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## LEGISLATIVE COUNCIL OF FIJI:

PAPERS RELATIVE TO ENACTMENT OF AN ORDINANCE TO MAKE FURTHER PROVISION FOR THE PEACE AND GOOD ORDER OF THE COLONY.

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*Laid on the Table of both Houses by Leave.*

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[Extract from *Western Pacific Herald*.]

LEGISLATIVE COUNCIL, SATURDAY, 29TH JUNE.

A SPECIAL meeting of the Legislative Council was held on Saturday last, 29th ult. There were present: His Excellency the Governor, the Hons. Receiver-General, Chief Medical Officer, and Commissioner of Works, James Murray, R. Gemmell Smith, and W. Burton.

The minutes of the previous meeting were read and confirmed.

His Excellency swore allegiance to His Majesty the King, and was then resworn as Governor of the colony and High Commissioner for the Western Pacific.

Mr. C. H. H. Irvine, Acting Attorney-General, and Mr. J. A. Joske were then sworn in as new members of the Council.

The Hon. W. Burton rose and said that he had only received his notice convening the meeting on the 27th ultimo, allowing only one clear day; whereas, by clause 4 of the Standing Orders, three clear days' notice shall be given, unless the business was of extreme urgency.

The Governor, in reply, said that the business before the Council was of extreme urgency.

The Hon. the Receiver-General laid on the table a statement of Immigration Fund Account on 31st December, 1900. The statement shows a credit balance at the end of the year of £19,222 1s. 4d.

His Honour the Acting Chief Justice moved that the Regulations made (in terms of the provisions of "The Marine Board Ordinance, 1899") by the Fiji Marine Board on the 12th day of June, 1901, be approved by the Council.

Seconded by the Hon. the Receiver-General, and carried.

His Excellency then read the following message to the Honourable Gentlemen of the Legislative Council:—

"Before the draft Ordinance on the Agenda is read, I desire to explain to the Council why I have caused it to be introduced. You are all doubtless aware that a movement was instituted last year for the annexation of this colony to New Zealand. On the peculiarity of the manner in which it was initiated and the methods by which it has been conducted it is unnecessary for me here to enlarge, as His Majesty's Government has declined to entertain the proposal, and has decided that Fiji is to remain a Crown colony.

"2. It has, however, now come to the knowledge of the local Government that it is the intention of certain persons to enter on a systematic campaign amongst the native Fijians with a view to making them discontented with the present form of government, and inducing some of them, if possible, to express a desire for federation with New Zealand.

"3. The result of permitting such an operation would be, in the first place, to unsettle the minds of the Fijians, to dislocate the machinery of the communal system which is indispensable to their existence, and to substitute chaos; next, to form the loyal majority, and the minority, which no doubt exists in this country, as in all others, of worthless and ill-conditioned characters, into two hostile camps; and, lastly, to lead to disturbances, and not impossibly to bloodshed.

"4. Such results may be regarded with equanimity by the agitators to whom I have referred; but it is obviously the duty of the Government that is responsible for the peace and good order of the colony to do all in its power to prevent the possibility of their occurring.

"5. It is under these circumstances and for these reasons that the Ordinance is introduced, and I am confident that it will commend itself to every right-thinking man in Fiji. Liberty of speech is no doubt an inestimable privilege, and volumes have been written on the priceless nature of this heritage of the Briton; but I have yet to learn that in a mixed community like ours, where the coloured men outnumber the white by some 30 to 1, it should be extended so as to permit its being used for the creation and propagation of disaffection and disturbance amongst a semi-civilised, semi-educated, and excitable race of aborigines."

The Hon. the Acting Attorney-General moved the first reading of an Ordinance to make further provision for the peace and good order of the colony.

Seconded by the Hon. the Receiver-General, and carried.

The Ordinance was read a first time, and is as follows:—

*"Ordinance to make Further Provision for the Peace and Good Order of the Colony."*

"Whereas it is expedient to make further provision for the peace and good order of the colony:

"Be it therefore enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

"1. For the purposes of this Ordinance 'Fijian' shall mean any aboriginal native of Fiji.

"2. Any person who shall cause or attempt to cause any Fijian to be disaffected towards the Government, or who shall induce or attempt to induce any Fijian to take any action having for its object the subversion or alteration of the present form of government shall be guilty of an offence under this Ordinance, and shall be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months."

The Hon. the Acting Attorney-General moved the suspension of the Standing Orders. Seconded by the Hon. the Receiver-General.

Hon. W. Burton objected to the Ordinance being rushed through. If it was so important, members should be given time to consider it. They should not be forced here before having duly considered the Bill, and its bearing on other points.

His Excellency, in reply, said that the Ordinance was an important one, and was also of extreme urgency. It was only a very few lines, and should be easily grasped by any intelligent person in a few minutes.

On the motion being put, all the members voted in its favour, with the exception of Mr. Burton, who voted in the negative.

His Excellency asked if he wished to divide, but Mr. Burton did not claim a division.

The Hon. the Acting Attorney-General moved the second reading of the Ordinance. Seconded by the Hon. the Receiver-General.

The Hon. James Murray said that he wished to say a few words before the Ordinance went further. It had come as a surprise to him, and he had gone into the matter very closely in the time at his disposal, and had made full inquiries. He regretted that such an Ordinance had to be brought forward. He held, and had always held, that it was the duty of every Englishman in this colony, surrounded as we are by half-civilised natives, to uphold the Government in power in this place, more especially as the Fijians were in a transition state, and, although they were advancing year by year, the bulk of them were still savages. He considered it was their duty to support the party in power, whether they agreed entirely or only in part with the present form of government or the details of the present system of government. They must admit that the object the Government had at heart was the betterment of the Fijian, and he would even go so far as to say that the prospects of the settlers had been overlooked in some small degree in order that the Fijians might be better attended to. During the last few years, in the present Governor's administration, more had been done towards bettering the condition of the native, both from a sanitary point and in general improvement, than during the whole of the previous years of the colony's existence. Holding these views, he supported the Bill, although he was not pleased with the wording, and would like to see it changed. Whilst he supported the Ordinance and hoped it would have the desired effect, he thought there were many ways of getting round it. He had seen many ways where disaffection might be carried to the Fijian without the emissaries of agitators being punished, because they would take care to keep out of the way themselves; and he instanced the Irish agitators and the measures adopted by them.

The Hon. W. Burton, in rising to oppose the Ordinance, said that, although there was a general feeling of loyalty to support the Government, he thought it was the privilege of an Englishman to discuss the acts of a Governor if done in a proper manner. The effect of the Bill in question would be to stop ordinary conversation on Government matters between the white man and the Fijian. No end of trouble would ensue, as it was so extremely difficult to restrict it. The Ordinance would prevent a Fijian, if he considered he had a grievance, from ever knowing whether he could obtain relief or appeal from it, as, if he consulted a European, the latter would be liable to six months' imprisonment. Another point they had to consider: It was questionable whether the Ordinance was needed. There were only a few people who had acted in the way suggested, and it was with no idea of disloyalty.

His Excellency: For their own ends.

Mr. Burton: Too much importance has been put on the actions of these men. If this great unrest did exist, it arose more from the action of the Government than from any suggestion as to the advantage to be gained by federation with New Zealand, or the election of representatives to this Council. There would be a constant controversy as to the interpretation of the Act. He

thought that there was more likely to be trouble on the passing of the Act than ever there had been before. It had been brought forward on a moment of alarm.

The Hon. R. Gemmell Smith was in favour of the Bill, but thought unofficial members should know what was the urgency.

His Excellency, in reply to Mr. Smith, said that the Government were going on positive and accurate information, but that, for very obvious reasons, he could not disclose the sources of it.

The Governor, in winding up the debate on the second reading, said, Of the three unofficial members who have spoken to the second reading, two have supported the Bill and one of them has expressed the fear that it does not go far enough, and that means will be found to evade it, while the third has opposed it. The honourable member who has opposed the Bill, though without giving any valid reason for his opposition, has done so with a light heart. And, as far as personal consequences go, he can afford to do so; for he is neither a Fijian, nor a white man living on his property in an isolated situation surrounded by Fijians. Consequently, if the Fijians were goaded into violence by the process which the Bill is intended to prevent, he would not personally suffer in any way. He would neither have to undergo the retribution that would eventually have to be meted out to the Fijians, nor would he run the risk that isolated whites would have to incur at the commencement of disturbances. He is therefore in a perfectly secure position so far as the safety of himself and property are concerned, and can smile at the dangers which it is hoped to obviate by this Ordinance. And, indeed, all of us at this Council Board are practically in a like position of security. But, gentlemen, there is such a thing as duty quite distinct from personal interests, and such a thing as moral responsibility quite independent of personal apprehensions. And if we who have the power to prevent the risks which I have indicated were to sit by and allow them to occur, we should be wanting in our duty, we should incur a terrible responsibility towards both Fijians and whites, and we should become morally liable for the consequences that we had failed to avert. Speaking for myself and the members of my Government alone—for, of course, I have no control over the unofficial members—I am quite willing to take the full responsibility of passing the Ordinance; but I am not willing to take the responsibility of not passing it with the least possible delay.

Mr. Burton: Sir—

His Excellency: You cannot speak again.

Mr. Burton: I beg your pardon, Sir; I can speak to a personal reflection.

Mr. Burton then replied to certain remarks of His Excellency, which he considered were a personal reflection on himself. He wished to state that he had spoken with as full a feeling of the sense of his duty and responsibility as the other honourable members had, and it was wrong to impute that he was influenced by mere personal interest.

The motion was then put and carried, and the Ordinance read a second time.

On the motion of the Hon. Acting Attorney-General, seconded by the Hon. the Receiver-General, the Council went into Committee to consider the Bill.

The first clause was agreed to.

With regard to the second clause, Mr. Murray wished that before the word "disaffected," in the second line, "politically" be inserted, and, after "disaffected," "or insubordinate." He considered the penalty of six months altogether too short for a Fijian, as compared with a European.

His Excellency pointed out that the Ordinance gave power to deal promptly with any case that might arise. He thought the Ordinance would never be used.

Mr. Murray did not like the phrase "or alteration of the present form of government," but had nothing to suggest in lieu of it.

Mr. W. Burton considered that a similar clause to clause 1 should be inserted with respect to the word "disaffected," in clause 2. He thought that the definition of the word "disaffected," referred to by the Acting Attorney-General, should be inserted in the Act.

His Excellency considered it would be mere surplusage.

Mr. Burton then referred to the section by which summary judgment will be given. He considered that it should be by conviction before the Supreme Court.

His Excellency, in replying, said he could not take the responsibility of altering the Ordinance in that respect. He would be very wrong if he did.

The clause was carried.

Council resumed, and the Acting Attorney-General reported that the Bill had passed through Committee without alteration.

On the motion of the Acting Attorney-General, seconded by the Receiver-General, the Ordinance was read a third time and passed.

At the end of the meeting, His Excellency thanked the Council for their attendance, and said that he was gratified, but not surprised, at the almost unanimous support that the Ordinance had received from the unofficial members. And he added that, now the Ordinance had been passed, he expected, and certainly hoped, that its mere existence would obviate any necessity for proceedings being taken under it.

The meeting then adjourned.

[Supplement to the *Royal Gazette*, Tuesday, 2nd July, 1901.]

Fiji.]

[No. 11, 1901.]

AN ORDINANCE to make Further Provision for the Peace and Good Order of the Colony.  
(Enacted by the Governor of the Colony of Fiji with the advice and consent of the Legislative Council thereof.)

[L.S.] G. T. M. O'BRIEN.

29th June, 1901.

WHEREAS it is expedient to make further provision for the peace and good order of the colony :

BE IT THEREFORE ENACTED by the Governor, with the advice and consent of the Legislative Council, as follows :—

## Interpretation clause.

1. For the purposes of this Ordinance "Fijian" shall mean any aboriginal native of Fiji.

To induce Fijian to be disaffected an offence.

2. Any person who shall cause or attempt to cause any Fijian to be disaffected towards the Government, or who shall induce or attempt to induce any Fijian to take any action having for its object the subversion or alteration of the present form of government, shall be guilty of an offence under this Ordinance, and shall be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months.

Passed in Council this twenty-ninth day of June, in the year of our Lord one thousand nine hundred and one.

  
Price 3d.]

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