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**BRITISH IMPERIALISM IN MICROCOSM:  
THE ANNEXATION OF THE COCOS  
(KEELING) ISLANDS**

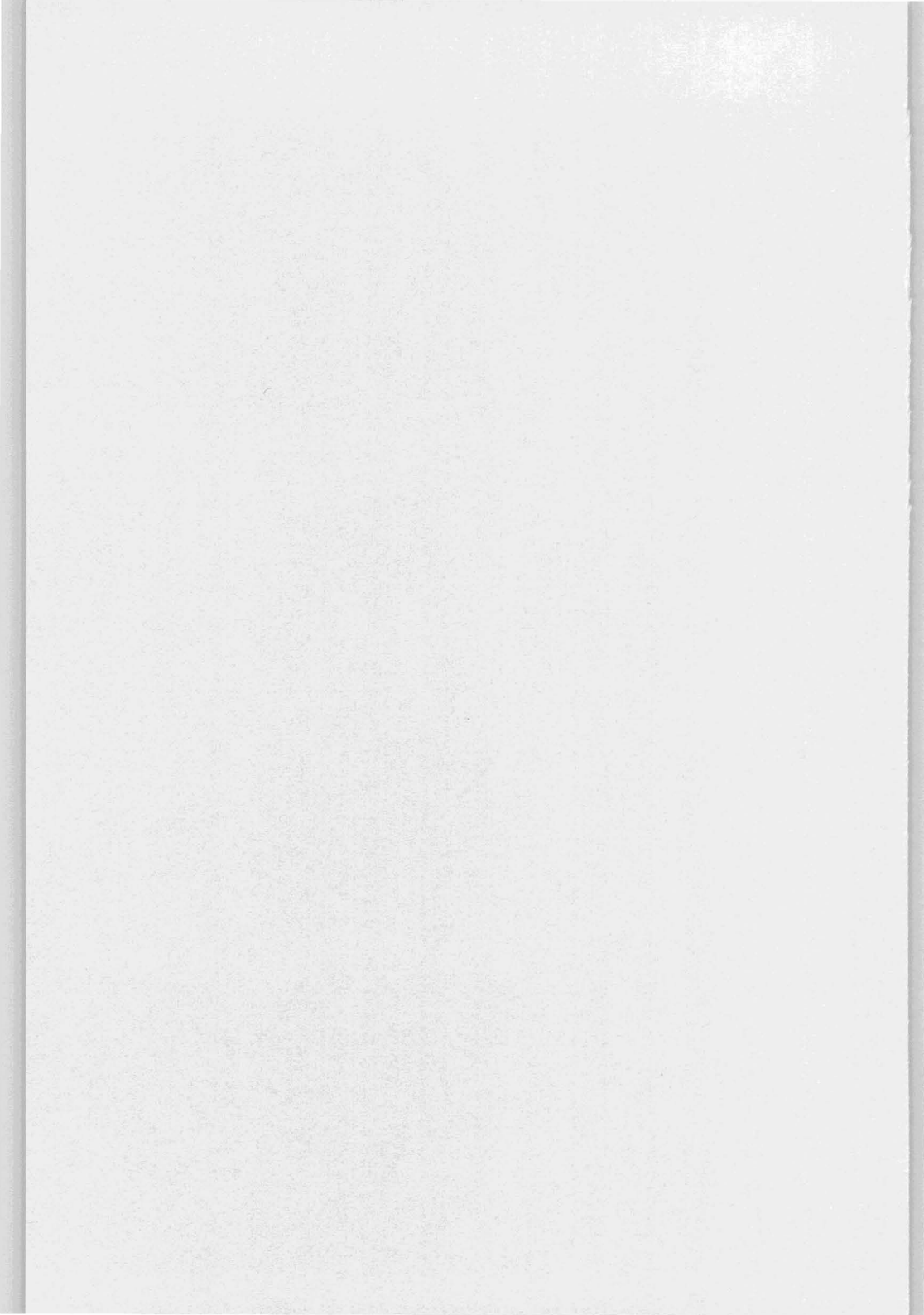
**Margaret Ackrill**

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The Annexation of the Cocos (Keeling) Islands**

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## **British Imperialism in Microcosm: The Annexation of the Cocos (Keeling) Islands<sup>1</sup>**

The expansion of the British empire in the nineteenth century has generated all-encompassing explanations. Such explanations cover not only additions to formal empire, but also extensions of informal empire - that is, extensions of economic dominance without political sovereignty.<sup>2</sup> The phrase, informal empire, was used by Gallagher and Robinson. Writers have focused on turbulence in the periphery of empire, where threats to existing trade or investment led to centrally-sanctioned control over further territory, in the elusive search for stability. More recently, attention has returned to economic interests and social groups at the heart of empire, consciously influencing the policies of governments whose members shared those interests and belonged to those groups. Thus Davis and Huttenback<sup>3</sup> (with the help of over forty research assistants) have investigated returns on investments in companies quoted on the London Stock Exchange, where such companies had major outlays in the formal empire. 'Government was attuned to the interest of business, and willing to direct resources to ends that the business conveniently would have found profitable'.<sup>4</sup> In that community, London merchants, manufacturers, professionals and managers were dominant.<sup>5</sup> But the financial benefits of empire to them, and to the

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<sup>1</sup>Much of the search for this article was made possible by the award of an SSRC (now ESRC) grant, and by the Warden and fellows of Nuffield College, Oxford, who made me an associate fellow for a year. For both, many thanks.

<sup>2</sup>This concept was utilised by J. Gallagher and R. E. Robinson in their influential article, "The Imperialism of Free Trade", *Economic History Review*, 2nd series, VI, 1953.

<sup>3</sup>Lance E. Davis and Robert A. Huttenback, with the assistance of Susan Gray Davis: *Mammon and the Pursuit of Empire: The Political Economy of British Imperialism, 1860-1912*, Cambridge University Press, 1986.

<sup>4</sup>*ibid*, p. 307.

<sup>5</sup>*ibid*, p.314.

upper class generally, were at the expense of the middle classes, whose taxes paid for the empire's defence, and to some degree, for its administration.

Cain and Hopkins also argued for an affinity of interest and indeed of social class between nineteenth century British governments and the beneficiaries of empire.<sup>6</sup> However, they identified the latter as financiers and providers of services - a step away from Davis and Huttenback's passive investors, and also from the avid manufacturers seeking captive markets, who often peopled the core of Marxist theories. All such explanations permit of secondary imperial acquisitions to defend the territories of primary imperial interest.

Unnoticed in most accounts of expansion, the Cocos (Keeling) Islands in the southern Indian Ocean were annexed by Britain in 1857. Is their annexation explained by the general causations outlined above? Or is it a pointer to other causes of the extension of empire? Can it tell us something about the formalisation and implementation of decisions, and the weight attached to economic and financial returns? The story of how annexation of these islands came about shows that there are many dimensions to an explanation, and that it is essential to put apparently discrete events into context and chronological order.

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The Cocos (Keeling) Islands were unclaimed and uninhabited until 1826, when an Englishman, Alexander Hare, took to them about sixty people of assorted ethnic backgrounds, most originally coming from Java and the Malay peninsula. Leadership of the community passed to John Clunies Ross, who arrived with his family in 1827. Ross, trying to establish a trading depot and ship repair station, financed the community by the export of copra and coconut oil. He attempted more than once to persuade the British government to annex the islands, but had been told with apparent

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<sup>6</sup>P. J. Cain and A.G. Hopkins: *British Imperialism: Innovation and Expansion 1688-1914*, and *British Imperialism: Crisis and Deconstruction 1914-1990*, both Longman, 1993.

finality in 1839 that 'H.M. government can have no concern with Mr. Ross or any individuals who may adventure to place themselves in a situation which is beyond the pale of the constitution'.<sup>7</sup> This is not the voice of imperialism, economic or political, overt or covert, central or peripheral. Clunies Ross's trade was with the Dutch East Indies; were 'his' islands annexed by Britain it was likely that the Dutch would withdraw trading privileges in the Indies. If this happened he would divert to a British port and thereby swell British trade. But this argument was not persuasive to the British government. To use the terminology of Gallagher and Robinson, Britain wanted neither trade nor rule.

Yet in 1857 the Cocos (Keelings) were annexed by Britain. What had changed? Was there now an opportunity for London-based investment? Or turbulence on the islands? Or had a threat from without made Britain suddenly value the tiny atoll (total land area about 14 square kilometres)? *The Sydney Morning Herald* of July 16, 1857 thought that this was so. The Dutch, it believed, had designs on the islands, and this was coupled with a new importance: the age of steam had arrived and it thought that 'this step [annexation] has been taken with a view to their being made a depot for steamers on what is termed the northern route to Australia'. *The Singapore Free Press* of December 10, 1857, also thought that a coaling station, docks and wharves were intended. It was true that the naval ship *Juno*, which carried out the annexation, had a steam engine, run on either coal or wood, ancillary to her sails.

However, there was no corroborative evidence of Dutch interest, nor did any coal depot or wharf appear after the annexation. A quite different explanation emerged. In 1885, H. O. Forbes, a naturalist who spent some time on the islands, wrote that the annexation was 'a ludicrous mistake on the part of Captain Fremantle [of the *Juno*]

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<sup>7</sup>Normanby to Capel, May 1839, ADM 125 131, PRO. For a fuller account of the early days of the settlement, see M. Ackrill, *The Origins and Nature of the First Permanent Settlement of the Cocos (Keeling) Islands*, *Historical Studies*, vol. 21, no. 83, Oct. 1984.

... the island intended to be annexed was one of the same name somewhere in the Andaman Group'.<sup>8</sup> F. Wood Jones who also sojourned on the islands (and married a Clunies Ross daughter) endorsed this in 1910.<sup>9</sup> But the authoritative *Cambridge History of the British Empire* ignored the idea of error and included the Cocos (Keeling) Islands in its account of 'important strategic extensions of territory ... taking place on the Eastern trade routes'.<sup>10</sup> Yet the islands' belief in error was not extinguished, though C. H. Gibson Hill, medical officer to the cable station built on the islands and author of the most scholarly accounts of the islands' history, thought it 'more likely that the government, fearful of the attempts of other countries to outflank its communications with India, was acting to forestall them'.<sup>11</sup>

Then the pendulum swung back to the 'error' hypothesis. In 1958 P. N. Tarling in an article in *Historical Studies* made the first scholarly inquiries into a possible mistake a hundred years previously. Working largely from India and Foreign Office papers, he noted 'some inexactitude in the Colonial Office and some presumption in the Admiralty ... a little confusion of mind at the India Board. There the question was under consideration of occupying the Andamans as a whole'.<sup>12</sup> His article had a fleeting impact on official accounts, but a later popular book on the Cocos (Keeling) Islands by K. Mullens thought that while there was error, the Maldives were the

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<sup>8</sup>H. O. Forbes, *A Naturalist's Wanderings in the Eastern Archipelago*, London, 1885, pp.16-17.

<sup>9</sup>F. Wood Jones, *Coral and Atolls*, London, 1910, p.28.

<sup>10</sup>*Cambridge History of the British Empire*, vol. ii, 1940, pp.814-185.

<sup>11</sup>C. H. Gibson Hill, Notes on the Cocos-Keeling Islands, *Journal of the Malayan Branch of the Royal Asiatic Society*, vol. XX, no. 2, December 1947, p.140.

<sup>12</sup>P. N. Tarling, The Annexation of the Cocos-Keeling Islands, *Historical Studies*, vol. viii, 1957/8, p.401.



intended quarry.<sup>13</sup> A closer look at a greater variety of official archives, and the reconstruction of the precise sequence of events can dispense with many uncertainties.

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The Cocos (Keeling) Islands lie approximately 12° south of the Equator. To understand their annexation, it is essential to understand a little of the history of a different set of Cocos Islands. In the Bay of Bengal, north of the Andaman Islands, and between 13° and 14° latitude north are the small islands of Great Cocos and Little Cocos, referred to collectively as the Cocos Islands. Tarling mentioned a short-lived settlement on the northerly Cocos in 1849. He wrote: 'A few years later - perhaps as a result of Dalhousie's annexation of Pegu - the Company appears to have become more interested in the islands ... J. A. Burkinyoung, a solicitor in Calcutta, resolved to establish a colony ...'. This is a little misleading. The Company was of course the East India Company. However, its governing body, the Court of Directors in London, took no initiative over these Cocos Islands. Nor indeed did Dalhousie, Governor General of India, until approached by Burkinyoung.<sup>14</sup> Then, it is true, he saw in Burkinyoung's proposal to be given a grant of the land of the islands so that he might 'clear away the jungle, colonise, and bring under cultivation'<sup>15</sup> a project which should be encouraged.<sup>16</sup> It would forestall unfriendly occupation. Establishing first that the islands were uninhabited,<sup>17</sup> Dalhousie wrote to the Court

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<sup>13</sup>K. Mullens, *Cocos-Keeling*, Sydney, 1974, pp.21-22.

<sup>14</sup>Dalhousie to Court of Directors, January 8, 1856. Correspondence enclosed, with India Board to Colonial Office, February 29, 1856, Co 323. 248. PRO.

<sup>15</sup>Burkinyoung to Secretary to the Government of India, August 4, 1855, enclosed as above. CO 323. 248. PRO.

<sup>16</sup>Governor General to Court of Directors, January 8, 1856, enclosed as above. CO 323. 248. PRO.

<sup>17</sup>Superintendent of Marine to Gov. of India, 28 December, 1855, enclosed as above. CO 323. 248. PRO.

of Directors, saying that the Cocos, to the best of his knowledge, had never been claimed by Burma (much of which he had conquered in 1853), nor did he think them to be British. Therefore he wanted them proclaimed as British, and the land on them given to the East India Company, so that it in turn could make a grant of that land to Burkinyoung.<sup>18</sup> Dalhousie was punctilious in investigating points of law; moreover, behind his scrupulousness over a small addition to empire loomed a much larger one: the princely state of Oudh.

Dalhousie had come under increasing criticism, especially in parliament,<sup>19</sup> for his additions to British India by conquest and by the doctrine of 'lapse'. The latter entailed transfer of territories without a fully recognised heir to the Governor General's rule. In early January 1856, at the time at which he wrote to the Court of Directors about the Cocos Islands, he was waiting to hear from it whether his plans for Oudh, which fell just a little short of annexation, would be approved. The Court referred the plans to the India Board, (more correctly called the Board of Control) presided over by the Chancellor of the Exchequer. This was the British government's half of the increasingly uneasy 'dual control' which dealt with Indian affairs in London. The cost and the ethics of additions to the Governor-General's dominion had become highly controversial and adverse publicity in Britain had to be weighed against a general government predisposition to do as the Governor-General wanted - provided it was inexpensive. So important was Oudh that British cabinet was then brought into the discussion.<sup>20</sup> At such a juncture, with detailed plans for troop movements in readiness, it becomes understandable that Dalhousie while he waited, would not wish to jeopardize this wider aim by appearing to act precipitately in a small one.

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<sup>18</sup>Governor General to Court of Directors, January 8, 1856, enclosed as above. CO 323. 248. PRO.

<sup>19</sup>See e.g. speech by R. Cobden, June 27, 1853, Hansard, 3rd series, vol. CXXXVIII, cols. 814-833.

<sup>20</sup>P. Moon, *The British Conquest and Dominion of India*, London, 1989, p.651.

The Court of Directors referred Dalhousie's Cocos Islands inquiry to the India Board at the end of February.<sup>21</sup> The Board, in turn, apparently favourable to this minor request, referred it to the Colonial Office, which might be thought knowledgeable about the international status of the islands, and about steps to ensure that Burkinyoung got his land grant.<sup>22</sup> The chief clerk of the Office, P. Smith, noting that it did not possess a Horsbright Directory, consulted Finlay's Directory and a gazetteer in March. The gazetteer said that the Andaman Islands had been settled, but abandoned in 1796 - 'and I hear privately that they were formerly in the occupation of the East India Company'.<sup>23</sup> The Cocos Islands seemed 'natural dependencies' of the Andamans: therefore, a simple statement that that sovereignty had never been abandoned, and that naturally it included the Cocos Islands, would suffice. However, Smith was not entirely certain, and thought the matter should be referred to the British government's Doctors at Law - the Attorney General, the Solicitor General, and the Queen's Advocate - for an opinion on the legal status of the islands, and for the correct procedure to ensure that Burkinyoung got his grant.<sup>24</sup> The papers went on March 13: the lawyers did not reply until April 29. They held that British sovereignty over the Cocos Islands, if it ever existed, had lapsed through abandonment. The islands' Spanish and Portuguese discoverers had likewise lost any claim to them. They could now be annexed by the first person to occupy them. If this were done in the Queen's name, 'then it will be competent to her Majesty to make a grant of these possessions to the East India Company'.<sup>25</sup> This should be 'subject to some reasonable conditions for securing the clearance and colonisation of the Country'. The

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<sup>21</sup>Court of Directors to India Board, February 27, 1856, enclosed as in footnote 23. CO 323.248. PRO.

<sup>22</sup>India Board to Colonial Office, February 29, 1856. CO 323. 248. PRO.

<sup>23</sup>Minute by P. Smith, March 3rd, 1856,. CO 323. 248. PRO.

<sup>24</sup>*ibid.*

<sup>25</sup>Doctors of Law to Colonial Office, April 29 1856. CO 323. 247. PRO.

Company in turn could then make a land grant to Burkinyoung. Hand-written copies of past correspondence were included with every new letter from one office to another, and copied to the growing number of participants in the discussion. So far there had been no disagreement between the offices. The lawyers had not specified what length of non-occupancy rendered possession void; Henry Labouchere, the Colonial Secretary, to avoid any doubt, was concerned that there should be no period of non-occupation once sovereignty was proclaimed.<sup>26</sup> But who was to provide this occupancy, and more important still, who was to pay for it? Once these questions were asked, unanimity disappeared. The concern for cost must be set in a wider context.

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The Crimean War (1854-45), if it had any rational justification, had been fought by Britain to remove any threat to the overland route to India. The East India Company paid for the government and defence of India, but thousands of British lives and millions of British pounds had been spent on the Crimean War. Who would now deny the Government of India the small expenditure which the acquisition and retention of the Cocos Islands required? The Colonial Office would, for one. Year after year, its budget was queried night after night in parliament, the inquisition terminating only by failure of a quorum, in the days before a parliamentary guillotine had been invented. It certainly was not going to pay anything it could avoid. More importantly, as the Crimean War drew to its close, Bright, Gladstone, and others trenchantly criticised its cost in men and money. No government office was prepared to incur additional expense in the prevailing ethos. The Court of Directors, happy to see the land go to Burkinyoung, nevertheless did not want expense on his behalf, and raised questions of the cost and suitability of placing troops on the islands for any length of time. The Admiralty, its budget severely pruned when the Crimean War ended, was prepared

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<sup>26</sup>Ball, Colonial Office, to India Board, May 10, 1856. CO 323. 247. PRO.

to divert a ship to perform the annexation, but not provide for occupancy.<sup>27</sup> The correspondence grew yet more in bulk, until agreement was reached on the most economical procedure. This was as follows: the Admiralty should provide the ship whose commander would perform the annexation; on receiving his orders he should tell the Government of India of them, and of when he was likely to carry them out. The East India Company should then send two or three people to maintain occupancy, and the commander should report on the islands and on his accomplished mission to the Admiralty. That office should then tell the Colonial Office, which would arrange the land grant to the Company, (the law officers had advised that it should not be in perpetuity) which would then make the grant over to Burkinyoung.<sup>28</sup> A lack of urgency and a desire for economy permeated the correspondence, yet there was no reluctance in principle to acceding to the wishes of the Government of India.

The Colonial Office copying clerks worked in overcrowded quarters in the basements of nos. 13 and 14 Downing Street. Over the nine months of consultation, the descriptive phrases 'lying in the Bay of Bengal' or 'appended to the Andaman Islands' were dropped from letters to and from this Office. No party to the correspondence had any doubt about which islands were in question, as the content and context of the letters show. Also, within the same letter, the islands were referred to interchangeably as the 'Coco' and the 'Cocos' islands, the latter being more common.<sup>29</sup> Whether everyone looked up their precise position on a map is another matter. Whatever the case, it was eventually agreed that the procedure would be activated by a formal request from the Colonial Office to the Admiralty, asking it to

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<sup>27</sup>Court of Directors to India Board, June 24, 1856, and following paper, CO 323. 248. PRO.

<sup>28</sup>Colonial Office to India Board, July 17, 1856, and India Board to Colonial Office, September 24, 1856. CO 323. 248. PRO.

<sup>29</sup>Halkesworth in the Colonial Office wrongly read some significance into this in a minute of September 10, 1857. CO 323. 249. PRO.

instruct the officer commanding the East India Squadron to annex the Cocos Islands.

The Colonial Office obliged. In a brief note which twice mentioned that officer by that description and referred to the islands as 'derelict' as the law officers had done, the Office borrowed their phrases and asked for a report 'of the Naval Officer's proceedings in the execution of this service, accompanied by as accurate an account as he may be able to furnish of the names of the several Cocos Islands, and of their geographical position'.<sup>30</sup> The Colonial Office sent the request on October 4, and the Admiralty received it that same day.<sup>31</sup> October 4 1856 was a Saturday. Most government offices kept open until 2pm, though usually with a reduced staff. The Colonial Office copying clerks could then go home. The Admiralty, however, to take cognizance of messages coming in from its far-flung captains and commanders, maintained a skeleton staff throughout the weekend. Some messages came by telegraph, but most in packets or boxes of mail from its ships and establishments by whatever means, or combination of means, was quickest - packet-boat, rail, coach, horse, and cab. The urgency of a reply naturally varied. The Colonial Office letter of request was acted upon on the following Monday, October 6, a swift response after ten leisurely months. The Admiralty orders to its commander were copied and sent to all parties to the correspondence, except perhaps the law officers. Nobody saw anything amiss with them. P. Smith at the Colonial Office minuted 'Put by for the present?'.<sup>32</sup>

Nevertheless there were two unexpected features of the orders, not commented upon by readers who saw them as the outcome of months of correspondence. The first was

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<sup>30</sup>Colonial Office to Admiralty, October 4, 1856. The letter was drafted by P. Smith. CO 323. 248. PRO.

<sup>31</sup>The Admiralty's retained copy of October 6, 1856, is in ADM 125/135 PRO together with the original letter from the Colonial Office of October 4, 1856.

<sup>32</sup>Minute by P. Smith on Admiralty to Colonial Office, October 6, 1856. CO 323. 247. PRO.

their unusual form and brevity. The second was that they were addressed not to the Commander of the East India squadron in Hong Kong, but to the Senior Officer of HM Ships and Vessels, Sydney, New South Wales.<sup>33</sup> Why was this? Does it throw light on government processes or policies?

To take the change of recipient first: was it deliberate, or the outcome of some 'presumption' as Tarling put it, or was it simple error? Admiralty clerks did make minor errors. Thus the Fremantles, a distinguished naval family, were sometimes mis-spelt Freemantle. The Admiralty's copy of the orders to the Senior Officer at Sydney, who was Captain S. G. Fremantle, said that they were the consequence of a Colonial Office letter of November 4 - wrong by a month. But it seems unlikely that error could account for such a switch of addressee. There is no explanation in the Admiralty records. Can circumstantial evidence provide a reason for the alteration, - an alteration which had significant consequences?

It can, if note is taken of the exact chronology of events. More than once in 1856 the Commander of the East India squadron had said that he was short of ships. He was Sir Michael Seymour, from another distinguished naval family. As yet the Admiralty had not acted upon this, though Seymour was more likely to be taken notice of than his immediate predecessor, Sir James Stirling. Stirling had been recalled by the Admiralty in early 1856 because he had failed to pursue and destroy a Russian squadron, thought to have been lurking in the Pacific during the Crimean War.<sup>34</sup> Sir John Bowring, the British Superintendent of Trade in China, Governor of Hong Kong, linguist, hymn-writer, and ardent free-trader, had also asked for more naval ships to be sent - and for himself to be given some authority over them. He wanted to go with them to Japan, and make impressively-backed demands for it to open its trade to

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<sup>33</sup>Admiralty to Senior Officer of H.M. Ships and Vessels, Sydney, October 6, 1856. ADM 125. 135. PRO.

<sup>34</sup>W. G. Beasley, *Great Britain and the Opening of Japan*, London, 1951, p.144.

Britain.<sup>35</sup> He had even wondered whether a joint French/British visit would be possible. However, he had been told by the Foreign Office to act on his previous instructions, which were to go with a British presence, and to do so only when he thought that British interests in China would not suffer from his absence.<sup>36</sup> Thus neither Admiralty nor Foreign Office had appeared to see a need for more ships in Hong Kong.

Moreover, at first sight there seems little reason to think that any part of the British navy might lack ships in late 1856. Britain had the largest navy in the world, and was not at war. The Crimean War had ended with an informal Peace in March, and a proclaimed Peace on April 29. The first rumblings of the Sepoy Rebellion, otherwise known as the Indian Mutiny, were not heard until mid-May 1857, and while the 'Arrow' incident, which led to Britain's second war against China, took place in October 1856, the Admiralty and the Foreign Office were ignorant of it for months. But the parliamentary oratory of Bright and Gladstone, criticising the waste of men and money in the Crimean War, had an effect on popular opinion and on Palmerston's cabinet. Immediately the Crimean War ended, there were large cuts in the armed forces. By October 1856 the numbers of men in the navy had been cut by a sixth, and ships from 328 to 270.<sup>37</sup> A further sixth of personnel were to be paid off over the next year.<sup>38</sup> There were also cutbacks in the dockyards. In May 1856 175 ships out of a total of less than 300 were being refitted or awaiting refitting.<sup>39</sup> Two reasons

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<sup>35</sup>Bowring to Clarendon, F.O., in ADM 1 5678. PRO.

<sup>36</sup>W. G. Beasley, *Great Britain and the Opening of Japan*, London, 1851, p.83 and p.157.

<sup>37</sup>ADM 8 135. PRO.

<sup>38</sup>Naval and Military Gazette, December 6, 1857.

<sup>39</sup>ADM 8 135. PRO.



for the length of this queue were the repairs which had been postponed during the war, and the decision to fit more ships with steam. But there was a third reason.

The Crimean War over, some 50,000 British troops plus the Italian contingent from Piedmont had to be brought home. The Admiralty did not welcome refitting ships for this purpose; it intended using only eight, withdrawing the men in relays. To accommodate this slow procedure, a treaty was signed with Turkey, permitting the troops to remain on Turkish soil for up to six months after the Peace, and a similar agreement made with Russia, the erstwhile foe:<sup>40</sup> then, as the hot season advanced, General Sir William Codrington in the Crimea became increasingly critical of the Admiralty's arrangements.<sup>41</sup> The main camp was 'clean and well cared-for - but ... has necessarily in its neighbourhood the buried remains of thousands'.<sup>42</sup> Much faster evacuation was essential. Queen Victoria joined him in pressing this necessity on Lord Panmure at the War Office, and once he was converted, their combined persuasive powers influenced the Admiralty.<sup>43</sup> An additional 13 vessels were refitted quickly as transports, and sent. The aim was to remove everyone by the end of July, Florence Nightingale insisting that 'everyone' included about fifty women who had followed the men to the Crimea, and had made themselves useful in the hospitals.<sup>44</sup> At least 13 large naval ships were despatched.

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<sup>40</sup>Convention signed by Turkey, France and Britain, May 13, 1856, ADM 1 5678, and *The Panmure Papers*, ed. Douglas and J. Ramsay, vol. 11, 1908, p.169.

<sup>41</sup>*Panmure Papers*, vol. II, p.226.

<sup>42</sup>Codrington to War Office, copy enclosed in War Dept. to Admiralty, June 20, 1856. ADM 1 5677.

<sup>43</sup>Queen Victoria to Panmure, May 26, 1856, *Panmure Papers*, vol. II, pp.233-234, 238. 'Not another moment to be lost in bringing home the troops' she wrote.

<sup>44</sup>S. A. Tooley, *The Life of Florence Nightingale*, London, 1904, p.234.

Thanks largely to two of the most influential women of the nineteenth century, the objective was achieved. These ships then had to be altered again, and so added to the queue awaiting refitting in August and September.<sup>45</sup> By the first of October, the refitting crisis was over, but while the navy might now have enough ships for peacetime requirements, they were not yet in the right places. The Admiralty did not seem to be moving with much haste.

But on the same Saturday as it received the brief Colonial Office letter requesting annexation of the Cocos, the Admiralty also received more letters of different dates from Seymour of the East India Squadron. They were full of his re-positioning of such ships as he had - 15 altogether. Five had to remain in the five treaty ports of China, one was a hulk, used as a hospital ship in Trincomalee.<sup>46</sup> With the remaining nine he had to patrol the coasts of India, the Malay Peninsula, the coast of China, the China Seas, and the north-east Pacific. There was trouble on the Yangtze, where Chinese rebels were advancing steadily towards the coastal ports, and urged on by Bowring, Seymour wanted to visit Japan, to try to get better facilities for British ships than his predecessor Stirling had done. He was, he said, very short of ships.<sup>47</sup> The Admiralty suddenly agreed with him, and responded with unaccustomed speed. On Monday October 6, immediate sea trials were ordered for two ships which had apparently been newly refitted. New captains were appointed to them, and they were to sail for Seymour's Hong Kong headquarters within a week.<sup>48</sup> Why this change of pace?

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<sup>45</sup>*ibid*, p.194, and ADM 13 133 and ADM 1 5677. PRO.

<sup>46</sup>Digest and notes, Seymour to Admiralty, October 4. ADM 13. 133. PRO.

<sup>47</sup>*ibid*.

<sup>48</sup>Monday, October 6, 1856, Orders and Instructions, p.196. ADM 13 133. PRO.

Palmerston, the British Prime Minister, once the Crimean War had virtually ended, had a newfound object of belligerence: the United States. Since February 1856, he had egged on the Foreign Office to urge the Admiralty to send more ships to the East India squadron, envisaging war against the USA in the Pacific.<sup>49</sup> The Admiralty had not done so, saying that such a move would have to wait on the course of the Crimean War. It may be that there had been some foot-dragging over this: not many Britons would have relished one war following so swiftly on another. Two further items fuelled Palmerston's belligerence. In May 1856 a British diplomat had been expelled from the United States for recruiting US citizens to fight in the Crimea during the war. His deeds had caused an uproar, especially among Irish Americans, and at last the US government had reacted. More expulsions and ill-feeling followed. Secondly, discord arose over possible violation by the USA of the Clayton Bulmer treaty (1850) governing US-British relations in Central America. Agreement on the latter issue was apparently reached in October, but Palmerston, not knowing of this, was still breathing fire and brimstone.<sup>50</sup> (He later was confirmed in his suspicion about US trustworthiness when the US Senate unilaterally changed the agreement). The Admiralty did not know of the agreement either: it would be reasonable to suppose that Seymour's letters were a reminder that action to satisfy Palmerston could no longer be postponed. By the end of 1856, Seymour had 26 ships assigned to him.<sup>51</sup> The Foreign Office was told of the despatch of the first two, and it was agreed that it should be said that they were necessary to control piracy in the China Seas - indeed a continuing difficulty.<sup>52</sup>

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<sup>49</sup>e.g. Clarendon to Admiralty, ADM 1 5677, reply of February 23, 1856, and September 8, 1856. ADM 12 620, 52. 26. PRO.

<sup>50</sup>Account in Richard W. Van Alstyne, *American Diplomacy in Action*, Stanford, California, revised edition 1947, and Van Alstyne, ed., *Anglo-American Relations, 1853-57*, *American Historical Review*, XLII, October and December 1950, pp.499-550.

<sup>51</sup>ADM 8 135. PRO.

<sup>52</sup>See e.g. 21 in ADM 12 603. PRO.

It becomes understandable then that the Admiralty did not want to add to Seymour's tasks, or to divert the initial two ships sent to him, by asking him to annex the Cocos. The considerations of policy strategy, and logistics outlined above surely provide good reason for a deliberate change of addressee. It is reasonable to suppose that Palmerston's wrath and Seymour's needs were a major topic in the Admiralty over the weekend and on Monday October 6. Given these pre-occupations, it might well have seemed sensible to send the Cocos orders to Sydney, a sub-station of the East India Squadron. What nobody did was to check the geographical limits of the Sydney station's commission. They did not extend to the Bay of Bengal: they terminated at 10° south of the equator. This might not have mattered, but it was given crucial importance by the first feature of the order - its unusual form and brevity. Normally orders to annex included the latitude and longitude of the desired territory, or at least an unmistakable description of its whereabouts; this hastily written order had neither. Instead, a copy of the Colonial Office's short request to annex the Cocos, together with a brief covering note which merely re-iterated a few of its sentences, were all that was sent. There was no explanation, and no detail of formalities, flag-hoisting, etc.. Attention in the Admiralty was elsewhere.

Fremantle, Senior Officer of the Sydney station, had been told in his original sailing orders on leaving England in 1853 that he would receive orders both from the Commander-in-Chief of the East India Squadron, and from the Admiralty. When he received the latter, he was to act upon them without reference to the Squadron, though he was to report them to it.<sup>53</sup> Just as the preoccupations of the Admiralty with a possible war in the Pacific help to explain its neglect of the form, substance, and destination of the orders to annex the Cocos Islands, so the combination of circumstances surrounding its recipient help to understand his reaction to them.

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<sup>53</sup>Orders to Fremantle, February 14, 1854, ADM 2 1697. Fremantle's account, ADM 1 5631. PRO.

Fremantle's station was bounded by the meridian of 170° east of longitude on the west, and, as noted, by 10° latitude south. The Cocos Islands in the Bay of Bengal were not within these limits, but the Cocos (Keeling) Islands, at approximately 96° east and 12° south, indisputably were. In the total absence of any other information, it did not enter Fremantle's head that any but these islands were intended. Nevertheless, when he received the orders in January 1857, he was puzzled by them. In sending Seymour a copy, he wrote on January 20 'I am at a loss to assign any particular reason why their Lordships have commanded this service to be carried out from Australia while could so much more readily and quickly have been done from Singapore'.<sup>54</sup> His ship, the *Juno*, was the only vessel at the Sydney station at that time. 'That might however have escaped notice at the Admiralty'. Indeed it had.

Fremantle knew of an 'English settlement formerly established on the Cocos Islands'<sup>55</sup> and presumed that the 'derelict' of the Admiralty's letter meant that it had been abandoned. Given what he also knew of the occasionally ferocious winds of the latitude, that was not unlikely. He may even have known of the death of John Clunies Ross, often referred to as the proprietor of the islands, in 1854. From his recent experience in the southern Pacific Fremantle knew that French naval captains were on the lookout for suitable territories to annex, and that they had authority to do so without reference back to Paris. British naval captains could not act correspondingly.<sup>56</sup> He wrote that the very brevity of his orders might argue some haste, and so 'it might perhaps be prudent to use expedition in order to guard against

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<sup>54</sup>Fremantle to Seymour, January 20, 1857, FRE 205, Greenwich Naval and Maritime Library.

<sup>55</sup>*ibid.*

<sup>56</sup>'French and others are prowling about the world in search of New Possessions'. Fremantle to Sir Thomas Fremantle, D/FR/213/12, Fremantle Papers, Aylesbury County Record Office.

the possibility of finding these outlying Islands already under the Flag of another nation'.<sup>57</sup>

He did not comment on the complete absence of instruction, which might have caused him to pause, on the formalities observed but it would have been understandable if a rather flattering circumstance had suggested itself to him. On leaving Britain in 1853 his sailing orders had been preceded by much Foreign Office and Admiralty consultation about the possible annexation of the Kuria Muria Islands, owned by the Imam of Muscat and Oman.<sup>58</sup> Fremantle was brought into the discussion, and his orders then required him, en route for Sydney, to complete delicate negotiations with the Imam to permit the islands' peaceful transfer to Britain. The government of India was not behind this acquisition. The Tory government hoped that the Kuria Murias might contain guano (superphosphate) for British agriculture, exposed to foreign competition since the abolition of the Corn Laws. This was to be concealed from the Imam. Fremantle had negotiated successfully, he had raised a new flagpole and fixed a copper plate to it as the Admiralty annexation orders carefully instructed,<sup>59</sup> and he had arranged for the future preservation of British sovereignty by paying two young men nine dollars a year to run up the Union Jack on that flagpole whenever a ship hove in sight. In unusual warmth, the Admiralty wrote '[you] executed the objects of your mission in a prudent and most satisfactory manner, and ... your conduct is in every way approved'.<sup>60</sup> He did not need further instructions about 'customary formalities'.<sup>61</sup> Thus the context of his past experience conditioned his response.

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<sup>57</sup>Fremantle to Seymour, January 20, 1857, FRE 205, Greenwich Naval and Maritime Library.

<sup>58</sup>Microfiche FO 54, piece 16. PRO.

<sup>59</sup>Fremantle's account is in ADM 1 5631. PRO.

<sup>60</sup>Admiralty to Fremantle, October 9, 1854, ADM 2.

<sup>61</sup>Phrase used in Colonial Office to Admiralty, October 4, 1856, CO 323. 248. PRO.

Had the Cocos orders stated that the islands were those in the Bay of Bengal, would Fremantle have set forth without further inquiry? It is not impossible that he would have done so, both because he obeyed orders, and because he knew that the availability of a ship was more important to the Admiralty than the miles to be covered. Not only had his outward voyage to Australia taken him around the Cape, up the east coast of Africa to the Kuria Murias, then southwards via Sri Lanka and down the east coast of Australia; it had also encompassed a visit as the Admiralty's messenger to Rio de Janeiro before catching the wind south-east to the Cape.

Additionally, there were two further layers of explanation for Fremantle's setting sail promptly, as he confided in a letter to his brother,<sup>62</sup> but did not tell the Admiralty, although it was aware of a general problem. This was the difficulty of keeping order in a ship thousands of miles from home for years on end, and anchored from time to time in the harbours of Australia. Here the deferential mores of a traditional society were challenged by a new ethos, given courage by the hardship of much colonial life, the luck of the goldfields, and the availability of drink. Fremantle, prone to occasional gout, was supposed to avoid alcohol, but he was not averse to it, at least for others, as his wine merchant's bills showed.<sup>63</sup> But he was opposed to its excess, and that excess was readily visible in Sydney. One man had been invalided off the *Juno* because of it, two had been in a state of 'near delirium tremens' and others had suffered broken teeth, noses, and assorted fractures in drunken brawls ashore.<sup>64</sup> 'I am glad to have any excuse to absent myself from the contamination by too long an intercourse with the swaggering, secondchop Colonials of the Golden Region' he wrote in annoyance. An Admiralty circular directed him to curb excessive drinking

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<sup>62</sup>Fremantle to Sir Thomas Fremantle, May 27, 1857, D/FR/213/12, Aylesbury County Record Office.

<sup>63</sup>They survive in the Fremantle papers in the Aylesbury County Record Office.

<sup>64</sup>Fremantle to Sir Thomas Fremantle, May 27, 1857, D/FR/213/12, Aylesbury County Record Office.

by the crew. He had shown some tact, and encountered some hostility from his officers, when he stopped them from drinking on the quarterdeck in sight of the on-duty crew.<sup>65</sup> A brisk voyage would be a welcome alternative to the *Juno's* off-shore anchorage in Sydney Harbour, chosen to avoid 'contamination' (and abscondings to the goldfields).

Secondly, Fremantle had a disciplinary problem with his officers. Stirling, Seymour's predecessor, had sent a letter to await Fremantle's initial arrival in Sydney, telling him that there had been a 'refractory spirit' on the Australian station. Because there was not the necessary quorum of naval captains (six) to hold a court martial there, 'certain junior officers' were 'led to acts savouring strongly of mutiny and insubordination'. A court-martial could be held in Hong Kong or Britain, if necessary, however.<sup>66</sup> Fremantle, forewarned, detected this spirit in his lieutenant, Hugo Burnaby, a brave man, but one who could be reduced by a reprimand to a state of 'extreme sensibility' for days.<sup>67</sup> This officer was under ship arrest (though allowed ashore on certain conditions) while Fremantle reported his case to Stirling, as instructed, for advice on how to deal with him in the absence of a quorum.<sup>68</sup> In the meantime Fremantle did as much of Burnaby's work as possible. A change of scene, with some legitimate celebration at its end, would reduce the likelihood of Burnaby's 'refractory spirit' spreading. Thus all circumstances conspired to cause Fremantle to sail for the Cocos (Keeling) Islands, which he did in early February 1857. Not for the first or last time, practical problems of command had an input on the course of events.

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<sup>65</sup>Pamphlet printed for Captain Fremantle, 1858, Greenwich Naval and Maritime Library, p.31.

<sup>66</sup>Extract from Stirling to Fremantle, November 25, 1854, in D/FR/216/10, Aylesbury County Record Office.

<sup>67</sup>Fremantle's account of Burnaby is in D/FR/216/2/1-3 and the *Juno's* surgeon's at D/FR/216/1/8, Aylesbury County Record Office.

<sup>68</sup>*ibid*, and Fremantle's pamphlet, 1858, Greenwich Naval and Maritime Library.



On Fremantle's arrival at the islands, nothing led him to query his order to annex. John Clunies Ross, proprietor of the settlement, who had requested annexation of the islands more than once,<sup>69</sup> had died over £2,000 in debt. His eldest son, John George Clunies Ross, who was endeavouring to pay off the debt, was absent. However, the trim little settlement showed no 'dereliction'; its population of 222 Cocos Malays, 48 Javanese, and 130 Batavians in their last year of penal servitude was supported by the production and trading of copra and coconut oil. There was no police force, and no corporal punishment. Fremantle was clearly impressed by this, and by the harbour inside the main lagoon of the atoll of islands, and the deeper anchorage outside it.<sup>70</sup> Of French naval captains, it is true, he could report no sign, but he could say that a French vessel had put in five years previously, wanting not only to obtain supplies, but also 'to enter into a contract with Captain Ross for a general supply [of coconuts] or to rent some of the islands: but the terms could not be adjusted'.<sup>71</sup> The French had then appealed to the Dutch government who had refused to interfere, though they had granted Ross some trading rights in the East Indies.<sup>72</sup> The only naval vessel to visit the islands during Fremantle's sojourn was a Russian one, on its way back to the Baltic after spending the Crimean War hiding in the Amory River (Siberia). (Was this the 'Pacific Squadron' which Stirling had been blamed for not finding?)

Fremantle had written to the Governor-General of India of his imminent departure for the Cocos (Keeling) Islands, as he understood his orders to annex required, as well as to Hong Kong, before he left Sydney. But no small party from India arrived on

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<sup>69</sup>See M Ackrill, The Origins and Nature of the First Permanent Settlement on the Cocos (Keeling) Islands, *Historical Studies*, vol.21, no.83, October 1984.

<sup>70</sup>Fremantle personally made numerous copies of his report. One is in CO 323. 249, another in ADM 1 5684. PRO.

<sup>71</sup>*ibid.*

<sup>72</sup>Ross had certainly used a Dutch flag on his trading vessel, but to be allowed to do so had to employ a Javanese as captain. While it has been said that a Dutch flag flew on the Cocos (Keelings) for a time, there is no proof of this.

the islands to take over formal occupation, and so on May 7, 1857, he set sail and steam for Sydney. He left behind the returned John George Clunies Ross, in whom 'it is not difficult to detect a little dejection on the sudden abrogation of his absolutism', but also (important in the descendant of Jacobite Shetlanders) 'an intelligent and enterprising loyalty which neither time nor distance have impaired'.<sup>73</sup>

When Fremantle returned to Sydney, he found there a letter from the Governor-General of India, which told him that the Cocos Islands in the Bay of Bengal had been the intended prey,<sup>74</sup> and which gave no sign whatever that his orders had been inadequate. If the wording of his orders is borne in mind, there can be no doubt that Fremantle had behaved entirely reasonably. Yet being a good officer, he did not blame his superiors. Neither did he blame himself. 'The mistake which has occurred' was his discreet phrase.<sup>75</sup> It surely was quite wrong to label it 'Captain Fremantle's mistake' as Tarling demonstrates that the offices in London were soon doing.<sup>76</sup> John George Clunies Ross, whom Fremantle had dubbed 'Temporary Superintendent' was given this interpretation for his private information when he visited London in 1860. His own title was neither confirmed nor denied - and neither was the annexation disavowed.<sup>77</sup> Reluctance to add to the empire except for the highly specific purpose of the Kuria Muria acquisition, or to comply with the wishes of the government of India, both at low cost, was not the same thing as disavowal. None of the London offices professed itself able to see how the mistake had happened. This might be because each viewed the matter so firmly in the light of the previous correspondence

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<sup>73</sup>Fremantle's report, CO 323. 249. PRO> Gibson Hill pointed out the importance of Ross's ancestry.

<sup>74</sup>Fremantle to Admiralty, June 12, 1857, ADM 125. 135. PRO.

<sup>75</sup>Fremantle to Admiralty, June 12, 1856 (copy) CO 323. 249. PRO.

<sup>76</sup>'Some misapprehension has arisen' was used in Admiralty to Merivale, September 7, 1857. CO 323. 249. PRO.

<sup>77</sup>Tarling, *op. cit.*.

that it was speaking the truth; it is also the case that none, so far as the record shows, ever checked Fremantle's territorial limits in his first orders.

Does Tarling's term of 'presumption' (see p.5 above) in the Admiralty fit this episode? Surely 'preoccupation' is nearer the mark?

And where does Tarling's 'little confusion of mind' at the India Board enter the story? The answer must be that it does not. After hearing of the murder of shipwrecked sailors on the Andaman Islands, quite independently of Dalhousie, the Court of Directors in 1855 wanted a settlement on these islands, to 'conciliate' their small (typical height four feet nine inches) but reputedly fierce inhabitants. And, as it later said, it would be 'highly inconvenient and objectionable' if 'strangers' occupied the islands, the more so since Dalhousie's Burmese conquests.<sup>78</sup> By the time their despatch about the Andamans was answered from India, Dalhousie had been replaced by Canning, who demurred.<sup>79</sup> The Court persisted, and on October 1, 1856, after the procedure for the Cocos had been agreed, it wrote to Canning, asking that he send a steamer to the Andamans to explore them, and choose a site for a convict colony, which, it had been decided, would be the least expensive way of beginning a settlement.<sup>80</sup> It said that although British sovereignty over the Andamans was 'in abeyance', there was 'no impediment to our re-assertion of them'.<sup>81</sup> It knew this of course from the letter of the law officers of April 29 1856 (see above). It also asked for a report on the Andamans, and for a report, though no exploration, of the nearby

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<sup>78</sup>P. N. Tarling, *Pirates and Convicts*, *Journal of Indian History*, XXVI, pt.3, 1960, reprinted in *Imperial Britain in South East Asia*, Kuala Lumpur, 1976, p.248.

<sup>79</sup>Evident from Court of Directors to Governor-General, October 1, 1856, Board's Collection, 192 739, C & DO.

<sup>80</sup>Captain H. Hopkinson to W. Grey, February 8, 1856, Selections from the Records of the Government of India (Home Department), no. XXV, Calcutta, 1859.

<sup>81</sup>Court of Directors to Governor-General, October 1, 1856, Board's Collection, 192 739, C & DO, and Selections etc. p.49.

Nicobar Islands. Their sovereignty had been abandoned by the Danish government in 1847 because, like the Andamans, they were very unhealthy.<sup>82</sup> Its request, which amounted to a command, made no mention of the islands of Great and Little Coco. To the best of the Court's knowledge at that date these were already taken care of through the orders which the Admiralty was about to issue on receiving instructions from the Colonial Office.<sup>83</sup>

Canning, in a reply dated April 8, 1857, pointed out that the Andaman exploration would have to be carried out in the less stormy weather of the autumn. In the meantime, he caused a report to be made from all the sources available in Calcutta. Dated May 2, 1857, (just a few days before the Indian Mutiny began) its heading said that it was a report on the Andaman, Coco, and Nicobar Islands, and indeed it carried a brief description of the Great and Little Cocos.<sup>84</sup> When the exploration of the Andamans duly took place at the end of the year, the inspecting committee did not inspect the Cocos Islands, remarking that they were 'too directly in the tracks of commerce, and are deficient in harbours'.<sup>85</sup>

Why were the Cocos included in these two reports when the Court had not mentioned them? Tarling infers that it was because 'the Andamans as a whole' were under consideration by the India Board. The correspondence does not bear this out. The answer most probably lies once more in a careful consideration of dates. May 2, 1857, the date of the first report, was also the date on which Canning wrote to the

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<sup>82</sup>Selections etc. p.51.

<sup>83</sup>Indeed, it had mistakenly been told on October 3, 1856, that the Colonial Office had already sent its request to the Admiralty. Board's Collections, 192. 739, C & DO.

<sup>84</sup>Governor-General to Court of Directors, enclosing a précis of what was known of Andaman, Coco, and Nicobar Islands, May 22, 1857, Selections etc. p.53.

<sup>85</sup>*ibid*, Selections etc. p.74.

Court that he had received Fremantle's letter of January 20, saying he was setting forth soon for the Cocos (Keeling) Islands. Canning had known this since April 21, - time enough to see that other steps were therefore necessary to secure Great and Little Coco, and time enough to slip them into the report. As his letter of May 2 went on to say, when possession was taken of the Andamans, the smaller islands could be occupied.

Tarling attributes 'confusion of mind' to the India Board because on the back of the India Office copy of the Court's letter to Canning of October 1, 1856, are two undated pencilled notes.<sup>86</sup> The first, by John Stuart Mill, the Board's longtime employee, and its Examiner of Correspondence since March 1856, says 'there is nothing in this draft (i.e. copy) about the Cocos islands'. The second, which is anonymous, replies 'They are far to the southward'. If made on receipt of the Court's 'draft', Mills' note might indicate a hazy recollection of Burkinyoung's request and the subsequent correspondence, such vagueness being understandable in a minor matter. His duty was to supervise, not originate, all correspondence on major matters, and additionally, in his first year in his new office, he had no assistant, and was doing his work as well.<sup>87</sup> The second note, perhaps written by a newcomer, shows entire unawareness both of Burkinyoung, and of the existence of Great and Little Coco, so close to Burma.

However, it is also possible that the notes were written later than October 1856, perhaps upon Mills' receipt of Canning's letter of May 2, 1857 (which told that Fremantle was about to annex the wrong islands) and of the report of May 2 on the Andaman, Cocos and Nicobar Islands. They might then represent Mills' puzzlement as to why the Cocos were included in the report, or his half-hearted attempt to discover why the Cocos (Keeling) Islands had been annexed. In either case, the

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<sup>86</sup>See Tarling, *Historical Studies*, 1957/8.

<sup>87</sup>M. St.J. Packe, *The Life of John Stuart Mill*, London, 1954, p.387.

responding note is not really explanatory; it might have intended to placate. Ignorance, rather than confusion, is revealed.

One puzzle remains. Fremantle, as ordered, returned the *Juno* to Britain in late 1857. His annexation had been given no publicity: why did he not, in confidence, justify his actions to the Admiralty, or the India Board, or the Court of Directors?

Once more, the evidence is circumstantial, but compelling, and sheds light on the practical difficulties of command. Fremantle had other pre-occupations. Burnaby had been under ship arrest intermittently since mid-1856. The voyage to the islands had compounded, not eased, Fremantle's disciplinary problems with his officers. The night before leaving Sydney, the *Juno* lay just inside Sydney Heads, sails at the ready, not fully furled, waiting for the morning breeze. This was good preparation, but vigilance was needed in case a night wind arose and caused the ship to drag anchor.<sup>88</sup> Fremantle, who had previous brushes with the officers concerned, was angry to find one asleep on the watch, and another absent from his post - both in themselves serious offences on any ship. They tried to explain and argue with him, which compounded the offences.<sup>89</sup> They too were put under ship arrest on the voyage to the islands and back, and on the return voyage to England. While for the latter voyage Fremantle engaged an additional officer, on the former there was no time to do so, and in both instances he did as much of their work as possible. They were allowed shore leave in the islands, and Burnaby, under pressure from the *Juno*'s surgeon, had been allowed ashore frequently on Sydney's Garden Island (with paints and easel, and an

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<sup>88</sup>Fremantle, Pamphlet, 1858, Greenwich Naval and Maritime Museum.

<sup>89</sup>The offences are specified in quarterly return, quarter ending December 31, 1857. ADM 153 1 PRO. The Admiralty had previously reproved Fremantle for accepting a remonstrance from another officer, then had overturned this judgement. ADM 619 PRO, and *United Services Gazette*, April 4, 1857.

orderly to see that he did not attempt to escape)<sup>90</sup> but the delights and temptations of Sydney were denied all three. They were permitted to go wherever and speak to whomever they pleased on board. This was not 'incarceration' but it was no doubt much resented by the officers, and reported with hostile embellishments in the Sydney press, ever alert for scandal.<sup>91</sup>

On his return from the Cocos (Keeling) Islands, Fremantle had found a letter from Seymour, in reply to the one which he had written to Stirling in the previous year outlining Burnaby's offences and asking how to proceed. Seymour, while reminding Fremantle that regulations permitted him to return the officers to their duties pending a court-martial, had written 'I have to desire you will bring specific charges against Lieutenant Burnaby that he may be brought to Court Martial on the *Juno's* return to England'.<sup>92</sup> Fremantle preferred charges against all three. On his arrival off Spithead, he asked the Admiralty for instructions.<sup>93</sup> He received an exceedingly obscure telegram, which, like the one which followed, was intended to cause him to drop the charges. Convinced, however, that Seymour had wanted him to go ahead, he did not take the hint.

Then disaster followed disaster for Fremantle. News came that his mother, whom he had looked forward to seeing, had died somewhat unexpectedly. His crew, kept

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<sup>90</sup>D FR 216/1/1-9, Aylesbury County Record Office.

<sup>91</sup>*Bell's Life and Sporting Review*, Sydney, July 4, 1857, referring to an anonymous letter in the *Empire*, Sydney of June 30. The author most probably was a certain (temporary) ex-officer of a different ship, who had been dismissed for breaking his undertaking with the navy not to publish articles without prior approval. He had also altered the destination of his pay cheques, which he had promised to send to his wife.

<sup>92</sup>Seymour to Fremantle, December 16, 1856, (received June 12, 1857) D FR 216/1/7, Aylesbury County Record Office.

<sup>93</sup>*Naval and Military Gazette*, November 21, 1857.

aboard (while he awaited clarification) in a chill November after nearly four years in the sub-tropics, fell ill.<sup>94</sup> He had intended to base his court-martial against the three officers on Stirling's letter about 'refractory spirits' and the need to proceed to court-martial. But he was told that he could not introduce this letter, or the general advice and specific instructions which the Admiralty had issued about discipline, into his statements. The grounds for this ruling were that they formed part of the 'Captain's Book' - despite Fremantle's having kept the book in the officers' mess so that they would see the instructions.<sup>95</sup> Exhausted and bewildered, and uttering some rather odd phrases, Fremantle was quite unable to continue after the first day, and sat with his head in his hands, speaking of 'a confusion in my head'. The officers spoke well for themselves, and also engaged lawyers. Only an index heading relating to the court martial survives in the Admiralty records, but it can be reconstructed from assorted journal and newspaper reports - none of which, however, mentioned the refusal to allow Fremantle to use the instructions which had guided him.<sup>96</sup>

All but one of the charges were dismissed, and that charge was punished by a reprimand. Fremantle himself was reprimanded for bringing serious charges on insufficient evidence and was compulsorily retired - though first he had to see to the removal from the *Juno* to hospital of nearly a hundred invalids, pay off the crew, settle the ship's accounts (including one for china breakages in his own cabin in four years at sea) and distribute some medals.<sup>97</sup> Fremantle may well have been right in thinking that sensational reports of life on the *Juno* had circulated in Britain before the

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<sup>94</sup>*ibid.*

<sup>95</sup>Fremantle, Pamphlet, 1858, Greenwich Naval and Maritime Museum, and D FR 217/4/1, Aylesbury County Record Office.

<sup>96</sup>The most extensive press reports of the trial are in the *Naval and Military Gazette* of 1857, *Daily News*, December 3, 1857, and the *Times* of 21, 25, 28 November, 1857.

<sup>97</sup>Admiralty Board minute of November 29, 1857, ADM 12 635. PRO. Orders etc., Paying off 1857, D FR/213/8-9, and D FR 215/5-8.



cases were heard. The British press reported the court-martial at length, and its comments were hostile to Fremantle. Though it was true that he had spent much of his life ashore, this was an ignominious end to a promising career. The Admiralty's praise of the Kuria Muria exploits had been succeeded by its praise for his careful reports on his Pacific voyages, describing proud Fiji chiefs and forlorn uprooted Pitcairn Islanders with considerable understanding.<sup>98</sup> Through the intervention of his brother, Sir Thomas Fremantle, MP, he was given some defence in parliament,<sup>99</sup> and eventually, at his brother's urging, wrote a pamphlet justifying the court-martial and his actions, and explaining his views of naval service.<sup>100</sup> It was published in 1858, and shows him to have been pedantic on some points, but by no means uniformly unreasonable - or unpopular - on the *Juno*. The Cocos (Keeling) Islands were a secondary issue for him, compared with the court-martial, and were not mentioned. He became ill with tuberculosis and epilepsy, the former quite probably the cause of the latter. It is possible that the first sign of the epilepsy was the 'confusion' which he felt at the court martial.<sup>101</sup> He died in mid-1860, aged 49, and with him died the strongest incentive to refute the reasoning - or lack of it - which had labelled his annexation of the Cocos (Keeling) Islands as 'Captain Fremantle's mistake'.

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The circumstances surrounding the annexation of the Cocos (Keeling) Islands in 1857 point to several conclusions. The first is that there was no general impulse towards annexation of territories by the cabinet, the Colonial Office, the Admiralty, or even the Court of Directors or the India Board. Not was there any general government

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<sup>98</sup>ADM 125 135 and ADM 1.5672. PRO.

<sup>99</sup>Speech by Sir Charles Wood, December 7, 1857, Hansard 3rd series, vol. cols. 269-271.

<sup>100</sup>Sir T. Fremantle to [S. G.] Fremantle, December 3, and 4, 1857, D FR 218/7/1-13, Aylesbury County Record Office.

<sup>101</sup>Medical report on [S. G.] Fremantle, by Sir Henry Acland, for Sir T. Fremantle, FRE 219/1-24, Aylesbury County Record Office.

endeavour to extend informal empire. Instead, conditioned partly by the cost of the Crimean War, there was a determined attempt to minimise expenditure, and this worked against government involvement in expansion. The government of India met its own internal expenses, and so there was some predisposition to listen to its requests, but the Court of Directors was uneasy about the mounting costs of the combination of reform and assimilation of territory in India. Yet in government circles, prestige was undeniably attached to British dominion in India. To separate the weighting given to prestige in the minds of office-holders and decision-makers from that given by them to interest in the sense of general economic benefit conferred on the nation through possession in India or from weighting given to the financial interests of those with investments in the East India Company, is impossible. There were certainly no overt cost-benefit analyses in this instance. Affinity of outlook and social class among government offices is evident, but no sign of tenderness to investors and financiers, on the Cain and Hopkins model, appear.

Next, the eventual resumption of sovereignty over the Andamans and Great and Little Coco (and their later history has its ironies) may have marginally increased the security of possessions in India and the safety of sea travel, and therefore at several removes benefited East India Company stockholders. But it was quite clear that such benefit was, contrary to the Huttenback and Davis doctrine, not to be at the expense of British taxpayers.

Nor was the annexation of the Kuria Murias, Captain Fremantle's introduction to flag-hoisting, any significant charge on the public purse. It was indeed a consequence of the empire of free trade - but not as that phrase is used by Gallagher and Robinson. The genesis of their annexation was in measures to improve the productivity of British agriculture after the repeal of the Corn Laws in 1846 exposed it to competition. To this end, quite exceptional domestic laws had been passed by parliament, beginning with the Agricultural Drainage Act of the same year, which gave outright grants to farmers and all social ranks. The Kuria Muria annexation was an exception in the

imperial saga brought about by political considerations and social affinity with the landed interest. The islands proved useless as a source of fertiliser, as Captain Fremantle foresaw, and their annexation was a virtually costless anomaly.

The annexation of the Cocos (Keeling) Islands was different again. Here there were no traditions of overseas power or prestige or profit, nor the impetus of domestic British need. There had been persistent refusal to annex the islands, and after annexation, decades of non-expenditure on them followed. All that happened was their nominal incorporation into the government of Ceylon in 1878, and their transfer to the Straits Settlement and then the government of Singapore in 1884 and 1903 respectively. The second of these arrangements entailed a roughly biennial visit to the islands, but virtually no other cost, since the Clunies Ross family were left in charge of the islands' community until 1944.

Therefore none of these annexations falls into the theories of turbulent frontiers, or of systematic and centrally determined policies advanced by Davis and Huttenback or Cain and Hopkins. This is not sufficient grounds for dismissing the theories, but it should make us look rather more carefully at pragmatic rather than systematic causes for the extension of empire.

Yet there is a common thread linking the three annexations, and most evident in the case of the Cocos (Keeling) annexation. This is the assumption at the heart of empire and also at the periphery that the British navy was ubiquitous, and capable of any task, large or small, anywhere. The assumption was firmly entrenched in the mind of Palmerston, who, more than anyone else in government, was prepared to use the navy belligerently.

A major and perhaps fortunate impediment to his impulses was the slow speed of communication in the middle of the nineteenth century. Telegraphs and cables were far from ubiquitous overseas, and in London copy clerks and messengers laboured to

keep government offices informed of what each was doing. The wonder is that difficulties of the type exemplified in the Cocos (Keeling) episode did not occur more frequently.

If a theory has to be found to fit this episode, the preoccupations of that weekend in the Admiralty, when Palmerston appeared to be striding towards a war with the United States, should be remembered. Then perhaps it might seem that at least one case has been found to confirm an older hypothesis: Seeley's proposition that the empire had been acquired in a fit of absence of mind.<sup>102</sup>

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<sup>102</sup>Sir John Seeley, *The Expansion of England* (1883) lecture 1.

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