

No. 5.

The SPECIAL COMMISSIONER to Mr. Assistant Deputy-Commissioner MUSGRAVE.

8th July, 1886.

MR. MUSGRAVE will please to state his views on Mr. Lawes's letters, especially in connection with the existing tribal relationships in which he has lately acquired some experience.

J. DOUGLAS.

No. 6.

MEMORANDUM respecting Letters from Rev. W. G. Lawes, of 7th July, 1886.

Government Bungalow, 10th July, 1886.

I HAVE the honour to state that I have read the above-mentioned letters with close attention, and now return them to your Excellency.

It is quite impossible for me, however, to accept the interpretation of Mr. Lawes of the views or position assumed by the Imperial Government, or of the pledges given by its representatives at the time of the proclamation of the Protectorate in 1884.

All official documents relative to the occasion are, so far as I am aware, published in the parliamentary papers noted in the margin,* and I can find no remarks recorded from Commodore Erskine or his deputies which even implied that this country (*i.e.*, British New Guinea) should not become a field for settlement in the future; nor can I discover any hint, on the part of the Imperial Government or its representatives, of the idea that the territory should be held as an almost unbroken native reserve upon which only missionaries and traders are to be allowed a footing—this state of things apparently to last for an indefinite period. The Imperial Government alone had power in regard to the affairs of British New Guinea, and I cannot find any trace of such a policy, either implied or expressed, before the date of the Proclamation or afterwards. If Mr. Lawes or Mr. Chalmers conveyed such an impression to the coast natives of the S.E. Peninsula† of British New Guinea, it seems to me, on existing evidence, that they were neither officially authorised to do so nor in any way justified in so doing. Whatever personal reluctance to settlement of the Protectorate may be felt by Mr. Lawes and Mr. Chalmers, they had no right, if they have done so, to use their position of trust as interpreters to give a stamp of official approval to their individual views, however intense these may be and are believed to be. Mr. Lawes writes that “no intimation was given either that Her Majesty would require them [the natives] to part with large tracts of land to the Government, nor yet that a large influx of white men was likely to spread over the land.” This, although negative evidence, is very likely to be correct. On the other hand, I cannot detect that any intimation was given by the Commodore or his deputies that lands might not be so wanted, nor that a large influx of white men might not be attracted hither by gold or other objects. No such promises could have been reasonably given by any Government. They appear also in direct opposition to the original line of policy laid down in a letter from the Colonial Office‡ to which I have previously had occasion to invite your Excellency's attention. There can be no doubt, from this important document, of the original views of Her Majesty's Government, which contemplate the acquisition from the natives and the sale and lease of local lands by the local Administration. The paragraph to which I refer is as follows:—

“There is no evidence whatever of the power of the natives to enter into contracts which would be intelligible to them or binding upon them, or of their willingness to allow private settlers to occupy their country. But, if there were no objections from the native point of view to so extensive an appropriation of territory, it would be impossible that any acquisitions, or ostensible acquisitions, of land could be sanctioned and confirmed in the event of the territory hereafter becoming British. It is clear that without the funds arising from the sale and lease of lands it would be impossible to provide for the government of the country; and any persons who may now settle in the country, knowing that Her Majesty's Government is considering the question of annexing it, must distinctly understand that no acquisition of land made previous to a decision on this subject can be recognised to the prejudice of the Crown.”

I am unaware of any departure from the policy proposed in the despatch to Mr. Schubert, while recent communications sanction the belief that the inevitable course of settlement which has begun to take place here is expected by Her Majesty's Government, and is about to be arranged for accordingly on a judicious and humane basis for all classes. As to the pledge quoted by Mr. Lawes—“Your lands shall be secured to you”—unless it be meaningless it must involve the adoption of some system by which quiet possession shall be insured to the natives under authority. This in turn necessarily involves the exercise of discretionary power on the part of that authority in organizing such a mode, and in dealing generally with territorial questions. I need not dwell on the insecurity of land-tenure and of the products of the soil among the aborigines themselves of this territory: constantly recurring intertribal feuds disturb the limits of districts, in some cases depopulating them altogether. Besides such lawless acquisitions of the land by native tribes, there is an intermediate harassing state of affairs where a considerable proportion of growing crops are stolen from time to time by stronger neighbours. Thefts of this kind are far from infrequent even here in Port Moresby, among the Motuan people, within the longest-settled sphere of mission influence, and under the wing of the mission head-quarters.

There are known to be large tracts and spaces of country also unoccupied, and apparently unclaimed by any indigenous population. Under these circumstances it is plain that the phrase, “Your lands will be secured to you,” cannot possibly imply the rigid preservation of agrarian

* Parliamentary Papers, C. 4273, Feb., 1885.

† No notification at all, I believe, was made to the natives of the N.E. coast, in the S.E. islands, or west of the Aird River, as to the protectorate, or directly to any inland tribes.

‡ Parliamentary Papers, C. 1566, No. 24, 1, 56; also Appendix E.