

Prinisha Badassy

“and my blood became hot!”

Crimes of Passion, Crimes of Reason:

An analysis of the crimes of murder and physical assault against
Masters and Mistresses by their Indian Domestic Servants, Natal,
1880-1920ⁱ

ⁱ I would like to thank Stephen Sparks, Nafisa Essop Sheik, Suryakanthie Chetty, Vashna Jagarnath, Catherine Burns and Julie Parle who have not only helped with this paper and the thesis as a whole, but whose friendship and support is sacred and cherished.

i n t r o d u c t i o n

In *The Eighteenth Brumaire of Louis Bonaparte*, Karl Marx said that “They cannot represent themselves; they must be represented.”¹ Marx was of course referring to small-holding peasants, but the phrase is used here to describe the way in which this study represents the beginning of an attempt to bring to life the stories of those individuals that existed within the inner sanctum of colonial life. Interesting in their behaviour and actions and enigmatic in their thoughts and ideologies, for them, domesticity arrested their sense of individuality and they strived to exist outside of the bounds of their contract with their masters and mistresses. Presented here are the micro-histories of these Indian domestic servants, who lived and worked in Natal from 1880 to 1920, a period marked by great turbulence. This paper analyses the crimes committed by these servants against their masters and mistresses and through this offers a portrait of their at times, very intimate but also very violent relationships with their masters, mistresses and children in the Colonial settler homes for which they cared.

These domestic servants fell under the often unforgiving control of their masters and in particular their mistresses, and individual responses to this system were varied and were oftentimes provoked and fostered by the dispossession of individual freedom, sometimes by coercion, degradation, beatings, loss and deprivation of food rations, confinement, as well as the refusal of passes. Indian domestic servants in turn, expressed their frustration in the form of alcoholism, the excessive use of dakkha,² desertion, petty theft, forgery, perjury, arson, physical and indecent assaults, rape, and poisoning. These crimes were acted out in different settings, at different times, with different energies, agendas and motives. These crimes against masters and mistresses were the physical production of despair, anger, aggression and sometimes as acts of escapism and revolt.

¹ Karl Marx. *The Eighteenth Brumaire of Louis Bonaparte*. (New York: International Publishers, 1987), 124. There have been numerous debates on ‘representation’ and degrees of truth and validity concerning representation, but this study is an attempt at representing their lives and life stories of individuals who were not necessarily silenced or forgotten but rather lingered in the background.

² In KwaZulu-Natal, the commonly used word for hemp, *Cannabis indica*, *Cannibis sativa* is dakkha, also frequently spelt dagga.

This paper argues that the experiences and emotional strain associated with being a domestic servant gave rise to a culture of anger and violence within the ranks of Indian domestic servants. These acts of violence, as committed by these domestic servants against their masters and mistresses are explored here not in admiration of their brutality, but for their historical relevance to the study of Indenture, more specifically in the area of servant-master/mistress relations. The paper focuses on crimes of murder and physical assault as a window into the social dynamics of the settler home and domestic space in Colonial Natal, arguing that they were created within their own set of orchestrating emotions and situations. In drawing on international and local literature around master/mistress-servant relations in other regions of the world, the paper aims to contribute to the historiography of South Africa; of Indian South African life³; of servant-master/mistress relationships; to the analysis of the complex intermingling of private and public labour and lives bound up with this labour form, both in past moulds and in its present form. Furthermore to the growing literature on the linkages between utilizing analysis of legal institutions and legal records in researching and writing the history of South African lives.

The point of intersection between the master/mistress and servant can serve as a significant site for raising questions about representation, violence, power and historicity. This site is also responsible for perpetuating inequitable relations that have been used as an instrument for appropriating, controlling and assimilating the ‘other.’ This paper attempts to understand the ways in which violence came to occupy a central place in the interactions between domestic servants and their employers. Drawing on theories of violence developed by Frantz Fanon, Allen Feldman and Mahmood Mamdani, it traces the avenues through which violence became a shared language within this particular context. Most importantly however, the paper is an

³ There were six definitions or groups of Indians in Natal, “Indentured Indian”- One who had been introduced, under the provisions of the various Acts dealing with Indian Immigration, by the Immigration Trust Board, “Re-indentured Indian” – One whose time had expired since the operation of Law 17, 1895 and had thereof elected to re-indenture himself under the provisions of that Act, “Free Indian”- this being one who had completed his indenture prior to the coming into operation of Law 17, 1895, and who was therefore not liable to the payment of £3 license, and had forfeited his right to a return passage, but may have regained same by indenturing under Law 42, 1905. “Time Expired Indian” – One whose indenture had expired subsequent to the operation of Law 17, 1895, “Colonial Born Indian” – The child born in Natal, of the “Free Indian,” or of a “Time Expired Indian” who elected to pay £3 license and remain in the Colony without re-indenture under Law 17, 95, or, of an Indian who arrived in the Colony at his own expense, as an ordinary Colonist, and independently of the Indian Immigration Trust Board. The latter description is that of a “Free Immigrant”. See Y.S. Meer. et al. *Documents of Indentured Labourers, 1852-1917*. (Durban: Institute of Black Research, 1980), 636

attempt at telling the stories of ordinary men and women whose lives, cultures, individualities and histories intersected at the domestic and colonial nexus.

This paper and the larger thesis as a whole which included crimes of poison, rape and indecent assault explores a theory, substantiated through close examination of the sources, that for a variety and challenging set of reasons, there were something unique about the domestic space that allowed for the lives of both settler and servant to intersect and amalgamate in a way that could not have been so easily cultivated in the case of field labourers. It was primarily in a domestic setting that the forms and nature of relationships that this study investigates could have existed. The colonial home was in fact the catalyst in spurring such unpredictable and sometimes volatile interactions. Not only were these domestic servants within close proximity to the master, and more especially the mistress, for most of the working day, these servants were also responsible for the well-being, care and upkeep of the settler family. It is therefore as a result of the constant contact between the master/mistress and servant that such intimate and antagonistic relationships were able to form. From the court cases and specific crimes examined in this paper and the larger study, it is evident that incidents of physical and indecent assaults and poisoning were triggered by intense resentment and, in essence, symbolised an attack on the representations of power of the Empire as embodied by; and through the master and mistress.

From official sources available it is possible to deduce that the experiences endured by indentured and domestic servants alike shared certain strikingly similar features. From secondary literature, it is also evident that the experiences of domestic servants are continuous in similar veins throughout history and across geographical locations. Unlike the Indian elite in Natal, these domestic servants were products of proletarianisation and their lives were powerfully shaped by structures of class and race present in Natal during this time. By 1904, there were only 21 473 Indians employed as domestic servants, gardeners, coachmen, dhobis and cooks, in comparison to the 70 000 or so engaged as field labourers. Given this, one would expect that there would be more crimes among the latter against their controllers.⁴ But, as the records show, it was domestic servants rather than field labourers who primarily committed crimes of

⁴ *Census Report of the Colony of Natal 17th April 1904*. (Pietermaritzburg: P. Davis and Sons, 1905).

physical and indecent assault. Indeed, as the registers of the Attorney General's Office and the Supreme Court illustrate, there are numerous cases of Indians being accused of murder, physical and indecent assault, theft, arson, forgery, but in most cases, with a few exceptions, crimes against White settlers were committed by domestic servants.⁵ Eugene Genovese's seminal study on slavery in America, *Roll Jordan, Roll* portrays a similar pattern for house servants and field labourers. He argues:

House servants appear to have been more rather than less troublesome to the whites than the field hands, even if in less dramatic ways. They quarrelled among themselves and with the whites, sulked, shouted, and in a variety of ways did not, or could not, conceal their hostility to harsh, unsteady, or even unexceptionable mistresses. High-strung white mistresses and sensitive servants clashed over words, deeds and mere looks. Life had to be lived at such close quarters that antagonism broke out everywhere.⁶

In relation to the majority of field labourers, these interesting and marginalized characters appear to be seemingly unimportant. But as Nigel Penn argues in his scholarly and yet easily accessible study, *Rogues, Rebels and Runaways*, the fact that these characters are to be found in the archives, suggests that they attracted the attention of the colonial bureaucracy for a reason, and for this alone cannot be ignored.⁷

There have been numerous studies on the historical use of court cases in the production of histories, some of which have interrogated the methodologies used in the process of historical reconstruction. Some have praised their usage, while others have dismissed the importance of court cases, particularly in colonial settings where subjects could not speak English. The problematics of translation and interpretation have become a highly contested site of struggles over representation and truth as a result.⁸ For this study, however, not only do the subjects

⁵ See Prinisha Badassy "...and my blood became hot!" Crimes of Passion, Crimes of Reason: An analysis of the crimes against Masters and Mistresses by their Indian Domestic Servants, Natal, 1880-1920, 220p. Thesis (MA-History) – University of KwaZulu-Natal, Durban, 2004, Appendix, Tables 2-3, for crimes committed by Indians in the Colony of Natal, 1880-1920.

⁶ Eugene Genovese. *Roll, Jordan, Roll: the World That Slaves Made*. (United States: Vintage Press, 1976), 361.

⁷ Nigel Penn. *Rogues, Rebels and Runaways: Eighteenth Century Cape Characters*. (Cape Town: David Philip Publishers, 1999), 1.

⁸ For more on this see David William Cohen. *Burying SM: the Politics of Knowledge and the Sociology of Power in Africa*. (Portsmouth, N.H.: Heinemann, 1992), and David William Cohen. *The Combining of History*. (Chicago: University

traced through the records not speak English, but they were also immigrants and lived in a Colony where their only avenue for articulating their grievances was with the Protector of Indian Immigrants Office. Court records are not immune to the problems associated with rumour, testimony under pressure and imprecise interpretation, but they have the potential to open up social histories that have otherwise been neglected and to illuminate the social and political thoughts of individuals such as domestic servants who were only differentiated by the Colonial state with numbers and distinctive body piercings, tattoos or scars. In these personal testaments individuals ultimately provide a commentary about their crimes in relation to the private and broader public life of the colony and the metropole as well as the people and the places in the cultural, economic, political and social setting of colonial Natal.

Following from Charles van Onselen's observation about research on domestic servants and why there has been such a small number of scholarly works on this history from southern Africa, he argues that unlike writing about domestic service in eighteenth century England, where historians have at their disposal personal diaries, letters, travellers' accounts, newspapers, and magazines, "no such simple solution exists for the historian of the colonies, where problems of class, colour and literacy combine to place diaries, memoirs and letters of employers and servants at a premium."⁹ But the colonial archives do offer some hope, as Nigel Penn reiterates, "nowhere else are the voices of the oppressed and vanquished – distorted though they might be – heard so clearly."¹⁰ As the paper will show, save the few individuals who do appear in the Protector's files, the records of the Supreme Court and the Attorney General, though mediated, are the only collection where the voice of the domestic servants can be heard. The process of reconstructing and representing the lives of what Gayatri Spivak has termed the 'subaltern' is not without its difficulties. Nonetheless, while fully cognisant of this

of Chicago Press, 1994), and Carlo Ginzburg. *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*. (Harmondsworth: Penguin, 1992) and Carlo Ginzburg. 'Witches and Shamans,' in *New Left Review*, July/August 1993, 200, 75-85.

⁹ Charles van Onselen. 'The Witches of Suburbia: Domestic Service on the Witwatersrand, 1890-1914,' in *Studies on the Social and Economic History of the Witwatersrand, 1886-1914, Vol. II*. (Johannesburg: Ravan Press, 1982), 2.

¹⁰ Penn. *Rogues, Rebels and Runaways*, 6.

debate, this study endeavours to tell these stories, remaining alert to the dangers of claiming that this represents a definitive history.¹¹

These domestic servants did much more than simply maintain and keep the Victorian home clean; they were also at the very epicentre of the colonial project, acting as powerful signifiers on the boundaries of class, race and gender. Their behaviour warrants a detailed examination because of the discontent they experienced within the milieu of the colonial domestic space. While there are only a limited number of accessible secondary resources that look at the broad history of Indians in South Africa, there are even fewer that look at the histories of domestic servants in this region.¹² In 'The Witches of Suburbia,' van Onselen suggests that part of the reason for this may be attributed to the fact that "domestic servants serve, they do not produce." Unlike field and railway workers for instance, the work of domestic servants could not be "evaluated in capitalist terms," since they were not "commodity producers." He goes on to say that domestic servants "live[d] and labour[ed] in isolation" in private domestic spaces which the colonial state could not penetrate so easily and because of this "it is difficult to generate data about them."¹³ But it is precisely because of their position within the home that such a study would be able to provide a history that looks at the relationship between the master and the domestic servant rather than that of the state and the labourer.

In *Maids and Madams*, Jacklyn Cock ascertains that in a society, such as South Africa that is exceedingly unequal, domestic workers remain the most exploited group. She goes further to state that these servants are situated at a locus of three converging lines of exploitation: class, race and sex.¹⁴ However, what is unique to Indian domestic servants in Natal, is that they were also constituted as immigrants. And it was this sense of displacement that in fact had the greatest impact on shaping the master/mistress-servant relationship in Natal.

¹¹ Gayatri Chakravorty Spivak. 'Can the Subaltern Speak,' in *Marxism and the Interpretation of Culture*. Cary Nelson and Lawrence Grossberg (eds.) (London: Macmillan Education, 1988).

¹² There have been a number of seminal studies that have opened new avenues for the study of domestic service in Southern Africa, such as Jacklyn Cock. *Maids and Madams: A Study in the Politics of Exploitation*. (Johannesburg: Ravan Press, 1984), and van Onselen. 'The Witches of Suburbia.'

¹³ van Onselen. 'The Witches of Suburbia,' 1-2.

¹⁴ Cock. *Maids and Madams*, 5.

The wider literature examining the nature of bonded domestic labour in several other geographical contexts, has been essential for the purposes of this study. Works by the likes of Ann Stoler, Margaret Strobel and Nupur Chaudhuri on India; Jaclyn Cock on South Africa, and Karen Hansen on Zambia have shown the ways in which servants were essential to the construction of gender and race identities; the employment of domestics both reinforced and legitimated bourgeois notions of femininity and class superiority.¹⁵ Norman Etherington, Jeremy Martens, Jock McCulloch, and to a certain extent John Pape, also argue that both masters and mistresses defined themselves in relation to their servants, flaunting their individual intellectual and moral sophistication in contrast to their supposed uneducated and uncivilised 'menials.'¹⁶ When White emigrant women of lower and middle classes travelled to and settled in the Colonies, they saw replicating a Victorian lifestyle as a means of redefining themselves according to the bourgeois lifestyles of the metropole's upper classes.¹⁷ The widely held Victorian idea that domestic work was not only women's work, but also work of the 'undignified' and lower classes disseminated throughout the colonies, and emigrant women, who travelled to the Colonies, further entrenched these ideas in settler societies. It was as a

¹⁵ See N. Chaudhuri and M. Strobel. *Western Women and Imperialism: Complicity and Resistance*. (Bloomington: Indiana University Press, 1992); Cock. *Maids and Madams*; K. T. Hansen. *Distant Companions: Servants and Employers in Zambia, 1900-1985*. (Ithaca and London: Cornell University Press, 1989); Ann L. Stoler. *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*. (Durham, N.C.: Duke University Press, 1995); Nupur Chaudhuri. 'Memsahibs and their Servants in Nineteenth-century India,' in *Women's History Review*, 3:4, 1994; Ann L. Stoler. 'Carnal Knowledge and Imperial Power: Gender, Race and Mortality in Colonial Asia,' in M. Di Leonardo. (ed.) *Gender at the Crossroads of Knowledge: Feminist Anthropology in the Postmodern Era*. (Berkeley: University of California Press, 1991); Ann L. Stoler. 'Making Empire Respectable: The Politics of Race and Sexual Morality in 20th Century Colonial Cultures,' in *American Ethnologist*, 16:4, November 1989, 634-660; M. Strobel. 'Gender and Race in the Nineteenth- and Twentieth-Century British Empire,' in R. Bridenthal and C. Koonz (eds.) *Becoming Visible: Women in European History*. (Boston: Houghton Mifflin, 1977). Also of considerable relevance is Susan Newton-King's study on the Cape Eastern Frontier with a special focus on violence and race and labour relations. Susan Newton-King. *Masters And Servants on the Cape Eastern Frontier*. (Cambridge: Cambridge University Press, 1999).

¹⁶ In this instance see Jock McCulloch. *Black Peril, White Virtue: Sexual Crime in Southern Rhodesia, 1902-1935*. (Bloomington and Indianapolis: Indiana University Press, 2000); Norman Etherington. 'Natal's Black Rape Scare of the 1870s,' in *Journal of Southern African Studies*, 15, 1988, 36-53; Jeremy C. Martens. "'Foul Deeds of Unparalleled Atrocity": Colonial Legislation and Natal's 19th Century Rape Scares.' Paper presented at the Department of Historical Studies, University of Natal, Durban: History and African Studies Seminar, 11th August 1999; Jeremy C. Martens. 'Polygamy, Sexual Danger, and the Creation of Vagrancy Legislation in Colonial Natal,' in *The Journal of Imperial and Commonwealth History*, 31:3, September 2003, 24-45; Jeremy C. Martens. 'Settler Homes, Manhood and 'Houseboys': an Analysis of Natal's Rape Scare of 1886,' in *Journal of Southern African Studies*, 28:2, June 2002, 379-400; J. Pape. 'Black and White: The "Perils of Sex" in Colonial Zimbabwe,' in *Journal of Southern African Studies*, 16:4, December 1990, 699-720.

¹⁷ See L. Davidoff and B. Westover. (eds.) *Our work, Our lives, Our words: Women's History and Women's Work*. (Basingstoke, Hants: Macmillan Education, 1986), and L. Davidoff. *Worlds Between: Historical Perspectives on Gender and Class*. (Cambridge: Polity Press, 1995).

result of being in this very position, that women who came from the lower ranks of society, who filled the position of mistress of the home in turn, ended up being the most ardent activists and supporters of the Imperial project and fervently propagated White views of race and class. While this study is primarily about Indian domestic servants, at the same time, as the following two case studies on Madho and Sheik Ramthumiah will show, it is also about White women in the colonies and their place in Colonial society and Empire. Besides the odd visit into town, the home of a friend, or the local hotel for afternoon tea, one of the few opportunities for contact with African and Indian people was through domestic servants. It was through these women in Natal, and in particular their letters back to England, that British attitudes and knowledge about Africans and Indians in Natal were shaped, as Chaudhuri has also argued in the case of India.¹⁸

**“ h a v e I b e e n i n d e n t u r e d t o t h i s C o l o n y t o b e
t h r a s h e d o r t o w o r k ? ”**

Mr W.B Turner, an engineer at Camperdown employed a number of Indians on his farm. In 1903, two of his servants (who had deserted him before) left the Turner's and went to the Protector to complain with the sole purpose of being transferred.

15th January 1903

Tula No 76756

On Monday night I slept outside on account of feeling very warm in the house. I got up early in the morning and went to work in the kitchen leaving the blanket outside. While working I saw my master setting fire to the blankets. I went there and asked my master why. He said he didn't want me to sleep outside. I told him because it is very warm and lot of mosquitoes were

¹⁸ See Julie Parle. 'History, She Wrote: A Reappraisal of Dear Louisa in the 1990s,' in *South African Historical Journal*, 33, November 1995, 33-61. A. L. Shadbolt. 'Daughters of the British Empire: A Study of Five British Women in Colonial Natal.' 190p. Thesis (MA-History) – University of Natal, Durban, 1998; A. L. Shadbolt. 'Victorians in Natal: A Study of Colonial life in Natal constructed through the letters and diary of three generations of a British Settler Family.' Thesis (BA-Hons) – University of Natal, 1996, and Lisa Stockman. 'The Construction of Boundaries: British Women, Labour and the Home in Colonial Natal. 80p. Thesis (BA-Hons) - University of Natal, Durban, 1997.

biting me in the house. He then gave me a slap on my face. I am made to work from 4am till 9pm every day including Sundays. I am only paid 2/ extra for doing kitchen work.¹⁹

Durga No. 84560

I have come to complain that on Monday night at 7 o'clock I and the other Indians were sitting in my house and passing our time by singing songs. My master came to the house and took the drum away from me and dropped it on the ground. When it didn't break he went and brought an axe and chopped it into four pieces. This he did without giving any reason. I am only allowed 20 minutes time for each meal during the day."²⁰

Turner's response to the Protector brings to the fore numerous issues relating to relationships between Indian servants, African and Indian Servants, as well as the Colonial State, and White Settlers in relation to the Indian Immigrants.

Howick Rail, February 12, 1903

The Secretary, II Trust Board

I have to acknowledge your letter of the 10th inst. Re deposition for Durga No. 84660. With regard to the drum, it was broken by me a twelve month ago, because they would not stop playing and singing all night after repeated warnings, I had to do it, consequently they ran away and did not come to you, but stayed in Pietermaritzburg a week and it was only after I reported the matter to the police they were caught. I considered the matter done with. Now, with regard to the Tula No 76756, for some time I have had reason to complain about some one sleeping inside my donkey cart and have repeatedly taken out a blanket, I have asked, first one and then another of the Coolies, who belonged the blanket but no one would act on. I called and told them all that if I found another blanket in, I would burn it – never mind who it belonged to, consequently on the morning I found the blanket inside I asked Madho who belonged to this blanket, he said I do not know. I told my boy to burn it directly after Tula came and put it out. He never said anything, neither did I to him, I did not hit him and my son was there and saw the whole thing neither was the other coolie near. It is a compounded lie and he cannot prove it. I am telling you this, that you may hear my tale, but the matter has already been settled before the Resident Magistrate at Howick. I have had cause to complain about this man Tula for some time, he smokes "Insango" to such an extent that he does not

¹⁹ Pietermaritzburg Archives Repository [hereafter PAR], Indian Immigration Papers [hereafter II], 1/166/1277/1903, Tula No 76756 Indentured to WB Turner of Howick states that his Master set fire to his blankets, 1903.

²⁰ PAR, II, 1/166/1277/1903, Tula No 76756 Indentured to WB Turner of Howick states that his Master set fire to his blankets, 1903.

know what he is doing, yet I can never catch him at it and although he never refuses to do his work, he does it in such a manner as to make me feel as if to kick him well.

This letter, like many others written to the Protector, reflects the attitudes of masters towards disciplining their servants and shows how violence was intrinsically linked to this. It is also suggestive of the strikingly pervasive violent nature of domestic service. He goes on to say,

In the regard to Tula's work. I admit he works in the kitchen and he gets 2/- more for so doing, he never puts in more than 9 hours now in Summer. In Winter he does not do that. He always gets pass every other Sunday and once every 2 or 3 months. Mrs Turner gives him a pass to Pietermaritzburg to buy clothes and tobacco and because he says Howick stores are too dear. If I were to put this man on to the land to work I should never dare to leave home, he never goes over a week without falling out with some of the others and invariably end up with me having to make third man. I trust this matter will satisfy you during the time I have my first and second batch of coolies, we got on famously. I think perhaps if I pay them and feed them and let them lie down all day perhaps I might be a very good boss. I should esteem it a great favour if ever you have any of my Indentured Indians down in Durban, if you would retain them and send me word at once, then if you found the complaint frivolous, to punish them.

I am, Yours faithfully

WB Turner.²¹

In 1904, Madho re-appears in the records of the Protector because he had been assaulted by Mr Turner for no apparent reason, and a women who appears to be his wife, Janki and their child had been ill-treated by the Turners. In Janki's deposition on the 7th January, she stated,

I have to complain that I am made to work in the house and kitchen from 6am to 7pm everyday including Sundays. I am only allowed time for food once a day that is sometimes at 2 or 3pm in the afternoon. I am not allowed to leave to give milk to my child which is only 1½ months old. Whenever I do go my mistress calls me back to work and tells me to leave the child alone, let her die I don't care. I left my masters place early this morning and I did not ask for a pass."²²

²¹ PAR, II, 1/166/1277/1903, Tula No 76756 Indentured to WB Turner of Howick states that his Master set fire to his blankets, 1903.

²² PAR, II, 1/124/147/1904, Protector of Indian Immigrants, Durban: Depositions of Madho 76682 Indentured to Mr. WB Turner, Camperdown; and Janki 84559, 1904.

Madho's complaint also suggests that they had been arrested in Durban as a result of desertion and not being in the possession of a pass.

I have come to complain that Thursday last about eight days ago I was assaulted by my master in the evening at about seven o'clock. When I went to tie the horses in the stable. He gave me two or three slaps on my face without any reason. There was no one to witness the assault by me. I left my masters place early this morning. I did not ask for a pass."²³

During the afternoon of the 4th of July 1905, Turner's wife Caroline heard their children crying outside in the yard where she had left them to play. Cecil, the Turner's eldest son, came into the house and told Mrs Turner that Madho, the 'kitchen boy', was hitting him and his younger brother with a yoke skei.²⁴ According to Mrs Turner, she had previously spoken to Madho about this type of behaviour and picked up the sjambok and went outside to see what had happened. She then went to him and said "What have you been doing?"²⁵ He had apparently picked up the yoke skei and as she began moving in his direction toward the dining room caught her foot on her dress and stumbled in the veranda. She tried to keep him off with the sjambok, but he caught her on the head with the yoke skei, and after that she remembered "becoming senseless and nothing more."²⁶

At the Supreme Court trial on the 18th of September 1905, two months after the incident, where Madho represented himself, Mrs Turner stated that she believed he struck the children out of revenge simply because she had previously warned him against such conduct and that

²³ PAR, II, 1/124/147/1904, Protector of Indian Immigrants, Durban: Depositions of Madho 76682 Indentured to Mr. WB Turner, Camperdown; and Janki 84559, 1904.

²⁴ According to the Oxford English Dictionary, this is a piece of wood that is fastened over the neck of two animals and attached to a cart to be pulled. The South African English Dictionary defines it as a yoke pin with the transliteration being jukskei. Jukskei is a game played with yoke pins: skittle-type pegs and has its origins in the days of the Voortrekkers. See Jean Branford and William Branford. *A Dictionary of South African English*. (Cape Town: Oxford University Press, 1991), 389.

²⁵ PAR, Registrar, Supreme Court [hereafter RSC], 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905.

²⁶ PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905.

some weeks prior to the event in question she had “boxed his head with her hand.”²⁷ Madho had worked for the Turners for nearly seven years and during that time there had been minor altercations as well as an instance of desertion, but nothing as severe as this. Dr Evans, who was at the time District Surgeon at Camperdown examined both Madho and Mrs Turner and concluded that the injuries sustained by both parties were fatal.

Two African servants in the employ of the Turner’s, Jantoni (17yrs) and Nomadina (19yrs), were also present at the time of this dispute.²⁸ Jantoni had always believed that Madho and their Mistress got on very well and that he had never “seen any trouble between them,” nor had he seen the accused being punished by the mistress. However on the day in question, he remembered seeing his ‘missus’ running towards the kitchen, but by the time he got there, she was lying at the door of the dining room and bleeding. Jantoni then got a hold of Madho and “struck him on the chin with [his] fist.”²⁹ When Nomadina arrived, they tried to seize hold of Madho. Apparently, Madho then retaliated and said “Leave me first I want to strike the Missus.”³⁰ Jantoni and Nomadina then got a sjambok and ‘thrashed’ him with it. At this point Mrs Turner asked them to take Madho to the stables to tie him up till their master arrived. Before asking Jantoni to let him free, Madho supposedly exclaimed that “he was going to get a knife and cut her [Mrs Tuner] throat and his own.”³¹

According to Nomadina, on that Tuesday afternoon, he was in the shed shelling off seeds mealies. Lance, Cecil, Norman and Alwyn, (the Turner’s four sons) were also in the shed with him. Madho had come to the shed to fetch some mealie cobs. The boys had apparently started playing with him, and threw mealie cobs at him. Madho joined in their play, but after a while

²⁷ PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905.

²⁸ PAR, Attorney General’s Office [hereafter AGO], I/1/292/120/1905, Supreme Court Criminal Case. Regina Versus Madho. Charged With Assault with Intent to Commit Murder, 1905.

²⁹ PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905.

³⁰ PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905.

³¹ PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905.

went outside and returned with the yoke skei and struck Alwyn, the youngest son on the head. Alwyn started to cry and when Cecil asked him why he had done it, Madho chased him outside and “struck him on the buttock.”³² This was when Cecil returned to the house to call his mother.

When Mr Turner arrived home, he found his wife covered in blood, sitting on the floor at the entrance to the dining room and delirious. He had asked her who was responsible for the attack, but she was in a semi-conscious state, and could not answer him.³³ On taking off her clothes, Mr Turner found that her left leg from the hip to the knee was a “mass of bruises,” and the skin was slightly broken in one spot. When he found out that Madho had assaulted Caroline, he went to the tool house and asked Madho why he had assaulted his wife. “[Madho] immediately picked up a long iron spanner about 2 foot 6 inches long and weighing about five pounds which he attempted to strike [Mr Turner] with.”³⁴ After hitting him with a sjambok, Mr Turner tied Madho and left him in that condition until eight o’clock that evening when he was found by the police.

After hearing this evidence, the jury retired at 12. 40 on the 18th of September. Within 6 minutes they returned to the courtroom and decided eight to one that Madho was guilty of aggravated assault with intent to do “some grievous bodily harm,” and that his sentence was four years imprisonment with hard labour and fifteen lashes.³⁵ Despite the fact that there were five other Indians living and working on the farm, none of them were asked to submit an affidavit to the Attorney General, nor were any of them called to give evidence in court. Furthermore, Madho did not have any legal representation throughout the court case nor did he have any representative witnesses. In his closing statement to the jury, Madho asked:

³² PAR, AGO, I/1/292/120/1905, Supreme Court Criminal Case. Regina Versus Madho. Charged With Assault with Intent to Commit Murder, 1905.

³³ Mrs Turner also had a long cut on the left side of her head and her cheek was swollen. She could not see out of her left eye and her spectacles were broken.

³⁴ PAR, AGO, I/1/292/120/1905, Supreme Court Criminal Case. Regina Versus Madho. Charged With Assault with Intent to Commit Murder, 1905.

³⁵ See, PAR, AGO, I/1/292/120/1905, Supreme Court Criminal Case. Regina Versus Madho. Charged With Assault with Intent to Commit Murder, 1905; and PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905.

Have I been indentured to this Colony to be thrashed or to work? The Government have not given orders for me to be sent here to be undressed and thrashed on my buttocks. On two occasions, in Howick Mr Turner thrashed me, and twice in Camperdown in the presence of the engineer who works the engine at Mr Turner's. We have been indentured by the Government of India to work in this Colony, but not to be ill-treated. On one occasion [Mrs Turner] slapped my face, and on the second occasion she struck me with her hands. When Mrs. Turner struck me I said "Be careful and be mindful that I am a man and you are a woman. You ought not to strike me. If you want me to do anything command me to do it, and if I do not carry out your orders, then you can have me imprisoned". This is not the yoke skei that I struck the lady with, I struck her with another one. Mrs. Turner struck me first. On being struck I opened the window of the kitchen and sprang out. Mrs. Turner sprang through the same window after me, and then, in self-defence I was compelled to strike her. I have nothing more to say.³⁶

In September 1910, Turner wrote to the Protector, this time responding to a complaint made by one of his 'kitchen boys' Jey Singh, regarding the nature of his work. The letter explicitly shows how many Indians who came to Natal were misinformed about the type of work that they were engaged for and how it had become a manifestation of much larger and deeper anxieties.

Kingsthorpe, Umlaas Road

7 September 1910, The Secretary, II Trust Board

If you will kindly turn up my indent paper you will find that I wrote on, wanted for kitchen purposes or something to that effect, to which I got a reply that you did not indent the Indians specially for kitchen. I was to take one of the ordinary boys brought out, and of course I have got one and knowing as you did, that he was required for kitchen purposes he ought to have been told. My intention from today is to refuse all permits to him, excepting one or two to go to the store monthly. I will not have strange coolies on my farm, they only make the coolies up to all sort of mischief and if every farmer would only do the same, we should have less trouble with them. This man comes to you with his tale, how badly he is treated, what about me, who will repay me for the last time. He has been several days running about the neighbourhood before he went to Durban. I think the time has arrived when we should have some returns for this time wasted especially considering the money we have to pay. However, this boy is in the

³⁶ PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905. This is Madho's closing statement to the Jury.

kitchen and he will have to stay there until I chose to put him outside. That maybe when I get other Indians. The only thing that I am afraid is he may have much harder work after this than what he has been doing and he may keep running away awhile he tires of it.

Yours faithfully, WB Turner

PS. This boy has had a pass every other Sunday and when it was his Sunday to be off work, he was told to stay indoors, hence his running away. I may mention he had his full rations and also money up to pay. Naturally I want a bit of work for it. Should this man ever appear before you again I should esteem it a favour if you would forward him to Camperdown to be dealt with?

The previous day, on the 6th of September 1910, Jey Singh went to the Protector's office in Durban and stated:

That I came to this colony as a field labourer and I wish to be employed as such. I do not want to work in the kitchen, because I am not given time to go out and my friends are not allowed to visit me. I am willing to work for my master if I am given field work.³⁷

Relations between colonial settlers and their bonded labourers were highly contested sites of struggle and emotionally charged, as both masters/mistress and servants struggled to own, shape and define the power relations between them. Cases of assault, physical abuse and ill treatment were played out with much energy and the circumstances surrounding the murder and death of Mrs Macdonald by one of her servants, Sheik Ramthumiah highlights how incidents of murder, assault, poisoning, rape and other crimes between masters and mistresses were often the result of mounting conflicts between the mistress/master and servant, as had been the case with Madho. The gendered nature of the context of colonial life and labour and the particular forms of patriarchy that took root in the Colony and later the Province of Natal powerfully shaped the social context in which the actual crimes were committed.³⁸

³⁷ PAR, II, 1/176/I2039/1910, Protector, Indian Immigrants, Durban: Complaint of Jey Singh No. 142361, Indentured to Mr. WB Turner, Umlaas Road, 1910.

³⁸ See D. J. Beall. 'Class, Race and Gender; the political economy of woman in Colonial Natal.' Thesis (MA-History) – University of Natal, Durban, 1982; and Robert Morrell. *From Boys to Gentlemen: Settler Masculinity in Colonial Natal, 1880-1920*. (Pretoria: University of South Africa Press, 2001).

118 Loop Street

Description of an Indian wanted for murder of Mrs Macdonald, late of Greys Hospital, name Sheik Ramthumiah, No. 115627. Arrived per S.S. Umlazi on the 25th October 1905, from Madras. Male. 23 years. Mahomedan. Height 5ft-5in. Clean-shaven. Light complexion. Scar below right nipple. Last seen wearing a loin cloth.³⁹

In May of 1907, at Loop Street of Pietermaritzburg, Vellappa Gounden was charged with “wrongfully, unlawfully and wickedly inciting, soliciting, encouraging, endeavouring and persuading” Sheik Ramthumiah to kill and murder Elizabeth MacDonald and Jessie Francis.⁴⁰ Sheik Ramthumiah lived at 118 Loop Street as a domestic servant to Mrs. MacDonald and had been in her employ for about a year and a half. Jessie Francis was also a domestic servant in the household, but appears to have been on much better terms with Mrs. MacDonald. Vellappa Gounden lived next door to Sheik, Jessie and Mrs. MacDonald, at 106 Loop Street and he was a domestic servant to Elizabeth J. Mary Behrens. The whole affair had apparently started on the Tuesday of that week, with a quarrel between Jessie and Sheik, the ripple effects of which resulted in the murder.

The quarrel was over a vase of flowers that Jessie had upset by moving around just after Ramthumiah had tidied up “the place” and the fact that she had ordered him to re-sweep the dining room.⁴¹ Ramthumiah was carrying a bucket of water in each hand and when Jessie ordered him, he struck her with one of the buckets. He was then taken to gaol by Mrs. MacDonald and fined £5 for assault. At the gaol he met Vellappa, and after telling him what happened Vellappa said, “not to work any longer in that house, that [he] was to go away as [his] mistress was a bad woman, and the other woman was a bad woman also.”⁴² For some time after this Ramthumiah would frequently visit Vellappa who would read to him from an Indian

³⁹ PAR, II, 1/151/11157/1907, Letter from the Sergeant of the Criminal Investigation Department [Durban] to the Protector of Indian Immigrants, description of the Sheik Ramthumiah, 1907.

⁴⁰ PAR, RSC, 1/1/95/19/1907, Supreme Court criminal cases. Rex versus Vellappa Gounden. Charged with inciting to commit the crime of murder, 1907.

⁴¹ PAR, RSC, 1/1/95/19/1907, Supreme Court criminal cases. Rex versus Vellappa Gounden. Charged with inciting to commit the crime of murder, 1907.

⁴² PAR, AGO, I/1/322/373/1907, An Indentured Indian Ramthumiah charged with murder, 1907.

storybook he had purchased from Bombay storekeepers in Durban. Ramthumiah stated that it was Vellappa who had stirred his anger up, by reading from this book and made him believe that if he killed his mistress then he would not have to complete his indenture and could return to India. According to Ramthumiah the story was:

about a rich man having some servants. It was about a man who was sent to get some money, and he said he would get it, and then there was a quarrel over that. The Nawab got very angry with this man and they sent some soldiers. Then a letter was sent to a friend of his, and then there was a wedding, and leaving the wedding he went to the battle. There was one man named Mohab who annihilated the Nawab's soldiers. Then when he saw that his friend had been killed in battle, he said that he would go and have vengeance on him. He asked the horse which friend it was that had been murdered and the horse showed him. When he saw that his friend had been murdered he took a grave and buried him. And then he killed the horse with his sword. Then he came back and spoke to his father's sister; and then he told the Nawab that his friend had been murdered; "and because your wife had been born on a Friday, don't you go to battle today." And the Nawab did not die, but all his soldiers died. They were all annihilated."⁴³

During Mr Bigby's examination, Ramthumiah asserted that it was as a result of this particular story that he was incited to commit the crime.

Q. What was the conversation then

A. He read to me from the book, and also had a conversation with me. He said go and murder Mrs. Macdonald and Jessie. If my white man did the same to me, - treated me in the way you have been treated- I should do that

Q. Were these the exact words he used

A. Yes

Q. What language did he speak in

A. Tamil and Telegu mixed

Q. Give the exact words he used

⁴³ PAR, RSC, 1/1/95/19/1907, Supreme Court criminal cases. Rex versus Vellappa Gounden. Charged with inciting to commit the crime of murder, 1907.

A. "go and kill your mistress. She is to die one day. You do such a lot of work. I would not do half of what you do. It is on account of that woman there that all this row has taken place. If I were there, I should kill both the old lady and Jessie."

Q. did you say anything to him

A. I said "I have just come under indenture and if I do that my name will become bad, and I will not be able to go back to my country again." He replied " if you put them right in this country, you won't go back to your country."

Q. what did you understand him to mean by that

A. "if you do something and you go to gaol, you won't complete your indenture."

Q. did you understand the prisoner to mean that, or did he use those words

A. "if you are going to prison, you will not complete your indenture, and you will not go back to your country again

Q. what did you say to that

A. that I would rather terminate my indenture and go back to my country.

Q. did the prisoner say any more

A. he then read to me from this book again, and my blood became hot.⁴⁴

In a deposition given by Jessie Francis, she recalls how Ramthumiah had murdered Mrs MacDonald.

This morning about half past seven I was in and out of the kitchen several times to get breakfast ready. The Indian Ramthumiah was in the kitchen cleaning knives. He left for the dining room setting the breakfast table. I went again into the kitchen, he came out of the dining room behind me and while I was stirring the porridge on the stove he stabbed me once on my left shoulder with a big butcher knife. I screamed and rushed into Mrs. MacDonald's room. She came out of the room to meet me opening the door I ran in. The Indian was in the passage. She tried to protect me and the Coolie flew at her. She tried to push him away from me. He stabbed her three or four times. I could not say where he stabbed her. I tried to pull her away and he stabbed me again in my right shoulder. Mrs. Macdonald fell on the floor very heavily, bleeding profusely. The Indian ran away up Temple Street. The knife he used I saw on the front verandah.⁴⁵

⁴⁴ PAR, RSC, 1/1/95/19/1907, Supreme Court criminal cases. Rex versus Vellappa Gounden. Charged with inciting to commit the crime of murder, 1907.

⁴⁵ PAR, AGO, 1/1/322/389/1907, An Indian Vellappa Gounden charged with inciting to murder, 1907, Deposition of Jessie Francis and PAR, RSC, 1/1/95/19/1907, Description Supreme Court criminal cases. Rex versus Vellappa Gounden. Charged with inciting to commit the crime of murder, 1907.

An Indian Interpreter to the Supreme Court Chelivum Stephen was called upon to translate the text and give evidence in court to show whether any connection could be established between the murder and the story. The verdict for Vellappa's case was not guilty, but Ramthumiah was sentenced to death and it was eventually proven that the reason Ramthumiah had murdered his mistress was not because of the story read to him by Vellappa but because three days prior to the murder he was fired from his job as her domestic servant. Stephen however, remained an integral element in the proceedings since it is from his ability to interpret and read the Tamil language that Vellappa's charges were dropped. However, interpretation and the role of interpreters in Natal, was not always as proficient and reliable as has been the case with Vellappa. There were numerous complaints made to the Protector of Indian Immigration on the nature of interpretation in the colony. This proved to be a serious problem, most especially when cases involving Indians were brought to court.⁴⁶

The problems surrounding illiteracy and English become evident as many of the depositions given in court, apart from being translated into English by these interpreters, had to be written by them as well. Moreover, the Indians were heavily dependent on interpreters since they had no other official means whereby their complaints and depositions could be recorded. Conscious of the fact that many depositions were produced by coercion, in the opening statement of his deposition to the Attorney General, Vellappa makes the point of emphasising that he was not coerced into making the statement and then continues to provide his account of what happened on the day of Mrs MacDonald's murder and the days leading up to the 10th of May 1907.

I wish to say something. I wish to say it voluntarily; nobody has made me say anything. The magistrate has warned me that I need not say anything now, unless I wished so, he also warned me that it would be put in writing and used against me at the trial of this case. But I wish to say something.

On Thursday night about 8 o'clock Ramthumiah came to my house. I was washing my clothes. We had a little talk together, Ramthumiah then went to my room and lay on my bed. I was still washing clothes outside. Half an hour after I came into the room. I sat on a base and took a book called Krishna Velarum. About 10 minutes after 9 o'clock pm I asked him to go home as I

⁴⁶ For more on this see, P. Badassy. 'Turbans and Top Hats: Indian Interpreters in the Colony of Natal, 1880-1910.' Thesis (BSocSc – Honours) – University of Natal, 2002.

wanted to go to sleep. Then he took away the clock which he had brought with him and before leaving the room he told me that he was going to be transferred and he said he saw another Indian talking to his mistress, but he Ramthumiah was not seen then by the mistress when she talked to the other Indian. He also saw that the mistress had told the other Indian to come back in three days time. He said that he had found out that his mistress was not going to keep him and that she was going to transfer him. Ramthumiah always reads the book "Thesingaraj." He being a Mahomedan was very fond of that book because it speaks of the bravery of Nawab, a king who waged war against Thesingaraj, on the evening in question that is Thursday last, he was not reading it. I did not touch that book that night, neither did he. He used to visit me every night for the last 4 or 5 months. Before he left me that evening, I told him that he would have to work wherever he goes. He then went away. The book Krishna Velarum refers to the birth and life of Krishna which is our "Christ." He had not been to my place several days before the murder. I used to see him passing by to a neighbour's servant to smoke hemp. On the Thursday he came to my house and lay down. I was ironing my clothes and after washing he stayed there about an hour altogether. I did not see Ramthumiah at all on Friday morning. I saw the coloured women Jessie come to Mrs Behrens. I did not go to Mrs MacDonald's house. When the coloured women came to our house I was going to my room to get chillies she said she had been stabbed by Ramthumiah and when my mistress Mrs Behrens wanted to go to Mrs MacDonald I stopped her or tried to stop her and said: "Don't go! You might be stabbed to!" I prevented her from going by closing the door of the dining room. When the Police came I gave them all the places where I knew Ramthumiah to visit. Both books mentioned by me are in the Tamil language. I used to teach Ramthumiah in that language. He could not read Tamil and Telegu. He could speak Telegu and Hindustani and a little Tamil. I speak Tamil and a little Telegu. I never saw Ramthumiah at all on Friday last.⁴⁷

Vellappa is an exceptional case in that not only was he able to buy these books, but he could read the language as well. This put Vellappa in a much better social position as compared to other Indentured labourers in the Colony. In the Attorney General Office records where evidence for the same case is located, there is a letter from Ramthumiah's father in India, who wrote to Ramthumiah regarding his problems with his mistress, and to inform him of the sorry situation of the family back home. One of the roles that interpreters were able to fill was that of letter writers, but the problem with this was that many would charge Indians an exorbitant amount, which very few could afford considering their economic conditions. The interaction

⁴⁷ PAR, AGO, I/1/322/389/1907, An Indian Vellappa Gounden charged with inciting to murder, Deposition of Vellappa Gounden, 1907 and PAR, RSC, 1/1/95/19/1907, Supreme Court criminal cases. Rex versus Vellappa Gounden. Charged with inciting to commit the crime of murder, 1907.

that existed between South Africa and India during Indenture has received minimal attention, and the failure of the historiography to address these connections in anything more than a sentimental, rudimentary fashion could be partly due to insufficient communication between families and individuals as well as the absence of private letters in the archival sources. The letter from Ramthumiah's father offers valuable evidence of some of the problems faced both by Indians in the colony and in India, especially with regards to the postal service and the standard of living in India. More importantly however, this letter gives us a window into the social worlds Ramthumiah occupied and of the links he maintained with an Indian past; a world that existed outside the boundaries of his life at 118 Loop Street.

My dearest son Sheik Ramthumiah

I your father Sheik Allie Said write to inform you that all of us here are well and hope to hear the same from you.

I am in receipt of your letter of 4th March 1907 and learnt the contents thereof. I am sorry to hear from your letters that there had been a quarrel between your self and your mistress and that you are going to another place to work, we are troubled in mind since we heard of it, for you have written some time back that your mistress was very kind and like your mother. Let me know the cause of your quarrel at once, you wrote also that you have not hard work to do but to attend watering gardens and were happy. You now write to say that you would either go to Sugar Estate or Coal Mines, if this is true I would miss your address and there will be some delay in answering your letter.

Your sister is suffering from carkeides [sic] under the arm pit and it would take three months before she is cured, we are all troubled about it consequently we could not attend to answering your letter, she is now a trifle better. I and your brother and others are anxious to see you, and we constantly are thinking of you. I your father, is blind in one eye. The other one is not so bad as the other. If my eyes are better I would be able to see you when you return home. I am getting anxious about my eyes. Our cows and heifer have died. I am stricken with poverty by God I am sorry to say.

There is famine in this country. I could not work for any length time my age being against me. The necessaries of life are very dear, the price of rafee (grain) is 3 ½ measures, mealies 3 measures and paday (unchafed rice) 4 measures per rupee. The tank is dried up. Our little children do not obey me properly. You are my good son, but the children at home are very disobedient and wicked.

and my blood became hot!

Handwritten text in a script, likely Arabic or Persian, on a piece of aged paper. The text is dense and covers most of the page. There are some red markings at the top left, possibly indicating a date or reference number.

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Image 2: Letter from Sheik Ramthumiah's Father, Sheik Alli Said.

We have to use a measure of corn and every meal at home I am unable to provide the necessary food at home however hard I might labour we would be glad to get a little help from you I am forced to seek this help from you. Your younger brother Khader Hoosain left house and staying with one Ali Hoosain at Gani Uncle's house. You are always in my mind. The closing of foreign mails being irregular in this part of the country delays our letters considerably but we get your letters in time.

I do not think I would live to see you when you return after your completing your time with your present mistress. I am anxiously looking forward to your return. If you wish to open a store here you should have sufficient capital to make it profitable.

I am sending you vegetable seeds, let me know you have received these or not. Nothing more to say.

Accept blessings

Your able father

Sheik Alli Said⁴⁸

Besides the richness of description that this letter provides, perhaps one of the most pertinent points that it raises, is that of the nature of work in relation to the behaviour of indentured and enslaved people across the globe. His father writes “you wrote also that you have not hard work to do but to attend watering gardens and were happy.”⁴⁹ For Ramthumiah, the letter represented a reminder of the world that he had left behind and to which he longed to return, but for the colonial state it was used as evidence in proving his motive for killing his mistress. The underlined sentence contains that motive, but besides implicating Ramthumiah it also points us toward the capricious nature of relationships between masters/mistresses and servants. From the cases of Madho and Durga, Tula and Janki, it is strikingly clear that their protests against their masters and mistresses was not connected to their household tasks and responsibilities, but arose out of moments and acts of degradation and dehumanisation imposed upon them by their masters and mistresses. It was inexplicable to Ramthumiah's father that his

⁴⁸ PAR, AGO, I/1/322/276/1907, With reference to translation of an Indian letter, attached. 1907. Underlined in original.

⁴⁹ PAR, AGO, I/1/322/276/1907, With reference to translation of an Indian letter, attached. 1907. Underlined in original.

son's relationship with his mistress could have soured so suddenly, as Ramthumiah had given the impression that he did not have "hard work to do but to attend [to] watering gardens and [was] happy."⁵⁰ It was the stripping away of their personal freedom and individual liberties and the penetration of what little private space they possessed that caused these instances of insurgency.

During the court case, in an attempt to defend Ramthumiah's action, Mr Paton called David Vinden⁵¹ to the stand. Vinden was an interpreter at the Pietermaritzburg City Court and had been responsible for transcribing Ramthumiah's deposition the day of the altercation against Jessie. One of the things that Mr Paton tried to prove was that because Jessie was a Colonial Born Indian, she thought herself to be better than Ramthumiah. Mr Paton called Vinden to testify because of his long standing relationship with various Indians in the colony and his position as an interpreter which would have allowed him the opportunity to develop an understanding of the relationships and differing attitudes of Indians in the Colony. In the cross-examination, Vinden stated: "I have noticed a vast difference in the general attitude of a Colonial Indian towards an indentured Indian when working side by side. It takes a long time to get on well. The Colonial Indian thinks he is a great deal better than the indentured man and has very little respect. If the Colonial Born is given the opportunity, they lord it over the indentured."⁵² From his responses in court, Ramthumiah believed that Jessie had a very low opinion of him and that she was in fact a great annoyance and would constantly complain to their mistress about him. While he did admit to wounding Jessie, he could not remember what had happened after that.

I lit the fire in the kitchen. Then I took some hot water to Mr Bird who was boarding with Mrs MacDonald at 6.30 and another can to Mrs MacDonald. After taking the bath water I attended

⁵⁰ PAR, AGO, I/1/322/276/1907, With reference to translation of an Indian letter, attached. 1907. Underlined in original.

⁵¹ For a further discussion on David Vinden, see P. Badassy. 'Chapter Two: David Vinden (1859-1919),' in 'Turbans and Top Hats: Indian Interpreters in the Colony of Natal, 1880-1910.' Thesis (BSocSc-Honours – History), University of Natal, 2002.

⁵² PAR, RSC, 1/1/98/23/1907, Supreme Court criminal cases. Rex versus Ramthumiah and Vellappa Gounden. Charged with murder, 1907.

to the table in the diningroom for breakfast. There were not enough knives for the table and I went for some, and I saw Jessie at the stove. She was cooking porridge. While I was collecting the knives one of them fell down, and Jessie said "You are destroying all my mistress' property, and I will complain against you." I said, "I did not do it purposely, it slipped down from the table, if you like to complain you can." She was annoyed at my remark. While she was stirring the porridge at the fire she had her back turned to me. She turned around and gave me a kick on my posterior and said "I will go and complain to the mistress." I was very much enraged and gave her a blow. As soon as she received the blow she screamed, and I turned around and saw some blood on her and I was dazed. I do not know what I did. I came out of the kitchen. I went into the kitchen again and found Jessie was not there. I do not know what I did afterwards, I was afraid.⁵³

Using Ramthumiah's statement as a point of leverage, Mr Paton pushed his defence further by trying to prove with the help of Dr Ward and Herbert Wynne Cole, that Ramthumiah had in fact exhibited a short-lived moment of homicidal mania and temporary insanity. Dr Ward the District Surgeon for Pietermaritzburg, who did not "like Indian servants well enough" and was of the opinion that Indians were 'more excitable and have less power of self control than Europeans,' had kept Ramthumiah under his strict supervision for a period of two weeks leading up the court case.⁵⁴ During this time, Dr Ward could not find any signs of insanity and found that this case could not be attributed to that of homicidal mania since there was nothing that indicated the 'mental deficiency' of Ramthumiah. Mr Paton then tried to convince the jury that it could have been possible that Ramthumiah had for a moment on that morning, lost his sense of self-control, thereby committing the acts of assault by calling Mr Wynne Cole to the stand. During 1907, Wynne Cole had worked for the Criminal Investigation Department but later that year moved to the Indian Immigration Department.⁵⁵ Furthermore, he had spent some time in India and Mr Paton was interested in his knowledge of the Indian 'character' and of Indians 'running amok.' When asked about some of the cases that he had seen, Wynne Cole said:

⁵³ PAR, RSC, 1/1/98/23/1907, Supreme Court criminal cases. Rex versus Ramthumiah and Vellappa Gounden. Charged with murder, 1907.

⁵⁴ PAR, RSC, 1/1/98/23/1907, Supreme Court Criminal Cases. Rex versus Ramthumiah and Vellappa Gounden. Charged with murder, 1907.

⁵⁵ PAR, II, 1/154/I2151/1907, Chief Commissioner of Police, Pietermaritzburg:- Transfer of Detective Wynne Cole From Criminal Investigation Department to Indian Immigration Department, 1907.

I remember one case of a man who ran amok in the bazaar at Madras. An Indian, after having what is called run amok, if he once draws blood seems to have the feeling that a wild animal does to want to go on. I have seen that occur. Because he does not stop at the first person whom he has assaulted. He will generally assault anybody who comes in his path.

However, Mr Bigby, the attorney for the Crown, presented an excellent closing statement to the jury that invalidated all of Mr Paton's attempts at proving that it was homicidal mania. The first point Mr Bigby's raised concerned the question of motive. He argued that in order for this act to be reduced to manslaughter and homicidal mania, the crime would have had to have been committed without a motive, while in this case there was clear evidence that Ramthumiah was vengeful towards both Mrs MacDonald and Jessie. According to Ramthumiah, Mrs MacDonald had ill-treated him and wrongfully taken him to goal to be charged with assaulting Jessie. Secondly, Mr Bigby argued that Ramthumiah would have to have shown signs of insanity, and that there should have been some history of insanity in his family, for instance "an uncle who suffered from epilepsy," or an aunt who had been admitted to an asylum.⁵⁶ But Dr Ward had found none of these in his observations. Mr Bigby's third and most important point which seemed to have successfully convinced the jury related to the weapon of choice and how this choice was an indication of intent. He argued that if Ramthumiah had chosen to assault Jessie with a broom, then it would be possible to assume that he had not intended to murder per se, but since his choice of weapon was a knife, there was no doubt that his intention was to cause the death of Jessie and Mrs MacDonald. My Bigby ended his summation by pointing out to the jury, that if Ramthumiah had no intention of killing Mrs MacDonald on the 10th of May; he also would not have stabbed her three times. On the 22nd of August at 12.40pm, the court case came to an end and the jury retired to consider their verdict. At 12.45pm they returned and with a unanimous verdict found Ramthumiah guilty of "wilful murder."⁵⁷

One of the key elements in this analysis of why these domestic workers committed these acts of aggressive and physical assault is the question of motive. Part of the understanding lends

⁵⁶ PAR, RSC, 1/1/98/23/1907, Supreme Court Criminal Cases. Rex versus Ramthumiah and Vellappa Gounden. Charged with murder, 1907.

⁵⁷ PAR, RSC, 1/1/98/23/1907, Supreme Court Criminal Cases. Rex versus Ramthumiah and Vellappa Gounden. Charged with murder, 1907.

itself to the psychological degradation and dehumanisation of the individual's body and most importantly the sense of humanness that allows for the outburst of the violent reactions. In Madho's case it is apparent that his attack on his mistress was firstly as a result of her striking him and secondly, because one of the sons of his master and mistress showed cheeky disrespect towards him and he felt that because of his age they had no right to reprimand him. However, what does seep through the holes in the court transcription is that it is quite possible that the interaction between the children and Madho was of a playful nature. If this were an accepted scenario, then Mrs Tuner had no just cause to sjambok Madho, which may have further enraged him and caused him to react in the manner in which he did. As with most slave/colonial settler societies, the relationship between the mistress/memsahib and the male servant/slave is one that has not only been highly theorised and also one that has emphasized hierarchies, imbalances, fears and misconceptions within colonial settler societies. The work of Jeremy Martens and Robert Morrell focusing on gender and masculinity in Natal show how irrational fears and concerns about the native man exhibited by colonial men further entrenched notions of superiority among White women.⁵⁸ Furthermore, the colonial state's interventions in this context invariably occurred with the intent of legitimising British rule in the colony and the system of Indenture.⁵⁹

The formation and execution of violence and violent attacks have been widely written and theorised about, especially within the context of the master-servant relationship. Allen Feldman proposes in his study of political violence that within the domain of a particular act of violence the body becomes reconstructed as a political agent. It is through specific methods of repression that essential ideas about resistance emerge. He further argues that it is through the agency of the body that understanding, the formation, transformation, and reproduction of violence can be determined and disaggregated. Feldman states emphatically that violence itself creates meanings and awareness, redefines subjectivities and positions of subservience, and repositions

⁵⁸ See for instance, Jeremy C. Martens. "Settler Homes, Manhood and 'Houseboys': an Analysis of Natal's Rape Scare of 1886," in *Journal of Southern African Studies*, 28:2, June 2002, 379-400, and Robert Morrell. 'Of Boys and Men: Masculinity and Gender in Southern African Studies,' in *Journal of Southern African Studies*, 24:4, December 1998, 605-631.

⁵⁹ For more on this see Durba Ghosh. 'Household Crimes and Domestic Order: Keeping the Peace in Colonial Calcutta, c.1770-c.1840,' in *Modern Asian Studies*, 38:2, 2004, 599-623.

bodies and individuals.⁶⁰ It is quite evident from the various depositions presented here, against Mr Turner and other colonial settlers that the body became the vehicle through which forms of both resistance and repression were exercised. Much of Feldman's analysis on the uses and meanings of violence revolves around the anthropology of the body. In both Madho and Vellappa's cases, it was through some form of degradation to their bodies and their individual embodiment of masculinity that the physical assaults against their mistresses were produced. In his closing statement to the Jury, Madho empathically stated that one of the reasons he struck Mrs Turner back was that she had struck him first. He also added that if she wished for him to do something she should "command" him to do it and also to "be careful and be mindful that [he is] a man and [she is] a woman. [She] ought not to strike [him]."⁶¹ This remark is highly indicative of the role of gender in shaping acts of violence. These acts were evidently not instrumental but ideological, imbued with symbolic significance and "possessing [their] own performative autonomy"⁶²

In *The Wretched of the Earth*, Fanon argues that "violence is a cleansing force. It frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect."⁶³ It was at that exact moment of assault that their sense of self-respect was restored and in the cases of Madho and Vellappa, it was these injuries that fuelled the violence of these men.⁶⁴ Violence, as Mamdani argues was integral to the imperial project as "violence was central to producing and sustaining the relationship between the settler and the native."⁶⁵ The significance of coercion and violence as manifested by the administrative order and enforced by the colonial state contributed to the entrenchment of the dialectical language of

⁶⁰ Allen Feldman. *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland*. (Chicago: University of Chicago Press, 1991).

⁶¹ PAR, RSC, 1/1/86/43/1905, Supreme Court Criminal Cases. Rex Versus Madho. Charged with assault with intent to commit murder, 1905. Madho's closing statement to the Jury.

⁶² Feldman. *Formations of Violence*, 21.

⁶³ Frantz Fanon. *The Wretched of the Earth*. (London: Penguin Books, 1967), 74.

⁶⁴ Mahmood Mamdani. *Good Muslim, Bad Muslim: America, the Cold War and the Roots of Terror*. (New York: Pantheon Books, 2004), 10.

⁶⁵ Mamdani. *Good Muslim, Bad Muslim*, 9. See also Vijay Naidu. *The Violence of Indenture in Fiji*. (Fiji: Fiji Institute of Applied Studies, 2004), Preface-vii.

force. Fanon evinces the argument that colonialists came to understand that the only language the native understood is that of force and therefore decided to “give utterance by force.” In turn, the ‘native’ came to absorb and comprehend that the behaviour exhibited by his/her master/mistress points to the realisation that the “colonialist understands nothing but force.”⁶⁶ The men presented here in this paper can be identified as the poster men for Fanon’s most pertinent statement: that “the colonized man liberates himself in and through violence.”⁶⁷

c o n c l u s i o n

The crimes committed by Indian domestic servants that this paper has analysed were borne out of feelings of revenge, hatred, despair, misery and anguish. This paper endeavoured to understand the colonial domestic space as a locus of the tensions between the master/mistress and servant. It has also attempted to show that these tensions, contrary to established theories on indenture, had very little to do with the actual labour and physical work which these individuals were required to perform. While it is necessary to investigate the dirty and often unpleasant nature of domestic work, this aspect was largely inconsequential to the incidents of poisoning and physical and sexual assaults explored here. The motivation for these crimes was not the product of discontentment with labour but rather a result of the strained relationships between masters/mistresses and servants and the erosion of their personal freedom and space. It was these – the axing of the drums, the burning of blankets, the denial of passes, the restriction of movement, the unclean boots, the slap on the face, the moving of vases, the dismal sleeping quarters, the shortage of food rations, wage cuts, and night soil buckets – that fostered feelings of disrespect, humiliation and dehumanisation that these servants harboured.

In using the home as a pivot for analysing mistress/master-servant relationships in the Colony, it has been possible to look at the lives of Indian domestic servants and their White masters and mistresses and to show how this relationship was marked by a number of mediating

⁶⁶ Fanon. *The Wretched of the Earth*, 66.

⁶⁷ Fanon. *The Wretched of the Earth*, 68.

layers that shaped the reactions of individuals to the fissures that were characteristic of the mundane and often violent nature of the domestic space. Moreover, the terrain on which these relationships played themselves out powerfully determined the ways in which the crimes were enacted and their initiation.

The problematics of indenture and the political status of Indian labourers in the Empire were also key ingredients in the construction of servant-settler relationships, in that their shifting identities as subjects and immigrants often meant that, though they were tried as colonial citizens in criminal procedures, they could not enjoy the rights that citizenship entailed. They remained subjects of Empire. The cases presented here of Madho and Ramthumiah have helped elucidate the many aspects of this colonial conundrum. More importantly, the forms of punishment and violence meted out in the domestic space provide important evidence about colonial conceptions of justice and discipline, the way colonial society actually worked in its most private spaces and the contradictions and tensions that emerged here.⁶⁸ Moreover the study also shows how inequity, powerlessness, and subjugation generated feelings of animosity and hatred among Indian domestic servants towards their masters and mistresses.

These crimes have been identified as representing individual acts of resistance; which in their moments of execution exhibited the impulse towards vengeance and in some cases – escape – from the circumstances of their lives. For the accused, that moment was rooted in a deep desire to retaliate against the humiliation and degradation which was so much a part of their everyday existence. This was the liberatory aspect imbued in these crimes. But as Gyan Prakash has stated in the context of the Indian subaltern, ‘the moment of rebellion always contains within it the moment of failure.’⁶⁹ Because of the wider social and political framework in which these individual crimes of resistance occurred, and the inherently oppressive systems in place at the time, they had no hope of succeeding.

⁶⁸ For more on this, see Stephen Peté and Annie Devenish. ‘Flogging, Fear and Food: Punishment and Race in Colonial Natal,’ in *Journal of Southern African Studies*, 31:1, March 2005, 3-21.

⁶⁹ Prakash. ‘Subaltern Studies as Postcolonial Criticism’, 1480.

Genovese has argued that it did not matter how many cases of murder there were by slaves against their masters and mistresses, because just one case was enough to arrest the attention of the authorities, newspapers and the wider society. The moral economy of the domestic space within the structures of colonial society provided the perfect incubation from which these intertwining reactions could emerge. The proximity and intimacy within the colonial home in Natal, allowed for the nurturing of close bonds between settler families and their servants, but at the same time it also spawned feelings of contempt and resentment. Perhaps Genovese captures this best: “if closeness bred affection and warmth, it also bred hatred and violence; often it bred all at once, according to circumstances, moods, and momentary passions.”⁷⁰

⁷⁰ Eugene Genovese. *Roll, Jordan, Roll: the World That Slaves Made*. (United States: Vintage Press, 1976), 361.