

Migrant labourers as British protected persons

The Gilbertese experience, 1892–1908

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Abstract

The process of labour migration, especially through indenture, was essential to the operation of European enterprises in various parts of the Pacific in the nineteenth and early twentieth centuries. Treatment and conditions of labourers varied considerably but not for nothing was indenture sometimes called the 'penal contract system'. This paper looks particularly at the nature of the 'protection' offered by colonial (especially British) powers as they groped to understand just what they meant by a 'protectorate'. Seeking to understand the contrary British protection of Gilbertese labourers in German Samoa and the lack of institutional protection for Gilbertese labourers in Central America, the paper highlights the importance of the personal roles of individual actors in the colonial project whose efforts served to ameliorate somewhat the sad tale of this small group of inadequately protected 'protected persons'.

Keywords

indentured labour; protectorates; Gilbertese labour; Kiribati

over us when they leave the limits of the protectorate'.¹ The following year, 98 Gilbertese were recruited for German plantations in Samoa under a special arrangement with the British. On this occasion, however, the British used the fact of protected person status to place the Gilbertese under the protective oversight of the local British Consul—and this despite their having left the limits of the Gilbert Islands Protectorate. This paper attempts to untangle the conundrum of why the two groups of Gilbertese labourers received such contrary treatment from Britain as the so-called protecting power.

The Gilbert Islands Protectorate

The Gilbert Islands were an important labour reserve from the 1860s. The main impetus to emigration was not the 'pull' of plantation life, which at best was difficult and dangerous as well as requiring years of separation from one's home culture, but the 'push' of hardship and suffering. The southern Gilbert Islands in particular are a harsh and uncompromising environment, punctuated by severe and prolonged droughts. The only means of escaping the hazards of drought, from the 1860s, was to enlist on labour recruiting vessels for the expanding plantation systems of Fiji, Tahiti and Samoa. Return labour migration became part of Gilbertese life, and the question of continued labour from that source for German plantations in Samoa was crucial to the declaration of a British protectorate in 1892 (Macdonald 1982: 54–63).

The origin of that declaration lay in the 1886 convention by which Britain and Germany agreed to carve the Western Pacific into respective spheres of interest. The Gilbert Islands lay within the British sphere. As one historian has wryly noted, the two powers responded to their agreement quite differently: whereas Germany regarded the accord as a route to annexation of the islands falling in its part without provoking British objection, Britain saw it as a device by which she could ignore her side without fear of German intrusion (Porter 1984: 105). As the British themselves conceded, Germany 'religiously confined herself' to her part of the divide.² But the presence of other metropolitan interests in the Western Pacific, who were not obliged to observe the 1886 agreement, created pressures that forced Britain to adopt a more positive role within her sphere of interest.

But what sort of protectorate did the British have in mind? In British colonial thinking, a protectorate was an evolving form, originating out of the Foreign Jurisdiction Act of 1843, which gave Britain influence without the trouble and expense of outright annexation. By the 1880s, the protectorate had emerged as a clearly defined species of empire but one in which jurisdiction did not extend to non-Britons, and to 'natives' only by treaty (Roberts-Wray 1966: 47–53, 112–6; Johnston 1973: *passim*; and on the ill-defined nature of British protectorates, McIntyre 1967: 364–8). That was not good enough for (later Sir) John Bates Thurston, the High Commissioner for the Western Pacific, based in Fiji. As the person ultimately responsible for the administration of the Gilberts, he warned that the proposed new protectorate would be 'beset with difficulties in consequence of an inability to enforce its authority over natives and foreign residents alike'. He proposed outright annexation instead and gave details on the likely expense and various schemes for administering the new protectorate.⁵

The Colonial Office could see Thurston's point, given the recent example of British New Guinea, where an ungovernable protectorate was turned into a colony, in 1888, precisely to overcome lack of jurisdiction over foreigners and 'natives' (Mayo 1975: 68–9). But New Guinea turned out to be an 'oddity of empire' in that it was never intended to establish a precedent. Indeed, when Britain added to its Pacific empire in the early 1890s by the incorporation of Gilbert, Ellice and Solomon Islands, all three island groups became protectorates rather than colonies, despite the Colonial Office, the Foreign Office and even the Law Office's recognition of the practical need to widen the powers of protection (Newbury 1973: 80–3). But the timing was premature for such a daring initiative and what settled the matter was the defeat of Salisbury's conservative government. Lord Ripon, the new Secretary of State for Colonies in the recently elected Liberal government, was opposed to annexation 'even on the smallest scale' and had no hesitation in quashing Thurston's recommendation.⁶ In practice, however, the old concept of protectorate would no longer do. The problem was twofold: how to devise a means by which the new protectorates could be effectively administered, which essentially meant extending jurisdiction over foreigners, while at the same time overcoming objections to annexation. The obvious solution was to abandon the idea that

and pointed to the 'want of reciprocity' shown by Germany in closing its own territory to foreign recruiters while at the same time 'claiming the privilege of obtaining labour from a British protectorate'. They also developed a sudden awareness that the establishment of a protectorate carried certain obligations 'on the part of the protecting power in respect of the inhabitants, which cannot be disregarded'. On a more practical note, Thurston had reported that so many labourers had been recruited that the business should be banned until at least the end of the year and, if recommenced, should be permitted only to places where a British Consul could exercise an oversight. The Colonial Office had no difficulty in cultivating a moral obligation to 'discourage if not altogether prohibit recruiting by German vessels in the British sphere of influence'.⁸ But the Foreign Office was hardly going to allow the matter of a few Gilbertese labourers to prejudice policy towards Germany, and the British Consul in Samoa was informed that Britain had no intention of interfering with German recruiting in the Gilberts. The German Ambassador in London was also notified, the clear implication being that a decision favourable to the DHPG would be finalised once Thurston had visited the Gilbert Islands and advised.⁹

The Germans barely had time to indulge their satisfaction at what seemed an advantageous outcome. Instead, Thurston set out systematically to nullify the German position and to embarrass them as much as he could. He concluded from his visit to the Gilberts that there was no need after all to suppress the labour traffic because the population was increasing. All the same, it would be necessary to impose certain restrictions on recruiters, and he obtained the agreement of local chiefs that the business be regulated by his own office. Specifically, he recommended that Gilbertese labourers, whether or not employed by British subjects, be paid, fed and treated according to detailed standards and, more importantly, that in the case of Samoa their employment be under the control of the British Consulate in Apia. Labourers were free to complain to the British Consul and to be represented by him in any legal proceeding involving their employer; and the Consul in turn should be free to inspect the places of employment to ensure that the agreement was being observed. The labourers would not be amenable to the German Consular Court or to company discipline as before: their only punishment, apart from cancelling their contracts and repatriating them, was deductions from wages.¹⁰

Gilbertese in Central America

Three shiploads of Gilbertese left for Central America. In 1890, the *Helen W. Almy* recruited some 300 for southern Mexico.¹³ The following year the *Tabiti* recruited a further 300 adults and 100 children, but they never reached their destination in Guatemala; the vessel sank off the south Mexican coast with the loss of all lives on board.¹⁴ Undeterred, the Guatemalan coffee planters outfitted another vessel, the *Montserrat*, in 1892, and a further 404 adults and 71 children enlisted, glad to get away from the drought.

The *Montserrat* received the unwelcome attention of Captain E.H.M Davis of HMS *Royalist*, who was in the group to declare the British protectorate. Davis, an interventionist-minded sailor, warned that he would tolerate no irregularities and made it clear that he entirely disapproved of the *Montserrat's* mission; only a lack of enabling instructions prevented him from halting it altogether. His interest caused considerable discomfiture to both recruiter and captain, neither of whom appreciated his initiatives (Inkersly & Brommage 1894: 572). Throughout June and July Davis kept an eye on the recruiters. He forced the *Montserrat* to submit to inspection and boarded the vessel to satisfy himself that the recruits understood what they were doing, were leaving of their own free will, and had no complaints about arrangements on board. He was assured through interpreters on all counts. Davis 'took such precautions as I deemed fit for the protection of [the] natives' and warned the local rulers that Britain could do nothing for the workers once they had left the jurisdiction of the Empire. At the same time, Davis cautioned at least one of the European traders engaged by the *Montserrat* that 'any infringement of the Pacific Islanders Protection Acts of 1872 & 1875 would render him liable to be tried for a felony, for each offence committed'. He also obtained a copy of the employment contract and a bond of £6 per head for the return of each recruit at the end of the term of engagement. Remembering the *Tabiti*, Davis also stipulated that the bond would be forfeited in the event of shipwreck or death by drowning.¹⁵

On the coffee plantations the Gilbertese generally received reasonable treatment, at least by Guatemala standards. The problem was a high mortality rate. Not only did the Gilbertese lack resistance to unfamiliar infections (see generally Shlomowitz 1996: *passim*), but the coastal piedmont of Guatemala

before the declaration of the protectorate. '[T]hese men are not British subjects,' insisted the Colonial Office, 'and we have no claims on them, or they over us when they leave the limits of the protectorate'.²⁰ Yet later that same year the Colonial Office readily agreed to Thurston's proposal that the British protected person status of Gilbertese in Samoa be used to the hilt as a means of retaliation against the Germans for forcing the issue of privileged recruiting rights. But the Gilbertese in Central America, having no political usefulness, were left to fend for themselves, on the grounds that they had moved outside the limits of the protectorate.

Lacking alternatives, the Gilbertese nevertheless showed themselves intent on forcing what protection they could from the British. Faced with the local Minister's lack of interest in their fate and fearing treatment similar to that received by those who came on the *Helen W. Almy*, the *Montserrat* Gilbertese sought help from another quarter. One of the traders who accompanied them as an interpreter and overseer translated an appeal to the head of the Roman Catholic Mission in the Gilberts. In a moving letter, interspersed with a melancholy list of those who had died, they pleaded with the missionary to intercede on their behalf and 'end our slavery'. They still had a year to run on their contracts but they feared that their employers, too, would renege on the repatriation article.²¹ The letter took a year to work its way through the mails and the channels of British bureaucracy, but in October 1895, and while there yet remained some indecision as to the exact legal status of the Gilbertese vis-à-vis the British government, the acting Minister to Guatemala, J. Frederick Roberts, received instructions to investigate the situation. When Roberts attempted to check up on what was planned for the workers, he encountered resistance among the planters to complying with the repatriation article. Only by applying considerable pressure did he convince them to charter a repatriation vessel.²²

Eventually 203 adults and 25 children (or about 20 per cent of the approximately 1,200 Gilbertese recruited for Central America) together with three of the white traders who accompanied them from the outset, arrived back in the Gilberts in June 1896, ironically on board the *Helen W. Almy*. Even that small proportion would have been diminished had not one of the traders taken measures to prevent a yellow fever epidemic on the return voyage. On

When it became evident that because of the ill-defined and anomalous status of British protected persons the Foreign Office would not press the issue, Fleischmann decided to act on his own. Although Dufourcq continued to deny any wrongdoing and to protest the problems the Gilbertese caused him, he eventually agreed to sell to Fleischmann the debts of the workers who had re-contracted. In August 1896 Fleischmann paid a total of US\$383.40 for the debts of the eighteen adults and eight Gilbertese children, and Dufourcq signed an agreement in which he relinquished claims to the workers and, he believed, absolved himself of all obligations to them. But Fleischmann had neatly turned the tables: he had hired a lawyer to draw up the papers in such a way that they voided the second contract and reinstated the first, with its obligation for repatriation. The Gilbertese were now free to go and to work where they wished, and if they desired to proceed judicially against Dufourcq for repatriation, then he, Fleischmann, would assist them.²⁷ He must have been disappointed when apparently none did so. Faced with the Consul's *fait accompli*, the Foreign Office agreed to reimburse him from the funds of the Gilbert Islands Protectorate.²⁸ Dufourcq's Gilbertese now went and joined their fellows on Barillas's property 'La Libertad'.

The Gilbertese receded from view, only to resurface a dozen years later. In January 1906, ex-overseer and trader and now government collector of revenue in the Gilbert Islands Protectorate, G.M. Murdoch, received a letter from Guatemala. It was from 28 of the remaining Gilbertese; they outlined their woes and begged that arrangements be made for their return.²⁹ The Resident Commissioner recommended granting the request for repatriation and suggested recovering the costs from the Islanders on their return.³⁰ What had become of the £6 per head bond extracted in 1892 by Captain Davis of HMS *Royalist* was not clear, and efforts to resolve this point came to nothing.³¹ Consul Fleischmann, still in Quezaltenango and one of the few European participants in the original episode still alive, explained that in the intervening years he had kept in touch with the Gilbertese. He related what had happened since their compatriots left a decade before. General Barillas lost 'La Libertad' to German creditors in the world coffee crash of 1898, and most of the Gilbertese moved to work on another of his properties, 'San Antonio', on the slopes of the Santa Maria volcano. In 1902 a violent eruption of Santa Maria

Samoa, who may well have been recruited *prior* to the establishment of a British protectorate in their own islands.

All the same, one should avoid regarding Thurston's inconsistencies too much in terms of moral absolutes. Thurston was unquestionably eager to grasp any opportunity to frustrate the Germans, but he did have a history of solicitude for Pacific Islander plantation workers. At that time, labour was regarded as an impersonal asset and access to labour supplies was a frequent bargaining point in diplomatic negotiations between the Great Powers (Newbury 1980; Munro & Firth 1990). Thurston's thinking went beyond such imperatives and he often went to considerable lengths to stamp out abuses and alleviate the sufferings of labourers. His comparative lack of concern for, or sympathy with, Indian labourers in Fiji is less commendable. He was certainly handicapped by his colony's financial dependence on the success of a dominant plantation company. This left him with little leverage in improving the conditions of the Indian plantation workers. But neither was he inclined to be solicitous and, in fact, he presided over a progressive tightening of the labour laws in the planters' favour (Gillion 1962: 83–5, 87–9).

The Colonial Office was also inconsistent and minimalist towards the Gilbertese in Central America. Once reconciled to the inevitability of a Gilbert Islands Protectorate, the Colonial Office was anxious to impose a greater degree of jurisdiction and to move towards the concept of a colonial protectorate that more approximated a colony than a conventional British protectorate with all its constraints on the administering power.³⁵ The Colonial Office, moreover, supported Thurston's initiatives in Samoa. But when it came to Gilbertese in Central America, there were no political stakes to defend and more pressing exigencies elsewhere, so the Gilbertese were left to fend for themselves on the grounds that they had left the limits of the protectorate and thereby lost or moved out of protected person status and/or that they had been recruited before the declaration of the protectorate.³⁶ In fact many of the *Montserrat* contingent were recruited slightly after the declaration of the protectorate in May 1892. But as there was no political capital—only nuisance value—to be derived from the Gilbertese in Central America, the Colonial Office, too, took the line of least resistance. In fairness, the question as to which Islanders qualified as British subjects at a time when the theory of protectorates

Samoa, the fruits of protection followed. Otherwise, the status of protected person carried little or no protection, as the Gilbertese recruited to Central America painfully discovered.

Notes

We are grateful to an anonymous referee whose comments sharpened some of our arguments. Our terminology (Gilbert Islands, Gilbertese) follows contemporary usage. In 1979, the former Gilbert Islands adopted, with their independence, the name Kiribati (the transliteration of Gilberts) and the Gilbertese people are now referred to as I-Kiribati. To use these terms when referring to the 1890s is anachronistic and we have preferred the contemporary usage.

1 Mercer to Bramston, minute, 2 Feb 1893, in Records of the British Colonial Office, Series 225, volume 44, despatch 1818, Public Record Office, Kew (hereafter abbreviated thus: CO 225/44/1818).

2 Fuller to Bramston, in CO to FO, 6 July 1891, CO 225/37/13791.

3 Fuller to Bramston, 10 July 1891, CO 225/37/13791; minute of 24 Oct 1891, in FO to CO, strictly confidential, 23 Oct 1891, CO 225/37/20920.

4 Admiralty to Ripon, 5 Jan 1891, CO 225/40/356; FO to CO, 8 Jan 1892, and minutes, CO 225/41/457.

5 Thurston to Knutsford, 31 Aug 1892, CO 225/38/21892. Actually, Thurston had anticipated these very problems three years earlier. Thurston to Knutsford, 3 May 1889, CO 225/30/12656.

6 Thompson 1980: 145 (for the quotation); Fuller, minute, 7 Dec 1892, in Thurston to Ripon, 4 Oct 1892, CO 225/39/23076.

7 See enclosures and minutes in CO 225/231/13870; CO 225/23/21435; CO 225/27/12683; CO 225/27/14514.

8 Enclosures and minutes in Thurston to Ripon, 6 Jan 1893, CO 225/41/21335; FO to CO, 20 March 1893, CO 225/44/4661; CO to FO, 20 March 1893, draft, CO 225/44/5780.

9 Rosebury to Hatzfeldt, 20 April 1893, enclosed in Hatzfeldt to Caprivi, 22 April 1893, Records of the Reichskolonialamt, volume 2316, page 163, Deutsches Zentralarchiv, Potsdam (hereafter abbreviated thus: RKA 2316: 165).

10 Thurston to Ripon, 5 Sept 1893, CO 225/42/19620; Thurston, 'Gilbert and Ellice Islands Journal, 1893', National Archives of Fiji. A copy of the conditions of employment is in CO 225/51/5257.

11 DHPG to Prussian Embassy, 12 Jan 1894, enclosed in Bulow to Caprivi, 16 Jan 1894, RKA 2317: 5–7; Biermann to Caprivi, 8 Mar 1894, RKA 3217: 24–26.

- 29 Ten Teotiraoui to Murdoch, 26 Sept 1905, enclose in CO 225/72/22442.
- 30 Ten Teotiraoui to Murdoch, 9 Oct 1906 (translation), Murdoch to Campbell, 27 Jan 1907, and Campbell to im Thurn, 14 Feb 1907, all enclosed in CO 225/72/22442, and in WPHC 4, 106/1906; Murdoch, 'Remark on Dispatches re Repatriation of Gilbert Islanders in Guatemala', 25 Aug 1907, copy, enclosed in WPHC 4, 106/1906
- 31 Hervey to Gray, enclosed in CO 225/74/40235.
- 32 Fleischmann to Hervey, 25 Aug 1906, encl in CO 225/74/40235; Fleischmann to Gray, 6 Aug 1907, copy, enclosed in CO 225/83/35104.
- 33 Hervey to Gray, 3 Oct 1906, enclosed in CO 225/74/40235; Fleischmann to Gray, 6 Aug 1907, copy, enclosed in CO 225/83/35014; FO to CO and enclosures, 2 Nov 1908, CO 225/83/40208; receipt to Hugo Fleischmann, 15 June 1908, and 'List of Polynesians who will be repatriated, leaving Champerico (Rep. Guatemala) on June 21, 1907', both enclosed in WPHC 4, 106/1906.
- 34 Thurston to Chamberlain, 7 Aug 1896, CO 225/50/19587.
- 35 The willingness to establish an 'absolute jurisdiction' over the Gilbert Islands clearly emerges in the correspondence in CO 225/39/23076.
- 36 e.g. Mercer to Bramston minute of 9 Sept 1893, in CO 225/44/15473; minute of 10 March 1894, enclosed in CO 225/46/6079.
- 37 e.g. Thurston to Ripon, 1 Oct 1892, and enclosures, CO 225/39/23072.

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