

1888.

NEW ZEALAND.

FEDERATION AND ANNEXATION.

(FURTHER PAPERS RELATING TO THE PACIFIC ISLANDS.)

[In continuation of A.-3, 1887, Session II.]

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

No. 1.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 6th May, 1887.

At the Conference on the 25th April the present position of the Samoan question was explained by the Secretary of State in a minute laid before the delegates, of which the following is a brief summary.

Her Majesty's Government pointed out that the Samoan question had been a complicated one for several years. Three Powers had commercial interests in the group—England, Germany, and America—and each Power had a separate treaty with the native king. After reciting what had happened since 1880, including the agreement come to between England and Germany for the A.-5, 1887, delimitation of the British and German spheres of influence in the Western Pacific, the minute went Sess. I., No. 5. on to remind the Conference that the Samoan and Tongan groups were especially excepted from that delimitation, because assurances had been repeatedly exchanged between the British and German Governments that neither would interfere with the independence of the islands. It had been decided that the future government of Samoa, and the protection of the rights and interests of the three nations and their nationals, should be reserved for consideration of the two Powers in concert with the United States; and in the meanwhile each of the three Powers had sent a Commissioner to Samoa to ascertain the facts necessary for the basis of a settlement, in preparation for a Conference of the three Powers to be held very shortly at Washington. The investigations by these officers had led Her Majesty's Government to the conclusion that the natives of Samoa were incapable of forming by themselves a stable and efficient administration, and that the only satisfactory method of preventing the peace of the group being disturbed by the conflicts and rivalries of native chiefs, and of strengthening and securing the interests of the three civilised nations on an equal footing, was to be found in a plan for governing Samoa by one of the three Powers as the mandatory of the other two. This is, accordingly, the plan which Her Majesty's Government will advocate at the Washington Conference, and provision will then be made for preserving the independence of the group, for securing to each Power full freedom of commerce, navigation, and jurisdiction in matters affecting its nationals, and for establishing a joint Land Court to ascertain and secure the land claims of all persons, of whatever nationality.

Having regard to the events that have taken place in Samoa during the last two or three years, and especially to the ever-growing chance of a German annexation, notwithstanding the engagement between England and Germany to preserve the independence of the group, the Australasian delegates were unanimously in favour of the course proposed by Her Majesty's Government.

It will now rest with English diplomacy at Washington to gain, if possible, the assent of Germany and the United States to England being constituted the "mandatory" Power. I cannot, however, say that I have myself any expectation of this being done. German interests still predominate in the islands, and my own impression is that the United States will throw in their weight in favour of giving the mandate to Germany. The chance we had of gaining the preponderance of interest by acquiring the German companies' rights, and of obtaining Prince Bismarck's consent to the inclusion of Samoa in the English sphere in the Pacific, is lost, and the United States are not likely to help us to regain it. But we must, nevertheless, be glad that the plan adopted by Her Majesty's Government does not exclude us from regaining it at a future day, and, at any rate, prevents the otherwise inevitable annexation, formal or informal, of the group by Germany.

In regard to Tonga, Her Majesty's Government are of opinion that it is not desirable to make any distinct proposals at present to the Conference, inasmuch as the High Commissioner for the Western Pacific is actually conducting a personal investigation into the affairs of the group, and they wish to have his report before taking any further steps. This announcement was well received by the Conference, in view of the religious complications which appear to have brought matters to the present crisis, and of the hopelessly-conflicting statements which continue to appear, even up to this day, as to the true state of affairs in the islands.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

No. 2.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 6th July, 1887.

I beg to annex *Times* reports of questions asked in both Houses of Parliament last night respecting the High Commissioner's report on the recent disturbances at Tonga. The report itself will be sent to you as soon as it is published.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

Enclosures.

[Extracts from the *Times*, Wednesday, 6th July, 1887.]

HOUSE OF LORDS.—PERSECUTIONS IN TONGA.

The Archbishop of YORK, in putting a question to the Government, stated the substance of the reports which had been published as to the persecutions in Tonga. A former Wesleyan missionary named Baker had attained to political power, and had established a Free Church, and it was alleged that he had persecuted the Wesleyans with the object of compelling them to join his new Free Church. There had been severe beatings and floggings, and all the worst elements of a religious persecution. At last some of the despairing Wesleyans made an attempt to assassinate Baker, and some members of his family were injured. It was said that six men were thereupon arrested, and were taken to a little island 60yds. long, where six graves had been dug. Two of these men confessed their complicity in the attack upon Baker, and exonerated the other four; but without any form of trial all six were shot one by one. The latest news was that two shiploads of Wesleyans were to be deported to one of the Fiji Islands. The allegations of persecution had been inquired into by Sir Charles Mitchell, and it was stated that he had sent Home a report which was accompanied by the depositions of 160 witnesses. He wished to ask whether the report had been examined by the Government, and whether the information contained in it could be laid before the House without disadvantage to the public service. It might be a question whether the depositions should be published, but, as great crimes appeared to have been committed, it was hoped that the report or an abstract of it, with or without the evidence, might be laid before the country.

The Earl of ONSLOW said that Sir Charles Mitchell had been to Tonga to make an inquiry, and he sent Home a report and an enclosure. He could not give an absolute promise until the report had been considered by the Government, but he hoped that the report and the accompanying documents might be laid before Parliament. He had placed them in the hands of the printer, and had pressed that they might be put into type without delay. He hoped that the papers might be presented to the House and distributed to their lordships early next week.

HOUSE OF COMMONS.—THE PERSECUTIONS IN TONGA.

Mr. JAMES asked the Secretary for the Colonies whether Sir C. Mitchell's report on the persecutions in Tonga would be laid upon the table, and, if so, when it would be in the hands of members.

Sir H. HOLLAND.—Sir Charles Mitchell's report will be laid on the table. The report is a very full one, and the enclosures also extend to a great length. I have very little doubt that the whole of it can be presented, but I cannot give an absolute undertaking to that effect until the Foreign Office have had an opportunity of reading it. I have pressed on the printing, and I should hope that the papers may be distributed early next week.

No. 3.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 29th July, 1887.

I have the honour herewith to transmit copy of letter, with printed enclosures, received from the Colonial Office relative to affairs in the Solomon Islands.

I have, &c.,

The Hon. the Premier, Wellington.

WALTER KENNAWAY,
(For the Agent-General.)

Enclosure.

The COLONIAL OFFICE to the AGENT-GENERAL.

SIR,—

Colonial Office, Downing Street, 29th July, 1887.

With reference to the letter from this department of the 20th January, I am directed by the Secretary of State for the Colonies to transmit to you, for your information, a copy of a further circular with enclosures, which he has addressed to the Governors of the Australasian Colonies and to the High Commissioner for the Western Pacific, in connection with affairs in the Solomon Islands.

I have, &c.,

The Agent-General for New Zealand.

JOHN BRAMSTON.

Sub-Enclosure 1.

The SECRETARY of STATE for the COLONIES to the OFFICER ADMINISTERING the GOVERNMENT.

SIR,—

Downing Street, 7th July, 1887.

With reference to my predecessor's circular despatch of the 11th January, respecting the A.-3, 1887, Solomon Islands, I have the honour to transmit to you, for communication to your Government, Sess. I., No. 14. a copy of a further letter from the Foreign Office, with the translation of a *note verbale* communicated to the Marquis of Salisbury by the German Ambassador at this Court, enclosing an Imperial Ordinance, dated the 11th January, 1887, concerning the regulation of jurisdiction over that portion of the group which belongs to the territory under the protection of the New Guinea Company.

I also transmit copies and translations of the laws referred to in the Imperial Ordinance of the 11th January, which accompanied Count von Hatzfeldt's *note verbale* of the 29th of that month.

As the papers on this subject would have been of little practical use in the Australasian Colonies without the laws referred to, which have only just been obtained from Berlin, I regret that an unavoidable delay should have occurred in communicating with you on this question.

I have, &c.,

The Officer Administering the Government.

H. T. HOLLAND.

Sub-Enclosure 2.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, 21st February, 1887.

With reference to my letter of the 31st December last, I am directed by the Secretary of A.-3, 1887, State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for the Colonies, Sess. I., No. 14. copies of correspondence as marked in the margin, relating to the regulation of jurisdiction in the territory under the protection of the New Guinea Company.

I am, &c.,

The Under-Secretary of State, Colonial Office.

J. PAUNCEFOTE.

Sub-Enclosure 3.

NOTE VERBALE. — Communicated to the Marquis of SALISBURY by Count HATZFELDT, 31st January.

[TRANSLATION.]

WITH reference to the *note verbale* from this Embassy of the 28th June, concerning the regulation of jurisdiction in the territory under the protection of the New Guinea Company, the German Ambassador has the honour to inform the Marquis of Salisbury most respectfully that, in pursuance of the Imperial Ordinance of the 11th instant, herewith enclosed, this regulation is now in force also for the Solomon Islands, which belong to the territory under the protection of the New Guinea Company.

The Government of His Imperial Majesty has the intention of extending to the Solomon Islands, as far as may be necessary, the decrees, arrangements, and proclamations of the directors of the New Guinea Company which were issued only for their former territory. These ordinances will be communicated to your Excellency, together with the official Gazette of the New Guinea Company, as soon as they are published in the latter.

London, 29th January, 1887.

ORDINANCE concerning the Regulation of Jurisdiction over the Solomon Islands belonging to the Territory under the Protection of the New Guinea Company.—Dated 11th January, 1887.

WE, William, by the Grace of God Emperor of Germany, King of Prussia, &c., decree as follows, in the name of the Empire, according to the law of the 17th April, 1886 (official Gazette, p. 76), concerning the jurisdiction of the German protected territories:—

First and only paragraph.—The law concerning the Consular jurisdiction of the 10th July, 1879 (official Gazette, p. 197), becomes valid on the 1st April, 1887, for the Solomon Islands, belonging to the territory under the protection of the New Guinea Company, in pursuance of section 2 of the law referring to the jurisdiction over German-protected territories, together with the changes provided for in the ordinance of the 5th June, 1886 (official Gazette, p. 187).

The original document under our hand and seal.

Given at Berlin, the 11th January, 1887.

WILLIAM.

Count BISMARCK.

Sub-Enclosure 4.

Sir E. MALET to the Marquis of SALISBURY.

MY LORD,—

Berlin, 5th February, 1887.

With reference to my Despatch No. 512, of the 18th December last, I have the honour to A.-3, 1887, enclose a translation of an order published on the 24th ultimo, extending the regulations already Sess. I., No. 14. published for the administration of justice in the territory under the protectorate of the New Guinea Company to those islands of the Solomon group lately added to the Protectorate of that company, as reported in my above-mentioned despatch.

I have, &c.,

EDWARD B. MALET.

ORDER respecting the Extension of the Chancellor's Dispensing Power over those Islands of the Solomon Group belonging to the Protected Territory of the New Guinea Company.

[TRANSLATION.]

IN virtue of the Imperial Ordinance of the 11th January, 1887, regulating the administration of justice in those islands of the Solomon group belonging to the New Guinea Company's Protectorate, it is determined as follows :—

1. The order of the Imperial Chancellor of the 24th June, 1886, respecting the authorisation of the Governor, Freiherr von Schleinitz, to exercise judicial functions (Centralblatt, No. 26, p. 208).
2. The directions of the Imperial Chancellor of the 1st November, 1886, for the execution of the Imperial Ordinance of the 5th June, 1886, respecting the administration of justice in the Protectorate of the New Guinea Company (Gazette, the 3rd November, 1886, No. 259).
3. The by-laws respecting the exercise of justice in the Protectorate of the New Guinea Company of the 1st November, 1886 (Gazette, the 6th November, 1886, No. 262), will, from the 1st April, 1887, come into operation also on those islands of the Solomon group for which the Imperial letter of protection of the 13th December, 1886, was accorded to the New Guinea Company.

(For the Chancellor.)
Berlin, 24th January, 1887.

Count BISMARCK.

Sub-Enclosure 5.

LAWS published by the German Government bearing upon the Question of German Jurisdiction in the Western Pacific: 1879-86.

No. 1.

[TRANSLATION.]

LAW RESPECTING CONSULAR JURISDICTION OF THE 10TH JULY, 1879.

WE, William, by the Grace of God Emperor of Germany, King of Prussia, &c., decree, in the name of the Empire, and after the consent of the Federal Council and Imperial Parliament, what follows :—

I. GENERAL PROVISIONS.

§ 1. Consular jurisdiction will be exercised in districts in which its exercise is allowed, either by usage or by treaty.

Native or protected subjects of the Empire domiciled or residing within the district, belonging to the jurisdiction of the Consular Court, are subject to that Consular jurisdiction.

§ 2. The districts belonging to the Consular jurisdiction will be determined by the Chancellor of the Empire after consultation with the Committee of the Federal Council for Trade and Commerce.

§ 3. In regard to the Civil Law, the Imperial laws, the General Prussian Common Law, and the general laws dealing with Civil Law, of those Prussian territories in which the Common Law is in force, are to be recognised as in force in the districts of Consular jurisdiction.

In commercial cases, the customary commercial custom or law in force in the districts of Consular jurisdiction is applicable.

§ 4. In regard to Criminal Law, the Penal Code for the German Empire, and the other penal provisions of the Imperial laws are to be held applicable in the districts of Consular jurisdiction.

The Penal Codes of the territorial Governments in force in the districts of Consular jurisdiction are not applicable unless otherwise arranged by treaties or custom.

The Consul is authorised to issue police instructions, binding on the people subject to his jurisdiction in his judicial district, or a part of the same, and to impose the penalty of a fine, not exceeding 150 marks, for the non-observance of the same. A copy of these instructions must be immediately communicated to the Imperial Chancellor.

The Chancellor is empowered to suspend the Police Regulations issued by the Consul.

The Police Regulations, and, similarly, their suspension, are to be published according to the local usage for Consular announcements, in any case by posting them on the Court notice-board.

§ 5. Consular jurisdiction is exercised by the Consul (§ 2 of the Law respecting the Organization of the Federal Consulates of the 8th November, 1867) and by the Consular Court.

The Consul is empowered to exercise jurisdiction when empowered to do so by the Imperial Chancellor.

The Chancellor may admit another official, in conjunction with the Consul, or in his place, to Consular powers in exercising jurisdiction.

§ 6. The Consular Court consists of the Consul as President and two Assessors, in so far as this law does not prescribe the employment of four Assessors.

The Assessors possess an unqualified right to vote.

§ 7. The Consul names, for the duration of one year, four Assessors and at least two substitutes from the respectable persons living within the jurisdiction of the Court ("Gerichtseingesessenen"), or, failing these, from other respectable inhabitants of his department.

§ 8. The administering of the oath to the Assessors takes place on the occasion of their first service at a public sitting. It remains in force for the space of one business year. The President addresses to those to whom the oath is to be administered the words,—

"You swear by the Almighty and Omniscient God faithfully to fulfil the duties of an Assessor of the German Consular Court, and to give your vote according to the best of your knowledge, and conscientiously."

The Assessors take the oath, each one raising the right hand and speaking the words, "I swear it, so help me God." Should an Assessor be a member of a religious society whose regu-

lations require the use of certain formulas of affirmation in the place of the oath, the delivery of a declaration according to the formulas of this religious society will be considered as equivalent to the taking of the oath. A protocol will be drawn up respecting the administering of the oath.

§ 9. Should the employment of four Assessors be impracticable in the cases in which it is prescribed by this law, the employment of two suffices. Should the employment of two Assessors be impracticable in civil law-suits, the Consul takes the place of the Consular Court.

The reasons for which the employment of Assessors was impracticable must be noted in the minutes of the sitting.

§ 10. The Consul to appoint the persons who are to perform the functions of clerks to the Court and executors of the orders, &c., of the Court "huissiers" (officials charged with the service of writs and the executing of orders, &c.).

If these persons have not already taken the oath as Consular officials, they are, before entering on their office, to engage on oath to perform the duties of the office intrusted to them.

The list of the "huissiers" ("Gerichtsvollzieher") is to be published according to the local usage for Consular announcements, in any case by posting it on the notice-board of the Court.

§ 11. The Consul nominates the persons who are admitted to practise as advocates. The admission is revocable.

Appeals against the decision of the Consul by which permission to practise as an advocate is refused, or the permission cancelled, are to be laid before the Imperial Chancellor.

The list of persons admitted to practise as advocates is to be published according to the local usage for Consular announcements, in any case by posting it on the notice-board of the Court.

§ 12. So far as not otherwise determined by this law, the authority competent to deal with cases assigned to the County Courts ("Amtsgerichten") by the Judicature Law ("Gerichts Verfassungsgesetz") and the Bankruptcy Law is the Consul; for cases assigned to Petty Sessions ("Schöffengericht") and territorial Courts ("Landgericht") as Courts of First Instance, the competent authority is the Consular Court.

In matters not appertaining to contentious jurisdiction ("streitige Gerichtsbarkeit"), which in those Prussian territories indicated in § 3, paragraph 1, appertain in the first instance to the competency of the County Courts ("Amtsgericht") and the territorial Courts ("Landgericht"), the Consul is the competent authority.

§ 13. The provisions of §§ 13 to 16 of the Judicature Law ("Gerichts Verfassungsgesetz") are so applied in contentious litigation ("streitige Gerichtsbarkeit") that the interval prescribed by § 183 shall extend to two weeks.

II. PROCEDURE IN CIVIL SUITS AND IN BANKRUPTCY CASES.

§ 14. In civil suits and bankruptcy cases the Civil Procedure Code and the Bankruptcy Code, together with the laws introducing them, as well as the provincial regulations which have been issued for those provinces of Prussia designated in § 3, paragraph 1, for carrying out the above-mentioned Imperial laws, or which are in force in conjunction with them, are applied according to the following provisions.

§ 15. The procedure in civil suits before the Consul, as also before the Consular Court, is regulated according to those provisions of the Civil Procedure Code which govern procedure before the County Courts, subject to the condition that the provisions of §§ 313 to 319 of the Civil Procedure Code must also be applied.

§ 16. In cases to be heard before the Consular Court the Assessors only take part in the oral proceedings, and in such decisions as arise in, or result from, the same.

§ 17. The functions of official counsel ("Staatsanwaltschaft") in matrimonial causes in the case of § 585, and in minority suits in the cases contemplated by §§ 607, 620 (paragraph 4), 624 (paragraph 3), and 626 (paragraph 3), of the Civil Procedure Code, are intrusted by the Consul to a person admitted to practise as an advocate, or, if such should not be available, to some other reliable resident within the jurisdiction of the Court.

In all other cases the official counsel ("Staatsanwaltschaft") takes no part.

§ 18. Legal remedies (*i.e.*, appeal) cannot be resorted to in civil suits falling under the competency of the Consul (§ 12, paragraph 1), where the value of the subject of litigation does not exceed the sum of 300 marks.

Otherwise the Imperial Court is the competent authority to deal with and decide as to the proper legal means in cases of appeal, in civil suits heard before the Consul and the Consular Court, and in bankruptcy cases.

Against the decisions of the Imperial Court there is no further appeal.

§ 19. The provision of § 540, paragraph 3, of the Civil Procedure Code is not applied if the provision at which exception is taken is issued by the Consul.

§ 20. The appeal is lodged with the Consul, and is presented in a written form. The provision of § 74, paragraph 1, of the Civil Procedure Code is not applied to the lodging of the appeal. The Consul is to have a copy of the written appeal officially presented to the opposing party according to § 16 of the Civil Procedure Code, and to transmit the protocols of the trial to the Court of Appeal.

The latter has officially to notify and make known to the parties the day fixed for the oral hearing of the case.

The notification of the date of trial is to be made to the legal attorneys appointed to represent the parties to the suit before the Court of Appeal either as their representatives for the purposes of the trial, or for the reception of documents, &c., addressed to them ("Prozess- or zustellungs Bevollmächtigten"), and whose names must be given in due time to the Imperial Court, either by the Consul or the parties themselves; in default of such attorneys the notice must be given to the parties themselves.

The provisions respecting the length of notice in §§ 481 and 484 of the Civil Procedure Act are to be regulated in accordance with the date on which this notice was served on the defendants in the appeal.

III. PROCEDURE IN CRIMINAL CASES.

§ 21. In criminal cases the provisions of the Criminal Procedure Code, and of the law for its introduction, are applied according to the following provisions.

§ 22. The Consul exercises the functions of Judge ("Amtsrichter") and President of the Criminal Court ("Strafkammer").

§ 23. The enactment of § 30 of the Judicature Law applies to the employment of the Assessors.

§ 24. The State counsel (Staatsanwaltschaft) does not assist. Services of writs, execution of sentences, and decisions, as also the execution of penal sentences, are to be carried out through the Consul.

§ 25. So far as the State counsel, according to the Code for Criminal Procedure, has to take part in the case of a matter criminal and liable to prosecution in a Court of law, the Consul is officially bound to assume their function. He has, in particular, to initiate the inquiries obligatory upon the State counsel in the preliminary proceedings.

§ 26. No preliminary examination takes place.

The enactments of § 126 of the Criminal Procedure Code are not applied.

The swearing of a witness in preliminary proceedings is also permissible on the grounds indicated in § 65, paragraph 2, of the Criminal Procedure Code.

§ 27. The decision of the Consul respecting the laying of a criminal charge against the accused takes the place of the public indictment in cases where the trial ("Hauptverfahren") is not immediately opened. This decision must indicate the act with which the accused is charged, at the same time clearly showing its legal characteristics, and the criminal law applying to it.

The decision by which the trial is opened must also supply the evidence on which it is based.

§ 28. At the trial four Assessors are to be employed when the subject of the decision on which the trial is opened is a crime or an offence which belongs neither to the competency of the Petty Sessions ("Schöffengericht"), nor to the acts indicated in §§ 74 and 75 of the Judicature Law.

§ 29. The Court determines the extent of evidence to be taken, without being bound by motions ("Anträge"), renunciations ("Verzichte"), or former decisions.

§ 30. The salient points of the evidence are to be inserted in the record of the trial.

§ 31. If the punishable act is an offence which the Imperial Court or Jury Court is competent to deal with, the Consul is to take the measures of precaution required for the criminal prosecution of the accused, and also to undertake the proceedings of inquiry if there should be any danger from delay, or if the conditions are such as are provided for in § 65, paragraph 2, of the Criminal Procedure Act, and to send the documents at once to the State counsel at the competent Court of the Interior; in the case of § 9, paragraph 1, sentence 2, of the Criminal Procedure Code, he is to send them to the Chief Counsel of the Empire.

§ 32. In the cases indicated by §§ 45 and 449 of the Criminal Procedure Code, the length of notice is two weeks.

§ 33. There is no appeal against decisions on misdemeanours ("Uebertretungen") in criminal cases.

§ 34. In other criminal cases there is the remedy of appeal against decisions of the Consular Court.

§ 35. The Consular Court decides on complaints against the decisions of the Consul. The provision of § 23, paragraph 1, of the Criminal Procedure Code has no application in this case.

In the case of § 353 of the Criminal Procedure Code, the Consul has the power to alter his sentence, against which a protest has been lodged.

§ 36. The Imperial Court is the competent authority to deal with and decide on the remedy of appeal against decisions of the Consular Court, and also on the remedy of appeal.

Against the decisions of the Imperial Court there is no further appeal.

§ 37. In the cases provided for by §§ 353, 355, 358, and 360 of the Criminal Procedure Code, the length of notice is two weeks.

§ 38. The legal time for contesting a decision begins for the plaintiff ("Nebenkläger"), in the case provided for by § 439 of the Criminal Procedure Code, from the date of notification of the decision to the defendant.

§ 39. The Consul can take the evidence of witnesses and experts appointed to support the appeal, and swear the same, if the conditions are such as are provided for in § 65, paragraph 2, of the Criminal Procedure Code. The minutes of such evidence are to be at once sent to the Chief Counsel of the Empire. The provisions of §§ 223 and 250, paragraph 2, of the Criminal Procedure Code, are applicable according to the circumstances.

§ 40. The accused may appear at the trial before the Court of Appeal, or he may have himself represented by a defending counsel, provided with a written power of attorney.

The accused, if in custody, has no claim to appear in person.

If the accused has lodged his appeal, it will be tried even when neither the accused nor his representative appears.

In other respects the provisions contained in the 3rd part of the Third Book of the Criminal Procedure Code apply.

§ 41. A case closed by a legal decision can be reopened on official initiative.

§ 42. In criminal cases in which the Consul or the Consular Court in the first instance has pronounced sentence, the right of pardon rests with the Emperor.

IV. PROCEDURE IN MATTERS WHICH DO NOT BELONG TO CONTENTIOUS JURISDICTION.

§ 43. In matters placed under the competency of the Consul by § 12, paragraph 2, the procedure is settled according to the provisions in force for the Prussian Departments, indicated in § 3, paragraph 1, in so far as these provisions would not presuppose the existence of institutions and conditions which are not found in the district belonging to the jurisdiction of the Consular Court.

The Imperial Court is the competent authority to hear and decide upon appeals against the decisions of the Court, according to the provisions indicated.

V. FINAL PROVISIONS.

§ 44. In legal matters to which the Civil Procedure Code, the Criminal Procedure Code, and the Bankruptcy Code are applicable, the laws for judicial costs and fees are in force for the officers of the Court ("Gerichtsvollzieher"), for witnesses and experts, as also for attorneys. In matters which do not belong to contentious jurisdiction, the provisions of the local laws in force in those Prussian Departments indicated in § 3, paragraph 1, are to be followed as regards fees, as long as there are no Imperial legal provisions to the contrary.

When there is a local custom regulating the fees of attorneys, it is applicable in the first instance.

§ 45. The insertion of a public announcement in the Imperial Gazette is not necessary.

§ 46. Fines are paid into the Imperial Treasury.

§ 47. New laws acquire legal force, so far as not otherwise provided by the Imperial laws, in the districts of Consular jurisdiction after the lapse of four months, reckoned from the day on which that part of the Imperial Law Book or the Prussian Code containing them was published in Berlin.

§ 48. This law comes into force for all districts belonging to the Consular jurisdiction at the same time as the Judicature Law.

At the same date the provisions of §§ 22 to 24 of the Consular Law of the 8th November, 1867 ("Bundesgesetzblatt," p. 137), and the additional provision of § 3 of the law of the 22nd April, 1871 ("Bundesgesetzblatt," p. 87), will be repealed.

§ 49. Military jurisdiction is not affected by this law.

§ 50. So far as legal matters pending for the day on which the law comes into force are to be settled in accordance with former laws, the Imperial Court takes the place of the Court of Appeal in Stettin.

Matters pending for the Court of Appeal in Stettin on the day indicated pass over to the Imperial Court in the legal stage at their time being.

The provision of § 18, paragraph 3, and of § 36, paragraph 2, are applicable to the decisions of the Imperial Court.

§ 51. The Chancellor of the Empire is to issue the regulations necessary for the execution of this law.

Given under our august hand and Imperial seal.

Given at Ems, 10th July, 1879.

WILLIAM.

Prince BISMARCK.

No. 2.

[TRANSLATION.]

Law respecting the Administration of Justice in the German-protected Territory, of 17th April, 1886.

WE, William, by the Grace of God German Emperor, King of Prussia, &c., &c., decree, in the name of the Empire, and with the consent of the Federal Council and Imperial Parliament, as follows:—

§ 1. The Protectorate in the German-protected territories is exercised by the Emperor in the name of the Empire.

§ 2. Civil law, criminal law, and judicial procedure are to be applied to protected territory in accordance with the provisions of the law on Consular jurisdiction of the 10th July, 1879 ("Reichsgesetzblatt," p. 197), which, in so far as hereinafter not otherwise provided, is to be applied, with the following modification: The official empowered by the Chancellor of the Empire to exercise jurisdiction is to take the place of the Consul, and the Court of the Protectorate, composed in accordance with the provisions relating to the same, is to take the place of the Consular Court. The date at which this is to come into force will be fixed by an Imperial order.

§ 3. An Imperial order can—

(1.) Decide that in the Protectorate persons other than those indicated in §§ 1 and 2 of the law respecting Consular jurisdiction shall be subjected to this jurisdiction.

(2.) That the official empowered to exercise the jurisdiction shall be authorised by the issue of police measures (§ 4 of the Consular Jurisdiction Law) to enforce obedience to the same by imprisonment not exceeding three months, arrest, fine, and seizure of particular articles of property.

(3.) Can hand over to the Courts of the Protectorates jurisdiction in matters appertaining to the competence of Jury Courts (§ 31 of the Consular Jurisdiction Law), so that—

(a.) Official counsel ("Staatsanwaltschaft") are to assist, and the official counsel is to be appointed by the official empowered to exercise jurisdiction, and is to be selected from the number of Imperial officials to be found in the Protectorates, or of persons admitted to practise as advocates, or of other respectable persons living within the jurisdiction of the Court ("Gerichtseingesessenen").

(b.) As far as circumstances permit, a preliminary examination is to be held, to be regulated hereafter by a special Imperial order.

(c.) Four Assessors, in addition to the official empowered to exercise jurisdiction, are to assist at the trial ("Hauptverhandlung").

(d.) In other respects, the provisions which are indicated for criminal cases in § 28 of the Consular Jurisdiction Law are to be applied.

(4.) Can decide that the Court of Appeal and for receiving complaints ("Beschwerdegericht") in civil contentious cases ("Rechtsstreitigkeiten"), in bankruptcy cases, and in matters not pertaining to contentious jurisdiction ("streitige Gerichtsbarkeit"), shall be the Hanseatic Supreme Court or a German Consular Court; and in cases where a native is concerned, either as defendant or accused, a Court of Law in the Protectorate; and that in proceedings before a Court of Appeal, or for receiving complaints ("Beschwerdegericht"), the employment of legal counsel is not necessary.

(5.) Can prescribe simpler rules for the service and issue, &c., of writs, &c., enforcement of executions, and costs.

§ 4. The law relating to the marriage and the personal status of subjects of the Empire abroad of the 4th May, 1877 ("Bundesgesetzblatt," p. 599), is to be made applicable to the Protectorates, with the following modification: that it may be also made applicable, by Imperial decree, to persons other than subjects of the Empire, and that the official empowered by the Chancellor of the Empire to perform marriages and to deal with personal status is to take the place of the Federal Consul.

The date on which the above is to come into force will be fixed by Imperial order.

WILHELM.
Prince BISMARCK.

Berlin, 17th April, 1886.

No. 3.

[TRANSLATION.]

DECREE regulating the Administration of Justice within the State-protected Dominion of the New Guinea Company, 5th June, 1886.*

WE, William, by the Grace of God Emperor of Germany, King of Prussia, &c., pursuant to the law on jurisdiction within the State-protected German territories of the 17th April, 1886 (Imperial Gazette, p. 75), decree as follows, in the name of the Empire:—

§ 1. In pursuance of § 2 of the law on jurisdiction within the State-protected German territories, and subject to the modifications laid down in this decree, the law on Consular jurisdiction of the 10th July, 1879 (Imperial Gazette, p. 179), comes into force on the 1st September, 1886, within the protected dominion of the New Guinea Company.

§ 2. Under this jurisdiction (§ 1) come all persons dwelling or sojourning in the protected dominion, or regarding whom, apart hereof, a judiciable status within the limits of the protected dominion is consistent with the laws applicable to the case in point: to the natives, however, this jurisdiction applies only so far as they are distinctly placed under its force.

It rests with the Chancellor of the Empire, upon hearing the Board of the New Guinea Company, to decide who is to be regarded as a native in the sense of this decree, and to what extent natives, too, are to be placed under this jurisdiction (§ 1).

§ 3. On issuing Police Regulations (§ 4 of the law on Consular jurisdiction) the officer authorised to have cognisance under this jurisdiction is empowered to menace the non-observance of such regulations with imprisonment up to three months' simple confinement, fine, and with the confiscation of single objects, subject to the scope of powers to that effect conferred upon him by special decree on the part of the Chancellor of the Empire.

§ 4. The German Consular Court of Apia is nominated to be the Court of Appeals and Complaints in civil suits, bankruptcy proceedings, and all matters not pertaining to actionable jurisdiction.

In the procedure before the Court of Appeals and Complaints the issue of writs† is regulated by the corresponding mode of procedure of the first instance before the Consular Court. The employment of attorneys is not compulsory.

§ 5. To the extent of ways and means available within the protected dominion the officer charged with the administration of justice has to provide for the greatest possible safety with regard to the transmission of all writs, &c. To this effect he issues the needful regulations, and supervises their observance.

§ 6. The decisions ensuing upon verbal process in civil-suit procedure before the Courts of law within the protected dominion are to be served *ex officio*. In point of decisions merely referring to the hearing or judicial conduct of a case, inclusive of the return or adjournment of days of hearing, a publication is sufficient.

The indorsement of certification upon writs, &c., issued, may in all cases be effected by the Clerk of the Court.

If a writ be intended to secure the appearance on, or the observance of, a day fixed, or to prevent the lapse of a term, or to interrupt limitation of actions, its operative legal qualities stand effective from the day of presentation to the Court of the respective document or papers to be served or communicated, provided such document or papers be thereon issued for delivery.

The public announcement of a summons having been granted, the Court may, by orders to that effect, dispense with a notice in the newspapers.

Writs to be served beyond the limits of the protected dominion ensue by way of request.

Should a party dwelling beyond the limits of the protected dominion have no attorney residing within the same and qualified to meet the exigencies of an action, it may be ruled that such party

* Issued at Berlin, 9th June, 1886.

† *Translator's Note.*—The term "writ" is here and throughout this translation adopted to render the German expression "Zustellung" (plural "Zustellungen"), indicating all writs, documents, legal notifications, or other communications of any kind issued, transmitted, or delivered by a Court or Public Office.

do duly empower a person residing within the protected dominion to receive papers and documents on his or their behalf. The order to this effect may be issued without verbal proceedings thereon. The privilege is barred of opposing such orders. The person empowered to receive papers and documents is to be named either at the next hearing in Court, or previous to that in any paper or document which the party might forward to the opponent side before a hearing. Until a person be thus named, all writs, &c., may be served by means of a notice on the board of the Court.

The evidence in testimony of a writ having been served is to be reposit with the Court records.

§ 7. Issue of execution within the protected dominion rests exclusively with the officer vested with the power of jurisdiction. So far as writs of execution would have to be made out by the Clerk of the Protected Dominion Court, it is not necessary to produce them.

On issuing execution, the officer may depute other persons to give it effect, the latter having to proceed according to his directions.

§ 8. Writs of execution cannot be made out by the Clerk of the Court in the protected dominion except by order of the officer vested with the power of jurisdiction.

§ 9. The law on judicial costs, and the rules regulating the fees of bailiffs, witnesses, experts, and attorneys-at-law, are not applicable in the procedure before the judicial Courts within the protected dominion. Until further notice, the charges recoverable shall only cover the disbursements and expenses actually incurred. Beyond this, the Chancellor of the Empire decides as to the regulations that are to replace the laws above cited.

§ 10. Within the protected dominion of the New Guinea Company the law of the 4th May, 1870, on "Marriage and the Registration of German subjects residing abroad" (Confederacy Gazette, p. 599), comes into force on the 1st September, 1886, applying to all persons who are not natives (§ 2, sentence 2).

In witness whereof our most august own hand and affixed Imperial Great Seal.

Given at Berlin, June 5, 1886.

WILHELM.

Prince BISMARCK.

No. 4.

The AGENT-GENERAL to the PREMIER.

Tonga.

7, Westminster Chambers, London, S.W., 9th August, 1887.

IN continuation of my letter of the 6th ultimo, No. 1031, I forward herewith, for the information No. 2. of the Hon. the Minister, three copies of the High Commissioner's report on the recent disturbances at Tonga.

WALTER KENNAWAY,

(For the Agent-General.)

Enclosure.

REPORT by Sir C. MITCHELL, High Commissioner for the Western Pacific, in connection with the Recent Disturbances in and the Affairs of Tonga.

Sir C. MITCHELL to Sir H. HOLLAND.

SIR,— High Commissioner's Office, Western Pacific, Suva, Fiji, 6th May, 1887.

I have the honour to report that, in obedience to your telegraphic instructions, I left Suva in Her Majesty's ship "Diamond" on the 24th March. I arrived at Nukualofa, Friendly Islands, on the 27th (Sunday), in the afternoon.

2. On Acting Vice-Consul Leefe coming on board I gave him a letter, of which I enclose a copy, which I requested him to deliver to the King of Tonga; and early in the following morning I received the reply, of which I also enclose a copy.

3. As that reply was perfectly satisfactory, I waited on the King on Monday at the hour named by him, and was accompanied by the Chief Judicial Commissioner, by Captain Clayton, and by several of the officers of Her Majesty's ship "Diamond;" also by the Acting Vice-Consul.

4. Mr. Baker, the Premier, interpreted; but very little beyond ordinary civilities passed between the King and me, the only allusion to the troubles made by the King being that he considered Mr. Moulton and Mr. Hanslip were at the bottom of the whole matter. To this I, of course, made no reply.

5. During the interval between my receipt of your orders and my departure from Fiji I had endeavoured, but without success, to obtain a competent Tongan-English interpreter. There are natives who speak both Tongan and Fijian, and there are many Europeans who speak Fijian and English; but I felt that, with languages such as the Tongan and Fijian—each of them difficult of literal translation into English—a double interpretation would be certain to prove cumbrous, and would be likely to prove inexact.

6. I knew that all the Europeans in Tonga had, more or less, taken sides in the quarrel between Mr. Moulton and Mr. Baker, and that, consequently, I could scarcely employ one of them to interpret in an inquiry which mainly concerned those two gentlemen.

7. In this dilemma I determined to adopt the following course: As I understood the inquiry was attributable to the complaints made by the Wesleyan body of New South Wales, I called upon Mr. Moulton to furnish me with a schedule of complaints; and I told Mr. Baker that I should look to him to undertake the refutation of the charges made against the King's Government, or against himself personally.

2—A. 3.

8. I required these gentlemen to procure their own witnesses, and I told them that I should expect them both to be present in Court during the whole inquiry, and to interpret the evidence of their own witnesses, each serving as a check on the other's interpretation. This mode of proceeding was carried out with the utmost success. There were a few disputed interpretations, all but one or two of which were settled immediately. Of those phrases in which they were unable to agree the shorthand notes will show the alternative renderings.

9. Mr. Baker and Mr. Moulton came on board the "Diamond," at my request, on the afternoon of Monday, the 28th March, and we agreed—

(1.) That the inquiry should be deemed to extend from the setting-up of the Free Church in January, 1885, until the date of my arrival in March, 1887.

(2.) That it should be divided into three periods, namely,—

(a.) The alleged persecutions of the Wesleyans by the Tongan Government prior to the attempt on Mr. Baker's life on the 13th January, 1887;

(b.) The period including that attempt, and before the arrival of the force sent for by the King from Haapai and Vavau; and

(c.) The alleged persecutions and ill-treatment of Wesleyans subsequent to the arrival of these men.

(3.) That, although either side would be at liberty to take its own notes, those only taken in shorthand by Mr. Collet, the Secretary to the High Commissioner, should be relied on as a record of evidence.

(4.) That Mr. Moulton should hand in a list of all the witnesses living at distant portions of the group, and of any other persons whose presence he could not himself procure; and that Mr. Baker, on the part of the Government, should undertake that these men would be produced. (This last arrangement was afterwards modified in the case of the witnesses from Vavau, for whom it was agreed to send a small interinsular steamer that was expected to arrive about that date: but, as this vessel broke down somewhere in the Fiji group, and did not come to Tonga, the Vavau evidence was not procured.)

(5.) That the inquiry should be an open one, accessible to any persons, either Tongan or European, who might wish to attend it. (*Note.*—An exception was made to this in the case of the King, who could not have been reasonably expected to give evidence in an inquiry held within his own dominions.)

10. On the afternoon of Tuesday I went, by appointment, to the Palace, accompanied by the Chief Judicial Commissioner and by the Secretary to the High Commissioner. I had arranged that, as Mr. Moulton was personally obnoxious to the King, a gentleman (Mr. Parker) should attend the meeting on Mr. Moulton's behalf, to check Mr. Baker's translation of my questions and of the King's replies. I append a copy of these questions and replies. The King's manner to me was courteous, and his replies straightforward and unhesitating. I may here remark that I saw no indication, either on this occasion or on that of any of the many subsequent interviews I had with the King, of his mental incapacity, or of his being under Mr. Baker's control. On the contrary, his mind appeared to me to be clear, his manner decisive, and his whole bearing that of a man of strong will and independent character.

11. Having received from Mr. Moulton on the following (Wednesday) morning a schedule of his complaints, under the heads (a) and (c) mentioned in paragraph 9, subsection (2), I opened my inquiry at the Consulate that afternoon, and continued it from day to day until the evening of Saturday, the 23rd April, excepting only on Saturday, the 2nd April (on which day the Chief Judicial Commissioner occupied the Consulate with the trial of Mr. Hanslip on the charges mentioned in my despatch of the 18th March); on Good Friday (on which day it was thought undesirable, in view of religious scruples, to sit); on Monday and Tuesday, the 11th and 12th April (given to Mr. Baker, on the conclusion of Mr. Moulton's case, in order that he might prepare his refutation); and on the three Sundays. On the Monday succeeding the close of the inquiry I saw all the British subjects and a good number of the other European and American residents at the Consulate, and heard their complaints on matters other than that I had inquired into. None of these were grave. I impressed on all those present the great importance of their abstaining from interfering with the Tongan Government; and I assured them that, in my opinion, their lives and property were as safe in Tonga as they would be in any part of the civilised world. On Monday (25th April) I addressed a letter to the King, of which I enclose a copy, containing the advice I thought it necessary before leaving to tender to His Majesty. On the following day I received the satisfactory reply of which I also enclose a copy. This letter was brought on board by Mr. Baker, who informed me, in addition to its contents, that the King was prepared to allow of the reopening of the Tubou Wesleyan College (broken up by his orders) with the limit of thirty pupils, and with certain restrictions as to the readmission of those recently attending that institution. Matters having been thus, in my opinion, satisfactorily settled, I took my leave of the King at a "faikava" ring to which he had summoned all the chiefs and leading men, and I availed myself of this opportunity to assure him, in their presence, of the good-will felt by Her Majesty's Government for Tonga. The King's manner was very cordial at parting.

12. Having thus briefly recorded the general line of my proceedings, I will now furnish you, in narrative form, with my conclusions as to the origin and the history of the recent troubles in Tonga. I shall attach a summary of the evidence *pro* and *con.* in each complaint made, and the conclusion I have arrived at thereon. I shall also attach, for purposes of present reference, a transcript of the notes of evidence kindly taken for me by Mr. Clarke, Chief Judicial Commissioner, on which the above-named summary is founded, and I shall transmit, as soon as it can be completed, the voluminous *verbatim* report taken in shorthand by Mr. Collet, the Secretary to the High Commissioner, and calculated by him to amount to nearly 4,000 folios. In all cases the numbers, either in the margin, in the body of the report, or in the summary of evidence, will be found to be those attached to each witness in the notes of evidence and in the *verbatim* report.

13. For many years past there has been a growing desire on the part of the King, chiefs, and people of Tonga to assume a more independent position in the Wesleyan body than that hitherto accorded to them. I find in the year 1874 the Secretary of the Tongan Government addressing the New South Wales and Queensland Conference, to which Tonga was attached as a missionary district, a letter of which I enclose a copy. The Conference appears to have taken this letter into consideration, and to have made some small concession in the direction required; that is to say that, in lieu of the independence asked for, it allowed the formation of a Home Mission Contingent Fund and the admission of the laity to a voice in its distribution. It is to this inadequate treatment of a well-founded complaint that I attribute all the subsequent disputes, and the eventual secession of the Tongan Wesleyan body. I cannot think that this Conference could have been well informed as to the grave discontent that even then existed in the minds of both King and people by reason of so large a sum of money leaving Tonga every year without the people who subscribed it having any real voice in its disposal. Had the concessions made by a subsequent Conference (that of 1881) of making Tonga a separate district been made at this time I have but little doubt but that all these troubles would have been prevented.

14. In December, 1875, the King signed a lease granting to four trustees, for a term of ninety-nine years, the properties then occupied by the Wesleyan Church, on condition of the trustees executing (subject to certain restrictions) sub-leases to trustees to be appointed in accordance with the usages of the Wesleyan Church as expressed in a declaration of trust called the "Model Deed," which was signed by the four trustees at the time of execution of the lease. None of these sub-leases have up to this day been executed. I append copy of the lease and of the "Model Deed." At this date Mr. Baker was the Chairman of the District.

15. In 1879 the Australasian Wesleyan Missionary Society Board of Management sent a Committee to Tonga to inquire into Mr. Baker's conduct, and its report was considered at the New South Wales and Queensland Conference of 1880, the result being the recall of Mr. Baker from Tonga, much, apparently, to the annoyance of the King, who thereupon wrote to the Conference to again ask that Tonga should be constituted an independent district. The consideration of this request was relegated to the General Australasian Methodist Conference to be held in Adelaide in 1881. The King had in the meantime (December, 1880) issued a Proclamation, of which a copy is appended, in which, after expressing his determination that independence should be obtained by the Tongan Wesleyan Church, he called upon his chiefs and people who were related to him or connected with his Government to abstain from subscribing to or aiding the Church. The substance of this the King appears to have conveyed in his speech to his Parliament shortly afterwards. Mr. Baker about this time (April, 1881) accepted the Premiership of the Tongan Government, after having appeared before the New South Wales Conference in January, 1881, and resigned his appointment as a Wesleyan missionary. Mr. Moulton, who had been a missionary in Tonga for many years, and who had a few months previously returned from an absence of some three years, was now appointed Chairman of the Tongan District in the place of Mr. Watkin, who had been appointed Chairman in succession to Mr. Baker, the former gentleman being withdrawn from Tonga and appointed to a station in New South Wales.

16. The General Conference which sat in Adelaide in May, 1881, appears to have granted what was believed to be the desire of the King and people—namely, the erection of Tonga into a district of New South Wales, and its removal from the control of the Board of Missions; and this arrangement appears to have been carried out from the beginning of 1882.

17. I may here state that for several years previous to 1882 the subscriptions of the islanders in support of their Mission were very large, amounting in fact to several thousand pounds in each year. Out of this the expenses of the Mission were defrayed, but there still remained a very considerable sum that was spent away from Tonga; notably in 1876 this surplus is admitted to have reached between £2,000 and £3,000. The King and his supporters had therefore a very real grievance, which grievance would, as I have said before, I think, have been rectified had the Conference which considered the appeal of 1874 acted in the spirit of the Adelaide Conference of 1881.

18. But it was then too late; the King had the idea of absolute separation firmly fixed in his mind. He had the impression that he had not been fairly treated by the New South Wales Conference; Mr. Baker, who had probably used his influence to restrain the King's action before 1881, was no longer the District Chairman, nor even a missionary of the Wesleyan Church in Tonga, and, it may well be believed, was now using his influence in the other direction; and, to crown all, the Conference had directed Mr. Watkin, who was high in the King's favour, to leave Tonga.

19. Mr. Watkin's recall by the New South Wales Conference—a decision, I should remark, that was afterwards revoked at the King's request—made the King very angry, and a communication was received by telegraph from Mr. Baker, then apparently in Auckland, to the President of the Adelaide General Conference, which had closed the day before (28th May), after having, as I have said, created Tonga a separate district, embodying fresh demands—viz., that Tonga should be an independent district attached to New Zealand, and that Mr. Watkin should be reinstated—and threatening secession in the event of refusal. The King appears to have been informed that this demand arrived too late for consideration by the Conference; and no further action was taken until 1884, when the King again applied to the General Conference, this time sitting in Christchurch, New Zealand.

20. I cannot discover when the King's dislike for Mr. Moulton, the newly-appointed Chairman of the District, began. They appear during Mr. Moulton's former stay in Tonga to have been close friends. It is alleged that the King took offence at Mr. Moulton's having translated a petition got up and signed by certain Tongans praying for the annexation of Tonga to Great Britain. This was in 1882. But, whatever may have been the cause, the King appears to have conceived a bitter and irreconcilable dislike to Mr. Moulton about this period. At the district meeting of the Wesleyan Church in Tonga certain charges were preferred against Mr. Moulton, the particulars of which will be found in the Tongan Government Blue Book annexed. These charges

were gone into by the New South Wales Conference of 1884, and its decision was virtually an acquittal of Mr. Moulton.

21. I have said that the General Conference, to which the last appeal had been addressed, assembled at Christchurch, New Zealand, in the end of 1884, appointed a Committee to visit Tonga; but before the arrival of that Committee, and even, I think, before the news of its appointment could have reached the islands, a Free Wesleyan Church was started at Haapai by Mr. Baker. Mr. Baker's account of this transaction will be found in his evidence; and, although he denies having set up this Church, I think the evidence bears out the contrary assertion; and I think, moreover, that the secession had been prearranged with the King. This event apparently took place on Sunday, the 4th January, 1885.

22. The Committee sent from Christchurch appears to have done its utmost to bring about a reconciliation, and even agreed to the withdrawal of Mr. Moulton if Mr. Watkin also left Tonga. The attachment of Tonga as an independent district to the Conference of Victoria and Tasmania was agreed to by both sides; but to the withdrawal of Mr. Watkin the King would not consent, and the negotiations consequently terminated unsuccessfully.

23. I have dwelt thus far on the differences existing between the Wesleyan Conference of New South Wales and Queensland, on the one side, and the King of Tonga, with his adviser, Mr. Baker, on the other; and I have done so because I feel that the discord ensuing from this quarrel has been the all-potent factor in the events that followed.

24. Very shortly after the institution of the Free Church the King appears to have held a *fono* (meeting at which the will of the King or Government is declared) at Uiha, at which he expressed his desire that all who loved him should join his Church. This in itself may be regarded, perhaps, as a perfectly legitimate expression of the King's desire for religious unity in his kingdom; but it must be remembered that it is not long since that the wish of the King was the law of the land, and all native evidence brought before me went to prove that the great bulk of the chiefs and people still so regard it. The King himself, in answer to my questions, said that he considered it was the duty of all loyal subjects to act in this matter as he wished them to act.

25. There can be no doubt that this expression of the King's wish or will travelled quickly throughout the islands; and *fonos* were held in all directions, at which the King and the chiefs harangued their people and pressed them to join the Free Church.

26. The great bulk of the people apparently, on hearing what was the will of the King, acted as he desired; but a considerable number remained true to their original Church, and were more or less hardly treated by their chiefs for what was then designated as "disobedience to the King."

27. The difficulty of decision to even the most intelligent of the Wesleyan natives—and some of them are very intelligent—was enhanced by the fact that there was no difference of doctrine between the Churches; that the King's Church was, so they were told, still the Wesleyan Church; by the very imperfect knowledge that any of them—even the so-called nobles, who are members of the King's Council—had of the provisions of the Constitution, or appreciation of the obligations which it imposed upon the King. It is therefore surprising to me that so large a number still adhered to Mr. Moulton. In many cases these people were treated with more or less cruelty. Beatings were not infrequent, and deportations were common. I do not wish it to be understood that the newspaper accounts of these persecutions in 1885 and 1886 are true; on the contrary, they are full of exaggerations. But there is sufficient truth in them to justify me in saying that during those years the remaining adherents of the Wesleyan Church were unfairly, and, in many instances, cruelly, treated. During all this time I am bound to say that neither the King nor his Premier showed any disposition to interfere. On the contrary, they appear to have sought, by the passing of certain laws during the latter part of 1885, to intensify the difficulties under which the Wesleyans were labouring. Two laws appear to me to have had this tendency; and, although Mr. Baker has denied that they were passed with the object I have indicated, I have no doubt, from the false interpretation that was allowed to be put upon them, and from the use made of their provisions, that they were meant to force the Wesleyans into obedience to the King's will.

28. By the first of these laws it was made penal to preach or to attend a preaching in any place where there were less than six residents of the same denomination as the preacher. The word used to express residents was "*kakai totonu*," and this was, in the application of the law, held to mean—and I believe, in strict interpretation, does mean—persons whose ancestors belong to the land on which the town had been built. The oppressive action of this construction of the law cannot be over-estimated. In Tonga, where genealogies are much studied, it was not difficult for the Town Ruler, or for the police, to prove to the satisfaction of a Police Magistrate, such as Togatea (see his evidence, Nos. 104, 106, and 113), that, out of an assemblage of, perhaps, thirty persons, not six had lived in the place from time immemorial, the consequence being the infliction of a heavy fine on all present. In one instance, that of Foui, those present who belonged, and whose ancestors belonged, to an adjacent piece of ground called "*Lolopoaga*," on which no houses had ever been built, but the cultivators of which had always dwelt in Foui, were held not to be *kakai totonu* of that town, and twenty-nine of them were fined 24 dollars each for attending a preaching there. Comment on this is needless. The idea of passing this law appears to have been derived from the old English Conventicles Act, 22 Car. II., cap. 1.

29. The same law contained a provision that unless thirty persons of any denomination lived in a place it should not be lawful for them to have a caretaker (held to include teacher or minister) sent to the town. This had its meaning strained by the deportation from the villages where land had been granted to the Wesleyans, and churches had been erected, of their ministers and caretakers; and advantage was taken by Government of their forced absence to carry into effect a law relative to the weeding and cleaning of grounds, which law it was utterly impossible for them to comply with, against the responsible Wesleyan authorities; and these were in many instances fined large sums, and, in default of payment, were committed for hard-labour imprisonment. Mr. Baker admitted in his evidence that the law contained no provision to justify these deportations.

30. I may here, parenthetically, remark that imprisonment in Tonga in default of payment of a fine means that the person shall be employed at Government work, which he must execute to the value of 1s. a day until the amount of the fine is paid; but that it does not necessarily imply that he is subject to any actual restraint beyond that of locality. He may, if he pleases, sleep in the gaol; but he is generally permitted to live in his home, and, in that case, must feed himself.

31. The second law to which I have alluded is a land-law, under which the chief of a district, or of a particular piece of land, may summon to return to the cultivation of that land any persons whom he may discover elsewhere who are *kakai totomu* to his land. This law was reversed in its application, and was held to justify the expulsion from any town or village of persons who were discovered by the chief of that town or village not to be *kakai totomu* to his land, although, in some cases, they had cultivated their *abis* (individual holdings) for generations. This straining of the law was not, I am bound to say, the result of a judicial decision, but was the pretext urged by the chiefs, and apparently concurred in by the Government, to justify many of the deportations both before and after the law was passed.

32. In September, 1885, or two months before the passing of these laws, Mr. Thurston, as Assistant High Commissioner and Acting Consul-General, paid a visit to Nukualofa (see his report to the Foreign Office, No. 22, of the 30th September, 1885). The King was then at Haapai. Mr. Thurston found that a large number of Wesleyans had been collected from all parts of the group at Nukualofa by the King's orders, to await, as he had said, the coming of the man-of-war which Mr. Moulton had threatened should take away the people to Fiji: the assertion that this threat was ever used rested, I may here remark, on very slender foundations. Mr. Thurston remonstrated with Mr. Baker at this unjust detention, and he was promised that the people should return to their homes; and they were, in fact, permitted to do so some few weeks afterwards. Mr. Thurston appears to have done his utmost to counsel moderation on both sides; but either his advice was misinterpreted to the King, or the King himself invented the stories that were put about, for it was reported everywhere that the Governor of Fiji had come to tell the King Mr. Moulton was to be at once withdrawn; that the British Vice-Consul was in disgrace; that the Governor had reproved the Wesleyans and told them they were the cause of the trouble; that no man-of-war would come to Tonga, &c.

33. I attach some importance to this matter from the fact that a paper, or rather two papers, were put in evidence by Mr. Moulton (attached hereto with translations), and purported to be the instructions given by the King, then at Haapai, to a constable whom he had sent to hold one of the then frequent *fonos*, and was dropped accidentally by him, picked up by a Wesleyan, and by him given to his minister. Mr. Baker denied the authenticity of this paper, and so, in a hesitating manner, did the policeman who was asserted to have been its bearer. Not being satisfied with this repudiation, I procured specimens of the handwriting of all the Government writers then in Haapai, and the letter was proved to my satisfaction, and subsequently admitted by Mr. Baker, to have been written by a Government scribe called Apaiata Kaitu. The handwriting in the disputed document was also recognised independently by a former Government scribe called Akapusi as being Apaiata Kaitu's.

34. Mr. Baker, when this was proved, at once sought to establish that the King was alone responsible for the instructions contained in this document, and that he (Mr. Baker) had made no such representations to the King of the results of Mr. Thurston's visit as were contained in it. Mr. Baker produced the man who had carried the letter from Mr. Baker purporting to contain an account of the Assistant High Commissioner's visit to the King at Haapai, and this man swore that, after reading Mr. Baker's letter, the King had asked him (the messenger) whether there were any reports current in Nukualofa, giving him at the same time a pencil and a piece of paper, and directing him to write them down. This the man, who cannot write, asserted that he did by the help of another man, and the rumours that he stated he wrote down to a great extent corresponded with statements in the disputed paper.

35. I told Mr. Baker that the most satisfactory proof to me of his not having misinformed the King would be the production of his letter to the King, or of the office copy of it, or even of the paper said to have been written by his witness at the order of the King. Mr. Baker was unable to produce either of these documents.

36. Immediately after the occurrence of this episode, the King, who was still in Haapai, gave orders that the remaining Wesleyans in that part of the group should be confined in the Mission premises of Lifuka, the capital of Haapai, where they were kept for about two months, suffering considerable hardships. This was no doubt done by the direct order of the King.

37. In the latter part of 1886 the militia organization appears to have been used by Mr. Baker for the purpose of bringing pressure to bear on the Wesleyans. On one occasion we find him inspecting the Militia with a view to the selection for discharge of those too old to serve, and we find the question being put to each man fallen out of the ranks, "Are you Wesleyan or Free Church?" If the former, he was directed to re-enter the ranks; if the latter, he was allowed his discharge.

38. There was also the enrolment of a large number of the students of the Wesleyan College in the Militia, and the trial and punishment by the Magistrate of those who declined to take the oath. Further, Mr. Baker directed a Court-martial to be held on two of these students who had been acquitted by the Magistrate, and himself directed, in writing, that they should be sentenced to two years' imprisonment (letters and translation enclosed).

39. I do not know that I need further dwell on the occurrences during the first stage of the period under inquiry. I have said enough to show you that, even then, the will of the King was deliberately substituted for the law and the Constitution, and that no adequate protection was afforded to those who chose to remain Wesleyans in spite of the King's will.

40. I now come to what I may call the second phase of events—namely, the attempted assassination of Mr. Baker.

41. For some months previous to January, 1887, four escaped convicts appear to have been at large in the jungle at Mua. Various attempts appear to have been made to capture these men, which failed, owing, as is alleged, to the sympathy felt for them by the inhabitants of Mua. A petty chief, named Tobui, who had in 1884 returned there from banishment at Haapai, a banishment inflicted on him for having originated the petition for annexation to England alluded to in paragraph 20 of this despatch, was especially obnoxious to the Government, which believed him to be the ringleader of the anti-Government party at Mua. There can be little doubt that this man, with others, was in constant communication with these outlaws, and I think that such evidence as was forthcoming at the Court of Inquiry justified the belief that he instigated the attack on Mr. Baker which was made by the four convicts.

42. This attack took place on the evening of Thursday, the 13th January, 1887. Mr. Baker was not touched, but his son and daughter were grievously wounded.

43. The action of the King was prompt and decisive. Efforts appear to have been at once made to capture the convicts, the last of whom appears to have surrendered on the Monday following the attack, and Tobui with many others was arrested for complicity in the attempted assassination. A message appears to have reached the King from Tugi on the Saturday, which he appears to have construed as meaning the breaking-out of civil war; although, in reality, the only faction in arms against the Government appears to have been that of these four wretched convicts, who, for a short time, chose to assume a defiant attitude. Tobui, whom the Government regarded as their leader, had been arrested at Mua that morning, and was actually seen by the messenger from Tugi to the King, as he left the Palace, in Nukualofa, where Tobui had just arrived a prisoner from Mua. All the men from Western Tongatabu were ordered to rendezvous at Mua, and they came with faces blackened and all the paraphernalia of Tongan war.

44. Whether the King believed in the existence of a widespread conspiracy against him or not I cannot say. I am inclined to think he did not. He, at any rate, acted as though he did, and by the advice of Mr. Baker, and contrary, as it appeared, to his own judgment at the time, he sent for the men from Haapai and Vavau to come armed to him with all speed. Mr. Baker was perhaps, from the natural agitation following the narrow escape he had had of his life, not the best adviser the King could, at this moment, have had; and Mr. Baker admits that, viewed in the light of subsequent events, the advice to send for these men was unwise.

45. My own opinion is that had a political conspiracy existed—and I am far from denying that one did—the King could easily have crushed it with the force he could have brought to bear from other parts of Tongatabu, and should never have exposed that island to the almost certain excesses of their old enemies at Haapai.

46. The convicts having surrendered, and the other arrests having been made, such tranquillity as existed previous to the attempted assassination appears to have returned.

47. With the arrival of the Haapai men, which commenced on Tuesday, the 18th January, begins the third of the divisions of my inquiry.

48. I could not discover the exact terms of the message sent by the King to command these men's attendance; but there is no doubt that they considered themselves from the first as at war with the Wesleyans of Tongatabu. The King and Mr. Baker addressed them, begging them to observe order and to act under command, but in vain. They plundered the Wesleyans right and left, and distributed themselves in bands over the whole island for the double purpose of obtaining plunder and of converting the Wesleyans. Besides Nukualofa, the Towns of Fuamotu, Kologa, Niutoua, Nukunuku, Matahau, Houma, Patai, and Maufaga were subject to one or more visits from these marauders; and, although the plunder was confined to pigs, native cloth, and objects of no great value in themselves, still it was all these poor people possessed; and when, as in some cases it did, brutal ill-treatment accompanied robbery, the patience with which the Wesleyans endured their troubles astonishes me, and I can only attribute it to the good influence and pacific counsels of Mr. Moulton.

49. I do not think it was proved that the attacks of these so-called warriors were confined to the property of Wesleyans—I am inclined to believe that others than Wesleyans were plundered; but there can be no doubt that the Wesleyans were, out of all proportion, the greatest sufferers.

50. About this time the chiefs also appear to have considered the opportunity of viewing the attack on Mr. Baker as the result of a Wesleyan conspiracy as too good to be lost. Constant *fonos* were held, at which the people were beaten and otherwise ill-treated, and in the end their fortitude generally appears to have given way, and they nearly all went over to the Free Church.

51. The King and Mr. Baker appear to have acted half-heartedly in suppressing these disturbances. Tugi and Ata in fact deposed that they had received from Mr. Baker in the early part of 1885 orders to "act strongly," and they appear to have considered that these orders were still in force. The latter, in relation to the later beatings of his people, stated that he knew they would be beaten at Nukualofa, and he therefore thought they had better be beaten by him (implying that they would thus be mercifully treated), and that it must be the Government's will to beat them, for the Government could stop it in a moment if they chose to. The former excused himself for not stopping the thrashing of people in his presence by saying it was being done by one over whom he had no authority, and who he supposed was acting on higher instructions. This latter evidence is noteworthy, as Tugi is the highest chief in Tonga, and the person who was beating the prisoners was an adopted son of the King, who claimed in his evidence that he had an inherited right to thrash people.

52. I have no doubt, from the evidence of Tuuhetoka, the Minister of Police, that, had the Government placed at his disposal a sufficient force for the purpose, order might have been restored at any moment; or, if the King had simply indicated to the high chiefs that these riots must stop, stopped they would have been at once. But there was undoubtedly a feeling in the minds of all concerned that any action that should end in the extinction of the "Fakaogo" (Wesleyan) Church would not be unacceptable to the King or to Mr. Baker.

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

initiated by Messrs. Leefe and Moulton, for finding an asylum for the small remnant in Fiji, was taken (see my despatch of the 11th March, 1887): about ninety men, women, and children were brought to these islands in two schooners, and I have provided them with homes. This occurrence forms, I think somewhat unreasonably, the ground of two of Mr. Moulton's charges—the first two of charge 6 of the second series. The so-called “banishment” of these people was really their voluntary withdrawal in order to avoid joining the Free Church.

60. In speaking of the unfair laws that had been passed during 1885, I omitted to mention an Order in Council that shortly followed them, to the effect that, where two churches of different denominations existed within 600yds. of one another in the same town, the regulation of their times of worship should rest with the local Government authority. This order, considering the part taken by the Government and by the chiefs, was unfair; and an instance of the working of the rule, quoted by Mr. Moulton, will show this. The Wesleyans greatly affect what are known as “Watch-night” services—that is, the watching on the night of the 31st December for the coming of the new year. In 1886–87 the enforcement of this order practically deprived the Wesleyans of these services.

61. Since the setting-up of the Free Church the King has demanded from the Wesleyans the return to him of a piece of ground, held from him apparently on sufferance, close to the large Wesleyan church in Nukualofa; and on it proposes to build a large Free church. This would bring the Wesleyan church within the operation of the above-quoted Order in Council. I received, however, before leaving, a letter from Mr. Baker, assuring me that in this case the Order in Council would not be put in force; and I have received the same assurance in a letter under the King's hand, to which I have already referred, and to which I shall again refer further on.

62. I have alluded, in paragraph 11, to a concession made by the King, as conveyed to me by Mr. Baker, that the Tubou Wesleyan College would be allowed to be reopened under certain restrictions. The closing of this college, which closely followed on the attempt on Mr. Baker's life, was a very arbitrary act. The King and Mr. Baker had apparently long regarded this institution with jealousy, as a rival to the Government College established some years before. I have referred, in paragraph 38, to the enrolment of a large number of the students in the militia, and I may add that neither from the Government nor from the Roman Catholic College were students at this time enrolled. I have also spoken of the severe, and, in two cases, of the utterly illegal, punishment inflicted on such of these students as declined to take the militia oath which was tendered to them. After the attack upon him Mr. Baker appears to have thought, and to have made the King think, that this college was a focus of rebellion. I gave him during the inquiry every opportunity of making and proving this charge; but he did not avail himself of it, and ended by declaring that he did not now believe that either the Wesleyans as a body, or the Tubou collegians as a body, had plotted against him or the King. The college, however, was broken up by the King's order, and, up to the time of my leaving Tonga, had not been reconstituted. I hope, however, that the promise made to me, to which I have alluded, will be faithfully kept.

63. Having thus sketched out for your information the sequence of events during these troubles, I proceed to give you my conclusions therefrom; and I begin by saying that the Constitution of Tonga, of which I annex a copy, has, in the course of these events, been utterly set aside, and the King's will substituted therefor. The theory of freedom of worship, so clearly laid down therein (section 5), has been practically a dead-letter from the moment the King determined to support the Free Church; and the provision for the establishment of martial law, which (I think, somewhat cumbrously) requires the assent of the Legislature, was also ignored. The fact seems to be that neither the King, Mr. Baker, nor any one else gave one thought to the Constitution during the excitement consequent upon the attack upon the Premier. The statement of the King having declared that war existed at Mua after he had received Tugi's message is, in my opinion, an after-thought. Neither the Cabinet, the Privy Council, nor the Legislature was consulted then or thereafter. The King, acting on Mr. Baker's advice, is alone responsible for all that followed, and, although there is no direct proof that either of them encouraged the chiefs in their acts of lawlessness, there is also no direct proof that they exerted themselves to repress them. As to the opinion of the chiefs with reference to the carrying-out of the will of the King, without regarding the law of the land, I would refer you to the evidence of Lajike (No. 103) and of Haloholo (No. 96).

64. The chiefs, moreover, appear to consider that their power over their retainers is not limited by law. Lavaka (No. 90) says he “held a *fono* against Government orders, because it was amongst his own people.” Tubouleva (No. 81) obeys Lavaka, although he knows Government had forbidden him to hold a *fono*. Haloholo (No. 96) understands he can “do what he likes with his own people.” If his people disobey him he takes the matter into his own hands. Lavulo (No. 98) says, “Chiefs take matters into their own hands.” Paula Vehala (No. 127) says, “It is true that the people are free and have a Constitution, but if the people are disobedient the chiefs deal with them” (justifying the thrashing of people for refusing to be Free Church).

65. On one point I think there can be no difference of opinion, and that is on the absolute loyalty of all the people, without distinction of rank or creed, to King George Tubou. The very people who disobeyed him in the matter of the Free Church would, I believe, die for him if he were in danger. If a conspiracy existed in the end of 1886—and I am inclined to believe that one did exist—it was directed against Mr. Baker and his Government, and not against the King.

66. Of the general dislike felt by the King, the chiefs, and the majority of the people for the rule exercised over their Church by the New South Wales Conference, there was a good deal of evidence. I think that this dislike has been growing for years. It is founded, to a great extent, on ignorance of actual facts, has been fostered by the chiefs, who saw in it what they considered to be a dangerous interference with their own authority, and also, and chiefly, is attributable to the dilatory action on the part of the Conference to adequately meet the real grievances that for so many years existed.

67. There can also be little doubt that the difficulty of drawing any real distinction between

the Wesleyan and the Free Church as regards doctrine, &c., has had a great effect. I called upon Messrs. Moulton, Baker, and Watkin to each give me his views on this point, and I append these documents. I would also refer to the opinion of a very intelligent native minister, Joeli Nau (No. 10), who, when examined by me on this point, said, "I should have had no difficulty in joining the Free Church had it not been for the persecutions." The chief Lajike (No. 103), and the Free Church native minister Filipe Togilava (No. 131), also gave intelligent evidence on this point.

68. The conclusion to which I have arrived is not favourable to Mr. Baker; although great allowances must be made for the difficulties of his position in the earlier, and for the perturbation of mind (caused by the attempt to assassinate him) during the later, period. I should, undoubtedly, have exercised the power vested in me, under the Western Pacific Order in Council, of prohibiting Mr. Baker from remaining in Tonga for a period, had it not been that I felt that his presence with the King would, after the warning which my visit to Tonga had given, be the best means of preserving peace.

69. I therefore determined on writing to the King, and advising him to at once take steps to reverse his former action, and to restore to the Wesleyans their religious privileges; also to take steps to restrain the action of his chiefs; and I decided to show the King that the retention of Mr. Baker in Tonga would greatly depend on what the terms of the answer to my letter should be. A copy of my letter and of the reply of the King have already been attached (see paragraph 11).

70. I submit that the King's answer is satisfactory, and that if he keeps his promises—and I believe he will do so to the best of his ability—there will be no further trouble of any importance with regard to the religious differences in Tonga.

71. I beg to convey to you my sense of appreciation of the valuable help afforded to me throughout this inquiry by Mr. Clarke, the Chief Justice of Fiji and Chief Judicial Commissioner of the High Commission. His calm judgment and power of sifting evidence were of the greatest use to me; and, without his aid, I question if I should have been able to complete my task in even the considerable time it actually occupied. To Mr. Collet, the Secretary to the High Commissioner, I am also indebted for the cheerfulness with which he undertook the tedious work of taking down evidence during a period of over six hours a day for eighteen days. In conclusion, I trust that the direction contained in your telegraphic message to "report fully" has been carried out.

I have, &c.,

C. B. H. MITCHELL.

Sub-Enclosure 1.

Sir C. MITCHELL to the KING of TONGA.

SIR, MY FRIEND,—

"Diamond," at Nukualofa, Tonga, 25th April, 1887.

I have concluded the task intrusted to me by Her Majesty's Government, and it only remains for me to thank your Majesty, as I now do, for the ready aid which you have afforded me, and for the kindness with which you have received me.

I told your Majesty at our last interview that the one wish of Her Majesty's Government, as regards Tonga, was that your Majesty's rule should continue to be as wise and beneficent as, before the breaking-out of the late unhappy differences, it had always been. I told you that the good-will always felt by Great Britain for Tonga would enable me to come to your Majesty as to a friend, and to tender to you such advice as to your Majesty's future course as would, in my opinion, tend to blot out the memory of the past trouble, and to confirm your Majesty in the affections of your people, and to establish you in the good opinion of the civilised world. This advice I now proceed to offer, in the full hope that it will be received by your Majesty in the same friendly spirit as that in which it is tendered.

I find that, during the two years succeeding the establishment of the Free Church in Tonga, many of your subjects were harassed by their chiefs in order to compel them to join that Church. It has not been asserted that this was done in consequence of orders received from your Majesty, but it was evident that, in acting as they did, the chiefs believed that they were carrying out your Majesty's wishes.

I find that the attempt on Mr. Baker's life was not the result of a Wesleyan conspiracy. When, however, the men summoned by your Majesty from Haapai and Vavau arrived in Tonga, I find that they at once proceeded, in conjunction with certain of the tribes of Tongatabu, to beat, despoil, and generally persecute those who still adhered to the Wesleyan Church; and that, although your Majesty on more than one occasion personally interfered to prevent these actions, they nevertheless continued for a considerable time—until, in fact, nearly the whole of the Wesleyans had, under compulsion, joined the Free Church.

I need not point out to your Majesty that actions such as these are in contravention of the Constitution granted by your Majesty to your subjects. I am well aware that your Majesty regards these actions with displeasure. I will therefore proceed to point out what I think your Majesty should do, now that the land is tranquil, in order to heal the sores left by these unfortunate events.

I think that a general amnesty for acts done during the past disturbances should be proclaimed, and that all political prisoners now in confinement should be released, under such conditions as to your Majesty may seem right.

I advise that a Proclamation be issued restoring, in the fullest degree, liberty to your Majesty's subjects to worship in accordance with their conscience; and that your Majesty should intimate to the various chiefs that your grave displeasure would follow any acts on their part designed to prevent the enjoyment by your people of their full religious rights.

If your Majesty could also take measures to repeal the laws known as "of the Six" and "of

the Thirty," I think it would be well to do so; but, at any rate, the first-mentioned law should be so altered as to include *bonâ fide* residents in any town within its operation.

If your Majesty would allow me to extend the advice I am now offering beyond the strict limits of my duty, I would suggest that negotiations be entered into with a view to again connecting the Wesleyan Church in Tonga, of whatever denomination, with the Wesleyan body elsewhere. Nothing would, in my opinion, tend to the permanent tranquillity of your Majesty's kingdom so much as the exchange of a voluntary and heartfelt union of your Majesty's Wesleyan subjects for the forced union which must now, to a considerable extent, as a consequence of recent events, prevail. If my poor aid and influence can in any way conduce to the attainment of this object, they are most heartily at your Majesty's service for the purpose.

I have received evidence that would, in my opinion and in that of the Chief Judicial Commissioner, justify my putting in force against Mr. Baker the power intrusted to me, under the Western Pacific Order in Council, of prohibiting a British subject who is dangerous to the peace and good order of the Western Pacific from residing within such limits as I may deem necessary. I am, however, most unwilling to exercise this power, for the following reasons:—

1. I know that Mr. Baker has rendered great and valuable services to the Tongan Government, and that your Majesty regards him with feelings of friendship and esteem.

2. I believe that, if your Majesty should decide to follow the advice I have ventured to offer, Mr. Baker would be the most able and fitting instrument for carrying into effect your orders thereupon.

3. That Mr. Baker is at present suffering much anxiety from the illness of his son and daughter, caused during the attempt made on his life, and that it would be, for the present, impossible to remove those members of his family from Tonga.

I trust, however, that the intimation of your Majesty's concurrence in the steps I have advised your Majesty to take will enable me to deem it consistent with my duty to abstain, as regards Mr. Baker, from exercising the powers vested in my office.

I should be glad to receive a reply to this my letter at your Majesty's early convenience, as I am unwilling to detain Her Majesty's ship longer than is absolutely necessary.

I desire to repeat, on behalf of my Government, the expression of the feeling of friendship and esteem felt for your Majesty and for the Tongan people by Her Most Gracious Majesty the Queen and by the British nation; and

I have, &c.,

C. B. H. MITCHELL.

Sub-Enclosure 2.

The KING of TONGA to Sir C. MITCHELL.

[TRANSLATION.]

SIR, MY FRIEND,—

King's Palace, Tonga, 26th April, 1887.

I received your despatch of yesterday, and thank you for the same.

From that letter I perceive there are three things you wish me to take notice of:—

1. To grant an amnesty to those prisoners who were concerned in the late disturbances.

2. To make a Proclamation that it is free for all persons to perform their worship according to the dictates of their conscience.

3. To repeal the Laws of the Six and of the Thirty.

With regard to the first, I am perfectly willing to grant it, and I have instructed Mr. Baker with respect to it.

As to the second, before three weeks are past I will call all the chiefs of Tongatabu together and tell them the Constitution will be carried out, "That every man be free to perform his worship according to the dictates of their own conscience, and should any chief act otherwise he shall be brought up to be punished according to law."*

With respect to the repeal of the Laws of the Six and of the Thirty, I am not willing they should be repealed, but that the Law of the Six should be understood to mean residents who have been one year in any town. And with reference to the further letter of to-day *in re* the Free Church site at Nukualofa, I am willing that the Law of the 300 Fathoms shall not be applied to the same.

And if your Excellency would kindly initiate negotiations with the Wesleyan Church in the colonies on the plan proposed by the New Zealand Conference, I should be glad; and that is my mind.

And with reference to Mr. Baker, if I and the chiefs had listened to Mr. Baker's advice there would have been no persecutions.

But I am prepared to promise that there shall be no more persecutions of Wesleyans because of their religion, and should any chief do so he shall be judged.

With many thanks for your expressions of regard and friendship, my love.

JIOAGI TUBOU.

No. 5.

The SECRETARY of STATE for the COLONIES to the OFFICER ADMINISTERING THE GOVERNMENT.

SIR,—

Downing Street, 5th September, 1887.

With reference to my circular despatch of the 7th July last, I have the honour to transmit to you, for the information of your Government, a copy of a despatch from Her Majesty's

* A like command will also be sent to Haapai and Vavau.—(Initialled) J. T.

Chargé d'Affaires at Berlin, enclosing the text and a translation of a law passed by the German Reichstag amending the consular jurisdiction introduced into the German Protectorate in regard to the law of real property.

I also transmit to you a copy of a further despatch from Mr. Scott, with an Imperial Decree introducing a system of land-legislation in the Protectorate of the New Guinea Company.

I desire to draw particular attention to Articles 10 and 12 of this decree.

The Officer Administering the Government of New Zealand.

I have, &c.,

H. T. HOLLAND.

Enclosure 1.

Mr. SCOTT to the Marquis of SALISBURY.

MY LORD,—

Berlin, 16th July, 1887.

With reference to your Lordship's Despatch No. 318, of the 4th instant, I have the honour to state that the German Protectorate Jurisdiction Law, referred to in the Report of Parliamentary Proceedings enclosed in Sir E. Malet's No. 235, of the 30th June, was under discussion in draft form only. It aimed at amending the law of the 17th April, 1886, text and translation of which were forwarded in Sir E. Malet's No. 148, of the 23rd April of this year, as, on further consideration, it was found that in certain particulars, and especially in regard to the law of real property, the Consular Jurisdiction Law, introduced into the Protectorates by the law of the 17th April, could not be satisfactorily adapted to the circumstances of some of the new Protectorates.

The new draft of law submitted by the Government to the Reichstag was eventually rejected in favour of an amended draft, which simply alters the law of the 17th April, 1886, by the introduction of a single new paragraph into section 3.

By this paragraph the Imperial Executive is authorised, if necessary, to lay down by Imperial Order other rules of law relating to real property than those indicated in section 2 of the law of the 17th April, 1886.

A law to this effect has just received the Imperial sanction, and was published in last night's Gazette.

I have the honour to enclose text and translation herewith.

I have, &c.,

CHARLES S. SCOTT.

Sub-Enclosure.

[Extract from the "Imperial Gazette" of 15th July, 1887.]

[TRANSLATION.]

LAW respecting the ALTERATION of the LAW referring to Legal Jurisdiction in German Protectorates of 17th April, 1886 ("Reichs-Gesetzblatt," p. 75).

WE, William, by the Grace of God German Emperor, King of Prussia, &c., ordain in the name of the Empire, with the consent of the Federal Council and of the Imperial Parliament, as follows:—

Only Paragraph.—The following number shall be added to § 3 of the law respecting legal jurisdiction in German Protectorates of the 17th April, 1886 ("Reichs-Gesetzblatt," p. 75):—

(6.) Can lay down a regulation for legal jurisdiction as to real property, different from the prescriptions laid down in § 2 of this law.

Given under our hand and seal, Bad-Ems, 7th July, 1867.

VON SCHELLING.
Count BISMARCK.

WILLIAM.

Enclosure 2.

Mr. SCOTT to the Marquis of SALISBURY.

MY LORD,—

Berlin, 30th July, 1887.

With reference to my Despatch No. 268, of the 16th instant, and to previous despatches from this Embassy, enclosing copies of laws establishing German jurisdiction in the territories of the Imperial Protectorates, I have the honour to forward herewith the text and translation of an Imperial decree introducing, under the authority of the special clause inserted, by the law of the 7th July, 1887, in the law of the 17th April, 1886, a system of land-legislation for the territories of the New Guinea Protectorate.

Your Lordship will perceive that the system is the same as that in force in Prussia, which is based on the principle of registration of titles, and laid down in detail in the Prussian law of the 5th May, 1872, reported on in my memorandum enclosed in Sir E. Malet's No. 196, of the 28th May.

It will also be observed that, by Article 12 of the present decree, the provisions relating to proof of title are not to prejudice the provisions of No. 4 of the Anglo-German Declaration of the 10th April, 1886, but that the obligation of registering titles will apply to British claims as soon as they have been decided on by the Mixed Commission.

The decree is to take effect from the 1st October of the present year.

I have, &c.,

CHARLES S. SCOTT.

Sub-Enclosure.

[Extract from the "Reichs-Gesetzblatt," No. 30.]

[TRANSLATION.]

Law respecting the Acquisition of Property and the Real Burdening of Land in the Protectorate of the New Guinea Company.

WE, William, by the Grace of God German Emperor, King of Prussia, &c., decree, on the authority of § 3 of the law concerning legal conditions in the German Protectorates in the sense of the law of the 7th July, 1887 ("Reichs-Gesetzblatt," p. 307), as follows, in the name of the Empire:—

§ 1. The acquisition of property and the real burdening of land in the territory of the Protectorate of the New Guinea Company is regulated, in so far as not otherwise provided for, in the following articles, in accordance with the provisions of Prussian law, and especially of the law of the 5th May, 1872 (Collection of Laws, p. 433), concerning acquisition of property, real burdens on land, mines, and independent rights.

§ 2. The declarations of surrender and transfer by the registered owner and new acquirer (§ 2 of the law of the 5th May, 1872) may also be made in writing. Sometimes delivery of the two declarations is not necessary.

§ 3. The provisions of the law for the acquisition of property and of the Ground Register of the 5th May, 1872, referring to ground debts, are not applicable. In their place, provisions necessary for the execution of this order will be issued by the Chancellor of the Empire, after consultation with the directors of the New Guinea Company.

§ 4. The preceding provisions are not applicable to the acquisition of unoccupied lands or to lands belonging to natives. But lands entered in the "Grundbuch" are subject to the provisions of §§ 1 to 3, even when they pass into the hands of natives.

§ 5. The principles to be followed in the case of acquisition of land by contract with the natives, or by annexing unoccupied lands—a right exclusively reserved to the New Guinea Company by the Imperial Charter of Protection of the 17th May, 1885—will be fixed by the New Guinea Company, with the sanction of the Chancellor of the Empire.

The registration of lands thus acquired by the New Guinea Company takes place on the authority of a certificate of acquisition to be issued by the Governor ("Landeshauptmann"), or by an official duly empowered by him.

§ 6. Other persons can only derive rights from appropriation of unoccupied lands, or from contracts with the natives respecting the acquisition or mortgaging of land, if the acquisition has taken place prior to the 21st May, 1885.

§ 7. The following provisions are to be in force for acquisition of the kind indicated in § 6:—

In the case of appropriation of unoccupied land, it is necessary, for the effectual validity of the title, that actual possession shall have been taken of the land in question before the 21st May, 1885, and, further, that the possession shall not have been subsequently given up or otherwise lost.

In the case of acquisition by contract with natives, it is necessary that a contract shall have been concluded, either in writing or by word of mouth, between the owner and purchaser in the intention of transferring and acquiring the property, and that possession shall have been transferred, and not subsequently given up or otherwise lost.

§ 8. The provision in the third paragraph of § 7 is also to be applied to transfers of land between non-natives which may have taken place before this order comes into force.

§ 9. As regards the islands of the Solomon group belonging to the Protectorate, the date of the 28th October, 1886, is to be substituted for that indicated in §§ 6 and 7.

§ 10. Any person claiming land property in the territory of the Protectorate of the New Guinea Company on the strength of titles such as are indicated in § 6 must apply for the registration of his title in the "Grundbuch" before the 1st March, 1888. Claims to title not made good by such application before that date lose all legal validity.

This provision does not apply to claims founded on titles which have been entered, before the date of this law's coming into force, in the "Grundbuch" or Register for Land-acquisitions opened by the Imperial Commissioner.

The acquirers of titles mentioned in the preceding paragraph may, however, on the application of the overseer of the station where the "Grundbuch" is kept, be required by the competent authorities of the "Grundbuch" to apply for the registration of their property in the new "Grundbuch."

For this purpose each proprietor, by a separate order, is to have a delay of at least three months allowed him, and to be officially warned that, on the expiration of this delay, his claim will lose all its legal validity.

§ 11. In the cases indicated in § 10 the application for registration is to be communicated in writing, with vouchers, to the overseer of the station in whose district the "Grundbuch" is kept, and accompanied by a summons to establish, within, at the utmost, three months, any objections which there may be to the registration, founded on the exclusive right of the New Guinea Company to acquire land.

If such objections are raised within the time allowed, the applicant for registration is to be informed thereof, and officially summoned to make good his claim against the New Guinea Company, by legal action, within a strict term of six months.

If the New Guinea Company has raised no objections within the time allowed, the registration is to take place, provided that in other respects the examination of the applicant's title, and of that of any predecessor in title, establishes its legal validity.

To complete proof, the "Grundbuch" authorities can undertake proper inquiry, and also issue a public notice calling upon any persons to lodge any counter-claims. For this purpose a delay of

at least three months is to be given. The notice is to be affixed on the notice-board of the Courthouse.

The "Grundbuch" authorities can dispense with the measures prescribed in the preceding paragraph in case the applicant or any legal predecessor in ownership has been in undisturbed possession of the land in question for the last three years at least.

§ 12. The provisions of No. 4 of the Declaration respecting reciprocal freedom of trade and A.-5, 1887, intercourse in the German and English possessions and Protectorates in the Western Pacific of the Sess. I., No. 5. 10th April, 1886, are not affected by §§ 7 and the following.

But the provision in the last paragraph of § 10 is to apply to the claims of British subjects as soon as they have been established by the decision of the Mixed Commission provided for in No. 4 of the said Declaration.

§ 13. The provisions of this decree do not oppose the issue of subsequent provisions introducing restrictions on rights of property for the protection of natives, or otherwise in the public interest.

This decree is to come into force on the 1st October, 1887.

Given under our hand and seal, Bad Gastein, the 20th July, 1887.

WILLIAM.
Count BISMARCK.

No. 6.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 16th September, 1887.

I beg to enclose a variety of extracts from recent newspapers relating to the Pacific islands.

In the House of Commons, on the 8th instant, Sir James Fergusson, Under-Secretary of State for the Colonies, announced the receipt of intelligence from Samoa, through the Governor of New Zealand, to the effect that the German Consul, supported by the squadron then at Apia, had deposed Malietoa and set up Tamasese in his stead. On the 12th Sir James further informed the House that the British Consul at Samoa had been ordered to observe a strict neutrality, and that Her Majesty's Government had received assurances from the German Government that their action at Samoa did not affect the relations with the three Powers who had made treaties with Malietoa.

A leading English paper, referring to the incident, says that Germany must be admitted to have the strongest claim to be the "mandatory Power" in Samoa, and that, if she cares to take the responsibility, no obstacles should be thrown in her way. But this takes no account of the United States, whereas their Government are seriously dissatisfied at this high-handed proceeding of Germany, and do not seem inclined to submit to it: indeed, a change has suddenly come over the position as it existed in May, when I was saying that the United States might be expected to throw their weight into the scale in favour of Germany being chosen as the "mandatory Power." Sir John Thurston, who had gone from Fiji, as you are aware, to attend the Washington Conference, was sent for by the Colonial Office, and arrived here three weeks ago; we were talking together over Pacific Island affairs only a few hours before the news came of the fresh complication that had just arisen at Samoa. Nothing has yet been done at Washington.

I lately sent you Sir Charles Mitchell's report, with the proceedings at the inquiry held by him No. 4. upon the affairs of Tonga. Sir Henry Holland has told the House of Commons that, while he would not overrule the High Commissioner's action, the Rev. Mr. Baker had been warned that he was under the jurisdiction of that officer, and might be deported from the islands at any moment.

A short discussion took place in the House of Commons (while in Committee of Supply on the Civil Service votes) respecting the arrangement come to with Queensland about New Guinea; but I suppose New Guinea affairs have ceased to be of much interest to New Zealand.

The French Government are paying more attention than heretofore to the Island of Rapa. The Governor of Tahiti has lately made an official inspection round the islands under his Government, and, while he was at Rapa, visited a coal-mine which had been discovered by the cropping-out of lignite. The island is now to be placed under the Administrator of Tubuai.

The French Colonial Office has told the Governors of New Caledonia and Guiana to report upon a scheme for encouraging colonisation in these possessions. State aid is to be given, and agricultural centres to be created capable of receiving five or six hundred people. Convicts are to make roads, clear land, and build villages. The cost is to be shared between the Mother-country and the colony, and the cleared land is to be sold to colonists on deferred payment. The scheme is treated as chimerical at Paris, on the ground that official colonisation has been tried over and over again at Algiers and elsewhere, and always with the same result of total failure.

The Hon. the Premier, Wellington.

I have, &c.,
F. D. BELL.

Enclosures.

[Extract from the *Times*, Saturday, 3rd September, 1887.]

NEW GUINEA.

SIR G. CAMPBELL asked the Secretary of State for the Colonies whether, in the event of the compliance of the Australian Colonies with the terms on which Her Majesty's Government have expressed their willingness to annex the portion of New Guinea not claimed by Germany or Holland, Her Majesty's Government propose to act on the opinion of their law advisers (quoted at

page 136, vol. 2, of "Proceedings of the Colonial Conference") "that the territory when annexed must be taken to have been acquired by settlement and not by conquest or cession;" and whether they really intend to treat the territory as settled by Her Majesty's subjects and to constitute a "British settlement," so as to render applicable Act 23 and 24 Vict., cap. 121, of the new British Settlements Act in case that should be passed into law.

Sir H. HOLLAND.—The honourable member has correctly stated the intentions of Her Majesty's Government, who in such a matter are guided by the opinion of the law advisers. There is no doubt that the territory of British New Guinea, over which it is intended to proclaim the Queen's sovereignty, comes fully within the terms of section 1 of the Act 23 and 24 Vict., cap. 121. As a matter of fact for a long time past missionary, trading, and other settlements have been made on the coast of New Guinea, and in some cases have been maintained, and, as I previously stated, any delay in establishing the Queen's sovereignty in British New Guinea would tend to cause great injury to the natives. I may add that the British Settlements Bill gives no further powers to Her Majesty as to administration than she possesses under existing Acts.

In reply to a further question,

Sir H. HOLLAND said,—The honourable baronet had clearly blocked the Bill named under an evident misapprehension; it had really to do with New Guinea, and he therefore hoped the block would be removed.

[Extract from the *Times*, Wednesday, 7th September, 1887.]

SUPPLY—CIVIL SERVICE ESTIMATES.

The House then went into Committee of Supply on the Civil Service votes.

Sir G. CAMPBELL moved a reduction under subhead "M" of £250, being part of the salary of the Deputy-Commissioner of New Guinea. He did so for the purpose of calling attention to the policy which was being pursued with regard to New Guinea. To that policy he very much objected. He complained that Queensland had been allowed to have its own way in the matter of territory, and to bully this country. As to New Guinea, the colony was very cautious. It was a question with them, "Heads, I win; tails, you lose." The colony had carefully limited the amount it was to contribute, and it was made quite clear that if the £15,000 was not sufficient the deficit would have to be made good by the British taxpayer. He quoted the opinion of the late Colonial Secretary, who had stated that £15,000 would not be sufficient. He maintained that under the present law we had no power to annex the territory to Queensland.

Sir H. HOLLAND said the law advisers said there was no doubt about the matter.

Sir G. CAMPBELL said that Her Majesty's law advisers gave the opinion that the territories when annexed must be taken to have been acquired, as distinguished from conquest and cession. If the law advisers were so confident that under the present law we were entitled to treat the territory as a British settlement, why had the Government placed such an unnatural definition in their British Settlement Bill at present before Parliament? In his view, Her Majesty's Government were not entitled under the existing law to treat New Guinea as a British settlement, to annex it, and to deal with it under that title. In support of this contention, he cited the Falkland Islands law, and remarked that in no sense could it be said that this great, unknown, and unexplored territory was really a British settlement. It was a fiction, and the perversion of a plain meaning contained in the statute. But, whether the annexation be legal or illegal, as a matter of expediency he should not object to what he might call a nominal annexation, which should enable the Government to assume jurisdiction along the coast in order to keep off marauding foreigners and to protect the native tribes. But the Government were departing from that principle, and were inflicting the grossest injustice on the natives by handing over the control of this colony to Queensland. The proper course to pursue was that recommended by Sir Peter Scratchley when he said that New Guinea must be governed for the natives by the natives. ("Hear, hear," from Sir H. Holland.) He was delighted to hear the right honourable gentleman assent to that view; but in his view the right honourable gentleman was not going to take the course recommended. The right honourable gentleman was going to basely surrender the natives whom he ought to protect to the Government of Queensland, and to appoint an administrator, who was to be under the orders of the Executive Government of Queensland. He believed the Government had departed from the principle of governing New Guinea on the principle he so much desired to see adopted, and which the Colonial Secretary seemed to approve—by the natives for the natives. He moved the reduction of the vote by £250 as part of the salary of Deputy Commissioner for New Guinea.

Sir H. HOLLAND said the honourable member had repeated about twenty times that the Government were going to hand over New Guinea to Queensland: indeed, the whole of the honourable gentleman's argument was based on that assumption. The whole of the honourable gentleman's argument from beginning to end was incorrect. The Government were not going to hand over New Guinea to Queensland. Any one who took the trouble to read the discussion on, as well as the schedule of, the Queensland Bill, which provided for the expenses of the government of British New Guinea, must see that this country kept New Guinea entirely in its own hands. There was really no foundation for the contention of the honourable member that we were practically going to hand over New Guinea to Queensland. It would not be unnatural that the Australasian colonies should desire to see in British hands the land on the other side of the Straits; but the feeling was not confined to Queensland as to the desirableness of claiming sovereignty over New Guinea. The feeling was universally felt throughout the colonies of Australia, and with the exception of South Australia they were all subscribing towards the expenses of New Guinea. Therefore the honourable member was wrong when he assumed that Queensland alone was interested in New Guinea. It was by no means clear that the other Australasian colonies would be prepared, even if Queensland desired it, to see New Guinea handed over to Queensland. The honourable member had thought fit to go back to the very old com-

plaint of the ill-treatment of Polynesians in Queensland. The honourable member must be aware that a Commission was appointed at their own instigation to examine into the charges, and that the whole system had been changed. These natives had been returned to their own islands, and everything had been done by the Queensland Government within the past year or two to conduct the system on a proper footing. He was the more surprised at the honourable member bringing this question forward now, because he read a short time ago a book entitled "The British Empire," written by Sir George Campbell. (Laughter.) The writer of that book admitted that Queensland had turned over a new leaf, and that practically the colony was free from those charges. Of course he did not wish to put too much weight on the authority of that writer, but still he thought it right to quote his opinion. (Laughter.) The honourable member seemed to think that the Government had made no provision for the natives. He referred the honourable gentleman to page 210 of the second volume of the discussions at the Colonial Conference. He would see there that paragraphs 9, 10, and 11 most carefully protected the natives in regard to the buying of land by private persons, the prohibition of the deportation of natives except under ordinances reserved for Her Majesty's assent; and trading with natives in arms, intoxicants, &c., was absolutely prohibited except under ordinance reserved for Her Majesty's assent. In short, every protection was given to the natives, and he was convinced that this measure would be one of undoubted benefit to them. The honourable member seemed to think that the Government had pursued a different policy from that of their predecessors. In 1881 Lord Derby was in favour of a protectorate. His immediate predecessor, the present Secretary of State for War, was of the same opinion, as was shown by his telegram of the 14th August, 1885, in which he said Her Majesty's Government were willing to proclaim a sovereignty. There was no material variation between the proposal approved by his predecessor and the present arrangement. He did not know that there was anything more to answer, because the whole point of the honourable member's speech was that we were handing it over to Queensland. He could not then enter upon a discussion of the Settlements Bill, although he must say that the honourable member's statement of it was profoundly incorrect. He said now, as he had said before, that New Guinea did not come under the head of conquest or cession, and that it was a settlement long inhabited by some British settlers. It was a British settlement, and subject to the Act of 31 and 32 Vict., cap. 151. With regard to the point as to registration of land-purchasers in the Western Pacific Islands, that subject was also brought before the Colonial Conference. All other countries were allowing registration of purchases of land by their people—Germans, Dutch, Spanish, and Portuguese—and why we alone of all countries should not allow our subjects to settle in these islands did seem to him unaccountable. That change had been made, and he had to assure the honourable member that if it had been done long ago we should have been saved a great deal of trouble in Samoa and other places. (Hear, hear.)

Mr. W. A. McARTHUR said with respect to the registration of claims to land in the Western Pacific that the want of it had for years stood in the way of the settlement of those islands. He thought it one of the greatest boons that had been conferred upon Australia. (Hear, hear.) Last year he was all through the northern part of Queensland, and saw a good deal of the black labour there, and he never saw a more cheerful or amicable set of men. They were far more independent of their masters, and were a great deal better looked after by the inspectors of labour in the colony, than any English labourer that he knew of. The only regret he felt with regard to our possessions in New Guinea was that they did not extend all over the island. He believed the extension of our authority was good for the natives, for Australia, and for the British Empire, and he sincerely hoped that, so far from the Colonial Office being discouraged in the policy they were pursuing, they would do their best to extend it as far as possible. (Cheers.)

[Extract from the *Times*, Friday, 9th September, 1887.]

SAMOA.

In answer to Mr. A. McARTHUR,

Sir J. FERGUSSON said,—Intelligence has been received through the Governor of New Zealand that, in consequence of complaints against the so-called King Malietoa by German subjects, the German Consul, with the support of a man-of-war, had deposed Malietoa, and proclaimed Tamasese King of Samoa. The British and United States Consuls had protested.

[Extract from the *Times*, Saturday, 10th September, 1887.]

THE EVENTS IN SAMOA.

Sir J. FERGUSSON.—I beg leave to refer to an answer which I gave yesterday to a question put to me at short notice with reference to the recent events in Samoa. I mentioned Malietoa as the so-called King, having in my mind the difference of such a title as applied to the chief of that group; but, as my attention has been called to it, I desire to say that undoubtedly Malietoa has been recognised by Her Majesty's Government as the King of Samoa, and treaties have been made with him in that capacity.

[Extract from the *Times*, Monday, 12th September, 1887.]

GERMANY AND SAMOA.

Berlin, 11th September.

REFERRING to the alleged landing of a German force in Samoa and its high-handed doings there, a *communiqué* in the *North German Gazette* states that no official intelligence on the subject has yet been received at Berlin, and continues,—

"It is true the squadron had orders to demand satisfaction not only for robbery committed on German plantations, but also for an insult offered to the Emperor, and for the cruel treatment of those of his subjects who had celebrated His Majesty's birthday on the 22nd March. Malietoa

refused to give satisfaction, and compensation for probable military action [*sic*] ensued. But the foreign relations of Samoa, especially the equal footing of the three Powers represented there—namely, Germany, England, and America—would not be affected by such intervention. The relations of these three States to Samoa would remain the same in spite of the fall of Malietoa. For some time back Tamasese has ruled as a sort of parallel King, whose authority was virtually recognised by the great bulk of the Samoans themselves, while the Powers have only dealt officially with Malietoa. But to Germany this state of things became intolerable as soon as Malietoa allowed himself to indulge in acts of violence against the German Empire and its subjects."

[Extract from the *Times*, Tuesday, 13th September, 1887.]

GERMANY AND SAMOA.

Dr. TANNER had on the Paper the following questions: "To ask the Under-Secretary of State for Foreign Affairs whether the account received is true—viz., that the German squadron have landed 500 armed men in Samoa; have declared war against Malietoa, the reigning King, and have proclaimed Tamasese, his rival, as king; whether it is true that the former wished to resist, but, owing to a proclamation issued by the English Consul, which declared the English Government would not accept the German nominee (King Tamasese), the late monarch (Malietoa) has not taken action, but has thrown the responsibility of his deposition upon the English Government; and what steps are being taken to prevent undue acrimony and friction with the German local authorities, whose opinion has been enforced by the positive action of a German naval squadron." The honourable member said that, as he saw that Her Majesty's Government were afraid of Germany, he should not put his question.

The SPEAKER.—Order, order.

Sir J. FERGUSSON.—The honourable gentleman has put a question on the Paper, and it is not right that it should remain unanswered. I have already given to the House all the information on the subject possessed by Her Majesty's Government. Her Majesty's Consul has been instructed to observe a strict neutrality. Her Majesty's Government have received assurances from the German Government that the foreign relations of Samoa, especially those with the three treaty Powers, would not be affected by their action.

Dr. TANNER.—Am I to understand that Her Majesty's Government have cried "Peccavi" to the German Consul? (Laughter.)

The SPEAKER.—Order, order.

[Extracts from the *Times*, Wednesday, 14th September, 1887.]

FRENCH CONVICTS IN THE PACIFIC.

To the Editor of the Times.

SIR,—

80, Fleet Street, E.C., 12th September.

An Australian mail arrived in London this morning, and from the *Australasian* weekly newspaper of the 6th August I extract the subjoined paragraph, which, I think, will be generally accepted as an ample and timely corroboration of my letters in the *Times* of the 25th August and the 5th September with respect to the New Hebrides question. A concise statement of fact such as is contained in this paragraph may perhaps be more effectual in arousing public opinion in the British Islands to the pressing importance of the great colonial question of the day than a score of the most elaborately-argued of letters or the most trenchant of leading articles. After reading it, I am sure the readers of the *Times* will say that in my previous communications I have not exaggerated in the slightest degree the danger and the annoyance to which the Australian Colonies are subjected by the presence of ill-regulated French penal settlements in their waters.

I am, &c.,

J. F. HOGAN.

"We have New Caledonian papers to the 22nd July. They report considerable activity in the mining industry, several vessels having sailed direct for Glasgow with full cargoes of chrome and cobalt. Convicts continue to escape from the penal establishments in greater numbers than ever. As many as twenty-three succeeded in getting away in the course of a single fortnight, and it is not improbable that some of these may succeed in effecting a landing in Australia. Five of these fugitives deserted a mine at Pilou, near Onegoa, and, reaching the coast, seized upon a boat and put out to sea. Four other convicts got away from the gang with which they were working, and made for the shores of the Bay of Pouembot, where they were equally fortunate in meeting with a small craft, of which they took possession, and made for the opening in the reef. Orders have been issued to maintain a sharp look-out along the coast, and it is to be hoped that the fugitives will be intercepted, for it is a well-known fact that the criminals who escape in this way are, almost invariably, hardened desperadoes, who carry their lives in their hands and will stick at nothing."

FRENCH EMIGRANTS.

Paris, 13th September.

M. ÉTIENNE, Under-Secretary for the Colonies, in a despatch to the Governors of New Caledonia and Guiana, solicits their co-operation in facilitating immigration into those countries. He admits that hitherto emigrants to the colonies have speedily been discouraged by the first difficulties, and have often had to be shipped back as paupers. He has consequently hesitated to grant passages to farmers impoverished by the phylloxera or agricultural depression. Good results might, however, he thinks, be secured if the Mother-country and the colony gave more assistance, especially as convict-labour might be utilised for tillage, road-making, and building. Settlements for five or six hundred persons might be founded in the unoccupied regions, so as to allow at least fifty acres per household. The land might be cleared and the villages built by convicts, and the farms might then be offered to immigrants, who would pay for them by instalments. When the village was

fairly started, the convicts could erect the mairie, school, and other public buildings, and would then be withdrawn to begin the same process elsewhere.

This is certainly an ingenious plan of emigration made easy, all the pioneering being done by convicts; but if Frenchmen cannot be induced to go to Algeria they are not likely to be tempted to Guiana or New Caledonia.

No. 7.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 4th October, 1887.

A Press telegram from Sydney appeared in the *Times* of to-day to the effect that Malietoa had been put on board the German gunboat "Adler," which had thereupon left Samoa under sealed orders. Another telegram also appeared, from New York, that Mr. Bayard, Secretary of State, had announced that there was nothing in the treaty between the United States and Samoa to call for interference on Malietoa's behalf by the United States Government, so long as American interests were not molested by his deposition. I do not think there is any doubt of the same line being taken here by the Foreign Office.

The Hon. the Premier, Wellington.

I have, &c.,

F. D. BELL.

Enclosures.

[Extracts from the *Times*, Tuesday, 4th October, 1887.]

SAMOA.

Sydney, 3rd October.

ACCORDING to advices from Samoa, King Malietoa, against whom the Germans recently declared war owing to robberies having been committed by his people on German plantations, has now yielded and been sent into exile. He was taken on board the gunboat "Adler," which sailed with sealed orders. Before leaving Malietoa wrote to the British and American Consuls, declaring that he was disappointed at not having received support. All was quiet at Samoa.

THE UNITED STATES AND SAMOA.

New York, 3rd October.

THE *New York Herald* publishes a telegram from Washington stating that Mr. Bayard, Secretary of State, referring to the action of Germany in Samoa, has declared that there is no doubt that the Germans have treated the Samoans harshly. He was previously informed that Germany would take her recent action, but was at the same time assured that America's interests would be protected, and that it was Germany's intention not to annex Samoan territory, but only to punish King Malietoa. Mr. Bayard concluded by stating that there was nothing in the treaty between Samoa and the United States to call for interference on the part of the American Government so long as American interests were unmolested.

No. 8.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 16th December, 1887.

Recent Press telegrams will have made public the appointment of Sir John Thurston to be Governor of Fiji and High Commissioner of the Western Pacific. He leaves for his government in a few days, and I feel sure, from repeated conversations with him, how much concurrence his views would have met with in New Zealand if he could have visited you on his way.

You will also have learnt from Press messages of the departure of 300 more convicts from the Île de Rhé for New Caledonia. I see that some of the Australian newspapers affect surprise at this, and urge new protests being made against the action of France. No one in New Zealand, I imagine, will have shared in that surprise, or have been blinded to the fact that France has had her way throughout in the recent negotiations, and really obtained all she had played for when she sent her troops to the New Hebrides.

New regulations have lately been promulgated by the President of the French Republic respecting the *récidivistes*, but I hardly think New Zealand will take much interest in such matters now.

A Press telegram appeared here a few days ago, to the effect that some account of the course taken by the United States at the recent Conference on Samoan affairs had been allowed to transpire. You will not have been surprised at the altered attitude of the American Government to Germany, after the latter's high-handed proceedings at Apia.

The Hon. the Premier, Wellington.

I have, &c.,

F. D. BELL.

Enclosures.

[Extract from the *Times*, Wednesday, 7th December, 1887.]

FRENCH CONVICTS FOR NEW CALEDONIA.

La Rochelle, 6th December.

THREE hundred convicts embarked this morning at St. Martin de Ré for New Caledonia.

[Extract from the *Times*, Saturday, 10th December, 1887.]

FRANCE AND NEW CALEDONIA.

Melbourne, 9th December.

THE announcement that 300 French convicts have embarked for New Caledonia is attracting considerable attention here, as it was hoped that when the New Hebrides question was settled France would cease to send convicts to the Pacific.

In yesterday's sitting of the Legislative Assembly the Hon. Duncan Gillies, replying to a question drawing attention to the cablegram announcing the intelligence, stated that he had requested the Governor to communicate with the Imperial Government with a view to ascertaining if the information were really true, and, if so, to represent to the French Government the deep feeling prevailing in the colony on the subject.

No. 9.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 12th January, 1888.

I beg to enclose a number of extracts from the *Times* and other papers relating to events which have lately happened in connection with the Pacific Islands.

The declaration of a French Protectorate over the Wallis group is only another step in the carefully designed and calculated policy which the Government of the Republic has been pursuing with regard to that region; and I cannot suppose you will have been at all surprised when the Press announcements of it appeared.

The Hon. the Premier, Wellington.

I have, &c.,

F. D. BELL.

Enclosures.

[Extract from the *Times*, Monday, 2nd January, 1888.]

THE FRENCH IN OCEANIA.

Melbourne, 31st December.

A FRENCH Protectorate has been proclaimed over the Wallis Islands, in the South Pacific, and M. Chauvot, the French Resident, has been appointed Minister to the native Queen.

[Extract from the *Times*, Friday, 6th January, 1888.]

THE WALLIS ISLANDS.

THE latest annexation of France in the Pacific is a tiny group of islands, which would probably have been brought under French protection forty years ago had it not been for Louis Philippe's tenderness towards English susceptibilities. Probably recent German action with reference to Samoa has prompted the annexation, for a glance at the map will show that these islands are just on the western verge of the Samoa group. As, on the other hand, they lie at no very great distance to the north of Fiji, the strategical value of the position is evident. The Wallis Islands are, in fact, about half-way between Samoa and Fiji. The group consists of one small island and about a dozen tiny islets, all of them more or less surrounded by reefs. Unea, the largest, is only seven miles long, and 197 feet high near the centre, but is surrounded by a reef fourteen miles in extent north and south, and nine miles east and west. It lies about 13° 23' S., and 176° W. There are several entrances in the reef, but their navigation is somewhat difficult, so that the value of the islands as a harbour is somewhat doubtful. There are about 4,000 inhabitants on Unea, belonging to the finest of the Pacific races. While many of them are Protestant, the Roman Catholics have been long in the ascendant, and have, no doubt, a strong hold on the people. The island is the residence of a Roman Catholic bishop. It is magnificently wooded and traversed by numerous streams; in the interior is a beautiful lake, occupying the crater of an extinct volcano. The Queen, Amelia, is a devout Catholic, and there is no doubt that the Catholic missionaries have done much to improve and elevate the people. Unlike what is the case in many other Pacific islands, the population here seems to be on the increase.

[Extract from the *Times*, Monday, 26th December, 1887.]

FRANCE AND THE LOYALTY ISLANDS.

SIR,—

To the Editor of the *Times*.

Allow me to add a few words to the information given by your correspondent concerning the Loyalty Islands and the Rev. T. Jones, of the London Missionary Society.

A few years ago I made two visits to the Island of Maré, and on the second occasion spent five days with Mr. Jones at his pleasant mission-station. I was astonished at the very remarkable material results of the missionary work upon this island. The people had become fired with an amount of religious zeal very unusual in the Pacific. They had built a most imposing stone church without any external aid, having even purchased their own tools for the work. This was really a church, with stained-glass windows imported from Sydney and a small tower for a bell. They contributed some hundreds a year to the funds of the society to which Mr. Jones belongs. They paid all the expenses of the numerous native teachers who were stationed throughout the island. They had given Mr. Jones a purse containing £50 upon the twenty-fifth anniversary of his residence, which occurred that year, and they had even contributed 200 francs to the Indian Famine Fund. The tribute which my friend Mr. Penny (late of the Melanesian Mission) pays in your columns this morning to this gentleman, who in less catholic times would have been a rival missionary, is strictly just, and I am glad to be able to add my testimony.

The attitude of the French towards Mr. Jones has been from the very first absolutely unpardonable. Mr. Jones had held his station for a quarter of a century; he had made himself one of the most popular white men in the Western Pacific: but his very success has caused his downfall. For many years the French authorities have bullied and harrassed him beyond endurance, and the result is that the island is divided into two hostile camps, and the followers of the Roman Catholic priests and those of the Protestant missionary have for years been openly at war. Between my first and second visit to the island a pitched battle was fought and twenty-one people were killed. It was sadly evident that all the zeal and religious ardour which Mr. Jones had instilled during twenty years of labour was ready on the slightest provocation to break out into fierce hostility.

With such a condition of things upon a small island Mr. Jones's expulsion was a foregone conclusion. I only wonder that he has remained so long. He was far too powerful a rival for any petty French resident to tolerate. Had the authorities in New Caledonia treated him well, he would have made Maré their most valuable dependency. Having treated him infamously, their only course was to get rid of him. For us there is no redress and no remedy. He cannot be reinstated. One thing only we can do, and it is this: We can learn a lesson we sorely need to learn. We must keep our wits a little more about us, and not again allow ourselves to become so engrossed in party squabbles that any French Foreign Minister of six weeks' experience can checkmate us in three moves.

The Priory, Huntingdon, 22nd December.

Yours, &c.,

WALTER COOTE.

[Extract from the *Times*, Wednesday, 28th December, 1887.]

THE FRENCH AND THE LOYALTY ISLANDS.

To the Editor of the Times.

SIR,—

The attention of the Aborigines Protection Society was called in the early part of 1885 to the persecutions which were then taking place in the Loyalty Islands. At Maré two native Protestant pastors were imprisoned, a native teacher was brutally treated by the soldiers, and the alphabet cards used in the instruction of the native children were publicly burned. A member of our committee (Mr. A. McArthur, M.P.) communicated these and similar facts to the French Protestant Missionary Society in Paris; and in his letter he said, "We had hoped that under the Republic complete religious freedom would be established in the French dominions, and that whether men were Roman Catholics or Protestants they would be at liberty to worship the Almighty according to the dictates of their own conscience." The Paris society took up the matter, and, headed by its President, M. le Baron Bussière, waited upon M. de Freycinet, who was then Minister for Foreign Affairs, in order to ask him to interfere for the protection of religious liberty. In his reply M. de Freycinet declared himself persuaded of the truth of the evidence upon which the allegations depended, and promised that he would take such action that "even the public opinion of foreigners would be convinced of the good intentions of the Government."

We believe that in consequence of M. de Freycinet's interference the persecutions—at least for a time—ceased, and Mr. Jones was left at peace. I have no doubt that when the fact of his expulsion from the islands in which he has done such good work for so many years past comes before Professor de Pressensé and his colleagues of the Paris committee they will be perfectly willing to repeat the service which they rendered two or three years ago. Unfortunately, the changes of Ministry in France are so frequent that the authority of the Government has been perceptibly weakened at the extremities of the empire, and thus orders sent from Paris in perfect good-faith are apt to be variously interpreted by the servants of the Republic in remote parts of the world.

I am, &c.,

F. W. CHESSON.

Aborigines Protection Society, Broadway Chambers, Westminster, 22nd December.

[Extract from the *Times*, Thursday, 29th December, 1887.]

THE FRENCH IN THE PACIFIC.

Auckland, 28th December.

INTELLIGENCE received here from Raiatea, in the Society group, dated the 17th instant, states that the commander of a French naval force of three war-vessels then stationed there had issued an *ultimatum* summoning the rebel natives to submit to King Tamatoa, whom the French were supporting. British interests were not being interfered with.

Evening.

Later intelligence received here states that the French have virtually annexed Raiatea. A number of the chief men of the island refused to submit, whereupon the gunboat "Scorpion" bombarded the hostile villages, and landed a party to destroy them. The French Commander also issued a proclamation stating that the natives would be fined unless they submitted by a certain date.

[Extracts from the *Times*, Friday, 30th December, 1887.]

THE FRENCH IN THE PACIFIC.

Paris, 29th December.

No confirmatory intelligence has been received at the Ministry of Foreign Affairs in reference to the news which has reached Auckland of the bombardment of the Island of Raiatea by the French gunboat "Scorpion."

The *Temps* this evening, referring to the news of the annexation of Raiatea, recalls the fact that that island, which was definitively ceded to France by the New Hebrides Convention, has been virtually annexed to France since 1878. The journal further declares that the recent disturbances

among the natives were brought about by certain foreigners who were engaged in contraband trade with which the French annexation interfered.

NEW GUINEA.

Brisbane, 29th December.

ADVICES received here from Thursday Island state that Mr. Theodore Bevan has returned there from an exploring expedition into the interior of New Guinea, where he found splendid river-systems, forming the highways of a large agricultural country.

[Extract from the *Times*, Thursday, 5th January, 1887.]

THE British Government has for the last three or four years been attempting to procure an international agreement with regard to the traffic in arms and alcohol in the Western Pacific. From the blue-book issued yesterday it appears that the attempt has failed, and that the failure is largely owing to the refusal of the United States to become a party to a convention prohibiting its traders from carrying on the work of civilisation in those regions. There can only be one opinion as to the nefariousness of this traffic, which is rapidly demoralising the natives of nearly every group of islands in the long chain which extends from Fiji to the eastern shores of New Guinea. The spear, bow, and arrow of the Pacific islander are now nearly superseded by arms of precision, to possess which is his ruling passion. Their possession acts as a revelation upon his bloodthirsty instincts. Even before his fingers ever pressed a trigger he was not the incarnation of gentleness and innocence that Rousseau would have liked to think him. But now the unlimited power over human life with which new weapons have invested him is used without any of that sense of responsibility which accompanies their possession by civilised men. He thirsts to spill blood, and he is never at a loss for a pretext for doing so. In every island there is a multiplicity of tribes or septs, with feuds raging between them in plenty. The result is illustrated by the state of things which prevailed in 1884—and which may prevail now for aught that appears to the contrary—in an island curiously named “Pleasant Island.” Pleasant Island is inhabited by about twelve hundred people, none of whom have any religion, and who for the most part drink to excess of sour palm-toddy. “The state of affairs in Pleasant Island appears to be this: The tribes are distinct, and eight out of the eleven have a trader. If a family or tribe wishes to revenge itself upon another family or tribe, they first proceed, cocoanuts in hand, to their particular trader, and purchase ammunition. The trader, knowing perfectly well that the cartridges he is now exchanging for nuts will be used within the next week, possibly that night, for the cold-blooded murder of women and children—for these people do not confine their warfare to the men—eagerly sells it. The purchasers then stalk their victims, and, if the latter do not happen to be looking out, shoot them from behind trees and run away. The family of the people shot then go to their trader for cartridges, and proceed, when a good opportunity presents itself, to stalk the other family. The more quarrels in the island the better for the trader.” Other islanders, instead of killing one another, devote their energies to killing the inhabitants of some neighbouring island. These conditions of society do not exist, of course, in islands occupied by Great Britain or dominated by any civilised Power. But even in Samoa, where German influence is supreme, the active traffic in firearms carried on between Europeans and Natives alone perpetuated the wasteful wars, or intertribal murders, by which the titular King, Malietoa, was harassed. Nor is this all. Bishop Selwyn, of Melanesia, whose letter to the Colonial Office is nearly the last of the series, points out that “the command of firearms has made the attack on ships and boats more frequent and more easy. Any outrage committed by a white man is sure to be avenged by a volley fired at the next boat’s crew that lands. If murder ensues a man-of-war has to be sent and a party landed, often in the face of a heavy fire, exposing valuable lives for the most trivial of causes.” He is corroborated by a striking passage contained in a memorandum issued by the Colonial Office for the information of foreign Governments: “Commander Acland, of Her Majesty’s ship ‘Miranda,’ reports to the Commodore from the New Hebrides on 9th July, 1884, in reference to the boats of the ‘Eliza Mary,’ which had been fired on: ‘At Mattua the natives said the boats were shot at because they think the ship was the “Tongatabu,” which ship had recruited two sons of the chief Brandiree for Maryborough (Queensland), but had taken them to Samoa, where they had died. (The “Eliza Mary” and “Tongatabu” are alike in rig, size, and colour.) They said that they always shoot at Samoa ship, and that black Samoa man shoot boy from tree on shore.’ The ‘Tongatabu’ had been mentioned in previous reports as a vessel flying German colours, and service in Samoa is known to be very unpopular among the islanders.”

It remains to be seen how the natives acquire arms and ammunition. In the first place, there is the simple method of trade. But, apparently, the quantity of firearms supplied through this medium is inconsiderable, because the natives have few commodities sufficiently valuable to barter even for Hamburg guns. Perhaps, however, we should call labour a commodity, and labour is the only thing of value which the natives have to sell. For many years the competition among Australian, Fijian, and Samoan planters for labourers has been severe, and recruiting-vessels have scoured the islands of the Western Pacific for that purpose. Recently it has been found that the most powerful inducement that can be offered to an islander, or to those who have the disposal of him, is the offer of a rifle. In this way arms and ammunition have become a sort of currency, which appeals to the savage mind far more than cash or trinkets. To make it worse, the labourer who had served his time in Queensland or Fiji used to take out part of his wages in the form of a gun, which he would proudly bear back to his home. In this way it is calculated that the natives obtained their large supplies of arms and ammunition. Winchester rifles, repeaters, revolvers, and even dynamite find their way into the islands in large quantities. So much for firearms. The liquor traffic is a mischief which needs no illustration, and which is taken for granted throughout this correspondence. It need only be noted that the supply of inferior and noxious spirit comes mainly

from Sydney. To the credit of the British name it is recorded that, without waiting for the convention which we cherished hopes of securing in order to put an end to both traffics, regulations were introduced in 1884 by the Governments of Queensland and Fiji making it penal to supply arms to natives. These regulations were not introduced without much murmuring on the part of British subjects who had been engaged in the traffic. It was urged that the prohibitions, which could of course only affect British subjects, would simply have the effect of transferring the trade in arms and gunpowder to foreigners, or of causing it to be carried on by unscrupulous Englishmen under a foreign flag. Something of the sort has, in fact, resulted, although not perhaps to the extent anticipated by discontented English traders. The commander of Her Majesty's ship "Miranda," which was despatched on a cruise in the Western Pacific to enforce the regulations, reports that foreigners are actually taking it upon themselves to report the delinquencies of British traders to British officials. Without sympathizing with our unscrupulous countrymen, we may wonder at the consummate impudence of Germans, Americans, and other foreigners, who obtain the punishment of their English rivals for doing that which they are probably doing themselves in perfect safety. While we were thus setting a good example we were endeavouring, though not with overwhelming energy, to secure the concurrence of France, Germany, and the United States, the three Powers principally interested besides ourselves in the Western Pacific, in the principle of prohibition. France gave her adherence almost immediately, on condition of the consent of the other Powers. At Berlin the proposal seems to have been pigeon-holed; at all events, no answer was received. Mr. Bayard, on behalf of the United States, returned the following answer, which is a highly-edifying specimen of morality: "While recognising and highly approving the moral force and general propriety of the proposed regulations, and the responsibility of conducting such traffic under proper and careful restrictions, the Government of the United States does not feel entirely prepared to join in the international understanding proposed, and will therefore, for the present, restrain its action to the employment, in the direction outlined by the suggested arrangement, of a sound discretion in permitting traffic between its own citizens in the articles referred to and the natives of the Western Pacific Islands."

The United States has long borne a reputation for declining to subscribe to principles to which other States conceived it their duty to assent. It has stood out from this proposed Convention, just as it stood out from the Declaration of Paris, the International Copyright Convention, and the Sugar Bounties Convention. The United States must, jointly with Germany, bear the responsibility of allowing this disgraceful traffic to continue. Foreign countries will continue to compete for the honour of demoralising the Western Pacific islanders the quickest. The depopulation of these islands, which will be the inevitable result of a continuance of the trade in arms and alcohol, ought to form a material consideration in determining the policy of the interested Powers. The example of Jamaica shows to what distress a colony may be reduced which is deprived of a bountiful labour-supply. It is very convenient to invent a law by which semi-barbarous races disappear before the stronger; but it is extremely probable that this so-called law is only a euphemism for dealings which are a disgrace to civilisation. To find our own Government striking an independent blow in the interests of humanity is, at all events, satisfactory.

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