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## NAVIGATING RACE AND NATIONAL IDENTITY FOR ANGLO-INDIANS IN THE STRUGGLE FOR RIGHTS AND RECOGNITION IN COLONIAL CALCUTTA, 1821-1830

Brent Howitt Otto

### INTRODUCTION

In the Spring of 1830, after over a month's sea voyage from Calcutta and several months' wait in London, John William Ricketts, a confident man of swarthy complexion stood before the House of Lords and the House of Commons. He was there to present a petition to Parliament from the growing mixed race community of European and Indian parentage, begging redress for the discrimination they suffered under the rule of the East India Company. The Petition opened thus,

As long as the victims of unmerited proscription are content to hug their chains and kiss the rod of their oppressors, they may be sure that their complaints will excite no compassion, and their wrongs continue unredressed. They are no means so sure of awakening commiseration, and of enlisting public sympathy in the cause of the innocent and the injured, as their personal appearance in an erect, manly attitude. In England, at least, the first proof required of a capacity for freedom, is an implacable resentment at its denial; and they who demand their rights with energy, courage and perseverance, may be sure of their ultimate acknowledgment. (Petition of the East Indians, 1829, p. 261-4)

For forty years the East India Company had imposed restrictions on people of mixed-race, closing many doors to their education and employment and calling into question their legal status as British subjects. The Parliamentarians heard his case. Most registered their sympathy, while others feared that offering legal recognition would create more problems, by normalizing an apparently exceptional category.

Substantial unity, organization, leadership and funding were required for this Petition to come about. It is surprising that a small community, geographically spread-out, marginalized, and generally poor on account of their proscribed state, could marshal

the manifold resources to go boldly over the head of the East India Company government and appeal directly to Parliament for the rights and protections proper to British citizens. Yet Calcutta, as a unique cosmopolitan colonial crossroads, was a site where such a project could come about. Still marginal in numbers and marginalized within the social and legal structures of the East India Company Raj, the mixed race community, which later came to be called Anglo-Indian,<sup>1</sup> had to establish its worthiness of recognition and rights through employing arguments that would be found persuasive to the sentiments of Englishmen and Parliamentarians.

The following poem, published in the *Oriental Herald* in 1827, provides an insight into how some Anglo-Indians had come to characterise themselves in the years before the Petition with respect to Britain, the nation of their fathers, and India, the land of their mothers.<sup>2</sup>

#### The Eurasian Anthem

*When Britain, from the azure sea  
First rose, the Land of Liberty,  
This was her great commission:  
'Go forth to India's distant strand.  
Subdue and civilize the land.  
And better her condition.*

*And when thou art established there,  
Grant her thy laws, dispense them fair,  
And bless the sable nation;  
To all and each extend thy grace.  
But chiefly to an unborn race,  
That shall be called Eurasian.*

*Allied to both the black and white,  
They shall both interests unite,*

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<sup>1</sup> The mixed race community—known throughout its history as “Half-Caste,” “East Indian,” “Eurasian,” “Indo-Briton,” and by other names, as discussed further on—in this paper will be called “Anglo-Indian.” Although the term “Anglo-Indian” in the 19<sup>th</sup> century and earlier referred only to Britons born in England but living in India, for the past century “Anglo-Indian” has been and remains the accepted legal name for the community of mixed-descent.

<sup>2</sup> Britain was not the paternal European ancestry of all Anglo-Indians, for they also traced French, Portuguese, Dutch, Irish and other European national ancestry. However, in the territory under the control of the British East India Company it was British nationality or subjecthood that was key to being afforded the rights and privileges Anglo-Indians had recently been denied. With respect to the claims they were making, their maternal ancestry was a liability, not an asset. And in all legal definitions of Anglo-Indians, both under British rule and thereafter, Anglo-Indians have been defined (in a gender-biased fashion) only by their paternal ancestry, with no reference to the maternal.

*And form the central props  
Of all thy future ample sway  
O'er this bright region of the day,  
This land of golden crops.*

*With haughty hearts, and souls of fire,  
To equal rights they shall aspire.  
And equal honours too;  
Nor should'st thou disallow their claim,  
For, recollecting whence they came,  
They shall demand their due!*

*Such was the great commission given  
To Britain, by the voice of heaven:  
Bear witness, church and state!  
Let her fulfil the high decree,  
Writ in the book of destiny.  
Th'unerring page of fate.*

*Nor let her more affect to scorn.  
But play us fair in India born,  
Nor the great work delay;  
For since we are her flesh and bone,  
Now let her make us all her own,  
And join us in her sway.*

*Thus let her prove that she is just,  
A faithful guardian to her trust,  
While every true Eurasian,  
Obliged by more than filial ties,  
The bulwark of her power shall raise  
Against each hostile nation.*

*All hail to Britain and her laws!  
Heaven prosper India and her cause.  
All hail to both the nations!  
As Britain, so let India be,  
A land of equal liberty,  
To Britons and Eurasians*

(A Subscriber, 1827, p. 17).<sup>3</sup>

<sup>3</sup> "A Subscriber," writing from Madras, presented this poem in the *Oriental Herald and Journal of General Literature* in April 1827, a colonial journal that was published, however, out of London. He states that the author was a blind Eurasian young man. Why this information was important enough to provide, while his name, place of residence, work or other circumstances apparently were not, leaves open quite a few questions as to the intentions and agency underlying the composition and publication of this work. At the least, it would seem that this poem purports to speak for more than the author himself, but rather that it claims to be the voice of the emerging "community" of mixed descent, indeed their "anthem." Due to the anonymity of "A Subscriber" we can only speculate whether Anglo-Indian leaders, organizers of the Petition perhaps, might have been involved. The poem then becomes something of a rallying cry to Eurasians to unite as one body, behind particular loyalties and

The man who penned these lines captures succinctly the challenge facing the mixed-race community to claim a place in a colonial world of classification and categorization that defied hybridity. He expresses a belief in Britain's providential appointment to bring the blessings of its laws to India, while imploring Britain to fulfill this mission with justice and fairness. Citing their English paternity and unquestionable loyalty and identification with the British, he claims that Eurasians should be considered British subjects and describes them as essential intermediaries between the British and Indians in the colonial project, the benefits of which were to accrue to both Britain and India. This poet's sentiments were commonly borne out in the writings of Anglo-Indians in the period leading up to the Petition's presentation to Parliament in the spring of 1830.

This paper will first sketch the marginal situation of Anglo-Indians in a colonial environment that presumed British superiority, particularly in terms of the crisis they faced in the early 19<sup>th</sup> century in employment, education and legal standing. Then it will examine the discourse about these challenges, drawing principally from the primary source record of journals and newspapers in Calcutta in the decade leading up to the Petition to Parliament in 1830. The discourse will reveal that in their quest for recognition and rights, Anglo-Indians deployed rhetoric that sometimes engaged and at other times rejected the underlying prejudices that lay at the root of their marginalization.

#### SOURING PROSPECTS: EDUCATION AND EMPLOYMENT RESTRICTIONS AND LEGAL LIMBO

An earlier era of official openness to mixed-race unions and their offspring was quickly coming to an end by the turn of the nineteenth century. The prospects of Anglo-Indians would change radically after a line of repressive rulings by the East India Company. In 1785 The Company Ruled that the "country-born" would no longer be permitted to travel to England for their education (Gist, 1973, p. 12). Later, in 1791, the employment of Anglo-Indians was banned in all of the covenanted and

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dispositions that are thought to serve their common interests; simultaneously it is making a case to the British Nation (Parliament, the East India Company, Britishers resident in India, etc.) as to the dignity and value of Eurasians to their imperial project.

military services of the Company (Stark, 1934, p. 19). And in the legal case of Reed vs. Baijnath Singh, an 1821 ruling of the Supreme Court of Calcutta, Anglo-Indians were deemed not to be British subjects unless they were born of a legitimate marriage (Stark, 1934, p. 37).

Scholars and Anglo-Indian leaders have blamed these proscriptions on several factors. As the mixed race community swelled in numbers, some Britishers, outsiders to the Indian scene in particular, became concerned with the potential that Anglo-Indians would combine with native Indians to rebel against the British. Sent with a mission to report to the Company's court of directors on the state of affairs in India, Viscount Valencia did all he could to raise this alarm in his writings. He refers to the *mulatto* rebellion in Haiti in 1791 and other unrest in Spanish America, fearing a similar outcome in India if Anglo-Indians were not kept in their place.

The most rapidly accumulating evil in Bengal is the increase of half-caste children. [...] In every country where this intermediate caste has been permitted to rise, it has ultimately tended to its ruin. Spanish-America and San Domingo are examples of this fact. [...] Although they are not permitted to hold offices under the Company, yet they act as clerks in almost every mercantile house; and many of them are annually sent to England to receive the benefits of an European education. With numbers in their favor, with a close relationship to the natives, and without an equal proportion of the pusillanimity and indolence which is natural to them, what may not in the future time be dreaded from them? (cited in Gist, 1973, p. 13)

Another, perhaps more immediate, contributing factor was that sons and other relatives of shareholders, government leaders, and the like, expected to obtain posts with the East India Company (Abel, 1988, p. 18). A large, well-educated Anglo-Indian population, undoubtedly more culturally and linguistically suited for Company posts than Britishers who lacked prior experience of India and were not conversant in any Indian languages, could threaten the assumed privilege of the British-born wealthy and politically influential.

This discrimination was not entirely racialized at the outset, as the restrictions were effectively applied to most "country-born," that is, anyone not born in Europe, although the vast majority of those affected were of mixed race. Still there were distinct beliefs held among Europeans that Indians were of inferior physical strength, lacked courage, and were generally of suspect morals. Christianity was seen as a

very important marker of moral superiority, as was British life-style and manners. Not only did mixed blood mark one as tainted in physical attributes or character, but so did the idea of being “country-born,” even if both parents were British. Merely the prolonged exposure to Indian culture could be seen as corrupting. The public discourse in the colonial press about the Anglo-Indian situation shows such ideas are quite clearly central.

In response to exclusionary policies that were put in place in the late 18<sup>th</sup> century, many Anglo-Indians had to seek different employment from that of their fathers. They could not be officers or soldiers in the military, covenanted officials of the Company, and few had access to sufficient education to advance in professional or intellectual ranks. Some Anglo-Indians found work in the private armies of Indian *maharajas*, a number of whom distinguished themselves for military prowess, such as Col. James Skinner, of the army of Scindia who was later called to serve in the Company’s army when fighting with the Marathas was most intense (Stark, 1934, p. 14). Others served as writers and clerks in commercial houses. The 1831 Calcutta Annual Register and Directory showed twice as many Anglo-Indians in clerical and administrative positions as Europeans. Yet only one third as many Anglo-Indians were in professional or commercial occupations as Europeans (Hawes, 1996, p. 49). Fewer Anglo-Indians made their way into secretarial posts for the Company, as had John William Ricketts, the delegate of the Anglo-Indians who presented the petition to Parliament. Fewer still entered teaching, like Henry Louis Vivian Derozio, the famed poet and scholar of the Hindu College. This left many unemployed as well as incapable of accessing the requisite education to improve their situation.

Disconnection from much of the Company’s employment also meant that Anglo-Indians fell into a legal no-man’s-land under the prevailing regime. Law was applied based on place of birth, parentage and religion. Within the Presidency of Calcutta, British law ruled. But in the *mofussil*, the outlying territories ostensibly part of the declining Mughal Empire, Muslim law was upheld. And personal law (covering marriages, inheritance and the like), unlike criminal and civil law, was adjudicated based on one’s religion. Anglo-Indians could be considered native Indians by the place of their birth or British by their Christian faith and the citizenship of their forefathers. This ambiguity was baffling to authorities and frustrating to Anglo-

Indians, since it was difficult to say how and which laws were to apply in any given situation.

## RESPONDING TO PROSCRIPTION: CONTROVERSIES, DISCOURSE AND ORGANIZING

Calcutta's cultural and intellectual ferment, a vibrant press, and the presence of prominent Anglo-Indians connected to fields not often occupied by others of their Community, provided fertile ground for a robust Anglo-Indian resistance to the disabilities they faced. The periodical record shows a lively discourse about these disabilities, in which Anglo-Indians and non-Anglo-Indians alike decried the injustice and debated various means of redress. The arguments employed are innovative in that they try to challenge the cultural and racial prejudices used against Anglo-Indians, yet they stop short of rejecting these prejudices altogether, for if they had it would have been difficult to claim a distinct and higher social position for Anglo-Indians with respect to Indians. That social distinction had to hold, since Anglo-Indians wished to claim that they should receive equal treatment under the Law as the British in India.

### *Anglo-Indian Military Service*

Although Anglo-Indians had been almost entirely excluded from the military of the East India Company since 1791, there was a remarkable amount of support for their readmission to the ranks from British officers and soldiers. In Calcutta periodicals, correspondents wrote letters to show their support, outline their reasons and propose various schemes. They invoke and respond to some of the fears that caused Anglo-Indians to be excluded in the first place; and some make use of racist perspectives on the superiority of Europeans over Indians, in an attempt to associate Anglo-Indians physically, mentally and morally with the British and to distance them from Indians.

Writing to the *Calcutta Journal*, a British soldier shows sympathy for Anglo-Indians and urges a change in governmental policy towards them.

I beg through the medium of your journal to advocate the cause of a race of beings dwelling among ourselves, who, if properly taken care

of, would be of much more service to the State than any body of Arabs or Seedees we could procure. I allude to the Country-borns or as they are now termed EAST INDIANS (A Soldier, 1822, p. 142).

He acknowledges British responsibility for their very existence, and blames any apparent failures of their character on the poor treatment they have received.

From the first dawn of reason in their bosoms they are made to feel their degraded state, entirely excluded from our countenance, and looked down upon by every cast of natives who have any claim to attention, they find themselves forming a distinct race, separated from both, and contemned [sic] by both (A Soldier, 1822, p. 142).

Engaging racial prejudices against Indians, he sets the Anglo-Indian above natives and below the British in physical and mental ability. Asserting that their discrimination is unjustified, he says, "That they are individually more able-bodied than the Natives in general of this part of India (Madras) cannot be disputed; that their mental powers are superior, cannot, I should suppose, be doubted" (A Soldier, 1822, p. 142). Moreover he assumes that an Anglo-Indian "cannot be supposed, from having European blood flowing in his veins, to be endowed with *less* courage than the Native" (A Soldier, 1822, p. 142).

This soldier also addresses the worry that Anglo-Indians, if marginalized further, could combine with other European powers or natives and rebel against the British.

It must be recollected that this race is increasing daily, and must ever continue on the increase. It therefore becomes a matter of policy to find such means of provision for them as will ensure their attachment to our Government; as it cannot be denied that if left to their own resources for their livelihood they would become most active Instruments in the hands of any European Power which might hereafter, by the fate incidental to nations, become in a situation to dispute the possession of this country with us as they have nothing to lose and much to gain, they would in all likelihood be induced to assist the views of any national able and willing to regard them for it, more especially if emancipation from their present state in a society were to be the consequence (A Soldier, 1822, p. 142).

Rather than using this as a justification for their oppression, instead he advocates that Anglo-Indians be brought into the military fold. Believing in their superiority of physique and courage compared to native Indians, he recommends that a company of Anglo-Indians be attached to each battalion to serve as riflemen and sharpshooters or other positions that require great physical strength or courage. He



also suggests such an arrangement would be “a very strong safeguard against any disaffection which might arise amongst the Native Sepoys of the Corps” (A Soldier, 1822, p. 142).

Not only soldiers but officers also wrote in support of reincorporating Anglo-Indians in the military. In 1822, one officer wrote, “After all the labour that has been expended in inventing plans for alleviating the present condition of the Country-born, or as they have been termed *Eurasian* community, I am surprise it has never occurred to any to suggest the raising of a Regiment [of Irregulars]...” which would be composed of Anglo-Indians (A Company Officer, 1822, p. 95).

It may be Officered by Country-born or Eurasian Gentlemen of good education, sons of respectable Officers and others on this Establishment, who are debarred from holding commissions in the Regulars; and many there are, who notwithstanding the exalted situations and consequent extensive interest of their fathers (of whom many are General Officers) that have been used on their behalf, still remain unprovided for. [...] let such private men or non-Commissioned Officers as eminently distinguish themselves, be rewarded with Commissions (A Company Officer, 1822, p. 95).

From this officer’s letter it is clear that he finds the situation peculiar whereby Anglo-Indians remain excluded from service despite the fact that many of their fathers are high ranking officers, not just enlisted soldiers. He addresses the “problem” of Anglo-Indian identification with the culture or habits of their Indian mothers:

Sent as they are at an early age and with a very indifferent education, literally to associate with Natives in Sepoy Regiments, it is not to be wondered at that they are more of the *Blacky* than nature had originally designed them; --hence, we may reckon the hasty decay of their moral principles, and lapse into those vicious habits and state of intellectual non-entity which give prejudice room to sneer and even just minds reason to entertain humiliating opinions or to form unfavourable conclusions of this unfortunate race. (A Company Officer, 1822, p. 95).

To remedy this he envisions an important role for a Regimental school to train Anglo-Indians in discipline, courage and physical strength.

One thing of a very material nature will still appear wanting to satisfy the erroneous prejudices of many: this is *Courage*. To such objectors I would reply in this manner: Are not the Sepoys good Soldiers? And will not the descendants of Europeans, possessing the advantages of an European education, and from having European Blood infused into their systems, perhaps more physical strength, make still better Soldiers? (A Company Officer, 1822, p. 95)

Conceding the belief that they will be inferior to fully European troops, he is confident they would still be effective up against native forces. To further his argument he lists a number of Anglo-Indian officers and soldiers whom the Company called into military service temporarily, during particular military engagements and who “have equally distinguished themselves for personal bravery and zeal for the service” (A Company Officer, 1822, p. 95). Leaning upon the supposed primacy of their paternal ancestry to give them credit, he says that such bravery and zeal is no surprise, “since they are the descendants of a war like race” (A Company Officer, 1822, p. 95). In effect, this officer believes that Anglo-Indians—because of the European part of their “blood,” in combination with English education—will produce a patriotic and loyal class of subjects.

Their constitutions being so highly tinctured with European, and for the most part British blood, being also chiefly educated by Europeans—is it not natural to suppose their national character will partake of that spirit of patriotism and other passions of the like nature, which Europeans cherish with such enthusiastic fondness? (A Company Officer, 1822, p. 95)

While attempting to improve the scope for Anglo-Indian employment, this officer clearly subscribes to some of the very “humiliating opinions and conclusions” he hopes to spare them, purely based on racist biological and cultural prejudice. Perhaps he is only motivated by the filial ties he feels, personally or collectively, with his fellow British soldiers for their own Eurasian children.

Nevertheless, Anglo-Indians fighting for their rights had to answer these prejudices. The stakes were high, demanding that Anglo-Indians identify with the British over Indians if they hoped to attain any respect, status or to broaden their opportunities in colonial society or economy. In effect this entailed embracing the very racial and cultural prejudices that otherwise oppressed them. Nowhere was this clearer than in new court rulings that put Anglo-Indians at risk of losing the status of British subjects.

### *Constituting British Subjects and the Question of Anglo-Indian Jurors*

A landmark court case in 1821 marked a definitive turning point for Anglo-Indians on this subject. In *Reed vs. Baijnath Singh* the court of Mushidabad ruled that Mr. Reed was not a British citizen and was not entitled to legal protections as such, on grounds

that he could not prove that his parents' marriage was legitimate (Stark, 1934, p. 79). On these grounds, an Anglo-Indian could only be considered a British subject if the legitimacy of their parents' marriage could be established. This provoked an immediate appeal to the Supreme Court in Calcutta, which upheld the Mushidabad court decision. By 1822, funds were raised to support a Petition to King in Council to refute the decision, although no substantial action was taken until J. W. Ricketts became involved in 1825 (Stark, 1934, 79-80).

The fallout of *Reed vs. Bajinath Singh* was profound. The case was taken as an authoritative basis for using the marriage of parents as the benchmark for determining the legal status of Anglo-Indians. Before long this inevitably led to further exclusions of Anglo-Indians. The most incendiary of which was the exclusion of Anglo-Indians from serving on juries. The jury question provided an opportunity to challenge the decision against Mr. Reed and its premises.

On December 18, 1821 a group of twenty-six Anglo-Indians submitted a petition to the Sheriff of Calcutta, who was responsible for summoning jurors (Grand and Petit Juries, 1822, p. 42). They asked him to resume summoning Anglo-Indian jurors, on the basis that the legal grounds for refusing them were erroneous:

The Charter of the Supreme Court states, that the Grand and Petit Juries are to be formed of *the subjects of Great Britain*; and we, to all intents and purposes, are such subjects: consequently, we should be summoned together with other British subjects. We are aware that a distinction has improperly been made between European-born British subjects, and British subjects born in India; but the Charter makes no distinction whatever; and it cannot be necessary to inform you, that no authority exists in this country to make distinctions between different descriptions of British subjects, which are not authorized by the Charter, nor by an Act of Parliament. (Grand and Petit Juries, 1822, p. 42)

The sheriff dutifully responded that he would forward it to the Supreme Court. This set off a flurry of letters to the *Calcutta Journal* discussing the matter. They tend to be sympathetic to the Anglo-Indian cause though none expressly identify themselves as Anglo-Indians nor do they give their names. The discourse overwhelmingly shows faith in British law, the courts, and Parliament. They differ most in the strategies they propose to use within the law to advance the cause of Anglo-Indians.

One letter from “An Enquirer” proposes historical precedent as a means for reversing the prohibition of Anglo-Indian jurors (An Enquirer, 1822, p. 413). The writer claims that there is no reason to discount earlier interpretations of what constitutes British subjecthood in favor of a more restrictive one. He puts forward the case of Mr. Charles Weston, an Anglo-Indian who served on the jury for a prominent trial in 1775. If Anglo-Indian jurors are not eligible, then he suggests that the validity of the court decisions in which Mr. Weston and other Anglo-Indian jurors participated must also be questioned. Moreover, he argues that an unjust discrepancy between the legal status of Anglo-Indians under British law and those in India who fall under the governance of the East India Company must be remedied:

If EAST INDIANS can be Members of Parliament at home and Members of Council here; if they can hold Commissions *lawfully* in the King’s Army and Navy, and (the good pleasure of the Court of Directors alone standing in their way) in the Civil, Military, Marine, Medical and Clerical services of the Company; if they might be ennobled or titled by his Majesty; but above all, if they do legally act as Attornies [sic] and Counsel here, and an EAST INDIAN Barrister *may* be raised to the Woolsack in England, or the Bench in India itself,-- shall it be said for a moment that well qualified and selected citizens of Calcutta, belonging to that class of the King’s Subjects, are not competent to sit in the Jury Box? (An Enquirer, 1822, p. 413)

Historical precedent and the discrepancy compared with British practice at home are mentioned in other letters too.

One letter submitted by “An Informer” responds to “An Enquirer” by suggesting that there is no need to go back to the case of Mr. Weston in 1775 to find an historical precedent of Anglo-Indian jurors (An Informer, 1822, p. 465). He reveals that Mr. Henry Chalcraft, an Anglo-Indian carver and guilders served as a juror on several trials in the very last session of the Supreme Court. He urges that “...a motion be made on behalf of some individual, who may be found suffering the penalty of a sentence consequent to a verdict to which Mr. Chalcraft contributed. The Question will then be solemnly argued, and the Bench compelled to give a decision” (An Informer, 1822, p. 465). He shows faith that the British legal system has the capability of weeding out injustice.

There was minimal opposition to the Anglo-Indian cause for jury service. One letter from “A Looker On” claims he respects Anglo-Indians immensely and counts some

among his friends, but he berates some elements of their argument (A Looker On, 1822, 561). He upholds the need to have means of classifying citizens:

There must be a line drawn to denote the several classes. The sons of married Englishmen have rights distinct from those born in India out of wedlock; while the children of Foreigners, although born in Calcutta where a British flag flies and where an English Governor rules, can have no claim to be classed with the sons of Englishmen. (An Informer, 1822, p. 465)

Despite his apparent approval of a hierarchical system of classes, he nevertheless deems this sort of distinction made of Anglo-Indians “not an enviable one,” presumably because the judgment is based on the legitimacy of one’s parents’ marriage rather than on a factor deriving from one’s own actions. Yet he upheld it because it is the law:

The question is, --Are ‘East Indians,’ competent to sit as Jurors? I contend that *they are not*; because the Law as it stands is directly against them; and if my view of the question be correct, it is not Mr. Weston or Mr. Chalcraft, or a dozen other such instances that can supersede the Enactments: for ‘That which had no force in the beginning can gain no strength from the lapse of time’. (An Informer, 1822, p. 465)

A final letter from “The Enquirer” exemplifies the close of the discussion. In it he goes to the law to justify the claim of Anglo-Indians to be considered British subjects, regardless of the legitimacy of their parents’ marriage. He quotes from Blackstone’s *Laws of England in Four Volumes*, “The son, legitimate or illegitimate of a British Father (whosoever his mother, or of whatsoever race or complexion) born in a territory or Colony under the British lag, is no alien in law” (An Informer, 1822, p. 465). He seems here to set the record straight, proving the *legal*, not just moral, injustice of excluding Anglo-Indians from jury service.

These letters reflect a high degree of faith in the fair operation of British legal institutions. The writers believe that arguing from historical precedent, quoting the letter of the law or fighting to change the law through court decisions, will succeed in attaining justice for Anglo-Indians. Making arguments within the framework and structures of the law would remain the preferred method of Anglo-Indians to air their grievances.

### *A Name of their Own*

In order to exercise their collective voice within these legal structures, it was also important for Anglo-Indians to create a more robust sense of group consciousness and identity. To claim a name for their community that was both dignified and accurate was a central part of this project. An intense series of exchanges about choosing an appropriate name appear in the spring and summer of 1822 in the *Calcutta Journal*. Until then, they were referred to by names given them by others, such as, “Half-Caste,” with its pejorative connotation; “Country-born,” which implied a lesser status for having been born in India; and “Eurasian,” which was too general a designation. The discourse over a name for the Community, much like those about military service and legal status, attempted to engage the prejudices of the colonial social and racial hierarchy in a way that would work to the advantage of Anglo-Indians.

James Kyd, an Anglo-Indian philanthropist and founder of the Marine Academy to train Anglo-Indian children for service in navigation, railed against the names “Half-Caste” and “Country-born” in an essay he published first in the *Friend of India* that was later reprinted in the *Calcutta Journal* (*A Practical Reformer*, 1822, p. 313). Kyd characterizes the use of such dishonorable terms as a reflection on the base nature of those who use it:

Have we then at last determined to imitate the Hindoos in the most senseless and destructive part of their whole economy, that which separates them in to Casts [sic], and invests one set of men from the mere circumstances of their birth with every thing sacred and venerable, in spite of the basest complication of hypocrisy, pride, rapacity, and impurity in their after character, while it dooms all the rest to comparative infamy and degradation, whatever be their mental or moral worth? (*A Practical Reformer*, 1822, p. 313)

By linking the use of names which degrade Anglo-Indians with the presumably abhorrent acceptance of the caste system, the author shames those who would look down upon Anglo-Indians for their mixed parentage by accusing them of being tainted by Indian caste-ism. This rhetorical move, to treat Anglo-Indians with dignity and equality with the British-born English, appears to be a way to demonstrate one’s British cultural purity.

Kyd proposes adopting the name “Indo-Briton” instead (A Practical Reformer, 1822, p. 313). He does this to emphasize the primacy of a British national identity for this racially hybrid colonial community. “The term ‘Indo Briton’... brings into full view that relation to Britain which we wish to see fully sustained by every one to whom it may appertain, in reality as well as in name” (A Practical Reformer, 1822, p. 313). He tries to justify this view further by associating British ways with the Divine Will:

But we frankly acknowledge that all our hope of improvement in India rests under God on British habits, British feelings, and British exertions. [...] Indeed the happiness of our Indo-British fellow-subjects will be secured in exact proportion as they shall delight in cultivating British habits and ideas, improved and exalted by the spirit of Christianity. (A Practical Reformer, 1822, p. 313)

Others agreed for similar reasons in condemning the names “half-caste” and “country-born,” but not everyone approved of the name “Indo-Briton.” In May 1822 “An Anglo-East Indian” wrote in the *Calcutta Journal* that Indo-Briton was not specific enough; it could be confused for either the mixed-race community in the West Indies or for those born in India of British parents (An Anglo-East Indian, 1822, p. 654). He goes on to argue that by adding “Anglo” to the term “East Indian,” serves to specify British paternal parentage.

Others opposed Kyd’s narrow definition of the Community based on British identity and British paternal descent, seeing instead the need to create unity among all people of mixed European and Indian ancestry. “An East Indian” argued in a submission to the *Calcutta Journal* in December of 1822 that the term Indo-Briton was prideful and exclusive (An East Indian, 1822, p. 682). He prefers the wider implications of the name “East Indian” and puts forward a vision of mixed-race unity, stating:

I think it proper to state that I am the son of a foreigner, but I most solemnly declare that I have been and always will continue to be identified with all my countrymen, whether born of English, French, German or Portuguese parents. I would therefore seriously invite them all to join hand in hand and banish prejudice of whatever kind from their hearts. Let ‘Unanimity and Cordiality’ be our motto, while we daily advance in importance: and let justice, reason and fellow-feeling have their legitimate influence, in directing a name which I append to this Letter. (An East Indian, 1822, p. 682)

Ultimately it came down to two names: Indo-Briton and East Indian. The matter finally came to a head on the eve of the Petition's completion when, at a meeting on April 20, 1829, a vote settled it. The Petition would represent the community by the name, "East Indian" (Stark, 1934, p. 93).

The year 1822, when this discourse was most intense, marked the beginning of intensive Anglo-Indian efforts to organize a petition to Parliament, which culminated in 1829 with John William Ricketts departing for London with the Petition and the blessing of the Community. Controversies over Anglo-Indian military service, jury eligibility and choosing a name to go by, were, not surprisingly, prominent in the press. Employment opportunities and status as British subjects were the two areas of greatest import when it came to Anglo-Indian proscription, while settling on a name for people of mixed descent was necessary to building a self-conscious community whose unified voice might be taken seriously by government. It is worth noting that this discourse was paralleled by a host of practical, self-help efforts to improve opportunities for Anglo-Indians, which, though significant, are beyond the scope of this paper. Suffice it to say that Anglo-Indian organizing was both discursive and practical, with rhetorical and very tangible manifestations.

#### THE CONTENT OF THE PETITION OF 1830

The Petition to Parliament reflects the same rhetorical tropes that echoed in the discourse about Anglo-Indian rights and identity. The petitioners claimed that they were British subjects, by their British paternity, European lifestyle, use of the English language as their mother-tongue, and profession of the Christian faith. Expressing unconditional belief in British law and justice, they contrasted these values with the treatment they had received from the East India Company and enumerated their grievances. Playing on the bias of a Liberal government, they blamed the East India Company's Court of Directors for the disabilities they suffered, citing greed and disregard of British law and justice. As the Company ruled India only at the pleasure of the British Crown, they implored Parliament to intervene and remedy their proscribed state.

The Petition was presented in the parliamentary record by various titles, even though the final meeting of the Community about the Petition on April 20<sup>th</sup>, 1829, had settled



on “East Indian.” Indeed, when the *Calcutta Journal* published the Petition in its entirety in November 1829, it was entitled “Petition of the East Indians to the House of Commons” (Petition of the East Indians to the House of Commons, 1829, p. 261). But when the Petition was debated in the House of Lords on March 29<sup>th</sup>, 1830, the record shows it as a “Petition from the Christian Inhabitants of Calcutta.”<sup>4</sup> When the House of Lords Select Committee received Ricketts testimony on March 31<sup>st</sup>, the Petition went down in the minutes by no name at all.<sup>5</sup> Before the House of Commons for debate on May 4<sup>th</sup>, it was recorded as the “Petition of Indo-Britons”.<sup>6</sup> The minutes of the House Select Committee before which J. W. Ricketts testified on June 21<sup>st</sup> and 24<sup>th</sup>, however, refers to it as “The Petition of certain Christian Inhabitants of Calcutta and the Provinces in the Presidency of Fort William”.<sup>7</sup> These variances indicate the different registers the text of the petition must have activated in the members of Parliament. By emphasizing their Christian faith and the primacy of the British aspect of their hybrid identity the petitioners established a sense of moral and spiritual kinship with the Parliamentarians that suggested they deserved to be recognized as British subjects.

### *Legal Limbo, Contested Citizenship*

The Petition’s contents can be divided into two categories of grievances: those concerning their legal status and those concerning their exclusion from jobs. On the legal front, it argued that Anglo-Indians should be recognized as British subjects, according to their British paternity. Although not British-born, they should be seen as a “distinct class” of subjects, whose existence owed entirely to European commercial and colonial activity (Petition of the East Indians to the House of Commons, 1829, p. 261). Thus being seen as natives of India was an incorrect classification. Practically speaking, their predominant concern was what this meant for Anglo-Indian legal status in the *moffusil*, that is, outside the Presidency towns. They complained that in the *moffusil* there was no stable civil law for Anglo-Indians (Petition of the East

<sup>4</sup> *HL Deb 29 March 1830*, vol. 23 cc962-3, <http://hansard.millbanksystems.com/lords/1830/mar/29/christians-natives-of-india>

<sup>5</sup> *HL Report from the Select Committee of the House of Lords appointed to inquire into the present state of the affairs of the East India Company, and into the trade between Great Britain, the East Indies and China; with the minutes of evidence taken before the committee*, p. 188, 1830 (646) VI.1.

<sup>6</sup> *HC Debate, 4 May 1830*, vol. 24 cc377-87, <http://hansard.millbanksystems.com/commons/1830/may/04/petition-of-indo-britons>.

<sup>7</sup> *HC Second report from the Select Committee on the Affairs of the East India Company; together with an appendix of documents, and index*, p. 36, 1830 (655) V.675.

Indians to the House of Commons, 1829, p. 263). They could be treated as European, Hindu or Muslim, and each group had its own legal code. Because of the Supreme Court ruling in 1822 that defined Anglo-Indians as British subjects only if they were born in wedlock, they could be excluded from the protections of British criminal law if they lacked documentary evidence of the legitimacy of their birth.<sup>8</sup> Nevertheless, they also could be deprived of justice even under Hindu or Muslim law because they were Christians. To make the point stronger, the Petition condemned Muslim law as “barbaric” and “intolerant” for its emphasis on “sanguinary” punishment, and thus “wholly opposed to their [Christian] systems and habits” (Petition of the East Indians to the House of Commons, 1829, p. 264).

To intensify their British and Christian identity and the gravity of the injustice, during testimony before the Select Committee of the House of Commons, when questioned whether any Anglo-Indians were not Christian, Ricketts stated that all are Christian but he had heard that a few had felt compelled to convert to Islam or Hinduism just to avoid discrimination in the interior of the country, and at least to enjoy the protection of a legal code.<sup>9</sup> It seems likely that these people were absorbed into native society, and, as Anglo-Indians, effectively disappeared.

Moreover, the Petitioners complained that outside the Presidency there were no legal protections for their marriages, property, or inheritance, and that Government Regulation III of 1828 denied them *habeas corpus*, leaving Anglo-Indians in an ambiguous condition, in which they could “...be considered as holding their property, their liberty and even their lives at the discretion of every powerful public functionary” (Petition of the East Indians to the House of Commons, 1829, p. 264). But when pressed to provide examples of cases of discrimination, Ricketts claimed unfamiliarity with the interior, and resorted to principle: “What we complain of is the Principle of the thing, more than the practice: The principle is odious.”<sup>10</sup> The principle of the “discretion” of judges and government functionaries was employed

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<sup>8</sup> *Ibid.*

<sup>9</sup> *HL Report from the Select Committee of the House of Lords appointed to inquire into the present state of the affairs of the East India Company, and into the trade between Great Britain, the East Indies and China; with the minutes of evidence taken before the committee*, p. 188, 1830 (646) VI.1.

<sup>10</sup> *HL Select Committee*, 190.

here to argue that the East India Company ruled India in an arbitrary spirit and a manner that was contradictory to British principles of fairness and justice.

## CONCLUSION

The discourse drawn upon in this paper—about Anglo-Indian citizenship, jury service, employment, and community naming—reveals a deep struggle over national identity in relation to British racial and cultural prejudice. Even those British who advocated for Anglo-Indians to return to military service still held deep prejudices against Indians and the Indian part of Anglo-Indian hybridity, on racial, religious and cultural grounds. Muslim law and Hindu caste were vilified, and Indian physiognomy and human character were berated as weak and morally corrupt. Anglo-Indians lived with these prejudices and had to face them even in their British supporters. In the way that they portrayed their identity in the public discourse of this period (1821-1830), Anglo-Indians to a certain extent revealed their support—sometimes rhetorical and at other times probably authentic—for many of the very prejudices under which they labored due to their mixed descent. By distancing themselves from Indian cultural and religious ways, and emphasizing the degree to which they were like the British, they attempted to curry favor and claim a British national identity. This was only counteracted in the degree to which Anglo-Indians argued their usefulness to British rule on the basis that they were more familiar with Indian culture and languages than any Englishman coming to India for the first time to take up a Company post. The question of Anglo-Indian national identity was not resolved by 1830, but was refashioned over and over again with much anxiety in the ebb and flow of colonial power relations and increasing racial prejudice until the time of Indian Independence. What had certainly been created by 1830, however, was a relatively cohesive sense of Anglo-Indian group consciousness with definite political implications.

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***Brent Howitt Otto** is currently a post-graduate student in Church History at the Jesuit School of Theology of Santa Clara University in the United States. He holds double master's degrees in history (M.A./M.Sc.) from Columbia University and the London School of Economics where he studied modern India and British Empire. His research and thesis focused on Anglo-Indians at the time of Independence, and particularly the impact of World War II on Anglo-Indian decisions about whether to migrate or to remain in India. Presently Brent is involved in research on Anglo-Indian*

*Catholics in South India. Brent's maternal ancestry is Anglo-Indian, though he was born in the U.S.A. As a member of the Society of Jesus (Jesuits), Brent will be ordained a priest in 2015.*

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