

WESTERN PACIFIC HIGH COMMISSION

(General)

HIGH COMMISSIONER: APPOINTMENT AND DUTIES OF

S.S. to Gov, Fiji, No. 122, 19.11.77: You will have learnt from other despatches that the Western Pacific Order in Council has been passed by Her Majesty and also that H.M. has been pleased to appoint you Consul General in the W. Pacific. You will also have received H.M.'s Warrant appointing you to be H.C. for the W. Pacific.

These appointments which confer upon you very extensive power and authority will entail upon you numerous duties which may be classed under four heads:

First - Relations with the Representatives of Foreign Powers established within your Consular Jurisdiction.

Second - Relations with the semi-civilized groups of islands in the neighbourhood of Fiji, where a settled form of Government exists, such as the Friendly and Navigation Islands.

Third - The regulation of the labour traffic as carried on by British subjects in the Western Pacific Ocean.

Fourth - The maintenance of law and order among British subjects in those islands where no settled form of Government exists, such as the Solomon Islands and the New Hebrides.

1. Your instructions with respect to the first head will proceed from the Foreign Office from which Department you will also receive instructions with respect to cases in which you may have occasion to communicate on subjects touching questions of Imperial policy with the Government or other recognised authority in any island or group of islands or other place to which your Consular Commission extends.

2. Of the islands which I have referred to above as semi-civilized, the Friendly and Navigation Islands require the first consideration. It would be advisable that in each of these places there should be an officer acting under you in the discharge of the duties of the High Commission. At Samoa there will be a Consular Officer who will be in close relations with you in your Consular capacity. It would be advisable that the same officer should be constituted a Deputy Commissioner under the order, so that your correspondence will be carried on with the same officer whether as Commissioner or Consul.

In Tonga as there appears to be no present ~~int~~ intention of appointing a Consular Officer the officer under your directions will be a Deputy Commissioner only. The Deputy Comm. for Tonga would probably reside at the chief town in the island Tonga-tabou while I presume that Apia on the island of Upolu would be the head quarters of the Deputy Commissioner for Samoa. To these officers a salary of not less than £450 per annum should be attached, but as the officer in Samoa will receive a salary of £450 with a further sum of £100 per annum for office allowance in respect of his Consular appointment it will only be necessary that he should be paid the sum of £100 a year as Deputy Commissioner.

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It may be necessary to point out that some islands should be included as falling geographically within the Tongan and Samoan Groups which have not been specifically named in the Order in Council as belonging to any groups, as for example Nieuve or Savage Island which appears naturally to fall within the Tongan Group. Other Islands such as Ninafore, wallis Island, Fortuna and Rotuma which appear mostly to be equi-distant from Samoa and Fiji might be visited when necessary by the Deputy Commissioner from Samoa or by the High Commissioner from Fiji. The Union, Phoenix and Ellice Islands might also be visited by the Dep. Comm. from Samoa should convenient opportunities occur.

Arrangements of this nature, however, you will be able to make by aid of your local knowledge which will show you how the division can best be made.

It will probably be necessary to provide each Dep. Comm. with a small sailing vessel to enable him to visit the islands under his jurisdiction. I need not point out to you that no avoidable expense in this respect is to be incurred, as the funds at the disposal of the High Commissioner are by no means large; for which reason I feel compelled to limit the number of Dep. Comms. to be appointed at present to the two I have mentioned; although I am aware that there are other groups to which if it were feasible it would be desirable that similar appointments should be made.

3. As regards the labour traffic there is now happily reason for believing that in consequence of the vigilance of H.M.'s cruizers and the establishment of a settled Government in Fiji the kidnapping and forcible abduction of Polynesians has ceased. It will however be your constant care to watch against any return to the former abuses whether revived under British or Foreign flags

It is at the same time to be remembered that while the system of compelling the natives by force or fraud to labour against their will is to be vigorously suppressed, the importation of native labourers who freely tender themselves with a clear knowledge of the nature of their contract into plantations worked by persons of European origin is most beneficial both to the employer and the employed, and it will be one of your duties, and not the least important to promote this immigration whenever it can be legitimately effected and above all where it is properly supervised

4. The group of islands first in importance where no settled form of Government is believed to exist, is the New Hebrides and to this would naturally be added the Banks and Santa Cruz groups. For the present it will probably be found convenient in the New Hebrides and other groups where civilization has not yet made progress, to appoint a British Agent who should be required to correspond with you and keep you informed of all matters of interest occurring in his group and who should be instructed to take such steps for watching the conduct of the labour traffic as you may deem advisable.

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These agents need not, I should think, be salaried Officers, as the importance which the responsibility of their office is likely to confer upon them in the eyes of British subjects will probably be sufficient to induce them readily to perform the very trifling duties which will be demanded of them. As it is believed that some of these islands cannot safely be visited in a small vessel, advantage should be taken of occasional visits of H.M.'s ships of war for the purpose.

There remain to be considered the large number of islands stretching to the North and North West from Santa Cruz, greater in extent than the groups already referred to, and from all accounts more thickly peopled - such as the Solomon Islands, the Louisiade Archipelago, New Britain, New Ireland, New Guinea and the Caroline Islands, which latter group has been described as being formerly one of the strongholds of the worst characters of the Pacific. It will ~~be~~ I trust be possible in the course of time to appoint a third paid Deputy Commissioner to this group. The island of Ascension, Stronge Island or one of the other large islands of the Caroline Group would at first sight appear suitable for the head quarters of the future Dep. Comm. of this group but it may be found useless for a Dep. Comm. to reside at any one spot. His residence would perhaps be more fitly chosen to be on board ship, where too he would be comparatively safe from attacks of natives, and from the malarious fever which is understood to be so prevalent on the coasts. For the present however, this would involve, far too great an expense to justify me in authorizing you to appoint a Dep. Comm. for these groups.

The group collectively known as the Line Islands will also be within your jurisdiction, the inhabitants of which have been chiefly known to Europeans for the trade that has sprung up with them in pearl shell and copra. For the present this group must be left to the occasional visit of one of the Dep. Comms.

In conclusion I desire most earnestly to impress upon you the absolute necessity of proceeding with the utmost circumspection in putting the Order in Council into force. The powers it confers upon the Court and the Dep. Comm. are very extensive, and although if used with judgment, they will I hope prove a most salutary check upon the tendency of lawless characters in distant parts of these little traversed seas to perpetrate acts of savage brutality, yet if they are confided to persons who use them harshly or without discretion the system set up by the Order will be brought into discredit and will have to be abandoned.

You will have observed that the provisions for dealing with civil cases occupy a considerable part of the Order in Council.

It was felt to be necessary that some adequate means should be provided for settling civil questions arising between subjects of Her Majesty who reside within the limits of the High Commissioner's jurisdiction, but not within the jurisdiction of any Colonial Courts

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of Justice. But it is desirable that you should consider very carefully whenever it is proposed to bring any civil action, whether it is convenient to the Court, having regard to the business which has the first claims upon it, to hear the case, and you will be most careful to satisfy yourself that there is sufficient provision for defraying all expenses to which the Court may be put.

I have & c.

Carnawon.

HIGH COMMISSION: WORKING OF THE

H.C. to S.S., No. 37 of 16.7.81: The statistics which I wished to obtain before preparing my Report on the working of the High Commission and which I have long since called for have not yet reached me, and I have waited for them too long to afford me time before the departure of the outgoing mail to put together any long or elaborate paper on the subject. But I do not like to permit another month to pass without making some further effort to comply with your Lordship's instructions, and I shall therefore hastily set down a brief record of the working of the High Commission, and an equally succinct statement of the measures by which I think it might be rendered more efficient, although I shall be unable, from want of time, to enter into the details, and, from want of materials, unable to supply the illustrations which I had desired that my report should contain. When however I am in a condition to do so, I propose to prepare such a paper as will supply these deficiencies and I should wish what I now say to be taken as subject to the correction and explanations which will be afforded by that communication which I shall then probably desire to substitute for the present despatch.

2. When I left England early in 1875, it was intended that I should be appointed H.C. for the W.Pacific under the provisions of the Pacific Islanders Amendment Act of that year, and that I should receive extensive and exclusive powers with regard to the control of British subjects, - the superintendence of the Labour Trade, - and the intercourse with native tribes within the limits of the W.Pacific. Owing to a variety of causes, on which it is unnecessary to dwell, it was not till the Autumn of 1877 that the Order in Council contemplated by the Act of 1875 was issued, and in the meantime the intentions of Her Majesty's Govt. had become to some degree modified - The functions of the H.C. were confined to dealings with British subjects alone, and the conduct of relations with native states and tribes confided to a Consul General under the control of the Foreign Office. The superintendence of the Labour Traffic also, one of the most important functions which it had been proposed to confer on the H.C., was, though given in the first instance, practically taken away by the powers granted immediately afterwards to the Governors of all the Australian Colonies. The powers conferred by the Order in Council were, however, extensive, and were yet further increased by an additional Order in Council issued in 1879.

It was not till the beginning of 1878 that the Order in Council was brought into operation in the Pacific, and appointments made under it. The Chief Justice of Fiji was named Chief Judicial Commissioner, - Deputy Commissioners were appointed in Samoa and Tonga, and the employment of a Secretary, and Registrar of the High Commissioner's Court sanctioned.

In June 1878 I went to England where I remained for nearly a year. During my absence the Chief Judicial Commissioner acted as High Commissioner, and some difference of opinion arose between him and the Senior Naval Officer on the Station as to the authority by

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which it was to be determined whether any, and if so what, punishment should be inflicted on natives guilty of outrages against British subjects, the Act. H.C. being disposed to regard such a decision as devolving on him and the Naval Authorities contending that it was a matter wholly depending on the judgment of the Naval officers on the spot, and with respect to which the H.C. had no jurisdiction.

After a good deal of correspondence it was determined by Her Majesty's Government that the Naval authorities were exclusively responsible for the performance of acts of war against native tribes, and for determining whether such acts were requisite, but that where it was practicable, and would not cause unnecessary delay, the H.C. was to be communicated with before action was taken.

I returned to the Pacific in August 1879, and have not since left it.

I will now describe the working of the Commission, as it has appeared to me during the comparatively short time it has been under my observation.

As regards what was perhaps one of the main objects of its institution, - the regulation of disputes between British subjects in Samoa and Tonga, it has, I think been completely successful. Such differences as arise are speedily settled, more often out of Court than before it, and there is an almost entire absence of the scandalous scenes and disputes between British subjects which were before 1878 of such common occurrence in those groups of islands.

As regards the prevention and punishment of offences committed by British subjects in other and more distant parts of the Pacific, the operation of the Commission has been ~~far~~ less efficacious. But it has been far from useless. Not a few offences have been detected and punished, and I am confident that many more have been prevented from a fear of the consequences which might ensue through the intervention of the H.C.'s Court.

As regards the regulation and supervision of the Labour Traffic it has been almost wholly and absolutely in-operative, owing to causes above alluded to, which have taken all practical check or means of control out of the hands of the H.C.

As regards the dealing with cases of native outrage, the function of the H.C. has been reduced to the expression of an opinion, - if asked for it, - whether punishment is, or is not requisite:-

I believe that in every case where such a reference has been made to me, I have concurred with the Commodore in considering that it should, or should not, be inflicted. I have very rarely indeed been consulted as to the nature of the punishment, or informed beforehand what it was to be, but I have in almost all cases considered that the course adopted by the Commodore, or in accordance with his direction, has been just and suitable.

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Time presses me so closely that I can only shortly enumerate the measures, by the adoption of which I believe the H.C. would attain a degree of efficiency and utility which it is useless now to expect from it, leaving the statement of the arguments to be urged in their support for a subsequent despatch :-

- (1) The appointment of resident Deputy Comms in three or four central positions in the Western Pacific.
- (2) The constant employment, except during the hurricane months of one or other of these Deputy Commissioners in visiting localities where he was not resident. In the performance of this duty they might relieve each other.
- (3) The employment for this service of a vessel, such as it was some two years since determined by H.M.'s Govt. should be placed at the joint disposal of the H.C. and Govt. of Fiji.
- (4) The grant to the H.C.'s Court of power to try and punish natives for offences against British subjects; where such a right has been conceded by the native chiefs themselves to him.
- (5) A simplification of some of the provisions of the Orders in Council. It is I think to be regretted that so very elaborate an instrument was in the first case prepared. Of its 321 articles, by far the greater part are never called into use. But it is constantly found in the remoter regions of the Pacific that in some trivial particular, introduced without thought of other circumstances than those of a highly civilized community, it is wholly impossible to comply with the directions of the Order in Council, and the powers intended to be conferred by it become consequently useless.

I must again ask Your Lordship to understand that the present despatch must not be regarded as the Report called for by Your Lordship, but merely as a temporary substitute written in extreme haste when obliged to give up all hope of receiving in time for today's mail the returns and statistics which I had desired to forward.

I have &c.

Arthur Gordon.