

boldness they did not before possess, and enables them to inflict death from far greater distances, and with far less risk to themselves, than was formerly the case.

- (4.) A large number of murders is also due to the criminal carelessness of the traders, and the total disregard on their part of the precautions formerly observed in all communications with the natives, as well as to the small size of the vessels now often employed in the Pacific trade.

180. This carelessness is, of all the causes enumerated, that which has the largest influence. The records of former voyages show, what may be easily ascertained by a question put to any one engaged in them ten or twenty years ago, that, until very lately, the utmost vigilance was exercised when visiting a savage island. Three precautions especially were never neglected :

- (1.) If a party was allowed to land at all, it was sent in some force, and the men who went ashore were never allowed to separate from one another for a moment on any account whatever. Moreover, no boat was permitted to touch the shore and communicate with the natives unless a second boat was lying off, with arms ready, to keep guard over those who had landed and were engaged in barter. We do not remember a single instance in which this precaution has proved insufficient ; and in every recent case of murder it has been heedlessly disregarded, notwithstanding the fact that it is one of the standing orders of the Fiji Government to all labour agents who are employed by it.
- (2.) If natives were allowed to come on board a vessel at all, it was only in very small numbers and unarmed.
- (3.) A watch was always kept, and a certain number of well-armed men stationed in the tops, who commanded the whole deck. The entire absence of these precautions in recent cases forms a strong contrast to the vigilance formerly employed.

181. Again, the small size of some of the vessels employed in trading among the islands is a direct invitation to attack, and more especially so when (as is often the case) the crew consists wholly or in great part of native islanders.

182. It is only to be expected that if, as intercourse increases and the mysterious awe of the white man wears off, as the occasions of offence are multiplied, and the power of taking vengeance for such offences is increased by the dissemination of European weapons, and the most obvious precautions are more and more neglected, outrages will also multiply. No amount of severities will prevent their continued perpetration, unless reasonable precautions are taken, and the employment of small vessels discontinued.

183. Moreover, while we have no doubt that massacres are in many cases perpetrated to gratify the mere savage thirst of blood, or to satisfy the cupidity excited by the display of tempting goods, it is only right to remember that this is not always so. The murder may have taken place in some tribal broil ; it may have been the result of previous quarrels ; it may even be the just punishment of a grave offence, or the natural result of serious provocation. It may have resulted from a breach of customs having the force of law, of the consequences of breaking which the murdered man may have been himself well aware. The punishment of death is naturally, and indeed necessarily, often resorted to by barbarous nations, who have no means of carrying out long sentences of imprisonment or other secondary punishments. It is true that in England murder and treason are now the only capital offences, and that we are apt to regard the infliction of death for other offences as unjustifiable ; but it can hardly be a subject for wonder or complaint if among savage tribes punishments should be as sanguinary as among ourselves fifty or sixty years ago. Where a white man is put to death by savages for an offence which, if committed by one of themselves, would, with the general assent of the community, have entailed a similar penalty, it would generally (though not always) be difficult to say that "an act of war" had been committed.

184. We think it highly desirable that, in cases of outrages committed by natives against whites, jurisdiction should by Act of the Imperial Parliament be conferred on the High Commissioner's Court. We are aware of the difficulties attendant on such a step, but, though no exact parallel may be found, there are analogies which appear to us sufficient to form a precedent for the grant of such a jurisdiction. They will be found in the jurisdiction exercised over certain parts of the west coast of Africa not under Her Majesty's sovereignty, and in the arrangements made for the administration of justice in the Island of Cyprus.

185. In many instances it will be found impossible to deal by acts of war with offences which yet may well merit punishment, and, in the absence of any legal jurisdiction over offenders in such cases, the course to be pursued with respect to them is perplexing in the extreme, and the adoption of any mode of action whatever surrounded with well-nigh insurmountable difficulties. The grant of such jurisdiction would in no respect diminish the power of the naval officer commanding in the locality to proceed to acts of war, or lessen his responsibility for undertaking them. A recourse to such acts must not unfrequently be inevitable, and we have no desire to recommend their discontinuance. As a general rule, we consider that in ordinary cases resort should be had to this power only after the failure of a demand for reparation made by civil authority ; but no absolutely inflexible regulation of this nature can for the present be laid down. We think, too, that the exemption from the jurisdiction of the High Commissioner's Court of officers and seamen in respect of all acts performed in the execution of their duty should be more distinctly defined. Such immunity has been questioned, and the contention that they are liable to be tried for acts so performed has been urged in official documents by the judicial authorities. We hold that all doubt on this point should be conclusively set at rest. Such exemption would not of course exclude officers or men from the jurisdiction of the Court in respect of acts committed by them as individuals, and not in their executive capacity.

186. No consideration of a system for the introduction of law and order into the Western Pacific would be complete without some reference to the position of the missionaries of the various denominations who form numerically a large and most influential section of the resident British subjects in the Western Pacific Islands.