

THE HOPEFUL CASE: SELDON LECTURE 18 AUGUST 2022.

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In a Queensland Legislative of Assembly debate in 1868 concerning the findings of the Select Committee on the Operation of the Polynesians Labourers Act 1867, Radical Liberal Robert Travers Atkin, later member for East Moreton, spoke against this potential new system of slavery. His fears were not alarmist. The aristocratic pastoralist premier, Sir Robert Mackenzie was a partner in the largest firm importing Pacific Islanders into Queensland and many influential parliamentarians like the Hon. Louis Hope, son of the Earl of Hopetoun and whose mother's money came from reparation funds from the Jamaican slave plantations.

Atkin left a significant legacy in Queensland. His son, Brisbane born James Atkin later became a distinguished Law Lord, Baron Atkin of Aberdovey. On Atkin's death in 1872, barrister Samuel Griffith entered parliament in his seat. Thus the issue

of kidnapping and slavery in the Pacific Island labour trade were significant political, legal and moral concerns as Dr Stumer has outlined.

The sugar industry soon became a profitable burgeoning industry. By the early 1880s it moved northwards from its centre in Mackay into the Ingham and Innisfail regions. Now finance came largely from CSR which invested £ 200,000 to establish Victoria mill in 1883 at Ingham replete with electric light and steam ploughs. This was but one major investment in the area. To put this into perspective. The Queensland colonial budget at this time was £1,200,000.

This year witnessed a constellation of factors that would lead ultimately to the Hopeful case, the cause celebre of the decade, both nationally and internationally.

1. First Samuel Griffith became premier in November 1883.

As the recent reappraisal by Dr Denver Beanland and I demonstrated, Griffith came from an internationally prominent Congregational family with strong anti- slavery

credentials from the early 1830s in both the UK and the USA. His father, the Reverend Edward Griffith, pastor of the prestigious Wharf Street Congregational Church, was heavily involved in the Aboriginal Commission with notable Indigenous advocates like the Anglican Archbishop of Brisbane, Matthew Hale, Scottish born priest, Father Duncan McNab who lodged the first land rights claim in 1876 and Queensland representative of the London based Aborigines Protection Society, Alfred Davidson. He also welcomed Pacific Islanders to worship in his church. Though not religious, Samuel Griffith absorbed the moral capital and fervour of his upbringing.

2. The destruction of the plantocracy in Mackay with its aristocratic lineages like the Earl of Yarmouth and Sir John Ewen Davison, (whose family were the wealthiest plantation owners in Jamaica pre Emancipation) alongside the restructure of the sugar industry with small farms and co-operatively managed state financed sugar mills, became the driving force of Griffith's premiership. Often to

the detriment of other pressing issues like economic management.

3. To this end his government brought in legislation for the central mill system in 1885. The colony could ill afford the £10 million loan Griffith arranged that was not repaid until 1924, hampering subsequent government's investments in infrastructure development.
4. At the start of his premiership, Griffith introduced legislation to stop guns and ammunition being part of the incentive in the labour trade. By the 1880s potential recruits from Solomons and Vanuatu were highly adept at negotiation their own terms of where they wanted to be located and even on which plantation. These societies were with their highly aggressive masculinist cultures. Guns to engage in intertribal warfare were a chief incentive to enlist, especially for coast dwellers.
5. This meant effectively new areas needed to be exploited to find massive numbers of field labourers unaware of the process of enlistment and indentured service for 3 years.

6. The vessel, the *Hopeful*, owned by the Townsville merchant firm, Burns Philp, left that port on 3 May 1884, licensed to recruit 200 labourers for Victoria mill. The company earned £2000 on this voyage. Philp was later a conservative premier and the vessels of Burns Philp had the contract to deport Pacific islanders in 1906 and 1907 under the terms of the White Australia Policy.

7. It returned with 123 recruits on 17 July in record time, when vessels recruiting in the Solomons took some 6 months, given the protracted negotiations with potential recruits and their leaders. The new recruits came from the Louisiades and D'Entrecasteaux Archipelago and other islands off eastern New Guinea. This area did not have Presbyterian mission stations that had proven the source of information to the Anti-Slavery Society and the Colonial Office in the UK.

8. The local Inspector of Pacific Islanders, Captain Pennefather in Ingham passed 112 as physically fit to undertake their 3 year indenture. That they did not speak

any English, understand the nature of the contract that they had entered into and were often kidnapped was bypassed.

9. On 28 August 1884, Albert Messiah, the West Indian steward, on the *Hopeful* alleged that islanders had been murdered and kidnapped on the voyage. He made a formal complaint to Magistrate Hugh Milman, a notable crusader for both Indigenous and Islanders rights, an unusual role at this time. Milman and Pennefather undertook extensive enquiries to determine its veracity.

10. The head of the pacific island branch of the Queensland Immigration Department, Charles Horrocks reported in late January 1884 these findings to Griffith, showing the government agent's log was less than satisfactory, and that further investigations were necessary. This was just the issue that Griffith could use to discredit the labour trade and thereby the plantation system.

11. These initial enquiries into the conduct of recruiting practices into the new areas off New Guinea need clarification and contextualisation.

12. From May 1883 until November 1884 there were 62 voyages into these waters by Queensland operated vessels. The *Jessie Kelly* left Bundaberg on 25 June and the *Fanny* took off from Mackay on 13 July, all recording swift voyages and a near full complement of potential labourers who knew little or no English or the terms of their indenture. More vessels by the end of 1883 ventured further out into the Woodlark Islands, New Britain and New Ireland. The last vessel, the *Heath* returned on 29 November 1884. By this time some 5797 New Guinean islanders had been introduced into Queensland, many dying when confronted with new diseases and the tough work regime.

13. On 6 February 1884 Griffith wrote in a departmental memorandum that he was considering the abolition of the

labour trade entirely. A month later legislation was passed to tighten regulations.

14. On 31 March 1884 police court proceedings were began against the Hopeful's recruiting agent, Neil McNeil and seaman Barnard Davies followed soon after by other crew.

15. On 26 November 1884 Neil McNeil was indicted for the murder of 2 pacific Islanders on 13 June before the CJ Charles Lilley. Patrick Neal (later Justice Neal), the Attorney General, Sir Arthur Rutledge and Edward Lilley appeared for the Crown, with Charles Chubb (later a district Court judge) for the defence. He was found guilty and sentence to death as was seaman Barnard Williams.

16. In further trials before Lilley CJ Captain Lewis Shaw and Government agent Henry Schofield were found guilty of kidnapping and sentenced to life imprisonment, the first three years in irons; Five other crew were sentenced to sentences of seven to ten years.

17. On 10 December the largest public meeting held in Brisbane gathered to protest the verdicts and sentences, proclaiming that black lives were inferior to those of Europeans. Deputations were made to Griffith. Opposition leader, Sir Thomas McIlwraith became the principal figurehead of the abolitionists.

18. On 16 December the Executive Council rejected commutation of the sentences though on 23 December the death sentences were revoked, with only Griffith and his old University of Sydney ally, Charles Mein arguing to uphold the decision.

19. That month Griffith ordered a Royal Commission to enquire into the labour trade in New Guinea waters, chaired by his ally, Baptist lay preacher and anti-slavery activist, Kinnaird Rose. Hugh Millman acted as a commissioner. The report was shocking its revelations of murder, rape, kidnapping and deceit.

20. In its wake at an enormous cost of £26,000 reparations to employers the remaining Islanders were

repatriated in mid - 1885. Legislation was introduced banning the labour trade after 1890. By this time the global economy and Griffith's policies saw the sugar industry in deep depression.

21. After McIlwraith became premier in 1889, the Hopeful prisoners were released to widespread acclaim in February 1890. Robert Philp arranged for their transportation from St Helena prison to Brisbane and suitable accommodation. Chief Justice Lilley was appalled given the prisoners had been convicted under Imperial legislation. This decision, he believed offended British principles of morality and justice recognised by civilised humanity.

22. And this brings the whole issue of kidnapping and slavery full circle to the core issues that Dr Stumer addressed. As Coates' barrister Lilley used the argument that "It is no offence to go to islands inhabited by savage and barbarous people and to bring them into the protection of English law." History has proven his original

defence entirely misguided and one that continues returns to haunt his reputation and legacy.