

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

gradually again drawn to questionable proceedings of British subjects in the South Seas, and the nefarious features of the system under which labourers from that region were obtained for service on the sugar estates of Queensland and Fiji. Probably, however, there would have been much protracted discussion without decisive action, had not the murder of Bishop Patteson in 1871 suddenly roused public opinion in a manner which rendered the enactment of "The Pacific Islanders Protection Act, 1872," easy, if not imperative. This Act, which gave powers to the Supreme Court of any of the Australasian Colonies to punish any British subjects who should decoy away or enlist against his will any native, and which rendered a license from the Governor of one of the Australasian Colonies, or from a British Consular Officer, necessary for all vessels engaged in the labour traffic, was supplemented three years later by "The Pacific Islanders Amendment Act, 1875," which provided, among other things, for the creation by Order in Council, at the Queen's pleasure, of a High Commissioner having jurisdiction over all British subjects throughout the Western Pacific, and empowered in Her Majesty's name and behalf to make regulations for their government, and issue the licenses required by the Act of 1872. It provided also for the constitution of a Court having cognizance of all offences committed in those regions, and the fullest powers of dealing with them. The Order in Council authorized by this statute was not, however, issued until August, 1877.

8. It contained a very complete code—perhaps, indeed, in some respects, even too complete a one—for dealing with the misdeeds of British subjects, and, while affording them the means of civil litigation, furnished the means of providing machinery with which to bring it into active operation. Nearly the whole of the Order is devoted to the powers and procedure of the High Commissioner's Court. Of the 321 articles which it contains, only six relate to the duties of the High Commissioner and his deputies, as apart from the judicial functions of his Court. These six articles provide—(Art. 7) for the appointment of a High Commissioner, (Art. 8) for his official seal, and (Art. 10) for the appointment of Deputy-Commissioners by the High Commissioner, liable (Art. 11) to suspension or removal by the High Commissioner. They authorize (Art. 24) the High Commissioner to make regulations for the government of British subjects in the Western Pacific, to prohibit (Art. 25) any person dangerous to peace and good order from living in any part of the Pacific, and, if necessary, to remove him (Art. 26) from any island in which he may at the time reside.

9. A supplementary Order in Council issued in 1879 considerably extended the power of making regulations, and also the jurisdiction of the High Commissioner when sitting alone as a Judge in places where the assistance of a Judicial Commissioner was unattainable; and in 1880 another Order in Council authorized the appointment of an Assistant High Commissioner.

10. It is important to observe not only what it is that these Orders in Council are intended to effect, but what also are the matters with which they make no profession to deal. The object sought to be obtained is solely the control of British subjects, and this it is proposed to accomplish partly by the exercise of executive and legislative authority on the part of the High Commissioner, and partly by the action of competent Courts for the settlement of disputes and the punishment of offences. But the Orders in Council contain no provision whatever with regard to offences committed by natives, and confer no powers for their punishment.

11. The jurisdiction of the High Commissioner extends over all British subjects in the Western Pacific, but over British subjects exclusively. He has no authority whatever to deal, whether judicially or in his executive capacity, with offences committed by persons not British subjects, whether natives of islands not under the dominion of the Crown, or by other foreigners.

12. The High Commissioner has on more than one occasion pointed out to the Imperial Government that, unless a jurisdiction were created competent to take cognizance of offences committed by natives against British subjects in the Pacific beyond Her Majesty's possessions, the infliction of punishment on British subjects for outrages against natives in the same regions, when such cases came before the High Commissioner's Court, was sure to excite, on the part of those brought before it, not unnatural irritation, and a sense of being treated with injustice; for it is hardly to be expected that men of the class to which most British subjects in the Pacific belong, should understand that Great Britain has an interest in the good conduct of the Queen's subjects, and the maintenance of legal restraint over their actions, quite apart from any sympathy with natives or care for their protection.

13. The reply returned to all such representations has invariably been that, in the opinion of the Law Officers of the Crown, insuperable obstacles exist to any assumption of jurisdiction by Her Majesty over other than British subjects beyond the limits of Her Majesty's dominions. Nevertheless, although Her Majesty's Government has not as yet seen a way to overcome the real as well as the formal and technical difficulties with which any such exercise of authority is undoubtedly surrounded, the necessity for exceptional dealing with exceptional circumstances is not, we think, unrecognized; and precedents exist which, though not precisely similar, would, we cannot but believe, justify such an assumption of jurisdiction as is desired.

14. Meanwhile, however, the High Commissioner is absolutely powerless to take judicial cognizance of any offence committed by a Polynesian native not being also a subject of Her Majesty.

15. The natural result has been that pointed out by the High Commissioner. Great irritation has been excited among all interested in the Pacific trade, and at an Intercolonial Conference of Ministers of the different Australian Colonies indignant resolutions were adopted virtually censuring the High Commissioner for not having done that which he had no legal power to do, and had, indeed, been expressly forbidden to attempt to do.

16. The groups of islands to which the operation of the Order in Council was by name specifically extended were the following:—

- The Friendly Islands.
- The Navigators Islands.
- The Union Islands.
- The Phoenix Islands.

The Ellice Islands.
 The Gilbert Islands.
 The Marshall Islands.
 The Caroline Islands.
 The Solomon Islands.
 The Santa Cruz Islands.
 Rotumah.

New Guinea, to the east of the 143rd meridian of east longitude.

New Britain and New Ireland.

The Louisiade Archipelago.

And "all other islands in the Western Pacific Ocean not being within the limits of the Colonies of Fiji, Queensland, or New South Wales, and not being within the jurisdiction of any civilized Power."

17. No definition is given of the limits of the "Western Pacific Ocean" itself, and they may be open to some dispute. If the precedents of the Acts George III. and George IV., conferring jurisdiction on the Courts of New South Wales, be relied on, they include the Society Islands; and recent despatches from the Colonial Office would appear to imply that the Hervey Islands and Raratonga were supposed to be within the High Commissioner's jurisdiction. Taking into consideration the vast extent of such an area, and the utter impossibility of exercising supervision over it, it will be safer to assume for all practical purposes that the limits of the Western Pacific are nearly coterminous with those of the Australian naval station. If so, it may be roughly divided into two portions by a line running from north to south about the 180th meridian of longitude. The groups of islands to the west of this line are mountainous and volcanic; those to the east of it are for the most part—though by no means exclusively—low islands of coral formation.

18. The population of this region comprehends three great divisions—Papuan, Melanesian, and Polynesian; but there are other smaller well-defined distinctions, and innumerable shades and blendings of the whole. Commencing at the south-eastern extremity of the area through which the authority of the High Commissioner is supposed to extend, we find the Tongan group, chiefly composed of coral islands, among which, however, are scattered numerous volcanoes, active or extinct, including the great cone of Kao, which rises abruptly from the sea to a height of 7,000 feet.

19. The population of this group, who are among the handsomest and most intelligent of the South Seas, are all Christians, and have fair pretensions to be regarded as a civilized community. They have an orderly Government of a European pattern, and have entered into formal treaty relations with Great Britain and Germany. Though possessing a King and a nominally constitutional form of government, all power is practically vested in a Wesleyan clergyman named Baker, whose influence is paramount, and closely resembles, in the causes to which it is due and the mode in which it is exercised, that of some political churchman of the Middle Ages.

20. Passing northward, and leaving on the west the small islands of Fotuna and Wallis, where Roman Catholic missionaries exercise as absolute a sway as that of Mr. Baker in Tonga, and to the east Savage Island, where the population, who in Cook's time were savages of the fiercest description, are now an orderly Christian community, remarkable as one of the few places in the Pacific where the native population is decidedly on the increase, we come to the Navigators or Samoan group, entirely of volcanic formation, but the fires of which have been long extinct. The people of Samoa are of the same race as the Tongans, though even lighter and handsomer. Their political condition, is not, however, by any means as satisfactory. They have a nominal King, who exercises some shadowy authority, and has been recognized by foreign Powers, but whose influence on the political chaos by which he is surrounded is extremely small. By a Convention entered into in 1879 the administration of the town of Apia and a small district round it is virtually in the hands of the foreign Consuls; and, by a treaty with Great Britain, concluded in the same year, the exclusive jurisdiction of the High Commission Court over British subjects is fully recognized. There are several British residents, but German interests predominate.

21. Passing northward again, we come to the long chain of what are known as the Line Islands, the Ellice, Gilbert, and Marshall groups, comprising an almost countless multitude of comparatively small islands. All alike are of coral formation and uniform appearance. The inhabitants, who are mostly of Polynesian race, are in some places christianized, and in others not, and vary a good deal in their amount of civilization. All, however, have some political organization, and are, on the whole, creditable communities. Captain Bridge, H.M.S. "Espiegle," who has visited them in the month of June of the present year, says, of the natives of Peru Island, that they "are far from being a totally uncivilized people; they have a regular Government of a constitutional character, viz., that of a Federal Republic; they are skilled in several useful arts, especially in that of house-building, as displayed in their spacious Kau-puli houses; and, in their deliberative assemblies, exhibit an orderliness in procedure, and decorum of demeanour, which would very likely surprise any one acquainted only with the representative bodies of highly civilized countries."

22. A good many Europeans, chiefly English and German, are scattered through these groups; and at the Island of Jaluit, in the Bonham group, are established the head-quarters of the great German trading company, which conducts so large a part of the commerce of those seas.

23. The Caroline Islands, situated 10 degrees to the north of the equator, are partly coralline and partly volcanic. Here, as in the Line Islands, the population are partly Christian and partly heathen; and Captain Maxwell, H.M.S. "Emerald," who visited the islands in 1880, reports that, in addition to various traders and missionaries named by him, "there are various other white residents on the islands, apparently doing nothing."

24. The Phoenix Islands have not, we believe, been visited by any man-of-war since the establishment of the High Commission.

25. Turning now southwards again, and passing by the Admiralty Islands, of which little is known, we reach New Britain and New Ireland, very large volcanic islands, several hundred miles

in length, on which missionary and trading establishments have within the last few years been formed, and are now being rapidly pressed forward. Duke of York's Island, situated between the two larger ones, is the seat of a German factory, and large tracts of land are said to have been acquired by Europeans in both islands. The whole of the trading interests in these groups have lately been bought up by the German company above referred to.

26. To the east and south of this group lie the Solomon Islands, stretching over a length of some 600 miles. They consist of eight or ten large islands, several of which exceed 100 miles in length, and very many smaller ones. They are very mountainous and very fertile. From them are recruited a very large proportion of the labourers imported into Queensland and Fiji. They are inhabited by innumerable small tribes, all at deadly enmity with each other, and under the control of no hereditary or powerful chiefs.

27. The Santa Cruz Islands, seven or eight in number, not including smaller ones, are inhabited by a fierce and treacherous race.

28. Not far distant from these lie the Banks Islands, none of which are of great size, but among which are situated the head-quarters of the Melanesian Mission.

29. To the south of these again come the New Hebrides, some of which are christianized, but where Christianity has made slow progress. The native population, a large portion of which is employed in Queensland and Fiji, is rapidly diminishing, and the reports of Captain Bridge show that, especially in the island of Sandwich (or Vaté), there is a considerable resident population of Europeans.

30. In all these groups, from the Solomons to the New Hebrides, the population is Melanesian. Where they have not come under the influence of Christianity they are cannibals, and this revolting institution is intimately mixed up with their superstitions and ceremonies.

31. They are also usually at war with their near neighbours, which is one of the most fertile causes of the rapid depopulation of these islands. From the configuration of these volcanic islands the punishment of outrages committed by their inhabitants is a most difficult and dangerous service, and one the difficulty of which the unlimited introduction of arms of precision is likely to increase.

32. In this brief sketch nothing has been said of the vast island of New Guinea.

33. Its inhabitants are principally Papuans, and so far a distinct race from the islanders already mentioned; but on the sea-coast the variety in shades of colour, and difference of features, show that intercommunication between them and their fairer neighbours must have been going on for ages.

34. They are certainly a long way in advance of the Melanesians, and may be said to possess many germs of civilization, for they build good houses, live in towns the population of which number often over two and three thousand souls, fully appreciating beauty, as can be seen by the neat way in which their compounds or gardens are laid out with flowers; and have a system of barter which enables them to have a regular division of labour: thus a portion of a village or town will be entirely occupied by fishermen, who exchange their fish for vegetables or other commodities, whilst another section is occupied by carpenters whose time is devoted to canoe-making, and who by this means gain a livelihood.

35. Like the Melanesians they have no hereditary chiefs, the towns being subdivided and presided over by "headmen" possessing great influence. As a rule, they are a law-abiding peaceable race, and could easily be kept in order by any official with power to insure justice being done there.

36. Mr. Henry M. Chester (Resident Magistrate at Thursday Island), in a report to the Colonial Secretary of Queensland, dated 30th August, 1878, writes: "Our recent cruise will have dispelled the prevailing idea that New Guinea is a country solely inhabited by savage races with whom it is impossible to hold intercourse, and that annexation is an easy matter. These people cannot be dispossessed of their country as easily as the aborigines of Australia. They have vested interests and rights that cannot be disregarded: but I am sanguine that the day is not far distant when this land will be opened up to the markets of Manchester and Sheffield."

37. These remarks are worthy of note, coming as they do from an official of experience, specially sent to the country to report on it, and who was lately delegated by the Queensland Government to take formal possession of New Guinea on behalf of that colony.

WORKING OF THE ORDER IN COUNCIL.

38. On the proclamation of the Order in Council, Deputy Commissioners for the Navigators and Friendly groups were at once appointed by direction of the Secretary of State, but the High Commissioner was instructed to appoint no other resident or salaried deputies in other parts of the Pacific. To meet special exigencies, however, officers in command of Her Majesty's ships and others have been from time to time furnished with the powers of a Deputy Commissioner. In this manner, the south coast of New Guinea was visited by Captain Digby, H.M.S. "Sappho," in 1878; the Marshall, Ellice, and Caroline Islands in 1880 by Captain Maxwell, H.M.S. "Emerald;" the Solomon Islands by Captain Dale, H.M.S. "Diamond;" and the New Hebrides by Captain Bridge, H.M.S. "Espiegle," in 1882, who has also during the present year visited the Line and Caroline Islands. The first Deputy Commissioner appointed, after the nomination of those for Samoa and Tonga, was Mr. Chester, the Police Magistrate at Thursday Island, for whom the Queensland Government in 1878 solicited an appointment as Deputy Commissioner for the Darnley and Murray Islands. About a year afterwards, however, the Commission, which had been in the first instance urgently requested by the Queensland authorities, was returned, with an intimation that an officer of the Queensland Government could not with propriety hold an appointment emanating from any other source. The islands in question, as well as all others situated in Torres Straits between New Guinea and Queensland, were shortly afterwards annexed to that colony.

39. In 1878, the Island of Rotumah was, as it had been for some time previously, the seat of religious wars between the Roman Catholic and Protestant sections of the population, which there

was but too much reason to fear were fomented by white residents, and which it was thought the presence of a Deputy Commissioner would do much to terminate. It was found to be impossible to procure a vessel for his conveyance to the island, and, the Protestant party having obtained a complete ascendancy, peace was for the moment restored. It was, however, generally felt by the people that the continuance of tranquillity thus temporarily established was most precarious, and in 1879 they petitioned for annexation to Great Britain. A Deputy Commissioner, Mr. A. Gordon, who was sent to the island, received a confirmation of this petition at a general meeting of the inhabitants of the island, and its affairs were from that time administered through the agency of a Council of Chiefs, acting under the advice of the Deputy Commissioner, until its formal annexation to the Colony of Fiji took place in 1881.

40. In 1881, Mr. H. H. Romilly was appointed a Deputy Commissioner, with instructions to visit New Britain, New Ireland, and the northern coast of New Guinea.

41. We have appended to our report specimens of the instructions given to the Deputy Commissioners.

42. In the Friendly Islands and in Samoa, where Deputy Commissioners habitually reside, the operation of the Order in Council may be said to have been very fairly successful.

43. Before 1877, disputes between whites themselves and between whites and natives were of frequent occurrence, and gave rise not uncommonly to discreditable affrays, and in one instance, in Samoa, to the execution of a man by lynch-law. Since the Order in Council has been in force, such disputes as have arisen have been for the most part promptly and satisfactorily settled, and that, in the majority of cases, by arbitration, without ever coming before the Court at all, but with the knowledge that it could be, and would be, resorted to in case of need. There has been no recurrence of the discreditable scenes above referred to.

44. But Tonga and Samoa are only very small groups, not in any way comparable as to size or population with most of those enumerated as within the jurisdiction of the High Commissioner, and certainly not so likely as many other localities to be the scene of illegal proceedings on the part of British subjects; and we are compelled to add that, as regards the greater part of the vast area to which the Order in Council refers, its provisions have been almost wholly inoperative, and in some respects have perhaps produced results mischievous rather than beneficial.

45. Some few, though but very few, offenders have been detected, and a yet smaller number have been arrested and punished. In a larger number of cases misdeeds have been brought to light, and, though no punishment has followed, it may be admitted that the greater probability of exposure has caused more care and circumspection on the part of those likely to offend.

46. Nevertheless, the Order in Council is, as regards the greater part of the Pacific, practically powerless for good, while its provisions have laid restraints on the action of Her Majesty's naval force which did not previously exist.

47. Several causes have combined to produce this result, and it will be worth while to dwell in some detail on the circumstances which have paralysed the action of a machinery so elaborate, and a force apparently so imposing. The most evident and immediate cause for this failure is the inadequacy of the staff by which it is attempted to carry on the administration of the Orders in Council.

48. The groups of islands above enumerated extend over an area stretching at least 3,500 miles from east to west, and 2,500 miles from north to south. But until the present year no resident Deputy Commissioners had been appointed except to the Tongan and Samoan groups, which lie in close proximity to each other, and within 400 and 600 miles respectively of the head-quarters of the High Commissioner in Fiji, and where, although the presence of a Deputy Commissioner is no doubt very useful, the particular abuses which it was supposed it would be their more special duty to check are entirely unknown. In Tonga there is no labour traffic whatever, either outwards or inwards. Labourers are, indeed, to some extent imported into Samoa, but they are so almost exclusively by Germans and in German vessels, over which, of course, the Deputy Commissioner has no control.

49. The inadequacy of the staff is due to the insufficiency of the funds devoted to the maintenance of the High Commission.

50. In 1877, a sum of £5,000 was voted by Parliament to meet these expenses. It chanced that, owing to various circumstances, especially the facts that the Order did not come into operation until February, 1878, and that the High Commissioner was absent from the Pacific for the whole of that year after the 25th June, only £3,000 was spent on the Commission in the year 1878; and the Treasury thereupon came to the conclusion that £3,000 annually was a sufficient sum to meet its expenses for all time to come.

51. The larger vote of £5,000 has lately been restored to the estimates, and an additional Deputy Commissioner appointed, who is to reside permanently in the islands to the north-west of Fiji; but as yet no one has so resided.

52. The operation of the Order in Council has also been hampered by the union of the offices of Governor of Fiji and High Commissioner. We are not now inquiring whether any other arrangement is practicable or desirable, but we hold it to be impossible not to perceive that the movements of the High Commissioner are necessarily restricted by his duties as Governor; and, in point of fact, although he has occasionally gone to Samoa and Tonga, the High Commissioner has never made those personal visits to the more distant islands which are clearly contemplated by the Order in Council, which are in the highest degree desirable, and which were frequently projected by himself.

53. But, even if the staff were more numerous and efficient, it would not in all cases be easy to carry out the provisions of the Order in Council. They were framed, no doubt, with ability and clearness, but by men who had not fully grasped conditions of life essentially different from those to which they were themselves accustomed. For instance, the month's notice required by Article 155 (in itself a very proper formality and check) renders it practically impossible to take proceed-

ings against any one on board a vessel cruising from island to island; while the limitation that all proceedings must be commenced within three months after the commission of the offence to which they relate, will, in a region where the distances are so enormous and the difficulties of communication so great, frequently, if not usually, secure absolute immunity to offenders.

54. A yet more serious example of the difficulties thus created is to be found in the doubt which, owing to the wording of Article 45 of the Order in Council, has been raised as to the power of Deputy Commissioners to imprison: a doubt which has led to the issue of an order by the Acting High Commissioner to the Deputy Commissioners directing them to refrain from pronouncing sentences of imprisonment at all, and in all cases to impose fines instead. This is, in fact, altogether to suspend the administration of justice by Deputy Commissioners throughout the Western Pacific; for, to secure the payment of a fine, it is requisite to possess the power to imprison in the event of failure to pay it. The class of persons who are brought before the Deputy Commissioners are not likely to possess property on which to distrain, while in any case the attempt to levy a distress on the property of men over whose persons and whose vessels the Deputy Commissioner has no power of detention is manifestly absurd. Moreover, it may be questioned whether, in the anxiety to avoid the appearance of a technical irregularity, a real illegality has not been committed. For many offences which may come under the cognizance of a Deputy Commissioner, the law provides no other punishment than that of imprisonment without the alternative of a fine, and we cannot think that the instructions of a High Commissioner, or even of a Secretary of State, can override the express provisions of an Act of Parliament.

55. Another cause is to be found in the inadequacy of the punitive sanctions under which the High Commissioner, as a legislative or executive officer, acts. On paper he possesses the most extensive powers for the issue of regulations having the force of laws for controlling the acts of British subjects in the Pacific. As, however, a fine of £10 or an imprisonment of three months are the highest penalties which can be imposed for their breach, the scope of such regulations is in fact exceedingly limited.

56. It may therefore be said that the Order in Council has been but very moderately successful in the accomplishment of those objects for which it was actually designed.

57. In not having done that which it was never intended to do, it cannot be said to have failed; but it must be borne in mind that, although no jurisdiction over natives was given, or meant to be given, to the High Commission by the Orders in Council, the question of offences committed by natives is one most intimately bound up with that of offences committed by white men; and that, as regards their repression, the High Commission can hardly be said to have worked advantageously, for it is undeniable that it has to some extent tied the hands of naval officers, who were before accustomed to deal freely with such matters.

58. The naval authorities and High Commission have hitherto worked cordially together, owing to personal good understanding between the heads of both. But great danger of friction is involved in the official relations which exist between them.

59. The instructions sent to the Commodore touching his relations with the High Commission have varied from time to time, but they have invariably been so worded that it was quite possible to place more than one construction on them, while replies to questions touching the punishment of natives have been answered in such vague language as to throw upon the naval officer the whole responsibility of the action taken. It is impossible for the navy to do the duty required of it, and at the same time to limit its action strictly to "acts of war." For instance, the execution of the murderers of the commanding officer and men of H.M.S. "Sandfly" was an act of retribution rather than of war, and, as such, it was distinctly within the province of the High Commission to call the naval authorities to account for their action. This is, however, but one of many cases where the navy, in the performance of its duties, has unavoidably placed itself within the jurisdiction of the High Commission, and which, but for the excellent personal relations to which we have referred, must have led to grave official scandal. It is hardly possible to expect that, where the duties of two important departments are so ill-defined, they can long rely entirely on personal goodwill for co-operation in a difficult and complicated service, in which it is beyond everything essential that harmony and unity of purpose should exist between them.

60. Previously to the establishment of the High Commission in the Western Pacific, the navy, in its own way, kept order amongst the islands. When a British subject was guilty of any serious crime, or became generally obnoxious, he was either taken to Australia for trial, or more often deported to some other island, or to a neighbouring colony. The powers, such as they were, exercised by British naval officers, had a strong deterrent effect, and the traders were, as a rule, quite ready to bow to their decision in matters of dispute which came before them. In like manner, when outrages were committed by the natives, the captain of the next ship visiting the place, after a careful investigation on the spot, dealt with the case as he thought best.

61. Since the institution of the High Commission, no British subject can be reached except through a regular legal process, whatever his crime may be, or however desirable his speedy arrest may appear. Where distances are so great, and means of communication so limited, this becomes a serious difficulty, as it must necessarily enable many offenders to escape the law. We have before shown how much the great legal powers of the High Commission are rendered inoperative by the want of an executive to enforce its orders; and that, whilst it has extinguished the assumed jurisdiction over British subjects practised by the navy, its own powers, especially amongst the more remote islands, remain in abeyance from the impossibility of exercising them.

62. As regards the natives the case is different: the High Commission Court has no power to deal with them, but it clearly can restrain naval officers (since they are British subjects) from performing any acts beyond their legal powers. The navy is thus restricted to "acts of war" as the sole means open to it to punish outrages, or other less serious offences, committed by natives against British subjects. So far, with every wish on the part of the navy to support the High Commission and aid in working out the provisions of the Western Pacific Order in Council, the presence of the

High Commission has tended to reduce the influence of that service amongst the whites, whilst tying its hands in its dealings with the natives.

COURSES OPEN TO ADOPTION.

63. Having thus considered the working of the Order in Council and the actual state of things in the Pacific, we can come to no other conclusion than that the present arrangements for the control of British subjects and the administration of justice among the islands of the Western Pacific, as well as for the suppression of outrages committed by natives of those islands, are highly unsatisfactory.

64. Before considering the measures to be taken with a view to the substitution of a better system, it may be as well to review the various courses of action which suggest themselves for adoption.

65. I. An acknowledgment that the present system is a failure, and the consequent repeal of the Orders in Council, leaving the affairs of British subjects in the Pacific to be dealt with in the same unsystematic, irregular, and possibly illegal fashion which prevailed before their issue, would at least have the merit of simplicity. We cannot say that we think it a course to be recommended; for, though, no doubt, it would get rid of some difficulties, it would create new ones, or rather would revive old difficulties which the Orders in Council were framed to meet. Those difficulties led to much trouble and some litigation ten years ago, and would probably be found far more serious at the present day than they then were. But to take such a step as this is now practically impossible. The number of vessels employed in the Western Pacific is annually increasing, the number of settlers is greater, and the interests growing up are more important and extensive. Land is being acquired by white men, and, if the European settlers are left to follow their own devices uncontrolled, very grave consequences will inevitably ensue.

66. Moreover, the abandonment of control over the acts of British subjects in the Pacific would not be tolerated by foreign Powers having large interests therein.

67. The following table, which in some degree, though imperfectly, shows the increase in the number of British ships trading to the Western Pacific, merits the most serious consideration:—

Colony.	Year.	No. of Vessels.	Crew.	Tonnage.
Queensland ...	1865	2	15	123
" ...	1875	51	522	8,803
New South Wales ...	1880	138	2,391	48,965
New Zealand ...	1865	24	212	2,886
" ...	1875	132	2,118	50,444*

68. II. Some risk of friction might be avoided, and some increased celerity and uniformity of action gained, by the transfer of all the powers of the High Commission to the naval authorities. The objection to the adoption of this course is that it cannot be done thoroughly, for it would be practically impossible to transfer to the Commodore the judicial and legislative powers for the exercise of which the system was primarily established, and which, in Samoa and Tonga, are working satisfactorily enough. But, unless such a transfer could be complete, it would be ineffectual, and, indeed, would rather add to the chances of collision with the judicial authorities. The mere fact that the Commodore held the office of High Commissioner would not give him any jurisdiction beyond that which the High Commissioner already possesses.

69. The possibility of any differences of opinion between the High Commissioner and Commodore would no doubt be prevented by the union of those offices in one person, and that union might sometimes enable cases of outrage to be more quickly dealt with than at present. It would also appear in the eyes of the public to clothe the Commodore with larger powers of dealing with cases of murder committed by natives than he at present possesses. It may be added that, were the Commodore to hold the office of High Commissioner, the Deputy Commissioners employed by him would probably be the officers commanding Her Majesty's ships on the station, and that a saving would thus be effected in the expense of the Commission. But we are by no means sure that even these advantages are not more apparent than real. The danger of any collision between the Commodore and High Commissioner would indeed be averted; but the probability of serious differences with the Chief Judicial Commissioner and other Judicial Commissioners would be largely increased. Nor would any additional authority in regard to dealing with complaints against natives be really thereby conferred on the Commodore. It would still be, not as High Commissioner, but as a naval officer, and by acts of war, that he would have to proceed against natives guilty of outrage. His powers as High Commissioner would, as is now the case, extend to British subjects only. The reasons which now operate to prevent the grant of judicial powers over natives to the High Commissioner would equally prevent their grant where the office was held by the Commodore, while at the same time there would be an appearance of assumption of power which would mislead many.

70. And against these apparent advantages there are some serious drawbacks to be balanced. In the first place, the tenure of the Commodore's command (three years) is far too short to enable him, among all his other duties, to grasp the working of the High Commission until he is about to make way for his successor. Very great difficulty would in all probability attend the relations between the Commodore as High Commissioner and the judicial authorities of the High Commission. The Chief Justice of Fiji is an *ex officio* Chief Judicial Commissioner, and the Chief Justice of a colony can hardly be expected willingly to submit his judgments to the confirmation and revision of the naval officer commanding on the station, while, even if he consent to do so, it is more than probable that misunderstandings and disputes would arise between them, productive of grave public inconvenience and unseemly scandal, and cause an independent authority like that of the High Commissioner to be missed by both parties.

* The exports from New South Wales alone to the Western Pacific Islands, during the years 1875–80, amounted in value to £1,603,589, and that of the imports from the islands during the same period to £1,158,618.

71. Again, the High Commissioner has large powers to make regulations for the government of British subjects in the Western Pacific. The trading community and British subjects in these parts generally, would be ill disposed to acquiesce in these regulations being made by the naval officer in command of the station, and it will, we think, be generally felt that it is more expedient that such regulations, which are, in fact, laws, should be framed and issued by a civil authority, and by a civil authority only.

72. Though the employment as Deputy Commissioner of naval officers exclusively would, no doubt, be an economical measure, it would be one not unattended with objections.

73. It is, we think, of the very greatest importance that all, or nearly all, of the Deputy Commissioners should be permanently resident in the Western Pacific. It is not by a hasty visit of a few hours to this or that island, necessarily deriving all information through whatever white man happens to be there, that a real knowledge of the circumstances of the Western Pacific is to be gained, and, in fact, almost every officer leaves the station before he has gained any such mastery of the situation as to enable him to form any general view by which to guide his action in particular cases. Years of experience and a long-continued residence in the islands will be required to form really efficient Deputy Commissioners. No one who has not had opportunities such as we have ourselves enjoyed of seeing the vast amount of injustice and wrong done (in these regions) with the very best intentions, through ignorance and a hasty misreading of facts, can fully appreciate the gravity and importance of this conclusion.

74. To obtain any power of dealing satisfactorily with the misdeeds of other whites than Englishmen, or of punishing attacks upon them, an international arrangement, having the sanction of a treaty, with France, Germany, and the United States, would be necessary. Such an arrangement would probably involve the substitution for the High Commissioner of a Mixed Commission similar to the old Mixed Commission Slave-Trade Courts, and perhaps also a mixed, or rather a joint, naval police. Such an arrangement would be in many ways most satisfactory, but it must not be forgotten that in all mixed operations, not of a temporary character, but intended to be permanently continued, lie seeds of quarrel. Moreover, it is more than questionable whether all the Powers concerned would consent to be parties to such a treaty.

75. III. The annexation of some of the groups of islands by a civilized Power is also a step the possibility of which should be considered. It is not one which has much to recommend it to the Power making the annexation. A mere nominal assumption of sovereignty would not of course effect the slightest alteration in the existing state of society in the islands. It would not place any additional restraint on white adventurers, nor would it prevent, or make it easier to punish, any murder committed by a native. On the other hand, the institution of an effective control and real government would involve vast expense. But, while there is nothing to make annexation attractive to the annexing Power, it would no doubt be a relief to other Powers to know that a civilized State had made itself responsible for the police and good order of these islands.

76. This question has been forced into unexpected prominence by the recent action of one of the Australian Colonies. The labour trade in the South Seas, and, indeed, the work of the High Commission in every detail, would have been so seriously affected by the annexation of the great island of New Guinea to the Colony of Queensland that, for the somewhat protracted period during which the project was under discussion, we felt compelled to suspend the course of our inquiries.

77. The resolution adopted on this point might have rendered our recommendations so inapplicable that it appeared to us unnecessary to occupy ourselves with labour which circumstances might render wholly useless.

78. We are aware that plausible reasons have been urged in favour of assenting to the wish of the Queensland Government. It may be said that by doing so the Imperial Government would escape any expenditure on the new possession, and avoid all responsibility for its future management. We venture to question both propositions. We do not think it would be found possible to avoid expenditure from the Imperial Treasury; while, as the annexation cannot be effected without the fiat of the Imperial Government, moral responsibility attendant on that act must be incurred by those who grant it.

79. The aborigines of Queensland are of the lowest and most degraded type of savages, nomadic, barbarous, without law, settled habitations, or agriculture. The natives of New Guinea (though varying much from one another in character and appearance) are for the most part of a very different description. They form agricultural communities, they live in large well-built villages, and they cultivate the land, over which they jealously maintain proprietary rights.

80. But, to the Queenslander, the "black fellow" of his own colony may be supposed (very naturally) to furnish the type of a native; and it may be taken for granted that the colonists, in all their dealings, whether public or individual, with the natives of New Guinea, will be influenced by that idea. Moreover, the extension of the boundaries of the colony would imply the extension of its laws, which, with respect to native matters, are (whatever may be the case as regards Australian blacks) singularly unsuited to such a population as that of New Guinea. No right in the soil on the part of the native is recognized; and within the last few years islands inhabited by a race similar to the Papuans of New Guinea have been offered for sale by the Queensland Government under a Proclamation issued in October, 1880, wholly regardless of the fact that they were the homes of a numerous population. Any similar grant by the Queensland Government of lands in New Guinea itself is certain to be resisted, nor could the expropriation of the natives be accomplished without very grave complications.

81. The relations between the white and native populations in Queensland have not been such as to promote sympathy or kindly feeling on either side, nor have they been favourable to a development of that generous and dispassionate spirit in which the government of native races should be undertaken. It is very possible that there may be, and probably is, exaggeration, and even gross exaggeration, in the stories told of brutality and cruelty shown towards natives in Queensland; but

it is impossible to converse with any average Queensland colonist, to read their newspapers, or the speeches of their legislators, without perceiving that, even among the most enlightened and humane of their number, the native is regarded simply as an incumbrance on the soil, as being destitute of rights, and as existing only on a sufferance for which he should be grateful.

82. The chief agricultural industries of Queensland require the aid of coloured labour for their successful prosecution. Those now employed in it are imported from various groups of islands in the Pacific. On their introduction restrictions at present exist, imposed by Acts of the Imperial Parliament, and enforced to a certain extent by Imperial officers.

83. But, if New Guinea becomes a part of Queensland, its vast regions will be available as recruiting ground for labour, without any restrictions other than those which the Parliament of Queensland (an assembly largely composed of employers of native labour) itself may think fit to impose. The labour trade along the shores of New Guinea will be a coasting trade, which no Imperial legislation can regulate, and with which no Imperial authority can interfere. Whether those who are most directly interested in the employment of imported black labour are the men to whom the regulation of its introduction can be most fitly committed, it is unnecessary to ask. That the imported labourers may be justly and kindly treated on estates in Queensland is nothing to the point. Admitting all that may be urged by the most zealous defender of the Queensland planters, it cannot be the less unwise to place them in a position of temptation such as it would require almost superhuman virtue to resist. If a vast population of blacks, amounting at the lowest estimate to some millions, be put under the absolute control of a handful of white landowners, it is impossible not to contemplate with apprehension the very serious results which are, to say the least, quite within the bounds of probability.

84. These are circumstances which appear to us to render it undesirable that the Colony of Queensland, a large portion of which is situated within the tropics, should be intrusted with dominion over native races which have already attained a certain measure of semi-civilization. But even did these special objections not exist, we should view the proposal with nearly equal disfavour.

85. Any departure in this instance from the maxim hitherto invariably acted upon by Her Majesty's Government, that, where large bodies of natives and a small number of whites are brought together under one Government, their control should be intrusted to an authority directly responsible to the Imperial Government, and able to bear itself impartially between conflicting interests, would, we think, be in the highest degree unfortunate. To intrust such control to the Legislature of any Australian Colony is, in fact, to intrust it to an oligarchy, in which those governed have no representation whatever, and which cannot but be influenced, in a greater or less degree, by its own selfish interests.

86. Since the refusal of Her Majesty's Government to sanction the annexation of New Guinea to Queensland, an agitation has commenced in Australia in favour of a far wider measure—the assumption of British sovereignty over the whole of the groups of the Western Pacific. It is unnecessary seriously to combat this proposal in its most extended form. Not to speak of the inherent difficulties attending any practical realization of such a scheme, its accomplishment would give rise to international embarrassments not to be rashly encountered. Germany possesses interests, and has entered into treaty obligations, which forbid her ready acquiescence in such a measure; and, though France may not herself desire to possess the New Hebrides, it is certain she would regard with jealousy their acquisition by any other Power. We are therefore persuaded that such a scheme will meet with no more favourable reception from Her Majesty's Government than did the proposal for the annexation of New Guinea.

87. At the same time, we would venture most respectfully to express to your Lordship our firm conviction that it is impossible longer to maintain a purely negative policy, or to defer a speedy resort to more efficient measures than any which have hitherto been adopted for the control of British subjects in the Pacific on the one hand, and for their protection on the other. For the successful accomplishment of such measures, we believe that the machinery of the existing Order in Council offers the greatest facilities, and that through the medium of the High Commissioner and his deputies it will be found possible, without the assumption of actual sovereignty, to exercise as much control as is at present requisite, and as much influence as is at present desirable. That the authority dealing with these matters beyond the confines of the Australian Colonies should be one wholly Imperial, and free from local influences, our experience forbids us to entertain a moment's doubt. We are fully alive to the temptation which presents itself to make over to a federated Australia, should such a federation be successfully formed, the control and the responsibility of dealing with such questions; but there are two objections (not to speak of others) to such a course, which ought in our opinion to be fatal to its adoption.

88. One of these objections is of a permanent character. While we readily grant that many of the objections which apply to annexation to any of the existing provincial Governments would be removed by the federalization of Australia, it yet appears to us that to place the destinies of many millions of men entirely in the hands of those whose interests are always alien, and too frequently antagonistic, to their own, is a measure for which it would be difficult to find justification. Whatever be the condition of Australia, the employers of coloured labour in the North, the shipping interests of Sydney and Auckland, and the capitalists who have invested money in South Sea enterprises, must always exercise a powerful influence, which every Government would seek to propitiate and conciliate. There are no countervailing interests represented in the Legislature; and it may be assumed with absolute certainty that, were annexation of the islands effected, whether to a single colony or to a federated Australia, the government of every group would—unquestionably in fact, and probably in name also—fall into the hands of the white residents in it. The same principles which preclude us from handing over the government of the millions of India to the European community settled there, should forbid the grant to a handful of Europeans in the Pacific of absolute power over the affairs of Her Majesty's native subjects.

89. A significant commentary on the proposed absorption of the Pacific Islands is afforded by an agitation lately commenced for the annexation of Fiji to New South Wales or New Zealand, on the avowed and acknowledged ground that, were it effected, the interests of the natives would be no longer regarded as they now are, the acquisition of their land would be made easier, and the institutions now existing for their benefit would be abolished. There is, of course, no fear that Her Majesty would be advised to consent to a measure involving, as in the case of Fiji it must involve, not only a flagrant breach of faith, but consequences, in the end, as disastrous to the settlers themselves as to Her Majesty's coloured subjects, who form 98 per cent. of the entire population; but the proposal and the grounds assigned for it are at the present moment singularly instructive.

90. The other objection we would urge is of a more temporary character, but it is of quite as great immediate importance.

91. A federation of the Australian Colonies cannot under any circumstances be hastily effected. Its accomplishment requires time—probably a considerable time—while immediate action with regard to the condition of the Pacific is indispensable. Inefficient as the High Commission at present is, it exists; and while it continues inefficient there is very great danger that its powers will be ignored, or defied, in a manner very derogatory to Imperial authority.

92. Had a Deputy Commissioner been resident in New Guinea, the Queensland Government would hardly have despatched a Magistrate to annex that island, for it would probably have felt that to affect to give to Mr. Chester authority over Her Majesty's subjects in New Guinea, which was already exercised by another officer on the spot, under the direct sanction of the Imperial Government, was something more than a mere extension of the rule of the colony over vacant territory. We have some reason to believe that an armed expedition from Australia, similar to that contemplated in 1878, now proposes to appropriate a part of New Guinea, and we know that an association for the acquisition of territory in North-eastern New Guinea is now in the course of formation in London. This is the part of New Guinea most remote from Australia, and it is inhabited by quiet and friendly natives, over whom Baron Miklouho Maclay (a Russian subject) has acquired an influence which it might be difficult, and certainly would be undesirable, to overthrow or undermine.* These parties, on arriving in the island, will come under the authority of the High Commissioner; nor can we suppose that the Acting High Commissioner will tolerate their pretensions to independence of his authority. Her Majesty's Government have repeatedly declared that such expeditions would not be permitted.† We trust that effectual steps will be taken to prevent these declarations from being disregarded. The attitude assumed by foreign Powers equally renders the longer maintenance of a purely negative policy impossible. Communications lately received from the German Government, and to which we shall presently again refer, show that a more active and efficient supervision over the proceedings of British subjects in the remoter parts of the Pacific than has hitherto been exercised is urgently called for on grounds of humanity and general policy; and also that, if its establishment be neglected, serious danger of misunderstandings with the German naval authorities will ensue; for, from the tenor of the complaints made with regard to the high-handed proceedings of British subjects to the detriment of the Germans, it is clear that it is not only against natives that the German man-of-war, to be permanently stationed in the islands, has been instructed to "give efficient protection" to German subjects.

93. However unwilling we may be to adopt such a conclusion, we cannot but perceive the present state of matters in the Pacific renders more or less interference in some of the groups almost inevitable at no distant date.

94. The communities of the Pacific may be divided into three widely different classes. In the majority of the islands, as in the Solomon, Santa Cruz, and great part of the New Hebrides groups, the inhabitants, who are of the Melanesian race, are heathen, and for the most part cannibal savages.

* Mr. Deputy-Commissioner Romilly wrote thus from this district in August, 1881: "We anchored in a very little bay, called Port Constantine. I was much impressed by the magnificence of the scenery. The mountains appear to rise abruptly out of the sea to the height of 14,000ft., and on the day of our arrival were absolutely free from clouds. My desire was to find out, if possible, if the 'Courier' had ever been there, if the party in her had bought any land, and, if so, what consideration they had given for it; also if the accounts of the abundance of sugar and tobacco and scented woods were true. I had been absolutely unable to procure any interpreter, but Baron Maclay had taught me a few words of the language, and had shown me some signs which they would understand. Accordingly, when the canoes came round the ship, I told them I was 'Maclay's brother,' and asked after their chiefs by name. This did not seem to astonish them at all. In the afternoon Lieutenant Maturin and I had a most beautiful walk in the bush. There was a richness of vegetation which I had never seen before, and which I had not imagined possible. As far as I could make out, only two ships had been there before, but what their names were I could not find out, or how long ago they had left. I think I made myself understood in asking if any land had been sold to white men, and I received a most emphatic denial. I saw absolutely no articles of European manufacture among them, which I probably should have done had any land been bought. Sa-ul, moreover, said that on the occasion of ships visiting Ashstable Bay he had run into the bush, so at all events he can have been no party to any such transactions. In fact, I cannot find that the 'Courier' ever went there at all; but, if she did, she can have had no dealing with Sa-ul, who is the most powerful chief in the bay. There is no doubt that the country must be very rich, and I should think not unhealthy at that particular spot. There are numerous small rivers, with wide-spreading plains on either side, which look very fertile, and the mountain-range is so short a distance from the sea, and its height is so enormous, that any change of temperature could be obtained. I have no doubt this part of New Guinea might be colonized by white men with benefit to themselves; but I have also no doubt that it would be an act of injustice to the natives to allow a single white man to force himself upon them. Baron Maclay has assured me that they would never consent to alienate their land, and that any forcible appropriation of it would be resented to the utmost. I trust that, in the event of any forcible attempt being made to put this colonization scheme into practice, your Excellency will send a Commissioner to look after the interests of the natives." It is with reference to this territory that the association now forming intends, as appears from its advertisement in the *Times* newspaper, proposes to issue to every shareholder, "a warrant for 1,000 acres of land."

† See especially Lord Carnarvon's letter of October 30, 1875, which declines "to sanction, even tacitly, the acquisition of land by British subjects in New Guinea;" and Sir M. H. Beach's despatch of the 3rd April, 1878, "entirely approving" Sir A. Gordon's intimation that he would not permit the establishment of any rival jurisdiction on the part of the contemplated expedition from Victoria, and that "it would be his duty to make use of the powers intrusted to him to oppose any attempt of such a nature, or any enterprise calculated to compromise the Imperial Government as likely to produce collisions with the native inhabitants of New Guinea."

The less we, as a Government, have to do with such communities the better. It is not to the influence of Government, but to that of the missionary and trader, that we must in the first instance look for the improvement of their condition.

95. There are, again, in other places, as in Tonga and Samoa, regularly-organized Governments, presiding over a Christian and moderately-civilized community. With the independence of States such as these it would be scandalous to interfere.

96. But there is, again, a third class of islands where the people are orderly and peaceable, and have made some steps towards civilization, but have not organized any system of government beyond that of their chiefs, and adhere in most respects to their ancient social traditions.

97. It is in these places precisely that the mischiefs against which it is desired to guard are most likely to arise, and where interference on our part is the most desired by the people themselves.

98. It might possibly be thought advisable in the case of such islands as these that Her Majesty's Commissioner should, subject to the approval of the Home Government, be empowered from time to time, on their own application for a Magistrate, to make with the natives of islands willing to receive and pay such an officer, and abide by his decision, an agreement providing for such an appointment. The independent sovereignty of the island chiefs would be fully maintained, but the administration of justice would be secured on a basis very different from that on which it now stands, and the advice given by him in matters of administration would no doubt be generally followed. The continuance of such agreements might be made to depend on the continuance of the stipulated payment. If that ceased, or became irregular, the Magistrate should be withdrawn.

99. IV. Another suggestion is the creation of a great chartered company, which would itself undertake the control of these regions. Such a company might, we believe, be formed. How far it would be able to discharge the responsibilities of such a task is quite another question, and it is obvious that its operations might raise many delicate discussions, both international and domestic. We cannot, however, at the present stage of the question regard this suggestion as worthy of serious attention. The time for its adoption has now passed.

100. V. Finally, the possibility of so altering and improving the present system as to give it an efficiency which it does not now possess, and set to work the elaborate machinery which has as yet rusted in idleness, may and ought to be carefully investigated.

101. In the consideration of this and all other suggestions with reference to the High Commission, it should be borne in mind that the *punishment of outrages*, though lately forced into prominence, is not the only or the most important matter which has to be dealt with in these seas; and that, in fact, the groups in which murders have taken place form but a small portion of the territories over which the jurisdiction of the High Commissioner and his Court extends, a jurisdiction primarily created to bring law, both civil and criminal, within the reach of British subjects far from all other legal tribunals, to check aggressive lawlessness, and to regulate the growth and development of British settlements and trade in the Western Pacific.

102. On the whole, after a very careful reflection on the probable consequences of each of the different lines of action contemplated, we have come to the conclusion that there is no reason for a hasty abandonment of the system outlined by the Orders in Council, which has not as yet had any fair trial, or any opportunity of showing whether, if properly supplemented, and freed from the hindrances which have hitherto prevented its working, it might not answer the expectations of those who framed it, and fulfil all the requirements of the case.

103. But, to enable it to do this, it is imperative that the number of Deputy-Commissioners should be largely increased, that the regulation of the labour trade should be placed entirely under Imperial authority, and that jurisdiction over natives should in certain cases be conferred by Act of Imperial Parliament on the High Commissioner's Court. We proceed to indicate the measures which we consider desirable with a view to the attainment of these objects.

I.—General Provisions.

104. As regards the work of the High Commission generally, we have come to the conclusion that it is desirable, and indeed almost essential to its efficiency, that the High Commissioner should be an independent officer, able to devote his whole time and attention to the affairs of the Pacific, which are amply sufficient fully to occupy the thoughts and tax the energies of any man, whatever his industry and ability, and which are daily increasing in amount and in importance.

105. We think it may be also open to question whether his term of office should not be of longer duration than that ordinarily assigned to the Governor of a colony.

106. One of the chief reasons to be assigned against the employment of the Commodore as High Commissioner is to be found in the shortness of his term of service. That of a Governor is, no doubt, double the length of that of a naval commander; but, when the vastness of the area is considered, the multiplicity of languages and races existing within it remembered, and the complexity of the transactions going on independently in every group taken into account, it will probably be found that it is only after some years of administration that the High Commissioner can acquire such a knowledge and grasp of his work as to render his performance of it thoroughly effective.

107. The High Commissioner should, we think, receive a salary which would place him on a footing of equality with, at least, the minor Australian Governors, and should be given official rank and position not inferior to theirs.

108. As to the selection of his head-quarters we have felt considerable difficulty in making a recommendation. Sydney or Brisbane would be in many respects convenient, but there may be objections to the permanent residence, within the limits of a colony which he does not govern, of an official performing duties of such a nature. Some part of the High Commissioner's time every year ought, we think, to be spent in visiting in turn different parts of the Pacific, and some months will therefore probably be passed annually on board a ship. But head-quarters, an office, and a depository

for records he must have, and the question for consideration is where they should be located. The objection to placing it on one of the islands is their general unhealthiness as a permanent residence. On the whole, however, we are inclined to think that the best arrangement would be that the High Commissioner's head-quarters should be at a point in the Western Pacific Islands, but that he should be permitted to absent himself and seek a more favourable climate during the most sickly months. Traders, missionaries, and men-of-war all leave the islands, if possible, at that period, and it would be hard to place Her Majesty's Civil servants in a worse position, through a pedantic adherence to official rules framed to meet a totally different condition of things.

109. But for recent events, we should have recommended Havannah Harbour, or Ugi, as the High Commissioner's recognized official place of residence, but we now have no hesitation in thinking that it should be, at all events for the present, in New Guinea. It is in New Guinea that the necessity for prompt action on his part is most likely to arise, and it is in New Guinea that the largest gatherings of British subjects are likely to be found not under the control of any organized Government.

110. But, as regards the greater part of the Pacific, the High Commissioner must chiefly act through his deputies. It is, we think, indispensably necessary that their number should be increased, and that they should be chiefly resident in the islands.

111. The visits of men-of-war, though unquestionably of great utility, are of too temporary a nature to effect much lasting good, either as regards the suppression of abuses on the part of white men or establishment of better things among the natives themselves. The captain of a man-of-war has no local knowledge or experience, and, however able, must be almost wholly dependent for information and interpretation upon those whose complaints he has to investigate, and who can do much to prevent any counter-complaint from native sources reaching him.

112. The Deputy Commissioners should, we think, be men of intelligence and activity, to each of whom a particular district should be assigned, and who should receive a salary of from £450 to £550 per annum, and whose stations should in the first instance be as follows:—

	Head-quarters.
1. South New Guinea	Port Moresby.
2. Northern New Guinea, New Britain, and New Ireland	Duke of York Island.
3. New Hebrides	Havannah Harbour.
4. South Solomons and Santa Cruz Group	Marau Sound.
5. North Solomons and Admiralty Group	Rubiana.

113. By the 10th and 11th articles of the Order in Council the appointment of Deputy Commissioners is vested in the High Commissioner, and we regard it as of the utmost importance that this should be not only nominally but practically the case. The selection at home, from time to time, of a promising young man as a Deputy Commissioner may be a great assistance to the High Commissioner, but, if local applications for employment in this capacity are listened to by the Secretary of State, either because they are themselves plausibly worded or are recommended by some influential colonist, we fear that the efficiency of the work done will be much impaired, and probably much heavier expense ultimately incurred than would otherwise be requisite.

114. Each Deputy Commissioner should be provided with a boat of size sufficient to enable him to undertake a moderate voyage; but, to enable the High Commissioner fully to perform his duties, and the Deputy Commissioners to visit the different islands of their district, a vessel of larger size is required. A ship-of-war cannot always be obtained for the use of the High Commissioner, and, even if obtained, may not arrive until it is too late for her presence to be useful. A striking example of the necessity for a vessel at the disposal of the High Commissioner is afforded by what took place during the war between the Roman Catholics and Protestants of Rotumah in 1878. That contest might probably have been terminated without serious bloodshed, and the subsequent annexation perhaps rendered unnecessary, had the High Commissioner been able to command the services of a vessel to convey the Deputy Commissioner. As it was, nothing was available for the purpose but a mission schooner, the use of which, though promised in the first instance, it was subsequently found impossible to obtain.

115. Great delay is caused by the necessity for preliminary communication with the Commodore, even when he is able to comply with the High Commissioner's request; but the ships on the Australian station are not more in number than is sufficient to do their own work, and they cannot with convenience be often or for long periods diverted to the special use of the High Commission.

116. The necessity for such a vessel as is here referred to was fully admitted by Her Majesty's Government so long ago as 1879, when the yacht "Cruiser" was purchased for the purpose. Difficulties were, however, raised as to the contribution to be made by the Colony of Fiji towards the purchase and maintenance of this vessel, and, when she finally left Plymouth Sound in the month of November, 1882, it was as H.M.S. "Dart," and as a species of tender to the flagship on the Australian station.

117. The powers possessed by the High Commissioner with respect to the issue of regulations for the government of British subjects in the Pacific are already extensive, but we think they should be made yet more so, especially as regards their enforcement, and should comprehend those which it was the intention of the Government of 1832 to confer upon the Governor of New South Wales. We think, too, that some provision might perhaps be made for raising from British subjects resident in the Pacific some portion of the funds required for the maintenance of law and order, and for associating with the High Commissioner certain officials and leading residents among the islands, who might form a council empowered to levy taxation for such purposes, within moderate limits.

II.—*Ordinary Administration of Justice.*

118. Except as regards the simplification of the somewhat cumbrous forms referred to in another part of this report, we are not prepared to recommend any very considerable modifications

in the constitution or procedure of the High Commissioner's Court. We think, however, that the Chief Judicial Commissioner should be required annually to visit certain central stations in the islands; and, to enable him to do this, and for other reasons, we are inclined to consider that the office should be an independent and substantive one, and not united with that of Chief Justice of a colony, a combination of duties which goes far to prevent the useful exercise of his function as Chief Judicial Commissioner.

119. We think also that it is manifestly expedient that officers in command of cruisers should, in all cases, possess those powers as committing Magistrates and as arbitrators which it was sought to confer on them by the rules of the High Commissioner's Court, issued in March and May, 1881, which were held to have been *ultra vires*, and we would venture to recommend the introduction into the Order in Council of provisions to secure this object.

120. We are not disposed to think that the grant of a concurrent jurisdiction with the High Commissioner's Court to the Supreme Courts of the different Australian Colonies or the allowance of an appeal to them from the High Commissioner's Court, would be attended with advantage, except in the case of Fiji, the Courts of which colony are constituted in a totally different manner from those of Australia, and the procedure of which is similar to that of the High Commissioner's Court. Some of the objections to such appeals were, in our opinion, very forcibly stated by Sir John Gorrie, who, in a memorandum dated March 18, 1881, remarks that, "The Supreme Courts of all the Australian Colonies minister the law of England without the modifications of law and procedure which are necessary in the region of the Western Pacific, and which have already been imposed on the High Commissioner's Court by Order in Council.

121. "A trial for murder without a jury would be alien to their system of jurisprudence pursued in the Australian Courts, and, to enable them, on appeal, to find a murderer guilty without such trial, they must have additional powers. But to give such powers by Order in Council would not be palatable, or probably possible, in a constitutional colony.

122. "Moreover, unless we are to shut the door of justice on the whole native race of the Pacific, as against evil-doers amongst Her Majesty's subjects, and undo the good work which the High Commissioner's Court has already done, we must and do, under the powers of the Orders in Council, receive evidence on affirmation of those who are either not Christians or only nominally Christians, and do not understand the nature of an oath in the technical sense of the English law, weighing such evidence to the best of our ability in the equal scales of justice. But this also would be repugnant to the procedure of some, if not all, of the Supreme Courts of Australia.*

123. "An appeal accordingly from the High Commissioner's Court to such a tribunal would be from a Court which in these particulars administers justice from a higher standpoint to one which does not, and cannot, with its present or any powers, which it is likely to obtain for the purpose, administer justice on the same principles.

124. "Another difficulty I foresee relates to the execution of the judgment. The person accused of murder, if taken to Australia for judgment, ought, if the judgment be confirmed, to be executed there. I have noted how, in one colony, the fate of a notorious murderer and bushranger excited sympathy, in another the keen and clamorous excitement created by sentences of death. I can well imagine the public outcry if a colonist were condemned to death without the intervention of a jury, for murdering a Polynesian in a far-off island, and how an attempt would be made to force the hand of the Governor and his Council (who, as it was not a colonial crime, would have no constitutional right to interfere) to prevent the execution on their own soil.

125. "It is by Imperial Courts, and Imperial Courts alone, that justice can be properly administered in the Western Pacific; and any appeal, where such is necessary, must be to Courts dealing with evidence on similar principles, and accustomed, like the High Commissioner's Court, to trials with assessors even in capital cases."

126. In these remarks we, on the whole, concur. Though originally made with reference to the proposal that an appeal should lie from the High Commissioner's Court to those of Australia, they are equally applicable to the suggestion of a concurrent original jurisdiction. We are, therefore, unable to regard with approval the draft Bill, having that object, submitted to our consideration by your Lordship's directions.

127. Before leaving this branch of the subject we think it right to point out that doubts have been raised as to the jurisdiction of the High Commissioner's Court, which should be set at rest.

128. On the one hand, it has been maintained that, as "*all Her Majesty's jurisdiction in the Western Pacific*" is by the Order in Council transferred to the High Commissioner's Court, that of the colonial Courts with regard to those regions has been annulled, it being impossible, if *all* the jurisdiction is given to the High Commissioner, for a *part* of it to be retained by the colonial Courts. Moreover, while giving all Her Majesty's jurisdiction to the Court to be appointed by Order in Council, the Act 38 and 39 Victoria provides that similar jurisdiction may concurrently be exercised by the Courts of any British colony *which may be designated by Her Majesty in such order*, a provision which would appear to exclude their jurisdiction unless so designated, which none of the Australian Courts have been.

* This has been questioned as regards the case of Queensland, and it may therefore be as well to state what the facts are. Up till 1876 native testimony was indisputably inadmissible in the Queensland Courts. By Act No. 10 of that year, unsworn testimony was made admissible if the witness made a declaration that he would speak the truth, "in the full knowledge that if he did not do so he rendered himself liable to the penalties of wilful and corrupt perjury." But at the end of the first section was the following proviso: "Provided that it shall be the duty of the presiding Judge, before proceeding to take the evidence of any such person, to satisfy himself that he clearly understands the meaning of such promise and declaration." The evidence of natives was excluded when none but sworn evidence was admissible, on the ground that they did not understand the nature of an oath; and it is now commonly held in Queensland, that if natives do not understand the nature of an oath, neither can they understand what is meant by wilful and corrupt perjury—a view not without plausibility. We are given to understand that, as a fact, few Queensland Magistrates are able to "satisfy themselves" that natives "clearly understand" the nature of the required declaration and promise.

129. On the other hand, it is argued that the Act 9 George IV. has not been repealed; and, moreover, it is asserted that the jurisdiction given by that Act is more extensive than that conferred by the Order in Council, and extends to others besides British subjects.* We are not competent to express any opinion on these questions, but we are very certain that they ought to be authoritatively solved; and, moreover, that, if any attempt be made to enforce the pretension to jurisdiction on the part of the Colonial courts over others than British subjects, grave complications will ensue.

130. Recent events have also led us to consider that more efficient protection from suits with regard to actions performed in the exercise of the powers conferred by the Order in Council should be accorded to the High Commissioner.

III.—*The Labour Trade.*

131. Our attention has been directed to the abuses still existing in the labour trade, and we will now state what we conceive those abuses in the main to be.

132. As regards the trade generally, we desire that our view should not be misunderstood. The evils which attend it are so great that if we were convinced that it would be impossible to prevent them we should recommend its entire prohibition. We think that those evils can be held in check, but we do not believe it to be possible that they can be so without a considerably-increased expenditure. The alternative that we present for your Lordship's consideration is, therefore, the total suppression of the traffic, or increased vigilance, and consequently increased expenditure, in its control.

133. We cannot suppose it to be the will of Her Majesty's Government that atrocities should be committed unchecked by British subjects rather than incur the extra expenditure necessary to check them. But at all events we entertain no doubt that our own views with regard to this matter should be clearly and unmistakably expressed. If no more efficient precautions against abuse than those now in force be adopted, we have no hesitation in recommending that the trade should be totally prohibited, the transport of natives of the islands rendered illegal, and their engagement made impossible.

134. We do not, however, think that under proper regulation the labour trade need be discontinued, and are disposed to consider that it is, on the whole, better to organize and regulate than to prohibit it.

135. Forcible kidnapping is now happily, we believe, very rare, but we are by no means satisfied that it has altogether ceased; and more than one case has come under the notice of each of us individually which has been well calculated to rouse very serious misgivings on this head. Still, it may, we think, be assumed that no general practice of this sort exists, and, although occasional instances occur which show that increased vigilance in this respect is requisite, we believe that a resort to force, at all events on the part of English recruiters, to secure labourers is now of very rare and exceptional occurrence amongst those islands which are most frequented, and which have hitherto formed the chief sources from which labour has been supplied. Recent communications from the German Government are, however, calculated to excite some apprehension that the evils which have been checked in the more frequented groups of the Pacific have evinced a tendency to reappear as the trade has passed onwards into the more remote and less known regions to the north. We attach so much importance, for more than one reason, to the communication in question, that we have caused a copy of it to be appended to this report.*

136. That there is room for apprehension that even in those groups where the trade is conducted in the least objectionable manner serious irregularities are not unknown, appears to be shown by the statement made to us by the Rev. H. Robertson, to which we desire to call your Lordship's attention.† We examined Mr. Robertson at some length, and are satisfied not only that he may be trusted as to the facts he narrates as an eye-witness, but that he enjoys great facilities for forming a correct judgment. The case reported by him is in several points remarkable. Usually, when irregularities are reported, there is a want of definiteness about the particulars, and a lack of positive evidence. Here there is no deficiency of either.

137. The purchase of recruits is undoubtedly common under various forms; nor is it denied by the labour agents, who, indeed, say openly that it is essential to the continuance of the traffic. Sometimes presents are made to a local chief, sometimes to the friends, townspeople, or relatives of those whose services it is sought to secure, but in all cases they are given with the view of inducing those who receive them to order, or persuade, men to enter into an engagement to labour.‡

138. Misrepresentation and cajolery we fear must be regarded as being of well nigh universal employment, nor can there, we think, be any doubt that much discontent and ill-will are frequently created by the breach of promises recklessly made without a thought as to their fulfilment.

139. A total disregard of all native authority is also universal, and is, in our opinion, productive of a very great amount of mischief. To this source indeed we are inclined to attribute a large proportion of the outrages which have taken place; even the most careful and scrupulous labour agent considers that, if he obtain the consent of the individual whom he desires to recruit, he is at liberty absolutely to disregard all objection on the part of others. The authority of the chief over his tribesmen, of the collective tribe over its members, of the father over his child, of the husband over the wife, is too often wholly ignored. In so doing, the recruiter has, no doubt, the letter of the law on his side, for it is only embarking a native without *his own* consent that is punishable under the Acts

* Such at least, it would appear, is the only construction which can be placed upon the language of the "opinion" given by the Attorney-General of New South Wales on the 29th September, 1882, to the effect that "the jurisdiction conferred upon the Supreme Court of the colony by the Act of George the Fourth is much more extensive than that which the Order in Council vests in the High Commissioner's Court, the jurisdiction of which extends to British subjects only." To an ordinary eye, the scope of the Act 9 George IV. seems equally strictly restricted to British subjects.

† Appendix A. ‡ Appendix B.

‡ This has been questioned; but how it can be so is a matter of astonishment to any one having the smallest practical acquaintance with the trade. The fact admits neither denial nor doubt.

of 1872 and 1875, but it can be scarcely necessary to point out how very grave the consequences of such action must be. In no case, whatever the character of the community, can the authority of a father or husband be outraged with impunity; and it must be, moreover, recollected that individuality, as we understand it, is almost unknown in the South Seas. The whole life of a Polynesian is bound up with that of the community to which he belongs, however small or subdivided it may be. He moves, acts, and thinks only as a part of a whole, and the bitterest resentment is created by the open contempt shown for the will of the community, or of the chief acting as its representative in cases where he is so. This is especially the case with regard to the recruiting of women.

140. The labour ship endeavours to obtain as large a number of recruits as possible, and it depends very much on the character of the labour agent, whether women are recruited, and in what way. Some only take women accompanied by men who profess to be their husbands; some take any woman who offers.

141. Now, the presumption is that any woman who offers herself is married, and, if she offers herself singly, that she has run away from her husband.

Sometimes the woman is caught again by her husband, and very likely put to death by him. The Rev. Mr. Bice saved a woman's life at Aoba three years ago, who had thus run away, and whose husband was on the point of killing her.

142. Sometimes the husband demands his wife back again from the labour vessel, and, on being refused, wreaks his vengeance on any white people he may come across. This was the case at Lakona, on the Island of Santa Maria, where two women were recruited, and refused to their husbands, who demanded them, and who then killed two Malicolo men, the boat's crew of a white trader living there.

143. Sometimes the woman is given to some other man as his wife, which gives rise to complications on their return home.

144. That women are (especially in the Line Islands) recruited avowedly for immoral purposes, is undeniable. But, great as are the evils which attend the engagement of women, there are other considerations connected with the subject which are of much importance. It may be a question whether the immigration of labour into Fiji or Queensland should be permitted at all unless the immigrants are accompanied by a certain proportion of women of their own race. Not to speak of obvious moral evils to which this absence of females is in both colonies likely to give rise, there is, in the case of Fiji, the additional inconvenience that the introduction of a number of strange single men into the midst of the Fijian population tends to disorganize the domestic life of the Fijians themselves, and to give rise to dangerous disputes and quarrels in the villages near which the labourers reside.

145. We have, thus far, touched only on abuses which attend the first recruiting of labourers, but we have reason to apprehend that it is not uncommon for the return of time-expired immigrants to be conducted with culpable carelessness as to their being landed at their own homes. When it is recollected that any neglect of this description often—indeed it may be said, usually—involves the death of those who are thus landed among strangers, it will be seen that the matter is one of very serious import, and requiring the most exact and scrupulous attention.

146. The fact has been denied, but the denial cannot be seriously maintained. The testimony by which it is established is overwhelming, and to disregard it shows either an entire incapacity to estimate evidence—an ignorance which disqualifies from discussion of the subject—or an audacious partisanship which cannot be restrained.

147. One of the most unsatisfactory features in the present aspect of the labour trade is the character of persons usually employed as Government agents. There are, no doubt, exceptions, and we have known Government agents who performed their duties efficiently and conscientiously, and in such a manner as to command our respect. But we are bound to record that, as a rule—and each member of the Committee has had abundant personal experience of the fact—the Government agents on board labour vessels are unsuitable, and eminently untrustworthy.

148. This is, we may say, an almost inevitable result of the mode of their selection and appointment, and the circumstances of the employment.

149. The pay being small, and the hardships and risks of such a life as theirs considerable, it cannot be expected that men of any character or position would present themselves for the office under the present system, and, as a matter of fact, they are usually found to be broken-down planters and traders, and men who come under the comprehensive colonial term of "loafers."

150. They know nothing of the languages of the people whom it is their duty to protect, and to inform of the nature of the engagements into which they are entering, and, being too often men of overbearing temper, harsh disposition, drunken habits, and profligate life, not unfrequently greatly exceed and abuse their authority. This, we believe, will continue to be the case so long as they are appointed as they now are.

151. No guarantee nor security appears to be exacted to insure their fulfilment of their duties to the Government and the natives; and the circumstances of their life on board the labour vessels, which throw them into such close contact and intimate relations with the masters, tend to render their views and interests identical with those of their employers.

152. Under these circumstances, any honest independent discharge of their functions could scarcely be expected, even were they drawn from a far higher class of men, and we are convinced that a radical change in all that concerns this agency is that which of all others is most imperatively called for.

153. The most essential alteration in the system at present prevailing appears to us to be the transfer to the High Commission of the whole control of the trade, the issue of licenses, the appointment and payment of labour agents, &c.

154. At present licenses are issued by the Governors of the Australian Colonies, acting as Imperial officers. Neither they, nor those on whose advice they act, can have any great acquaintance with the character or history of those applying for their license. The most heartless ruffian who ever

sailed among the islands may conduct himself decently, without any great trouble, during a short stay in Melbourne or Sydney, and it is on the character borne *in the colony* that the police base their recommendation to issue or withhold a license—a recommendation almost invariably followed. In point of fact, we ourselves know instances of licenses having been given to persons of more than doubtful antecedents, but whose acts in Australia had not been such as to call for the animadversion of the police.

155. We suggest, therefore, that the present mode of appointing labour agents by the different Colonial Governments should cease; that the licensing of vessels should be done away with, and that, in future, licenses should be issued by each Deputy Commissioner for his own district, the master of every vessel engaged on a recruiting voyage being bound in the first instance to report himself to the Deputy Commissioner, from whom he should receive a license setting forth the islands within the district at which he may recruit, and the number of men who may be taken from each. Each Deputy Commissioner should also be authorized to enrol such a number of men as labour agents as would meet the requirements of his district, and, whenever he grants a license to a vessel as suggested by us, one of these agents should at the same time be placed on board.

156. This agent should accompany the vessel during the cruise to preserve an entire control over the recruiting operations, to keep an accurate record of all the proceedings in which natives are concerned, and to report to the Deputy Commissioner before she finally sails for her destination in the colonies.

157. We imagine that the number of agents who would be required would not be large, probably not exceeding ten to twelve, and we are of opinion that the expenses attending their employment, &c., should be divided between the High Commission and the charterers or owners of the vessel.

158. The payment by the former should, we think, consist of a fixed sum as permanent salary, and that by the latter of a capitation allowance for each recruit obtained, but to be levied and paid through the High Commission.

159. Into the question of the treatment received by the immigrants in the colonies where they are employed it is not our province to enter. We believe that it is on the whole, and with but occasional exceptions, neither unkind nor unjust. But it is nevertheless a fact, and it is one to which we think it our duty to call attention, that the mortality among this class is exceptionally high, and in some cases appalling. This not only attracts our attention on grounds of humanity, but produces two results, both of which are undesirable: it accelerates the depopulation of the islands, and it renders far more serious the suspicions excited in the islands by the non-return of those who have disappeared.

160. In some cases the mortality on board the vessels conveying labourers to Queensland and Fiji has been very great, and we consider that the prohibition of labour voyages during the hurricane months should be rigidly insisted on, while the recommendation made by the Secretary of State to the Fiji Government in 1879, to the effect that all vessels engaged in the labour trade for any long period should carry a medical officer (who might, perhaps, also act as labour agent), merits serious attention.

161. We are of opinion that the provisions of the Fiji Ordinance No. VI. of 1878, with respect to non-allotment of immigrants to unhealthy estates, should be strictly enforced, and that similar provisions should be insisted upon as a condition of the continuance of the employment of Polynesian labour in Queensland.

162. In connection with this subject we desire to call attention to the evidence of Dr. Macgregor, Chief Medical Officer of Fiji, appended to this report.*

163. Independently of the labourers employed in the plantations of Queensland and Fiji, a large number of natives find occupation on board of the trading vessels, as seamen, in the preparation of copra, and on the bêche-de-mer and pearl-shell fisheries dispersed amongst the islands of the West Pacific. These labourers are engaged under a license given to the employers by the Governors of the different colonies from which they sail, or from Her Majesty's Consul at Noumea. The employment of labour under these conditions is even more open to abuse than that of the regular labour traffic to the colonies, which is ostensibly under some regulations, and is provided with Government agents to check irregularities.

164. We would suggest that the owner or charterer of any vessel intending to employ native labourers amongst the islands should be required to obtain a license to do so from the Deputy Commissioner residing in the group from which he intended to enlist the men, and also enter into a bond to return his labourers to their respective homes at the termination of their engagement.

165. The power of granting or withholding such license should, we think, lie entirely with such Deputy Commissioner, who would be guided by the antecedents of the applicant, and his character amongst the islanders in making his decision.

166. In New South Wales alone, seventeen licenses were granted in 1879 for the employment of 494 natives; in 1880, fifteen vessels were licensed to employ 390 natives; and in 1881, amongst others, one vessel alone was licensed to carry eighty labourers between New Guinea and the Solomon Islands. The bulk of these licenses are granted for under a year, but in some cases they extend to the full time of three years. It might be expedient, when the numbers to be entered are large, that an agent should be placed on board to superintend the entry as in the case of the regular labour-trading vessels. It will be seen that we rely chiefly on regulations, and the local knowledge of the Deputy Commissioner, as the main check on this class of labour trade.

167. The Deputy Commissioner would of course require documentary proof of the entry, return, and payment of the natives thus employed; but these details would be better elaborated after some experience on the spot had been obtained.

* Appendix C.

IV.—*Relations with Natives.*

168. It was originally intended that the High Commissioner should have, in that capacity, exclusive control over the relations with the natives within the Western Pacific, but departmental considerations suggested that these functions should be discharged by him in the capacity of Consul-General. This division of duties is not practically convenient, and it is one extremely difficult to observe in detail. It may appear easy enough to say that the High Commissioner is to deal with all matters affecting British subjects, and the Consul-General with all matters affecting native interests. But the two are, very often, inextricably interwoven. We strongly recommend, therefore, that the High Commissioner should communicate with one department only, whether that be the Colonial or the Foreign Office. If this cannot be accomplished, it will at least be requisite that all Deputy Commissioners shall be considered *ex officio* Vice-Consuls. It is difficult for the High Commissioner—it would be impossible for the Deputy Commissioners—always to observe the fine line which separates the work of the two departments. Although the functions of a Deputy Commissioner may primarily relate to British subjects alone, he is certain, if permanently resident in any island (and especially if the recommendations contained in this report are carried into effect), to be engaged in continual communication with the natives. A British official on the spot is certain to give his assistance to any British subject involved in trouble with the natives, and will be equally regarded both by natives and by white men as a representative of the English Government, whether his official title be that of Deputy Commissioner or Vice-Consul, and his proper duties judicial or diplomatic.

169. The general relations with the natives may be said to consist in seeing that they are not unfairly treated, and on the other hand in striving to induce the natives themselves to prevent theft or aggression, and to punish these or more serious offences, if they occur.

170. Finally, if necessary, the Deputy Commissioner should declare his inability to obtain redress, and hand over the case to the naval authorities, to be dealt with by an "act of war."

171. The sale of land to white men is now of frequent occurrence in many, if not most, of the Pacific groups, and we recommend that it should be required, so far as British subjects are concerned, that all such transactions should be registered by a Deputy Commissioner, not as any proof of the validity of the title, but as a record that a transaction of some sort had really taken place, and to prevent any subsequent fraudulent tampering with the deeds themselves.

172. Much has been said about the trade in arms carried on through the islands, and Her Majesty's Government has strongly urged its absolute prohibition. We doubt whether it would be possible effectually to check the trade in arms without the co-operation of other European Powers, and in these circumstances we hesitate to recommend its suppression. We may at the same time point out that, whatever the indisposition of the Australian Colonies to co-operate, the trade might, as far as British vessels are concerned, be very easily put an end to by making it penal within the jurisdiction of the High Commission to carry arms in excess of the number required for the defence of the ship and crew. It has been suggested by the Secretary of State that regulations of a prohibitory character might be issued by the High Commissioner: but to render such regulations effective would require the sanction of far higher penalties than the very moderate fines which he can impose. Nothing short of confiscation of the arms, if not of the vessel carrying them, would suffice to prevent so lucrative a traffic, and such a penalty could only be imposed by an additional Act of Parliament or Order in Council.

173. Much has also been said with regard to the more frequent occurrence of massacres committed by natives, and the difficulty which attends their satisfactory punishment.

174. Murders of white men by natives in the Pacific are in themselves no novelty. That they have frequently, very frequently, been perpetrated, and that there have always been islands at which it was impossible to land without incurring the most imminent hazard, may be seen by a reference to any volume of voyages in the Pacific, published since the discovery of these seas; and the unrecorded instances of similar events must be yet more numerous. They are due in themselves, in almost every case, to one of three exciting causes—cupidity—revenge, or fear.

175. Cupidity is strong in the ordinary savage, and he will gratify his desire for acquisition if he sees the means of doing so without immediate risk to himself.

176. The desire of revenge, not on the individual offender but on any member of his tribe or race, is perhaps the commonest cause of outrages committed by natives, and has been so since the days of their earliest intercourse with whites. The long account of mutual wrongs began at least as far back as the days of Quiros, who records in his voyage that he "caught two natives in one canoe and took them on board the ship, which, from their signs, occasioned in their fellows a great animosity." During the three hundred years which have since elapsed how often has this story been repeated, and with the same result!

177. Fear of the unknown influences, and possibly magical powers, of white men undoubtedly has in many cases led to their murder, and probably is largely felt on those islands where no stranger is allowed to land.

178. But the question now before us is not why murders are committed, but why they have become of more frequent occurrence than was the case in times past.

179. We consider the increased number of murders committed in the Western Pacific to be due chiefly to four causes.

- (1.) There is now a far greater frequency of intercourse between whites and natives than was formerly the case, and the opportunities for murder, and temptations to commit it, are consequently multiplied in the same ratio. We do not know that the actual percentage of murders among those residing or voyaging in the Western Pacific has materially increased.
- (2.) Owing to this greater frequency of intercourse, the natives have lost much of the awe in which whites were formerly held by them.
- (3.) The possession of firearms and ammunition by the natives has given them a confidence and

boldness they did not before possess, and enables them to inflict death from far greater distances, and with far less risk to themselves, than was formerly the case.

- (4.) A large number of murders is also due to the criminal carelessness of the traders, and the total disregard on their part of the precautions formerly observed in all communications with the natives, as well as to the small size of the vessels now often employed in the Pacific trade.

180. This carelessness is, of all the causes enumerated, that which has the largest influence. The records of former voyages show, what may be easily ascertained by a question put to any one engaged in them ten or twenty years ago, that, until very lately, the utmost vigilance was exercised when visiting a savage island. Three precautions especially were never neglected :

- (1.) If a party was allowed to land at all, it was sent in some force, and the men who went ashore were never allowed to separate from one another for a moment on any account whatever. Moreover, no boat was permitted to touch the shore and communicate with the natives unless a second boat was lying off, with arms ready, to keep guard over those who had landed and were engaged in barter. We do not remember a single instance in which this precaution has proved insufficient ; and in every recent case of murder it has been heedlessly disregarded, notwithstanding the fact that it is one of the standing orders of the Fiji Government to all labour agents who are employed by it.
- (2.) If natives were allowed to come on board a vessel at all, it was only in very small numbers and unarmed.
- (3.) A watch was always kept, and a certain number of well-armed men stationed in the tops, who commanded the whole deck. The entire absence of these precautions in recent cases forms a strong contrast to the vigilance formerly employed.

181. Again, the small size of some of the vessels employed in trading among the islands is a direct invitation to attack, and more especially so when (as is often the case) the crew consists wholly or in great part of native islanders.

182. It is only to be expected that if, as intercourse increases and the mysterious awe of the white man wears off, as the occasions of offence are multiplied, and the power of taking vengeance for such offences is increased by the dissemination of European weapons, and the most obvious precautions are more and more neglected, outrages will also multiply. No amount of severities will prevent their continued perpetration, unless reasonable precautions are taken, and the employment of small vessels discontinued.

183. Moreover, while we have no doubt that massacres are in many cases perpetrated to gratify the mere savage thirst of blood, or to satisfy the cupidity excited by the display of tempting goods, it is only right to remember that this is not always so. The murder may have taken place in some tribal broil ; it may have been the result of previous quarrels ; it may even be the just punishment of a grave offence, or the natural result of serious provocation. It may have resulted from a breach of customs having the force of law, of the consequences of breaking which the murdered man may have been himself well aware. The punishment of death is naturally, and indeed necessarily, often resorted to by barbarous nations, who have no means of carrying out long sentences of imprisonment or other secondary punishments. It is true that in England murder and treason are now the only capital offences, and that we are apt to regard the infliction of death for other offences as unjustifiable ; but it can hardly be a subject for wonder or complaint if among savage tribes punishments should be as sanguinary as among ourselves fifty or sixty years ago. Where a white man is put to death by savages for an offence which, if committed by one of themselves, would, with the general assent of the community, have entailed a similar penalty, it would generally (though not always) be difficult to say that "an act of war" had been committed.

184. We think it highly desirable that, in cases of outrages committed by natives against whites, jurisdiction should by Act of the Imperial Parliament be conferred on the High Commissioner's Court. We are aware of the difficulties attendant on such a step, but, though no exact parallel may be found, there are analogies which appear to us sufficient to form a precedent for the grant of such a jurisdiction. They will be found in the jurisdiction exercised over certain parts of the west coast of Africa not under Her Majesty's sovereignty, and in the arrangements made for the administration of justice in the Island of Cyprus.

185. In many instances it will be found impossible to deal by acts of war with offences which yet may well merit punishment, and, in the absence of any legal jurisdiction over offenders in such cases, the course to be pursued with respect to them is perplexing in the extreme, and the adoption of any mode of action whatever surrounded with well-nigh insurmountable difficulties. The grant of such jurisdiction would in no respect diminish the power of the naval officer commanding in the locality to proceed to acts of war, or lessen his responsibility for undertaking them. A recourse to such acts must not unfrequently be inevitable, and we have no desire to recommend their discontinuance. As a general rule, we consider that in ordinary cases resort should be had to this power only after the failure of a demand for reparation made by civil authority ; but no absolutely inflexible regulation of this nature can for the present be laid down. We think, too, that the exemption from the jurisdiction of the High Commissioner's Court of officers and seamen in respect of all acts performed in the execution of their duty should be more distinctly defined. Such immunity has been questioned, and the contention that they are liable to be tried for acts so performed has been urged in official documents by the judicial authorities. We hold that all doubt on this point should be conclusively set at rest. Such exemption would not of course exclude officers or men from the jurisdiction of the Court in respect of acts committed by them as individuals, and not in their executive capacity.

186. No consideration of a system for the introduction of law and order into the Western Pacific would be complete without some reference to the position of the missionaries of the various denominations who form numerically a large and most influential section of the resident British subjects in the Western Pacific Islands.

187. That these gentlemen use their influence to maintain order and assist in the repression of crime is so well known as to render it almost unnecessary for us to refer to the fact, nor is it our province to expatiate on the christianizing and civilizing work they silently perform, often under great difficulties and privations. As missionaries and educated men, however, they form a power ever available to assist in upholding order, too often at imminent risk of their lives. Thus, Bishop Selwyn, when he heard of the murders of Lieutenant Bower and the "Sandfly's" boat's crew, at once proceeded to, and established himself near, the scene of the outrage in the Florida Islands. There he remained, entirely by himself, for many months, amongst the most savage cannibals, and it was mainly through his influence with them that the murderers were ultimately handed over by their chiefs to Captain Bruce, of the "Cormorant."

188. In like manner the Rev. J. Bice, also of the Melanesian Mission, rendered very valuable service in the arrest of a murder at Aoba Island at great personal risk; and, still more recently, the Rev. James Chalmers, of the London Church Mission Society, acted as guide and interpreter to the expedition sent to punish the chief of Kalo, a town in New Guinea, for an unprovoked outrage on British subjects.

189. These and many other cases we could enumerate show the readiness of these gentlemen of whatever denomination to subordinate all personal considerations of safety or expediency to that of upholding law and order.

190. The mission-stations, scattered as they are amongst the numerous groups of islands, act as a powerful deterrent to crime, whether committed by natives or British subjects: the latter are aware that illegal acts are pretty certain to be reported either to the High Commissioner or the naval authorities, and the former are not unfrequently restrained by their presence, by the promise that their wrongs will be reported and seen to by the proper authorities, from committing outrages, or retaliating on whites injuries sustained at their hands. A case of this kind is now before us where the natives of a village in New Guinea have been induced by the Rev. James Chalmers to submit through him their complaint that a native had been shot by, or by order of, a captain of a trading vessel.*

191. In this, as in too many cases, it is however to be feared that the difficulties of arresting the offender which at present exist in the Western Pacific may render it impossible for justice to be done to these poor people, and force on them retaliation as the only means by which they can redress their wrongs.

192. Missionaries, placed as they are all over the Western Pacific, and with their knowledge of the language and customs of the people, must prove valuable aids to the Deputy Commissioners, whilst the presence of the latter again will strengthen the missionaries' hands for good, and add materially to their personal safety.

193. It is to be hoped that cordial relations will be established between the missionaries and the Deputy Commissioners, as it is of the first importance that they combine in the suppression of disorder and promotion of civilization, which can be best attained by their harmonious action.

RECOMMENDATIONS.

194. We now conclude with a recapitulation of our recommendations.

We recommend that the Orders in Council should be carefully revised, with a view to their simplification. We cannot but regard it as being, under the very peculiar circumstances of the Pacific, better that there should be an absence of some of the carefully-contrived checks upon possible, but very improbable, abuse of powers by the High Commissioner and his deputies than that their action should, at every turn, be paralysed by the legal necessity for compliance with small formalities which, in most cases, it is impossible strictly to observe.

195. We recommend that the High Commissionership should be separated, if possible, from the Government of Fiji, and that the High Commissioner should for the present have his headquarters in the Island of New Guinea.

196. We recommend that the islands to the west of Fiji should be divided into five districts, in each of which a resident Deputy Commissioner should be stationed.

197. We recommend the Line Islands, Gilbert, Ellice, and Marshall Groups, and also the Caroline Islands, should for the present be visited annually, or when occasion arises, by a ship-of-war, the commanding officer of which should receive a temporary commission as Deputy Commissioner for the purpose.

198. We recommend that a steam yacht of considerable tonnage should be placed at the service of the High Commissioner, and that this vessel should be put by him, as he may think desirable, at the disposal of each Deputy Commissioner in turn, so as to allow an inspection of each district to be made annually.

199. We recommend, further, that each Deputy Commissioner should possess a small sailing boat, of from five to twenty-five tons burden, in proportion to the size and nature of the district; and we desire in the strongest manner to represent to Her Majesty's Government that, without the command of such means of locomotion, it is literally impossible for a Deputy Commissioner to discharge his functions, and that our other recommendations, even if carried out, would become nugatory and unavailing.

200. We recommend that provision should be made to enable each Deputy Commissioner to be absent from his post for four clear months every alternate year.

201. We recommend the Orders in Council should be so modified as to admit of power being given to naval officers to bring offenders before the High Commission Court, and to arbitrate in

* Mr. Chalmers writes under date : "A year ago a Captain Webb shot, or caused to be shot, a native at Tupesilea, about ten miles from Port Moresby. Through the influence of the Mission in this case they departed from their savage custom, waiting patiently for a man-of-war to come and inquire into their wrongs." No such inquiry has, however, as yet taken place.

civil cases, as provided by the rules issued by the Court on the 3rd March, 1881, and the 5 May, 1881, but which were decided to be *ultra vires*.

202. As regards the labour trade,—

We recommend—and consider it absolutely essential to the continued sufferance of the trade—that its regulation should be placed entirely under Imperial authority. To effect this, we advise—(1) the appointment of a greatly superior class of labour agents, to be nominated and paid by the Imperial authorities, conjointly with the owners of the labour vessels as before suggested; (2) that every colonial vessel starting on a labour cruise should be compelled, in the first instance, to report to the Deputy Commissioner of the district within which he proposes to recruit, and to receive from him a recruiting agent and a license, stating at what islands and for what number of men permission to recruit is given; (3) that when recruiting is completed the vessel should return to the Deputy Commissioner, discharge the labour agent, and report proceedings during the cruise, and that, after having discharged the labour agent, the vessel shall be bound under heavy penalties to proceed direct to her destination; (4) that, when labour is returned, a similar process should be gone through.

203. We recommend, further, that the recruiting of women should be limited strictly to wives or immediate relations of men recruited, and conveyed in the same vessel and at the same time as themselves.

204. We consider it to be very desirable that the marine survey of the islands should be prosecuted with diligence, with a view to the better knowledge of the localities.

205. We cannot conclude this report without again expressing our firm conviction that any considerable delay in placing upon a more satisfactory footing the control over British subjects in the Western Pacific, and the supervision of their relations and intercourse with the native races, will be perilous, and, in all probability, attended with calamitous results. The time has arrived at which to do nothing is, in fact, to take most momentous and most responsible action. We do not suppose that our recommendations, if adopted, will effect all that we desire, nor are we unaware that they may be easily susceptible of modification and improvement; but we trust that in no case will they be laid aside unconsidered, and that, if not adopted, their non-adoption will be due to the inauguration by Her Majesty's Government of a policy and measures calculated more effectually to attain the desired end, and not to any hesitation to recognize the importance of the subject of which they treat.

We have, &c.

ARTHUR GORDON.
A. H. HOSKINS.
J. C. WILSON.

The Right Hon. the Earl of Derby.

APPENDICES.

APPENDIX A.

The COLONIAL OFFICE to the SECRETARY to the WESTERN PACIFIC COMMITTEE.

SIR,—

Downing Street, October 11, 1883.

I am directed by the Earl of Derby to transmit to you, to be laid before the Western Pacific Committee, a copy of a letter from the Foreign Office, forwarding a translation of a note and its enclosure to the German Chargé d'Affaires in this country, respecting the damages stated to be caused to German interests by the abuses which occur in connection with the labour traffic in New Britain and New Ireland.

Lord Derby would be glad if he could have an opportunity of perusing the report of the Committee before he causes a reply to be returned to this communication, and I am accordingly to request to be informed when the Committee will be able to submit the report, which it is very important should not be delayed any longer than is possible.

I have, &c.

The Secretary to the Western Pacific Committee.

JOHN BRAMSTON.

Enclosure.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, September 24, 1883.

I am directed by Earl Granville to transmit to you the accompanying translation of a note and its enclosure from the German Chargé d'Affaires in this country, representing the damage caused to German interests by the abuses which occur in connection with the labour traffic in New Britain and New Ireland, and inviting the co-operation of Her Majesty's Government in checking them; and I am to request that you will move the Earl of Derby to favour Lord Granville with his views on the question.

I have, &c.

The Under-Secretary of State, Colonial Office.

T. V. LISTER.

Sub-Enclosure 1.

Baron PLESSÉN to Earl GRANVILLE.

(Translation.)

MY LORD,—

German Embassy, September 4, 1883.

I have the honour, in pursuance of my instructions, to make your Lordship a communication upon the following matter.

According to reports received by the German Imperial Government from the Imperial Consul,

E. Hemsheim, in Jaluit, on the Marshall Islands, the Archipelago of New Britain and New Ireland has been recently much visited by vessels sailing under the English colours, which are fitted out in Queensland or Fiji to recruit labourers for the plantations in those parts among the South Sea Islanders. Although these vessels are regularly accompanied by Government officers, whose business it is to see that the colonial regulations respecting the engagement and transport of the Polynesian labourers are carried out, yet instances are not wanting, according to communications in the hands of the Imperial Government, in which the natives who are designated as free labourers have been brought on board against their will and detained there by force. The social relations which prevail in New Britain and New Ireland, and which differ from those of other groups of islands in the South Sea, offer a temptation to these labour-recruiting vessels to depart from the scrupulous observance of the laws enacted to protect the islanders from whom these labourers are drawn.

The number of natives who, of their own accord, or out of any desire for the plantation service, hire themselves is, among the warlike races of these remote islands, comparatively small, and consists, for the most part, of such persons only as have no family ties, and are too poor to marry, or who, on account of some offence, are under the necessity of fleeing from their tribe.

Such individuals allow themselves to be prevailed upon by the promises of the chiefs, who take the earnest money for them to go abroad as labourers for several years in order that they may obtain wives, or be adopted by influential landowners on their return. The islanders not coming under this category who are found on board the labour ships, have been as a rule simply sold by the chiefs, for the institution of slavery has long been planted amongst those natives. In order to procure arms the chiefs sell prisoners of war who have been captured from a different tribe, but not unfrequently even their own subjects. Of course such natives as have been brought into the labour ships under these circumstances do not voluntarily remain on board, but have to be narrowly watched. When, as is very frequent, escapes are attempted, the crew make use of their firearms, and, if the pursuit is followed up on shore, bloody conflicts often ensue.

The following occurrences officially communicated to the Imperial Government may serve as examples of this. Out of 104 men who were on board the English three-masted schooner "Hopeful," which in May last paid a visit to New Britain and New Ireland with the object of recruiting labourers, thirteen escaped by plunging into the sea, notwithstanding the distance the vessel stood from land. Six of these men were brought back by the crew; three were given back by their chiefs in consequence of threats; the remaining four must have been drowned.

The labour-recruiting ship "Fanny," from Port Mackay, in Queensland, had engaged several chiefs as interpreters and recruiting agents in the village of Nadup, about four miles from Matupi (New Britain), and went with them last May to the Island Man, off the north coast of New Britain. The natives of that place declined to go on board the "Fanny," and their refusal led to acts of violence between them and the crew, owing to which one of the Nadup chiefs was killed. The captain then took the "Fanny" back to Nadup to give information of what had happened, and to pay an indemnity in goods for the chief who had perished in his service; the inhabitants of the village were nevertheless so exasperated at the news that they armed and attacked the captain and his men, who were only able to save themselves with much difficulty by making use of their revolvers. The captain, as well as the Queensland Government Agent who accompanied the "Fanny," were seriously wounded in this encounter. Moreover, the wrath of the natives fell upon a French missionary named Lanzuel, who had been long resident in Nadup, who, notwithstanding, that he had had no share whatever in the occurrence just described, was obliged to flee and relinquish his whole property, including the furniture, &c., of a Roman Catholic church. The agent of the German Trade and Plantation Company, stationed in the vicinity of the same village, was also obliged to abandon his house for fear of being attacked by the natives, who sought every means of avenging the wrong they had suffered. Finally, a third case is reported in which the violent proceedings of the labour traffic ships were directed, not indeed against the labour population, but against the property of a German firm.

About the middle of last April the Queensland schooner "Stanley," Captain Davis, in search of labourers for the Queensland sugar plantations, arrived at the Laughlan Islands, a group known for the peaceable disposition of the inhabitants, where the Hamburg house of Hemsheim and Co. have now for three years maintained a commercial agent. This agent, by name Titzloff, counselled the native chiefs to decline any engagement with this labour-recruiting party, whereupon hostilities ensued between the agent and Captain Davis, which culminated in the captain's ordering the station belonging to the firm of Hemsheim, with stores of copra to the amount of about twenty tons, to be set on fire. The said firm has enforced its claims for indemnity at law, while at the same time the affair has been brought to the notice of the Colonial Government of Queensland, in order that the guilty parties may be prosecuted under the criminal law.

No such legal means of obtaining redress for the unlawful proceedings of labour-recruiting ships sailing under English colours are within reach of the South Sea Islanders, who accordingly take upon themselves their own defence, and avenge themselves on all foreigners with whom chance may bring them into contact.

The first to suffer from this state of things are the German settlements in New Britain and New Ireland, which, now that the last Australian English commercial stations have been taken over by the German Trading and Plantation Company in Samoa, have the trade of those places entirely in their hands. The good relations hitherto subsisting between the German traders and the natives of those localities have been disturbed by the abuses and excesses committed by English labour-recruiting expeditions; and, unless a timely check is put upon such proceedings, serious danger to the life and property of the Germans resident in those parts is to be apprehended.

While, in pursuance of instructions from my Government, I have the honour to acquaint your Lordship with the foregoing, I respectfully beg that your Lordship would, if possible, kindly inform me whether the Royal Government of Great Britain has already received reports upon the system practised in recruiting labourers for the Colonies of Queensland and Fiji from among the natives of

New Britain and New Ireland, and whether measures have been adopted for the investigation of the irregularities reported from that region, and the prevention of their repetition. For its part, the Imperial Government, although similar occurrences in connection with German labour vessels have not been reported to it, intends to subject such ships to a sharp control, by (a system of) visiting the island groups, and for this purpose one of the ships of the Imperial navy will be permanently stationed in those waters during the so-called labour season, from May till the end of September.

This vessel will also be commissioned to afford efficient protection to the legitimate commercial interests of the Germans in New Britain and New Ireland, which have latterly attained importance, and to repel by force violent attacks upon the life and property of Germans. The Imperial Government, in its endeavours to maintain a state of peace and order in the places in question, reckons upon the willing support of the Royal Government of Great Britain, upon which, no less than upon that of the German Empire, it is incumbent to prevent any transgression of the limit which divides the lawful labour traffic of Polynesia from slave-trading, and avert the new element of danger which would thereby be introduced into the already difficult relations that prevail in the South Sea.

In conclusion, I permit myself to enclose herewith, for your Lordship's information, and with the request that it may be returned, an extract from a report of the commander of His Majesty's ship "Carola," upon his experiences in New Britain.

This report corroborates the statement that, in consequence of the behaviour of the labour ships, the life of the white men residing upon the island groups in question is exposed to serious danger, and contains, besides, statistical data respecting the extent of the German commercial interests in those parts.

With, &c.

Baron PLESSÉN.

Sub-Enclosure 2.

Commandant KARCHER to the GERMAN ADMIRALTY.

(Extract from II. 29086.)

Batavia, July 6, 1883.

ACCORDING to my own experience, gained during two stays in New Britain, as well as the report of Lieutenant-Captain Geiseler's observations, the condition of things in those parts seems to be as follows:—

The Trading and Plantation Company, which has its principal establishment in Meoko, has some eighteen small trading stations on the eastern part of New Britain, and on the western coast of New Ireland, of which about ten to twelve are manned; the firm of Hernsheim and Co., which has its principal establishment in Matupi, has two or three stations on New Britain, two on the northern part of New Ireland, and one on each of the islands Laughlan, Anchorite, and Hermit, of which the two last named are not at present occupied, but will be manned as soon as a suitable staff is found.

A source of perpetual danger to the life of the white settlers on these islands consists in the fact that the natives are ignorant of the distinction between various nationalities, and, according to their customs, they seek to avenge a wrong inflicted on them upon the first person in their presence. In this connection the chief danger is provoked, according to the statements of all persons with whom I have spoken, by the behaviour of the labour-recruiting vessels. Implicit reliance cannot, of course, be placed upon information gained from the settlers, who are doubtless apt to make exaggerated statements. If, however, only a part is true of what the Consul there told me, and what has been recounted to me by others, then the labour-recruiting is simply slave-dealing. According to these accounts the captains not only buy the people from the chiefs for firearms, and even breech-loading firearms and ammunition, but entice the people who come alongside in their canoes to barter on board, and then detain them, or they even steal the crew of a canoe which they meet with at sea.

If the labour-recruiting agents performed their inspection properly, under which condition only such labourers should be procured as come of their own accord, and have the nature of the engagement to be entered into explained to them, most vessels would bring back no labourers; the agents, therefore, in most instances, shut their eyes and content themselves with the captain's assurance that the proper course has been followed. It is, however, wholly impossible for a captain really to come to an understanding with the natives, of whose speech he is ignorant, notwithstanding the interpreter who is often taken out with the expedition, for the language is distinct in nearly every one of the small districts, and unintelligible to the inhabitants of another. The interpreters, for the most part, serve merely as decoy-birds to entice the natives on board. It is only natural that in such a state of things small fights occasionally take place, and I have noticed that, in all places where labour ships ply, the natives are far more shy than elsewhere. In Baka, for instance, where the people at once came alongside in great numbers, they fled as one man when a boat was lowered from the ship. Not less significant is, for example, the fact that in Nadub the captain of the "Fanny" was fired on with the very Snider rifles and ammunition which he had sold to the natives a few days previously.

The whites are now in a particularly anxious position, as this year, the labour trade in the New Hebrides not affording a sufficient supply of labourers, a large number of labour-recruiting vessels—above twenty—have come from Queensland to the coasts of New Britain. With the great demand for labourers in Queensland, and the consequent exploitation of these islands, the supply will soon come to a stop, and German interests will be thereby directly injured, since New Britain and New Ireland are the only places whence the Trading and Plantation Company in Samoa can still draw any considerable number of labourers.

To the Head of the Admiralty, Berlin.

The Commandant,
KARCHER, Captain of Corvette.

APPENDIX B.

STATEMENT before the COMMITTEE by Rev. H. A. ROBERTSON.—21st March, 1883.

REV. H. A. ROBERTSON, questioned by the Committee.—Has been in England only a few days, having just come from Erromango, on which island he has been living as a missionary since 1872. Previous to this, and before he became a missionary, lived on Aneitum from 1864 to 1868, and has personal knowledge of other islands.

When he was first in the New Hebrides there was scarcely any labour trade, only a few occasional cutters to New Caledonia. When he returned in 1872 he found the traffic in full activity.

Considers the trade on the whole a great evil; but does not consider it an unmitigated evil, inasmuch as he knows of individuals who have been benefited by their three years' service; but the general effect is undoubtedly evil.

His reasons for considering the labour trade an evil:—

1. The great mortality amongst the absent labourers. Has heard that the death-rate has been as high as 80 per cent. in Queensland. He himself, with his teachers, in 1878 made a list of 600 names of natives who had been recruited from Erromango in the previous ten years. Of this 600, only 200 ever came back.
2. This mortality, and the drain from the island of the young men, is rapidly depopulating the island. Population at last census, in 1879, was 2,640. Is, apart from the labour trade, decreasing slowly owing to change of habits, such as wearing clothes, consequent on introduction of Christianity and civilization. But this cause of decrease only temporary. General death-rate in the island not high, at most 10 per cent. In one town, only three, of all ages, out of seventy, died in three years.
3. The labour trade unhinges society, owing to the young and able men being carried away.
4. Introduction of firearms and poisons. On Tanna there were cases in which returned labourers poisoned the food of their enemies.
5. Introduction of syphilis and other diseases.

Reasons for not considering the labour trade an unmitigated evil:—

1. Has known cases of Christian natives who have been recruited, and have returned not unchristianized, more civilized, and with larger ideas of labour, payment, &c. These have had a good influence on their surroundings. These, however, form but a small proportion of returned labourers, whose general characteristic is drunkenness and profanity. They usually come back more reckless and savage than when they went away.

Questioned as to Method of Recruiting.

Has seen much of it from personal observation. Considers that whether it is properly or improperly carried on depends on whether the captain, mate, or labour agent on a vessel has a personal interest, such as a commission per head on the number recruited.

The recruiting is always virtually a matter of purchase. Has seen men paid for by "presents" of muskets to chiefs or friends; these being accepted, the men are, according to native etiquette, under a moral obligation to enlist as desired.

Even without purchase a certain number would voluntarily enlist at Erromango, partly from a desire to see the world, and partly to acquire property, the latter idea being fallacious, as they come back to be the poorest people on the island; whatever they bring back they at once give away to their friends; they have no property left in the island, and find, perhaps, even their wives married to others.

Much discontent caused by natives voluntarily recruiting without the consent of chief or relatives. Quoted case of a father who was shot at Api at the bows of a boat from which he was trying to induce his son, who had just enlisted, to return.

Recruits are always taught on board to say that they have enlisted voluntarily, whether it is the case or not, and that they have nothing to complain of.

As to Returned Labour.

They are generally satisfied with their payment; but usually bring back rubbish, as, though they are as a rule paid in coin, they are recommended by their masters to spend it at stores in which the planters have an interest.

Has known many cases in which they have been landed at the wrong places in Erromango. Has known of many cases in which this has happened in Tanna and Api, &c., with the result that the returned labour have been clubbed.

The pay of a dead labourer, which should be returned to his relatives in money, is not sent unless his death takes place at the end of his three years.

As to Recruiting of Women.

Has strongest objection to it in all cases, on account of the immorality to which they are exposed. Would not exempt cases in which women could go away with husbands or relatives.

Few women have been recruited from Erromango. Of these, some have eloped, some have gone with husband, some have been young girls bought, according to a very strong impression, for immoral purposes. With eyes fully open to consequence of single men going away for three years, he would absolutely prohibit emigration of women in all cases whatever. Voluntary enlistment of women without consent of relatives would be a certain cause of outrages.

As an instance of a mode of recruiting, Mr. Robertson stated to the Committee the case of the murder of two natives of Erromango, and the abduction of a girl and boy, in September, 1882, by boat-crews of the brigantine "Ceara." On the 5th of September, 1882, the three-masted schooner "Ceara," of Queensland, carrying the English flag, and commanded by Captain Satine, a Swede,

approached Erromango, one of the New Hebrides group, and sent in two boats at a district called Unapang. Both boats entered South River (about twelve miles south of Dillon's Bay, where the Mission House and Martyr's Church stand), the one in charge of a white man going to the south side of the stream, and the other, in charge of Nomoo, a native of Sulphur Bay, near Port Resolution, Tanna, drew up at the north side. This Tanna man bought two or three yams, a few sticks of sugar-cane, a bunch or two of coconuts, and a bow and arrows from the natives of Unarevin (a village about one mile north of South River), and when they wished to sell more he said they had plenty of these things in their vessel. He paid the natives for what he purchased from them in pipes and tobacco. He asked the Unarevin men to draw up the bow of his boat on the shore. They did so. He then said he would like to drink water, and asked if he would be safe in doing so. They replied that he would be perfectly safe to land and drink water, and pointed to their school-house at Unarevin, where he called them to go on to the river, and further stated that the people of South River were about to get a teacher, and already had got their school-house up. Nomoo then landed, revolver in hand, and went to the side of the stream, bent down, resting himself with his hands on the roots of a banyan tree, but rose without drinking, and walked slowly back in the direction of the boat, and as he was passing a row of women, who were sitting on the ground, he suddenly halted, turned, and grasped at the shoulder of Utokatak, a young woman, who instantly bending forward, Nomoo fell forward on his hands. The woman sprang to her feet and ran off; Nomoo, directly he got up, and before he was quite erect, fired under his left arm at a man named Yulimyow, and shot him in the side. Yulimyow was standing near, smoking his pipe, and looking at the boat and the people gathered about her, and knew nothing until he was shot. He called out, "I am shot," and ran up the side of the hill into the "bush." He was not mortally wounded, and has since recovered. The moment Nomoo got fairly up he ran after the young woman, Utokatak, and fired at her, but failed to hit her. He overtook her and grasped her hand. She called out to her father, and struggled out of the Tanna man's grasp and again ran off. He soon caught her, however, and this time, holding her firmly round the body, dragged her into the boat, she crying and struggling. Her father, Lovo, a high chief, called out to the natives, "See, he has thrice caught my child, fired on her, and has now dragged her into the boat; and are you going to allow that? are you not going to strike (kill)?" and at once himself picked up a stone and followed Nomoo to the boat, but seeing him secure his daughter firmly around the body with his left arm, while he caught the steer-oar in his right hand, he dropped the stone and turned to go away, when the natives in the bows of the boat shot him in the back, and he fell down in the surface-water, calling out in his dying struggle to a friend, "Norwei, they have killed me." The three natives, who we afterwards learnt were from the Island of Api, rowed the boat off, while Nomoo, the Tannese, steered and held his prize. The white man got a boy, said also to have been kidnapped, but of that there is no proof. An Erromangan fired after the white man's boat after those in the other boat stole the girl and murdered her father, but he did not hit the boat or any one in her. The girl was transferred into the white man's boat, along with the little boy Netevune, and so carried off and put on board the "Ceara," while the boat in charge of the black man, without a Government agent, and not even a white sailor or mate with them, pulled along the coast till within about four miles of the anchorage in Dillon's Bay, when they landed and called to Umo, one of my teachers, to bring to them a bird (owl) he had in his hand—that they wished it. Umo went to the boat with the bird. Nomoo took it from him and dropped it behind him in the bows of the boat, took up a few sticks of tobacco in his left hand, and stepped out upon the coral shelf while he held in his right hand his revolver. He placed the tobacco in Umo's hand, and grasped his wrist with the same hand. Umo suddenly pulled his hand out of Nomoo's grasp, and the latter placed his revolver to Umo's right side and shot him. Umo fell in the surface-water (low water or half-tide at the time), but, springing to his feet again, ran as for his life towards the rocks, and was pursued by Nomoo, who fired on Umo a second time just as he was entering the scrub. Umo ran but a short distance when death ended his sufferings. The first shot was mortal; the second never struck him at all. Nomoo returned to the boat, threw out the owl, and they at once made for the ship, which was passing across Dillon's Bay from south to north, under shortened sail, waiting for the boat to come in sight. Directly the boat rounded the south point of Dillon's Bay the "Ceara" made sail and went round, as we supposed, to Elizabeth Bay, which is seven miles north of Dillon's Bay, and where Captain Satine generally called for wood and water. A native, by name Nareeovi, who was with Umo when Nomoo called him to bring him the owl to the boat, and who fled when Nomoo shot Umo, arrived at Dillon's Bay just as the "Ceara" was passing the north point of Dillon's Bay, to inform us that a boat's crew of black men from the vessel then in the bay had murdered Umo, the teacher, and that the friends had gathered to carry the body to Rampoon-tomasee, his native village, while he had come on to tell us of what had happened. Next morning I went on to bury Umo, and found five sticks of tobacco in the water in close to the shore and some 200ft. or so from where they had been put into Umo's hand by his murderer. When I arrived at the village I found that the ball or bullet had passed through Umo's body, passing out of the lower rib on the left side, and out of this opening about two inches of the bowel protruded. I returned home in the evening, but too late to send word to Captain Satine that evening. Next morning, that is, on the 7th of September, I sent word by Netevune, a chief, but as he gained the table-land he saw the "Ceara" leave Elizabeth Bay and proceed north. The "Ceara," as we supposed, took in wood and water at Elizabeth Bay, and Captain Satine paid Nalinewei, the chief, for some sandalwood he had purchased from him on a previous trip, but never mentioned that anything had taken place at Unapang and Rampoon-tomasee on the 5th, and neither the girl Utokatak nor the boy Netevune was seen on deck during the time, almost two days, that the vessel lay at anchor in Elizabeth Bay. We had not heard anything of the murders and kidnapping at South River until the day after we buried Umo.

HUGH A. ROBERTSON,
Missionary of Erromanga.

APPENDIX C.

STATEMENT before the COMMITTEE by Dr. MacGREGOR.—4th May, 1883.

HON. W. MacGREGOR, M.D., C.M.G., Receiver-General and Chief Medical Officer of Fiji, questioned by the Committee: states that at the request of the Colonial Government of Fiji he held an inquiry a year ago into the condition of Polynesian immigrants in that colony. It had been reported that the mortality among Polynesians was greatest on the Rewa River, and he was accordingly sent to examine that district. Visited seven estates; found that there had been very great mortality among Polynesians, while there had been no extraordinary mortality among Fijians and coolies employed on the same estate. He dealt with a period of three or four months, extending from the beginning of the year to May, and calculated the statistics of mortality on the basis of what would be the mortality per 1,000 per annum, were the same rate maintained throughout the year. He found that the rate of deaths on one estate was as high as 750 per 1,000 per annum, on another 500, and on others from 200 to 300. The death rate of coolies on some estates was some 40 or 50 per 1,000, a rate only remarkable as contrasted with that of the Polynesians.

The immediate cause of mortality is dysentery, which appears sometimes in one district and sometimes in another, and is very contagious. Last year it was confined to the Rewa River; the year before it appeared on estates in the Windward Islands of the group. It is induced by exposure and bad diet.

There are many reasons why Polynesians are more affected by dysentery than are coolies. The Polynesian is constitutionally subject to the disease, while the coolie is not. The Polynesian is docile, and will uncomplainingly eat what is given him, half-ripe sweet potatoes or whatever it may be, and an employer may very easily give his labourer what is not fit for food and still keep just within the letter of the law; while the Indian buys his own food, cooks it himself, eats rice, flour cakes, chupatties, &c. The Polynesian has no idea of taking care of himself, while the Indian will do his best to make himself comfortable in his home, and will complain of leaks in the roof or of any discomfort. The Polynesian goes out to work in any weather, because he is engaged for a specified term of years. The Indian is paid by the day, and does not work if the weather is bad.

There are not many data to go upon as to the rate of mortality where no epidemic of dysentery takes place. There is occasionally heavy mortality on board the labour vessels, and immediately after landing. Special instance of this was the case of the "Dauntless" at the end of 1879. Dysentery appeared among the labourers, who were several days battered down in the hold during a gale, and the mortality after they had landed at Levuka was very great.

As already said, Polynesians are less able than others to resist the conditions to which labour are exposed. The mortality would thus in any case be great, but the high rate is in part due to preventable causes, such as spring from the inexperience and thoughtlessness of planters and overseers, who are generally ready to do what is suggested to them, but who never take the initiative in making their labour comfortable. Polynesians are only suited to such employment under very careful supervision.

