

Gouve said he was on board the schooner, and when French Peter's mate tied up Dollofollo he went on shore, and saw French Peter shoot Rosen. He was close to Rosen at the time—six yards. Rosen was shot in the head.

Biliki said he was on board the schooner with Mulekopa. He saw French Peter shoot Rosen. He afterwards went ashore with Mulekopa.

4. There seems but little doubt that Edmunds removed the boy Singella against his and his owner's wish. The Natives resented this. Edmunds may have supposed his schooner would be attacked. He fired several shots, one killing the boy Rosen.

5. I told Dollofollo that if a man-of-war came again he was to go on board, and take the above-named witnesses with him. He promised to do this.

6. Singella himself, who is a fine young man, seemed perfectly happy and contented. I offered to take him straight away if he wished it, but he did not want to go.

I have, &c.,

The Commander-in-Chief, Australia.

ED. H. M. DAVIS, Captain.

Enclosure No. 2.

Sir J. B. THURSTON to Lord KNUTSFORD.

High Commissioner's Office, Western Pacific, Suva, Fiji,

14th November, 1890.

MY LORD,—

In my Despatch No. 34, of this date, I have reported the case of Peter Pratt Edmunds, charged with certain offences in the Solomon Islands. The case raises very important questions as to the jurisdiction of the High Commissioner's Court as regards foreigners on British ships, and foreigners who have been naturalised in one of Her Majesty's colonies.

In a petition addressed to me by Edmunds, asking for compensation for loss of time and damages sustained by him in consequence of the abortive proceedings taken against him, he states that he is a subject of the French Republic, but in 1881 obtained from the Governor of New South Wales a certificate of naturalisation conferring on him the privileges of a British subject while within the limits of the Colony of New South Wales. But outside that colony his status as a British subject lapses, especially as he appears to be domiciled in the Solomon Islands. He is, therefore, not competent to be the owner of a British registered ship, although I find from the list of merchant vessels published by the Board of Trade that he is registered in Sydney as owner of the "Magic," his address being given as the Solomon Islands.

So long, of course, as Edmunds flies the British flag on his vessel he cannot in a judicial proceeding plead that he is not British, and consequently may be tried in English Courts for offences committed on board such vessel on the high seas.

4. But it appears to me that he is not liable to the jurisdiction of the High Commissioner's Court, even for offences committed on board British vessels.

5. The Western Pacific Order in Council of 1877 (Article 6) states that it applies to "foreigners, in the cases and according to the conditions in this Order specified, but not otherwise." Its application to foreigners is laid down in Article 145, which only applies to "actions." There is, therefore, no criminal jurisdiction over foreigners conferred upon the High Commissioner's Court. The effect of this is that offences against English law committed by foreigners on board British ships in the Western Pacific can only be tried within Her Majesty's dominions; and that, further, foreigners on British ships are not subject to the regulations made by the High Commissioner. Thus, for example, in the case in question, Edmunds is not only a foreigner but the owner and commander of a British ship; and yet, whether on board such ship, or trading on shore in connection with the business of such ship, he could set up his foreign nationality as a bar against proceedings taken against him for breach of High Commissioner's regulations.

6. It not unfrequently happens that the masters (and occasionally the whole of the crew) of British ships in the Western Pacific are foreigners, and the regulations can in such cases be disregarded with impunity.

7. If I am right in my view of the law, it would appear desirable that steps should be taken to confer on the Court jurisdiction over foreigners for offences committed on board British vessels in the Western Pacific. It would probably be prudent to provide at the same time that such jurisdiction is only to be exercised when the offender is arrested on board a British ship, or within Her Majesty's dominions.

I have, &c.,

The Right Hon. Lord Knutsford, G.C.M.G.

JOHN B. THURSTON.

No. 9.

MY LORD,—

Downing Street, 4th February, 1892.

With reference to my circular despatch of the 6th of February, 1891, respecting the termination on the 30th June next of the Commercial Convention of the 26th April, 1886, between Great Britain and Spain, I have the honour to transmit, for the information of the colony under your government, a copy of a translation of a Spanish Royal Order, issued from the Spanish Treasury on the 13th January, respecting Customs duties on British goods between the 1st February and the 30th June next, together with a copy of a translation of Article XII., relating to certificates of origin, of a new tariff approved on the 31st December last.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.