

sioner, and my entire conviction of the correctness of the judgments he has pronounced. I am, moreover, confident that most men will concur with me in regretting the official circulation of anonymous attacks on the Chief Justice of the Supreme Court of an Australasian Colony. Had reflections upon the conduct on the bench of a Chief Justice of any one of the older colonies, whether great or small,—New South Wales or Victoria,—Tasmania or Western Australia,—been published in a similar manner, the impropriety of the act would have met with universal reprobation, and that the more emphatic, if the colony, the chief judicial authority of which was thus assailed, had happened to be unrepresented at the meeting of the Conference.

The charge of culpable indifference to the lives of Englishmen, which is that brought against Commodore Wilson in the articles of the *Sydney Daily Telegraph* selected for republication, is one which that distinguished officer may well afford to treat as lightly as that of cowardice preferred against him in the same journal, but which the Committee has not included in its collection of extracts. Notwithstanding the contempt with which he must regard such slanders, the gravity unfortunately given to them by their official publication may not impossibly induce him to take some public notice of the attack. I will not attempt to anticipate the observations he may think proper to make, should he do so, but will content myself with the remark that there appears to be nearly as much misapprehension as to the degree of protection which British subjects are entitled to anticipate in savage regions, as with regard to the functions of the High Commissioner. Strictly speaking, none but those who are employed on public duty are entitled to such protection. Where, as in the recent case of the "Sandfly," men, not of their own free will, but in the service of the State, and in obedience to the command of its constituted authorities, are placed in situations of peril, the Government they serve may be said to be bound to protect them, and to punish injury done them whilst employed in its service; but where men for their own personal objects, and in defiance of warning, withdraw themselves from the operation of the institutions of their own country, they take their lives in their hands, and have no right to expect to receive the forcible support of the State whose sheltering protection they have left. Private parties cannot be allowed thus at their own will to force the hand, (if such an expression may be used,) of their Government. This is clearly understood in other parts of the world, and I know not why different maxims should prevail in Polynesia. The doctrine that wherever a trader thrusts his way he is to be followed by a man-of-war for his protection, and that if he loses his life in the pursuit of his enterprise, the naval force of the country is to be employed to avenge his death on the countrymen of those who have killed him, is an altogether novel one.

When in Melbourne, in 1878, I explained this at some length to the promoters of an association for an expedition to New Guinea, then contemplated, and stated that it was "my duty formally and emphatically to declare that the British Government disclaim all obligation to protect or interfere on behalf of persons voluntarily placing themselves in positions of danger in a savage country, and that those who enter on such enterprises do so at their own risk and peril." I subsequently received official intimation that the language I then used was entirely approved by the Imperial Government, of which it correctly expressed the views.

Such also has most emphatically been the language of the United States Government, and of the jurists of that country, who have very clearly laid down that those engaged in such adventures forfeit all right to claim the protection of the State. But, though such protection cannot be claimed as a right, there are no doubt many cases in which it ought to be, and, practically, would be, given. Each case must, however, depend on its own merits, and those merits it is often no easy task to ascertain. It by no means follows that, in every instance where a white man's life has been taken, a *casus belli* has been established. It is often difficult to assign any immediate cause for the act, and there is too frequently an entire absence of reliable evidence as to the attendant circumstances.

In many cases I have no doubt that massacres are perpetrated to gratify a mere savage thirst of blood, or to satisfy the cupidity excited by a display of