

High Commission has tended to reduce the influence of that service amongst the whites, whilst tying its hands in its dealings with the natives.

COURSES OPEN TO ADOPTION.

63. Having thus considered the working of the Order in Council and the actual state of things in the Pacific, we can come to no other conclusion than that the present arrangements for the control of British subjects and the administration of justice among the islands of the Western Pacific, as well as for the suppression of outrages committed by natives of those islands, are highly unsatisfactory.

64. Before considering the measures to be taken with a view to the substitution of a better system, it may be as well to review the various courses of action which suggest themselves for adoption.

65. I. An acknowledgment that the present system is a failure, and the consequent repeal of the Orders in Council, leaving the affairs of British subjects in the Pacific to be dealt with in the same unsystematic, irregular, and possibly illegal fashion which prevailed before their issue, would at least have the merit of simplicity. We cannot say that we think it a course to be recommended; for, though, no doubt, it would get rid of some difficulties, it would create new ones, or rather would revive old difficulties which the Orders in Council were framed to meet. Those difficulties led to much trouble and some litigation ten years ago, and would probably be found far more serious at the present day than they then were. But to take such a step as this is now practically impossible. The number of vessels employed in the Western Pacific is annually increasing, the number of settlers is greater, and the interests growing up are more important and extensive. Land is being acquired by white men, and, if the European settlers are left to follow their own devices uncontrolled, very grave consequences will inevitably ensue.

66. Moreover, the abandonment of control over the acts of British subjects in the Pacific would not be tolerated by foreign Powers having large interests therein.

67. The following table, which in some degree, though imperfectly, shows the increase in the number of British ships trading to the Western Pacific, merits the most serious consideration:—

Colony.	Year.	No. of Vessels.	Crew.	Tonnage.
Queensland ...	1865	2	15	123
" ...	1875	51	522	8,803
New South Wales ...	1880	138	2,391	48,965
New Zealand ...	1865	24	212	2,886
" ...	1875	132	2,118	50,444*

68. II. Some risk of friction might be avoided, and some increased celerity and uniformity of action gained, by the transfer of all the powers of the High Commission to the naval authorities. The objection to the adoption of this course is that it cannot be done thoroughly, for it would be practically impossible to transfer to the Commodore the judicial and legislative powers for the exercise of which the system was primarily established, and which, in Samoa and Tonga, are working satisfactorily enough. But, unless such a transfer could be complete, it would be ineffectual, and, indeed, would rather add to the chances of collision with the judicial authorities. The mere fact that the Commodore held the office of High Commissioner would not give him any jurisdiction beyond that which the High Commissioner already possesses.

69. The possibility of any differences of opinion between the High Commissioner and Commodore would no doubt be prevented by the union of those offices in one person, and that union might sometimes enable cases of outrage to be more quickly dealt with than at present. It would also appear in the eyes of the public to clothe the Commodore with larger powers of dealing with cases of murder committed by natives than he at present possesses. It may be added that, were the Commodore to hold the office of High Commissioner, the Deputy Commissioners employed by him would probably be the officers commanding Her Majesty's ships on the station, and that a saving would thus be effected in the expense of the Commission. But we are by no means sure that even these advantages are not more apparent than real. The danger of any collision between the Commodore and High Commissioner would indeed be averted; but the probability of serious differences with the Chief Judicial Commissioner and other Judicial Commissioners would be largely increased. Nor would any additional authority in regard to dealing with complaints against natives be really thereby conferred on the Commodore. It would still be, not as High Commissioner, but as a naval officer, and by acts of war, that he would have to proceed against natives guilty of outrage. His powers as High Commissioner would, as is now the case, extend to British subjects only. The reasons which now operate to prevent the grant of judicial powers over natives to the High Commissioner would equally prevent their grant where the office was held by the Commodore, while at the same time there would be an appearance of assumption of power which would mislead many.

70. And against these apparent advantages there are some serious drawbacks to be balanced. In the first place, the tenure of the Commodore's command (three years) is far too short to enable him, among all his other duties, to grasp the working of the High Commission until he is about to make way for his successor. Very great difficulty would in all probability attend the relations between the Commodore as High Commissioner and the judicial authorities of the High Commission. The Chief Justice of Fiji is an *ex officio* Chief Judicial Commissioner, and the Chief Justice of a colony can hardly be expected willingly to submit his judgments to the confirmation and revision of the naval officer commanding on the station, while, even if he consent to do so, it is more than probable that misunderstandings and disputes would arise between them, productive of grave public inconvenience and unseemly scandal, and cause an independent authority like that of the High Commissioner to be missed by both parties.

* The exports from New South Wales alone to the Western Pacific Islands, during the years 1875–80, amounted in value to £1,603,589, and that of the imports from the islands during the same period to £1,158,618.