5 Obeah in the courts, 1890–1939

'Arrest of an Alleged Obeah Woman'; 'The Black Art. Jackson Pleads Guilty Quite Promptly'; 'Alleged Larceny and Obeahism'.[1] These and similar headlines provided one means by which people in the late nineteenth- and early twentieth-century Caribbean learned about obeah. Knowledge of obeah circulated in many other ways as well – written, oral, and experiential – but the printed medium of the newspaper played a particular role in the spread of information and understanding. Newspaper reports of obeah trials had a repetitive quality produced by the formulaic structure of the trial itself, moving through charge, evidence, verdict, and sentence, often packaged within an explicit message to readers provided by the magistrate judging the case, the journalist reporting on it, and sometimes both. The court rites of obeah trials, to adapt Mindie Lazarus-Black's phrase, led to the fashioning of a particular set of stories about obeah, constructed in relation to the needs of modern legal cultures to mark clear boundaries between the guilty and the not guilty, and to adjudicate the severity of offences through precisely calibrated punishments.[2] The definition of obeah in law from the second half of the nineteenth century onwards, and thus the requirements for a successful prosecution, led to trials that focused on three things: objects, ritual and money. Through direct spectatorship in court and newspaper reporting of trials, these elements over time acquired a larger status as the defining characteristics of obeah beyond the courtroom. They existed in tension with other aspects of Caribbean ritual practice that might in some circumstances be construed as obeah, but which rarely featured in court.

This chapter investigates obeah as a prosecuted crime from 1890 to 1939 in order to tease out the ingredients that made up official understandings of obeah in this period. It also examines the patterns that emerge from reports of obeah prosecutions to answer some empirical

[1] *Gleaner*, 23 March 1901; *Gleaner*, 11 September 1908, 3; *POSG*, 5 July 1907, 4.
[2] Lazarus-Black, *Everyday Harm*.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

questions about them. How frequently were the obeah laws invoked? Who was likely to be prosecuted? How did people end up being charged with obeah? When people were prosecuted, were they generally convicted or acquitted, and if convicted, what punishments did they experience? How, if at all, were these patterns different in different places? To what extent did they change over time?

The chapter traces the stages of policing and prosecution of obeah, from the emergence of an individual as a suspect to their punishment or release. We can think of these proceedings as a set of journeys travelled by those known to be spiritually powerful or who were accused of practising obeah, journeys that might have a range of different outcomes, and might be repeated on several occasions over the course of a person's life. People arrested on suspicion of obeah might be prosecuted or released without prosecution; the charge they faced could change from obeah to one of several other crimes; they might, with or without the help of a lawyer, offer a range of arguments in their defence, or plead guilty and offer no defence at all. They might be convicted or found not guilty, if found guilty might appeal, and could experience a range of sentences. What emerges through this analysis is that, despite the official rhetoric that surrounded the obeah law, which emphasized that it was intended to suppress belief in obeah and thus to produce a more 'civilized' population, in everyday use the laws regulating obeah had no such impact. Prosecutions might be used to bolster police reputations, to attack religious leaders, to pursue conflicts between individuals and groups within local communities, or in response to relationships between ritual specialist and client that had for some reason gone awry. That is, prosecutions were part of a world in which ritual healing practices were ordinary.

People were prosecuted for obeah in every British colony in the Caribbean. Rather than trying to track cases across the entire region, this chapter focuses on Trinidad and Jamaica, while occasionally supplementing evidence about them with material from other colonies.[3] Along with the next chapter, it is based on a large body of material about obeah prosecutions, collected through a systematic search of the dominant newspaper in Jamaica and Trinidad in the period 1890–1939. I begin in 1890 for two reasons. The first is analytic: my initial research on the development of the law and of politics strongly suggested an upsurge in concern about obeah after this date, with laws passed in many colonies

[3] While I did not set out to exclude Tobago from the study, in practice the sources I was using did not report on Tobagonian trials. Although I sometimes refer to Trinidad as a 'colony', it should be noted that after 1888 it was part of the colony of Trinidad and Tobago.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

in the 1890s and 1900s. There is also a pragmatic reason: newspapers from before 1890 are less systematically available, and, where digital editions have been produced, the optical character recognition of newspaper text printed prior to 1890 is poor, making searches unreliable. The initial systematic research was on Jamaica, again for a mix of analytic and pragmatic reasons: it was the first place that criminalized obeah; concern about obeah was particularly intense there; and the law against obeah was particularly harsh, and perceived as such. Pragmatically, the existence of a digitized edition of the main newspaper, the *Gleaner*, made it possible to locate cases relatively quickly. With the help of research assistants I was able to collect newspaper reports on obeah cases from 1890 to 1989.[4] We searched the digital edition of the Jamaica *Daily Gleaner* and *Sunday Gleaner*, using the keywords 'obeah', 'obeahman', 'obeahwoman' and 'obeahism', and also looked for cases of practising medicine without a licence that were connected to obeah. I also investigated obeah cases from Trinidad, chosen because it was another large jurisdiction within the Caribbean, but one with a history that in many ways contrasts with that of Jamaica. Trinidad was a late addition to Britain's Caribbean empire, with a very culturally mixed elite and a large East Indian population. For Trinidad, court cases were collected from the microfilmed *Port of Spain Gazette*.[5] As this process was much more time consuming than searching the *Gleaner*, and it was not possible to search until 1989, I limited the period searched to 1890 to 1939 as the likely peak period for prosecutions, because the search of the *Gleaner* had revealed a significant decline in prosecutions after 1939. Investigating two colonies in this way avoids the problems of assuming that a single territory stands for the entire Caribbean, while providing a larger and more systematic body of evidence than can be obtained by selecting examples from across the region. Trinidad and Jamaica were both large colonies within the British Caribbean context, with contrasting histories. These differing histories meant that – to emphasize only the most obvious difference between them – by the turn of the twentieth century there was a significant Indian-origin population in Trinidad but only a small one in Jamaica, a result of the importance of indentured labour in post-emancipation Trinidad. The

[4] See chapter 8 for analysis of cases from 1940 to 1989.

[5] The digital edition of the *Gleaner* is available through www.newspaperarchive.com. The *Port of Spain Gazette* was examined at the British Library newspaper library and newsroom. These searches were conducted with the assistance of Suzie Thomas, Helen McKee, and Jennifer Kain for the *Jamaica Gleaner*, and Maarit Forde for the *Port of Spain Gazette*. Forde is also using the material she collected in her own research. I am grateful for the work of all these colleagues, and for the support of the British Academy and Leverhulme Trust which funded it. For reflection on the methodological issues raised by this kind of research see Upchurch, 'Full-Text Databases'.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

two colonies also exemplify the two main types of obeah law that existed across the region: Jamaica had specific 'Obeah Acts', revised on multiple occasions in the 1890s and early 1900s, while in Trinidad obeah was illegal under the 'Summary Conviction Ordinance', a composite statute that defined and specified punishments for many minor offences.

In addition to collecting arrests and prosecutions for practising obeah, we collected reports about related offences. In Jamaica, but not Trinidad, a significant group of people was charged with consulting an obeah practitioner, and some were charged under vagrancy laws with being persons 'pretending to deal in obeah'. A few individuals in each colony were prosecuted for possession of 'materials to be used in the practice of obeah' or 'instruments of obeah'.[6] We also included cases where obeah was explicitly considered as a potential charge, but where the defendant was ultimately charged with another crime: larceny or practising medicine without a licence.

Both the *Gleaner* and the *Port of Spain Gazette* filled considerable space with reports of the proceedings of magistrates' courts. The papers did not, however, claim to be comprehensive; undoubtedly there were trials for obeah that they never reported. Sometimes cases trail off frustratingly, with reports that a verdict or sentence will be delivered the next day, but no follow-up story. In addition, we will certainly have missed some cases due to flaws in the optical-character-recognition digitizing process and through oversights when scanning the microfilm editions. Thus although I present figures for the prevalence of different trial outcomes and punishments, and the different characteristics of defendants by gender and ethnicity, these should be taken as broad rather than precise indicators. Nevertheless, these chapters are certainly based on the largest compilation of obeah cases any researcher has so far collected. This material allows us to raise and begin to answer some questions that would otherwise be impossible to consider.

The mass of evidence acquired from the newspapers demonstrates that obeah was a contested category. There are recognizable patterns in the actions, objects, and words that were presented as evidence that someone was practising obeah, and these fed into the reproduction of the stereotype of the obeah man. But these patterns do not exhaust what can be gleaned from the evidence. A tremendous range of practices and of contexts came before the courts. The evidence also hints

[6] There was some disagreement over whether this was actually a crime. Newspapers regularly reported people being charged with 'possession of instruments of obeah' in Jamaica, but in 1919 the Jamaican appeal court ruled that this was not in itself a crime, although it could be used in evidence that an individual was practising obeah. 'Conviction Quashed', *Gleaner*, 6 April 1933.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

at the existence of other activities, popularly known as obeah, that were never or very rarely prosecuted because they did not fit obeah's legal definition. This large body of evidence also allows for comparison and for the evaluation of similarity and difference over time and across space. It reveals important similarities between Trinidad and Jamaica, but also some significant differences. It shows Jamaica to have been a colony with a harsher judicial system than Trinidad, at least with regard to obeah. Obeah was prosecuted more regularly there, those prosecuted for it were found guilty more frequently, and those found guilty were punished more severely. Obeah acquired a particularly powerful symbolic and political role in Jamaica as *the* activity that in the early twentieth century represented the population's backwardness, a cultural weight that was spread more diffusely among a range of cultural objects and practices in Trinidad.

Jamaica and Trinidad, like other British colonies, shared with the metropolis a common-law tradition characterized by a nested hierarchy of courts, an adversarial system of prosecution, and a judicial process that took place in public. Cases were brought by a prosecuting lawyer or police officer acting on behalf of 'the Crown', a legal fiction that implied the representation of collective interest in the prosecution of criminals. Those prosecuted, known as defendants, had the right to be represented by lawyers, if they could pay for them. In both colonies obeah cases were tried at the lowest level of the criminal justice system, in courts known as police courts, petty sessions courts, or resident magistrates' courts. These courts were presided over by magistrates most of whom had no legal training and were part of the local elite. In the capital cities of Kingston and Port of Spain the magistrate's court was known as the police court, met every day, and was overseen by paid magistrates; in the rural areas the resident magistrates' courts (in Jamaica) and petty sessions courts (in Trinidad) met every few weeks in a local town and were overseen by an unpaid magistrate. The magistrate decided on verdicts and sentences without the aid of a jury. Except when their decisions were appealed, records of the business of these courts were not formally archived. As a result, in most cases the reports of their proceedings that appeared in newspapers provide the only evidence available about the proceedings of these courts. In total, we recorded 813 reports of arrests and prosecutions for obeah-related crimes in Jamaica and 121 for Trinidad (see Table 5.1).[7]

[7] This counts each occasion when an individual is charged, rather than each incident, so if two people were prosecuted for the same act we counted each individual's prosecution separately.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Table 5.1 *Arrests and prosecutions for obeah and related offences, reported in the* Daily Gleaner *and* Port of Spain Gazette*, 1890–1939*

	Jamaica	Trinidad
Practising obeah	625	91
Practising obeah and additional charge	29	3
Consulting an obeah man/woman	50	0
Vagrancy (obeah related)	38	0
Larceny (obeah related)	24	9
Possession of obeah materials	21	1
Obtaining money by false pretences (obeah related)	9	12
Practising medicine without a licence (obeah related)	17	0
Aiding and abetting the practice of obeah	0	5
Total	**813**	**121**

The choice to charge someone with obeah was one of several possibilities open to police who made arrests. The elements that made up the crime could also, if put together in other ways, contribute towards prosecutions for other offences, some of them more serious than obeah. Most significant was larceny, which regularly led to multiple years' imprisonment, compared to obeah's maximum penalty of a year's imprisonment and a flogging.[8] Larceny charges were usually brought in relatively unusual situations that did not involve entrapment and where the parties did not know each other in advance. The clients involved in cases that led to larceny charges had generally been coerced or tricked into passing over money, rather than doing so in the context of a ritual. Other charges that frequently overlapped with prosecutions for obeah involved less serious charges, including practising medicine without a licence, obtaining money by false pretences, pretending to tell fortunes, and, in Jamaica but not Trinidad, vagrancy. Practising medicine without a licence overlapped with obeah but could only be punished with a fine, not a prison sentence or a flogging. Some of those prosecuted for it were not doing anything that could be interpreted as obeah, but many were offering ritual and spiritual healing services that shared a good deal with some of the activities that were prosecuted as obeah.

The most striking finding is the much larger number of cases reported for Jamaica than for Trinidad. One would expect to find more Jamaican than Trinidadian cases, since the Jamaican population was more than

[8] Only men could be flogged, so for women the maximum sentence was a year's imprisonment.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

twice the size of that of Trinidad and Tobago, and the *Port of Spain Gazette* rarely reported the proceedings of Tobagonian courts.[9] But even taking this into account, as well as the possibility that some of the difference is due to the *Gleaner*'s greater resources or its greater interest in reporting obeah cases, it is clear that obeah was more vigorously pursued in Jamaica than in Trinidad. In addition to the larger number of prosecutions in Jamaica, this chapter will show that those prosecuted were more likely to be found guilty, and that those found guilty received harsher sentences. Jamaican authorities were also more concerned to promulgate new obeah laws, and paid more attention to obeah as a problem.

One reason for the greater intensity of prosecutions in Jamaica was the existence in Trinidad for the second half of this period of the Shouters' Prohibition Ordinance, which, as discussed in Chapter 4, made it illegal after 1917 to participate in the services of the Spiritual Baptist faith. No such law ever existed in Jamaica. We found twenty-nine prosecutions brought under the Shouters' Prohibition Ordinance between 1917 and 1939. Spiritual Baptists sometimes appeared in court on their own or in groups of one or two, but frequently in groups of 16, 20, 26, or even 130 defendants.[10] Altogether at least 500 people were prosecuted under the Ordinance, many more than under the obeah and related laws.[11] In court, hundreds of co-religionists appeared to support their brethren and sistren: 200 attended a hearing in Chaguanas in 1918.[12] As the next chapter demonstrates, in Jamaica people involved in Revival religion, which played a similar cultural role in Jamaica to that of the Spiritual Baptist faith in Trinidad, were regularly prosecuted for obeah. In contrast I found almost no evidence of people affiliated with Spiritual Baptist communities being prosecuted for obeah in Trinidad.[13] The absence of

[9] The 1911 censuses counted the Jamaican population as 831,383 and the population of Trinidad and Tobago as 333,552. Harewood, *The Population of Trinidad and Tobago*, 6; Roberts, *The Population of Jamaica*, 43.

[10] Prosecutions under the Shouters' Prohibition Ordinance are discussed in more depth in the next chapter. For a case with 130 defendants see '"Shouting" at St James', *POSG*, 5 July 1927, 2. Stephen Glazier raises the question of whether the Shouters' Prohibition Ordinance was enforced, noting that some contemporary Spiritual Baptists claim that 'not a single church was closed nor was a single Baptist leader imprisoned'. This may well be true, but significant fines were certainly imposed on Spiritual Baptist leaders, forcing the community to expend considerable practical and financial effort on evading the law and paying fines. Glazier, 'Funerals and Mourning'.

[11] This count includes three cases that were reported in the *Trinidad Guardian* but not the *Port of Spain Gazette*. Thanks to John Cowley for providing details of the *Trinidad Guardian* reports.

[12] 'Shouters in Court', *POSG*, 9 January 1918.

[13] One possible case involves Archibald Forbes, prosecuted for obeah in 1904 ('Amusing Obeah Case', *POSG*, 30 December 1904). A man of the same name was prosecuted twice, in 1918 and 1919, under the Shouters' Prohibition Ordinance. 'Shouters'

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

an equivalent law in Jamaica making Revival illegal – despite the efforts of some individuals to pass one – meant that the circumstances in which obeah laws, along with some other laws such as the Night Noises Law and laws against breach of the peace, were used in Jamaica were different from their application in Trinidad.

The availability of the Shouters' Prohibition Ordinance does not fully account for the difference between Jamaica and Trinidad, however. Jamaica's much longer history of official preoccupation with obeah also played a significant role. In addition, as I will show, the significant East Indian population of Trinidad seem to have been less likely to experience prosecutions for obeah than people of African descent, whereas in Jamaica Indians were more likely, in relation to their proportion of the population, to be prosecuted for obeah than African Jamaicans.[14] The fact that obeah prosecutions were, in the ethnically divided society of Trinidad, more likely to be used against African Trinidadians may be another reason for the greater intensity of Jamaican obeah prosecutions.

In both Jamaica and Trinidad the number of cases brought fluctuated considerably over time (see Figure 5.1). Fluctuations could result from policy decisions within the higher ranks of the police force, sometimes prompted by press and political agitation for a campaign against obeah. In Jamaica there was a clear peak in 1898 and 1899, a result of determined efforts to enforce the newly passed 1898 Obeah Act. In the wake of its passage, the Clarendon police went on a 'vigorous crusade' against obeah practitioners, resulting in thirteen convictions in that parish in the first year of the new law's existence.[15] Similarly, in the year following the passage of the 1904 Leeward Islands Obeah Act, significant numbers were convicted of obeah in some of the territories it covered, most notably Nevis, where thirteen were convicted within a year.[16] Anti-obeah campaigns could also take place without a change of the law. In 1916, the year of the largest peak in obeah prosecutions, two policemen in Manchester, Jamaica, were assigned specifically to prosecute obeah practitioners, leading to reported arrests of one group of seven people and one of five.[17]

Meeting Interrupted by Police', *POSG*, 22 January 1918, 'Keeping Shouters' Meeting at Clifton Hill', *POSG*, 26 September 1919. This may well be a different Archibald Forbes.

[14] This does not, of course, mean that a higher percentage of obeah defendants in Jamaica were of East Indian origin than in Trinidad, only a higher percentage in relation to share of overall population.

[15] 'A Baker's Dozen and a Word of Praise for the Clarendon Police', *Gleaner*, 28 July 1899 (also in Scrap Book 1894–1901 kept by John Henry McCrea, Deputy Inspector General of Police, JA 7/97/3 (henceforth McCrea Scrap Book), f. 133 (follows f. 65)).

[16] CO 152/287, Knollys to Lyttelton No. 208, 12 May 1905.

[17] 'Arrests Made', *Gleaner*, 10 March 1916, 'Mandeville Obeah Charges', *Gleaner*, 17 March 1916.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

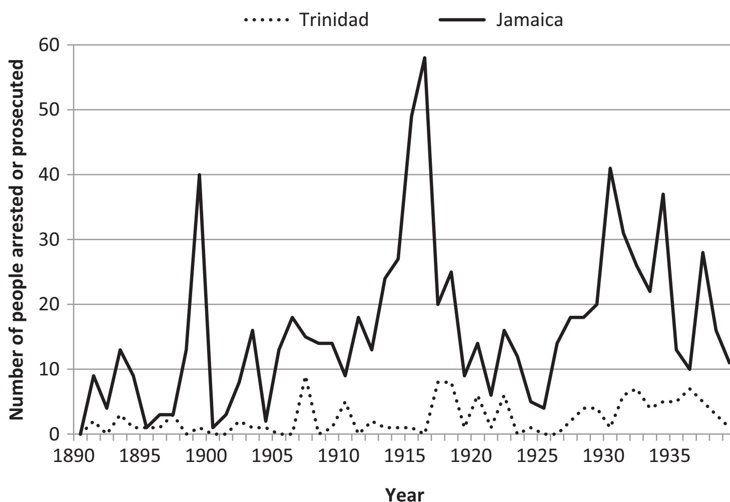

Figure 5.1 Arrests or prosecutions for obeah and related offences in Jamaica and Trinidad, 1890–1939.
Source: Jamaica *Gleaner* (newspaperarchive.com); *Port of Spain Gazette* (microfilm).

Jamaican prosecutions then fell back for most of the 1920s before rising to sustained higher levels during the 1930s. Convictions and gendered patterns of arrest followed the same pattern as overall prosecutions, as did the pattern for the various specific crimes. In Trinidad, with fewer cases altogether, the pattern is even more jagged. There too, there were sometimes police campaigns against obeah. In 1933 the *Port of Spain Gazette* reported that a Tobago policeman 'has been digging out the seers of the Island'.[18] In some years we found no obeah cases at all. The peak year for cases was 1907, a year which saw a single case in which five people were charged with obeah.

Who was prosecuted for obeah? As Table 5.2 shows, in both colonies, but especially in Jamaica, defendants in obeah cases were predominantly male, as had also been true during the period of slavery. The charges of practising medicine without a licence and of consulting an obeah practitioner (only found in Jamaica) were somewhat more evenly distributed by gender, although still dominated by men, while larceny charges were

[18] 'Magistrates Court', *POSG*, 30 September 1933.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Table 5.2 *Gender of defendants in obeah and related cases (percentages are of those of known gender)*

	Jamaica			Trinidad	
	Men	Women	Unknown	Men	Women
Practising obeah	552 (90%)	61	12	68 (75%)	23
Practising obeah and additional charge	20 (69%)	9	0	3 (100%)	0
Consulting an obeah man/woman	30 (60%)	20	0	0	0
Vagrancy (obeah related)	31 (82%)	7	0	0	0
Larceny (obeah related)	22 (92%)	2	0	9 (100%)	0
Possession of obeah materials	19 (90%)	2	0	1 (100%)	0
Obtaining money by false pretences (obeah related)	7 (78%)	2	0	11 (91%)	1
Practising medicine without a licence (obeah related)	13 (76%)	4	0	0	0
Aiding and abetting the practice of obeah	0	0	0	1 (20%)	4
All cases	694 (87%)	107	12	93 (77%)	28
Total	**813**			**121**	

with only two exceptions brought against men.[19] These patterns reflect patterns both of prosecution and of practices of spiritual healing.

Women's spiritual healing practices were less likely than men's to be construed as obeah and thus to be prosecuted, because they tended to take place in collective settings. When women *were* prosecuted for obeah, they were much more likely than men to be arrested for actions undertaken within a religious community. Ellen Barnes, for instance, was found guilty of obeah after she was entrapped by a man who claimed to be ill but was in fact a policeman in disguise. Her premises in the parish of Hanover, Jamaica, were marked by a flag on a 48-foot pole; she carried a Bible, candle, and whip. Barnes led the assembled members of her church in worship that involved drumming, singing, prayer, and

[19] One of the obeah-related larceny charges brought against a woman was very different from those brought against men. It involved a woman stealing a dress from another woman in order to take it to an obeah man to use in hostile magic against the woman from whom it was stolen. 'Stole Garments to Give to Obeahman', *Gleaner*, 23 June 1930. The larceny charges against men involved a form of con trick involving the promise of supernatural aid. The second woman charged with obeah-related larceny was working with a man, who was also prosecuted. 'Man Returning from Cuba Relieved of his Money', *Gleaner*, 7 February 1927.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

the reading of chapters from the Bible before attempting to heal the policeman, whom she said had three spirits on him. Her activities were recognizably related to Revival religion and her healing, which involved further reading of Bible verses and the provision of medicinal liquids, was a part of the Revival tradition.[20]

Defendants came from predominantly poor and working-class communities. They reported that they made their living through a range of almost entirely working-class occupations such as labourer, bricklayer, poultry-rearer, gardener, higgler, washerwoman, or cultivator. The prosecution of an occasional middle-class person for obeah was surprising enough to attract crowds, extensive comment from journalists, and sometimes special treatment from the magistrate. The *Gleaner* described the prosecution of David Bates, a schoolmaster and inspector for the poor, as 'sensational', noting the 'very great interest throughout the parish on account of the position once occupied by the accused', while the prosecution of Victoria Doyle, former schoolmistress in Guapo, southern Trinidad, attracted a large crowd of spectators to the courtroom.[21] Defendants lived in both urban and rural settings; many had lived overseas or had been born outside Jamaica or Trinidad.

Representations of obeah continued to tie it tightly to Africa throughout this period, although defendants in obeah cases were by this time very rarely African born. I found only five cases in the 1890–1939 evidence that described obeah defendants as African: two in Jamaica and three in Trinidad.[22] Nor was prosecution for obeah limited to people of African descent, although they were the majority in both colonies. People of Indian birth or descent also appeared in court for obeah-related crimes, although I found no reports of people identified as white being prosecuted for obeah.[23]

Prosecutions for obeah played a distinctive but different role in constructing race in the two colonies. In Trinidad, East Indians were significantly underrepresented among those prosecuted for obeah, in relation to their share of the population. Sixteen of the 121 obeah defendants (13 per cent) were described as East Indian or 'coolie', in a colony

[20] '"Obeah" woman sent to prison for 6 months', *Gleaner*, 8 November 1932.

[21] 'A Sensational Obeah Case', *Gleaner*, 21 September 1893; 'Alleged Obeah at Guapo', *POSG*, 21 April 1929.

[22] 'Practiced Obeah', *Gleaner*, 20 October 1902; 'The Alleged Obeah Man', *POSG*, 10 April 1902; 'Obeah Charge', *Gleaner*, 14 January 1911; Police Court Brevities', *POSG*, 1 February 1935; 'Lopinot Obeah Case', *POSG*, 26 February 1936.

[23] Both the *Gleaner* and the *Port of Spain Gazette* seem to have always noted when a defendant was of Indian origin, using terms such as 'coolie' or 'East Indian'. The more frequent defendants of African descent were not always described in terms of race in the reports, although sometimes descriptions of their skin colour were included.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

in which people of Indian origin made up just over a third of the population.[24] It seems that, in a colony where division between people of African and Indian descent was a crucial element of colonial control, prosecution for obeah was part of what marked out African Trinidadians as a distinct group. Also markedly disproportionate to their share of the population, but in the other direction, was the prosecution of Indians for obeah in Jamaica. There, where blackness was much more of an assumed norm and people of Indian origin never exceeded 2 per cent of the population, people identified as 'East Indian' or 'coolie' made up 4 per cent of those prosecuted for obeah (thirty-five individuals). This was a small proportion of the total, but at least twice what would be expected if the prosecutions took place without regard to ethnicity.[25] In Jamaica, then, Indians had come to be understood as particularly likely to practise spiritual work, while at the same time their small numbers meant that Indian spiritual traditions were assimilated to 'obeah'. If Jamaicans sought out people of Indian origin as spiritual workers, believing them to have access to particularly strong spiritual power, this was interpreted by all concerned as the Indians practising obeah. A *Gleaner* article published in 1890 hinted at this, reporting that 'our people say "the Coolies are the best obeahmen"'.[26] In contrast, in Trinidad, although East Indians were sometimes understood to be obeah men, their spiritual practice was also understood as taking place within Hindu or Muslim ritual contexts, and thus as something other than obeah – Kali Mai Puja, for instance.[27] People of Indian origin certainly undertook rituals that involved the use of spiritual power to heal, but these were relatively infrequently labelled 'obeah' and were less likely to lead to arrest, although not guaranteed to be allowed to take place freely.[28] In the end, though, all this may simplify the complex understanding of race and ethnicity at work in both Trinidad and Jamaica. In Trinidad a man who called himself Baboo Khandas Sadoo was charged with practising obeah in 1919. Described as a man 'of the bold negro type' and as being 'of African descent', he had converted to Hinduism and spoke 'Hindustani', and had an altar

[24] Harewood, *The Population of Trinidad and Tobago*, 91.
[25] Roberts, *The Population of Jamaica*, 43, 131. For another discussion of Indians arrested for obeah in Jamaica see Moore and Johnson, *'They Do as they Please'*, 387.
[26] 'The Land we Live in', *Gleaner*, 15 November 1890.
[27] For an analysis of Kali worship in contemporary Trinidad, with some discussion of the period analysed here, see McNeal, *Trance and Modernity*.
[28] For one case in which an Indian's use of spiritual power was interpreted as obeah see '"Obeah" Case Dismissed', *POSG*, 11 September 1936. In this case Soolal Singh, described as a 'village spiritualist', was prosecuted for obeah after offering 'orations to Allah' in exchange for $5 from a woman who believed her jewels had been stolen. It is notable, however, that this prosecution did not stick and the case was dismissed.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Table 5.3 *Numbers of defendants in obeah and related cases (number of cases is stated first, followed by number of defendants in parentheses)*

	Jamaica	Trinidad
1	539 (539)	88 (88)
2	85 (170)	9 (18)
3	18 (54)	3 (9)
4	4 (16)	0
5	5 (20)	0
6	0	1 (6)
7	2 (14)	0
Total	**653 (813)**	**101 (121)**

with 'figures of Hindoo gods and devils'.[29] His case suggests the complex movement that could take place across apparently stable categories.

In both colonies, about two-thirds of those arrested for obeah-related offences were prosecuted as individuals, with most of the rest taken to court in pairs (see Table 5.3). A few in each colony were brought to trial in larger groups of up to seven defendants. In some of these group cases one individual was prosecuted for obeah and several others for consulting an obeah man.[30] Women were significantly more likely than men to be prosecuted in groups of two or more people, suggesting again that they tended to be prosecuted for obeah for activities undertaken in the context of collective religious practice.[31]

People tried for obeah were very likely to be convicted. In Jamaica 81 per cent of those charged with obeah-related offences, where the outcome is known, were convicted. In Trinidad convictions were slightly less likely, but at 78 per cent still represented a very high proportion of prosecutions.[32] As Table 5.4 shows, at least in Jamaica, those charged

[29] 'Alleged Assumption of Supernatural Powers', *POSG*, 7 February 1919, 9–10.

[30] For example, 'St Elizabeth', *Gleaner*, 9 July 1891; 'Obeah Charge', *Gleaner*, 14 January 1911.

[31] In Jamaica, 63 of 107 women (59 per cent) were involved in cases with more than one defendant, compared to 274 of 813 (34 per cent) of all defendants. In Trinidad, 12 of 28 women (43 per cent) were involved in cases with more than one defendant, compared to 33 of 121 (27 per cent) of defendants as a whole.

[32] This high conviction rate is confirmed by a report on all obeah prosecutions in Jamaica for the period 1887 to 1892, in which even higher proportions of people were convicted. Of eighty-seven people charged with practising obeah or consulting an obeah practitioner, seventy-seven were found guilty (89 per cent). CO 137/550, Table showing . . . cases of obeah and myalism adjudicated . . . from 1 August 1887 to 31 July 1892.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Table 5.4 *Outcomes of obeah cases (percentages are of known outcomes)*

	Jamaica			Trinidad		
	Guilty	Acquitted	Unknown	Guilty	Acquitted	Unknown
Practising obeah[a]	391 (84%)	73	160	59 (79%)	15	17
Practising obeah and additional charge	14 (78%)	4	11	1 (33%)	2	0
Consulting an obeah man/woman	25 (58%)	18	7	0	0	0
Vagrancy (obeah related)	17 (81%)	4	17	0	0	0
Larceny (obeah related)	12 (63%)	7	5	5 (63%)	3	1
Possession of obeah materials	7 (50%)	7	7	1 (100%)	0	0
Obtaining money by false pretences	4 (50%)	4	1	8 (89%)	1	3
Practising medicine without a licence (obeah related)	14 (100%)	0	3	0	0	0
Aiding and abetting the practice of obeah	0	0	0	3 (75%)	1	1
Subtotal	484 (81%)	117	211	77 (78%)	22	22
Total	**812**			**121**		

[a] One Jamaican case in which the defendant died before trial is excluded. Therefore the total number of Jamaican cases in this table is 812, rather than the 813 in Table 5.1.

with practising obeah itself were more likely to be convicted than were people charged with most other obeah-related offences. The main exceptions were the cases of practising medicine without a licence, for which there were fourteen convictions and no reported acquittals. This outcome probably results from the fact that these cases often represented a kind of plea bargain, in which someone initially charged with obeah agreed to plead guilty to unlicensed medical practice in order to get a lower punishment.[33] These rates of conviction echo high conviction rates for prosecutions heard in lower courts across the common-law world.[34] They significantly exceed the conviction rates for obeah charges brought during slavery, when, as shown in Chapter 3, between 40 and 56 per cent of defendants were convicted. Thus, the transition from a regime where obeah was a very serious crime to one where it was a minor offence meant expanded scope for prosecutions and a greater likelihood of conviction for those prosecuted.

People convicted of obeah might receive a fine or a prison sentence; the prison sentence could be accompanied by flogging if the defendant was male.[35] The maximum allowable sentence for practising obeah in Jamaica was until 1898 twelve months' imprisonment and up to seventy-five lashes; the 1898 Obeah Act maintained the maximum prison sentence but reduced the maximum number of lashes to eighteen. Maximum punishments in Trinidad were lower: six months' imprisonment and corporal punishment (no maximum number of lashes was specified in the legislation, but the most I found in practice was twelve).[36] Other crimes were subject to different punishments: obeah-related vagrancy and possession of obeah materials could be punished with fines or imprisonment, while those convicted of practising medicine without a licence could not receive a prison sentence, only a fine. People convicted for larceny could not be flogged, but could receive long prison sentences, of up to eight years.

Overall, Jamaican magistrates, as well as being more likely to convict, tended to impose more severe punishments. This is not surprising since the maximum allowable punishments under the obeah laws were harsher there. Nevertheless, as Table 5.5 shows, Jamaican magistrates reached for the heavier end of the spectrum of permitted punishments more

[33] This practice will be explored in more depth in the next chapter.
[34] For England, Scotland, and Wales see Mitchell, *British Historical Statistics*, 779–82, table 772.
[35] The 1903 Jamaican Obeah Act also provided for the possibility of 'police supervision' following a prison sentence, but this was rarely used.
[36] The Obeah Law 1898, Jamaica (CO 139/108); An Ordinance for rendering certain Offences punishable on Summary Conviction, Trinidad (CO 297/8).

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Table 5.5 *Punishments of those found guilty in obeah and related cases (percentages are of known outcomes)*

	Jamaica					Trinidad		
	Fine	Imprisonment	Imprisonment and flogging	None	Unknown	Fine	Imprisonment	Imprisonment and flogging
Practising obeah	36 (10%)	248 (67%)	83 (22%)	4 (1%)	20	23 (39%)	31 (53%)	5 (8%)
Practising obeah and additional charge	2 (15%)	10 (77%)	1 (8%)	0	1	0	0	1 (100%)
Consulting an obeah man/woman	14 (58%)	8 (33%)	2 (8%)	0	1	0	0	0
Vagrancy (obeah related)	3 (18%)	14 (82%)	0	0	0	0	0	0
Larceny (obeah related)	0	12 (100%)	0	0	0	0	5 (100%)	0
Possession of obeah materials	0	6 (100%)	0	0	1	0	1 (100%)	0
Obtaining money by false pretences	0	4 (100%)	0	0	0	0	8 (100%)	0
Practising medicine without a licence (obeah related)	14 (100%)	0	0	0	0	0	0	0
Aiding and abetting the practice of obeah	0	0	0	0	0	1 (33%)	2 (67%)	0
Subtotal	69 (15%)	302 (66%)	86 (19%)	4 (1%)	23	24 (31%)	47 (61%)	6 (8%)
Total	**484**					**77**		

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

frequently than did those in Trinidad. When the law gave them the choice they were more likely to send people to prison, more likely to add a flogging to a prison sentence, and less likely to use fines.[37] Prison sentences in Jamaica were also considerably longer than in Trinidad, reflecting the maximum allowable prison sentence of twelve and six months, respectively: the median term of imprisonment for obeah was six months in Jamaica and four months in Trinidad, while the most frequent prison sentence in Jamaica was twelve months, compared to six months in Trinidad (the maximum allowable sentence in each case).[38] As well as ordering longer prison sentences, Jamaican magistrates also allotted more lashes. In Trinidad, the six sentences of flogging were for twelve lashes on four occasions and six on one (on one occasion the number of lashes was not reported); in Jamaica the median number of lashes was also twelve, but the most commonly awarded number of lashes was eighteen.[39] Sentences of eighteen lashes or more were passed in Jamaica on thirty-five occasions, and in five cases the maximum sentence allowed by the 1898 Obeah Law of eighteen lashes was exceeded.[40]

People who were acquitted usually disappeared from written sources, although some later reappeared as defendants, and occasionally as witnesses. Those convicted were taken to serve their prison sentences or to pay their fines. Some of them contested their convictions through appeals, which were decided in courts overseen by professional judges, either in Kingston or Port of Spain. The judges did not hear witnesses, but discussed the evidence that had been presented in the light of arguments from defence lawyers that the magistrates' decisions had been faulty. Table 5.7 shows appeals, representing 14 per cent of both Jamaican and Trinidadian cases that resulted in conviction. Appeal cases are probably overrepresented, because cases in the appeal court were more likely

[37] Brian Moore and Michele Johnson state that punishments in obeah cases in the period 1865–1920 usually involved flogging. Moore and Johnson, *Neither Led nor Driven*, 30. This is not confirmed by my data from the *Gleaner*, which covers a slightly later period. It is also not confirmed if one excludes the post-1920 cases (23 per cent of those found guilty between 1890 and 1920 were flogged), nor is it true of the cases from 1887–1892 reported to the Colonial Office in 1892, of which four out of seventy of those found guilty of practising obeah were flogged. My evidence suggests that flogging was a frequent punishment for obeah, but not the dominant one. Table showing . . . . cases of obeah and myalism adjudicated . . . from 1 August 1887 to 31 July 1892, enclosed in CO 137/550, Blake to Ripon No. 329, 28 September 1892.

[38] This excludes punishments for larceny, where sentences were considerably longer.

[39] There was also one case in Trinidad and three in Jamaica where the number of lashes was not reported.

[40] 'Country Notes', 6 March 1899; 'Little London: Obeah', 14 March 1901; 'The Supreme Court: Appeal in Obeah Case Upheld', 17 March 1903; 'An Obeah Case', 1 February 1916; 'Annotto Bay News', 4 October 1923, all in the *Gleaner*.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Table 5.6 *Extent of prison sentences in obeah-related cases, in months (percentages are of known outcomes)*

	Jamaica						Trinidad		
	≤3	4–6	7–9	10–12	>12	unknown	≤3	4–6	>12[a]
Practising obeah	63	103	26	135	0	4	17	19	0
Practising obeah and additional charge	2	4	1	4	0	0	0	1	0
Consulting an obeah man/woman	6	3	0	1	0	0	0	0	0
Vagrancy (obeah related)	11	1	0	1	1	0	0	0	0
Larceny (obeah related)	4	0	1	2	5	0	1	3	1
Possession of obeah materials	2	2	1	1	0	0	1	0	0
Obtaining money by false pretences	0	1	2	1	0	0	1	6	1
Aiding and abetting the practice of obeah	0	0	0	0	0	0	1	1	0
Subtotal	88	114	31	145	6	4	21	30	2
Total	**388**						**53**		

[a] There were no sentences of more than six months and less than three years' imprisonment.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Table 5.7 *Appeals against obeah and related convictions*

	Jamaica					Trinidad		
	Number of appeals	Conviction upheld	Sentence reduced	Conviction overturned	Unknown outcome	Number of appeals	Conviction upheld	Unknown outcome
Practising obeah	55	28	5	17[a]	5	8	6	2
Practising obeah and additional charge	6	5	1	0	0	0	0	0
Consulting an obeah man/ woman	4	1	0	3	0	0	0	0
Vagrancy (obeah related)	0	0	0	0	0	0	0	0
Larceny (obeah related)	0	0	0	0	0	2	0	2
Possession of obeah materials	1	0	0	1	0	0	0	0
Obtaining money by false pretences	0	0	0	0	0	1	1	0
Practising medicine without a licence	0	0	0	0	0	0	0	0
Aiding and abetting the practice of obeah	0	0	0	0	0	0	0	0
Total	**66**	**34**	**6**	**21**	**5**	**11**	**7**	**4**

[a] Includes one case where the initial appeal was unsuccessful, but the defendant was later granted a ‘free pardon’ by the governor. ‘Woman Convicted under Obeah Law is Granted Pardon’, *Gleaner*, 10 March 1924.

to have been reported in the newspapers than those that did not result in appeal. This is confirmed by the fact that in several of the appeals we found no report of the earlier conviction. Nevertheless, even if an overestimate, this still suggests a considerable effort made to appeal against convictions for obeah-related crimes. Despite their regularity, appeals were unlikely to succeed. Less than a third of Jamaican appeals were successful, while in Trinidad we did not find a single successful appeal.[41]

How did these prosecutions for obeah and related crimes work? How did people come to be prosecuted, and what did prosecution mean to defendants, their families, and to people around them? The crime of obeah existed as one element in a larger culture in which concern about spiritual danger was all around. In this context a reputation as an obeah man or obeah woman was a double-edged sword. On one hand, some people prosecuted for obeah presented themselves in court with a sense of pride in ritual practice or spiritual power. In one of his several trials in Montserrat for obeah, Charles Dolly (pictured in Figure 5.2) explained that a board with a piece of glass attached was a tool for divination ('for the purpose of showing him what had happened'), and offered to 'give a demonstration of his skill in Court' before prophesying that an accident would befall 'some members of the Commissioner's family'. He also said 'that the police knew nothing of obeah' but were 'aware of his skill'.[42] On the other hand, for many the allegation of obeah use was a serious slur worth fighting, not least because it suggested that their achievements or status were not authentically gained. When Amelia Baker of Trinidad responded to a policeman's caution by telling him that he had 'got his stripes by the aid of obeah', this was a serious insult; he responded by arresting her and charging her with using 'violent language'.[43]

The negative popular perception of obeah as something dangerous and malicious is visible in the considerable number of slander cases, especially in the Jamaican courts, in which allegedly defamatory words included accusations that an individual had used obeah.[44] These suits were brought despite the fact that in bringing them plaintiffs risked drawing attention to the very accusation that they rejected.[45] Ellen Knight won

[41] We were unable to trace the outcome in four of the eleven appeals.

[42] 'Obeah in the Island of Montserrat', *POSG*, 19 December 1908, reprinting report from the *Montserrat Herald*.

[43] 'The Dust Plague', *POSG*, 21 May 1898, 3.

[44] Because practising obeah was a crime, the accusation that an individual had used it was actionable.

[45] We collected forty-nine reports of suits for slander involving accusations of obeah from the *Gleaner* and *Port of Spain Gazette* between 1890 and 1939. Two took place in Trinidad, one in Panama, and the rest in Jamaica.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Figure 5.2 Charles Dolly, front row, far right, pictured in 1905 in the Antigua gaol as one of a group of convicts serving prison sentences for obeah.
Source: The National Archives, CO 152/287

damages from another woman she accused of saying that she 'was holding the communion cup in the one hand and obeah in the other' and also that Knight had worked obeah and killed her accuser's mother.[46] Two years later another slander suit turned on the allegation that a man consulted an obeah man 'to work obeah' against two rival businessmen, and 'that he had a croaking lizard in his store licking his goods to give him luck'.[47] Slander cases reveal both that people accused each other of obeah use, meaning it in wholeheartedly negative terms, and that those so accused felt themselves to be seriously wronged. The slur that someone used obeah threatened their efforts to become a respectable person, distanced from poor and working-class behaviour and cultural practices. Popular understandings of obeah were complex: it inspired fear and anxiety when people suspected that it had been used against them, and it was

46 *Gleaner*, 6 May 1909.
47 'Peculiar Case', *Gleaner*, 18 November 1911. For a further example see 'Cases at the Linstead Court', *Gleaner*, 25 June 1914.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

something that most did not want to be associated with. At the same time, it was a form of power that many hoped to be able to access for themselves.

Slander cases invariably focused on accusations that obeah had been used to harm, and, in particular, as in two of the three cases quoted above, to kill. Suing for slander was no doubt an unusual reaction to accusations that one had hurt someone with obeah. Another response, also occasionally made visible through newspaper accounts of court proceedings, was to more directly attack the person making the accusation. Charles Moore, for instance, was prosecuted for beating a woman who claimed that he practised obeah.[48] In another case two men appeared in court for wounding each other in a fight which followed an attempt by one of them to 'advise' the other 'to stop the practising of obeah and ganga [*sic*] smoking'.[49] People also sometimes physically attacked those they thought had used obeah against them. In Trinidad, James Scipio attacked another man with his cutlass, declaring as he did so that 'it is you who work obeah on me and prevent me from getting work'.[50] These cases allow a glimpse into what we might call a common or reputational knowledge about obeah practice. They emphasize that although the laws against obeah were created by elites who hoped to use them to demonstrate the colonies' modernity and to control popular religion, they were also sustained from below. Prosecutions for obeah existed within a broader framework in which obeah was widely considered dangerous, even while some of the practices prosecuted as obeah were part of everyday life.

In some senses then, the obeah laws simply reinforced popular hostility to dangerous obeah practice. Yet not all actions popularly considered to involve elements of obeah were vulnerable to prosecution. Obeah was defined in Jamaican law as the act of 'any person who, to effect any fraudulent or unlawful purpose, or for gain, or for the purpose of frightening any person, uses, or pretends to use any occult means, or pretends to possess any supernatural power or knowledge'. In Trinidadian law it was 'every pretended assumption of supernatural power or knowledge whatever, for fraudulent or illicit purposes, or for gain, or for the injury of any person'.[51] In both societies, as well as in other colonies, the crime of obeah had two elements: the pretence to 'supernatural power or knowledge'; and the fact that this was done for gain, fraud, or to hurt someone.

[48] 'The Magistrate Took No Notes', *Gleaner*, 14 January 1916.
[49] 'Interesting Items from Port Maria', *Gleaner*, 1 February 1926.
[50] 'The Evil of Superstition', *POSG*, 7 June 1919, 7.
[51] The Obeah Law 1898, Jamaica (CO 139/108); An Ordinance for rendering certain Offences punishable on Summary Conviction, Trinidad (CO 297/8).

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

In practice, obeah cases almost always focused on the 'gain' rather than on the other purposes listed in the laws, and thus required the prosecution to demonstrate that money or, very occasionally, goods, had been exchanged for ritual services. Spiritual work that did not involve these elements was not vulnerable to prosecution as obeah. People who undertook ritual activity on their own behalf or on behalf of a friend or neighbour without any obvious payment or intended harm were not in law practising obeah, although what they did might well be popularly understood as obeah. In Port of Spain, a woman serving as a witness in a court case was arrested for 'strewing coarse salt on the staircase' of the court, which everyone involved interpreted as an attempt to use supernatural means to influence the trial's outcome. Rather than facing prosecution for obeah, she was charged with 'indecent behaviour'.[52] Popular and commercial culture was full of depictions of women using obeah to 'tie' their lovers, often by placing ritual objects including menstrual fluid or vaginal secretions in their food.[53] Prosecutions for obeah did sometimes revolve around relationships, especially men's desire to use spiritual power to force or persuade women who had left them to return. But they included very few prosecutions in which women were alleged to have 'tied' men. One of the few such cases that we found was a 1902 Trinidadian desertion suit, in which Mrs Humphrey sued her husband for leaving her three years previously to live with another woman. Mr Humphrey's defence was that his wife had practised obeah on him by placing a collection of crushed bone, grave dirt, and his nails and skin under his pillow. Her anger when he confronted her over this was what led him to leave, he claimed. It does not seem to have occurred to Mr Humphrey that he might try to prosecute his wife for obeah, and indeed a case brought on the basis of such evidence might well have failed. Mrs Humphrey's activity was understood by everyone in the court as a form of obeah practice, yet was not legally defined as such.[54] Another took place in Jamaica in 1913 when Cecelia Daley and Frank Campbell were charged with vagrancy for actions that, the *Gleaner* reported, 'amount to obeah' – but, it seems, were not quite legally considered to be so. The two had provided a woman with ritual material designed to increase her husband's love for her.[55] The rareness of such cases may be because 'tying' took place much less frequently than the fears expressed in calypsos and stories suggest, but probably also results from the fact that it

52 'Superstition', *POSG*, 30 November 1894, 3.
53 Rohlehr, *A Scuffling of Islands*, 238. Perhaps the most well-known such depiction is the Mighty Sparrow's calypso 'Obeah Wedding' (also known as 'Melda').
54 'Allegations of Obeah', *POSG*, 7 February 1902, 4.
55 'Failing Love', *Gleaner*, 6 October 1913, 14.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

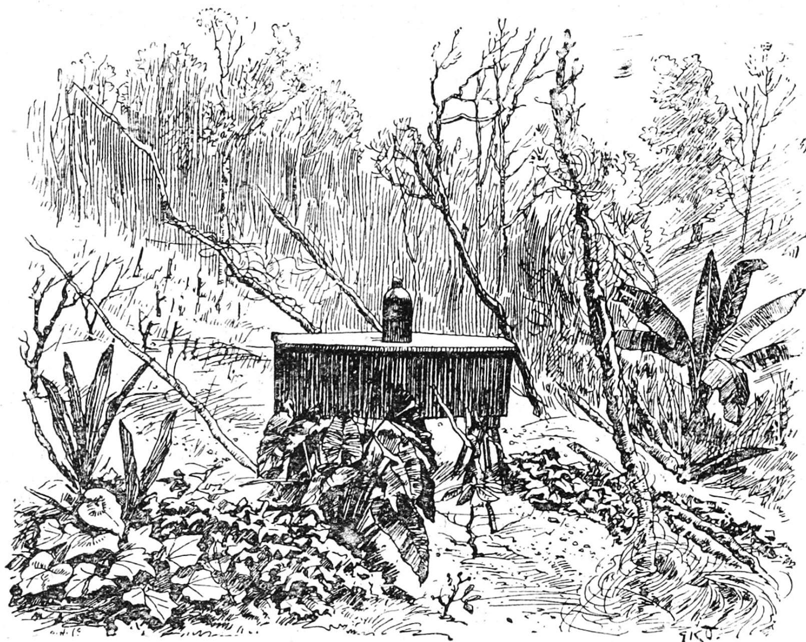

Figure 5.3 'Obeah' in Jamaica, *The Graphic*, 2 July 1898, p. 22. This illustration to an article about Jamaica in the context of the Spanish–Cuban–American war shows the ubiquity of obeah as a symbol of the Caribbean more generally. The obeah bottle was part of standard representation of obeah, but is rarely found in obeah prosecutions. Courtesy of the National Library of Scotland

could be done privately by women without the involvement of a paid ritual specialist. Similarly, obeah prosecutions very rarely heard evidence about the placing of protective 'obeah bottles' in trees and around houses, despite the frequent depiction of this as an obeah activity in works of fiction, folklore, and travel writing (see Figure 5.3).[56] Prosecutions for obeah, then, intersected only partially with the activities that were popularly deemed to constitute obeah. Yet because the legal definition of obeah made the paid encounter between ritual specialist and client a defining characteristic of the crime, such encounters became an important model for obeah practice.

[56] For instance Bell, *Obeah*; Lanaghan, *Antigua and the Antiguans*, II, 54. 'Results of the Christmas Story Competition', *Gleaner*, 24 December 1896; 'The Obeahman', *POSG*, 17 January 1897, 3–4.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

In order to show how the legal definition of obeah affected broader understandings, much of the rest of this chapter traces the experience of being prosecuted for obeah, from arrest to conviction. It examines two cases at length, one Trinidadian and one Jamaican, while drawing on other material to show alternative outcomes or trajectories. The first case I attend to is the prosecution in 1910 of Mary Clement and her husband Arthur, of Woodbrook in Port of Spain. The second involved Theophilus Neil of the rural community of Princess Hill, near Linstead in central Jamaica, in 1924. These prosecutions were not typical, but they are particularly telling and were reported in detail. The two cases also exemplify the two main modes by which obeah prosecutions came about: through civilian reports to the police, on the one hand, and through entrapment by police or their agents, on the other.

The story of how someone might end up in court for obeah could be narrated with many starting points, but the evidence available to the historian dependent on newspaper reports usually begins at or shortly before the individual's arrest. Let us start, then, with the earliest information we have about Mary and Arthur Clement and Theophilus Neil. In the Trinidadians' case, a woman named Annie Stewart, who described herself as a Wesleyan, testified that in May 1910 she and her husband had visited the Clements, seeking relief from Mr Stewart's serious illness. A friend had advised them of the Clements' healing abilities. Arthur Clement diagnosed Mr Stewart as having 'devil spirits' on him that were causing his ill health, and treated him by sacrificing a fowl, placing its blood on a plate between his legs, reciting prayers, and burning a 'filthy scented liquid' mixed with rum. He then instructed Mr Stewart on how to take a daily herbal bath for the next six days. Mr Stewart's health did not improve, and not long afterwards he died. On 22 June, a month after the Stewarts had visited the Clements, Corporal Joseph Alexander went to search the healers' house under warrant for 'articles used in the practice of obeah'. Alexander, also known as Cola or Kola, became notorious in early twentieth-century Trinidad for his police work, including several prominent arrests for obeah.[57] He did not explain in court why he sought the warrant, but Annie Stewart's evidence suggests that he did so because she went to the police in the aftermath of her husband's death. Stewart stated in court that she had never believed in the Clements' power, but had visited them with her husband in order to 'please' him.[58]

[57] Forde, 'Religious Persecution from Below'.

[58] 'The Brabant Street Obeah Case', *POSG*, 13 July 1910, 5; Alexander, *Recollections of a Trinidad Detective*.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

The prosecution of the Clements was thus initiated by a civilian, in this case because of Annie Stewart's disappointment at the failure of their healing and her distress at her husband's death.

Cases like this, initiated by a member of the public reporting someone to the police in the hope of instigating a prosecution for obeah, accounted for more than half of Jamaican cases, and around a third of Trinidadian.[59] In Annie Stewart's case it is relatively clear why she went to the police. Even so, she might have responded in many other ways to her husband's death; why she chose this course of action over others is less easy to judge. In this and in many similar cases it is hard to get much insight into the motivations of those who reported people to the police for practising obeah, because the discourse of newspaper reporting and of the courtroom relied on two fictions: first, that any citizen would report any breach of the law to the police; and second, that the illegal act of 'practising obeah' was clearly distinguishable from other similar, but legal, acts. As a result, in many cases the motivations of the person who went to the police with information about an alleged obeah practitioner were actively excluded from reports and testimony. For instance, according to the *Gleaner* a man named Thomas told a policeman that he had been approached by Thomas Mortimer Hood. Hood told him that he 'had seen a ghost on his wife' and could remove it through spiritual means. Thomas later accompanied two policemen to Hood's house in order to trap him into contravening the obeah law.[60] We do not know why Thomas initially went along with Hood's suggestions and then later reported him. Nor did the magistrate who heard Hood's case raise the question. Thomas could have simply ignored Hood, or refused his offers of help. Why did he, instead, go to the trouble of reporting the situation? Such questions are in many cases unanswerable. They remind us of the limitations of the knowledge that we can achieve through written records about the encounters that led to obeah prosecutions.

As the cases of the Clements and of Thomas Hood show, people who offered ritual or spiritual services risked arrest, especially when, like Thomas Hood, they actively sought out people to treat. Yet the risk must have been relatively low. Incidents in which people went to the police must have been strongly outnumbered by those in which the practitioner

[59] For further discussion of the initiation of arrests see Paton, 'The Trials of Inspector Thomas', 186–9, parts of which are incorporated in this chapter.

[60] 'Obeah Charges', *Gleaner*, 20 October 1913. For a similar case see 'Arrested on Obeah Charge', *Gleaner*, 6 April 1912.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

succeeded in recruiting a client, or else these approaches would not have continued.

In some cases, often those in which a defendant employed a solicitor to argue his or her case in court, testimony or contextual information reveals something of the reason why the person who eventually became a witness went to the police. In many of these incidents, testimony suggests a breakdown in the client's confidence in the spiritual worker. This might be, as in the case of Annie Stewart and her husband, because the spiritual work failed.[61] Or it could be because the client concluded that the work was excessively costly, as in a case when a man named Moody consulted Charles Johnson in the hope of getting a job. He and his friend later reported Johnson to the police because (according to Johnson's lawyer) 'they thought the amount charged was too much and they doubted the man's powers'.[62] In other cases the ritual specialist failed to return to complete the work promised, despite accepting money, and as a result the client eventually reported him. Letitia Gilbert, for instance, initially accepted William Francis's offer to remove the duppy that he said was causing her long-term sickness. Francis began a ritual, sprinkling white rum in her room, and then left, promising to return the next day. He did not come back. Gilbert took no further action until, after more than two months, she encountered Francis by chance, at which point she reported him to nearby police, who arrested him.[63] In this case it seems that Gilbert initially trusted Francis's powers, but felt cheated by his failure to return.

The involvement of the police in cases like these seems to have been a last resort, a back-up technique when informal efforts to resolve conflict had failed. Letitia Gilbert would not have reported William Francis if he had returned the next day, as he had promised. In a similar case, Eliza Walker consulted Isabella Francis after two biomedical doctors were unable to help her sick daughter. Francis gave her 'two bottles of some liquid and a little bag for the child to wear to keep off the evil spirit which was on the child'. After several weeks during which her daughter's health did not improve, Walker returned to Francis, asking for the return of the bangles that she said she had given in payment. Only when Francis refused to return the bangles did Walker go to the police.[64] In these cases police enforcement of the obeah laws resembled not so much an effort to

[61] For similar cases see 'Failing Love', 6 October 1913, 'Cases in the Rural Tribunal', 10 August 1918, and 'Trial of Zachariah Thomas', 10 July 1920, all in the *Gleaner*.

[62] 'Full Court Continues to hear Criminal Appeals', *Gleaner*, 22 September 1932.

[63] 'Obeah Charge', *Gleaner*, 14 April 1909.

[64] 'Cases Tried in the Courts of Two Parishes', *Gleaner*, 7 April 1922. See 'Obeah Charge', *Gleaner*, 13 January 1914 for a case that arose after a spiritual healer who sold ritual

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

eradicate obeah as a kind of regulatory procedure through which unsatisfied clients could deal with unscrupulous or incompetent practitioners. Despite official rhetoric about the usefulness of prosecution in ridding Jamaica or Trinidad of obeah and belief in obeah, in practice obeah cases often worked in response to the demand of clients for whom obeah was most definitely real.

On other occasions the police were, apparently willingly, drawn into disputes in working-class communities. Those who persuaded the police to prosecute someone for obeah could damage their rivals or enemies. Thus, for instance, Eliza Barnett was prosecuted, her defence lawyer claimed, because she refused to lend money to a neighbour, Boaz Bryan. Angry at being turned down, Bryan worked with the local policeman, Constable Lewis, to trap Barnett into committing ritual acts to remove hostile spiritual power. The trap led to Barnett receiving a six-month sentence for obeah.[65] In a similar case, Emanuel Faulkner and John Barnes were charged with possessing 'implements of obeah'. Under cross-examination two key witnesses who had provided information to the police leading to the raid on Faulkner and Barnes's yard revealed that they were former tenants of Faulkner with whom he had frequently 'quarrelled', and that they had left owing him rent.[66] In such cases, the person who went to the police had known the person reported for some time, and could have reported him or her earlier, but chose to do so at this particular moment because of the developing conflict between them.

In contrast to these cases initiated by civilians, the majority of cases in Trinidad, and a large minority of those in Jamaica, resulted from a policeman's decision to attempt to arrest a ritual specialist. The other case that I will trace in detail provides a good example of this situation, which often involved extended effort to entrap the suspect. Theophilus Neil's arrest in 1924 followed a decision by Detective Euriel Augustus Watson of the Linstead police in Jamaica to pursue him.[67] Detective Watson

medicine by post refused to accept an unsatisfied client taking back the horse he had given in payment.

65 'Obeah Charge', *Gleaner*, 23 May 1907; 'Obeah Charge', *Gleaner*, 27 May 1907. Barnett denied that she had performed the ritual, and argued that Bryan and Lewis were attempting to frame her. We cannot know whether or not the ritual described by Lewis in court really occurred, but Barnett's claim that Bryan initiated contact with the police because of his resentment at her refusal to lend him money was the only explanation offered at the trial for his behaviour.

66 'Interesting Case at Halfway Tree', *Gleaner*, 13 May 1916.

67 Evidence on this case comes from the following articles published in the *Gleaner* in 1924: 'Theophilus Neil Charged with Practicing Obeah', 5 November; 'The Practising of Obeah is Charged', 14 November; 'A Charge of Practising the Black Art', 15 November; 'Obeah Trial', 17 November; 'Practising the Black Art', 21 November; 'Appeal in the Case of Rex vs Theo Neil', 6 December.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

learned of Neil's reputation as an obeah man while investigating the murder of Leah Malcolm, for which Neil's cousin Christopher Fletcher was eventually convicted. Neil's brother George, also a spiritual healer, became an accessory to the murder because he helped Fletcher dispose of the body, although he emphasized that his work was not about killing or harm: 'It is not me who kill the woman. I don't work that sort of obeah. The sort of obeah that I work is to drive away spirits and to cure sickness.'[68] In the course of a lengthy investigation, Watson must have come to see Theophilus Neil as a possible target for prosecution as well, although there were no claims that he had anything to do with Malcom's death. Watson persuaded David Rennals to visit Theophilus Neil at his home in Princess Hill with the deliberate intention of acquiring evidence that he had broken the obeah law. Rennals was not a policeman, but acted on the promise that he would receive a reward if Neil was convicted. He went to Neil's place along with a friend, James Morgan, and claimed that he needed to get treatment for a sick man for whom he was responsible. Neil, although initially reluctant, eventually agreed to advise him. Asking first for 10 guineas, Neil accepted 25 shillings from Rennals, which Rennals paid in notes that Watson had marked for later identification. Neil then worked to 'dismiss' a ghost which he said was 'squeezing the sick man in his stomach'. After working with a pack of cards and three dice which he placed on a mirror, Neil gave Rennals three bottles of liquid and explained how he should use them to treat the sick man, who should also be anointed with a few drops of the blood of a fowl, mixed with the liquid provided. Rennals returned to the police station and gave the bottles of medicinal liquid and other material to Watson, who then went with a warrant for Neil's arrest under both the Obeah Law and the Medical Law.

Police-led arrests sometimes took the form of raids on the premises of suspected obeah practitioners, or opportunistic arrests of people with a reputation while they were going about their business. More commonly, as in Neil's case, they were achieved through subterfuges, sometimes elaborate, designed to entrap ritual specialists into committing illegal acts. The people employed to act as decoys in these cases were more frequently women, and they often appeared in multiple cases and collaborated closely with the police.

The arrest of Theophilus Neil shares many features with other entrapment cases, including the use of pairs of policemen or police spies so as

[68] 'Further Evidence Given at Murder Examination at Spanish Town', *Gleaner*, 30 June 1924. For Watson's involvement in this investigation see 'Examination into Murder Charge was Continued at Spanish Town', *Gleaner*, 28 June 1924.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

to have corroborating witnesses, deployment of marked money, and the production of convincing narratives by plain-clothes police or civilians acting on behalf of the police. Entrapment narratives often involved ill health, but also revolved around employment, the success of businesses, court cases, and other matters. Either the police or their agents participated in the ritual activity, then revealed their identity and arrested the practitioner.

What led the police to pursue particular individuals at particular moments? As explained above, Neil came to Watson's attention because of his brother George's conviction as accessory to murder in a prominent trial. In other cases the police had apparently wanted to prosecute particular individuals for a long time, but had not been able to do so because of the suspects' knowledge of police techniques and ability to protect themselves against them. When Jasper Roberts was prosecuted for practising obeah, a newspaper reported that the police had been watching him for 'some three years', but 'all attempts to get at him had proved futile'. They were finally able to entrap him when two men who had sought his help in a court case in which they were defendants described his practice to the police after their conviction. Two constables then posed as the relatives of the convicted men and went to ask why they had not succeeded in getting off. (Roberts said it was because they had not consulted him early enough.) The constables then asked for spiritual help with their own (invented) problems, in order to be able to testify to his 'pretending to supernatural power'. Even then, Roberts was extremely cautious. He made the two constables take an oath before he would discuss anything of substance with them, then refused to take payment for his work because his 'concubine' said that 'the detective had been seen down the road that morning'. When they returned to try to pay the following week, Roberts refused to have anything to do with them. He was nevertheless arrested, convicted, and sentenced to a year's imprisonment and ten lashes.[69]

Roberts's caution was commonplace among successful ritual specialists, who knew how the police operated and took precautions to defend themselves against arrest. Like Roberts's 'concubine', their friends and kin warned them against potential police surveillance. While police were hiding in the hope of arresting a man in Diego Martin on the outskirts of Port of Spain, a 'little girl' called out a warning: 'Don't work tonight

[69] 'The King of St Thomas Obeahmen', undated newspaper clipping from unnamed source, National Library of Jamaica Clippings File – Obeah and Voodoo. From contextual information it seems likely that this case took place in July 1893. For another case, featuring the arrest of a ritual specialist who had been 'baffling the best efforts of the police for over six months', see 'Arrest is Made', *Gleaner*, 21 March 1916.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

because the police hiding in the cocoa.'[70] Ritual specialists took note of other signs that a trap was being set. Joseph Reid, confronted with a putative client claiming to be in need of spiritual treatment for poor health, recognized that the man was a police constable and chased him away with a cowskin whip.[71] Suspect Joseph Donald refused to continue a ritual when his client produced the money provided to her by the police, saying that 'he could not work because the money had marks on them'.[72] Theophilus Neil had been suspicious of David Rennals when he arrived asking for help, initially deflecting him by asking whether there were not people who could help him closer to where he lived, and why he had not sought help from a biomedical doctor, before eventually agreeing to treat him. Ritual specialists operated with an awareness of the illegality of their practice and considerable knowledge of police tactics. It is therefore likely that on many occasions they were able to prevent police from collecting sufficient evidence to enable them to prosecute. Indeed, the police regularly complained of their difficulty in arresting obeah suspects. A policeman giving evidence at the trial of Joseph Paddy of Smith Village in 1915 testified that 'we used to hear a lot about him but we couldn't catch him', while a press report about an arrest the previous year noted that 'the police in their many attempts at bringing [George Black] to book were always beaten'.[73]

The police involved in obeah arrests were often stimulated by personal ambition, since successfully prosecuting obeah practitioners was a means to professional advancement. They were also at times motivated by personal grudges or hostilities against those they prosecuted. Such grudges, although usually concealed in the sources, occasionally emerge, as for example in another case brought by Joseph Alexander (Kola) a few years before he arrested the Clements. In 1907 he arrested Leopoldine Moise at her house a few blocks from Port of Spain's central Woodford Square. Moise's defence lawyer argued that the arrest, through entrapment, was a 'filthy conspiracy' brought as a result of Kola's 'individual grudge' against his client, which arose because Moise had provided ritual services to Kola's former partner Natalie Contreville. Kola believed that Moise had supported Natalie in her court case against him for breaking

[70] 'A Family of Obeahists', *POSG*, 2 August 1922, 9.
[71] 'Old Man is Found Guilty of Practising Obeah – Fined £15', *Gleaner*, 30 July 1931.
[72] 'Case of Alleged Obeah', *Gleaner*, 23 July 1929. For similar cases, in which alleged obeah men refused to work because of their awareness of police traps, see 'Cases heard in Resident Magistrate's Court', *Gleaner*, 5 August 1915; 'Charge of Practicing Obeah', *Gleaner*, 6 April 1916.
[73] 'An Obeahman Goes to Prison', *Gleaner*, 30 November 1915; 'Obeah Charge', *Gleaner*, 12 November 1914.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

into her house, and had harmed his new partner through spiritual work. Contreville testified that on leaving the courthouse after her successful case against him, Kola said to her that 'the Guadalupe woman' – meaning Moise – 'made you bring this case'. Moreover, Moise claimed that, when he entered her house to arrest her, Alexander stated, in Trinidadian Creole: 'I am Cola Alexander. You have made Natalie win her case over me before the Magistrate, and to-day you have fallen into my hands.'[74] The statement suggests something of Kola's pride in his reputation, as well as his personal motivations. Despite the compromised motivations of a major witness, Moise was found guilty and her later appeal was unsuccessful: according to the appeal court judges it was 'obvious' that Moise had been practising obeah.[75] This case gives a sense of how far the reality of obeah prosecutions might differ from the idealized legal process in which prosecution for obeah served to break down popular belief in its power. Kola seems to have been as convinced as anyone of Moise's ability to use spiritual power to help Natalie; indeed, it was the fact that she had done so that motivated him to bring the prosecution.

Entrapment, though ubiquitous, could be controversial. Charles Frederick Lumb, an English-born judge who practised in Trinidad and Jamaica between 1887 and 1909, opposed its use in obeah cases, declaring it 'loathsome and unEnglish'.[76] A Colonial Office official agreed, describing the use of 'agents provacateurs' as 'discreditable', while the *Port of Spain Gazette* questioned the ethics of cases in which 'the principal witness for the police [might be] a bare-faced and hardened perjurer'.[77] Nevertheless, the practice of entrapment continued throughout the period, in both Trinidad and Jamaica. The Colonial Office refused to endorse Lumb's critique, approving the use of entrapment while noting that it should be used 'as little as possible'.[78] The Chief Justice of

[74] 'The Nelson Street Obeah Case', *POSG*, 16 January 1908.

[75] 'Prosecution Alleged by Defence to be a "Filthy Conspiracy"', *POSG*, 23 January 1908; 'Court of Appeal', *POSG*, 18 March 1908.

[76] Lumb's comments were made in the course of his judgment in an appeal. Rex v Chambers, 29 May 1901, enclosed in CO 137/620, Hemming to Chamberlain No. 406, 5 July 1901. On Lumb's career see 'Obituary: Sir Charles Frederick Lumb', *The Times*, 24 February 1911.

[77] Minute by 'RVV' in CO 137/620, Hemming to Chamberlain No. 406, 5 July 1901; 'The Police Informer', *POSG*, 16 September 1922. For a similar argument in a letter from a Kingstonian to the Colonial Office see CO 137/676, J. Cowell Carver to Secretary of State for the Colonies, 27 January 1909.

[78] CO 137/625, Secretary of State to Lucas, 15 October 1901. The Colonial Office advice was in part based on the comments of the chief justice of Jamaica, Sir Fielding Clarke, who argued that 'convictions can rarely be obtained except by means of decoys', because those who had witnessed their crimes were afraid to report them, in part because they were themselves guilty of the crime of consulting an obeah practitioner. CO 137/625,

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Trinidad also approved of entrapment.[79] The Colonial Office's directive that entrapment should be used sparingly hardly restrained police practice, since in any individual case it could be argued that it had been necessary to gain a conviction. It became a standard part of police procedure, featuring, for instance, in material such as the *Trinidad Constabulary Manual*, which noted: 'It is almost always necessary to employ "Police Spies" in order to detect & prosecute to conviction persons charged with the practices of Obeah.'[80]

In entrapment cases there was usually a moment when the subterfuge was revealed: at a certain point within a ritual the policeman stopped posing as a client seeking spiritual help, declared his real identity, and physically took hold of the ritual specialist, announcing his or her arrest. This was a dramatic point of crisis and transition, when the police revealed themselves and thus asserted – or attempted to assert – the superior power of the state over that of the ritual specialist and his or her spiritual power. In cases where the police had been posing as the client of the obeah practitioner, there were usually additional police officers hiding outside the house in which the ritual was being undertaken, who rushed into the room and grabbed the accused when a previously agreed signal – a cough or some specific words – was given. Theophilus Neil's arrest departed from this pattern in taking place at a later date, when the people arrested were surprised by police with warrants.

The process of arrest was usually presented in court as smooth and straightforward, despite evidence that it was frequently violent or at least confrontational, often attracting considerable attention. Joseph Paddy's arrest in Smith's Village created a 'furore'.[81] Those arrested and their families and neighbours sometimes tried to fight off arrest, or to dispose of objects that they feared would be used as evidence against them. Mary Clement ran to the back of her yard when the police arrived, apparently trying to hide. When Theophilus Neil was arrested his family, according to Detective Watson, tried to 'make away with things', and he threw away a thread bag, later produced in court, which contained a phial of liquid, a set of human teeth, some coins, a mirror, a smaller bag, and a stone. Others protested their innocence, giving explanations about why what they

Sir Fielding Clarke (Chief Justice of Jamaica) to C. P. Lucas, 24 September 1901. For a similar argument see minute by 'WDE' in CO 137/620, Hemming to Chamberlain No. 406, 5 July 1901.

[79] 'Supernatural Power Case', *POSG*, 29 September 1915, 5.

[80] Notes on Trinidad Constabulary Manual, p. 67, Melville and Frances Herskovits Papers, MG 261, Box 17, Folder 106, Schomburg Center for Research in Black Culture, New York.

[81] 'The Case from Smith's Village', *Gleaner*, 26 November 1915.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

were doing did not constitute obeah. Victoria Doyle told the arresting officer that 'she didn't work obeah but only makes prayers', having previously told her putative client that 'I do things to make a case drop but I don't work obeah'.[82] Arthur Stewart in Jamaica protested on his arrest, 'Me not working obeah. Me only burning candles.'[83] These efforts to discriminate between practising obeah and other kinds of spiritual work would later be echoed in court.

After making an obeah arrest, the police usually searched the suspects, their homes, and their possessions, often seizing large quantities of material. When Matthew Russell Gordon was arrested in Spanish Town three men were hired to carry his possessions from his home to the police station, where they 'filled the entrance room'. Anything that might remotely be connected to obeah was taken. In Gordon's case, this included 'human skulls, jaw bones, charms, bundles of bush, vials of evil-looking and evil-smelling liquids' – all items from the 'traditional' repertoire of obeah practice – but also a ledger, a bank book, cash, and foreign bank notes.[84] Joseph 'Kola' Alexander stated that he searched the Clements' premises and found a series of rather ordinary objects which he nonetheless described as evidence of obeah: 'a vessel with oil into it and a wick burning . . . two demijohns containing a liquid that to him tasted like sea water [and] a saucepan with something that smelt like rum'. Detective Watson searched Theophilus Neil's house in Neil's presence, and found a selection of objects, all of which might have multiple uses, but which Watson and the court interpreted as evidence of obeah practice: mirrors, phials, nails, bottles containing liquids, human hair, letters addressed to Neil, books, and two lamps. All were seized and later presented in court as evidence against him. These searches and seizures were driven by the law, which in Jamaica explicitly stated that someone found in possession of 'instruments of obeah' could be assumed to be an obeah practitioner, unless evidence to the contrary could be presented. Instruments of obeah were very broadly defined, as 'any thing used, or intended to be used by a person, and pretended by such person to be possessed of any occult or supernatural power'.[85] In Trinidad the law was not explicit on this point, but nevertheless the display of objects in court was an important part of the practice of obeah prosecutions. Objects seized by police could eventually find their way into works of anthropology and folklore.[86]

[82] 'Alleged Obeah at Guapo', *POSG*, 21 April 1929.
[83] 'Pay £10 to Kill', *Gleaner*, 14 July 1932.
[84] 'Alleged Obeahman', *Gleaner*, 4 November 1920.
[85] Obeah Law 1898, clause 3.
[86] Paton, 'The Trials of Inspector Thomas', 178–81.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

Some of those arrested for obeah were no doubt released without being charged, and certainly without being brought to trial. Many press reports of arrests where no follow-up trial was reported may well have ended in this way. But in many cases the suspected obeah practitioner was formally charged and taken for trial at the magistrates' court, police court, or petty sessions court. Theophilus Neil was arrested on Sunday 2 November, held in the Linstead lock-up for a few days, and brought to the Linstead resident magistrates' court the following Wednesday for a brief hearing which simply stated the bare facts of the prosecution's case. He was then remanded in custody back to the lock-up before his full trial, which took place over two days the next week. The Clements' full trial also began ten days after their initial arrest. Others might await trial for considerably longer. Leopoldine Moise, for instance, was arrested on 1 November 1907 and brought before the Port of Spain city police court the next day, but her full trial did not take place until the following January.

There were minor differences between the two colonies in the charges brought, due to the wording of the respective laws prohibiting obeah. The charge against Theophilus Neil was framed straightforwardly, as was usually the case in Jamaica, as 'practicing obeah'. Arthur and Mary Clement were both charged with 'obtaining money by false pretenses with intent to defraud by the practice of obeah', a charge that was more specific in directly naming obeah than were many Trinidadian charges, where the phrase used was frequently 'obtaining money by the false assumption of supernatural power or knowledge'. This wording paraphrased text in the Summary Conviction Ordinance of 1868. In both cases the precise charge that was appropriate was discussed in court. The police hedged their bets in prosecuting Neil, charging him, in addition to practising obeah, with practising medicine without a licence. The Clements were initially charged with receiving money 'under the pretence that they could restore [Mr Stewart] to health' – effectively, a charge against the medical licensing law – but this was altered in court at the suggestion of the police to the charge already quoted. These shifts and multiple charges were common in obeah cases, because the offence overlapped with a range of other prohibitions and illegalities. The decision about which specific charge to bring lay initially with the police, and took into account the relative seriousness with which the law treated different offences and the charge that was most likely to result in conviction. The offence of breaching the medical law might be used if there was no explicitly 'supernatural' element to the ritual healing that had taken place. In addition, the Jamaican legal definition of vagrancy – like vagrancy legislation in many other parts of the Caribbean – included 'pretending to use

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

any subtle craft or device by palmistry or any such superstitious means to deceive or impose on any person'.[87] A conviction for 'using superstitious means to deceive or impose' might be obtained in circumstances where the more stringent requirements for a conviction under the Obeah Act had not been met. This produced a number of prosecutions under the vagrancy law that were understood by all concerned as obeah cases. For instance, the prosecution of Benjamin James ('Benjy Two-Face') for vagrancy was reported under the headline 'An Obeah Case'.[88] Indeed, magistrates sometimes commented that a defendant was lucky to have been charged with vagrancy rather than obeah, because of the lesser punishment, or noted that if there had been further evidence they would have changed the charge to one of obeah.[89]

As this discussion shows, police decisions about what charge to bring might not be final. An initial charge of obeah could be reduced to one of practising medicine without a licence, or vagrancy. A defendant's perceived class standing could soften a prosecution. Jane Philips, whose husband was a schoolmaster, was caught at 5 a.m. scattering what some said to be 'a mixture of salt and grave-yard dirt and crushed bones' – although others said it was merely salt – outside the entrance to a neighbour's house. She was brought to court to be prosecuted for obeah, but at the beginning of the trial the prosecuting lawyer asked for permission to reduce the charge, because Philips was 'a respectable woman and a woman of some sense who, in his opinion, must certainly have lost her head when she committed so foolish, such an utterly nonsensical act'. The magistrate agreed, and Philips was bound over to keep the peace for three months.[90] While the obeah prosecution was unlikely to have succeeded in this case anyway, because there was no exchange of money or client–specialist relationship, it is notable that the argument made and accepted in court related to Philips's status rather than what she had done. On other occasions, cases that began as more minor charges were changed to obeah during the course of a trial. Robert Stone, for instance, was initially prosecuted for vagrancy because he had told a woman that an 'iniquity' was buried in her yard, and offered to kill the man who wanted to hurt her. The magistrate in the case, Mr S. C. Burke, ordered that Stone be prosecuted for practising obeah instead, because he 'would very much like to give him a licking'. As it turned out, Burke did not get his way: at Stone's retrial that afternoon, presumably under a

87 Jamaican Vagrancy Act, 1902, cited in Bryan, *Jamaican People*, 29.
88 *Gleaner*, 19 September 1916, 13.
89 'Old Offender Tries his Hand at Black Art', *Gleaner*, 3 November 1930; 'Court News from Port Maria', *Gleaner*, 17 December 1915.
90 'A Respectable Woman Caught Practicing Obeah', *POSG*, 30 January 1902, 6.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

different magistrate, he received a punishment of two months' imprisonment, which might well have been the outcome of the vagrancy trial.[91] Both examples show that the charge was not a straightforward consequence of the event that allegedly precipitated it, nor was it simply decided on by the police. Rather, it resulted from interactions among police, magistrates, and prosecution lawyers.

Once the initial charge was fixed, the defendant or defendants entered their plea. Most, including Theophilus Neil, Arthur Clement, and Mary Clement, pleaded not guilty. Indeed, those charged with obeah had a reputation for contesting prosecutions. In one case where a guilty plea was entered, the journalist reported surprise, 'as obeahman normally fight their cases to the bitter end'.[92] The trials of the small group of defendants who did plead guilty were quick because little evidence was presented; the main question was the extent of punishment to be imposed. People pleaded guilty in the hope of obtaining a lighter sentence, as one defendant revealed when appealing against a sentence of twelve months' imprisonment and twelve lashes, on the grounds that he had only pleaded guilty because a policeman told him that he would receive no punishment if he did not contest the charge.[93] Those who pleaded guilty in Jamaica do appear to have been less likely than those who did not to be sentenced to flogging, and were less likely to receive the longest possible prison sentences of twelve months. Nevertheless, the median term of imprisonment was the same as for all cases, at six months.[94]

In the majority of cases, in which defendants pleaded not guilty, the plea was followed by the case for the prosecution. These cases were presented either by a senior policeman – in the case of the Clements, Inspector May of the Port of Spain police – or by an official known as the clerk of the court – in Theophilus Neil's case, Mr C. A. McIntosh. Both Neil and the Clements' prosecutions followed standard procedure in that the first and most important prosecution witness was the arresting policeman. Detectives Euriel Watson and Joseph Alexander, respectively, described how they had arrested the defendants, then searched their premises. In Neil's case the other prosecution witnesses were David Rennals and James Morgan, the two men who had entrapped him, along with another policeman who had been present at the time of his arrest. In

[91] 'Trickster Punished', *Gleaner*, 2 June 1915.
[92] 'Obe in Clarendon', *Gleaner*, 1 November 1898.
[93] 'Issues Argued before the Appeal Court', *Gleaner*, 15 December 1936. The appeal court ordered a retrial, but I have not been able to locate a report of it.
[94] As I only found six guilty pleas in Trinidad, I have not attempted to draw any conclusions about sentencing there.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

the Clements' case the prosecution relied on Joseph Alexander's evidence followed by that of Annie Stewart, the husband of the Clements' patient. Most cases relied on a similar array of witnesses, although sometimes larger numbers of police or clients and informants testified for the prosecution. Occasionally the prosecution also called on technical experts such as the island chemist or his deputy to provide information about the chemical constitution of powders or liquids discovered on the premises of accused obeah practitioners.[95] The witnesses crafted narratives about the events that led up to arrest, with the police in particular keenly aware of the need to demonstrate that key elements of the law against obeah had been transgressed. When the defendant had employed a lawyer, he would then cross-examine the prosecution witnesses; in other cases they were cross-examined by the defendant him- or herself, or did not face cross-examination.[96]

Those orchestrating the prosecution of obeah cases aimed to demonstrate three crucial points: the presence of material objects that could be interpreted as contributing to the practice of obeah ('instruments of obeah' in Jamaican legal terminology); the defendant's practice of ritual activity that could be interpreted as 'pretending to' or 'assuming supernatural power'; and the transfer of money from client to ritual specialist in a way that could be interpreted as a process of exchange for ritual services. If all three of these elements were clearly present, the prosecution was very likely to be successful. As a result, the marking of notes and coins by police officers loomed large in obeah prosecutions. In Neil's case, for instance, Detective Watson described in detail how he 'initialed the back of the three notes "E. A. W." and ran my pen with ink through each initial, so as to make them indistinct' and 'placed a stroke on each of the silver coins by way of a mark'.[97] The fact that a defendant was in possession of coins and notes previously marked by police was usually interpreted as clear evidence that he or she had been paid for ritual activity – had, in the words of the law, undertaken it 'for gain'. Cases that did not involve entrapment, such as the prosecution of the Clements, did not include the marking of money as part of their evidence, but testimony about payment was still important. Annie Stewart explained in detail how Arthur Clement had initially asked her and her husband for $15

[95] For example, 'Human Skulls Part Paraphernalia of a Kingston Obeahman', *Gleaner*, 10 May 1932.

[96] To practise law in the Caribbean in this period one had to have been called to the bar in England. These lawyers were either locally born men who had trained in England or English expatriates. On Caribbean legal education see Lazarus-Black, 'After Empire'.

[97] 'The Practising of Obeah is Charged', *Gleaner*, 14 November 1924.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

to remove the spirits that he said were causing Mr Stewart's illness, but eventually accepted $5.[98]

In both the Neil and Clement cases the material that had been seized from the defendants' houses was presented in court as evidence of their obeah practice. In Jamaican trials this material was now legally designated 'instruments of obeah'. Even when the objects themselves were not produced, lists of objects frequently formed part of the verbal testimony of prosecution witnesses. In the Neil and Clement cases the assemblages of items exhibited were composed of many kinds of everyday materials that could have all kinds of legitimate uses: oil lamps, saucepans, mirrors, bottles, demijohns, nails, books, letters, and (perhaps the only item that has little other than ritual use) human hair. This was typical of the physical evidence presented in obeah trials. In the prosecution of Alexander Williams, for instance, objects brought before the court included a 'marble crucifix, candles in their stands, [and] a pack of cards', while at Susan Facey's trial 'a basket of curious implements' including 'slate and lead pencils, buttons, looking-glass, fowl egg, calabash cup, silver spoons, marbles, several bottles with liquid and a bundle of letters from correspondents' were shown to the court.[99]

The law assumed that the status of any given item as an 'instrument of obeah' was clear, but in the daily practice of the courtroom this was not the case. In the Leeward Islands in the aftermath of the passage of the 1904 Obeah Act, modelled closely on the Jamaica 1898 Obeah Act and including the same provision about 'instruments of obeah', magistrates laboured to produce lists of objects that might be taken as such 'instruments'.[100] Yet in the end, both there and in Jamaica, this was an impossible task, because spiritual work could use such a wide range of things. The objects presented in court were often mundane, and the law gave no guidance on how to determine whether something was an 'instrument of obeah'. The need to interpret the evidence led those involved in obeah arrests to develop courtroom personae as specialists, with authority in recognizing obeah. One policeman testified that he had 'seen obeah worked' and therefore knew 'what the implements of obeah are', going on to explain that 'an obeah man, in practising, uses looking glass, cards, rice, rum, teeth of dogs, camphor, white fowls, grave dirt etc.'. In fact, the objects under discussion in the case in which this testimony was given included only two of the items from this stereotypical list of

[98] 'The Brabant Street Obeah Case', *POSG*, 13 July 1910.

[99] 'Before Metropolitan Courts', *Gleaner*, 1 September 1916; 'In the Rural Courts of Justice', *Gleaner*, 3 August 1916.

[100] Dr Robert S. Earl (Commissioner of the Virgin Islands) to Colonial Secretary, 9 May 1905, enclosed in CO 152/287, Knollys to Lyttleton No. 218, 19 May 1905.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

conventional materials used in obeah – a pack of cards and two lumps of grave dirt. Many more objects that the policeman did not list as typical of obeah were also presented to the court, including a rubber ball, a bottle containing a whitish powder, an electric battery, patent medicine, and a doll. Nevertheless, the policeman's claim to knowledge served to authorize his interpretation of these other things as also used in obeah practice.[101] Similarly, a policeman serving as a witness in the trial of two men arrested in Admiral Town, Kingston, testified that because he had 'experience of obeah cases' he could confirm that a large body of material produced in court, including bones, shells, an imitation egg, camphor, candles, a compass, two mirrors, thread, chalk, pimento, garlic, and some dirt, were indeed 'implements of obeah'.[102] In the end, court cases turned on things being deemed instruments of obeah because people with authority – usually policemen – declared them to be so, and because magistrates recognized them as such.

Those constructing prosecution cases thus worked with a triad of narrative strategies, involving money, rituals, and objects, to produce a compelling case that would convince a magistrate of a defendant's guilt. If they could only present two of these elements the case was more vulnerable, although it frequently still led to conviction. The repeated telling of these stories of obeah practice in courtrooms, reproduced in newspapers, drew on but also reinforced the dominance of a wider archetype of obeah as a one-to-one encounter between client and practitioner, in which money is transferred, and objects are manipulated in ritual ways, with ritual words.

This archetype was also produced by defence strategies, which of necessity worked with the construction of obeah as it appeared in legislation and in the narratives created by prosecution lawyers and witnesses. The defence case was presented after the prosecution witnesses had been examined and cross-examined. In many cases – more than half in Trinidad, a slightly smaller proportion in Jamaica – defendants in obeah cases were represented by lawyers, who shaped the presentation of the defence case.[103] Since there was no entitlement to a lawyer in either colony at the time, this suggests that defendants were engaged with and knowledgeable about the functioning of the legal system, and also that many of them had considerable resources – either their own or those of friends and family who were prepared to pool funds to employ a defence

[101] 'Cases in the Courts', *Gleaner*, 27 March 1916.
[102] 'Interesting Case at Halfway Tree', *Gleaner*, 13 May 1916.
[103] 46 out of 79 cases in Trinidad. In Jamaica I found 178 cases where defendants were represented.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

lawyer. It also suggests that they trusted that a lawyer would be able to help them. Many defence lawyers appeared multiple times in obeah cases. Gaston Johnston, who defended Mary and Arthur Clement, appeared regularly as a defence lawyer in obeah cases for at least twenty-five years in Trinidad.[104] In Jamaica the prominent lawyers Norman Manley and J. A. G. Smith regularly represented people accused of obeah, alongside other regular lawyers including H. A. Lake, Aston Simpson, and H. A. L. Simpson, all of whom represented obeah defendants in trials from the early twentieth century to at least the 1930s.[105]

The goal of the defence in an obeah case, as in all criminal trials in the common-law system, was to convince the magistrate that there was sufficient doubt of the defendant's guilt to render a conviction unsafe. Some defendants and their representatives claimed that the entire charge was fabricated: that they neither possessed the objects presented as evidence against them nor carried out the actions of which they were accused. In these cases defendants sometimes argued that they were being prosecuted for ulterior motives, such as a grudge held against them by the person who had reported the case to the police, or by members of the police force. Samuel Bailey, arrested in Linstead, Jamaica, argued that the man for whom he allegedly performed a ritual to remove ghosts 'hated him, because he would not work in his field'.[106] Albert Thompson of St Thomas, Jamaica appealed unsuccessfully against his conviction for obeah on the grounds that the policeman who brought the charges against him had fabricated them out of 'enmity'.[107]

[104] The earliest obeah case in which I have found Gaston Johnston defending was in 1902 ('Allegations of Obeah', *POSG*, 7 February 1902), the latest in 1920 ('Lothians Road Obeah Case', *POSG*, 7 October 1920), although he also appeared as a criminal defence lawyer for other offences until at least 1927 ('Aftermath of a Village Wake', *POSG*, 2 July 1927). Also prominent in Trinidadian obeah cases were two members of the coloured Scipio-Pollard family: Emmanuel, active in the 1890s, and his son Clare Noel, active in the 1920s. See for instance 'An Obeahman in Court', *POSG*, 9 December 1893 and 'Princes Town Obeah Case', *POSG*, 7 October 1920. On Emmanuel see Brereton, *Race Relations in Colonial Trinidad*, 200.

[105] For obeah cases in which Manley acted for the defence see, for example, 'The Home Circuit Court', 7 October 1926; 'Yesterday's Supreme Court', 18 January 1927; 'Bog Walk Obeah Case in Spanish Town Court', 20 April 1931; 'Issues before Appeal Court', 17 March 1942; 'Obeah Charge Against "Professor Brown"', 4 August 1944; 'Charged with Having Prohibited Book – Acquitted', 26 July 1949; 'Faith Healing Submissions Fail in Obeah Appeal', 26 July 1949 all in the *Gleaner*. For examples of J. A. G. Smith's involvement as a defence lawyer in obeah trials see for instance 'Cases Brought before Court', 5 April 1915; 'The High Court', 14 March 1917; 'Session of the Appellate Court', 8 July 1920; 'Appellate Division of the Supreme Court', 27 November 1928 all in the *Gleaner*. In many of these examples Manley or Smith took the cases at the appeal stage.

[106] 'Linstead Court', *Gleaner*, 24 February 1923, 16.

[107] 'Obeah Appeals', *Gleaner*, 6 April 1933, 5.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

More commonly, defendants admitted to at least part of the prosecution's account of the facts of the case, but provided alternative explanations for what had been happening, unpicking the triad of ritual objects, ritual activity, and the transfer of money. A successful defence effectively inverted the prosecution. Aside from points that might lead to the failure of any prosecution, such as technical irregularities in search warrants or indictments, cases where the defence could show the absence of one of the three crucial elements were more likely to result in acquittals, although they were never guaranteed.[108] Arguments made by defence lawyers thus revolved around claims that no payment had been made, that the ritual material used to 'prove' obeah in fact had a mundane explanation, or that the rituals reported did not really involve 'pretence to supernatural power'. A person might give or sell to another a substance or object for healing or protective purposes, but if the transfer of the material was not accompanied by ritual activity the court might rule that this could not be construed as obeah. For instance, evidence was presented at James Grandier's trial that he gave Grace Coney a bottle of 'liniment' in exchange for a silver chain, and also cut cards in order to heal her niece. The defence successfully argued that this did not constitute pretence of supernatural powers: the necklace was simply payment for medicine to be used in an 'ordinary way'.[109] In a similar case, John Henry's lawyer argued that 'accused gave medicine, there was nothing supernatural about it', and Henry was acquitted, even though part of the evidence was that Henry had mixed medicine with fragments of bone.[110]

Many other defendants claimed that the things that the prosecution interpreted as instruments of obeah were in fact ordinary objects, with everyday uses. The vagueness of the definition of 'instruments of obeah' gave defence lawyers scope to argue that objects presented in court had not in fact been 'used' and/or 'pretended to be possessed of occult power'. Popo Samuel argued in his defence that the materials that the prosecution claimed demonstrated his practice of obeah were in fact the 'playthings of the children' of his household.[111] David Simon said that a bottle of liquid which the prosecution argued was for ritual purposes was in fact olive oil to soothe his sore toe, and that a pack of playing cards was simply

[108] For acquittals on technicalities see 'The Parishes: Sav La Mar', *Gleaner*, 28 June 1893; 'Charged with Working Obeah', *Gleaner*, 20 December 1911; 'Magistrate Refuses to Convict', *POSG*, 22 October 1931.

[109] 'Charge of Obeah Dismissed', *Gleaner*, 14 October 1899.

[110] 'Charge of Obeah', *Gleaner*, 31 July 1903. See also 'Capture of an Alleged Obeahman', *Gleaner*, 8 July 1903.

[111] 'A Family of Obeahists', *POSG*, 2 August 1922, 9.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

for games.[112] If objects were found in someone's house or on their person but there was no evidence that he or she had used them as part of a ritual, there was a reasonable chance that the defendant would avoid conviction. Francis Caradose was arrested because a policeman suspected him of having removed body parts from a grave. On searching Caradose's house the police found no evidence of the graveyard robbery, but discovered pieces of bone, animal skulls, a parcel of hair, some reels of thread, and 'several small bottles filled with most foul smelling compounds and liquids', as well as some letters and a copy of the Bible. Caradose was charged with obeah, but despite press speculation that human bones had been found on his premises, the crown solicitor at his trial did not present evidence, stating that he could not prove that Caradose had contravened the obeah Ordinance in any way. Simply having this material in his house was not sufficient in this case to lead to a full trial, let alone to a conviction, because there was no evidence that Caradose had made ritual use of it.[113]

Another strategy, also used in appeals, was to question the reliability of prosecution witnesses. Raphael Landeau appealed against his conviction for practising obeah in Port of Spain on all these grounds, arguing that the material brought before the court to prove that he was practising obeah was simply a domestic 'chapelle', commonly found in Catholic homes, that the dollar he had been given was not payment for ritual services but rather a contribution to have a mass said in church, and that the witnesses against him were police spies and thus were motivated to lie.[114]

Theophilus Neil's defence made an argument based in part on class, emphasizing his settled economic position and his respectability. Neil's father testified that his son owned 40 acres of land from which he sold the produce, rented out a shop, and had two houses. A man with this level of economic security would not, the implication was, be involved in obeah. The defence acknowledged Neil's guilt in the charge of practising medicine without a licence, but challenged the obeah charge by focusing on the element of ritual, the weakest part of the prosecution's case. Neil's lawyer did not deny that his client had accepted money, nor that the items described as 'instruments of obeah' had been found in his

[112] 'Six Months for Obeahman', *Gleaner*, 14 December 1933. For similar cases see 'Before Country Tribunals', *Gleaner*, 8 September 1917, 18; 'RM Court at Spanish Town', *Gleaner*, 11 November 1920, 6.

[113] 'Desecration of a Grave', 10 April 1902; 'The St James Obeah Case', 13 April 1902; 'The Obeah Case', April 13 1902, all in *POSG*. For an acquittal in a similar case see 'Obeah Charges at Morant Bay', *Gleaner*, 5 April 1916. Caradose's case was also briefly discussed in Chapter 4 of this book.

[114] 'Appeal Court before the Chief Justice and Mr Acting Justice Deane', *POSG*, 22 September 1915; 'Supernatural Power Case', *POSG*, 29 September 1915.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

home. But he argued, with the support of the testimony of Neil and his father, that no ritual involving 'supernatural power' had taken place. Both father and son contested David Rennals's claim that Theophilus had said that the sick man's stomach pain resulted from ghosts squeezing his stomach, instead claiming that Theophilus had said that 'it must be what *you people* call ghosts' (emphasis added). The medicine provided, they claimed, was not 'occult' but rather 'normal', the sort of thing that a biomedical doctor might supply. Many other obeah defendants also made use of Neil's argument that they were not practising obeah but providing everyday health advice. Representing Hensley Lindo in his appeal against a conviction for practising obeah in 1927, Norman Manley argued that the evidence that Lindo had instructed a man to 'wash his face in the morning with some peppermint water' did not constitute obeah, but rather was 'wholesome' advice.[115] Theophilus Bailey, who was accused of trying to heal a baby suffering from malaria by means of a ritual healing bath of cock's blood mixed with water, argued similarly. He admitted that he had given advice to the child's parents, but denied that he had used a ritual bath, claiming that he merely recommended that they give the boy cod-liver oil, 'as that was a good remedy'.[116]

The defence of the Clements similarly unpicked the triad of ritual, money, and objects. Gaston Johnston argued that what they were doing was not obeah but simply ordinary, legitimate religion. The crucifix 'and other articles' in their home were 'mere symbols used in their faith as Roman Catholics'.[117] Arthur Clement also explained that his wife was a mesmerist, who had cured him of his own long-standing illness when a biomedical doctor had not been able to help him. She had 'slept for a large number of persons in the community in all stations of life and has cured them when doctors failed'. He denied that either he or she practised obeah, and said that no fowl had been sacrificed, nor had he diagnosed a need to remove spirits. Arthur also gave an alternative account of his wife's treatment of Mr Stewart. Mary (or 'Ma Joe') Clement had 'hypnotized herself' by staring at a candle that Stewart held. She fell asleep, and while she was sleeping Mr Stewart 'told her to try and see what she could do for him as he was suffering very long'. In her trance state, Mary listed some remedies that Mr Stewart should use, which he wrote down. Arthur acknowledged that money had changed hands, but said it was a mere 4 shillings paid on two separate occasions, rather than the $5 that Annie Stewart had claimed.

115 'Yesterday's Supreme Court', *Gleaner*, 18 January 1927.
116 'Bathed Baby in Fowl Blood to Cure Malaria', *Gleaner*, 18 November 1929.
117 'The Brabant Street Obeah Case', *POSG*, 13 July 1910.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

The Clements' description of themselves as Catholics and mesmerists was found in other cases: Beatrice Hanson of Kingston based her defence on the argument that she was a 'clairvoyant medium' rather than an obeah practitioner; she had studied spiritualism while living in the United States, with a pupil of Sir Arthur Conan Doyle. Moreover, the images of Jesus, Joseph, and the Virgin Mary found in her house and used as evidence against her 'could be found in any devout Roman Catholic home'.[118] Similarly, Norman Greaves of Siparia in southern Trinidad argued at his obeah trial that he was simply a preacher; the occult books found in his house and used as evidence against him were to 'advance him in the study of his ministry.'[119] Thomas Carter was acquitted on a charge of obeah despite evidence presented that he had dipped his finger in a glass containing liquid and sprinkled it about the room, saying: 'By this Holy Water I command that your wife come back to you'. Even though he had also spoken in an 'unknown tongue', something frequently taken as a sign of obeah in other cases, the magistrate decided that there was no evidence of 'pretence of supernatural power'.[120] The similarity between what he had done and ordinary Christian ritual, which was both legal and respectable, seems to have saved him from conviction.

As all these cases show, most of the defences against obeah prosecutions, not surprisingly, accepted the terms of the law, but sought to show that those accused of obeah had not broken it. This was no doubt the best way to work within the courts for any individual client. Very occasionally defence lawyers took a more dramatic step, challenging the validity of the law itself. Defending Maria Ramcharan in Trinidad, Gaston Johnston criticized the obeah law as 'very drastic', creating an 'almost indefensible' crime.[121]

We have already established that relatively few defences were successful. Even a defence that appears to have been effective in dismantling the triad of money, ritual, and objects embedded in obeah law did not inevitably lead to acquittal. There is often little to distinguish cases that resulted in conviction from those that did not, and it is hard to resist the conclusion that to a considerable extent the outcomes of trials were arbitrary, resulting from factors beyond the extent to which the evidence presented met the legal requirements for securing a conviction. Several convictions took place in cases that appear similar to those that led to acquittals on the grounds that there was no evidence of supernatural

[118] 'Claims to be Spiritualist', *Gleaner*, 11 January 1933. For a similar claim see 'Obeah Case Heard in San Fernando', *POSG*, 3 August 1895, 3.
[119] 'Siparia Magistrate's Court', *POSG*, 31 May 1931.
[120] 'Obeah Charge Fails in Court at Old Capital', *Gleaner*, 19 April 1927.
[121] 'Assumption of Supernatural Powers', *POSG*, 19 February, 10.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

power being 'assumed'. Isabella Francis received a twelve-month prison sentence for practising obeah in a case where the main evidence against her was that she had provided 'two bottles of some liquid and a little bag' for a sick child to wear 'to keep off the evil spirit'.[122] Presumably it was the provision of the bag for the child to wear, and the interpretation that her illness was caused by an evil spirit that distinguished this case from others like those of John Henry and James Grandier, discussed above, but there is little difference between them. Joseph Reid was also convicted in a case very similar to that of Francis Caradose, in which police searched his house and found items they interpreted as 'instruments of obeah', but did not put forward witnesses to show that these 'instruments' were used for ritual purposes.[123]

The line between conviction and acquittal was fine, sometimes non-existent, in part because, despite the ideology of the rule of law, decisions did not always follow clear-cut rules. Even so, the possibility of acquittal meant that police had to be careful: it was in their professional interest to follow a set of procedures designed to maximize the likelihood of conviction. Entrapment was more likely to lead to conviction than was a raid on someone's house and confiscation of their possessions. It was also more likely to be successful than cases where civilians reported the ritual specialist after a ritual had taken place, because civilians often did not know the rules by which an obeah conviction might be obtained. Hezekiah Hudson, for instance, was arrested after he offered to anoint Adina McCoy with a liquid 'to prevent the spirit from following her'; this would cure her of her long-term ill health. Although the evidence showed that Hudson had been paid, his defence lawyer was able to use the fact that he had been arrested before he anointed McCoy to successfully argue that no obeah had actually taken place.[124] Within entrapment cases, the police needed to be well trained to make sure they did not reveal themselves too early, before the suspect had conducted a ritual, or before money had changed hands.

If they convicted the defendant, magistrates followed this by announcing the sentence. Theophilus Neil received a twelve-month prison sentence. Arthur Clement was imprisoned for three months, while Mary was sent to prison for only one month. The different sentences of these three individuals follow the pattern in which Jamaicans received more

[122] 'Cases Tried in the Courts of Two Parishes', *Gleaner*, 7 March 1922.
[123] 'Old Man is Found Guilty of Practicing Obeah', *Gleaner*, 30 July 1931. For a similar case, in which a man was convicted of obeah on the basis of having human bones in his possession, despite there being no evidence about ritual activity, see 'Some Cases in Rural Courts', *Gleaner*, 15 May 1916.
[124] 'Charged at Retreat Mountain', *Gleaner*, 16 December 1915.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

severe punishments than Trinidadians, and men than women. Magistrates described their sentencing decisions as calibrated to the circumstances of specific offences, with acts that they considered especially egregious, and people who had previous convictions, getting the more serious punishments.[125] Some got severe punishments in order to make a strong example: when sentencing Francis Harmit, whose trial attracted a great deal of attention, the magistrate explained that 'when a man like the accused', that is, a well-off and well-dressed Kingstonian, 'resorted to such a thing as obeah he ought to be heavily punished'.[126] At the same time, magistrates distributed punishments depending on the personal characteristics of the convict. This type of calibration was encoded into the law, which had since the end of slavery made the flogging of women illegal. In addition to gender, magistrates took age into account in deciding on sentences, occasionally noting that they had not allocated a flogging, or had given a relatively short prison sentence, because the defendant was old.[127]

Obeah cases, like court cases more generally, had an audience beyond the individual being prosecuted. Magistrates often elaborated on their decisions with comments officially directed to the accused, but also aimed at the wider audience in court, and, via the press, at a newspaper-reading public.[128] These comments often reflected on the Caribbean's relationship to 'civilization', something that was always at stake in discussion of obeah. Magistrates did not argue straightforwardly that the Caribbean was uncivilized, but rather that it was *almost* civilized, on the brink of achieving civilization. In this context the existence or prevalence of obeah was preventing the region from attaining full civilization. A Jamaican magistrate commented that obeah was 'an offence peculiar to this country' and that he knew of 'no other civilised country in the world where this thing exists', thus including Jamaica within the category of civilized countries while also marking obeah as a challenge to

[125] Nine of the twenty-seven men (33 per cent) in Jamaica who received punishments of twelve months' imprisonment and eighteen lashes had previous convictions noted in court, compared to 65 of all the 461 known punishments (14 per cent).

[126] 'The Allman Town Obeah Case', *Gleaner*, 24 October 1907.

[127] For examples see 'Another Obeah Conviction in Clarendon', 29 August 1899; 'Practiced Obeah', 20 October 1902; 'Practiced Obeah', 19 June 1906; 'Charges Heard', 20 October 1913; 'Cases Tried by Mr H. Robinson in Police Court', 22 August 1922, all in the *Gleaner*; 'Lopinot "Obeahists" Convicted', *POSG*, 1 March 1936. Previous convictions could trump age, though. Jacob Hatfield, with nine previous convictions, received the maximum punishment of twelve months and eighteen lashes, despite being a 'grey-haired old man'. 'Obeah Cases', *Gleaner*, 16 June 1915.

[128] On judicial comments more generally see Paton, *No Bond But the Law*, 157–8; Hay, 'Property, Authority, and the Criminal Law', 27–9.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

that status.[129] Magistrates often emphasized that people who aspired to 'respectability' or 'civilization' should reject 'superstitious practices' such as obeah. One contrasted the 'poor ignorant people . . . practically living in the bush' of the country where he'd previously lived (which he did not name) with Jamaicans who had 'the opportunity of being taught in schools', stating that he could 'hardly believe they [Jamaicans] were so foolish as to allow themselves to be duped that way'.[130] Another attacked the 'mere ignorance' of the woman who came before him charged with obeah, while a third complained that the practice of obeah was 'a very silly thing and he saw no reason why these people should believe in it to such an extent'.[131] In two separate Trinidadian cases where religious practice led to prosecution, defendants were sternly told: 'You are not in the wilds of Africa.'[132]

Magistrates also emphasized the significance of obeah convictions as a sign that state power was stronger than the power of obeah. They enjoyed pointing out that a successful prosecution for obeah revealed that the defendant was not, despite what he or she claimed, able to determine the outcome of court cases. One magistrate gloated to a convicted obeah defendant that 'whilst people like you pretend to have supernatural power . . . they have no power whatever to prevent the witnesses speaking the truth and proving a crime against you, and that must show to the public that they are imposters and frauds'.[133] The claim that convictions for obeah would reveal the fraudulence of its practitioners was also frequently made in commentaries on the law.[134]

Yet this was a risky game for state authorities, because it made every obeah case a potential comment on the reality or otherwise of obeah's power. Given that not all prosecutions could lead to convictions, there would inevitably be cases that could be taken to prove the power of ritual specialists as individuals, and of obeah as a spiritual force. Robert Elleston, for example, was said to have boasted of his powerful spiritual work, which he said was proved by the fact that he had not been convicted at a previous trial. He was prosecuted for obeah again for this boast, and once

[129] 'An Obeahman', *Gleaner*, 31 August 1915.
[130] 'Obeah Charge', *Gleaner*, 14 January 1911.
[131] 'July Courts in the Rural Districts', *Gleaner*, 17 July 1915; 'A Family of Obeahists', *POSG*, 2 August 1922.
[132] One was a case for breach of the peace following a wake: 'Peace Disturbers', *POSG*, 31 January 1914, 9. The other was a Shouters' Prohibition Ordinance case: '"Shango" Dancers Beware!', *POSG*, 10 July 1919, 5.
[133] 'The Hardware Gap Obeah Case', *Gleaner*, 14 August 1899.
[134] See for example the comments of Charles Frederick Lumb reported in 'The Obeah Law: Dr Lumb Recommends the Stocks', *Gleaner*, 4 December 1901, enclosed in CO 137/625, Eustace Greg to Joseph Chamberlain, 13 December 1901.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

more acquitted, no doubt adding to his confidence and reputation.[135] When a policeman involved in a Trinidadian obeah trial was injured in an accident, forcing postponement of the trial, it led to considerable speculation, and the widespread view that the defendant had 'worked obeah to bring about the accident'.[136] Even cases of conviction where a lighter sentence than expected was given could be interpreted as a sign of the spiritual worker's power. Some 'respectable' people disapproved of James Edwards's sentence of thirty days' imprisonment for practising obeah because his 'supporters believe that the light sentence is due to his skill'.[137] Magistrates in cases where the defendant was acquitted sometimes commented that it would have been better if the prosecution had not been brought. After the prosecution case against William Gale collapsed when a key witness refused to give evidence, the magistrate lamented the fact that the defendant was likely to 'tell the people that he had defeated the police and the judge', and as a result would acquire a 'bigger clientele'.[138] News of the acquittal of Matthew Russell Gordon would convince 'the illiterate people' that he 'were really an obeahman', lamented the magistrate who oversaw his case.[139]

These words by magistrates emphasize the public nature of obeah trials. Many provoked considerable public interest. A crowd outside the courthouse was ecstatic in response to the acquittal of James Brown, also known as Tata, displaying 'excitement . . . beyond description'.[140] Crowds did not always support the accused practitioner. Samuel Rooms's conviction was greeted with approval by the crowd outside the court, who followed him as he was taken from the court to the prison, 'making a tremendous mocking noise'.[141] Whether supportive or hostile towards the defendant, crowds provided a public commentary on the judicial procedure, emphasizing that it did not belong only to the state but was also a public event.

The end of the trial was not the end of the story. For the defendant, most obviously, it was followed either by time in prison (including sometimes a flogging), the need to pay a fine, or a return to ordinary life with a reputation as someone who had defeated an obeah charge in court. Police involved in obeah trials were sometimes rewarded financially for

[135] 'Obeah Charge at Linstead', *Gleaner*, 30 November 1905.
[136] 'Accident to Detectives', *POSG*, 29 August 1894, 3; 'The Obeah Case', *POSG*, 30 August 1894, 3.
[137] 'Complaints from Annotto Bay', *Gleaner*, 28 November 1894.
[138] 'No Practice of Obeahism', *Gleaner*, 26 October 1905.
[139] 'Business before Criminal Courts', *Gleaner*, 11 November 1920. Perhaps as a result of this warning, Gordon was immediately rearrested and convicted later the same day of vagrancy.
[140] *Gleaner*, 16 May 1908.
[141] 'Rural Court', *Gleaner*, 9 October 1918.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press

successful prosecutions; for many their involvement was part of the path of building a professional career as a specialist police officer. Magistrates and lawyers also developed expertise in obeah through their repeated participation in obeah trials.

Obeah prosecutions were sometimes used to legitimize attacks on those whose religious practice posed a political or cultural threat. But this was not the primary way in which the law functioned in practice. Its use came partly from below, from the neighbours and enemies of those prosecuted, and for whom obeah was a frightening use of power. From the point of view of the everyday state, especially the police officers who made the arrests, obeah prosecutions provided a way of climbing a career ladder, demonstrating one's competence, and, sometimes, extorting resources and damaging enemies and rivals. And from the point of view of the people who drove policy, obeah prosecutions served to demonstrate the civilizing drive within the Caribbean, the effort by the social elite to reform the population and bring them 'up' to a better standard by clearly marking out unacceptable practices. The conjunction of all these interests cohered to make obeah prosecution a regular part of the landscape of the law in the early twentieth-century Caribbean.

https://doi.org/10.1017/CBO9781139198417.006 Published online by Cambridge University Press