

# Immigration and Incarceration in Post-Emancipation British Guiana<sup>1</sup>

Estherine Adams,<sup>2</sup> Shammane Joseph Jackson<sup>3</sup> and Clare Anderson<sup>4</sup>

## Abstract

This paper focuses on the incarceration of East Indian indentured labourers in colonial British Guiana between 1838 and 1917. Presenting new data on the prison population and the expansion and strategic location of prison infrastructure, it argues that the criminalization of labour through contracts and ordinances led to the disproportionate incarceration of East Indian immigrants in earlier years. It also suggests this was undertaken so as to facilitate labour extraction from immigrants in response to the loss of access to free labour occasioned by the abolition of slavery.

**Keywords:** *British Guiana, history, prisons, emancipation, immigration, East Indian, incarceration, contract labour.*

On May 7<sup>th</sup>, 1870 Mooneah, an indentured immigrant from Plantation Belle Plaine, appeared before the Acting Stipendiary Justice, to answer charges brought against him by Planter William O. Agard. He was charged with leaving the service of his employer without giving fourteen days' previous notice, "thereby committing a breach of Contract." He was convicted under Ordinance No. 2 of 1853 entitled, "an Ordinance for regulating the rights, duties, and relations of Employers and Servants in the Colony of British Guiana", and sentenced to pay a fine of five dollars or twenty-one days imprisonment with hard labour (Alves, 1974). A five-dollar fine was equivalent to one month's wage (Mangru, 1987). Two years prior, another indentured immigrant named Serkesson faced conviction for unlawfully absenting himself from work and was sentenced to twenty-one days' imprisonment with hard labour. Without the option of a fine Serkesson suffered the punishment mandated. But he had his case reviewed, alleging that the Magistrate refused to hear his witnesses (Alves, 1974).

These cases followed two different paths through the colonial criminal justice system, but with similar outcomes. Mooneah accepted his conviction; Serkesson appealed his. The court dismissed the appeal on grounds that it could not be substantiated and required him to pay the court costs resulting from his case (Alves, 1974). Did Mooneah's acceptance of his conviction signify his guilt, or was it a reflection of the frustration with the system? Why did the court not offer Serkesson the option of a fine? Was this the men's first interaction with the justice system?

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<sup>2</sup> Lecturer, Department of Social Studies, University of Guyana, Guyana. Email: [estherine.adams@uog.edu.gy](mailto:estherine.adams@uog.edu.gy).

<sup>3</sup> Lecturer, Department of Social Studies, University of Guyana, Guyana. Email: [shammanejoseph@yahoo.com](mailto:shammanejoseph@yahoo.com).

<sup>4</sup> Professor of History, School of History, Politics and International Relations, University of Leicester, Leicester, UK. Email: [ca26@le.ac.uk](mailto:ca26@le.ac.uk). ORCID: 0000-0003-0679-887X.

The official records that underpin the arguments of this paper do not enable us to answer these questions; they do, however, illuminate the interconnection between the colony's burgeoning carceral apparatus and the life and labour of indentured immigrants. Central to the incarceration of immigrants was the manipulation of the 1853 Ordinance, known generally as the Masters and Servants Act which developed out of the English Masters and Servants Act, the foundation of employment regulations throughout Britain and the British Empire (Hay and Craven, 2004). The Ordinance which authorities initially designed to control free labour, was repurposed into the labour contract and ordinances, which were then used to disproportionately incarcerate indentured immigrants, particularly East Indians, in the colony.

This paper focuses on the incarceration of indentured labourers between 1838 and 1917, the period between the abolition of slavery and the introduction and abolition of indentured immigration. It presents new data on the prison population to show that the colonial bureaucracy used labour contracts and ordinances as instruments to criminalize labour and imprison immigrants. Further, it discusses how planters influenced and benefitted from the construction and strategic location of prison infrastructure along the sugar belt during this period.<sup>5</sup>

As with slavery, the plantocracy believed that for indentureship to be successful, absolute control of labour was necessary. Emancipation effectively ended the planters' access to the readily available unwaged labour necessary for the monocultural sugar economy to survive.<sup>6</sup> Although the local bureaucracy attempted to bind the formerly enslaved to plantations through the Masters and Servants Act, factors such as the availability of land for settlement thwarted their attempts. The result was the shift of exploitation from slavery to indenture where immigration filled the labour vacuum that emancipation created (Adamson, 1972).

The plantocracy manipulated the Masters and Servants Act, eventually creating five year labour contracts, enforceable by a succession of supporting ordinances. These they used to criminalize worker behaviour, disproportionately incarcerating East Indian immigrants and exponentially expanding the colony's carceral infrastructure. This tendency to resort to legal action and penal sanctions for often minor civil infractions continued throughout the period, increasing the number of prison sites from three in 1838 to eleven by 1884. Although systematic evidence about enforcement of the Act and its associated ordinances is sparse and scattered, we will show that the rate of convictions for immigrants throughout the period remained high. Workers were ill equipped to protect themselves against exploitative labour contracts in the face of a biased legal system, poor wages, and language disadvantages. It was only through their resilience that they survived as decisive repressive action met their acts of resistance (Haraksingh, 1987; Mangru, 1987; Laurence, 1994).

To be effective, labour contracts and ordinances had to be enforced. The prison became the crucial site for such enforcement, playing a critical role in colonial governance. After emancipation, the colonial state viewed prisons as a means of 'training' formerly enslaved persons

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<sup>5</sup> The 'sugar belt' is the main agricultural region of Guyana (British Guiana), concentrated on the Low Coastal Plain—a narrow belt that borders the Atlantic Ocean, where sugar became the predominant crop in the colonial period.

<sup>6</sup> Plantocracy in this context refers to the planter class, 'a population of planters regarded as the dominant class, especially in the West Indies.'

to useful citizenship and of incorporating Amerindians into colonial production. But particularly after introducing Indian immigrants, the colonial government also viewed prisons as a mechanism for enforcing labour laws. Locating prisons close to plantations as a matter of expediency had an (un)intended consequence. As Eric Williams suggests, “The Indian immigrant lived in the shadow of the jail. This was literal as well as metaphorical since prisons were built next to sugar plantations. In whatever else the Ordinance and contract fell short; it certainly did not fall short in respect of prosecution”(Williams, 1962).

Potential useful indicators of enforcement include the proportion of indentured labour prosecuted annually for breach of contract, the increase in the number of prisons and their strategic location along the sugar belt and the adjustments made to cater for incarcerated immigrants. The stringent enforcement of labour laws led to an increase in the population of incarcerated immigrants, which resulted in the construction of additional prison sites and nuances in material conditions of life in the prison (Moss, et. al.) The rate of prosecution for labour offences was high in British Guiana, where between one-fifth and one-third of indentured workers faced prosecution annually (Hay and Craven, 2004). Immigrants like Mooneah were likely to be convicted and incarcerated during their indenture.

The growth of the prison population and infrastructure coincided with the planters’ loss of control over labour and the growth of immigration. In 1831, the total prison population, including enslaved and free persons, was 134 (CO 111/150). With the abolition of slavery in 1834 came the first perceptible increase in the total prison population to 1,492, (of which 1,325 were described as “black” or “people of colour”). This coincided with the planters lost control over the labour force (CO 116/203). The Annual Prison Returns of 1838 (the year of emancipation and the introduction of the first shipload of indentured immigrants) indicate a further increase in the prison population to 2126. By the 1880s this had increased to over 8000. Only with the abolition of indenture in 1917 did its decline to about 5000 begin (CO 116/207).

Admittedly, the dearth of archival sources chronicling the incarceration of immigrants presents some challenges. Pre-1870 prison records, on the one hand, used general classifications of “black, coloured and white” as markers of difference among incarcerated people. The “black and coloured” category certainly included immigrants. Court records, on the other hand, differentiated by offence and length of sentence, which is helpful as they demonstrate that immigrants convicted of labour offences served less than three months. Using these deductions, we can estimate the number of immigrants incarcerated. Although the Immigration Department accounted for incarcerated immigrants, few of these records for the pre-1870s survived. Augmenting these sources with annual prison reports, population censuses, reports from Commissions of Inquiry, Colonial Office correspondence, Blue Books (statistics) and other contemporary works reveals a clear pattern of the disproportionate incarceration of immigrants, particularly for the later years of the indentureship period.

The surge in British Guiana’s population dramatically changed the colony’s carceral landscape. The first 406 Indian immigrants were introduced in 1838. The scheme was suspended in 1839, resumed in 1845 and continued until 1848 when it was suspended a second time. During this period, 11,857 immigrants arrived. When the scheme resumed in 1851, it continued uninterrupted until 1917, adding 226,646 immigrants to the population. In 1838, Indian immigrants

comprised less than one percent of the total population. The East Indian population increased to 6 per cent of the total in 1851, then jumped to 25.8 per cent in 1871, and rose again to 42.2 per cent in 1901 (NAG, AF 3/46). The demography of the prison mirrored this increase.

The evidence suggests that indentured immigrants were incarcerated as early as 1839. The first perceptible change in the recording of crimes, the addition of the category 'Breach of Contract of Service' to the Annual Prison Returns, supports this. Later prison returns suggest that this offence only applied to immigrants, as its use was discontinued post 1917. In 1839, of the 1957 persons incarcerated, 93 persons, likely East Indian as they were the largest demographic of immigrants, were convicted for this offence (Roberts and Byrne, 1966). Given the abysmal living and labour conditions precipitating the first suspension of the system, it follows that immigrants would violate their contract to escape. This indicated the developing trend of East Indian incarceration.

An increase in the number of persons committed to prison for three months or less also suggests a higher rate of incarceration for immigrants, since the immigration ordinance specified that any contract violation should be punished by fines or imprisonment for periods of two weeks to two months (NAG, AF 3/46). In 1840, of the 1,403 persons incarcerated 951 served such sentences. Throughout the remainder of the indentureship period the prison population and this category of incarcerated persons increased concurrently. Observing these statistics at twenty-year intervals highlights this phenomenon. For instance, in 1860, British Guiana's total prison population was 4,313, of which 3005 served prison sentences of three months or less. Similarly, in 1880, of 8,393 incarcerated persons, the majority, 7,459 served a similar period of incarceration, while in 1900, although the overall prison population declined to 4610, 3045 served three months or less. By 1920, one year after the abolition of indentureship schemes to the colony, only 1321 of 3367 served such sentences (CO 116/203).

By the 1880s detailed prison returns categorizing convicted persons by their nationality emerged. The authorities' need to classify the prison population in this way is a clear indication of the increasing jail population of East Indians, and at the same time reveals their disproportionate incarceration. In 1884, one of the earliest years for which these new reports are available, 4,659 persons were incarcerated. Categorization by nationality was as follows: "Africa-57, America-36, Barbados-658, British Guiana-1630, China-43, Europe-84, India-2043, Madeira-11, and other West Indian Islands-97" (NAG, AF 3/40). Although these statistics provide a rare glimpse into the incarceration of the smaller numbers of other indentured labourers, East Indians convicted under the violations of contract accounted for the largest number of persons convicted in that year, some 43.9 per cent. This is remarkable given that East Indians comprised just 12 per cent of the colony's total population in that year.<sup>7</sup>

Finally of relevance is the number of annual convictions for offences against 'the Masters and Servants Act including acts relating to indentured Indians'. Annual reports indicate that the local authorities only convicted immigrants for this crime. In 1880, of the 5,289 cases brought before Magistrates for prosecution, 2,981 persons were convicted and 2,308 cases were dismissed for either "want of prosecution or on merit" (NAG, AF 3/23). Similarly, in 1910, planters brought

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<sup>7</sup> Total population of the colony for 1884 was 252,186. The East Indian segment of the population was 32,637 of which 15,251 were under indenture.

3,646 cases against immigrants, 1820 of which secured convictions and 1826 dismissed (NAG, AF 3/55). Combined with the other evidence presented, these figures, though predominantly from the post-1880s, suggest continuity rather than a change of a trend.

Overall, in British Guiana, by the late nineteenth century about seven percent of all indentured workers were imprisoned annually for breach of contract, and about six percent in the first decade of the twentieth century (NAG, AF 3/55). Furthermore, the labour regime in British Guiana throughout the immigration period had an average annual prosecution rate above twenty percent, a conviction rate above fifteen percent and an imprisonment rate of about seven percent. This, according to Prabhu Mohapatra, “represented tens of thousands of prosecutions instituted by managers and overseers against labourers”. As we have shown here, it resulted in their stark overrepresentation in the colony’s penal system (Hay and Craven, 2004).

Associated with the rise in incarceration rates for immigrant labour was an exponential expansion in prison locations in the colony. In 1838, British Guiana boasted three prison locations in the three administrative counties – Demerara, Essequibo and Berbice – to serve the colony’s 65,556 inhabitants. Two of these prisons, in Georgetown and New Amsterdam, pre-dated British occupation (1803), while the Wakenaam Goal was established in 1837. At indenture’s abolition in 1917, there were eleven prison locations in the colony with a population of 298,188. (1917 Prison Report, TNA). During the seventy-nine years of indentureship, planters influenced the establishment of Capoey Goal (1838), Her Majesty’s Penal Settlement (HMPS) Mazaruni (1842), Fellowship Goal (1868), Mahaica (1868), Suddie (1874), Best (1879), Number 63 Gaol (1888), and Morawhanna (1898) (Adams 2010; Moss, et. al. 2019). By 1919 only Georgetown, New Amsterdam, HMPS Mazaruni and Morawhanna remained open. After the abolition of the indentureship system, most of these prisons became uninhabited and closed for want of inmates. This strongly suggests that immigration was the impetus to expand prison sites (Moss, et al).

These new prisons, ideally sited among the coastal plantations, suggests that they were built more to manage immigrants than former slaves and their descendants, who worked in other occupations. Only Best Prison and HMPS Mazaruni were situated outside the sugar belt (NAG, AB 1/412). Viewed as an ideal site for prisoner rehabilitation because of its extremely isolated location, the Crown designed HMPS Mazaruni, located 135 miles away from the closest plantation, for capital offenders serving extended sentences (NAG, AB 1/412). The Best Prison, on the other hand, operated as a minimum-security site guarded by police officers rather than prison guards and accommodated persons, convicted of petty crimes, larceny, theft of produce, fighting, and offences of a similar nature (PP, 1875 [1338]a). Governor Longden explicitly noted that Best was not an institution for immigrants violating the labour laws as he noted, “I do not propose to send to [Best] coolies for breaches of the Labour Law, as I think it better that they should be kept apart and only employed in purely agricultural labour, just as they are, in fact, now employed at Mahaica and Fellowship” (PP, 1875 [1338]a).

Thus expediency, more than any other criteria, seemed to dominate how local officials determined prison sites. By 1860 planters continuously petitioned the local legislature for additional prison locations. They complained that in some area “five or six days might be spent in journeying to and from the prison where hard labour was to perform so that short sentences of seven days or less were rendered ludicrous [and] an expensive waste of time” (NAG, AB 1/421).

It is likely that Mooneah would have served his sentence at Wakenaam Prison, located approximately a half-mile away from his plantation Belle Plaine.

Furthermore, prisons provided pecuniary benefits for both plantation employers and colonial administrators. After 1868 immigrants convicted under labour laws worked out their sentences on estates surrounding the prison through a system similar to the convict lease system prevalent in the post-bellum American South (Lichtenstein and Mancini, 2009; Haley, 2016). Plantation owners hired convicted labourers, possibly at reduced rates, to perform the same task they incarcerated them for not completing. The only disadvantaged party in this scenario was the exploited immigrant who was not only providing unpaid labour as a punishment, but whose contract was extended to take account of their incarceration (TNA, CO 111/362). By contrast, the plantation owners received labour for a longer period while colonial spending on prison operation reduced significantly. Thus, there was every facility for employers to procure convictions against immigrants they might wish to punish.

Granted, no differentiation was made between categories of prisoners' earnings, whether it emanated from those involved in plantation labour, public works, quarrying or other prison industries. However, evidence suggests that both colonial authorities and plantation owners derived substantial economic benefits from prison labour. Since immigrants, like Mooneah and Serkesson, comprised the largest demographic in the prison, it follows that their labour contributed significantly to the profits made. Blue Book estimates for the period 1880 to 1900 indicate that annual prison budgets either broke even or made a profit. In the waning years of indentureship, 1900-1917, however, labour profits declined, a trend that continued in the post-indenture period. As an illustration, in 1880, the annual operating cost for all prisons was \$77,286, while prison earnings amounted to \$51,732. A decade later, annual prison expenditure and income were almost equal at \$52,962 and \$52,716 respectively. A \$6000 profit followed this in 1900 (NAG, AF 3/22, AF 3/36, AF 3/45).

At the end of indentureship in 1917 the institution's annual operating cost was \$49,332 while earnings from prison labour declined significantly to \$27,810. Declining profits continued in the post-indenture era with expenditures at \$75,270 in 1927 and income at \$57,702 (NAG, AF 3/63, 1927 AF 3/73). The simultaneous reduction in immigrants and in prison work suggests that during the era of indentureship at least fifty percent of the prison's earnings came from immigrant labour. Guianese prisons were in essence self-sufficient; the colonial coffers contributed minimally to their maintenance. This partly explains the absence of opposition from colonial and imperial officials over the expansion of the colony's carceral apparatus and the presence of disproportionate numbers of immigrants in these prisons.

When Mooneah went to British Guiana for an initial period of five years, like many fellow immigrants he more than likely intended to serve two contracts and either repatriate or acquire land in lieu of his return passage and settle in the colony. He never envisioned spending months incarcerated in a foreign land. But, as we have seen, the contract and labour ordinances were central to the incarceration of indentured immigrants, supported by an exponential expansion of the carceral system during the post-emancipation period. On the whole, the authorities did not intend prisons to act as rehabilitative or corrective institutions, but rather to serve as sites of punishment and labour extraction. Moreover, it is possible that the fiscal benefits derived from

incarcerated immigrant labour provided additional motivation for planters to seek convictions. The dramatic decline in prison population in the post-indenture period, when immigration labour contracts ceased to be effective, cements the argument that the criminalization of labour which led to the disproportionate incarceration of East Indian immigrants in earlier years, was aimed towards maximum labour extraction from immigrants. Throughout the period the close proximity of the prison to the plantation and the ever-present threat of the labour law served as a visible reminder of planter power in the colony.

## References

Adams, E. (2010). 'History of the Early Development of the Mazaruni Penal Settlement', *Stabroek News*.

Adamson, A. (1972). *Sugar Without Slaves: The Political Economy of British Guiana, 1838-1904*. New Haven: Yale University Press.

Alves, J. et. al. (eds.) (1974). *Mooneah v. William O. Agard, in A Collection of Cases Decided in the Court of Review of British Guiana from 1856 to 1873, Vol. 2*. Demerara: W. B. Jamieson.

Anderson C., M. Ifill, E. Adams and K. Moss (2020), 'Guyana's Prisons: Colonial Histories of Post-Colonial Challenges', *The Howard Journal of Crime and Justice*, 59, 3: 335-49.

British Library [BL], C.S.F.351, British Guiana, Inspector of Prisons Reports, 1889-1939.

Haley, S. (2016). *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill: The University of North Carolina Press.

Haraksingh, K. (1987). 'Control and Resistance among Indian Workers: A Study of Labour on the Sugar Plantations of Trinidad 1875-1917' in David Dabydeen and Brinsley Samaroo (eds). *India in the Caribbean*. London: Hansib/ University of Warwick, Centre for Caribbean Studies Publication.

Hay, D. and P. Craven, eds. (2004). *Masters, Servants and Magistrates in Britain and the Empire, 1562-1955*. Chapel Hill: The University of North Carolina Press.

Lichtenstein, A. and Mancini, M. (1999). "One Dies, Get another: Convict Leasing in the American South, 1866-1928." *The American Journal of Legal History* 43, no. 1: 87.

Mangru, B. (1987) *Benevolent Neutrality: Indian Government Policy and Labour Migration to British Guiana 1854-1884*. London: Hansib.

McNeill-Lal Report (1915). Report on the Condition of Indian Immigrants in the Four British Colonies (Trinidad, British Guiana & Demerara Jamaica and Fiji), and in the Dutch Colony of Surinam or Dutch Guiana.

Mohapatra, P. (2004). 'Assam and the West Indies, 1860-1920' in Douglas Hay and Paul Craven (eds.), *Masters, Servants and Magistrates in Britain and the Empire, 1562-1955*. Chapel Hill: The University of North Carolina Press.

Moss, K. Anderson, C., Ifill, M. and E. Adams (2019), 'Guyana's Prison System, 1814-1966' [https://leicester.figshare.com/articles/Historical\\_Overviews\\_of\\_Guyanas\\_Prisons\\_1814-1966/11591337](https://leicester.figshare.com/articles/Historical_Overviews_of_Guyanas_Prisons_1814-1966/11591337) (accessed 15 April 2020).

Roberts, G. and Byrne, J. (1966). "Summary Statistics on Indenture and Associated Migration Affecting the West Indies 1838-1918," *Population Studies*, Vol. 20 No. 1, 132.

Roopnarine, L. (2014) Resistance and Adaptation among Indentured Indian Labourers in British Guiana during Indentureship, in M.S. Hassankhan, B.V. Lal and D. Munro (eds) *Resistance and Indian Indenture Experience, comparative Perspectives*, New Delhi: Manohar Publishers: 157-82.

Williams, E. (1962), *History of the people of Trinidad and Tobago*. Port-of-Spain: P.N.M. Publication.

TNA [The National Archives]:

- CO 116/150 Annual Return of the Gaols and Houses of Correction, 1831.
- CO 116/203 Annual Return of the Gaols and Houses of Correction, 1834.
- CO 116/207 Annual Return of the Gaols and Houses of Correction, 1838.
- CO 116/210 Annual Returns of the Gaols and Houses of Correction, 1839.
- CO 111/362 Annual Report of the Inspector of Prisons, 1868.
- CO113/2/20: An ordinance to provide general regulations for immigrants introduced into the colony of British Guiana, 1850.

NAG [National Archives, Guyana]:

- AB 1/421 Minutes of the Proceedings of the Court of Policy, 1860.
- AB 1/412 Minutes of the Proceedings of the Court of Policy, 1841.
- AF 3/2 Blue Books of Statistics: British Guiana, 1860-1861.
- AF 3/22 Blue Books of Statistics: British Guiana, 1880-1881.
- AF 3/23 Blue Books of Statistics: British Guiana, 1881-1882.

- AF 3/36 Blue Books of Statistics: British Guiana, 1890-1891.
- AF 3/45 Blue Books of Statistics: British Guiana, 1900-1901.
- AF 3/46 Blue Books of Statistics: British Guiana, 1901-1902.
- AF 3/55 Blue Books of Statistics: British Guiana, 1910.
- AF 3/63 Blue Books of Statistics: British Guiana, 1917.
- AF 3/66 Blue Books of Statistics: British Guiana, 1920.
- AF 3/73 Blue Books of Statistics: British Guiana, 1927.

UK House of Commons Parliamentary Papers [PP]:

- 1830-31 [334] Gaols, West Indies. *Copies of Correspondence relative to the State of the Gaols in the West Indies and the British Colonies in South America; and also, of any instructions which have been sent out from the Colonial Office relative to such Prisons, 30.*
- 1871 [393] *Report of the commissioners appointed to enquire into the treatment of immigrants in British Guiana* (London: Clowes and Son, 1871), Appendix G: Case of Three Immigrants, indentured to Plantation Good Success, Wakenaam. Complaint of ill-usage by the Manager, Mr. Finlay Matheson, 15 December 1869.
- 1875 [1338]a *Papers Relating to the Improvement of Prison Discipline in the Colonies* (London, Harrison and Sons, 1875). Governor Longden, to the Earl of Carnarvon, September 22, 1874.