

53. These Haapai and Vavau men, however, became so troublesome at last that the authorities exerted themselves to get rid of them, and all but one hundred were sent away in about six weeks' time from the date of their arrival.

54. During all this time the requirement of the Constitution as to the only lawful way of establishing martial law, namely, by approval of the Legislature, appears to have been forgotten. The Courts had been ordered not to sit, and "club law" appears to have been the only law of the land. On the 28th February, however, a Proclamation was issued, of which a copy is annexed, intimating that the disorders had been stopped and the laws were again in force. In this Proclamation also an obnoxious pound-law was repealed, and a tax on unmarried women removed. These last two laws had, I may here say, caused a great deal of feeling against Mr. Baker among the people, and may have been considered by the Government as the proximate cause of the attempt on his life.

55. One Court, however, had been held during this period of general suspension of law, and that was the Court held to try those accused of attempting to assassinate Mr. Baker. Many rumours have been circulated with regard to this Court. The jury were said to have been packed, Mr. Baker to have assumed the position of a Judge and to have directed the jury, the jurors were said to have been browbeaten, and the Judge directed as to his sentence. None of these reports were proved by evidence to be true. The trial was, unfortunately as I think, held with closed doors, only four Europeans having been admitted, two of whom were Mr. Baker and Mr. Watkin, the third the British Pro-Consul, who did not speak Tongan, and the fourth the German Commercial Agent. The reason given by Mr. Baker for thus restricting the admissions to the Court was that he feared the Haapai men, who, if they had heard the evidence that was given there, would have caused a disturbance. This reason I consider altogether insufficient. I am bound, however, to say that from the evidence adduced on that point the Court appears to have been fairly conducted, the jury to have been chosen by ballot in the way directed by law, and the prisoners to have been allowed to challenge the jurymen and to cross-examine the witnesses in the usual manner. Mr. Baker's appearance as prosecutor in a case in which he was so much interested may have been indecent, but was not illegal, and he does not appear to have exceeded his duties as prosecutor, nor to have interfered with the Judge. The long postponement of the sentences, and the fact of their only having been passed on the evening preceding the executions, in the case of the six men who were shot, appears to my mind to throw doubt on the statement of the Chief Justice that the Government in no way sought to influence his decision. Eleven men appear to have been sentenced to death, and one to penal servitude for twenty-one years, the last being seven years in excess of the punishment provided in the law. Six of these men were executed. To five a pardon was granted, conditional on their not returning to Tonga; and the man sentenced to penal servitude—an old and respected native minister, whose offence consisted in his not having revealed a knowledge of the intention of the assassins, which he acquired just before the event—was also pardoned on condition of his not returning to Tonga for fourteen years. These men were brought with me to Fiji.

56. I should remark that two of these men were proved to have been promised by Mr. Baker and Tuuhetoka that they should be pardoned if they gave evidence against the men who were first tried. They did so, but were, nevertheless, subsequently brought up, sentenced to death, and had a narrow escape of being executed. More than two months afterwards they were still prisoners in chains, and still under sentence of death.

57. The execution of Tobui and of five other men had been described in the *Sydney Morning Herald* of the 3rd March by a Mr. Mackay (writing, as he there says, at the request of Mr. Moulton) as attended by circumstances of a very barbarous and revolting nature; and I thought it only right to depart, in this instance, from the rule I had laid down of disregarding newspaper reports, in order that those concerned might have an opportunity of clearing themselves of the odium that would otherwise attach to them. I examined Mr. Van Hagen, an American subject, M. Bindemann, a German, and Tuuhetoka, the Minister of Police, the last of whom was involved in the charges, and all of whom were present at the execution. The first, who appears to have been Mr. Mackay's informant, admitted, when on his oath, that the description was "grossly exaggerated," and so modified the whole account as to deprive it of almost all that was revolting in it. The second described the scene as having been conducted with all the decency possible, and said, with regard to the singing of Tuuhetoka at the scene of execution, that Mr. Van Hagen had told him (M. Bindemann) that Tuuhetoka was singing a Wesleyan hymn, and M. Bindemann believed he sang to cheer the drooping spirits of those concerned. On the whole, I believe, and I said so in Court, that the executions were conducted with all reasonable decency.

58. I enclose the newspaper extract to which I have alluded in the previous paragraph, as a fair sample of the exaggerated accounts that were sent to Fiji, Australia, and New Zealand; and I may here say that Mr. Moulton in the Court absolutely repudiated any responsibility for them. The exaggerations were not confined to one side. Mr. Baker's and Mr. Moulton's parties alike published them. The specimen I have sent you commences with what purports to be a description of a conversation between Mr. Leefe, the Vice-Consul, and the Roman Catholic priest, Father O'Dwyer. I hold in my hand a letter from the latter gentleman, in which he says, referring to these accounts: "They are painfully inexact. Many statements are absolutely false, and of the remainder there is much that is offensively exaggerated, so that it is unjustly annoying to us to have our names mentioned in connection with his incorrect effusions." I attach to this newspaper report copy of a further statement by Mr. Mackay, which was sent to me in manuscript by the Rev. Mr. Langham, but whether published or not I am unable to say. It would occupy too much time were I to go through the various statements, and sift the modicum of truth from the mass of exaggerations contained in them. I have only sent them to you as a fair sample of the means that were used to excite public opinion elsewhere.

59. I have said, in paragraph 50, that, in consequence of the active persecution used, nearly all the remaining Wesleyans had gone over to the Free Church. It was then that the action