

SESS. II.—1884.  
NEW ZEALAND.

# CONFEDERATION AND ANNEXATION.

REPORT OF A ROYAL COMMISSION ON THE  
WESTERN PACIFIC ORDERS IN COUNCIL,  
AND THE NATURE OF THE MEASURES REQUISITE TO SECURE THE ATTAINMENT OF THE  
OBJECTS FOR WHICH THOSE ORDERS WERE ISSUED.

*Presented to both Houses of the General Assembly by Command of His Excellency.*

MY LORD,—

London, October 16, 1883.

In compliance with the instructions contained in Sir R. G. W. Herbert's letter to Sir A. Gordon of the 1st March, we have inquired into the working of the Western Pacific Orders in Council, and have considered what measures are requisite to secure the attainment of the objects with which those Orders in Council were issued. We regret that so long a time should have elapsed between the commencement and the conclusion of our labours; but the duties devolving on one of our number as Superintendent of Naval Reserves, and on another as second in command of the Channel Fleet, have rendered absence from London for considerable periods indispensable, and have consequently made it difficult for us to meet; while for some weeks, pending the decision of Her Majesty's Government with regard to the proposed annexation of New Guinea, our proceedings were necessarily suspended.

2. We have now the honour to submit to your Lordship the report upon which we have agreed.

## INTRODUCTION.

3. The voyages of Captain Cook, Captain Bligh, and others, opened the South Seas to Englishmen towards the close of the last century, and it was not very long before it was felt that measures would be needed to repress the disregard for law and order which might be looked for on the part of adventurers resorting thither. The Act 57 George III. c. 53, was accordingly passed with this object. It provided, *inter alia*, that offences committed by British subjects on islands in the South Pacific Ocean should be dealt with in the same manner as if committed on the high seas.

4. In 1824, the Act 4 George IV. c. 96, gave power to the Supreme Court of New South Wales to take cognizance of offences committed by British subjects in the Pacific; and this measure was followed up in 1829 by the Act 9 George IV. c. 43, which authorized the Supreme Courts of New South Wales and Van Diemen's Land to deal with all offences, of what nature or kind soever, committed by any British subject in the Islands of New Zealand and Otaheite, or any other island, country, or place in the Indian or Pacific Oceans, and not subject to any European State.

5. In 1832, a Bill was brought into the House of Commons by Lord Howick, and read a second time, which provided that the Governor and Legislative Council of New South Wales might "make, ordain, and establish all such laws and ordinances as to them might seem meet for the prevention and punishment of crimes and offences within any islands of the Southern Pacific Ocean, not being in His Majesty's dominions, to provide for trial and punishment thereof either within the colony or within the islands themselves." The assistance of any tribe or tribes in warfare, or the fomenting or encouraging warfare, were made offences under this Act, and the Governor was authorized to establish "such rules and regulations as the exigency of the case may require, and as may be effectual for the prevention of such crimes and offences." These regulations were to have a general resemblance to English law, but were not necessarily to correspond with it.

6. This Bill, however, had not become law before the end of the session of 1832, and it consequently lapsed, nor was it again revived. In 1836 a Committee of the House of Commons reported the proceedings of British subjects in the Southern Pacific to be "lawless and infamous;" and when, in 1840, the Colony of New Zealand was established, one of the reasons assigned for that step was the difficulty which had been experienced in restraining the unlawful acts of British subjects in that locality, a difficulty which it was anticipated that the proclamation of British sovereignty over the Islands of New Zealand would remove.

7. No further Imperial legislation on the subject took place for some years, but attention was