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The *Sutton* Case: The First Franco-Australian Foray into Blackbirding

KARIN SPEEDY

ABSTRACT

In 1858, a scandal rocked Sydney – the captain and the owner of the Sydney-based barque *Sutton* were accused of kidnapping 65 Pacific Islanders to sell to sugar planters on the Indian Ocean island of Reunion. While Dorothy Shineberg highlighted this incident in a 1984 publication, she based her story on official documents located in the French and British archives and, understandably, largely portrayed it as a diplomatic dispute between the colonial powers. This paper revisits this notorious yet little known episode, taking into account the press coverage the affair received in Australia as well as the archival correspondence. It repositions the narrative in the complex colonial space of Sydney, where culpability was very much tied to local politics, class and notions of nationality. Set against the backdrop of the British anti-slavery laws, it considers the implications of this affair on future recruiting ventures in the region, including the introduction of indentured labour to Australia in 1863.

Key words: blackbirding, Pacific labour trade, indentured labour, slavery, Australian history, Pacific history, Indian Ocean history, Reunion Island

In 1984 Dorothy Shineberg published a short and apparently little noticed article in the *Journal de la société des océanistes* on the *Sutton* case.¹ While carrying out archival

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Acknowledgements: This paper is based on archival documents housed today in the National Archives in London and in the Archives Diplomatiques in La Courneuve, Paris. I also refer to Dorothy Shineberg's 'French labour recruiting' and to articles published in the *Empire* and the *Sydney Morning Herald* between 26 June 1858 and 6 September 1858. I would like to thank Ivan Barko and Ros Maguire for bringing the press coverage of the *Sutton* case to my attention. I would also like to thank Jennifer Loo for kindly photographing the documents held at the National Archives in London, and I am grateful to the Faculty of Arts at Macquarie University for awarding me a grant under the Research Travel Scheme to consult the Archives Diplomatiques in Paris in September 2014.

¹ See Dorothy Shineberg, 'French labour recruiting in the Pacific Islands: an early episode', *Journal de la société des océanistes*, 78:40 (1984), 45–50. See also her postscript: Dorothy Shineberg, 'Postscriptum: French labour recruiting in the Pacific Islands', *Journal de la société des océanistes*, 79:40

research on the 19th-century Pacific labour trade,² Shineberg found documents detailing the 'recruitment' of some 65 Pacific Islanders, 'fifty-one from the Gilberts (Kiribati) and fourteen Solomon Islanders',³ who in 1857 were spirited away from their homes on the Sydney-based barque *Sutton* to be sold as indentured sugar labourers on the Indian Ocean island of Reunion.

Shineberg's account, drawn almost exclusively from diplomatic correspondence held in the London Foreign Office files and the Archives des Affaires Étrangères in Paris, is mostly descriptive; it recounts the events and summarises the official correspondence. Shineberg also offered some background to her story – she highlighted the severe labour shortage facing post-slavery Reunionese planters in the midst of a sugar boom and their reliance on the dubious 'Free Labour Emigration System',⁴ and she drew the reader's attention to the contemporaneous Anglo-French tensions surrounding the slave trade. But, for Shineberg, this episode was an aside from her main project on indentured Pacific labourers in New Caledonia, and while immensely valuable for bringing the incident to light, her story does not scratch too far beneath what is presented in the 'official' documentation. As a result, we do not get a sense of the reception or importance of this episode outside the Franco-British diplomatic sphere. Given the significant scholarly output on the Pacific labour trade since the publication of Shineberg's article, it is curious that this affair has not received more attention.

In this paper, I revisit the archive and subject the records to further scrutiny. I also discuss the media coverage that the *Sutton* case attracted in Sydney newspapers in 1858,⁵ giving us a more nuanced picture of the personal and political manoeuvring at play and a greater sense of the Australian response to this affair six years before the first shiploads of Pacific Islanders would arrive in Queensland to work in the cane fields.⁶

(1984), 285. Shineberg's article has only been cited a few times: Jolly devotes to it a one-line mention, and Munro and Munro and Bedford refer to the number of Gilbert Islanders transported to Reunion. See Margaret Jolly, 'The forgotten women: a history of migrant labour and gender relations in Vanuatu', *Oceania*, 58:2 (1987), 122; Doug Munro, 'The origins of labourers in the South Pacific: commentary and statistics', in Clive Moore, Jacqueline Leckie and Doug Munro (eds), *Labour in the South Pacific* (Townsville 1990), 1; Doug Munro and Richard Bedford, 'Labour migration from the atolls: Kiribati and Tuvalu', in Moore, Leckie and Munro, *Labour in the South Pacific*, 172.

² Shineberg's extensive archival work led to the publication of her comprehensive study on the importation of Pacific Island labourers into New Caledonia in the 19th century. See Dorothy Shineberg, *The People Trade: Pacific Island laborers and New Caledonia, 1865–1930* (Honolulu 1999).

³ Shineberg, 'French labour recruiting', 45.

⁴ A system whereby the French allegedly bought slaves from Arab traders to set free and then engage as workers in French territories. Ibid. See also Moses D.E. Nwulia, *Britain and Slavery in East Africa* (Washington 1975), 31–32.

⁵ The *Sutton* case was initially reported by the *Empire* and then the *Sydney Morning Herald*. Newspapers outside Sydney reprinted the Sydney stories.

⁶ Benjamin Boyd, who had long used Indigenous Australian, New Zealand and Pacific Island labourers in the whaling industry, was the first to import Pacific Islanders to work in Australia.

THE SUTTON'S 1857 JOURNEY FROM SYDNEY TO REUNION ISLAND

Background

Since France's loss of Saint-Domingue and Mauritius, Reunion Island had become an important sugar producer for the nation. In the 1850s, it was experiencing a boom in its sugar industry, which it was struggling to exploit as it could not source enough workers.⁷ Barred from employing 'coolies' from British India until 1861,⁸ Reunionese planters looked to East Africa, French India, Madagascar and beyond to staff their sugar plantations.

In 1856, while in Sydney, a Reunionese merchant, Monsieur Chateau, conceived a plan to supply hundreds of Pacific Island labourers to Reunion.⁹ He wrote to the *directeur de l'intérieur* of Reunion requesting support for his scheme to import these Pacific workers as an 'experiment'. Permission was duly granted for him to charter 'foreign ships' for this purpose under the condition that a 'delegate of the administration' be placed aboard the ship and that this delegate be selected with the

Those who survived in the unfamiliar conditions or did not run away worked as shepherds on Boyd's New South Wales stations. Marion Diamond, *Ben Boyd of Boydtown* (Melbourne 1995), 126–27. For more information, see also Marion Diamond, *The Sea Horse and the Wanderer: Ben Boyd in Australia* (Melbourne 1988). While Pacific Island indentured labourers had been employed in the Torres Strait from 1860, the first Kanakas to arrive in Queensland were brought in by Ross Lewin on the *Don Juan* for Robert Towns in 1863 to work on his 'Townsville' plantation in Logan. See Steve Mullins, *Torres Strait: a history of colonial occupation and culture contact, 1864–1897* (Rockhampton 1995); Doug Hunt and K.H. Kennedy, 'Bye bye blackbirder: the death of Ross Lewin', *Journal of the Royal Historical Society of Queensland*, 19:5 (2006), 809. With the advent of the sugar industry, however, the value of Kanaka labour was soon realised, and planters began shipping large numbers of Pacific Island labourers into Queensland. See for example Peter Corris, 'Pacific Island labour migrants in Queensland', *Journal of Pacific History*, 5:1 (1970), 43–64; Raymond Evans, Kay Saunders and Kathryn Cronin, *Race Relations in Colonial Queensland: a history of exclusion, exploitation and extermination* (St Lucia 1993).

⁷ Slavery had been abolished in Reunion in 1848.

⁸ The French version of the 1 July 1861 Anglo-French agreement to regulate the immigration of Indian workers to French colonies can be found in the Archives d'Outre-mer in Aix-en-Provence. For details see Karin Speedy, *Colons, créoles et coolies: l'immigration réunionnaise en Nouvelle-Calédonie (XIXe siècle) et le tayo de Saint-Louis* (Paris 2007), 115.

⁹ Chateau described himself as a French merchant resident in Sydney in his initial correspondence with the authorities in Reunion. He may well have resided for a time in Sydney, but he did not appear to be there from 1857 when Joubert was preparing the voyage, nor was he around to answer to the scandal once it hit the Sydney newspapers in 1858. Governor Stevenson mentioned that Chateau was 'of St. Denis'. Stevenson to the governor of Bourbon, 28 Jan. 1858, translated copy enclosed in Stevenson to Labouchère, 18 Jan. 1858, enclosed in Merivale to Hammond, 19 May 1858, London, National Archives (hereinafter NA), FO 27/1277A. In his letter to the editor of the *Empire*, Joubert called him 'one of my correspondents at St. Denis'. D.N. Joubert, 'Letter to the editor', *Empire*, 6 July 1858, 4.

cooperation of the consul of France, Louis Sentis, at Sydney.¹⁰ Without ultimately obtaining this official cooperation (as Sentis claimed it was not part of his consular duties),¹¹ preparations continued to be made for the expedition, and a charter party was drawn up on 15 May 1857.¹²

The charter party between Joseph Wilson, captain of the *Sutton*, Didier Numa Joubert, who in tandem with Chateau organised the voyage, and John D'Allemagne,¹³ the unofficial (at the time of sailing) delegate, clearly outlined the purpose of the trip. The *Sutton* would 'proceed to the South Sea islands' and recruit no more than 'three hundred and seventy' 'male and female immigrants' who would be taken therewith 'to the port of St Denis, Island of Reunion (Bourbon)'.

The Voyage

Sailing from Sydney on 8 June 1857, the *Sutton* first landed in Fiji, where she failed to recruit any workers.¹⁴ She then sailed to the Gilbert Islands, where at Byron's Island (Nikunau) she was met by a boat crewed by six Gilbertese and two white men: William Ferrier, an Englishman who had been living on the island for some 16 years, and William Meadows, an American who had been on the island for about 16 months. The men boarded the *Sutton*, Captain Wilson having allegedly asked that the beach-combers serve as interpreters. In depositions made at Mauritius,¹⁵ both Meadows and Ferrier claimed that Wilson had asked them to 'procure him some natives to make cocoanut-oil' for 'ten to twelve months' on an undisclosed island to the west. He apparently also promised that both men and the Gilbertese crew would be returned to Byron's Island in three days. In addition to these men, some 12 to 15 'natives' of Byron's Island came on board the *Sutton*.

The ship sailed on to Pirhoot Island (Beru) and Clark's Island (Onotoa), where more Islanders were recruited. Precise numbers of recruits from each island are not known, but approximately 58 Gilbert Islanders in all were taken on board the *Sutton*. Despite his apparent promise, Captain Wilson, faced with unfavourable weather conditions, did not land Ferrier, Meadows and their crew back on Byron's Island, and they remained on board the ship. Up to this point, despite both Ferrier and Meadows

¹⁰ Manès to Chateau, St. Denis, 27 Oct. 1856, NA, FO 27/1277A; Hubert Delisle to Sentis, St. Denis, 27 Oct. 1856, Paris, Archives Diplomatiques, Correspondance Commerciale, Sydney, 1856–66, tome 3 (hereinafter CC/t3/AD).

¹¹ Sentis to Hubert Delisle, Sydney, 24 Mar. 1857, CC/t3/AD.

¹² Charter party, Sydney, 15 May 1857, NA, FO 27/1277A.

¹³ The charter party mistakenly recorded Joubert as 'Didier Perima Joubert' and John D'Allemagne as 'John Dalmayne'. D'Allemagne's name is spelled in various different ways in the archival documents – Dalmagne, Dalmayne, Delmaine and Dumaine.

¹⁴ Report from Dalmagne to the *directeur de l'intérieur* of Reunion, St Denis, 31 Oct. 1857, enclosed in Earl Cowley to the Earl of Malmesbury, Paris, 11 Sep. 1858, NA, FO 27/1259.

¹⁵ Deposition of William Ferrier (hereinafter Ferrier deposition) and deposition of William Meadows (hereinafter Meadows deposition) to W.H. Maran, crown solicitor, Port Louis, Mauritius, 16 Dec. 1857, NA, FO 27/1277A.

asserting that Wilson would not divulge their ultimate destination, it would seem that the trip had passed relatively uneventfully. All of the (white) witnesses confirmed that the Pacific Islanders had come aboard 'willingly' and were 'well-treated'.¹⁶ Once the *Sutton* left the 'Kingsmill Group' (in the Gilberts), however, Captain Wilson purportedly put pressure on Ferrier and Meadows and their crew to sign the ship's articles, for fear 'he might be taken to be a slaver' should he fall in 'with a man-of-war'. Ferrier did so, apparently under the influence of alcohol and without reading 'the articles or engagement' as he could 'not read very well'. Acting as interpreter, he subsequently told the natives 'by captain's order, what they were signing', claiming 'it was an engagement to work for ten or twelve months at the most, making oil'.¹⁷ The natives all signed, but Meadows and his crew steadfastly refused to do so.

After the engagements, Ferrier and Meadows both mentioned two recruits who 'became quite crazy' when they realised that 'they were being taken away altogether from their native country'.¹⁸ Ferrier said that they were going to kill Captain Wilson and himself, so they were tied up and kept below until they were put ashore on two different islands in the Solomons. D'Allemagne did not speak of this incident at all in his report and painted an idyllic colonial picture of happy recruits who gladly helped with the operation of the ship and who never gave the crew any cause for complaint.¹⁹

The *Sutton* reached the Solomon Islands around 20 Aug. 1857. The recruiters took on board about 14 men from two different unnamed islands. Aside from a quick stop at some of the islands in the Torres Strait, the *Sutton* made directly for Mauritius and then St Denis, Reunion. The 'cargo' of '66 *engagés* [indentured workers] consigned to M.M. Cazeaux' arrived on 31 October 1857.²⁰ The 'natives were engaged for five years', and 'the captain got £40 a head for them'.²¹ Wilson sold the *Sutton* in Reunion, paid off the crew (including Ferrier and Meadows) and sent them all to Mauritius.

The Aftermath

Quite possibly this incident may have passed unnoticed if it had not been for Ferrier, impoverished and supposedly 'living on charity', who petitioned William Stevenson, governor of Mauritius, on 8 December 1857.²² While Meadows apparently showed slight concern for the plight of the Pacific Island recruits, claiming to have told to the doctor who came aboard the ship at Reunion to inspect the men 'the circumstances under which the natives had embarked' and threatening to 'get [Wilson] hung' if he

¹⁶ In addition to the depositions of Ferrier and Meadows, the crown solicitor at Mauritius took statements from three other seamen who had been on the *Sutton*: Christian Miller, John Thompson and Charles Wilkie, NA, FO 27/1277A.

¹⁷ Ferrier deposition, 16 Dec. 1857, NA, FO 27/1277A.

¹⁸ Meadows deposition, 16 Dec. 1857, NA, FO 27/1277A.

¹⁹ Dalmagne to the *directeur de l'intérieur* of Reunion, St Denis, 31 Oct. 1857, NA, FO 27/1259.

²⁰ *Le Moniteur de l'Île de la Réunion*, 31 Oct. 1857, 4, quoted in Shineberg, 'French labour recruiting', 48.

²¹ Meadows deposition, 16 Dec. 1857, NA, FO 27/1277A.

²² William Ferrier, petition to His Excellency William Stevenson Esquire (hereinafter Ferrier petition), Port Louis, Mauritius, 8 Dec. 1857, NA, FO 27/1277A.

sold his boat's crew in a like manner,²³ Ferrier's complaint was based entirely on his own self-interest. His gripe with Wilson centred on his failure to return him home in three days and his refusal to supply his 'maintenance at Port Louis, his passage back, board, and lodging, from this colony to Byron's Island, and for a compensation for the trouble and misery he has subjected your petitioner to'.²⁴

Stevenson seized upon this information, suspecting that a deception had occurred, a 'nefarious traffic' carried out by 'designing peoples for the purpose of entrapping ... ignorant natives' to sell to the planters of Reunion,²⁵ and ordered an investigation. The crown solicitor, W.H. Maran, spoke to Wilson, Ferrier, Meadows and three other members of the *Sutton's* crew. Wilson exculpated himself (at least in the eyes of the British officials on Mauritius) by providing official documentation showing authorisation to procure 'immigrants from the islands of the Pacific for the service of the island of Bourbon' and presenting himself as 'simply the irresponsible servant of the charterer whose agent or supercargo sanctioned by the French Government was on board'.²⁶ The others provided the depositions upon which most of 'the story', at least as portrayed in the British diplomatic correspondence, is based.

Interestingly, perhaps in his haste to expose what looked suspiciously like 'French' slavery,²⁷ Stevenson took at face value two pieces of information provided by the deponents that would later be the subject of much controversy in the Sydney newspapers. First, while casting doubt upon D'Allemagne's character, Stevenson did believe that he was the officially appointed delegate on the *Sutton*. Ultimately, then, he deemed the incident to be the responsibility of the French government and called for an investigation by the governor of Reunion.²⁸ He also informed the French consul in Sydney of the affair. Secondly, he accepted Ferrier's assertion that the Gilbert Islands belonged to the British government (they did not) and so despatched copies of the depositions and other documents to the secretary for the colonies, Henry Labouchère, and to the 'Secretary of the Government at Sydney' to arrest 'the further abuse of the authority which seems to have been given by the French Government'.²⁹

THE OFFICIAL FRENCH RESPONSE

Stevenson received a reply from the acting governor of Reunion in February 1858.³⁰ This letter would effectively shut down any case that could have been made. Lefèvre cast doubt

²³ Meadows deposition, 16 Dec. 1857, NA, FO 27/1277A.

²⁴ Ibid.

²⁵ Stevenson to Labouchère, 18 Jan. 1858, NA, FO 27/1277A.

²⁶ Ibid.

²⁷ Dominance of the seas in the 19th century allowed the British, with their abolitionist agenda, eventually to put an end to the slave trade. Jean Allain, 'Nineteenth century law of the sea and the British abolition of the slave trade', *British Yearbook of International Law*, 78 (2008), 342–88.

²⁸ Stevenson to the governor of Bourbon, 28 Jan. 1858, copy, NA, FO 27/1277A.

²⁹ Stevenson to Labouchère, 18 Jan. 1858, NA, FO 27/1277A.

³⁰ A. Lefèvre, acting governor of Reunion, to Stevenson, St Denis, Reunion, Feb. 1858, copy translation, NA FO 27/1277A.

upon Ferrier's reliability and denied any irregularity in the matter. He confirmed that D'Allemagne was the official delegate on board and that he had been 'accredited in that capacity with the local government by M. Sentis'. This information, Lefèvre claimed, was contained in a letter from Sentis himself. As Sentis had written to the governor of Reunion specifically refusing his request to accredit the delegate, pointing out that it would not be in accordance with the 1852 law for him to do so, this was untrue.³¹ For Shineberg, this provided a handy 'out' for the French, who, faced with tension with the British over slavery allegations in East Africa, chose to maintain the fiction.³²

Indeed, as the British had determined that the Gilberts and the Solomons were not under their sovereignty and thus nothing further could be done (after all, they were not 'their' natives),³³ the final word on the matter went to Count Walewski, the French foreign minister. In his letter to Earl Cowley, British ambassador in Paris, he maintained the absolute legality of the voyage under the supervision of a delegate of the government of Reunion.³⁴ He refuted Cowley's depiction of a 'disgraceful transaction' and 'shameful and cruel deception',³⁵ proclaiming that the workers had engaged voluntarily and had been well treated on board the *Sutton* and also in the colony.

In contrast, the Revd P. Beaton reported seeing the Pacific Islanders in Reunion and did not paint a very positive picture. He wrote:

Nothing but a feeling of despair could ever have induced the planters of Bourbon to attempt to substitute the miserable, filthy inhabitants of the King's Mill Islands, situated at a distance of many thousand miles, while the Coolies of India were almost at their door.³⁶

It is worth noting that Walewski did not mention Sentis. Instead, legitimacy of the operation was vested in the 'delegate of the Government of Reunion'. When Sentis had received the request from Chateau and the Reunionese authorities to officially endorse a delegate for the voyage, he sent a letter to Walewski outlining his refusal and seeking clarification on the matter.³⁷ This direction finally came in a letter dated 16 July 1858,³⁸ when Sentis was advised that, if this experiment were to be repeated, the consul should see that the ships were suitable for the voyage and appropriately fitted out.³⁹ The official delegates on board, however, would be

³¹ Sentis to Hubert Delisle, Sydney, 24 Mar. 1857, CC/t3/AD.

³² Shineberg, 'French Labour recruiting', 49.

³³ Merivale to Hammond, 19 May 1858, NA, FO 27/1277A.

³⁴ Count Walewski to Earl Cowley, Paris, 1 Sep. 1858, CC/t3/AD.

³⁵ Earl Cowley to Count Walewski, Paris, 6 July 1858, NA, FO 27/1259.

³⁶ Patrick Beaton, *Six Months in Reunion: a clergyman's holiday, and how he passed it*, 2 vols (London 1860), II, 144–45.

³⁷ Sentis to Walewski, Sydney, 27 Mar. 1857, CC/t3/AD.

³⁸ Chef du cabinet, ministère des Affaires Etrangères to Sentis, Paris, 16 July 1858, CC/t3/AD.

³⁹ Shineberg noted that this incident was the motivation for a *dépêche* issued by the minister for Algeria and the colonies on 19 Nov. 1858 prohibiting the recruitment of Polynesian labourers

named by the authorities in either Reunion or New Caledonia, who had had this power bestowed upon them just two weeks prior. Shineberg suggested that, upon notification of this, the governor of Reunion 'was undoubtedly happy to confer retrospective accreditation on Dalmagne empowering him to supervise the recruiting operation'.⁴⁰

THE ELEPHANT(S) IN THE ROOM

At this point, the official correspondence ends. Despite all the bluster and moralising on the part of the British, who were on a mission to expose what they painted as a fraudulent and cruel example of human trafficking, they ultimately did nothing. While the alleged kidnapping occurred on board a British ship with a British captain at the helm, it was decided that this was a French enterprise and therefore a French problem. Indeed, the *sub procureur general* of Mauritius, who took Ferrier's initial petition, exonerated Captain Wilson, stating:

I do not think that the Master of the Barque *Sutton* (Wilson) has rendered himself in any way amenable to criminal proceedings here. It is not a case of Slave dealing, it is at most a case of engaging men to labor under representations false and fraudulent.⁴¹

Stevenson called for the government of Reunion to investigate but absolved the authorities from any wrongdoing, instead pointing the finger at their unscrupulous agents, who had operated 'under color of French Government authority, but wholly in defiance of its conditions'.⁴² With the ball in their court, the French denied any culpability and whitewashed the affair, claiming it had been a legitimate undertaking. At the same time, they tied up any loose (legal) ends by officially allowing their representatives in the colonies of Reunion and New Caledonia to accredit delegates for the purposes of engaging recruits in places with no French government presence.

All in all, the archival documents demonstrate an exercise in defensive blame-shifting or geopolitical arm-wrestling between two nations vying for control of the waves. The British wiped their hands of the matter as the Pacific Islands in question did not belong to them. While they feigned concern for the 'victims' of this adventure, they did not consider intervening, and they did not ask the French authorities to release the Pacific Island recruits from their contracts. No follow-up occurred on either side, and we do not ever learn the fate of these men. Did they survive their period of indenture? If so, did they ever make it home? The archives are silent on these questions.

for Reunion or other colonies. While the planned second voyage did not take place, this law would be actively ignored after 1865, when New Caledonia began importing Pacific Island labourers. Shineberg, 'Post-scriptum', 285.

⁴⁰ Shineberg, 'French labour recruiting', 50.

⁴¹ Sub Procureur General Douglas of Mauritius to Stevenson, undated, NA, FO 27/1277A.

⁴² Stevenson to Labouchère, 18 Jan. 1858, NA, FO 27/1277A.

In the final paragraph of her article, Shineberg drew the reader's attention to one of the elephants in the room – the complete absence of the Pacific Islanders' stories. She wrote:

It is not known whether the Pacific Islander *engagés* ever saw their homeland again. Theirs was a miserable plight, to be bound in servile labour so far from home with not a word of the language and no-one to interpret for them. If it were possible to imagine a more wretched situation, one might spare a thought for the two Gilbertese abandoned in the Solomon Islands, out of their minds with grief for their lost homeland. None of the official correspondence so much as mentioned them.⁴³

Indeed the whole archival story hinges upon the statements of the white men on board the ship. When Stevenson called for an enquiry into the affair, he did not for a moment consider asking the 'natives'. As is to be expected for the time, the non-white 'victims' were rendered voiceless, relegated to the background and allocated a purely passive role in the proceedings. It is interesting to reflect on how better we might understand the situation if these men had been permitted to speak for themselves.⁴⁴

In lieu of any recorded Pacific Island voices on the *Sutton* case, it is worth revisiting the official reports with a more critical eye, and with the benefit of additional documentation published in the Sydney press, to see whether we can expand upon the narrow focus of the official narrative.

KIDNAPPING IN THE SOUTH SEAS: THE *SUTTON* SCANDAL HITS SYDNEY

On 26 June 1858, the liberal daily the *Empire* broke the news of a 'singular transaction, coming very near to an adventure in the slave-trade, in which some well-known residents of this city were the principal actors'.⁴⁵ The newspaper named Joseph Wilson and Didier Numa Joubert as the scoundrels behind the kidnapping of 65 'South Sea Islanders' who were sold off to Reunionese planters for '£40 per head'. 'If ships are to be fitted out in Sydney, and by Sydney merchants, for a wretched traffic like this, we must hold our tongues for the future about the filibustering of our American cousins', the editorial continued before calling for an explanation from 'those concerned', as 'we are not desirous that our fair port should acquire a fame for kidnapping expeditions to the savage islands of the Pacific'.

In his letter to the editor of the *Empire*, trader James Malcolm took a swipe at the 'unprincipled', 'kidnapping skipper' Captain Wilson, accusing him of piracy,

⁴³ Shineberg, 'French labour recruiting', 50.

⁴⁴ The issues of silence and agency on the part of the recruits are discussed in depth in Karin Speedy, 'The *Sutton* case or a recipe for producing subaltern silence in the colonial archive' (under review).

⁴⁵ *Empire*, 26 June 1858, 4.

slaving and profiteering and calling for his hanging.⁴⁶ What enraged this correspondent was not so much the fate of the 'savage natives' but the enormous financial impact this incident had allegedly had and would go on to have on his business. Malcolm, who had been cultivating trading relations with the 'South Sea Islanders', blamed the loss of his schooner *Ariel* on Wilson's activities, claiming that the kidnappings would have 'put those left behind just in the humour to take revenge on the first pale faces they came across' and that the 'natives' would 'spear and eat the first white men that land on their island'. On the flimsiest of evidence and shamelessly exploiting colonial stereotypes of the uncivilised, cannibal inhabitants of the Pacific, Malcolm used the episode as an excuse for his 'losing a fine vessel' and a considerable amount of money. Moreover he saw it as having great bearing on all trade out of Sydney, predicting that underwriters would refuse to insure ships trading to these seas for fear of retribution for Wilson's 'villainy'.

Similarly pushing for a local enquiry, as 'the vessel *Sutton* was colonial owned by Mr. Joubert and manned by British seaman', the anonymous 'Colonist', in his letter to the editor, condemned both Joubert and Wilson for their 'piracy'.⁴⁷ His complaint rested on the fact that a British ship was used to transport 'free labour' to a French colony, and that instead of sourcing the workers from 'Africa direct' or from a 'French protectorate', they had recruited Pacific Islanders who, he insinuated, were unable to understand the contracts. 'I do hope if the planters of Bourbon require more "free labour"', he finally remonstrated, 'they will send their own country ships and try the Marquesas again, or send for some of the New Caledonians after they are caught and tamed'.

Aside from the racist discourses that are prevalent in all of the newspaper reports, it is noteworthy that the *Empire* and its correspondents unequivocally portrayed the actions of those on board the *Sutton* as slave trading.

The Slavery Question

This equating of the *engagé* system with slavery punctuated political discourse across the British Empire and would dominate public opinion in Australia once Queensland planters began introducing 'South Sea Island' indentured labour from 1863. Reid Mortensen has written:

For the best and worst motives, humanitarians (including the Anti-Slavery Society), missionaries, the Royal Navy, organised labour, nascent White Australians, the liberal press, Liberal politicians in the colonies and the United Kingdom, colonial officials (including Governors of Queensland), and even Queen Victoria described the labour trade as slaving. On the other hand, conservative politicians

⁴⁶ James Malcolm, 'Kidnapping in the South Seas', *Empire*, 1 July 1858, 5.

⁴⁷ 'The kidnapping question', *Empire*, 2 July 1858, 6.

in Queensland and, of course, the planters and merchants who undertook the trade strenuously denied the allegation.⁴⁸

Hunt and Kennedy have noted the ambiguity behind some of the supposed humanitarian opposition to the labour trade among those ‘who saw the introduction of black people as a racial blot on the emerging colony’.⁴⁹ Indeed the first shipload of Pacific Islanders to arrive in Queensland in 1863 ‘occasioned an article on “The Slave Trade in Queensland” in the *North Australian* and reprinted by the *Courier*, which subsequently warned in an editorial of the dire consequences of coloured labour’.⁵⁰

Despite British zeal in the stamping out of the slave trade, British anti-slaving law never offered a definition for ‘slavery’ that would clarify the rather grey area occupied by indentured labour. In the Australian context, the legal ambiguities (as well as the specificities designed with the Atlantic trade in mind) would jeopardise future prosecutions of blackbirding⁵¹ in the Pacific. Mortensen has discussed the failure of prosecutions of early blackbirders (on the *Daphne* and the *Jason*, for instance) on the basis of the anti-slaving laws and the subsequent development of the Kidnapping Act to deal with the Pacific trade. In order to secure convictions for blackbirding under this act, ‘the question of slaving had to be avoided in the courts’.⁵²

It is useful to reassess some of the details of the story against the backdrop of the anti-slaving laws, particularly those dependent upon nationality and ownership of vessels – British subjects were prohibited from trading in slaves, as were British ships, but as of 1845, the British were not to interfere with French ships – and the need to prove that people were carried off (against their will) specifically for use as slaves and that this was undertaken knowingly and willingly by the accused slavers.⁵³ These factors draw our attention to how the various actors fashioned their stories to circumvent these laws for their own benefit.

From the Global Stage to the Local

Very much linked to these slaving questions is the shift of focus apparent in the *Empire*’s stance. Instead of the diplomatic joust between the colonial powers evident in the archival documents, we are presented with an Australian or, more specifically, a Sydney story.

Following the cue of the diplomats, Shineberg gave her article the title ‘French labour recruiting in the Pacific islands’, but it is useful to deconstruct this

⁴⁸ Reid Mortensen, ‘Slaving in Australian courts: blackbirding cases, 1869–1871’, *Journal of South Pacific Law*, 4 (2000), sec. 2.

⁴⁹ Hunt and Kennedy, ‘Bye bye blackbirder’, 809. See also Evans, Saunders and Cronin, *Race Relations in Colonial Queensland*, 152–56.

⁵⁰ Hunt and Kennedy, ‘Bye bye blackbirder’, 809.

⁵¹ The recruitment of labourers through coercion involving trickery, kidnapping and/or violence.

⁵² Mortensen, ‘Slaving in Australian courts’, sec. 4.

⁵³ See *ibid.*; Allain, ‘Nineteenth century law of the sea’, 19–20.

appellation here. The expedition had been organised by two 'French' merchants, one of whom (Joubert) resided in Sydney. Didier Numa Joubert had left France at 21 and had settled in Sydney by the age of 25. Interestingly he was the first person to receive a certificate of naturalisation from the New South Wales government in 1849.⁵⁴ He was also responsible for the development of the Sydney suburb Hunters Hill, engaging in property speculation and becoming its first mayor in 1867. While Joubert obtained land in New Caledonia and was instrumental in the setting up of the sugar industry in the French colony in the 1860s, he remained a resident of Sydney until his death in 1881.⁵⁵ Indeed he was a well-established and influential local Franco-Australian figure.

Joubert, however, is conspicuous by his near absence in the archival documents, in which the discussion revolves around the legitimacy of the operation in terms of French law. The main players, Chateau, Sentis and the governor of Reunion, were all French, and consequently the British concluded that the 'recruitment' on board the *Sutton* had been a French operation, which thus fell out of their jurisdiction.

Monsieur Chateau, while apparently instigating the labour 'experiment', disappeared from proceedings once the *Sutton* sailed. The question must be raised as to whether his role was that of a foil to hide the involvement of Joubert from the British authorities. Indeed, supplying an incorrect name, 'Didier Perima Joubert', in the charter party suggests an attempt on the part of Joubert to conceal his true identity. This is important in the context of the anti-slaving laws, as British subjects and British ships were subject to prosecution if caught participating in the slave trade. Joubert's ship, the *Sutton*, was British insofar as it was owned by a naturalised resident of the British colony of New South Wales, a fact that the *Empire* was quick to highlight.

Moreover the 'French delegate' D'Allemagne, whose name varied from document to document, was also a Sydneysider, and the *Sutton* was captained and manned by a 'British' crew of Sydney residents. It is true that the object of the voyage was to 'procure' labourers to sell to Reunion Island planters and that this was sanctioned by the French, but it would seem that it was very much a commercial enterprise undertaken for the profit of Australian-based individuals rather than the French government.

If Joubert had successfully pulled the wool over the eyes of the British by disguising his expedition as operating under the French flag, he was not so easily able to fool the liberal press, who were prepared to call out apparent criminal activity on the part of a member of the well-heeled establishment. The opportunistic smudging of identity brings into question the rather simplistic Anglo-French divide that framed

⁵⁴ 'Today in history – December', New South Wales Government State Records, <http://www.records.nsw.gov.au/state-archives/today-in-history/today-in-history-december> (accessed 14 Nov. 2014).

⁵⁵ For details see Roslyn Maguire, 'An architect and his clients: William Weaver in Hunter's Hill', *Journal of the Royal Australian Historical Society*, 97:1 (2011), 84–99; Karin Speedy, 'Out of the frying pan and into the fire: Reunionese immigrants and the sugar industry in nineteenth-century New Caledonia', *New Zealand Journal of French Studies*, 29:2 (2008), 5–19.

the diplomatic correspondence. We need rather to acknowledge the complexity and fluidity of the concept of 'nationality' within the ethnically/culturally heterogeneous colonial space and the extent to which country of origin was either absorbed into the local or highlighted as 'other', depending on the agenda at hand. The *Empire* quite appositely repositioned the perspective to fit this hybrid space, peeling back the layer of global politicking to reveal a saga of Sydneysiders who appeared to have engaged in slavery. This brought the story home, making it relevant for the local population. It also encouraged newspaper sales, stirred up debate and gave the opportunity for homegrown politicking.

In Ferrier We Trust?

The *Empire* had received a copy of the official correspondence despatched by Stevenson to the government of New South Wales, which, it appears, opted for a trial by media before the official enquiry was resolved.⁵⁶ Like the British authorities, the newspapermen largely based their version of events on Ferrier's deposition, which they had 'every reason to believe [was] the literal truth'.⁵⁷

Yet on closer inspection, the accounts of Ferrier and Meadows seem designed to incriminate Wilson and D'Allemagne under the anti-slaving laws while extricating themselves from any of the blame. As mentioned above, Ferrier's initial petition to Governor Stevenson was purely self-interested and lodged some five weeks after the Pacific recruits had been sold. As Lefèvre, acting governor of Reunion, pointed out, 'it is surprising that having stayed several days at the Island of Reunion, [Ferrier] should have made no disclosure whatever to the authorities of that Island, who were in possession of the means necessary for ascertaining the truth'.⁵⁸ In his deposition on 16 December, however, Ferrier, who appears to have had time to think, perhaps in collaboration with Meadows (whose deposition is strikingly similar in its wording), elaborated a more damning account of business on board the *Sutton*.

Ferrier's case reposed on the supposed trickery of Wilson and D'Allemagne as to the real destination of the *Sutton* and the purpose of the engagements. Both he and Meadows repeatedly claimed that Wilson would not tell them where the ship was going. This was a necessary detail if the authorities were to believe that they had played an innocent role as mere interpreters. Given the factors outlined below, it is

⁵⁶ After meeting William Ferrier in Mauritius, Lyons McLeod, a former consul at Mozambique, told the story of 'the British barque *Sutton*' in his book *Travels in Eastern Africa* (1860). In rousing prose, he recounted Ferrier's version, outlining the heinous crime of Joseph Wilson, whom he accused squarely of slave trading. He mentioned a prosecution in Sydney that 'failed, from some cause with which I am unacquainted'. Lyons McLeod, *Travels in Eastern Africa with the Narrative of a Residence in Mozambique*, 2 vols (London 1860), II, 171. The *Sydney Morning Herald* stated that 'the subject is under consideration of the law officers of the Crown'. *Sydney Morning Herald*, 5 July 1858, 4. To date, I have found no further information on the legal case in the Australian press.

⁵⁷ *Empire*, 26 June 1858, 4.

⁵⁸ Lefèvre to Stevenson, St Denis, Reunion, Feb. 1858, copy translation, NA, FO 27/1277A.

more likely that, as the ship's carpenter, John Thompson, swore in his deposition, 'Ferrier knew perfectly well where the men were to be taken to'.⁵⁹ Conveniently, when it came time for the recruits to sign their engagements, Ferrier was drunk and claimed he had not read the engagements yet told the men the same story about gathering coconuts. Meadows was supposedly asleep when the 'natives' were 'induced' to sign the engagements, waking just in time to rescue his boat's crew from signing on. It seems strange that he would be so adamant that they should not sign if he really believed that they were simply going to make copra.

In a similar vein, both Ferrier and Meadows were insistent on the fact that the recruits engaged voluntarily and were well-treated on board. This lack of violence in the initial recruitment process would not preclude accusations of slavery if it could be demonstrated that the Islanders had been duped or had not understood the true nature of their engagements. Curiously, in tandem with their claims about the voluntary nature of the engagements, both seamen described the large cache of weapons held in the captain's state room, which, according to Ferrier, were to be used as trade goods and 'in case of the natives rising'. Meadows described the store of weapons as follows:

There were quantities of arms in the cabin and state-room, about thirty or forty loaded muskets, two swivels on the ship's quarters, and the crew had each man a cutlass ... There were plenty of axes in cases; also a case of muskets. There were cutlasses and pistols in the cabin. I do not know what they were for.⁶⁰

Two of the 'natives' did in fact revolt, and Meadows said that this was 'when they found out that they were being taken away altogether from their native country'. Yet this happened shortly after leaving the Kingsmill Group, while en route to the Solomons. Ferrier alleged that they wanted to kill Wilson and himself. Why did they have such a reaction if they did not know that they were being taken far away from their supposed destination? Had they found out and were holding the captain and his interpreter to blame? Why then did the other recruits denounce them and not release them before they reached the Solomons? Had they not shared this

⁵⁹ Deposition of John Thompson to W. H. Maran, Port Louis, Mauritius, 16 Dec. 1857, NA, FO 27/1277A.

⁶⁰ Meadows deposition, NA, FO 27/1277A. Some striking parallels appear between the descriptions of the arms on the *Sutton* and those of the *Adelante*, the first ship Joseph Byrne had fitted out for the Peruvian slave trade. The *Adelante*, which served as a prototype for the fleet involved in this infamous trade, had 'two swivel guns [that] were mounted by the after hatch to sweep the deck and two more were placed on top of the poop'. In addition, 'two dozen muskets were kept ready for use by the crew', and other arms included 'three blunderbusses', 'revolvers and bowie-knives, cutlasses and ammunition in abundance'. Henry Evans Maude, *Slavers in Paradise: the Peruvian labour trade in Polynesia, 1862-1864* (Canberra 1981), 8-9, 5. Clearly, the fitters of both barques had taken their inspiration from African slavers, but it is also possible that Byrne, who knew Joubert and was in Sydney at the time the *Sutton* case was being reported in the newspapers, got some ideas from this affair that he would implement in his slaving enterprise.

information with their fellow *engagés*? Or did everyone know that they were not really going to a neighbouring island by this stage? Ferrier noted that the ‘other natives could have released them if they had chosen, as they were at first made fast with cord’.⁶¹ The story seems very suspicious.

Moreover, it is highly doubtful that, after having left the Torres Strait and enduring a journey of some 66 days on the open ocean, the recruits would not have realised that they were being taken far beyond the Pacific Islands. Stevenson was either overtaken by racist assumptions about the Islanders’ intelligence or incredibly naïve or just disingenuous when he alleged that the recruits ‘appear to have been kept in perfect ignorance up to the moment of their being landed at the Island of Bourbon’.⁶² While they may not have had a concept of where Reunion was, or even known that it was their final destination, some of them would have realised that the voyage was out of the ordinary.

Indeed, from the 1820s, Gilbert Islanders had had regular contact with Europeans through the whaling industry, with Byron’s Island being particularly frequented by whalers.⁶³ Whaling captains recruited Gilbert Islanders, some of whom worked for just a season while others stayed with their ships until they landed in their home ports (Sydney, Honolulu or New England), where the Islanders would wait until they obtained a working passage back to the Gilberts.⁶⁴ Beachcombers, the sandalwood, trepang and tortoiseshell trades, and the expanding coconut oil trade also brought them into contact with Europeans.⁶⁵ As Shineberg pointed out, traders also picked them up to work as labourers in the coconut oil business on other Pacific Islands.⁶⁶ A similar pattern of contact had been established in the Solomons, where whalers and traders bartered with Pacific Islanders and took them on as crew in the first half of the 19th century.⁶⁷ While they were almost certainly tricked into signing contracts for a lengthier period than they had been led to believe on an island at a greater distance than they may have imagined, they were probably not the ignorant savages that Stevenson described. They would have understood that they were boarding the *Sutton* in order to work and gain some material benefit.

What, then, are we to make of Ferrier’s version of events? Were the men honestly engaged from the beginning for a period of indenture in Reunion as D’Allemagne reported? Why, then, would Ferrier concoct the story of ‘cocoanut-oil’

⁶¹ Ferrier deposition, 16 Dec. 1857, NA, FO 27/1277A.

⁶² Stevenson to Labouchère, 18 Jan. 1858, NA, FO 27/1277A.

⁶³ McLeod, *Travels in Eastern Africa*, 167.

⁶⁴ Roger M. Keesing, *Melanesian Pidgin and the Oceanic Substrate* (Stanford 1988) 19.

⁶⁵ Maude, *Slavers in Paradise*.

⁶⁶ Shineberg, ‘French labour recruiting’, 47. Munro has also mentioned the ongoing popularity of Gilbert Island recruits for other Pacific plantation economies throughout the 19th century. Doug Munro, ‘Gilbert and Ellice Islanders on Queensland canefields, 1894–1899’, *Journal of the Royal Historical Society of Queensland*, 14:11 (1992), 450.

⁶⁷ Darrell Whiteman, *Melanesians and Missionaries: an ethnohistorical study of social and religious change in the Southwest Pacific* (Eugene 2002), 106–11.

gathering, a story that was largely corroborated by the other seamen? Could it have been a way for him to secure his passage home without implicating himself in a crime? What are we to make of the assurances that the recruits were 'willing' and 'well-treated' placed in juxtaposition with the description of an impressive arsenal? Why did Ferrier and Meadows mention the weapons? And how are we to read the dubious tale of the 'crazy' mutineers? Was Ferrier's story part of a larger cover-up for more heinous actions on board? Were the Pacific Islanders subdued with the weapons? Were they violently kidnapped, or were they initially tricked but then accepted their fate? We will perhaps never know what really happened on board the *Sutton*, but the contradictory nature of the claims made by Ferrier and Meadows point towards their testimony not being the gospel truth.

The Right of Reply – the 'French' State their Case

Mixed in among the advertisements on page 5 of the *Empire* of 28 June 1858 appeared a brief letter of reply to the allegations from Joubert.⁶⁸ Noting its inconspicuous location, the French consul wrote to the newspaper requesting that they publish his official correspondence on the affair

in a conspicuous part of your issue; for it has been remarked that the accusation you brought against two honourable men was in a leading article, and in large type; whilst Mr. Joubert's answer was in small print, near the end of the paper, and therefore escaped the attention of many persons.⁶⁹

Alongside Joubert's account of the voyage, which contained no details of any deception and insisted on the legality of proceedings, this correspondence provides two supplementary documents that add crucial information to the narrative. First was the agreement between Wilson and Meadows, brokered by the American consul in Mauritius on 8 December 1857.⁷⁰ In it, Meadows acknowledged having boarded the 'said barque *Sutton* (when under sail and bound to Reunion Island)' and having received 'twenty pounds sterling' to recompense time lost when Wilson was unable to return him home immediately. Wilson agreed to finance the return trip to Byron's Island for Meadows and 'the six natives' and to give Meadows an additional 'six pounds sterling' for his troubles. While this document suggests that Meadows was aware of the *Sutton*'s destination, in his deposition he stated that, although he had signed the agreement, it was never read to him. Does this prove, then, that Meadows (and Ferrier) knew that the *Sutton* was headed for Reunion?

⁶⁸ D.N. Joubert, 'To the editor of the Empire', *Empire*, 28 June 1858, 5.

⁶⁹ L. Sentis, 'To the editor of the Empire', *Empire*, 3 July 1858, 4.

⁷⁰ It seems no accident that Ferrier petitioned the governor of Mauritius on the same day, presumably after having failed to secure the same deal as Meadows.

No, although, as outlined above, it is difficult to imagine that they were not complicit in the kidnapping. What it does demonstrate is that Meadows, like Ferrier, was more interested in securing his own future (and financial gain) than in drawing the authorities' attention to the voyage out of real concern for the plight of the Pacific Island workers. It also smacks of a cover-up on the part of Wilson, who appeared to be buying Meadows' silence.

According to Joubert, Meadows and the six Gilbertese crew had been returned to their country 'on the brig *Freak*' two months earlier. Ferrier, on the other hand, remained in Mauritius – Joubert claimed that he 'and his two female companions refused to return to Sydney'. No women had been mentioned in any of the accounts, so it is unclear whether or not the 'two black women' were real or figments of Joubert's imagination. Just as he had described Ferrier and Meadows as 'runaway American sailors', this extra detail could have been Joubert's attempt to sully the image of the married family man that Ferrier had tried to portray in his deposition. Whatever the truth, Ferrier's ultimate fate, like that of the Pacific recruits, is unknown.

The second important document that Sentis sent to the *Empire* is the letter of introduction for D'Allemagne that he had sent to the governor of Reunion, on 8 May 1857. Shineberg, who did not have the benefit of seeing this letter as it is not in the archives, implied that Sentis somehow disapproved of the venture.⁷¹ It is true that he had refused to officially nominate the delegate, and his earlier letter to the governor did reveal a certain level of annoyance, yet this would seem to be more an irritation with the governor for not having followed correct procedure than a lack of support for the project itself. The letter of introduction, which had been requested by Joubert and which Sentis wrote, not in his capacity as consul but as a 'private person', is rather glowing and indicates that Sentis held both Joubert and D'Allemagne in high regard. He wrote:

I have not the slightest difficulty in acceding to the proposition of M. Joubert, as I have for five years personally known M. D'Allemagne as having commanded ships chartered by the Catholic Missions of Polynesia, of which the chief agency is in Sydney. I have had occasion to assure myself of his gentleness and kind treatment towards the natives. He speaks several of their idioms, and he appears to me to be in all points qualified to fulfil the duty which is entrusted to him.⁷²

Moreover, he pointed out the short-sightedness of the authorities who had prepared the 1852 Labour Emigration decree in failing to 'take into account the Oceania groups', where 'there exists an intelligent population, fit for regular labour, and who would receive eminent benefits by the required temporary contact with the

⁷¹ Shineberg, 'French labour recruiting', 46.

⁷² 'The case of the Sutton', *Sydney Morning Herald*, 5 July 1858, 5.

centres of civilization'. He added that Joubert would use his contacts with the 'missionary fathers residing in the places of engagement' to ensure that the Islanders comprehended the contracts. For these reasons, he considered 'that M. Joubert and M. Chateau have proposed a work both useful and moral, and the precautions with which they will take care to surround themselves will satisfy, as much as circumstances will permit, the spirit of the law'. Attention, however, must be drawn to the cynicism of Joubert who, if he played a role in the selection of the destinations for recruitment, would have known full well that no missionaries to act as interpreters would be found in Fiji, the Gilberts or the Solomons at the time the *Sutton* embarked on her voyage.⁷³

The *Empire* published a third document that was in the French diplomatic archives but was never seen by the British. This was Sentis's letter to the governor of Reunion, in which he declined to nominate officially a delegate for the expedition and reminded the governor that the law explicitly stated that the delegate must live in the same place as the *engagés*.⁷⁴ For the *Empire*, this would prove the downfall of all claims of legitimacy on the part of Joubert and Sentis, as it demonstrated that, contrary to the 1852 law, the *Sutton* did not have on board an authorised French government agent resident in the recruits' homeland. In his letter to the editor, 'Impartial' concluded that 'the operation, as French regulations are concerned, was most illegally conducted'.⁷⁵

What really interested the *Empire*, however, were the exact circumstances under which the engagements were negotiated, and they challenged Joubert to furnish them with the ship's journal and 'copies of the agreements made with the islanders' so that it could be determined once and for all whether the recruits understood the contracts they were entering into or whether they had been duped.⁷⁶ These documents were never forthcoming.

Sentis also sent his official correspondence to the *Sydney Morning Herald*, whose editors he congratulated for 'abstaining from giving publicity to this affair' until they had all the facts so they could 'express an impartial opinion' and not 'scandal'.⁷⁷ The

⁷³ No Catholic missionaries were present in the Gilberts until around 1890, and Hiram Bingham from the Hawaiian Evangelical Association did not arrive until November 1857. See John Garrett, *Footsteps in the Sea: Christianity in Oceania to World War II* (Suva 1992), 206. While the Marists had attempted to set up a mission in the Solomons in the 1840s, it had not been a success, and they were long gone by the time the *Sutton* sailed into the archipelago. See Gary D. Bouma, Rod Ling and Douglas Pratt, *Religious Diversity in Southeast Asia and the Pacific: national case studies* (Dordrecht and London 2010), 186. For a discussion on Joubert and D'Allemagne's close relationships with the Marists, see Speedy, 'The *Sutton* case or a recipe for producing subaltern silence'.

⁷⁴ See Sentis to Hubert Delisle, Sydney, 24 Mar. 1857, CC/t3/AD. Sentis lived in one of Joubert's properties in Hunter's Hill. It would seem that Sentis, while maintaining an air of professionalism, certainly supported his friend.

⁷⁵ 'The Sutton's case', *Empire*, 6 July 1858, 4. For a discussion of this letter, see Shineberg, 'French labour recruiting', 46.

⁷⁶ *Empire*, 6 July 1858, 4.

⁷⁷ 'The case of the Sutton', *Sydney Morning Herald*, 5 July 1858, 5.

accompanying editorial, unsurprisingly, given the conservative nature of the newspaper, came out in defence of the wealthy shipowner and the consul.⁷⁸ The *Sydney Morning Herald* largely glossed over the question of the legality of the delegate but did imply that the governor of Reunion had 'induced a practical violation of the law as he has stated it' in asking the consul to name a Sydney-based delegate. As for the alleged kidnapping, they acknowledged that Joubert's response did not address this issue, and they judged it likely that the 'natives' who 'were not sufficiently intelligent to comprehend an agreement' were carried away against their will. Asking 'how far this colony [was] concerned in the transaction', they submitted that 'the American seamen', 'the quasi-official agent' and 'the captain and crew' in their departure from 'a plan originally lawful' must 'be held responsible' and be 'answerable to British [i.e. local] law'.

THE SUTTON CASE: A MODEL FOR FUTURE AUSTRALIAN BLACKBIRDING?

Despite the scandal that played out on the pages of the Sydney newspapers, no one was held accountable for the purported acts of piracy and kidnapping. At no point in either the official correspondence or the press coverage did anyone suggest asking the Gilbertese or Solomon Islands *engagés* what had happened. If anyone could have confirmed or denied these allegations, it was the men who found themselves indentured in Reunion.⁷⁹ But as was patently clear in the documentation, the *Sutton* case, as it was presented by those in power, was never really about them. Instead, their plight served as a test case for diplomatic and legal wrangling over an exploit in human trafficking that spanned two oceans and involved two colonial powers.

The intricate web of half-truths spun by all involved sufficed to obfuscate the real issue. Instead of focusing on the predicament of the kidnapped Pacific Islanders, the discourse in the official correspondence revolved around abstract questions of legality and national responsibility. In the Australian press, attention was more on local accountability, tied up very much with homegrown politics and questions of class and nationality. Was it trickery on the part of the well-known residents of Sydney, as the *Empire* portrayed Joubert, Chateau and Sentis, or the 'respectable foreign gentlemen', as the *Sydney Morning Herald* described them (perhaps emphasising that they were foreigners in an attempt to exonerate them from prosecution under the anti-slaving laws),⁸⁰ or was it solely the actions of the captain and crew who perverted the course of a lawful enterprise? Should they be answerable to French law, as the archival documents suggested, or be subject to the British anti-slaving laws, as the local newspapers insisted?

⁷⁸ *Sydney Morning Herald*, 5 July 1858, 4.

⁷⁹ In a larger future project encompassing archival research in Reunion and the collection of oral histories from descendants of these men in Reunion, Kiribati, the Solomons or elsewhere, I will endeavour to discover what became of the Pacific Island recruits.

⁸⁰ *Sydney Morning Herald*, 5 July 1858, 4.

What this incident clearly demonstrates is the complex transnational networks at play in the colonial spaces of the Pacific and Indian Oceans. Shineberg's description of the affair as an early episode of 'French' labour recruiting in the Pacific, then, is not borne out by the multinational nature of the 'British', or more precisely, Australian project. It shows cooperation between persons of French and British origin, residents of Sydney, who teamed up in order to exploit labour reserves in nearby Pacific Islands to provide a service, at a tidy profit, to the colonial planters of Reunion, all the while carefully skirting British anti-slaving laws. As such, it can be seen as the first collaborative Franco-Australian foray into blackbirding.

The fact that the men involved in the scandal escaped without sanction also boded well for future endeavours in the Pacific. Other entrepreneurs, such as Joseph Byrne and Robert Towns, soon moved in on this new pool of workers, while Joubert, perhaps to avoid scandal, turned his attention to a new 'immigration scheme' (incidentally inherited from Byrne) – the importation of Reunionese labourers into New Caledonia to work on his newly acquired land concessions.⁸¹ Sentis pointed out the great resource of labourers in Oceania, who would benefit from a period of indenture in a 'civilised' country. This racist premise, based on the notion of a hierarchy of races and exhibiting a paternalistic, capitalist outlook, was evident in both the official correspondence and the Sydney press. Indeed, so long as it was 'legally' undertaken, neither the authorities nor the public, judging by the tone of the letters to the editor published in the Sydney newspapers, appeared averse to the idea of exploiting (for their own good) the 'ignorant natives', 'poor cannibals', 'savages', etc. living on their doorstep. Indeed, the only outrage manifest in the Australian newspapers concerning the practice of indenture itself was the notion that 'the French' may have stolen from a pool of 'natives' who did not 'belong' to them. Racially based arguments both for and against the Queensland labour trade would similarly frame the debate in the years to come.

Of course, the practice of deception and abduction of indentured workers was long established in the 19th-century colonial world, and Reunion Island had a strong tradition of illegal slave trading and coercion in the recruitment of *engagés*.⁸² In highlighting this modus operandi for labour hire in the local context,

⁸¹ On 28 July 1858, Joubert wrote to the New Caledonian authorities requesting to take over (albeit on a much smaller scale) the immigration scheme that Brown and Byrne were on the point of abandoning owing to insufficient capital. He requested 4,000 hectares in exchange for a bond of 25,000 francs and on the condition of introducing 100 settlers, a third of whom were to be European. The letter was reproduced in *Le Moniteur de la Nouvelle-Calédonie*, 12 Nov. 1865. For details see Speedy, *Colons, créoles et coolies*, 44–6.

⁸² See Hugh Tinker, *A new system of slavery; the export of Indian labour overseas, 1830–1920* (London and New York 1974); Richard B. Allen, 'European slave trading, abolitionism, and "new systems of slavery" in the Indian Ocean', *PORTAL Journal of Multidisciplinary International Studies*, 9:1 (2012), <http://epress.lib.uts.edu.au/journals/index.php/portal/article/view/2624> (accessed 31 Oct. 2014).

bringing it to the attention of the readers of the local press, the *Sutton* case perhaps prepared the ground for future acceptance of this form of recruiting, opening the way for unscrupulous traders to trawl the Pacific to supply the fledgling Queensland sugar industry.⁸³

⁸³ Pacific Islanders had been recruited by Europeans to work in and around the Pacific in industries such as whaling, sandalwood, bêche-de-mer and copra since the late 18th century. It was not until after the abolition of slavery in the second half of the 19th century that Pacific Island labour became commodified, as industries, such as cotton and, especially, sugar demanded high volumes of cheap labour. The literature contains considerable debate as to the extent that violence, kidnapping or blackbirding was a feature of the Pacific labour trade. The 'Canberra school' revised the field from one firmly ensconced in imperial history to one that was more focused on the agency of the Pacific Islanders. For an overview see Doug Munro, 'The Pacific Islands labour trade: approaches, methodologies, debates', *Slavery and Abolition*, 14:2 (1993), 87–108; Clive Moore, 'Revising the revisionists: the historiography of immigrant Melanesians in Australia', *Pacific Studies*, 15:2 (1992), 61–86. Recent media attention has tended to focus on it as Australia's slave trade. See Hunt and Kennedy, 'Bye bye blackbirder', 806. This latter perspective is one from which the trade had been conceptualised from its beginnings. See Mortensen, 'Slaving in Australian courts'. The consensus, however, seems to be that, at least in the early days of the trade, coercion was prevalent. Hunt has written, 'Voluntarism, however, should not be over-emphasised. Most historians recognise that, among Islanders, the degree of informed consent and individual willingness to enlist varied considerably. The consensus is that instances of deception, trickery and violence did take place, especially in the early years of the trade'. Doug Hunt, 'Hunting the blackbirder: Ross Lewin and the Royal Navy', *Journal of Pacific History*, 42:1 (2007), 38–39. And Banivanua-Mar has argued, 'Throughout the life of the trade, a lack of consent from individual Islanders rarely stood in the way of recruiters' profits, and while not always overt and ever-present in labor recruiters' behavior, violence and aggression continued to underpin the viability of colonial trades in the western Pacific'. Tracey Banivanua-Mar, *Violence and Colonial Dialogue: the Australian-Pacific indentured labor trade* (Honolulu 2007), 27.