and tried to escape, but was hustled into a room in the serai, where a number of other women and a few children were huddled up together guarded by a third peon. Her entreaties for release were answered by blows and cuffs. She was told not to be a fool – that she would be sent to Jamaica, where she would get twelve rupees a month, besides clothes, &c. She replied that she had an infant at home, and did not want to go away; she was, however, detained, strict watch being maintained over the whole party, day and night. The next day her sister suc-
ceeded in tracing her out, and began to weep and beat her breast before the door, until the peon on guard pushed her also inside, saying that she might keep her sister company to Jamaica. Either, however, the arrest of the sister had been too public, or her vociferous howling inside was considered dangerous, for the peon after a time turned her out again. She offered a rupee to the recruiting agent for her sister’s release, but he would not take less than five rupees. In despair she went to the Rev. Mr. Evans, where her nephew worked, and appealed to him for aid. That gentleman accordingly, in company with the Rev. Mr. Williamson, went to the place indicated, and inquired of one of the agents what it all meant. The scoundrel declared he had orders from government to collect people for service in Jamaica, but pretended that all the women inside were there with their own consent. This, however, the women eagerly denied, and rushed pell-mell into the street – one in such a hurry and terror that she left her infant behind, and had to be called back to take it away. If it had not been for the humane interference of the Rev. Mr. Evans it is probably that a batch of some twenty wretched women would shortly have been produced before a magistrate, where, like Oliver Twist before the guardians, they would have been too bewildered and terrified to express their horror at the idea of being expatriated – and then, why then the subaltern kidnappers would, if we are rightly informed, have received from their European employers seven rupees for each poor woman so recruited, as an encouragement to further such good work. We are curious, by-the-bye, to know why the fee for each woman captured is seven rupees, while that for the man is only four – evidently feminine labour is especially appreciated ‘in Jamaica’ or elsewhere. Though, as we have said, these particular women owe their liberation to Messrs. Evans and Williamson, the arrest of the scoundrelly kidnappers did not take place till some six or seven days later, and was due to the initiative of the police under the sub-inspector of the Colonelgunge station.”

LINCOLN’S INN,
April 12\textsuperscript{th}, 1871.
Notes:

1 As soon as this was announced the planters with great discretion abandoned their proposal for a special armed force which had entailed such unexpected consequences; acting on the favourite motto of the Colony, “Damus petimusque vicissim”, they substituted a considerable increase of the Colonial police, conscious that in that less audacious form they would obtain, without difficulty, the substance of their demand. It is to be hoped that all the papers relating to that proposal may be laid before Parliament.

2 Those thoughtful readers whose attention I seek to awaken will find much valuable information upon the question in the interesting papers by Mr. Edward Jenkins, now in course of publication in “Good Words”, entitled “The Coolie”; and also in an excellent paper by Professor Amos, read before the Social Science Association in March last.
1. I held the office of Chief Justice of British Guiana from the month of April, 1863, to the month of August, 1868. In that capacity I resided in the said Colony from August, 1863, to August, 1868, with the exception of a few months in 1864 and 1865, and during that period I had extensive opportunities of becoming acquainted with the position and condition of the Immigrants introduced into the Colony from India and China under the system of Immigration organized in that behalf.

2. Various circumstances which came under my notice soon after my arrival in Demerara affecting those Immigrants caused me to give particular attention to them, and my closer observation and more enlarged experience not only deepened this interest into one of anxious concern, but long ago convinced me that the oppression and hardships suffered by the Immigrant classes are such that, unless the existing state of things shall be greatly modified and reformed, very serious disorders may be expected to follow sooner or later, involving consequences disastrous, no less to the planters and others specially interested in the staple exports of the Colony, than to the Immigrants themselves, and hardly less injurious to the other classes of the community, interested as they all are in the peace and good order of the Colony.

3. With these convictions thus founded, I have felt it my duty to proffer my evidence in this matter, and being especially anxious that it should be given before the Commissioners orally and upon the spot where it could be most satisfactorily tested and fortified, I on the 11th day of June last addressed to the Earl Granville, Her Majesty’s Secretary of State for the Colonies, a letter tendering myself as a witness, and offering to proceed to Demerara in that capacity, upon having some provision made for my expenses. In reply to such letter, I received, on the 14th day of June, a letter from Sir Frederick Rogers, Under Secretary of State, the paper writing, which I now produce, and which is marked as Exhibit A,
contains true and correct copies of the said letters and also of several subsequent letters, which have been respectively written by me to the said Secretary and Under Secretary of State and received by me from the said Under Secretary; and from such correspondence the circumstances under which I make this my Declaration will fully appear.

4. Although many of the statements hereinafter contained refer to particular facts and instances and my means of knowledge thereof, many others have been derived from sources so various and extensive that to enumerate them fully would be impossible, and even to attempt to illustrate them in detail would be impracticable within any moderate compass. I shall therefore confine my statements of particulars very much to such matters as fell within my special sphere of observation, while as to other matters, particulars of which may more readily be obtained from other sources in the Colony, I will here state in general terms the sources from which my knowledge, information, and belief have been derived. These are as follows:

1st. The judicial investigation of great numbers of cases, civil and criminal, in which every detail of the transactions and lives of the Immigrant classes has come under my observation, often as the direct subject of adjudication, and at other times as incidental thereto. Of these, some hundreds have been criminal proceedings where the parties accused were themselves Immigrants; in many hundreds of civil cases tried by me the parties, or some of them, have been so; whilst those who have come under my observation in the character of witnesses have been thousands in number, forming no small fraction of the whole Immigrant population. I may add, that as the difficulty encountered and the painstaking required in order to arrive satisfactorily at the very truth and fact in such cases and from such witnesses, is much greater than in the case of the transactions and testimony of our own people (by reason, not of any characteristic defect either of intelligence or of truthfulness on the part of the Immigrants, but of the difficulty of obtaining a just and accurate interpretation, not only of their language, but of their habits and ideas, which are in many respects more difficult of full apprehension), the
searching investigation which thus becomes habitually requisite on the part of a Judge who would adequately do his duty by the Immigrants presents to him opportunity and means of becoming acquainted with them which are quite exceptional.

2nd. Official experience apart from my directly judicial functions, in connexion with matters of legislature and administration.

3rd. Frequent personal communications, both in conversation and of a more special and private nature, with official persons of very grade, professional persons of all classes, planters, managers, and others who were themselves conversant with the subject, aided by constant observation of the speech and conduct of such persons in respect of the Immigrants.

4th. Frequent personal communication with Immigrants themselves, for which I took advantage of every opportunity which occurred to me.

5th. Habitual observation of the Immigrants, and their pursuits and habits, as they may be seen at their work on the estates, in their own ranges or “houses”, and in their relaxations and movements about the country.

5. The essential and central point from which many of the evils and dangers of the existing system arise, and on which they turn, is the artificial system of “indenture”, or engagement under which the Immigrants are introduced, and their subjection during the term of five years or more (as a supposed consequence of, or security for, the engagements so contracted) to a code of law which is, in my opinion, unnecessary, arbitrary, and in many particulars unjust and oppressive; but which, at all events, is wholly exceptional, exceedingly stringent and galling, and liable to great abuse in its administration. Apart, however, from any abuse, and under the most favourable circumstances, it places those subject to it in a position of adscription to the soil, and obligation to
labour for its owner under a system of personal subjection and of servitude enforced by special penal discipline – a position so unnatural, and so nearly akin to slavery in several of its features, that it could only be maintained with regard to a limited number of persons forming a subject class, and could only be tolerable as to them on an experimental scale, or under the most efficient safeguards, administered in a spirit so just and considerate as to ensure not only their welfare, but their satisfaction.

6. Fully to appreciate the bearing of this system upon the Immigrants, even in its theoretical scope, and still more in its practical effect, it is necessary to bear in mind, not only its essential features and its specific abuses, but various surrounding circumstances of a general nature. Amongst these I would enumerate the extreme poverty of the people, their too frequent physical feebleness and sickliness, their general ignorance, their special ignorance of the English language and of our habits and ideas, their remote and alien origin; the fact, and nature, and circumstances of their separation from their own country and the change, not only of soil, but of climate, occupation, and habits which they have to undergo; the special topographical and climatic character of Guiana; the circumstances of their location and seclusion upon the estates to which they are allotted (having regard to the situation and condition of these); their social isolation and restriction from almost every amenity of life; the disproportion of the sexes amongst them; the system and incidents of their supervision and employment upon the estates; and the social and political condition of the Colony, in so far as regards the relation between the planting class, who are their masters, and the local government and its executive and judicial administration – having regard also to the circumstances under which the planters have demanded and obtained the system of immigration which as been organized as a substitute for the abolished system of negro slavery.

7. The result of my observation and experience, with regard to the condition and treatment of the Indian and Chinese Immigrants, has been to convince me that, not only are there serious evils inherent in the system of their introduction and regulation as organized by law, but others which
arise from its abuse and mal-administration. I do not refer to any collateral evils which have been occasioned by immigration in other respects, nor do I question that, apart from all such evils, it has contributed to the prosperity of the Colony at large. Upon the general question of Immigration, I would only desire to express my conviction that it might well be so conducted as to afford to the Colony and to the planters themselves benefits considerably greater than have hitherto attended it, and to the Immigrants far more substantial advantages than heretofore, and yet so as to be freed, in great measure at least, from the existing evils. But, confining myself to the actual system and its administration as affecting the Immigrants themselves, while I gladly recognize that these display some more favourable and redeeming features, and that amongst those concerned in the management of the Immigrants there are not a few honourable exceptions, yet it is my deliberate and firm conviction that as a general rule (often perhaps in a modified degree, but not infrequently in gross forms) the employers have neglected, ill-used, and mis-managed the Immigrants, that those who should have enforced the law have failed to do so by reason of their subserviency to the planters, and that not only is the law as defective and inefficient for the protection of the Immigrants as it is severe in its provisions for their control and subjection, but it is administered in respect of them harshly, unequally and oppressively.

8. I shall hereafter specify certain particulars of the legal provisions affecting the Immigrants, which deserve more special notice in respect in their substance or of the mode of their administration, but as those provisions (chiefly embodied in the Consolidated Immigration Ordnance of 1864, and various supplementary enactments and regulations) will, no doubt, be brought fully under the notice of the Commissioners, I will here only advert in order to be duly explicit to some of the more prominent features of the code which seem open to objection. The most apparent and general of these is not, in my opinion, the least grave, viz. that its provisions are as a whole exceptional, not merely in respect of the scheme of immigration and the appropriate machinery for its organization, but in regulating the status and obligations of so consid-
erable a body of the people, and thus constituting them as a separate class in respect of their civil status and personal rights and obligations. This grievance is greatly increased by the substance of many of these exceptional provisions, and though it would be impossible, within any reasonable compass to state these in detail, I will proceed to point out some instances of what I refer to. Perhaps the most salient of these, and the most fundamentally dangerous, occurs with regard to the penal provisions of the law in respect of the Immigrants, by virtue of which they are subjected in respect of every breach of duty to summary prosecution and special and severe penalties by way not only of fine, but of imprisonment with hard labour and extension of the period of servitude under their indentures, so that in effect every neglect or defect of duty, as well as every malfeasance on the part of the Immigrant, becomes a misdemeanour, subjecting him to proceedings not only penal but criminal in their nature.

9. I do not forget that in the jurisprudence of the mother country, as well as of British Guiana and other systems, special provision has been made, according to the supposed exigency of the case, for a summary remedy in cases of breach of contract between master and servant; and I by no means intend to assume any of the questions which have been raised adverse to the justice or policy of such provisions. On the other hand, I assume for this purpose that the general law on that head (especially severe, and in some respects one-sided, as that is in British Guiana, v. Ord. 2, 1853) may be not only just, but expedient; and that the Immigrants would have no special ground of complaint if they were subject in this respect to the general law. A comparison of the two Codes, however, will show how widely they differ. I pass over the more essential differences, arising out of the essentially different positions of the free labourers and the “bound coolies” (as the Immigrants are called) and their respective engagements and obligations which are thus enforced, as too wide to admit of special exposition in a statement of this nature; but I may point out some of the minor differences between the penal provisions made by the two Codes for the cases respectively subject to them. Thus the maxima of the money penalties prescribed as against the servant by the general law (Ord. 2, of
1853) are fixed at ten dollars and twenty-four dollars, the single higher penalty under Sect. 10 being inconsistent with Sect. 2, unless it be considered as providing for special and quasi-criminal acts of the nature of conspiracy. The alternative penalty is imprisonment *simpliciter* for thirty days as the maximum, and in the special case under Sect. 10, noticed above, there is no provision for imprisonment. On the other hand, the provisions against the master (inadequate as they are in some respects) are substantial as far as they go, and as compared with the provisions of the immigration laws. Thus, under Sect. 6, not alone in the somewhat vague case of “ill usage”, but in case of the master failing to supply the servant with articles stipulated for, he is made liable to a fine of fifty dollars. Contrasting these provisions with the general tenor of those in the Immigration Ordinance, the Immigrants are found to be in a very unfavourable case. Every neglect or breach of duty on their part towards their employers is made subject to heavy penalties under various sections of part XII., the fines varying from twenty-four to forty-eight dollars, and the imprisonment being imprisonment with hard labour, prescribed not only as an alternative but as a cumulative punishment, and which may not only be imposed directly for two months, but may be indefinitely extended under the provisions of Sects. 166 and 167. On the other hand, the highest penalty imposed upon employers as such (*v.* Parts XI. and XIII.) is twenty-four dollars without any provision for imprisonment, save in the case of “ill usage” (Sect. 114) and of criminal offences, such as the falsification of entries or obstruction of officers, while the primary duties of the employers towards the Immigrants are laid down¹ (Sect. 103) without any penalty whatever being provided for their breach.

10. In connexion with these penal provisions, and to show the terrible and crushing severity with which they fall upon the Immigrants, I may at this place, and without anticipating what I shall have hereafter to state as to the partial and oppressive administration of justice, advert to the extraordinary number of prosecutions under them. Though I have no means of stating accurately the total number of such prosecutions, I have no doubt that several thousand Immigrants (not less than 2000, as I am convinced from authentic data and my own ob-
reservation, but probably double that number, as I believe from extensive inquiries and notorious facts) are every year imprisoned, lawfully or unlawfully, in respect or under colour of breaches of “the Labour Laws”. I say “unlawfully”, because it is notorious, and I had repeatedly the opportunity of learning the fact, that they are often confined in the station-houses for days, and I fear sometimes from week to week, upon such pretences, frequently upon the mere arbitrary authority of the manager or overseer, and in other cases under colour of a warrant or remand by a neighbouring manager acting as a Justice of the Peace, but in either case equally without the warrant of law, which gives no authority whatever for such arrests or commitments. In many of these cases no formal charge or “information” is ever made. In many others the charges are withdrawn, or foregone, or dismissed, with the consent of the manager, the arbitrary detention having answered his purpose, with in terrorem or in poenam. It is commonly believed, and I have heard it repeatedly stated by persons thoroughly conversant with the secrets of estates management, that not only are such charges often arranged on terms of some concessions or money payment by the Immigrants, but that it is not uncommon for the planters to exact fines from their Immigrants without taking any legal proceedings, and as the price of these being foregone.

11. With regard to such of these cases as are prosecuted to conviction, I can speak, not only with confidence, but with some degree of precision. Upon conviction in such cases, the Magistrates, I regret to say, habitually impose severe, and often harsh, and even cruel sentences. Where they cannot or do not imprison directly, they impose fines which are commonly beyond the means of the convicted persons, and too often such as, having regard to those means, would seem preposterous were it not for the distressing alternative of imprisonment to which they infallibly lead. I do not think I have ever known a fine of less than two dollars upon an Immigrant in cases of this nature, although that is the amount of two average weeks’ wages of ordinary effective hands; while five and ten dollars are imposed as ordinary and moderate fines, those of twenty and twenty-four dollars are frequent, and even higher fines not uncommon. Imprisonment with hard labour, for from
fourteen days to two months, is very common, either as an independent or alternative, and sometimes as a cumulative, punishment. And though in some cases an Immigrant may be able to pay, or his friends may find means to pay his fine, I believe that a very large proportion of the persons thus convicted are, in the result, committed to the county gaols.

12. Though this state of things is not, in my opinion, the chief grievance of the Immigrants, it is perhaps one of the most salient and apparent evils, resulting directly, as it does, from the system of law and the mode of its administration, and producing the most serious injury, not only to the Immigrants but to the community at large. I have repeatedly been distressed to see the gaols in Georgetown and New Amsterdam so crowded with Immigrants that it has seemed as if they constituted not only the majority, but the great body of the prisoners. Of these, by far the greater number are sentenced for mere breaches of industrial duty, such as neglect to labour or “absence”, while many of the others, though committed for offences apparently of a different character, present but extensions of the same evil, as a considerable proportion of the offences classed under the heads of trespass, injury to property, and abusive language, as well as many cases of a nature more properly criminal, are in substance of the nature of industrial penalties, and arise from incidents of labour and discipline in the field, the buildings, and the yard. I believe it will be found that upwards of one-third of the number of persons committed to Georgetown Gaol, and not less than one half of those committed under sentence, are Immigrants sentenced for breaches of the Labour Laws, and that the number of such prisoners in that prison alone amounts, on an average of years, to little, if at all, less than two thousand. I am able to state, from a return made to me by the Keeper of Georgetown Gaol of the exact number of the commitments to that gaol for the year 1863 (which I have no doubt presents a fair instance of the state of the case in other years), that out of a total number of 4936 commitments within that year to that goal, 3148 were of persons born in Indian or China, and 2111 were committed for offences against “the Labour Laws”.

13. The return mentioned above does not enable me to say, whether in the number of 2111 commitments under “the La-
bour Laws” are included the number of Creoles or other free persons committed for breach of contract under the General Ordinance of 1853. I believe, indeed, that they are not so included, inasmuch as “the Labour Laws” is a phrase generally employed in the Colony to intend the compulsory provisions affecting the indentured Immigrants. But were it otherwise it would be of insignificant moment. For, although the number of free labourers in the Colony employed in various capacities then exceeded the number of Indentured Immigrants in my opinion by fully three times, but at all events very largely, and the law as to them is both severe and severely administered, yet such is the difference arising from their comparatively independent position, that prosecutions of them under the Master and Servant Ordinance are of such rare occurrence that I believe it would be a full estimate to rate them at one in twenty of the number of prosecutions of the Indentured Immigrants under the Labour Laws; and by way of confirmation I may state (from another and more detailed return made to me for purposes of gaol delivery) that out of a total number of 156 male prisoners in Georgetown Gaol on the 26th January, 1864, under commitments subsequent to the 31st December, 1863, the number of Coolies and Chinese was 110, of whom 78 were Indentured Immigrants committed for offences under the Labour Laws, while three freemen only were in custody for offences under the general “Master and Servant Ordinance”.

14. The state of things thus described as developed under the express provisions of the law, and apart from all circumstances of abuse or aggravation, appears to me so striking and so incompatible with a healthy condition of society at large, and of such pregnant and perilous import to the general welfare (without reference to the dictates of justice or humanity, or the claims to equal freedom of the Immigrants themselves), while it is at the same time so notorious and in its daily operation ever present to observation, that few things within my experience of Demerara have more tended to excite my surprise and alarm than the universal and absolute indifference to it on the part of the governing and influential classes. I believe it is not too much to say, that all of these, and especially (with a very few exceptions of individuals) those
most immediately concerned in and responsible for the condition and treatment of the Immigrants, have not only ignored, but have shut their eyes to the facts themselves, and have repudiated all concern either in respect of their causes or their consequences.

15. Although in such a matter no argument of necessity advanced in the supposed interest of the planters, or in order to facilitate the management of their estates, could be of any avail to justify so intolerable a grievance, or to derogate from the just rights of the Immigrants, I would desire to state my opinion (formed not only as an anxious and disinterested observer, but as a warm supporter of organized free immigration to the West Indies) that the existing system of their adscription and penal servitude is not only unnecessary but impolitic; and though I cannot presume that my opinion on such a matter is of itself entitled to much weight, and I may not fortify it in this place by setting out in detail the observations and reasons on which it is founded, I believe that Demerara itself will furnish ample evidence in its support, not as I fear in the way of oral testimony, but in the more efficient form of practical illustration. Thus it will be found that throughout the Colony the most prosperous estates are as a general rule (though subject it may be to some exceptions and qualification) those on which the management of the Immigrants is the most considerate and liberal, and where the manager has least resort to penal coercion. Those estates upon which the Immigrants are most harried in this way, are, as a rule, profitless and ill managed though, I regret to say not uncommonly large and important estates; while those are comparatively prosperous where the Immigrants are subject only to legitimate influence. I believe that no people in the world are more amenable than they to such influence, or more truly industrious, orderly or (allowance being made for the high spirit of many of the Chinese) tractable. Indeed, as to the point of industry and willingness to work, the very nature of the case and the antecedents and position of the Immigrants afford the best guarantee which could be desired, notwithstanding the too frequent abuses by which some are misled or entrapped into coming to the Colony.

16. I will not attempt the invidious task of pointing out
instances in support of what I have here advanced, the less so as the management of estates varies greatly from year to year, and the Commissioners will have ample means of investigating the matter on the spot. I will, therefore, only allow myself to mention one favourable instance, which I select because I believe that the management has been uniform for many years. I refer to the case of Plantation Cuming’s Lodge, which affords a fair illustration of good management at all points, but especially upon that now in question, since the resident proprietor (Mr. Clementson) has in very few instances, at intervals of many months, and even (as I have understood both from himself and from Magistrates who have been located in his district) of years, found occasion to summon any of his indentured labourers before the Magistrate; yet his estate is not only a considerable one in respect of size and produce and of the number of Immigrants bound to it, but it is one of the most prosperous, best improved, and most orderly estates in the Colony; while so far is the proprietor from being untrue to his order or subject to any undue or dangerous sympathy with the labouring classes, that he is, I believe, a thorough West Indian planter, an uncompromising supporter of their interest and pretensions, and as a master a strict disciplinarian and economist. He is however just and considerate to his labourers; and though I have known him profess to base that consideration on the foundation of profit and good management, I believe that they respond none the less to his just control by obedience, industry, and good order – and both master and servants thrive accordingly.

17. In connexion with the foregoing statement as to the penal operation of the Labour Laws I may here advert to an evil cognate in its nature and some of its circumstances, and which, in my belief, is in no small measure the consequence of that operation in combination with other causes which I shall hereafter notice. I refer now to the distressing prevalence amongst the Indentured Immigrants of crime properly so called, and especially of the graver crimes affecting life and the security of person. So far from thinking that this is unaccountable or to be wondered at, I consider that when regard is had to the unfavourable circumstances and predisposing causes which tend to produce this result and to the
large proportion of these people who are forced into the position of criminals under the Labour Laws, it is rather matter for congratulation that the state of the case is no worse than it is. But at this place I will only advert to the facts, which are quite bad enough. Of course the larger proportion of offences are those dealt with upon summary convictions. I do not propose, however, to give any details as to these, both because many of them (for reasons already stated) are rather to be taken account of as in extension of the number and scope of offences against the Labour Laws, and also because in the absence of authentic returns much research and many detailed particulars would be requisite to establish any result more definite in this respect than the figures already given will afford. But with regard to the more serious offences which come under the cognizance of the Supreme Court, I can furnish in a small compass some important particulars. I believe that the following statement with regard to them (compiled from my own notes, calendars, and other memoranda) is substantially if not exactly accurate. I presided at 16 of the heaviest Assizes out of 39 which were held during my tenure of office as Chief Justice. There were tried before me at those Assizes 581 persons, of whom 134 were Indians, and 130 Chinese Immigrants. Of those tried before me, 303 were convicted, and of that number, 69 were Indian, and 64 were Chinese Immigrants. I cannot state with equal precision the totals of indictments or convictions during my time as Chief Justice, but my knowledge of the subject enables me to estimate them with some confidence at somewhat over 1400 indictments, and from 750 to 800 convictions. The proportion of Immigrants throughout was, I have no doubt, much the same as given by me above, so that (speaking in round numbers) out of a yearly average which may be put at 280 persons indicted, and 160 persons convicted, nearly one half were Indentured Immigrants pretty equally divided between Indians and Chinese.

18. Taking the total population as in round numbers 200,000, and the Indian and Chinese Immigrants under indenture as 30,000 (which as I believe represents the state of the case fairly, and with sufficient accuracy for the purpose), the result is to show an amount of serious crime not unfavourable to the general condition of the people in this respect,
and indeed highly favourable with regard to the Creole population, but of the most alarming import with regard to the Immigrant classes. But the facts assume a yet more formidable aspect upon closer examination. I will not do more than advert to the very wide summary jurisdiction of the Stipendiary Magistrates in Guiana, and its extensive exercise, but the number of convictions of Immigrants before the Supreme Court does not furnish by any means an adequate criterion of the gravity of the case as compared either with the number of those of the Creole inhabitants, or with the tabulated statistics of crime in England. The proportion of ordinary larcenies, which in those statistics and with regard to the Creoles form the great bulk of the cases committed for trial, is comparatively small in the calendars against the Immigrants, while offences with violence, the graver offences against the person, and murder, form a much greater or terrible proportion. No less than 17 persons were convicted of murder before me and sentenced to death within less than five years, and I believe that some fourteen or fifteen other capital convictions took place before my colleagues in the same period. Of the seventeen persons so convicted before me, no less than fifteen were Indentured Immigrants, one only being a Creole, and the remaining one a Frenchman.

19. It would be a great mistake to indulge the illusion which I have repeatedly found to prevail in Demerara that the formidable extent of crime amongst the Indentured Immigrants is to be explained away by the fact of their being Indians and Chinese. The statistics of crime both in British India and Hong Kong will, I believe, serve not only to dispel that idea, but to increase the anxiety with which the abnormal and degraded condition of these people under their servitude in Demerara must be viewed. But it is not necessary to enter upon such statistics, or to go beyond the experience of Demerara itself, to show how unfounded is that idea. The number of free Coolies in the Colony has for years past been so large as to amount to scarcely less than one third of the number under indenture, and it will be found that they have been conspicuous for their orderly conduct in all respects except that many of the Indians are especially given to drunkenness. But, notwithstanding that unfavourable circumstance, the extent of crime
amongst the free Immigrants will be found to be below the average of England, or even of the Demerara Creoles, as far as that amongst the “bound” ones is in excess of such average. As to my own experience, my belief is that of the 133 Indian and Chinese Immigrants convicted before me, and indeed I think I may venture to say that of the 264 Immigrants indicted before me, not one was a free man. If there has been any exception it has been in a very few cases indeed, certainly not more than two or three. As another illustration of the unfounded nature of the explanation noticed above, I would refer to the Chinese settlement up the Demerara River, which was founded early in 1865, and where several hundred free Chinese have resided for more than five years. I do not know how the case may have been since I left the Colony, but I believe I am not going beyond the fact in saying that during the period of its existence down to the time of my departure, in August, 1868, there had been actually no crime committed by the Chinese settlers, and that although they were placed under many serious disadvantages such as might naturally tend to disorder and crime, and which in fact led me for some time to anticipate that they would do so. With these facts in support of my opinion, I do not hesitate to say that the alarming prevalence amongst the Indentured Immigrants of actual and serious crime (besides the vast multitude of minor and artificial offences of mere statutory creation) is attributable to the evils inherent in and incidental to the existing Immigration system and its administration.

20. Perhaps there are few provisions of the law as to the Immigrants more harsh and oppressive in operation than that contained in the Sect. 107 of the “Immigration Consolidation Ordinance”, under which every employer of Immigrants, or any servant of such employer, or any constable, is authorized to arrest any Indentured Immigrant “who may be found, on any day and at any hour he may be bound to labour, at a distance greater than two miles from the plantation on which such Immigrant is under such contract to perform service unless such Immigrant has in his possession a Pass, signed by such employer or by some person authorized by him to sign the same, certifying that such Immigrant has been permitted to absent himself.” And here I may advert in passing
to the form of this enactment, not by way of verbal criticism, but to notice some of its more substantial defects, the consideration of which will serve not only to illustrate the slovenly mode of expressions and provision which prevails throughout the Ordinance, but also the arbitrary mode of administration by which those defects are disregarded or supplemented. For, though the matter of this enactment is the hinge of the whole system of coercion as applied to the Immigrants, or at all events one of its main supports, yet upon examination it does not appear to afford any authority which would suffice upon a due and impartial judicial administration to effect its primary object or to justify its actual operation. Its scope is qualified by limitation to the case of Immigrants who absent themselves from the estates to which they are bound “on any day or at any hour they may be bound to labour”, a limitation necessary to give to the provision an appearance of specification and reason, and without which it would have appeared so palpably unjust and intolerable, and on the face of it to place the Immigrant’s personal liberty under such capricious and arbitrary restraint as to leave no chance of being overlooked or admitted by the Home Government. Yet that limitation to the occasions specified would in great measure and in effect, if not absolutely, have nullified the operation of the clause, were it to be administered upon those well established and strict judicial principles by which enactments in restraint of the liberty of the subject can alone be administered in accordance with law or justice. For upon considering the actual obligations of the Immigrants, as undertaken by their contract or Indenture or as imposed by enactment, it will be found that they are not bound to labour on any particular day or at any particular hour, but merely to do five days’ labour or five tasks in every week. Again, while the provision in question purports to authorize employers and their servants and constables to “apprehend without warrant” Immigrants found without a Pass more than two miles from their estates, the law does not constitute such absence an offence in itself, nor does it prescribe what is to be done with the Immigrants so apprehended. Nevertheless, hardly any provision of the law is more frequently acted upon, or rather invoked to justify the control and restraint of the personal lib-
erty of the Immigrants, than this section.

21. I am aware that credit is sometimes taken by the planters for not acting more rigidly than they do upon the authority of this provision; but in fact whatever laxity or allowance they admit is only for their own convenience, and its capricious exercise is by no means its least oppressive feature. The general scope and effect of the provision as administered, is to effect the personal adscription of the Immigrants to the soil, and to subject them personally to what is practically an unrestrained and capricious power vested not only in all employers of Immigrants, but in all their servants and all constables. It would be manifestly impossible for a manager systematically either to give or withhold the Passes required by the Immigrants employed under him, who are often many hundreds in number, or systematically to arrest every one leaving the estate without a Pass. His own convenience would prevent him from insisting on the practice uniformly; while there can be no doubt that the patience of the Immigrants would be considerably overtasked if they were constantly imprisoned upon their estates. Nevertheless they, and not only they, but their free countrymen who may not have their “free papers” about them, are very commonly arrested, and either imprisoned or sent back to their estates or places of residence. I have heard many complaints of this having been done, as well as of Passes having been refused, under circumstances of great hardship; for it must not be supposed that the Immigrants who thus suffer are absconding from their service. In the vast majority of cases they are merely engaged in a perfectly legitimate manner, going about their little business or their domestic affairs, to purchase food or clothing, to see after their money matters at the Bank, or with their debtors or creditors, to visit their friends or relatives (not uncommonly in some domestic or personal emergency) or perhaps to consult a lawyer, or to make some complaint or application to the Immigration Agent General.\(^5\)

22. From a multitude of such cases which have come under my own observation, I may mention the following as illustrations of the operation of the provision in question as it is understood and applied. Perhaps few things of the kind are more striking, and even touching, than to observe the prac-
tice which it gives rise to among the Coolies of travelling long journeys on foot throughout Saturday and Sunday nights, going to visit their distant friends, or returning to their own estates. They may be met then in large numbers, traversing all parts of the Colony where their countrymen are found, and going often thirty miles, or more, in the faith that they are safe from arrest between Saturday night and Monday morning. On the other hand, I have often seen Policemen at the Penitence Bridge (by which all persons from the East Bank of the Demerara River enter Georgetown), turning back every Coolie who had not a Pass, and that without any more regard to the protestations of those who claimed to be free, than of those who admitted themselves to be under indenture. I have repeatedly seen parties who had come many miles (often with children or goods carried cheerily on their shoulders, the toil of the way made welcome by the temporary freedom from the toil and disciple of the “estate”) trudging back weary and crest-fallen, their requisite business, or not less requisite relaxation or intercourse, having been frustrated in this manner; and I have wondered not so much to see their dejection take the form of angry squabbles amongst themselves, as that they should submit themselves to the vexations and tyrannical interference of the police with such extraordinary docility and patience as they display. From amongst numerous instances which have come under my notice, of their submissive bearing under such interference, the following is noticeable, because the Immigrants concerned were a large gang (I believe upwards of a hundred in number) of Chinese, who are usually considered less manageable than the Indians. They had, upon some extraordinary provocation from their overseer, left the field where they were at work in a body, intending to come to Georgetown to complain to Mr. Crosby, the Immigration Agent General. They proceeded with perfect order from their estate on the West Bank of the Demerara River to the Steam Ferry; and there a single policeman ordered and conducted them all back to the estate. As a rule, the police are, I think, as temperate in the mode in which they carry out such interference as could be expected, displaying rather a good-natured contempt for the “Coolie man” than any disposition personally to aggravate or overbear them in the dis-
charge of orders which involve such galling personal interference as I have mentioned. But in the result the whole of the Immigrant population is so much at their mercy that it is not to be wondered at if they should occasionally abuse their power, and that they do so in various ways I have no doubt, from numerous instances which have come under my observation; and though many of these abuses are of such a petty nature that they may be deemed by the planters as of small account, I am not sure that they are the less galling or oppressive to the Immigrants by their pettiness. As an instance of the kind of petty tyranny which the power of the police and the subjection of the Immigrants engenders, I may mention the following circumstances: - On one occasion I was walking along the road near Georgetown, when my attention was attracted by two fine young Coolies of spirited bearing, one of whom carried a handsome polished stick, evidently of value and interest as such things go with them. They soon outstripped me, and while still in sight they overtook a policeman, whom I observed to stop them. After a short colloquy between them (which I could not hear, but the drift of which was not difficult to apprehend from the action of the man, the Coolies expostulating and deprecating, and the policeman threatening), I saw the latter take from its owner the stick I have mentioned. The men then moved on in a troubled, hesitating way, until I hastened onwards and hailed the policeman, when they sat them down at the road-side, to await the result of my interference. Upon asking the policeman why he took the stick, he told me that the men had no Passes, and that he thought they had “no occasion” for the stick. Whether that was said in simplicity, or to cover his desire for the article itself, I will not assume to say. But in either case it appeared to me very significant as an instance of the galling subjection under which the Immigrants are placed, that an act so vexatious and arbitrary should be done so quietly and so much of course; and though the subject-matter may seem trivial, not to say petty, if it be not considered from the point of view of the sufferer, I was satisfied from his bearing when I gave him his stick that he had felt acutely both the indignity and the supposed loss. I will add one other instance of the abuse of the power which is assumed under the provision
which I have referred to, before closing this part of my statement: - In a case which was tried before me an Immigrant was brought to Georgetown, upon a subpoena, as a witness against his employer, but without a Pass from him. The employer saw the man waiting in the neighbourhood of the Court and actually gave him into custody and had him locked up in the police-station, for being absent from the estate without leave.

23. I will not further extend, though I might do so much further, my statements with regard to the scheme of the law by which the Immigrants are coerced. But before entering upon those fuller details as to their actual condition, which I propose to give, I desire to notice one or two collateral points upon which those who maintain the soundness, or extenuate the evils of the Demerara system of Immigration, lay some stress. One of these points is the number of Indian Immigrants who re-indenture themselves, from which it is argued that they are, as a body, well satisfied with their condition. Were that inference warranted, it would be of small weight against the many proofs which exist to the contrary, corroborated as these are by admissions on the part of the planters, of such a state of feeling amongst the Immigrants as has caused them to urge upon the Government the extension of their means of forcible repression by the establishment of a special armed force. But it will be seen to be unwarrantable when the special inducements which operate to encourage re-indenture are considered. At the end of their term of service, those Immigrants who have not succeeded in saving money enough to buy a “farm”, or to commence business on their own account, find themselves in the most helpless condition that can be conceived: paupers of a subject race, in a country which has no place for them, and exiled from their own country, without any hope of returning to it until after they shall have completed another period of five years, when those from India become entitled to a return passage. The men who have saved or made money, will not often be found to re-indenture themselves, except when they can ensure employment as “drivers”, or some other lucrative staff employment. But to the poor and helpless mass of Immigrants the bounty of fifty dollars, which is paid upon re-indenture for five years out of the Im-
migration Fund (and which is, I believe, often supplemented by the employers), and the prospect of a return passage at the end of that term, present in combination a most powerful temptation to re-indenture themselves. It is also to be remembered that an Immigrant may select his own employer upon re-indenture, a vast boon which greatly lightens his lot as compared with that of the ordinary Immigrants who are allotted without having either the power or the means of making such selection. This privilege goes a long way with men who are acquainted with the country, to secure them from the evils of the system, seeing that there are undoubtedly employers to be found under whose management those evils are practically reduced to a minimum. Due allowance being made for these inducements and advantages, it might rather seem strange that re-indentures amongst the Indian Immigrants are not more general, than that their frequency affords any argument in support of the existing state of things.

24. Another point on which I would desire to make some general statements, is on the momentous question of the rate of mortality which prevails amongst the Immigrants, as to which I have repeatedly heard strong assertions that it has been not only greatly reduced, but reduced to a moderate rate. I do not desire here to anticipate what I shall hereafter state as to the defects and shortcomings of the Hospital system, or the neglect and ill-treatment on the part of employers, by which the Immigrants suffer in health and life; nor do I deny that there may have been, and I trust that there has, in fact been of late years material improvement in their management, and consequently in their health and the prevailing rate of mortality. But I believe that it is nevertheless indisputable that the waste of life amongst them is so excessive as of itself, and apart from its aggravating causes, to constitute a most flagrant disgrace to the system of Immigration, and in fact to involve the reproduction of one of the most shocking features of West Indian Slavery, the certain dying out of a race of people placed in a false and subject industrial and social condition.

25. I should be happy indeed if I could believe the favourable assertions which I have heard advanced upon this vital and distressing matter; and nothing would give me greater
satisfaction than that it should be shown that my statements and convictions with regard to it are erroneous. But, in fact, my distrust and alarm as to the Immigration system were first excited by observation of the extraordinary number of deaths amongst the Immigrants on some sequestrated estates which came under my judicial supervision, and by the shocking spectacles which I saw amongst them in the gaol hospital soon after my arrival in the Colony; and more extended and continued observation only tended to confirm the painful impression as to the too common neglect, disregard, and sacrifice of their health and lives. I will not indeed allow myself to state the full extent of my fears upon this subject, conscious that I am unable to furnish in this statement adequate data on which to establish their value, and that without adequate support they would appear to be (as I would hope that they are in fact) exaggerated. Indeed I have never been able to obtain satisfactory statistics upon the subject. All those which I have met with have been inaccurate, uncertain, or confused, or have been so partial as to their area or character as to afford no assurance of their value for the purpose of establishing any precise conclusion of a general or average nature. And though the fullest and most complete statistics upon the subject ought to be readily available, I may venture to express my belief that it will require close and scrutinizing attention of the multitudinous returns which may be procured in order to ascertain how far even the most authentic amongst them are either accurate or complete in themselves, or with regard to the field of inquiry. But, avoiding at present those more particular and unfavourable observations which have given rise to my worst fears, and which I would hope are more or less exceptional instances of the sufferings of the Immigrants, it will suffice, in support of the more modified statements which I have felt bound to affirm, to refer to the reports of Dr. Shier, the Medical Inspector of Estates Hospitals, which probably present, as far as they go, one of the most authentic sources of information.

26. From these it would appear that during the five years from 1864 to 1868 the deaths amongst the Indentured Immigrants ranged from 1200 to 1300 per annum. But, so far as I am aware, it is impossible to ascertain with any certainty
whether those returns profess to include all the deaths which occurred amongst them even on the Estates, to say nothing of those which took place elsewhere, as in the public hospitals, gaols, and other places. Indeed I would infer (if I might be allowed to draw any such inference from reports as to documents which I have not had the opportunity of seeing in extenso) that they do not extend to these, but are confined to the deaths which have taken place in the Estates Hospitals, to which alone indeed would Dr. Shier’s opportunity of authentic investigation and report seem to extend. At all events, they do not I believe, as indeed they could not, take account of many deaths which take place without being reported or accounted for; including for instance numerous cases of deserters and of the poor wretches (to whom I shall have occasion to refer more particularly hereafter) who, when too broken down either to work or to be sent to gaol, are in many cases left to wander at large, instead of being maintained on the Estates, or discharged and sent back to their own country under the provisions of Section 59 of the Immigration Ordinance. From these and other such sources a very considerable addition would, as I believe, have to be made in the number of deaths reported by Dr. Shier. But, even assuming that number could be taken to represent the gross mortality amongst the Indentured Immigrants, 1200 or 1300 deaths are an appalling number out of so small a body of persons. Taking the average number of Immigrants under indenture between 1864 and 1868 it represents a death rate of 4 per cent., a rate excessive even for a town population including a full proportion of children and aged persons, and against which no recorded reproduction could suffice to maintain the race, even with a full proportion of women; but one which appears monstrous amongst a rural population consisting almost entirely of persons in the prime of life, and which is the more shocking amongst a people whose reproduction is restrained by an unnatural disproportion of the sexes. There is, I fear, too much reason to believe that the death rate even amongst the free population of the Colony, and especially amongst the labouring Creoles, is unduly high. Swelled in Georgetown by many exceptional circumstances, and in the rural districts by the extraordinary privations to which the black popula-
tion are in many instances exposed, including the general privation of medical assistance, I am aware that it is difficult to ascertain with any accuracy what the prevailing rate is; but, having given anxious attention to the subject, I believe that I may safely state that in Georgetown it is substantially, and throughout the Colony it is greatly, less than 4 per cent. And as, of the actual mortality amongst the free population the larger proportion (probably not much less than 70 per cent.) takes place amongst children and aged persons under 15 and over 60, I think it is not too much to say that a death rate even of 4 per cent. is considerably more than double the rate which should be found amongst a selected class of persons such as the Indentured Immigrants.

27. The gravity of this matter appears all the greater when it is considered in connexion with the exceptional advantages which are professed and held out, and in some measure no doubt secured, to the Immigrants in the shape of house and hospital accommodation, and also with the nature of the diseases which prevail amongst the Immigrants, and which will as I believe bespeak their privations and sufferings. The extraordinary number who sicken and die from such causes as anaemia, anasarea, dropsy and chronic ulcers will speak forcibly of the neglect, exposure and starvation from which they suffer, and it cannot be doubted that a large proportion of the numerous cases of remittent and intermittent fever and diseases of the respiratory organs may be traced to the same causes. I will only add upon this part of the case that its gravity appears to be the more serious, because I know that the evils of which I here speak as to their general results, are not in fact universal. In not a few cases I believe that Estates where the Immigrants are really well treated will show an amount of sickness and a rate of mortality so small as at once to modify the general result, and yet to show in a stronger light how excessive and undue is the amount of sickness and the waste of life which takes place amongst the masses of the Immigrants.
Notes:

1 These are to provide the Immigrants with house and hospital accommodation, with medical attendance, &c., and to pay them weekly wages at the same rate as that paid to “other indentured labourers, or Creole or other un-indentured labourers”.

2 I speak throughout of the period from 1863 to 1868. Since then the number of Indentured Immigrants has been steadily increased. Possibly the number, which now exceeds 40,000, may have approached 35,000 in the year 1868, but the average of the preceding five years would be about 30,000.

3 The average number of committals for trial in England and Wales ranges above and below 1 per 1000 of the population; convictions following in about 75 per cent of those cases. Convictions for capital offences range at about one per million.

4 I have since found one such case, and reason to infer another; so that possibly the number may here be understated. But in substance the statement is correct. I do not think the number can exceed units at all events, out of the whole 264. The proportion of free Coolies in the Colony is also understated. It considerably exceeds one-third.

5 It is often frankly admitted by the planters that this power is used as a screw, and that they only give Passes to those who “behave well”.

6 Small lots of land for tillage, though often only a few roeds, occupied only under a monthly tenancy, are so called.

7 Anxious not to overstate the case in my deposition, I must express my conviction that I have much understated the excess of the death rate amongst the Immigrants. In a minor particular, however, I find that my statement requires modification; as, although the more familiar and authentic statistics of birth rate show it to range from 1 in 27 to 1 in 32, there are some exceptional and some doubtful or unauthentic cases (such as those of Saxony, the Azores, and Maranham), where the “recorded reproduction” exceeds 4 per cent.
II.

1. Having in my former declaration made in this matter on the 16th day of August last, referred to some of the general features of the system of Indentured Immigration, as organized in Demerara, which appear to be inherent in or naturally to result from the legal constitution of that system, I now proceed to mention various evils which, though no doubt abuses of it, are in my opinion to a great extent its inevitable concomitants under the circumstances under which it is conducted, and which I have referred to in paragraph 6 of my former declaration.

2. Commencing with the practical administration of the system as it is first applied to the Immigrants, there are, I believe, very considerable evils which take their origin in India or China. The first which I shall mention (and in my opinion a most grievous abuse) is one which obtains as I believe both with regard to the Indians and the Chinese, but of which I have had more extended and particular means of information with regard to the latter. I refer to the serious misconceptions under which great numbers of the Immigrants, and in my belief the great body of the Chinese, engage themselves to come to the Colony. It would of course be too much to expect that there should not be misconceptions and false impressions amongst any considerable body of Emigrants as to the nature and prospects of their venture, or that those who avail themselves for their own profit of a free and spontaneous Emigration should undertake the duty of guarding the Emigrants against these. But where the Emigration is established and conducted not only upon a highly artificial system, but under the authority and upon the credit of the British Government, and amongst people such as those of India and China, humanity and policy would alike seem to require that the utmost care should be taken to guard against misconception on the part of the people, and above all against any misrepresentation on the part of the Government or its agents. Yet I fear that there can be no doubt that the most
serious misconceptions on the part of the Immigrants are not merely common, but that they are the result of misrepresentations on the part of the agents of the Government, and those not merely tacit and by way of suppression of material facts, but express as to material particulars inconsistent with the facts. My belief upon this matter is formed primarily upon the statements of many persons themselves Immigrants, or intimately conversant with the Immigrant classes; but, having on repeated occasions introduced the subject both to the Court of Policy and to official persons with the view of obtaining either an assurance of the existence or some security for the institution and maintenance of safeguards against such misrepresentations, the result of such attempts was always so unsatisfactory as strongly to confirm the unfavourable impressions derived from the statements which I have mentioned.

3. The prevalent misconceptions to which I have referred are with regard to the essentials of the Immigrant’s contract and position, and by no means as to mere matter of incident or contingency. Thus, though they are no doubt well aware that they are engaged for the purpose of being employed as agricultural labourers for a term of five years, and so far they engage themselves (upon the assurance of special facilities, protection, and advantages), not one in a hundred of them has, I believe, the slightest idea that in respect of such engagement he is to be deprived of his personal freedom of action, or to be placed in any different position from that in which the labourers of the country stand towards their employers. They are assured of employment, but are not made aware that they will not be free to choose their employers or location; and, I believe, that scarcely any could be found who entertained the idea, or who could have supposed the possibility that they would be bound for a term of years to serve employers as to whom they would have no selection, restrained from leaving a particular spot to which they should be allocated in the same way, and subjected in such service to a special summary and arbitrary penal code.

4. Another of the misconceptions very generally entertained by the Immigrants is the idea that they will be able to earn wages which are not only fabulous in the Colony, but which
must appear to them, according to the rates and values of their own countries, far greater than they would in effect amount to in Demerara, if they had any existence in fact. A “dollar a day” is the formula which has very generally been impressed upon the minds and expectations of the Chinese Immigrants before arrival as the amount of their wages; and I have even heard it maintained by planters, when the misconceptions under which the Immigrants have been introduced have been under discussion. Such formula, however, represents a delusion so monstrous that its assertion for such a purpose must reflect upon the sense, the knowledge, or the bona fides of the speaker. It may, indeed, be possible for an Immigrant who obtains the post of “driver” to earn a dollar a day, but the average earned by Immigrant labourers is considerably less than a fourth of that amount.

5. Another misconception widely prevalent amongst the Chinese Immigrants is that they are entitled to a free return passage at the end of the term of their indenture, an idea which is not only quite contrary to the fact as to the right to a free passage, but hardly less opposed to probability as to the prospect of return at all. With regard to the Indian Immigrants, indeed, although I have heard complaints of their being misled in this matter, I doubt whether they are common or altogether well founded; and, at all events, their grievance is comparatively small, since, as a rule, the Indians are acquainted with the substance of their right in this respect, which is to have a free passage back to India after they have become entitled to a certificate of industrial service and ten years’ residence in the Colony. But the Chinese not only have no such right, but it is hardly within the bounds of possibility that a Chinese Immigrant should ever return to China. Certainly none have every done so, a fact which a few years ago led the Chinese Government (with praiseworthy care for their subjects) to refuse to sanction the continuance of their deportation to Demerara, unless they were assured a free passage at the close of their engagement. The inducement, or even the tacit allowance of this misconception operates as a cruel grievance to the Chinese, fraught with infinite misery and evil. Probably with no people in the world (and I speak as one having had considerable knowledge of the Chinese people
previous to my observation of them in Demerara) would the prospect of never returning to their own country operate more strongly than with them to deter them from leaving it; while, on the other hand, their ignorance of geography and of the locality of Demerara, and its isolation from all intercourse with China save by the ships which convey the Emigrants from there, would concur with the familiar knowledge that their countrymen return readily and in large numbers from other foreign countries (the Straits, California, and Australia especially), to place them at the mercy of any one disposed to mislead them in this respect.

6. I may at this point conveniently refer to the actual results to the Immigrants of their great venture in respect of the object of money-making which induces them to it; for there can be no question that every man of them (allowing for some small fraction who from motives of affection or duty accompany their more adventurous connexions, and for another, either of force or fraud, are shipped against their will or understanding) makes it with only one motive and expectation, viz. to amass a sum with which he may return to his own country at the end of his term of service. And, speaking broadly of the mass of the Immigrants, I believe it cannot be denied that their expectations are, and must under the existing system be, wholly disappointed. I am aware that it is commonly stated by the planters (I have heard it often as a complaint and often as a defence or extenuation of the Immigration system) that the Indian Immigrants amass and take back to India large sums of money. Upon this point, perhaps, I need hardly speak, as no doubt the figures in so far as they can be ascertained, will be brought under the notice of the Commissioners. Yet I may be allowed to say that, while the facts so put forward no doubt place the case in the most favourable light possible, they will be found upon consideration to present, with regard to the fortunate few to whom they apply, a result so poor that the measure of their success will afford a significant illustration of the pitiful failure of the mass of the Immigrants to realize the object with which they have left their homes. For those who do return to India form the bulk of the well-to-do Coolies, and their gains are the fruits of more than ten years of more than ordinary success in the
Colony, while the mass of those who have not the strength, the spirit, or the good fortune to outlive the hardships of those ten years of course do not return at all. Yet I believe that, even with regard to this fortunate section of the Coolies, it will be found that twenty-five pounds is above the amount of their average gains, a sum which would represent a saving of something less than a shilling a week throughout a period of ten years, if it were wholly the result of saving, but which (as it is in great part the product of the bounty paid upon re-indenture for a second term of service and of profits or interest upon investments) in fact represents a much smaller average of saving. With what pains and self-denial and frugality these small savings are achieved, I will not presume to point out in detail, seeing that the Commissioners will no doubt obtain more valuable evidence in the Colony. But I must say for myself that I believe no people are to be found who undergo such constant and severe privations as do the Indian Immigrants, in order to lay by something out of earnings which in most cases are barely sufficient to provide them with the merest necessaries of life. I believe that very many of them in fact sacrifice their lives by denying themselves those necessaries, but the thrift and self-denial requisite on their part, in order to save such a sum as a shilling a week, or even half that amount week by week, will become in some degree apparent, without entering upon further details, upon merely considering their average weekly earnings, which will be found not to exceed five shillings a week throughout the year, while among the ordinary field hands (who form the mass of the people) they are considerably less than that average throughout the country, and less than half of it on not a few estates where the management is most arbitrary. Exceptional cases of particular or selected times, estates or individuals may no doubt be adduced to show that this estimate is below the mark; but I feel assured, as the result of much enquiry and observation confirmed by many admissions made to me by candid planters, that if a fair average be taken, the above estimate will be found excessive rather than otherwise.

7. Some other circumstances deserve notice here which are frequently put forward by the planters fallaciously, in the same sense as has been noticed with regard to the trifling savings
transmitted by the Coolies who return to India. Thus the or-
naments and the very clothing of the Coolies, their cattle, their
Taja festival and even their drinking habits and the preva-
ience of opium smoking and of gambling amongst some of
the Chinese, I have often heard quoted in support of the heart-
less but favourite saying that “the labourers are better off than
their masters”. No doubt the Coolie ornaments of gold and
silver make a great show, not only when worn in profusion
by the well to do amongst them, but where a sovereign is
seen upon the neck of a labourer who only wears a loin cloth
besides, or a single bangle of a few shillings value is hung
about a child who wears nothing else. But these are in fact the
favoured modes in which these Immigrants hoard their sav-
ings, as the purchase of cattle, when within their power to
buy and tend them, is their favourite mode of investment;
while if their full value were added to that of all the other
investments of the Immigrants, the whole would not, as I be-
lieve, amount to as much as ten pounds per head, although
amongst the “drivers”, headmen and freedmen there are not
a few whose substance may amount to hundreds (in some
cases, I believe, even thousands) of pounds. Happily also it is
the case that a considerable number of the Coolies, for all their
poverty and thrift, maintain so much spirit and self-respect
as to buy now and then a few yards of bright cottons or gauzes
or cotton velvets, which they don occasionally with very good
and enlivening effect. But, unhappily, those who out of their
scanty earnings expend a few dollars thus are far outnum-
bered by the thousands whose abject poverty will not admit
even of decent covering, who can neither fill their stomachs
nor provide anything but a filthy wrapper for their loins.

8. The condition of the Chinese labourers upon the estates
is commonly even worse than that of the Indians, in this as in
most other respects, although they are stronger and more ca-
stable labourers, and I believe as industrious and willing as
any in the world. But they are physically unable to subsist
upon the slender dietary to which the Coolies are able to con-
fine themselves, and they are forced so to disregard external
appearances that (to say nothing of their miserable physical
condition) their aspects, with neglected and filthy hair, and a
wretched piece of “gunny bag” tied about their loins, not only
bespeaks their broken down and degraded state, but did so in a most distressing degree to me, conversant as I had been with the personal habits of that people (which indeed are sufficiently evidenced amongst the free Chinese in Demerara itself), who are ordinarily no less particular to clothe themselves decently and fully, though in the simplest cotton tunic and trousers, than they are to tend their hair. As to the Taja amongst the Coolies, heathen though it be,⁵ it is, I believe, invaluable as the solitary national, religious, or social ceremonial or communion which exists amongst the Immigrants – at once the only public expression of a higher or inner life, and the only opportunity for physical relaxation, or wholesome amusement which the year affords. It would indeed argue abject poverty and spirit on the part of the Coolies if such a festival should fail. As to their drinking habits, and the opium smoking and gambling too common amongst the Chinese, I think to speak only in conformity with common experience when I express my belief that such evils are, in fact, caused and fostered by poverty and distress rather than by prosperity and comfort. Nor can the fact that some few hundreds amongst the Immigrants have acquired substantial means be taken as modifying in any material degree the poverty, privation and failure which is the general experience of the Immigrants. It would be strange, indeed, if amongst the great mass of Immigrants who have been introduced, nearly approaching 100,000 in number,⁶ and whose earnings have gradually advanced to something not far short of 500,000l. per annum, some of their number did not grow rich in one way or another.

9. Returning now to those evils which have their inception in India and China, one which is pretty constant, and which from time to time occurs in a gross degree, is the introduction of Immigrants who are unfit either in respect of age or infirmity, or their want of that habitude of agricultural labour which alone can make their position as Indentured Immigrants either tolerable to themselves or beneficial to their employers. This has, I believe, been the cause of much misery, sickness, and mortality amongst the Immigrants; but as it is a matter with regard to which constant complaints have been made by the planters as being detrimental to their interests, it
is hardly necessary for me to enter here upon any particulars. I believe, however, that to the shipping of sickly and broken-down people, is to be attributed the frightful mortality which has from time to time occurred on the voyage to Demerara, as to which also, standing as it does upon official record, I need not do more than advert. I will only add upon this subject that I believe the abuse in question to be occasioned not by mere neglect (in which case it would have long ago been remedied in consequence of the urgent complaints and remonstrances of the planters), but by the supposed necessity of the case – it being, in fact, impossible to procure the required number of suitable hands, and being deemed as impossible to recognize that fact, so that the deficiency in any shipment has to be made up in whatever way it can be done.

10. Another and a crying evil is in the disproportion of the sexes – an evil serious enough in any case, but of a gravity altogether new and alarming in the case of large bodies of men chiefly in the prime of life and proceeding to a remote country, amongst an alien people, to a position of servitude, isolation, and privation such as that of the Immigrants in Demerara. And not only does the smallness of the number of women entail upon a large proportion of the men a new and cruel privation in the want of their society, but it also occasions numerous consequent evils inevitable in such a dislocated social system, infinite misery and discord, and many serious crimes which arise directly from the jealousies inseparable from such a state of things. The extent and proportions of this evil would be sufficiently serious were women introduced with men in the proportion of one-third, which was prescribed by the Home Government as one of the conditions upon which the system of immigration should be allowed and conducted. But in fact – and it is a significant fact – this essential point has been to a great extent disregarded by those who have had the conduct and supervision of the Immigration system. I need not encumber this statement with any particulars either as to the regulations upon the subject or as to the figures, all of which can be more fully and conveniently obtained from official sources; but I believe that it will be found that the number of female Immigrants introduced has been very far below the prescribed ratio. A subsidiary evil under
this head is one which affects the Chinese more especially. One of the conditions on which the Chinese Immigration was established was that, while women were to be introduced in the proportion of one-third, they were not to be bound to labour. The result has been, not only to reduce the proportion of Chinese women even below that of the Indian women, but that their small number has been made up in great measure of what I must call refuse. I use this word with no disrespect to the women themselves, who are, I believe, entitled to much respect, and many of them (as I have seen with deep interest) have done their utmost to be of use as helpmates. But to a very great extent indeed this small proportion has been made up of women in no way related to the male Immigrants—mere outcasts, filled into the ships by Chinese agency from the dregs of Chinese life, and such in respect of age and personal defects and infirmities, that to enumerate them in the proportion of women required for the help and solace of the men seems little better than a mockery.

11. Immediately upon arrival in the Colony the Immigrants are “allotted” to different estates. But not only is it the case that they have no voice in the selection of their location or employer, but in many cases they are attached to estates which are notoriously unfit for them in respect of locality, accommodation, or management. I will specify one instance of this injustice which I select the rather because it will be sufficient, with regard to the estate in question, to take note of its unfitness in respect of external circumstances. I understand, indeed, that Immigrants are now no longer allotted to it; but as that has occurred lately, and (if I am rightly informed) by reason of the embarrassments and approaching abandonment of the property, and not by reason of any intervention in the interest of the Immigrants, it furnishes none the less striking an illustration of the evil I now speak of. The case I refer to is that of an estate called “Endeavour”, situated at the north end of Hog Island, in the mouth of the river Essequibo, surrounded partly by that great stream, and as to the rest by abandoned estates which have relapsed into wild bush land, and are only occupied at intervals by a few negro settlers of the humblest class. The Island does not contain a single person (save such as may be attached to “Endeavour”) with any
pretension to education, or of European extraction, unless there may be one or two small Portuguese shopkeepers, who may be so called. It is a swampy alluvial Island, the drainage of which is almost entirely abandoned, and it is universally admitted to be unhealthy in the extreme. I will not, indeed, commit myself to the accounts generally received upon this point, lest they should appear exaggerated in the absence of any authentic statistics. But the actual state of facts may, no doubt, be ascertained approximately with respect to the Immigrants, and it will, I believe, tell a sad tale. Assuredly the estate is a spot to which no one with any sense of responsibility would condemn the worst criminals. Yet under the administration of the Immigration system, many Immigrants have for many years been consigned, for no fault of theirs, but compulsorily and without any option on their part, to a life of servitude upon it, such as might well be called penal, undergone in isolation as complete and peremptory as any imprisonment.

12. Upon arriving on the estates to which they have been indentured, the Immigrants are for the most part exposed to serious hardship by being forced at once into the field as labourers. The law indeed formerly recognized the necessity of making some allowance for such persons, but it did so within the narrowest limits, treating their novitiate as a mere qualifying circumstance in penal proceedings against them (v. Ord. 4. 1864, Sect. 115), a provision which would be an entirely inefficient protection were it carried into effect in the most liberal way, but which I have reason to fear was very generally disregarded, and which has now been repealed. On some estates, indeed, some indulgence of the “new Coolies” is allowed, or professed. Such cases, however, are not only exceptional, and the indulgence slight, but it is more matter of profession than of practice. For whatever indulgence may be professed, the Immigrants must at all hazards turn to work at once in order to find the means to live, unless their employers were required (as they ought to be) to furnish them with reasonable rations during the first three or six months from their arrival. But, taking account of the nature of their work and of the country, it stands apparent that persons newly arrived must be exposed to great risk in being forthwith set to labour
in the field; and though the actual results of their hardship vary much according to locality, season, and other circumstances (such as the encouragement of companions and their friendly help), there can be no doubt that a great amount of sickness and considerable mortality is thus occasioned. I may mention as a sad instance of what I believe to be the common practice and its natural results, a case which fell under my observation in the summer of 1868, at Plantation Houston, where I had my residence. My attention was attracted by a piteous wailing, repeated on two or three occasions within a few days, and I ascertained upon inquiry as to the cause that several, I believe three, newly arrived Coolies, of the same family if my memory serves me right, or at all events out of the same party, had died in the Estate Hospital. They had only been a week or two in the Colony, but having been set to work in the canefields and trenches forthwith on their arrival, they had been almost immediately stricken with fever, and had died one after the other.

13. This is, however, but one instance of the practical disregard, on the part of the employers, of the physical welfare of the Immigrants, which has always appeared to me to be distressingly general, and even systematic, though opposed no less to the true interests of the employers than to their manifest moral and humane duties, and to the obligation expressly imposed in this respect by the law. Well intended as are the provisions of the law in this behalf, and such as I do not doubt would be in a great degree efficient for the object, were they rigidly enforced, I believe that their practical administration is such as to render them to a considerable extent illusory. And as to the more general and imperfect obligations, and the inducements of true but ulterior interest, the system of estates’ management in Demerara is such as necessarily to keep them very much out of sight. In fact, both upon this and other points of management (notably the giving out and distribution of work, and the rate and payment of wages), the practical management is not only affected by the mischievous traditions of the former system of slavery, but most particularly by the position of the managers as employees of the proprietors. They are indeed trusted with full power so long as they keep up the acreage, the crop, and the profit, and can
show large gangs of labourers always at work, and so long as
the pay list and the expense account are kept down. To keep
them down is, however, a *sine qua non*, and a manager who
should have to show a material increase in either, without
being able also to show some absolute and immediate neces-
sity or some substantial and immediate gain, would be con-
sidered to have failed so capitally as to endanger his position.
It would be impossible in this statement to enumerate all the
particulars of the neglect to which I refer which have come
under my notice. I propose, however, to mention some in-
stances in corroboration of what I have stated above.

14. What is commonly called “the lees nuisance” is, in my
opinion, a striking instance of this neglect. It is, no doubt, a
serious general nuisance; but it is one which not only is di-
rectly caused by the neglect of the planters, but which most
particularly affects their Immigrant labourers, who are com-
pulsorily located throughout the country in close proximity
to, and, in many cases, immediately upon the dam of the “lees
trenches”. Although “the lees nuisance” cannot escape the at-
tention of the Commissioners, they may not have personal
opportunity of judging of its intolerable nature, since it is at
its worst only at intervals, for some weeks at a time, after the
distillery has been at work upon any estate for a lengthened
period during dry weather, when the trenches are nearly stag-
nant. Its importance may, therefore, escape attention, or be
extenuated, and although an attempt has been lately made
by legislation to enforce its abatement, an attempt which,
however well intended, I fear will prove futile unless stimu-
lated by the Report of the Commissioners in this matter. I will
therefore take leave to state what I believe to be the true char-
acter of that nuisance.

15. The lees, or refuse, of the rum-stills runs away as a clear,
and I believe, quite inoffensive fluid; but as it is constantly
dealt with in Demerara (with more or less recklessness, ac-
cording to circumstances and management), it is allowed to
run into the trenches, and there to accumulate and stagnate
in dilution with a limited quantity of water, so as to generate
and disperse the most noxious mephitic gases, and to cause a
dangerous and pestilential nuisance. I know too well – for
this was a matter which early attracted my attention, and was
the frequent subject of my remonstrances to those who should have abated the nuisance – that (in accordance with what is very customary with respect to the peculiar institutions of the West Indies) it is common to hear its ill effect made light of, and, in fact, I have heard planters bold enough to maintain, both upon scientific and experimental grounds, that the gas (or, as they call it, the smell) from the lees trenches is not only innocuous, but healthful; one planter asserting that the gas is carbonic acid gas, and that as that gas cannot ascend, the sensible effluvium is a mere smell; another, that it is really sulphuretted hydrogen which is said to be the beneficial agent in some medicinal waters; while, as a second plea, they generally concur in representing that the evil cannot be avoided. With regard to the chemical nature of the gas evolved, I will not pretend to any scientific knowledge, but it is enough to experience and observe its action and effect to repel the scientific pretensions of its apologists. The eye, the nose, and the stomach must all identity it with the mephitic gas of stagnant sewage. To the eye, the lees trenches after continuous pollution appear perfectly black, except where covered with a yeasty scum. The effect upon the nose needs no description. And I can only say for myself that upon passing them my gorge used to rise so that I was accustomed, on approaching one which was in full effluvium, to hold my breath and to drive past with as much haste as possible. I call to mind two estates in particular, both of the first class, and close to Georgetown, which I used constantly to pass, the trenches of which were during a great part of the year in such a condition as to render this practice necessary, but upon which large numbers of Immigrants were compelled to live constantly in the very midst of the stench. As to the assertion that this nuisance is irremediable, it would appear to me that such a plea, even if true, is of no avail with regard to the Immigrants, who might not only be left in their own country, but whose ranges and hospitals might be removed to a distance from the lees trenches. But I venture to say that, in fact, the occurrence of this nuisance is the result of mere indifference and idleness, and the assertion that it is irremediable a mere pretence. And this I say without reference to any questions of controversy as to the economic value of the lees as manure, or the greater
or less amount of dilution or stagnation which will cause or remedy the mischief, or effect absorption or evaporation. For, in fact, there lies immediately at hand the simplest and most effective and economical way of carrying off the lees, by merely delivering them directly into the river or the sea. As they are perfectly fluid and in bulk comparatively insignificant, they would thus, even on the river estate, be absolutely disposed of. As to the facility of the operation, it is so great and obvious, that it would seem almost like perversity that it has not long since been adopted, especially as the expense would be perfectly insignificant. I will not presume to say what might be the most efficient or workmanlike method of accomplishing it. But, seeing that every estate drains into the river or sea, and that every still is set many feet (I believe eight or ten) above the drainage, it is evident that if the tap through which the lees are run off were only continued with any kind of conduit (a common gas pipe of the diameter of the tap would serve the purpose), there could be no more difficulty in delivering the lees into the river or the sea than into a stagnant trench. It might be a proper precaution, unless these lees pipes were carried out into the tideway, to discharge them periodically upon the first of the ebb. But as this would only require a reservoir tank of ordinary dimensions, the cost would still remain insignificant.

16. Of the defective structure and condition of the Immigrants' rooms or so-called houses, I need not speak except to take notice of them. But in connexion with their accommodation, there is a common defect so immediately affecting their health as well as their comfort that it deserves special notice here. I refer to the want of drinking water, a very serious privation and evil which I have had frequently brought to my notice. I need scarcely say that the only water fit for drinking throughout that part of the Colony in which the estates are situated is rain water. Here and there, in a few spots, and at occasional times, the trench water may run or settle so clear as to be drinkable though not wholesome; but, as a rule, the trench and river waters are quite undrinkable, and it is universal throughout the Colony for every house to have its water vat filled from the roof. If these are only large enough there need never be a scant supply of water, though after long
droughts those who have not sufficient water storage undergo serious inconvenience, and the poor much suffering. It is under these occasional droughts that the planters are accustomed to extenuate their neglect in respect of this matter. But I conceive that these, so far from serving to palliate, only go to aggravate their neglect, and that it would be the manifest duty of the planters, who hold great bodies of Immigrants bound to their service and estates, to take adequate measures to provide for them a sufficient supply of drinking water. Such measures can, in fact, be adopted with the greatest facility, and at a very small outlay, yet their neglect is not only general, but in many cases gross.

17. In the first place it is very rare that Immigrants’ cottages are furnished with vats or even spouts; but the people are left to their own contrivances to collect the rainfall from their roofs. In this they are ingenious and careful enough according to their means. But even to provide such simple drainage and such small storage in jars and casks as they can at all accomplish, is hard enough upon people whose earnings are only three or four shillings a week, seeing that even these poor contrivances cost them many shillings, and even dollars, while the result, of course, is so small that their supply is exhausted with the first onset of fine weather. Yet such is the rainfall during the wet seasons that even the smallest cottages, if properly fitted with spouts and a good-sized vat or tank, at a cost of some thirty or forty dollars, would go far towards supplying all the wants of the people. The most gross neglect, however is, in my opinion, that of a reserve supply. This might be collected from the main buildings of every estate with the greatest facility, in quantities practically inexhaustible even in the driest season, stored very inexpensively in a few large tanks, and distributed under supervision without any difficulty. I believe that for about 300l. (the cost of introducing fifteen or twenty Immigrants), any estate in the country could secure such a reserve supply adequate to provide three hundred persons with a gallon of pure water a day each, during a hundred days of unbroken drought. Yet there is scarcely an estate in the country on which the Immigrants do not suffer severely from want to water after a few weeks of dry weather, and after its continuance they have to go for miles “aback” in
search of the unwholesome “creek water”, which is then often hardly to be got, a grievous burden to fetch and carry, and when obtained barely fit to drink. To show the extent to which this important matter is neglected, I may mention that it is within my own knowledge that upon one of the best and most liberally managed estates in the Colony (Plantation Houston) there is no reserve adequate to supply the Estate’s Hospital, although the hospital alone covers an area of at least 1200 square feet, and is surrounded by buildings and logies of very much greater extent. Before leaving this subject I may add that in the matter of water supply I believe that the Immigrants are by no means so well treated as were the slaves formerly. Water-carriers were invariably provided to every gang of slaves in the field, and are still employed with every gang of negro labourers. I believe, however, that such auxiliaries to the gangs of Immigrant labourers are unknown, or at all events unaccustomed, although their assistance affords important aid to the work, as well as support to the labourers.

18. The Houston Hospital may also be referred to as affording an illustration of the illusory nature of the provisions of the law for the protection of the Immigrants where they conflict with the habits and supposed interest of the planters, and one which is all the more striking as that estate is not only one of great importance and resources, but situated close to Georgetown, and one which (as I have already intimated) I believe to be managed with as much care and liberality as almost any estate in the Colony. Yet in so essential a particular as its hospital (as to which the provisions of the law for the protection of the Immigrants and their professed administration are most especially addressed), its condition is not so much inefficient as abominable. I refer here not to its internal management, of which I know nothing unfavourable, but to its most unhealthy position. It is placed immediately to leeward of the main range of the Estate’s buildings, and is on its other sides surrounded by the blind end of a stagnant trench, which is at that point made the receptacle of much of the garbage and refuse of the estate, and by a swampy piece of waste ground enclosed by the river dam, and which is, I believe, very imperfectly drained, while the river dam is itself planted with courida trees, so that all indraught of free air from the
river, as well as the occasional light land breezes are excluded from this area. I believe the general locality to be as healthy and airy as any that can be met with in the Colony, yet I must say that this spot, which I know intimately well, always appeared to me to be nothing less than pestilential, and its selection as a hospital to indicate not so much indifference as perversity. It is in effect a hot bed so protected and enclosed that the miasma there attains the fullest possible development, and the fresh air the most entire exclusion, while the atmosphere is made more intolerable by the surrounding dams and drains being not only used for the hospital garbage, but much resorted to by the buildings gang of labourers for necessary purposes. The result was often so loathsome, that though the Houston jetty on the river presented to me great attraction, I frequently abstained from going down to it, because in doing so it was necessary to pass this spot, and for the same reason I felt obliged to impose restrictions upon my children being taken there. I believe that, in fact, this hospital has been reported against repeatedly, and that it was formerly worse than it is now, having been raised from the ground in order to relieve the objections to it. I have repeatedly spoken to persons connected with the estate about its unhealthy position, and I well remember that on doing so to the Estate’s doctors (not only Dr. Scott, but in his absence Dr. Whitlock), I understood from both of them that they had again and again objected to its being continued at that spot. Shortly before I left the Colony I was informed (if I remember rightly by one of the attorneys for the estate) that it was intended to do something to meet the objections which had been made. Whether any thing has been done or not, I do not know, but I believe that the fact, that upon such an estate so situated the hospital should have been permitted for years to remain in such a position, is a fact of great significance. I will only add as to this, that I should suppose there can be no doubt that the great mortality which has, I believe, occurred amongst the Immigrants in this hospital must be attributable, in no small degree, to its improper situation.

19. With regard to the general Estate’s Hospital system, there can be no question that, with all its shortcomings and abuses, it is an immense boon to the Immigrants, and I may
be allowed to add my conviction that the extension of some system of medical aid under the provision and supervision of the Government, in order to secure its being brought locally within the reach, and financially within the means, of the Creole labourers (who often perish miserably for want of it), is incumbent upon the Government as a first duty. I might say much as to the shortcomings and abuses to which I have alluded, and which I am convinced are many and great. But I abstain from doing so at large, because I find that some of the chief of them are plainly stated in Mr. Des Voeux’s letter to Lord Granville; and I feel assured that, if he has the opportunity of adducing evidence in the Colony in support of the substance of his report, my statements will be unnecessary; while, as much of what I should have to say might seem invidious towards individuals, it would be undesirable for me unnecessarily to enter upon the matter. I would wish, however, to advert to some abuses which have repeatedly come under my observation, and which do not appear to be adverted to by Mr. Des Voeux. One of these is an extension of the constant abuse by which invalids and convalescents are turned out of hospital in a condition of chronic sickness or debility, or of partial convalescence. That abuse I believe to be very common. I have not only heard frequent complaints and repeated admissions of, and excuses for, the facts, but have had constant means of ocular demonstration in the great number of such sufferers whom I have seen endeavouring to earn their bread when manifestly unfit for such exertion – broken by fever, starvation, dropsy, or sores, and requiring continued rest and generous diet to give them even a chance of life. But that abuse has its consummation in a class of cases which, though comparatively few, are but too common, and such as even in a few instances should, as it appears to me, suffice to condemn the conduct as well of the medical and executive officials concerned as of the planters. I refer here to those wretched beings who, having become too debilitated to work, are yet too tenacious of life to die, and who, after oscillating for a while between the hospital and the gaol, are no longer admitted even to those alternatives, are allowed become mere outcasts.

20. These unhappy beings may be met occasionally all over
the country, sheltering themselves in the bush on the bare ground, under a few troolie leaves, or wandering about the roads in search of a morsel of rejected food or eatable garbage on which to sustain themselves. Certainly, after having had a pretty extensive observation of various countries, I never could have believed that such beings could exist had I not seen them in Demerara; but I have seen some there who presented such sights of terror that now, after the lapse of years, they haunt me – creatures so worn by illness and starvation as to appear at first sight actual skeletons, every bone visible, perfectly fleshless, their legs appearing like long stilts, their very buttocks almost entirely exposed and worn to the bone, and the faces showing the terrible appearance of a skeleton’s head, only lighted up in their great hollow orbits by eyes that yet reflected a dull glimmer. My attention was called to these sad objects very early after my arrival in the Colony, and I was much shocked at the result of my investigation. Down to that time I believe that such cases had commonly been dealt with by the Magistrates for breaches of the “Labour Laws”. Some of them I well remember seeing in Georgetown Gaol, confined under such sentences. I am disposed to think that in consequence of my representations on the subject that abuse was stayed. Instead, however, of being remitted to the hospital or the almshouse, or sent back to India (as they may and should be, under the provisions of Sect. 59 of the Consolidated Immigration Ordinance), those Immigrants who become entirely helpless are too often, I believe, turned adrift in equal defiance of law and of humanity, and furnish the pitiable objects I have referred to.

21. Another hospital abuse which deserves attention, is the rigid management by which in many cases the Immigrants are hindered in, or prevented from, availing themselves of its accommodation. The excuse for such rigidity is the necessity of putting a check upon malingering. No doubt, if such a tendency exists, it should be guarded against; but it also would seem plain that the check should be in the hands of the medical officers, and not enforced by arbitrary rules, such as I believe are very common, and which debar the Immigrants in many cases from the important benefit of medical and hospital treatment which is professedly secured to them by law.
Instances of the hardship of such rules have repeatedly come under my notice in the course of legal proceedings before me. I may mention, as an instance of the extent to which these arbitrary rules are carried, a case of murder in which the murdered man lay unassisted in the "yard" for several hours, mortally wounded indeed, but not yet dead, while the "driver" refused to allow him to be taken to the hospital, because the manager was away and had given orders that no one was to be taken to the hospital without his authority. A case perhaps even more characteristic of the arbitrary, jealous, and even inhuman spirit in which the manager's authority in such matters is sometimes exerted will be found in the records of the Review Court. It occurred shortly before my time, though I cannot call to mind its title or date; but it made a great impression upon me when I read it, and I believe that I can state its effect with substantial accuracy. Some persons had carried a man who was dying, or dead, to the hospital of one of the principal estates, where I believe he was admitted without objection. But as the manager (of whose name I do not feel confident) had not given his sanction to this work of charity, not only did he lay an information against the persons who had taken part in it for "wilful trespass", but he had the effrontery, upon the charge being dismissed, to take it upon appeal before my predecessor.

Notes:

1 I believe that this part of the case is stated much too low. In fact many Immigrants, both Chinese and Indian, have not only had some of these delusions impressed on their minds, but actually embodied in a written contract before leaving their own country – a written contract which is simply and entirely ignored when they arrive in Demerara! In India I believe the wage formula is often a rupee, which stands pretty much in the same dazzling light there as a dollar would do in China.
2 I have been informed that since my time two or three have done so.
3 It is to be feared that this faction is not very small, and that the Allahabad kidnappers were far from novices at their trade or its monopolists.
4 One man within my knowledge reduced his diet down to a single plantain per diem, until he died of starvation. I find that Mr. Russell, one of the most candid and intelligent planters in the Colony, having the supervision of some thousands of Immigrants, stated, as a witness before the Commission, that he considered they were working well when they earned 12 cents or sixpence a day all round.
To avoid hypercriticism I should say it is Mohammedan. The Hindoo Immigrants, however, partake the most lively interest in it with their Moslem compatriots.

I might say, with reference to the present time, fully that number, and exceeding that amount.

I speak of course of the settled part of the Colony, the alluvial flat in which the sugar estates lie below the level of high water. The interior of Guiana is eminently a country of sweet as well as many waters.
III.

1. Referring to the former declarations made by me in this matter, I propose to specify one other abuse of the Estates’ Hospital system. I refer now to the practice which is, I believe, very common of detaining Immigrants in hospital against their will, a practice which is perfectly consistent with, though of a nature in some respects the converse of the abuses already mentioned. It occurs principally in the case of the more capable and valuable labourers who may have occasion to resort to hospital, and who upon attaining convalescence desire to return to their homes and their work. No doubt this practice might appear venial at first sight, and it might really be so were it put in force by legitimate influence, addressed to obtain the consent of the people subjected to it, or were it confined to exceptional and grave cases, and even praiseworthy were it adopted out of consideration for the Immigrants, a consideration which would naturally result in all their sick being duly tended. I believe, however, that it will be found that, while the broken down and feeble hands are commonly neglected or even expelled from hospital as “idlers” or “maligners”, efficient labourers are not only detained against their determination and most anxious desire to get back to their people and their work, but are so detained by the *vis major* of authority and even of force. I fear also (and my fear is founded very much upon the statements which have been made to me in justification of the practice) that such detention is generally one of simple restraint in compulsory, and of course wageless, idleness, unaccompanied by that generous and tonic treatment which would be not only the appropriate remedy in such cases (being commonly those of persons suffering from emaciation, sores, and other sequelæ of low fever, overwork, exposure and privation), but also the best test of the true spirit of the practice. Perhaps no particular illustration could be more significant as to its actual spirit and character than this undoubted fact, that the restraint I speak of is often administered by means of wooden stocks in which
the patients are confined. These instruments of torture (for such they really are, and indeed of severe torture) are, I believe, kept for this purpose at most hospitals, though I have been led to hope that in consequence of my having repeatedly taken occasion to denounce so cruel and illegal a practice they are not now so common as they were a few years ago.

2. This abuse leads me directly to notice that of which it is one example, and which is perhaps one of the most dangerous, as I fear it is one of the most general abuses under which the Immigrants suffer, viz. the use of personal violence towards them on the part of their superiors. I believe that it is not too much to say that this is habitual, by which I mean that as a potential means of control or so-called discipline it is general, as an actual practice it is common, and in extreme and gross forms not infrequent. Of this I have been convinced by such constant complaints and reports, and such numerous admissions and extenuations that I cannot doubt that the frequency of such occurrences and their dangerous tendency will be called to the attention of the Commissioners; but apart from such general sources of information, so many cases of this nature have come under my judicial observation that I feel called upon to enter with some particularity upon this subject. No doubt, to some extent, the Immigrants suffer in this way in common with the negro and other coloured labourers, and indeed as to mere acts of contumely they, perhaps, do not suffer to the same extent as these; but as to more serious and systematic outrages of this nature they are far more exposed to them, are practically far less protected against them, and in fact suffer far more from them. The most common forms which they take are forcible intrusions into and extrusions from their houses, imprisonment without warrant upon the estates or at the adjoining station-houses, and assaults by managers, overseers, drivers and other persons in authority. I will here mention, from amongst the many instances of such acts and of crimes or disturbances resulting therefrom which have come within my knowledge, a few which are notable, not only as cases which resulted in homicide, but otherwise as throwing special light over the position and treatment of the Immigrants.
3. The first case which I shall mention is one of double homicide, the assailant having been a “driver”, who was killed in the course of a fight which commenced by his beating a Chinese labourer in the field, for which homicide the latter suffered death upon conviction of murder. The events, as proved upon the trial of the Chinese (who was named Li-a-ying), may be stated in a few words. Li-a-ying was at work in a cane-piece, when his “driver” came to him and, after finding fault with his work and threatening not “to take it down” (i.e. not to pay for it), beat him with his stick. Li-a-ying thereupon struck the driver with his shovel-stick, and then a fight ensued between the men, in the course of which Li-a-ying drew a knife and stabbed the driver in the neck or shoulder. This wound was not mortal; but it was followed by a blow on the head from Li-a-ying’s shovel, which unhappily killed the driver. I must add, with regard to this sad case, that the result of the trial, in the conviction of murder and the death of Li-a-ying, has always been and must ever be to me a matter of painful reflection. The use of the knife and the nature of the fatal blows with the shovel were, no doubt, circumstances of excess in self-defence on his part which might well have justified a verdict of manslaughter; but, on the other hand, the shovel was not a deadly weapon, and although a formidable implement enough (by no means so formidable, however, as what are known as shovels in England), it was one lawfully and properly in use by Li-a-ying at the time when he was set upon; the knife was not in fact the cause of the mortal wound, and was itself an innocent instrument (being the common cooking-knife carried almost universally by the Chinese); the first blows, and those serious ones with a heavy cudgel, were, beyond question, given in the most wanton and unlawful way by the driver, so that Li-a-ying was not only perfectly justified in defending himself, but morally and legally entitled to great allowance in respect of any excess committed by him in such a case; and, lastly, there was no suggestion of any premeditation or old malice on his part. Such a case, though no doubt one proper to be left to the jury not only on the minor but on the capital felony, would seem to be one in which a verdict of murder was (to say the least of it) harsh, and only to be justified by the most unfavourable construction of the
circumstances. I was surprised and distressed at that verdict being returned, and yet more so at finding that, though I had felt it my duty to represent the case as one proper for the extension of the Royal mercy, the capital sentence was carried into execution.

4. The second case of this nature which I shall mention is one of extraordinary significance not only in respect of its own circumstances, but also of the scandalous failure of justice which occurred with regard to it – a failure which contrasts most painfully with the severity which marked the case of Lia-ying. In this latter respect I shall revert to the case again; but at present I will only refer to the circumstances which concern the death of a Chinese named Low-a-si, as these were disclosed in the evidence taken upon the Coroner’s inquisition held upon view of his body. The details of the case are too shocking and harrowing to bear unnecessary repetition, and as they may be found upon the proceedings upon that inquisition returned into the Supreme Court, I need only state their general purport. But, in short, it appears by those proceedings that this poor Chinaman was, for no other reason than that he protested that he was too sick to work, brutally beaten and kicked to death by some of the staff of overseers and drivers of a “first-class estate”, in the face of the whole staff of the estate’s buildings, a multitude of hands at work there, including many of his own countrymen. This barbarous murder was effected by a series of assaults thus publicly committed, and which were continued during a space of more than an hour, the actors going and coming, and the poor wretch piteously wailing, bleeding, vomiting, and yet feebly attempting the work which he pleaded in vain with his dying breath that he was too sick to do. I speak of this crime as effected by “some of the staff” because, while there may be some room for difference of opinion on the depositions as to who in particular was the chief actor, there is no doubt that when these repeated assaults were committed several of the staff were present, aiding and abetting one another in the transaction of this dreadful tragedy. It would indeed be hard to meet with a more revolting history than that detailed by the numerous witnesses who narrated it on the inquest, and many of the details appearing on the depositions might well de-
serve special notice. Such are the circumstances that one of the murdered man’s countrymen who tried to interfere to protect him from his assailants was also struck by one of them; and that the victim appears to have been one of the multitude of broken-down creatures who, though physically incapable of work, and legally as well as morally entitled not only to exemption from work but to hospital treatment at the hands of their employers, are habitually stigmatized by them and their subordinates as idlers, and “driven” with the utmost harshness. But for the purpose of this statement the most important and characteristic features of the case appear to be two – 1st, that the brutal outrages thus committed in the face of day and of a crowd of lookers-on were undertaken and carried through by persons in authority as the chief actors, and either acquiesced in, or at least passively permitted by numerous witness, with as much calmness, and in as matter of course a way as if they were done in the exercise of a legitimate and unquestionable right; and 2ndly, the simple fact (considered apart from the details to which I propose presently to revert) that (to the eternal reproach of the administration of justice) this grievous crime and its perpetrators remain to this day unavenged and unpunished.

5. Another case of brutality towards an Immigrant which I propose to specify is one not indeed chargeable against any persons connected with estates’ management, but which I conceive to be of no less, but perhaps rather of greater, significance than any such case. For it is my belief that the systematic violence to which the Immigrants are exposed is no less chargeable to the Colonial Government than to the planters, as the twin and co-operating forces of Demerara society, and is so chargeable not merely in respect of negligence and partial supervision and control, but of active abuse. Although therefore the case which I am about to mention is one of a prison abuse, it is I believe perfectly of a piece with, and but another illustration of the very same abuses which have their more ordinary course upon the estates, and under the action of the planters and their employers. I now refer to a gross and cruel outrage upon a Chinese Immigrant, named Ngo Pung, who was thereby driven to despair and crime, and almost to madness; and although I cannot profess any very great confi-
dence in the general system of prison administration in Brit-
ish Guiana, I am convinced that an outrage of that character would never have been possible but for the general conta-
gion of violence and injustice with regard to the Immigrants, nor have been adventured towards a convict of any other class. The case which I here refer to is that of a young Chinese whom it was my painful duty to sentence to ten years’ penal servi-
tude for the manslaughter of one Mackenzie, an overseer at the Penal Settlement on the Masaruni River. He was tried be-
fore me on an indictment for murder; and I must say that, although I felt bound to adopt the verdict of the jury without reserve in dealing with him, I should have been very loath to take upon myself the responsibility of adjudging him guilty even of manslaughter. For, though the homicide of Macken-
zie was proved against him beyond all question, and was so far deliberate that the unhappy perpetrator had foreseen and solemnly deprecated the probability of his committing it, the actual provocation which drove him to the crime was of the most extraordinary kind. It was clearly proved by numerous witnesses (including several called for the prosecution) that Mackenzie was in the habit of maltreating the Immigrant convicts, and in particular of so grossly abusing Ngo Pung both by violence and contemptuous bullying and jeering that his life became a burthen to him. As it would be difficult to imagine or even to credit the outrageous conduct to which these unhappy men were exposed, in a position in which of all oth-
ers they were entitled to the protection while suffering the penalties of the law, I may mention some instances of it. Thus, one witness proved having seen Mackenzie stand over the gang in which Ngo Pung was at work, cursing them and urg-
ing them with a “supple jack”, and in particular striking Ngo Pung with it. Several other instances of abuse and beating him within a few days before the fatal event are proved; and only the evening preceding it, Mackenzie and the chief war-
den of the prison were engaged together in jeering and tor-
menting this unhappy man – Mackenzie shoving him to and fro by his collar, while the chief warden sat by clapping his hands to cheer Mackenzie on, and laughing at the fun. On the day when Mackenzie met his death Ngo Pung’s forbearance gave way (as he had expressed his fear that it would) under
these ruffianly attacks. Mackenzie it was proved struck him again and again on that morning while at work, and at last the wretched man seized a hammer and struck his tormentor some mortal blows with it. I cannot help adding here, with the view of confirming the sense in which I have stated the above case, that the superintendent of the prison himself undertook to extenuate Mackenzie’s conduct, not by impugning the facts deposed to, but by expressing the opinion that he was “a good-hearted but an eccentric fellow”, and intimating that some such freedom was necessary in order to maintain discipline amongst such people. And I believe that I gave great offence to the Executive Officers of the Government by directing the jury that not only was such conduct as that brought home to Mackenzie unfit to be palliated in any way, but as it would be brutal and barbarous in any case, it was doubly heinous and inexcusable in a prison, and from a person in authority; that as to maintaining discipline thereby, the expression was a gross abuse of ideas and terms, for that there could be no discipline nor any right to expect discipline amongst prisoners who were exposed to such gross and open violence on the part of prison officers, and that a convict was no less entitled than any other of Her Majesty’s subjects both to the right to protect himself against personal violence by the legitimate exercise of force and, should he transgress those limits under sudden and overpowering provocation, to that just measure of allowance which the law admits in favour of persons so outraged.

6. In connexion with this habit of personal violence, I may advert to another grave abuse, viz. the illicit sexual relations between the manager and overseers of estates and the Coolie women which, in spite of the seclusion of life upon the estates, and the laxity of conduct which has been sadly too common in the West Indies, are a frequent scandal in the eyes of decent people, and a great grievance to the Immigrants. I feel myself relieved from the necessity of giving any particular statement upon so delicate a subject; because within the last two years a Circular has been issued by the Colonial Government to the proprietors, attornies, and other gentlemen in charge of sugar estates, calling their attention to the necessity of putting a stop to this practice, and I therefore cannot doubt
that the circumstances which led to a measure of activity so unusual, will be accessible to the Commissioners, either at first hand, or in some such form as to be susceptible of investigation. I think it necessary, however, to advert thus far to the subject; both because I am sensible of the many inducements which may concur to prevent its being brought in its true light under the notice of the Commissioners, and because it appears to me that, as between people in the relative situations of the Indentured Immigrants and their families on the one hand, and those placed in authority over them on the other, the scandalous habit which prevails is by no means to be confounded with the common indulgence of mere vice, but is an evil cognate with, and in fact one development of, the forcible abuse of power of which I have already spoken. I will only add that I do not doubt that there are many estates upon which no such scandals take place, but that their existence and degree depend throughout the Colony upon the moral character of the manager rather than upon any external control or remedy available to the Coolies.

7. The habit of general violence towards the Immigrants is so much practised in connexion with the industrial discipline of the estates, that it naturally connects itself with the other central abuses in respect of work and wages. These abuses may be said to resolve themselves into those of over-work and under-payment; but they are so greatly aggravated by the arbitrary system under which they occur, that the capital grievance would appear to be the arbitrary regulation of work and wages by a system of industrial discipline which may be said, without exaggeration, to place every action of the Immigrants and their very persons at the uncontrolled order and disposition of their employers and the employees (manager, overseers, and drivers) set over them. Fully to describe that industrial system so as to show in detail how this is brought about would extend too far, and indeed might seem beyond the proper scope of my statement; but I desire to mention several points which have come under my particular observation, and which appear to me to illustrate and confirm the opinion which I have expressed.

8. In the first place, both the nature and the quantum of work which is required of the labourers, is entirely arbitrary;
by which I mean that in practice it is determined and regulated solely by the arbitrament of the employer. I say in practice; because in theory, no doubt, there is an apparent definition and limitation of it by law. Apart, however, from the defect of the law itself, and of its administration (which I believe to be as nearly as possible illusory as far as regards any protection of the Immigrant, even when appealed to on his behalf), no regard whatever is paid to its provisions in the system of labour as practised upon the estates. As the most compendious illustration of this opinion, I may refer to the mode of work in "the buildings", which is the principal part of the day-work upon the estates. The limit prescribed by law for such work is (per week) five days' work, each of ten hours, between five a.m. and eight p.m. But I believe that, as a general practice, it will be found that that limit is far exceeded, and that frequently and for many weeks at a time, the Immigrants are compelled to work in the buildings for sixteen, eighteen, and even twenty hours per day, and that for six, and sometimes for seven, days a week. Indeed, nothing is more common than to see the buildings' hands at work up to eleven or twelve o'clock at night, or to hear the cow-horn calling them at two or three o'clock in the morning. I have heard of instances when for several days the Immigrants have not been allowed to leave the buildings; and although it is supposed that in such cases they are at liberty to rest themselves for an hour or so at a time, I much doubt whether that supposition is often realized. The compulsory nature of this requirement becomes clear from the following considerations: - the unreasonable severity of such labour, tested by any fair test of work, to say nothing of testing it by the idle habits which are generally (and, I believe, quite untruly) imputed to the Immigrants; the fact of constant complaints being made of it, and the frequent disputes, strikes, and assaults which arise out of it; and the fact (which is most extraordinary and significant, but which I believe to be generally true, though it may occasionally admit of exceptions), that no extra pay is given for such work, but that eighteen-pence, a guilder, or even a shilling a day is the rate allowed for ordinary hands, though they may work for such extra time.

9. I believe the case of the field labourers to be even worse
in many respects. Most of the field work is done upon a sys-
tem of task work, and the law requires a minimum of five
“tasks” per week. The tasks, however, are neither agreed on
between the parties, nor at all defined by law or even by prac-
tice; yet, if a labourer were to fail to do the task prescribed to
the satisfaction of his superiors, his work would not be “taken
over” as it is called, or entered to his credit. Whether he would
be sent to gaol or not might depend very much upon how
well he might stand with his driver, overseers, and manager,
amongst other circumstances quite beyond his control; but at
all events his wages would be stopped.

10. I have said that the measure of a task is not defined by
law or by practice, and I proceed to point out how entirely
indefinite it is. As to the law, the difficulty of prescribing a
uniform measure of a compulsory task with reference to agri-
cultural work of many kinds, and which has to be done un-
der greatly varying circumstances, is indeed apparent upon
the slightest consideration. Probably it may be found insu-
perable, and that a fair day’s work is the only measure that
can be prescribed with justice to the labourer as the basis of a
compulsory and penal system, leaving task work and extra
work as matters of free contract. Be that as it may, however,
the only attempt made by law to define the measure of a task
has been by reference to its money value, an apparently fluc-
tuating and uncertain standard by which to determine such a
matter, even if it could be certified in any given case. In fact
even the money standard, though apparently aimed at, was
not specified down to 1868; so that until the passing of Ordi-
nance No. 8 of that year, there was not any legal measure
whatever of a task. By that Ordinance, however, the money
standard was adopted and fixed at one shilling, a standard
which is still highly indefinite, if not indeed illusory. For (as-
suming that the provisions of the law as to tasks and rate of
wages are not nugatory by their ambiguity, or as defining idem
per idem) it would follow that any task prescribed by his em-
ployer to an Immigrant labourer would be legalized as a com-
pulsory minimum if similar tasks were in fact done by other
Immigrants upon the estate for a shilling. In effect, therefore,
this Ordinance would appear legally to empower the employ-
ers to do what in practice they have always done, viz. to pre-
scribe to their labourers the amount of work they are to do. I may add that in referring the amount of wages (which thus becomes also the standard of work) to the “fair average rate of wages paid to other Indentured Immigrants” (who are all *in simili casu*) the Ordinance of 1868 appears not only to conflict with common justice and common sense, but with what I believe has always been (upon very apparent grounds) insisted on by the Home Government, as a condition of Immigration, viz. that there should be secured to the Immigrants, in addition to the other advantages intended for them, wages at the full rate of those paid to the Creole labourers – a provision the enforcement of which may be, and no doubt is, in some degree prejudicial to the Creoles, but which is essentially to the interest of the Immigrants.

11. To understand how completely this Ordinance deprives the Immigrants of that benefit, it may be sufficient to advert to the alternative words in which it refers to “other Indentured labourers or Creole or other un-indentured labourers, employed at the like task work during the same week” as the Indentured Immigrants who are employed at task work. The Creole and un-indentured labourers, whether employed in “task gangs” or individually, are almost universally employed at work of a different description to that set to the Immigrants. For the most part they are employed by the task only on the heaviest or most skilled work, such as deep trenching or cane cutting, or as artisans or headmen; while four-fifths of the Immigrants’ task work is the ordinary field routine. It is only an occasional thing that some of the best Immigrant hands are set to Creole task work, or that the Creoles will undertake the ordinary field work by the task; and when it does occur, it is very rare that they are employed at such work contemporaneously. And I must state my belief that, if the ordinary circumstances of estates management did not ensure their separation, the employers would take care to do so were it necessary, in order to debar the Immigrants from the advantage of the statutory test. I make this statement not without ample grounds of special knowledge, as well as of general impression. Thus on one occasion I was told by one of the best and most liberal planters in the Colony, with whom I was discussing the position of the liberated Africans, that he
had just been obliged to refuse to engage a number who had been wishful to come as resident labourers on his estate, because he could not employ them at the regular field work without the risk of having to raise the wages of the Coolies to the same scale which they would require, and which he would have been quite willing to pay, but for that risk.

12. The law itself being such as I have pointed out, it may seem unnecessary to add anything as to the arbitrary character of the task work imposed upon the Immigrants in practice. But as this matter came repeatedly under my consideration, and was the subject of much and anxious investigation on my part, I cannot abstain from adding somewhat on this point. In the first place I may observe that, although in fact there was no definition in the law of a task capable of ascertainment down to the passing of Ordinance No. 8, of 1868, and therefore there could be no legal compulsion to do, nor any breach of the law in not doing any task set out by the employer, not only was task work habitually performed by the Immigrants, but thousands of Immigrants were sentenced to fine and imprisonment by the Magistrates as for the imaginary offence of not doing sufficient task work. In the next place, I believe that throughout the Colony there was, and I cannot doubt there is, great discrepancy of practice as to the extent of the tasks required. In investigating the matter I have received the most different possible answers as to what was deemed an ordinary task. I have heard it fixed as a matter of value, at one shilling, a guilder, five bitts (or twenty-pence), and as high as two shillings. I have heard it referred to an old scale which was framed by the then Governor, Sir James Carmichael Smyth, with the aid of a number of planters, shortly after the emancipation of the slaves, and which was recommended by him for adoption by the planters and for the guidance of the Magistrates. I have, however, heard that Table repudiated as of no authority, as I believe it was repudiated at the time of its issue by a great number of the planters. Again, that Table contains two scales of task-work, a higher and a lower one (which I have heard explained as being adapted to effectives and non-effectives, and as representing respectively either five bitts and a guilder or a guilder and a shilling), and each of these scales I have heard maintained as
the more correct. And lastly, I have been assured that there was never any fixed scale, but that it was always a matter adjusted by each planter according to his own system and ideas; and this account of the matter is, I feel no doubt, the only one which is consistent with the various inconsistent facts, and the numerous opposing statements which have come under my notice.

13. It is often asserted, I know, on the part of the planters that, however ill defined may be the tasks which are set to the Immigrants, they are in practice moderate and well within their powers. I believe this to be so far opposed to the fact that I should be at a loss to explain how it could be ventured upon, but for the following consideration which at once gives to it a certain plausible colour, and at the same time strengthens the objections which must be entertained to a system so uncertain and arbitrary in its operation. I believe indeed that the tasks as usually given out are such as may be done in a good day’s work by efficient hands under ordinary circumstances, and that the strongest and most skilful hands may do more than an ordinary task within a day under favourable circumstances. But in truth, such hands are but few. The mass of the Immigrants are, comparatively speaking, feeble and unskilled, without referring to those who are either actually infirm or idle; and my belief is that, with regard to the tasks commonly required, they are not only as a general rule fully up to the limits of their powers but are, under unfavourable circumstances, and with regard to large numbers of non-efficient, far beyond that limit. Indeed, assuming that there were a fixed customary scale of task work, I might mention many considerations to show that any such scale adopted with respect to the negro labourers (and it has never been alleged as I believe that any such scale has been adopted anew with respect to the Immigrants) could not fail to be of a severe and maximum character, if applied to the mass of the Indentured Immigrants. Sir James Carmichael Smyth’s Table is often put forward as containing the actual scale. It contains indeed two scales (one for nine hours and one for seven and a half hours’ work); and although the Immigrant’s tasks are not in fact uniform, or regulated by either of these scales, they commonly conform (as far as I have been able to learn) rather to the lower
than to the higher scale. The work, however, is now required to be finished in a style far superior to what was practised at the time when that scale was tabulated; and even if those tasks could be done in seven and a half hours, that period of hard work in the open air in British Guiana is far from a light task. But upon consideration of many of the items set forth in the seven and a half hours’ scale, it will be apparent to any one who has had the opportunity of observing the nature of the work, that they could not be done in that time except under circumstances unusually favourable, or by hands unusually capable. Many items of course can only be judged of by experts, but any one who has had opportunity of observing such work, and who is acquainted with the soil and climate of Demerara, can form some judgment as to the laboriousness of others. Take for instance the “shovel ploughing new holed land a shovel deep, and rounding beds”, work similar to plantation trenching in England, but effected in the densest clay, with a very inferior tool, and without being able to use the foot at all. The quantity of this work which is set down as a short task is actually 60 roeds, or nearly 250 yards – the bed being, I believe, three feet wide. I will mention another task specified in this Table, the labour of which may perhaps be made more clear to those who are not familiar with the work than that required in the operations of sugar cultivation, and so it may throw a pretty true light over the other tasks placed in the same scale. I take this item, “cutting bunches of plantains and carrying them in punts to the buildings, provided the head carriage does not exceed 100 roeds, 65 bunches to each labourer.” Now plantain bunches weigh on a moderate average 40 lbs.; and as 80 lbs. must be deemed a good load even for a negro to carry on his head for seven miles and a half, it would require at least thirty journeys to transport them to the punt. These at 100 roeds each would (with the return journeys) amount to about fifteen miles, to which would have to be added the finding, cutting, and trimming the plantains (no trifling work in itself), and punting to and fro over what would probably be four miles of trench. Such are specimens of what are set down as short tasks in the only document which can be referred to as affording any guide to the scale of task work.
14. Not only, therefore, is the measure of the tasks which are required of the Immigrants undefined in law and in practice uncertain and dependent on the dictation of the employers, but the only approach to a standard which can be found strongly confirms the conviction, which has been formed in my mind after much inquiry and observation, that the tasks which are in fact set are fully up to the standard of a day's good work at the hands even of the more efficient labourers under average circumstances. It is manifest, however, that any such standard, if applied to the mass of the labourers and to all circumstances, must be very often not only severe, but excessive; and I believe that, in fact, the customary tasks are commonly beyond the power of the feeble and more unskilful amongst the Immigrants, and not infrequently (as where unusual distance, unfavourable weather, or an intractable state of ground, and various other adverse circumstances occur) beyond the power of the most efficient amongst them. I have heard many complaints, of the truth of which I could not feel any doubt, from Immigrants who have assured me that they were quite unable to accomplish the work set to them, and were in fact unable (as I believe that very many frequently, and not a few habitually, are) to earn enough to provide themselves with food; and my own observation has satisfied me that they are frequently set to do work which it is impossible that any man could accomplish under the circumstances, and the attempt to do which is most laborious and trying. It is true that this is often occasioned by the state of the weather, but the burden has been none the less upon the Immigrants by that reason. Indeed they suffer doubly in respect of their work from it (as also from other causes concerned with the economy and management of the estates), while at other times they are set to work which they cannot in fact accomplish. But, severe as are the various hardships to which the Immigrants are thus exposed in respect of their work in their direct incidence upon them, I must repeat that their gravity is far greater in so far as they concur indirectly to place the labourers at the mercy of their employers. Practically an Immigrant is in the hands of the employer to whom he is bound. He cannot leave him; he cannot live without work; he can only get such work and on such terms as the employer chooses
to set him; and all these necessities are enforced, not only by
the inevitable influence of his isolated and dependent posi-
tion, but by the terrors of imprisonment and the prospect of
losing both favour and wages.

15. It would be difficult indeed to convey an adequate idea
of what is the meaning of loss of favour in British Guiana. I
shall not attempt to convey any such idea; but will only ex-
press my belief that to an Immigrant it is, and is understood
by them to be, not only the loss of every prospect of comfort
or prosperity, but of livelihood and liberty itself. But on the
point of wages, and the hardships to which the Immigrants
are exposed in respect of them, I must add somewhat. As to
the general rate of wages, indeed, I will only add to what I
have already said, that I believe it is exceedingly low – far
lower than what would be paid to free labourers for the same
work – uncertain, and almost absolutely under the control of
the employer. But upon one or two crying abuses which con-
tribute greatly to this result, and which themselves result from
the system of work and discipline as already referred to, I
must express myself more fully. The system of stoppages is
indeed not only at the basis of much of the dissatisfaction and
suffering which occurs amongst the Immigrants, but is, per-
haps, even more than the power of imprisonment, the corner-
stone of the employer’s power over them. There is no doubt
that these stoppages of pay are under colour of work not hav-
ing been properly done; but it is manifest that, while employ-
ers cannot be expected to pay for work not done, a system of
stoppages as between employers and labourers not only ad-
mits of great abuse, but where the work is field-work done by
the labourers in large gangs and over great tracts of country,
and by persons in a relative position so entirely subordinate
as that of the Immigrants, the danger of abuse is very great.
My belief is that this abuse is constant; and that the labourers
have no efficient protection against it; and I so believe not
only from numerous cases which have come under my no-
tice, and innumerable general complaints of such abuse, but
from various collateral circumstances which tend to establish
and confirm that opinion. Indeed, the fact that such stoppages
are as common as they unquestionably are affords a strong
presumption against a system in which stoppages of labour-
ers’ wages can have such a place. The mode in which they are enforced strongly confirms that presumption. No doubt (and this is itself a circumstance deserving of remark) the drivers and overseers are in the habit of frequently threatening the labourers that they will not “take down their work”; but as a general rule the labourer knows nothing about any stoppage till he goes for his pay on Saturday, and then after waiting, as is too often the case, for four or five hours, till the manager finds it convenient to attend to him, he is told that so much of his pay is stopped. In most cases the man can do nothing but submit without a word. If he does so, he may take what is offered him; but if he remonstrates he gets nothing, and is ordered away. If he should insist on being heard, the attendant driver or buildings’ overseer hustles him away; and if he should lose his temper when he finds himself thus treated, he stands a great chance of being sent to the station-house for disorderly conduct, or abusive language, or assault.

16. It is really idle to say that in such a case the Immigrant has his remedy. I do not doubt, indeed, that with really impartial Tribunals, readily accessible, and empowered and disposed to inflict adequate penalties upon employers for vexatious conduct in such cases, this abuse would soon be materially abated. But so one-sided is the law on this subject, that the Immigrant has no remedy but by an action of petty debt, to which it is merely frivolous to refer such persons for such a purpose. And here, to avoid misconception, I may say that I treat the provisions of Sect. 99, under which the Immigrants may resort to the Immigration agent, as plainly and absolutely nugatory as a remedy in such cases. Even if the Immigrants could be expected to resort to the Magistrate’s Tribunals to recover stoppages, any such remedy is practically out of the question. In four cases out of five the man is penniless, and too often without food or the means to procure it – indeed I have known several cases in which persons so treated have been driven to go and steal plantains or live stock to provide themselves with food. It is, in truth, nothing less than a mockery to propose to such persons to sue their employers by a petty action, for it is not only out of the question to suppose that any but a few men of means and stamina should enter upon a law-suit in such a case in order to enforce their right
to a shilling or two, but indeed no such person would venture upon it were he well advised, seeing that in five cases out of six he could not but fail. For in the nature of the case he could have only his own statement to depend on. Even if he had the means to summon witnesses from amongst his mates, and could venture to call them to speak for him against his employer, there would hardly be a chance to find any one who could speak for him. Each man has his own work to attend to, and were he called he would be but a poor witness as to that of his neighbour. But in truth the party aggrieved would not even know what was the ground on which his pay was stopped, or what the work found fault with, unless his driver or overseer should choose to tell him. He might probably have worked in the preceding week in three or four different fields, two or three miles away, and remote from each other; and were he to venture to return to them at the risk of being charged with trespass or absence from work, he could have but small success in picking out his last week’s tasks from amongst the multitude precisely similar; nor indeed would there be any advantage to him if he were to do so, seeing that he would certainly not be allowed to take any independent person with him to survey the work supposing it were possible that any such person could be obtained by an Immigrant for such a purpose. Thus he could only come into court with his own statement that he had done so much work, which would, as a matter of course, fail to establish his case against the statement to the contrary of his driver and overseer, even supposing (which is very far from the case) that equal credit would be given to the two statements.

17. I have been thus particular in pointing out how absolutely without remedy are the Immigrants in respect of stoppages of wages for field work, but it is essential that this should be understood, in order to apprehend how completely they are at the mercy of their employers in respect of wages, and not only of the manager, but of the overseers and drivers. This last consideration, indeed, leads to the notice of a very serious abuse on the part of the drivers. For, as the men work under their immediate inspection, and the overseers are guided in their more general inspection by their reports, any labourers who do not conciliate the drivers have small chance
from the overseers. And from this has sprung a gross abuse, which is very common – viz. the levying contributions from the labourers by the drivers.

18. How far this practice is sanctioned by the manager I will not here venture to express an opinion. But knowing how notorious and prevalent it is, and how effectually it might be prevented, I think myself at liberty to express my belief that at all events they shut their eyes to it. I have never heard of any precaution being adopted against it; but on the other hand the practice (which is very common) of paying the men through the drivers, as well as that of allowing them to keep a provision shop on the estate, greatly tends to encourage this abuse. It is, I have no doubt, so common as to be pretty general amongst the Coolie and Chinese drivers, though I have never known of its being practised by the black drivers. It is practised in two forms. The first (which I have known put forward with an audacity going far to show how settled and regular the practice was) is the levy of money by per centage or weekly payment. I have known of cases where these payments have been made at the rate of a “bitt” in a guilder (25 per cent.), and even a guilder a week. The other form is the requirement that the labourers shall deal at the driver’s shop. My belief as to the prevalence of this grave abuse has been formed from the frequent cases in which its occurrence or its recognition has come under my observation. But in support of it I may point to the fact that a large proportion of the Coolie and Chinese drivers have amassed money to an extent far beyond what could be explained, but for this great source of profit to them.

19. Such being the helpless position of the people in respect of their wages, which are, of course, the great object of their lives, it might seem almost unnecessary that they should be also borne down by the weight of the penal provisions of the laws. But, in fact, without their pressure that helplessness would not be complete. If they could secure full and punctual payment of good wages for work fairly allotted and earned, a people so patient and industrious as they are would have some chance of attaining prosperity, though without personal freedom; while freedom from the oppression of those laws would go far to ensure them the command of fair work
and fair wages. But in fact, as on the one hand they are exposed to deprivation of wages and even starvation, they have summary imprisonment ever threatening on the other – and both of these practically impending at the mere pleasure of their employers. Between these two levers they are crushed and degraded, and I cannot conceal my conviction that by having such control of them their employers are so far corrupted that it is hard for the best of them (and there are amongst them many most kindly and estimable as well as most able men) to do justice to the claims of those who are in effect their slaves. In speaking of the penal laws as being administered practically at the mere pleasure of their employers, I do not intend here to refer to the subservience of the Magistrates to the planters, because, apart from that mischief, the same helplessness which I have pointed out as incidental to the position of the Immigrants in respect of their recovering their wages is even more complete in many, and as great in all penal cases. For on the one hand, from the very nature of the labour system, the Immigrants are frequently and inevitably exposed to complaints of formal breaches of the law, such as absence from or neglect of work; and on the other, the difficulties which I have already noticed as preventing them from recovering their wages are even more fatal to the chance of their successful defence, for although the onus is changed, the Defendant’s own mouth is closed by the fact of his being charged with what is actually a criminal offence.

20. I cannot, however, abstain altogether from noticing the additional disadvantages under which the Immigrants are placed by the actual administration of justice towards them. I would, indeed, gladly avoid touching upon that subject. My former position and experience as Chief-Justice, combined with my deep personal interest in and careful investigation of every thing pertaining to this subject, and the intimate and even confidential relations of a friendly as well as a judicial character which I had the pleasure of maintaining with many of the Magistrates have, indeed, afforded me ample means of forming, and entitle me to express my judgment in this matter. But, on the other hand, I have sacrificed my judicial position because of my conviction that a more rigid, equal, and vigorous administration of justice than had been accustomed
in British Guiana was necessary in order to protect the humbler classes, a conviction and administration which unhappily brought me into such disfavour with the Colonial Government and the planters that they succeeded in displacing me from my office of Chief-Justice. As a matter of personal consideration, therefore, it is most painful to me to enter upon this subject; but as it is one of such moment that it will not bear to be dealt with on personal considerations, I feel that I cannot withhold the statement of my own conviction that the distrust which there can be no doubt prevails widely amongst the Immigrants with respect to the administration of justice between them and their employers is only too well founded.

21. In support of this opinion, indeed, I shall say comparatively little, swayed so far by considerations of delicacy; but I feel bound to say so much as I think will at least serve to show that this opinion is not expressed without good reason; and in doing so I must take leave (seeing how this matter must appear to concern the personal credit of various gentlemen) to state the sense in which I would desire to be understood as respecting them. I do not, indeed, doubt that the Stipendiary Magistrates of Demerara are, as a body, men who endeavour to do their best under the circumstances in which they are placed, and according to the light and information which they possess; and I believe that not a few of them are men of high character, deserving of the utmost personal respect, and who would be fully deserving of confidence as Magistrates were they placed in a position of independence. Several of them, as I know from themselves, are far from insensible to the false position in which they are placed with regard to the Immigrants in particular. Yet so entirely dependent are they upon the executive Government, and so much is the action of that Government swayed by the influence of the planters, that it would be perfectly useless for them to expect to maintain either favour or credit, or even their offices, were they not to accommodate themselves in some measure to the views of the planters. And, knowing as I do the force with which such influences are made to bear upon judicial officers in positions more elevated and independent than those of the Stipendiary Magistrates, I am very sensible, and having myself been compelled to resist those influences even to the sac-
ipple of my judicial office, I am the more free to admit, that some plausible considerations of public expediency may be urged, in support of the less creditable but inevitable promptings of personal safety, to extenuate, in some degree at least, the subserviency of the Magistrates to the planters. I must, however, add in candour that, while I believe many of the Magistrates are quite alive to the evils of that subserviency, and anxious to resist it as far as possible, there are amongst them some who are so far impregnated with what I must call the overbearing spirit of the planters towards the labourers that their partiality is rather the result of sympathy than of subservience.

22. I might add in support of what I have said a great number of details, but as these might bear a somewhat invidious aspect as affecting individuals, I will here refer only to some few matters of fact of a general nature, but which are easily capable of verification, and which will, I think, sufficiently support what I have said by showing frequent or even habitual disregard by the Magistrates of requirements of the law which would serve to protect the Immigrants against oppression by their employers. I will recur in the first place to an abuse which I have already mentioned, viz. the constant and illegal practice of imprisoning Immigrants charged with offences under the Labour Laws before conviction or trial, or even formal information. It is true that, as such prisoners are usually sent to the lock-ups by managers or overseers in the custody of rural or other constables, the Stipendiary Magistrates are not in the first instance chargeable with the actual commission of these acts. Yet in the result they must be deemed no less – perhaps, in truth, far more – responsible; seeing that they whose special duty it is to restrain such abuses of power habitually give their sanction to this practice, which is as wanton as it is illegal, but in which they acquiesce without an attempt at restraining it by prohibition or censure, not only when the persons thus restrained are formally brought up before them in their courts in the illegal custody so effected, but at an earlier stage. For by a very judicious practice a “charge sheet”, containing a list of all persons in custody and the ground of their detention, is sent daily from each stationhouse to the Magistrate of the district, in order that if he is not
sitting in that part of his district, he may be able to deal with the cases as justice may require, discharging such as may appear to be detained without lawful warrant, and allowing bail to such as appear to be bailable. Yet I believe it is undeniable that, habitually and to an enormous number, Immigrants unlawfully detained upon charges of breaches of the Labour Laws are left in custody day by day without any interference by the Magistrates. An attempt has, I am aware, been sometimes made to mask the mere illegality of such imprisonments under the colour of written orders or so-called “warrants” from a manager who is a Justice of the Peace; but that attempt can only serve to show how readily the forms of the law are abused to the prejudice of the Immigrants and the support of the planters – for (apart from any question of procedure or formality) no ordinary Justice of the Peace has the slightest jurisdiction to issue a warrant in any such case, and there is no plausible pretext upon which arrest or imprisonment before trial for an alleged breach of the Labour Laws by the Immigrants can be defended unless it be made under the authority of Section 107 of the Ordinance 4 of 1864\textsuperscript{5}, or (after information, complaint, or charge duly laid or made before the Stipendiary Magistrate of the district, as required by Section 102 of that Ordinance) under his warrant, which he is only empowered to issue before trial in two cases, viz. where a summons to appear upon such complaint has been duly served and disobeyed, or in the first instance where the matter of such complaint may have been substantiated before him on oath. (Ord. 19, 1856, s.9.)

23. Another illustration of the disregard of the law by the Magistrates, which is indicative of their subservience, will be found in respect of their convictions for what is called “insufficient work”, under Sects. 115 and 116 of the Ordinance of 1864. I do not so much blame them for the long course of those convictions down to the year 1867, although upon applying those sections to any given case it is hard to see how their defects could be overlooked by any Magistrate who was concerned to see that the requirements of the law were exactly satisfied before he would put it in force against the Immigrants. But the carelessness, to call it nothing else, by which they allowed themselves to convict under these sections (as I
believe they did) thousands of persons of offences in respect of task-work, which were not and could not be defined and had in fact no existence, is of trifling moment compared with their persistence in so doing after I had in the Court of Review held once and again that there could be no legal conviction for failure to do five tasks, because the law had given no definition of a task. This defect of the law was first pointed out by me in two cases (Seewotohul v. Menzies, and Atchay v. Menzies) in 1867; yet for many months afterwards I have been assured that there was not a Magistrate in the Colony, except indeed Mr. Des Voeux, who did not continue to convict for this offence in the face of this ruling. Mr. Des Voeux, I believe, brought himself into extraordinary odium by doing his duty in this matter, and refusing to entertain such charges. It is significant of the position of the Magistrates with reference to the Government and the planters, that (as he informed me at the time) he was called to account by Governor Hincks for so doing, and urged to disregard my decision; and he, in fact, so far yielded to this influence as to issue a summons against one Johun, on the complaint of Mr. Field, in order to bring the matter again under review. Yet even after the decision of that case, I have been assured that many, if not most of the Magistrates continued to act in defiance of these repeated decisions, just as they had previously done, even down to the passing of Ordinance No. 8 of 1868.\[6\]

24. Desirous in these illustrations of the Magistrates’ action to bring forward those matters which I believe to be of general habit, and susceptible of ready verification, rather than matters more personal, particular and invidious, I will only further refer to their disregard of some statutory requisitions and forms which tend to protect the Immigrants or control the planters. From such neglect of formal and peremptory requirements of the law, some deduction may be draw as to their action in matters of discretionary judgment. I will mention two instances in which I have reason to believe that this neglect is general. Thus, with regard to the provisions of Sect. 164, requiring production of the Muster Roll (which, in fact, is very irregularly kept on many estates), I believe that it is very commonly disregarded; and again that rarely or never is any legal proof required that the Immigrants are in fact
indentured. With regard to this last matter, I may say that, apart from its essential importance as formal evidence upon criminal charges which are founded upon the fact of the accused being indentured, there can be no doubt that it would often be of yet more essential in importance in substance; for in fact it has frequently happened that the so-called Indentured Immigrants have never been indentured at all. This strange fact was first brought to my notice during the passing of the Ordinance of 1864, and I then pointed out the importance of a matter which was at the basis of the status and obligations of the Immigrants under the actual law being placed upon a regular and simple footing; and the provision of Sect. 41, with reference to the indentures, and the certificates and lists as evidence of the fact of indenture, were framed by me in order to secure this object. Nevertheless I have been assured that those provisions are commonly disregarded by the Magistrates. Yet it has repeatedly happened of late years that Immigrants have been allotted to the estates without having been indentured at all.

25. I have already stated that, in my opinion, the Colonial Government and its officers are chargeable with the responsibility of the abuses which exist in respect of the Immigrants. Many of the matters already stated indeed directly inculpate the Government in one department or another, and to these I will not recur here. Nor will I enter in detail upon many other points in which I have taken an interest, and which I have often urged in vain upon the attention of the Governor and other influential personages, such as the duty of doing something for the religious and moral and educational training of these people, of providing an adequate staff of intelligent and trustworthy interpreters for service in the Magistrates’ as well as in the superior courts, of protecting the multitudes who are sent to gaol for offences in respect of labour against the degrading and contaminating influence of such conferment by a proper system of separation and other prison arrangements adapted to their case, of ensuring a more efficient, trustworthy, and independent inspection of the Immigrants on their estates, and greater independence of the planters’ influence on the part of the Magistrates and the estate doctors. Apart from the neglect of all such reforms, the Government
is found to neglect apparent duties, even of humanity – such, for instance, as the exercise of the provisions of Sect. 59, under which many hundreds of wretched, helpless invalids should have been sent back to India; and with regard to the express duties of the Immigration Agent for the protection of the Immigrants, although imposed on him by statute, I believe that they are not only neglected, but that the Immigration Agent has been actually prevented from discharging them by orders which possibly he might not be justified, but certainly would not be safe, in disregarding. Mr. Crosby, the Immigration Agent, from his superior position and independent character and kindly disposition, would, I feel no kind of doubt, have been able to exercise a most beneficial influence and control if he had been left at liberty to discharge his own duties as head of his important department. But those very circumstances which made it specially desirable that he should visit the estates, led to his visits being unwelcome to the planters, and by a dexterous contrivance he was deprived of this power. I say deprived, because, though the first step in the process was merely the authorization of his subordinate agents discharging the formal functions of his periodical visits in his place, that was followed by the travelling expenses provided for the office being voted to the sub-agents; so that, indirectly, he was actually prevented from visiting the estates, except he should do so at his own expense, or should obtain a special authority and funds from the Governor for the purpose. To this followed a most extraordinary violation of what was due to the Immigrants, as well as to Mr. Crosby as the head of that department of the public service, and of the express terms of what (if duly and actively administered) might be one of the most important and beneficial provisions of the law – viz. Sect. 99 of the Ordinance of 1864, under which the Immigration Agent is constituted Protector of the Immigrants, with the express duty of investigating and obtaining redress for their complaints. For I believe that it is undoubtedly the case that Governor Hincks expressly prohibited Mr. Crosby from taking any such proceedings.

26. Nothing, perhaps, has more painfully affected my own mind with regard to the spirit of the Government than the partial mode in which the executive functions in respect of
the administration of justice that has been transacted with regard to the Immigrants. I could give very numerous and painful instances of this. Thus, I feel bound to say that the conduct of criminal proceedings against them in the Supreme Court was frequently harsh and overbearing on the part of the Public Prosecutor, in a degree quite exceptional, and often distressing. Thus, in all cases affecting estates’ property or discipline, cases of sugar or rum stealing, breaking and entering or arson of estates’ buildings, damage to machinery, and so on, I could not doubt that Court and jury were expected to convict. And as the managers always formed an important fraction of the juries, this was so much the more objectionable, especially as the Immigrant prisoners always displayed a painful degree of distrust of them in that capacity – I have repeatedly known them, after looking over the jury, and singling one or two for challenge, add a general objection to “any manager”. This overbearing habit is greatly facilitated by a most pernicious doctrine which I have frequently had occasion to repel, viz. that there is some a priori discredit attaching to the testimony of Indians and Chinese, a doctrine which would be both illegal and oppressive even if it had any reasonable foundation in idea or experience. I was able to repress the avowal of this doctrine on the part of suitors in general, but was never able to put a stop to it on the part of the Crown, and that although, more than any other suitor, the Crown was habitually and necessarily proceeding upon the footing of such evidence. The following instances which I call to mind of the injustice to which this overbearing tends may perhaps be of value here. In one case a coolie was indicted for rape. The case for the prosecution, which depended chiefly on the evidence of the complainant, was very clear; but the prison called a number of witnesses, quite unexceptionable, who completely disproved it, and showed beyond doubt that the girl had been on the most intimate terms with the man, and had turned round on him because of a quarrel. The witnesses for the defence were, however, coolies, and the Attorney-General replied warmly upon the case, asking the jury to discredit them as such, and (although the witnesses who had been called by him were also coolies) he urged for, and I dare say would, on this ground, have obtained a conviction. It so
happened that some material circumstances deposed to by the prisoner’s witnesses, and denied by the complainant, were said to have taken place in the store of Messrs. Tilbury on the Arabian Coast, and the Attorney-General did not fail to comment in support of his contention upon no one being called from that store. One of the jury, however, called my attention to the fact that the manager of the store was actually in court, and though it was a hazardous thing to do in the prisoner’s interest, I told him that if he wished it I would have him called even at that stage. The accused at once said very simply that he should be very glad and thereupon this gentleman was called, and not only confirmed to the full the statements for the defence, but gave other evidence of importance towards the prisoner’s acquittal.

27. The other case I shall mention is almost as singular. A Chinese was tried before me for burglary. The case turned on identity, but it appeared well proved against him; and, when called on, his defence was simply that was in Georgetown Gaol at the time of the burglary charged. I well remember that there was hereupon a good deal of smiling, which boded no good to the prisoner, and when I stated that I felt it was my duty to facilitate any possible proof of that defence, the incredulity and impatience on the part of the Crown Officials was very marked. The Attorney-General wished me to leave the case to the jury, saying that he had no doubt it was just one of those foolish things which “these people” said, and that a Magistrate sitting by him who had in fact committed the prisoner summarily some time before was sure that his sentence had expired at the date in question. The Magistrate in question volunteered the same statement, and proposed to swear to it. I declined, however, to admit any such statements till the defendant had had an opportunity of proving his case. The gaoler being in court I offered to call him if the prisoner desired to do so, and as he very properly declined to speak as to dates without reference to the prison-books, I stayed the trial of the case until he could send for them; and then he distinctly confirmed the prisoner’s statement that he was in gaol at the time in question.

28. The case of Li-a-ying which I have already mentioned appears to me to afford a painful illustration of the severe
measure of justice which is awarded to the Chinese more especially; nor is it the only one of the same nature within my remembrance. For in the case of another Chinese (whose name I cannot call to mind, but who was a man of very superior character) convicted before me for the murder of a black man named Timmerman, I drew it also to the attention of the Governor as one proper for the exercise of mercy, on the ground that the convict had killed the deceased by a sudden blow struck under great provocation, as the deceased had been abusing the convict and another as thieves and Chinese, and pelting them with sharp granite stones at the same time. In both these cases I cannot help saying that, not only were the verdicts in my opinion harsh verdicts, but that the execution of the men after representations by the Judge of the extenuating circumstances of provocation appears to me to have been a painfully severe measure.

29. And here I may recur to and contrast with those cases of severity the gross failure of justice which occurred in the case of Low-a-si. I have already noticed that case with reference to the brutality of its circumstances. But in every stage and aspect it appears to me to deserve the most careful study, and to reflect in a most serious way upon the system both of the planters and the Government. I will not, however, add any further observations of my own with regard to that most lamentable case than to state that one of my last acts upon the bench in British Guiana was to call the attention of the Attorney-General to its singular gravity, and to urge on him the importance of taking care that there should be no miscarriage of justice; and that I was led to do so because from the proceedings which were before me, I could not but anticipate that such a failure of justice as has in fact occurred was being brought about.

Notes:
1 v. Appendix.
2 The “Rhynland roed”, lineal measure, = 12 ft. 4in.
3 This topic, which I have carefully reconsidered in preparing these pages for the press, appears of so deep an interest in respect not only of the Immigrants but of the negro labourers, that I would add somewhat in further elucidation of the excessive character of the tasks thus prescribed, and as a check upon the reckless statements by which at all times the planters have
been accustomed not only to represent the burthen of their slaves as light, but them as idlers shirking a too easy yoke. The examples above given require some attention to compare them with any familiar standard; and I take the opportunity of adding that, with regard to the first example, the work should be compared rather with “bastard trenching” than thorough plantation trenching. When so compared, it will be found to present a task so far in excess of any reasonable, or I may say possible, day’s work, that it combines with many other considerations to induce in my mind the impression that the planters who were called into council by Sir J.C. Smyth practised upon his good faith by prescribing for the negroes tasks, not only of maximum severity, but beyond their powers. I will quote two other examples which appear susceptibly of more exact comparison with work familiar to us at home, and which to my mind serve to confirm this impression.

The first is, “Digging new navigable canals, 12 feet wide, and 5 feet deep, and throwing the ground on both sides”; and of this work the extent prescribed is, for the longer or 9 hours’ task, 600 cubic feet, and for the shorter of 7 ½ hours’ task, 500 cubic feet. The other is “Digging new small drains, 2 x 2”; and of this the tasks prescribed are 18 “roeds”, and 15 “roeds”, which result in 888 and 735 cubic feet. Happily we have not as yet any code in England by which the amount of his daily task is prescribed to the labourer; but a comparison with his standard scales of prices for similar work will serve the purpose in hand. From Atchley’s price-book for 1868 it will be found that the minimum price given for ordinary digging, in common soils and under six feet in depth, is 6d. per cubic yard. At that rate the quantities in the above tasks would cost from 16s. 6d. for 888 cubic feet to 9s. 3d. for 500 cubic feet. Thus, setting these Demerara tasks at only 6d. per cubic yard (a very inadequate estimate), they are found to be equivalent to from two to nearly three days’ work of our best English labourers, earning as much even as five shillings per day! But in truth we have no excavating work so heavy as trench-digging in Demerara, and if the reader were to see a stalwart negro at work digging new navigable trenches – sweltering under the blazing sun throughout the day, stripped downwards to the waist and upwards to the thighs, standing commonly up to his knees and often to his hips in water, not only lifting (or more properly wrenching) 4000 to 5000 spits of dense clay (each some eight pounds in weight), but throwing these twelve or sixteen feet clear on each side – not thrown with a pleasant hammer-throwing swing, but delivered straight from the loins at the end of a seven-foot shovel stick – I venture to think he would not only wonder at but admire and gain some new idea of the “lazy nigger”. In truth this is work which none but such giant workers as these “idlers” really are could accomplish, which even they can only do during the years of their prime, and which, I believe, wears out prematurely many a one among them. Yet 500 cubic feet of such work is set down as a short daily task in the only record of task work which can be referred to as authentic. Ex pede Herculem!

4 It may seem an almost incredible illustration of Demerara life that not only have Immigrants who have ventured sometimes so to resort been summarily arrested but actually punished by the Magistrates as “deserters”. This provision, however, is quite nugatory, apart from those amenities.

5 The provision noticed above, authorizing the arrest of Immigrants found at a distance of two miles from their estates without a Pass.

6 Which provided the shilling standard.
JAMES OGLE, sworn: Live at Buxton. Was feeding mill at Plantation Annandale. On Friday, 29th May, about four o’clock, one Chinese came to relieve another who was working at the megass-box. The one who came was the deceased. Deceased told D. that he couldn’t haul megass, and was going away to call the other man who had gone. D. then shoved the deceased. He still insisted on going, when D. gave him another shove, and knocked him down. He lay for about a quarter of an hour, and then got up, and was crying for his side. I knew that it was for his side because he held it. I couldn’t swear to which side he put his hand against. After he got up, D. went to him again and said that he must work, and deceased still said that he wouldn’t work. D. then gave him two boxes right and left on the side of his face, with his open hand. He still insisted on not working. D. took up a lath about fifteen inches, and gave him two blows across the back at the shoulders. I can’t say whether it was with the flat side or the narrow side. Deceased then sat down and took his hand to haul the megass which was on the platform. His mouth was bleeding. It commenced bleeding after he got the slaps from D. D. sent for Mr. A., the buildings’ overseer, when he found that deceased wouldn’t work. Mr. A. came about half-past four o’clock, and told deceased to work. He said he would not. Mr. A. had a little foolish belt, and gave him a few stripes over the shoulder. I mean a thin, soft leather belt, when I say a foolish belt. Mr. A. then left him, to put down the buildings’ list. About a quarter to five o’clock Mr. B. came and told the Chinaman to go to work. The Chinese told him he wouldn’t go. Mr. B. had a small walking-stick, and he gave deceased two licks with it on the side, the left side. First he gave him one, and then waited, and the Chinese still sat down, when he gave him another. Mr. B. then left him, and deceased crawled over to the end of the plat-
form, and lay down. At half-past seven I saw the sick-nurse go up to elevator top, and called Samuel Robinson to bring a light. Samuel R. then came to me for a light, but I could not give him the light I had in use. He then went to the engineer, and got a light from him. The sick-nurse then went to where the Chinese was lying, and sent for D. When D. came, I went with him to the elevator top. The sick-nurse, D., and Robinson were standing on one side of the platform, and I went forward and found the deceased lying dead. He was the same person whom I saw beaten as described in my evidence. I assisted to carry him to Hospital. **** When D. shoved him the second time, deceased fell upon the wooden rails, which have iron shoeing on them. It was after he had fallen that deceased cried for his side. After Mr. B. gave him the last lick, I saw him raise his foot and kick the deceased. I can’t say which part of deceased’s body he kicked. Deceased was sitting flat down with his legs stretched out, and was still crying for his side.

“Mr. A.,” sworn: Overseer in the Buildings, Plantation Annandale. Knew deceased, Low-a-si. He belonged to Annandale. I know D. He was head man about the buildings. I do not know where he is. I have not seen him since about half-past five, or about that hour, on the evening of Friday, the 29th of May. I know Mr. B. He was an overseer on Plantation Annandale. I have not seen him since the evening of the 29th of May, shortly after six o’clock. About a quarter to six on that evening Jacob Scott came to me, and told me that D. was calling me up at the elevator top. I went at once. I found D. and Low-a-si and Leung-a-chung on the platform, and Ching-a-wing coming from the megass logies with the empty megass-box. D. complained to me about deceased, Low-a-si, for not doing his work when told. I then spoke to Low-a-si, who appeared to be in a great rage about going on with his work. I touched him on the shoulders, and said to him to go on with his work. I always wear a belt round my waist. The one I had on at that time is a small, thin, soft leather belt. It is somewhere about the overseer’s house at Annandale. The one I have on at present is a new one. I have had it for some time. I
put it on this morning. I positively swear that I never took off my belt, and that I never touched the deceased with any thing after I patted him on the shoulder. He was cleaning up the megass on the platform and throwing it into the megass-box; and at the same time showed me his mouth, which was bleeding. I saw a little blood on the lip. Mr. B. then came up. He followed me up shortly. The deceased was quarrelling and in a rage, at the same time that he was lifting the megass from the platform. Mr. B. took off his buckle, and struck the deceased across the back up towards the shoulders. It was about as thick as a riding-rein, plain at one end and with a buckle at the other. I can’t swear which end of the strap B. struck the deceased with. I saw B. with a stick in his hand during the afternoon. I could not swear whether he had one when he came up to the megass platform. When B. struck deceased with the buckle, deceased was sitting down with his knees up towards his chin. B. said, after he had given deceased three or four strokes with the buckle, he was drunk from smoking opium. The strokes were pretty sharp. I left D. and B. at the elevator top, and went on taking the buildings’ list down. I returned to the elevator top about ten minutes after. I found the deceased, Low-a-si, lying down on the platform. D. and B. were still there. The Chinese was lying on his side. I saw vomit lying about three feet from deceased. B. then said to me, “Look at that fellow, he is so drunk that he vomits.” I didn’t speak to deceased, but went away. Afterwards I went over to dinner. This was a little after six o’clock. When I was at dinner, I heard a row in the negro yard among the Chinese. I then went out from the manager’s house, and I met the deceased being carried over from the Buildings to the hospital. I did not know whether he was dead or not. I did not take notice of those who were carrying him home.

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By Jurors: Deceased had not his hand to his side. He did not complain of his side. He only showed me his lip. I did not see B. kick deceased. I saw him strike him with a belt. I did not see him with a stick. I did not see D. knock the deceased down. D. only took deceased by the arm, and told him to come
and turn the box round. It is very hard work to turn the megass-box round. Six coolies can hardly turn it.

JACOB SCOTT, sworn: Carpenter. Work at Annandale. Live at Beterverwagting. I was at Annandale the afternoon of Friday, the 29th May, 1868. About five o’clock on that afternoon I saw D. go into the logie with a Chinese along the railway. He had hold of the Chinese by the neck. He took him to the turntable at the elevator, and told the Chinese to work. The Chinese said he was sick. He then told the Chinese he was not sick, and took up a piece of lath in his hand and struck the Chinese twice on the rump with it. The Chinese then told D. that he could not work, and he didn’t care because he was sick. D. then took hold of the man and hoisted him up and threw him on the turntable. I then called out to D. what was the matter, and D. said it was no business of mine, and I must go down. I then saw another Chinese going to strike D. and tell him that he had better not do so to the man. D. then called to me to go and call Mr. A. I still stood up to look at them, and did not go at that time. D. then struck the second Chinese with the same lath. The two Chinese tried to fight D. D. took hold of the deceased the second time and threw him against the iron guard that holds up the elevator chain. I then saw deceased bleeding at the mouth. I saw him come in contact with this iron, and it was about his side, but I cannot say the exact spot. I told him that he had better mind what he was about. And he told me for the third time to go and call Mr. A., and I went and called him. This was about half-past five. I went up to the elevator top with Mr. A. and Bill Nelson. I stood to hear what the Chinese said to Mr. A. Deceased was sitting in the same place where D. threw him. D. seemed to be in liquor. Mr. B. then came up. Mr. A. asked the deceased to go to work. Deceased said he didn’t care a damn. He was sick. Mr. B. had a small bush-rope stick in his hand. I left then and went home. I did not see Mr. B. touch deceased. He only asked him to go to work.

By Jurors: I only saw Mr. A. touch deceased on the shoulder and tell him to go to work. I did not see the deceased lifting megass and throwing it into the box. Deceased was in
the same place when I left where D. threw him down. I was only about five minutes at the elevator after I went back with Mr. A. I saw the deceased crying after he was thrown the second time. I saw another Chinese haul the deceased away from the turntable, as he was in the way of working the boxes. It was before I called to Mr. A. that I saw the other Chinese hauling the deceased to one side.

LEUNG-A-CHUNG, sworn (examined through an interpreter): I live at Annandale. I knew Low-a-si. He is dead. On Friday, May 29th, between five and six o’clock, I was working at the megass-box. I was hauling megass, and the black man, the head man in the buildings, told me to come down and sweep megass and turn the box, and that Low-a-si was to go up and haul megass. Low-a-si refused to go up. The headman then pushed deceased with his two hands. He did not fall that time. I then saw the headman give deceased a blow on the breast. He sat down after he got the blow. Mok-a-wing came up at the time from the logie with the megass-box, and asked him why he did so to the man. Headman then gave Mok-a-wing a slap on the jaw, which knocked him down. Headman then took a piece of board and gave Low-a-si two or three blows about the body. One overseer, called B., came up stairs and asked the headman what was the matter, so much noise. B. then came and struck Low-a-si with his hands and kicked him with his feet. The overseer then struck him several times with a walking-stick. I cannot tell whether the blows were hard or soft. Low-a-si said he felt very bad from the kick. I cannot say how many kicks B. gave Low-a-si. B. then asked Low-a-si what place hurt him, if he could do any thing for him. B. then took his buckle and gave Low-a-si two or three licks. Low-a-si didn’t get up after B. gave him licks with the belt. Low-a-si was lying down, and B. gave him some water to drink, but he couldn’t drink it. He vomited it. The buildings’ overseer then came to take down the names. He called Low-a-si, but Low-a-si gave no answer. He then took his belt and gave him two or three stripes on the back and the feet. When he received the stripes he was rolling himself on the ground on the platform. At six o’clock the field driver came and called out to Low-a-si, but found that he was dead,
and the field driver called me to come and haul him to see if he was dead, and I found him dead. I then went to the negro yard and told the other Chinese that the headman and overseers in the buildings had killed Low-a-si. I then went to my house. I saw the witness examined before me, mending the railway to the logie.

By Jurors: Did not see B.’s foot strike deceased. Only saw the foot raised. I was attending to the megass. When D. struck deceased he fell down close to the megass-box. I don’t know where the headman struck deceased. Mok-a-wing was on the platform when the driver D. beat Low-a-si, and the overseer B. was not there until after D. had done beating Low-a-si. B. came before the buildings’ overseer. I did not pay attention to see if Jacob Scott warned the head man not to do so to deceased. I was pulling megass. The second time the driver knocked him the deceased cried. I did not see any blood on his lips.

CHUNG-A-WING, sworn (through interpreter): One Friday, three weeks ago, I was working at the megass logie shoveling the megass-box along with Bob Edwards as my partner, between five and six o’clock p.m. The headman in the Buildings, D., told Low-a-si, the deceased, to haul the megass-box, but deceased refused to go. The headman gave him a push, and sent him close to the megass-box, but deceased did not fall. He then gave him two or three blows on the breech with his closed fist. I don’t know with what force those blows were given, as I was at the logie – the first, to the south of the buildings. Low-a-si then took two pieces of board and cleaned out the megass. He (headman) then ordered Low-a-si to go up and haul the megass, but he refused. The headman then took the boards from Low-a-si, and gave him two or three blows about the body, but I could not say what part of the body. I was still at the logie. I heard the headman call the building overseer, who was near him still. The overseer then came. This was a quarter-past five, and Mr. A. only held deceased by the hand, and ordered him to work, but Bob Edwards and I went on towards the last logie near the cane piece with the megass-box. I saw B. go up the platform at the elevator top, and he
gave Low-a-si two or three slaps with his hand on his face. He then took his belt, and gave him two or three floggings on the back, all about the back. Deceased then stooped like a coolie, and hollowed out that he was only acting in the work, and could not go up to haul megass. At this time I had returned to the first logie. B. then gave him three or four kicks, and four or five blows with a walking-stick. The kicks were given against Low-a-si’s right side. Low-a-si was stooping on the north side of the megass-box at the corner, and the megass-box was between him and the logie where I was standing. Bob Edwards and I then pushed the megass-box towards the last logie. I was not on the platform at the elevator top. I did not go on the platform till between six and seven, when I had finished work. When B. gave deceased the kicks and blows with the stick I went towards the other logie with a full megass-box, and returned to the first logie again, when I saw B. give Low-a-si a juke on the shoulder with the stick. Deceased was still in the same place after he had juked him. He then gave him two or three kicks on the legs. Low-a-si then said he did not care how he forced him, he would not do the work. After that B. went away. It was six o’clock p.m. Nearly seven o’clock I and the others were going down the steps to go home when D. stopped us, and said that we must wait till the overseer came. At this time Low-a-si was lying on the platform. I do not know whether he was dead or alive. A little time after the headman allowed us to go home. On my way home I heard Low-a-si was dead. I did not see deceased after that night.

By Jurors: I did not see the headman throw deceased down. I saw that Low-a-si was standing at the corner of the box, and I was standing on a board projecting from the logie. I was returning from the logie with the empty box when I saw B. kick Low-a-si. I saw Mr. A. take his belt off, but I did not see him strike Low-a-si.

BOB EDWARDS, sworn: Live at Annandale; work at megass-boxes in the buildings of that estate. I was working there on Friday, the 29th May 1868. My partner on that day was the witness Chung-a-wing. About 4 o’clock, p.m., D., the
headman in the buildings, came on the box top where I was, and told Low-a-si he must go up and haul the megass. Low-a-si said he would not go. D. then took hold of Low-a-si by the waist, and the Chinese caught hold of the box. D. then loosed him and then went and called Mr. B. After that the box was full, and I and Chung-a-wing went away with the box to the last logie near the cane piece, right into the middle of the logie. When I came back to the first logie I went to the platform and left Chung-a-wing at the first logie. I always go to assist them to turn the box there, as the Chinese did not understand to turn it. I met Jacob Scott first coming up the steps. Mr. A. was there, with Nelson, D., Leung-a-chung, Low-a-si, and two other Chinese and B. Low-a-si was sitting down on the boiler-side of the megass-box. I did not see him from the logie, and did not see him till I came round the megass-box to the opposite side. I then saw Mr. A. pushing him slightly with his foot, and telling him to get up, and then Mr. A. took off his belt and gave him one stroke on the foot, not so very hard. The Chinaman would not get up. After that he lay down and would not work. I did not see B. with a walking-stick. After the Chinese lay down he commenced to roll on the platform. When I saw Low-a-si rolling I went to the logie with the full box. When I came back again he was lying down groaning, and D. and the other three Chinese were only on the platform. This was about 5 o’clock. When we stopped work that evening it was dusk. I helped to sweep up the platform with the other four men. Low-a-si was still lying down. D. at this time took hold of deceased’s arm and called him, but he gave no answer. I do not know whether he was dead or not. I went to the negro yard after I had finished. I left Low-a-si lying on the platform. The other Chinese went away at the same time.

By Jurors: I could not see Low-a-si from the first logie as the megass-box at the elevator stopped the way. I did not see him till I came round the megass. Low-a-si was standing up when D. took him by the waist. When I came back from the logie the first time I found D. with a piece of lath, and deceased, Low-a-si, was crying. Low-a-si was sitting down this time with his hand holding his belly. I only assisted to turn the box, and Mok-a-wing and Hung-a-Loo pushed it to the
first logie. Then I and Chung-a-wing took it to the last logie. I could not see D. from the last logie, but I could see him from the first. I could not see Low-a-si from either logie. I could only see him when I came on the platform at the elevator, as Low-a-si was sitting on the lee side of the box, and I was on the backdam side of it coming from the east logie, and had to make a turn round the box before I could see Low-a-si. I met Mr. B. at the platform, but I did not see him do any thing to deceased. Mr. A. struck him on the foot with his belt. I did not see B. give deceased water. The firs time I came to the platform the Chinese were quarrelling with D., and asking him if he beat their native. The quarrelling happened after I went away the first time. I did not see any of it. I only heard the Chinese speaking to D. about his beating Low-a-si.

WILLIAM NELSON, sworn: I am a carpenter. I live at Beterverwagting, and work at Annandale. I was working at the level place which leads from the platform at elevator to the logie. I was twenty feet away from the turntable, where my carpenter Jacob Scott was working. At half-past five p.m. Friday, 29th May, 1868, I heard a row at the elevator-top. I was in the carpenters' shop at the side line at this time with Mr. A. I went with Mr A.; Jacob Scott was before us. When we got there I met D., Jacob Scott, four Chinamen, and Bob Edwards. The deceased, Low-a-si, was sitting at the side of the megass-box, and D. complained to Mr. A. that deceased would not work. Mr. A. tried to persuade him to work, but he would not. Mr. A. then shoved him slightly with his foot, and then left him, and went on taking down the names of those who were working there. Mr. B. then came up, and asked deceased why he would not work. Deceased said he did not care a damn, he would not work. B. then took a supple-jack, a small one, about 5/8th of an inch thick, and gave him two over the shoulders. Low-a-si got up and went to work, and filled the coosh-coosh which dropped until two boxes were filled. When the third box came he put coosh-coosh only once into the box, and then began to show weakness, and was falling back, but he supported himself by the megass-box, and began to tremble. He then sat down, and afterwards lay down altogether. After lying for two or three minutes, he foamed at his mouth
and vomited. I came away immediately after this.

By Jurors: I met D. with his shirt-sleeves rolled up. He does not usually roll them up. D. had no lath in his hand. Low-a-si was crying, and blood was about his mouth. I do not know if D. was in liquor. I heard deceased say, “This man D. knock him bad,” and tell him to look sharp. I saw Mr. B. lift his foot and kick him slightly on the hip, and tell him to “get up, sir, to your work.” Mr. A. and I went up together. Mr. D. came afterwards, not three minutes behind us. Mr. B. gave deceased two stripes with the leather belt before he threw the megass into the third box. This was across the shoulder. He then got up and put megass into the third box, and sat down, and never got up after that. I did not see B. do any thing more than kick him on the hip and strike him across the shoulders with a supple-jack and a small leather belt. I must have been B. do more to deceased had he done so.

MOK-A-WING, sworn (through Interpreter): I belong to Annandale. On Friday, about five p.m., three weeks ago, the headman came up and ordered Low-a-si to go up and pull the megass from the elevator to the box. Low-a-si said he would not. D. then gave him several blows about the breast, and deceased felt the blows very bad. D. then took two pieces of boards which deceased had to lift the coosh-coosh, and struck deceased all about the body. At this time deceased was stooping, and afterwards sat down like a coolie. He was crying and complaining of a pain in his stomach. B. then came up and asked deceased why he did not work, and gave deceased two or three blows with a walking-stick on the right side, and then took his belt off and beat him. I cannot say where the blows struck him. The blows were heavy. The deceased was sitting down all the time. Mr. A. came to take down the list for the day, and ordered the deceased to get up to work. Deceased did not answer him. Mr. A. then took his belt and gave him two or three blows. The first one was given when deceased was lying down. Low-a-si had vomited before Mr. A. came. Mr. B. gave deceased some water at five o’clock, but he would not drink. B. gave deceased two or three kicks when he would not drink the water. He kicked deceased
about the privates.

*By Jurors:* I could tell by the sound it was heavy blows B. gave deceased. I could see over the box. B. and deceased were on the opposite side from me. I walked about the platform and saw B. give him the blows. I did not see D. do more than give him the blow about the breast, and strike him with the boards. I asked D. what he beat Low-a-si for, and D. pushed me down. D. the second time gave deceased a heavy blow and knocked him down, and deceased fell on his right side against the turntable. Mr. B. came first, and then Mr. A., one carpenter came afterwards. Low-a-si was knocked down on the turntable before the overseers B. and A. came. Low-a-si never got up after D. knocked him down, he only rolled himself into the corner. He cried when he was knocked down, and complained of a pain in his stomach.

**HUNG-A-SOO,** sworn (examined through Interpreter): I belong to Plantation Annandale. I knew Low-a-si, a Chinese belonging to Annandale, who is dead. Friday, three weeks ago, at 5 p.m. I was working the megass-box from the turntable at the elevator top, and carried it half-way and returned with the empty box. Low-a-si was working at the platform sweeping the coosh-coosh. I saw the headman in the Buildings, a black man, about five o’clock, talking to Low-a-si. I do not know what he was saying, as I do not understand English; and the headman took Low-a-si by the hand, and then lifted him, and afterwards gave him a blow which made Low-a-si sit down like a coolie. The blow was given on the right side breast. Low-a-si then hollowed out that the headman was striking him for nothing at all, and was abusing the headman in Chinese. The headman then took away two pieces of board from Low-a-si, and I then went away towards the logie with the megass-box. After I had gone three times from the megass-box to the logie I came back to the platform, and I saw one overseer named B. coming up the steps to the platform, and asking the headman what he struck the Chinese for. The headman told the overseer that Low-a-si refused to do the order he had given him. I then saw B. give Low-a-si a blow in the chest with his fist. Low-a-si was sitting down like a coolie. B.
then gave the deceased two more blows in the same place with the megass-box. I did not see any thing more; but when I returned I found another box full, and then had to go away with it, and therefore had no chance to see. I went away at six o’clock, after I had finished work, and I saw deceased lying on the platform at the time I left. I took hold of his hand, but he did not speak. I saw that he was dead. I then went home and looked after my food.

By Jurors: I did not see black man hoist him up. I did not see two overseers on the platform. I did not see B. give him more than two or three blows. I was working the megass-box along with Mok-a-wing. But the driver took Mok-a-wing to attend to the platform work, and I carried the boxes myself. It was after the headman had beaten Low-a-si that the driver took Mok-a-wing to do Low-a-si’s work. I did not see the headman knock Low-a-si down on the turntable. Mok-a-wing told me in the negro yard that the headman had knocked Low-a-si down on the turntable. I did not see Low-a-si holding his side. I saw him crying, tears running down his face. The first time I saw him crying was after the headman struck him, and he cried worse after the overseer struck him. Low-a-si lay down when B. gave him the first blow. He was sitting down like a coolie before he got this blow. B. then gave him two more blows on his chest when deceased was lying on his side. I do not know whether these blows were hard or soft. I did not see the witness Jacob Scott. I did not see the driver give the deceased any blows. I made a mistake when I said so. I saw headman take two pieces and strike deceased about the body. Mok-a-wing and I had just returned from the logie when I saw driver taking the boards from deceased and beating him. The first blow struck him on the forehead. The second time I saw the headman’s hand raised, but as Mok-a-wing and I went away with the box I did not see where it struck deceased. When Mok-a-wing and I came back from the logie I found Low-a-si sitting down like a coolie. I did not see B. take his belt to strike Low-a-si. Mr. A. came up to the platform after B. had given Low-a-si the blows. I had carried three boxes of megass into the logie after those blows were given, and when I came back from the fourth I saw Mr. A. on the platform. I
did not see Mr. A. do any thing to the deceased. B. had a walking-stick, but I did not see him touch the deceased with it.

EDWARD WILLIAM PARIS, sworn: I am sick-nurse at Plantation Annandale. On Friday evening, 29th May, 1868, about half-past six, Mr. B. came into my room and told me that D. had had a row with a Chinese who would not work, but was lying down somewhere about the megass-box, and said he was sick. He then asked me to go over to see whether he was sick or not. I was not very well, and asked him to send over for the Chinese; but the messenger returned and said he could not get up. I then went over, and felt the deceased. I found him cold. I then sent for a lamp, and on examining him, I found that he must have died about five minutes before. This was seven o’clock p.m. After I got the lamp, D. came up. I told D. the man was dead. He (D.) then turned away and went down the steps, and I have not seen him since that time. I told Robinson to get deceased carried over to the hospital whilst I went over to tell the manager. I saw B. dressing in his room. I did not tell him any thing when I found the man was dead. It was the same Chinese whom I took from the Buildings upon which Mr. Smith made the post mortem examination on the 30th May.

ROBERT FOOT, sworn: I am a bricklayer. I was working at Plantation Annandale on the 29th May last, between five and half-past five p.m. I was pointing the brickwork of the steam-boilers. I saw a Chinese called Low-a-si running from the elevator-top towards the logie. I here saw D. running after him and turning him back. When he got him on the platform at elevator, D. gave deceased a whack on the back part of his neck; deceased staggered, and D. then gave him another, and deceased fell flat down on his face. Deceased then got up, and D. told him to go on to work, but deceased said he would not work. D. then took hold of deceased. The two of them were wrestling, but they went round to the other side of the megass-box, and I could not see them, but I heard the deceased holloa out. D. then sent off to call Mr. A. Jacob Scott went; he was working under the elevator. When Mr. A. came I went up. I met Will. Nelson standing on the steps. D. told
Mr. A. that the Chinese would not work, and that the deceased said he did not care a damn, he would not work. D. told Mr. A. that he must not allow any one to come up who was not working up there. As soon as I heard that I came down and went to my work. I looked up some time afterwards and saw Mr. B. upon the platform. He had a belt in his hand, and he gave the deceased two stripes with the buckle. I did not see where deceased got the blows. I knocked off work at half-past five p.m. Next time I saw the deceased was about seven o’clock. He was being carried past to the hospital, I did not recognize deceased, as it was dark, and I could not see his face; but I asked the sick-nurse, and he told me it was the same Chinese. I cannot tell which end of the belt B. struck the deceased with.

By Jurors: Mr. A. was the first overseer up there. I did not see D. with the lath in his hand. I did not see Mr. A. touch the deceased. I saw deceased when D. gave him the second clinch fall on a piece of iron rail; had he fallen six inches further, he would have fallen over the side of the platform. I did not notice Mr. B. strike deceased with anything except with the belt. I saw the deceased’s mouth bleeding when I went with Mr. A., and he was crying. He was sitting on the platform when I went up. I did not see deceased holding his side. I was not long on the platform after I went up with Mr. A. It was five or ten minutes after the deceased had been knocked down on iron rail by D. that the two overseers came up.

F. PHILLIPS, sworn: Sergeant of Police, in charge of Vigilance Police Station. Friday, the 29th May last, ten Chinese came to the Police Station, between nine and ten p.m. One of them stated that the drivers and overseers had beaten a Chinese at Annandale, and that the Chinese was dead. I asked them if they had gone to the manager, and they said no. I told them to go back to the estate, and I would come directly. At ten o’clock the same night I received a note from Mr. French, the manager, stating that a Chinese had died upon the estate under suspicious circumstances. I immediately went to the estate, and made inquiry. I was informed by Mr. A., one of the overseers, that the deceased and D. had had a fight, and that
he saw Mr. B. strike him with a buckle. I have made inquiry for D. and Mr. B., and found that neither of them was on the estate. Both had absconded. I know D. and B. I have made frequent searched about the neighbourhood, but without success.

Notes:

1 As none of the persons principally implicated by the witnesses were charged upon the inquest, I have thought it fairer not to give their names.