

129. On the other hand, it is argued that the Act 9 George IV. has not been repealed; and, moreover, it is asserted that the jurisdiction given by that Act is more extensive than that conferred by the Order in Council, and extends to others besides British subjects.* We are not competent to express any opinion on these questions, but we are very certain that they ought to be authoritatively solved; and, moreover, that, if any attempt be made to enforce the pretension to jurisdiction on the part of the Colonial courts over others than British subjects, grave complications will ensue.

130. Recent events have also led us to consider that more efficient protection from suits with regard to actions performed in the exercise of the powers conferred by the Order in Council should be accorded to the High Commissioner.

III.—*The Labour Trade.*

131. Our attention has been directed to the abuses still existing in the labour trade, and we will now state what we conceive those abuses in the main to be.

132. As regards the trade generally, we desire that our view should not be misunderstood. The evils which attend it are so great that if we were convinced that it would be impossible to prevent them we should recommend its entire prohibition. We think that those evils can be held in check, but we do not believe it to be possible that they can be so without a considerably-increased expenditure. The alternative that we present for your Lordship's consideration is, therefore, the total suppression of the traffic, or increased vigilance, and consequently increased expenditure, in its control.

133. We cannot suppose it to be the will of Her Majesty's Government that atrocities should be committed unchecked by British subjects rather than incur the extra expenditure necessary to check them. But at all events we entertain no doubt that our own views with regard to this matter should be clearly and unmistakably expressed. If no more efficient precautions against abuse than those now in force be adopted, we have no hesitation in recommending that the trade should be totally prohibited, the transport of natives of the islands rendered illegal, and their engagement made impossible.

134. We do not, however, think that under proper regulation the labour trade need be discontinued, and are disposed to consider that it is, on the whole, better to organize and regulate than to prohibit it.

135. Forcible kidnapping is now happily, we believe, very rare, but we are by no means satisfied that it has altogether ceased; and more than one case has come under the notice of each of us individually which has been well calculated to rouse very serious misgivings on this head. Still, it may, we think, be assumed that no general practice of this sort exists, and, although occasional instances occur which show that increased vigilance in this respect is requisite, we believe that a resort to force, at all events on the part of English recruiters, to secure labourers is now of very rare and exceptional occurrence amongst those islands which are most frequented, and which have hitherto formed the chief sources from which labour has been supplied. Recent communications from the German Government are, however, calculated to excite some apprehension that the evils which have been checked in the more frequented groups of the Pacific have evinced a tendency to reappear as the trade has passed onwards into the more remote and less known regions to the north. We attach so much importance, for more than one reason, to the communication in question, that we have caused a copy of it to be appended to this report.*

136. That there is room for apprehension that even in those groups where the trade is conducted in the least objectionable manner serious irregularities are not unknown, appears to be shown by the statement made to us by the Rev. H. Robertson, to which we desire to call your Lordship's attention.† We examined Mr. Robertson at some length, and are satisfied not only that he may be trusted as to the facts he narrates as an eye-witness, but that he enjoys great facilities for forming a correct judgment. The case reported by him is in several points remarkable. Usually, when irregularities are reported, there is a want of definiteness about the particulars, and a lack of positive evidence. Here there is no deficiency of either.

137. The purchase of recruits is undoubtedly common under various forms; nor is it denied by the labour agents, who, indeed, say openly that it is essential to the continuance of the traffic. Sometimes presents are made to a local chief, sometimes to the friends, townspeople, or relatives of those whose services it is sought to secure, but in all cases they are given with the view of inducing those who receive them to order, or persuade, men to enter into an engagement to labour.‡

138. Misrepresentation and cajolery we fear must be regarded as being of well nigh universal employment, nor can there, we think, be any doubt that much discontent and ill-will are frequently created by the breach of promises recklessly made without a thought as to their fulfilment.

139. A total disregard of all native authority is also universal, and is, in our opinion, productive of a very great amount of mischief. To this source indeed we are inclined to attribute a large proportion of the outrages which have taken place; even the most careful and scrupulous labour agent considers that, if he obtain the consent of the individual whom he desires to recruit, he is at liberty absolutely to disregard all objection on the part of others. The authority of the chief over his tribesmen, of the collective tribe over its members, of the father over his child, of the husband over the wife, is too often wholly ignored. In so doing, the recruiter has, no doubt, the letter of the law on his side, for it is only embarking a native without *his own* consent that is punishable under the Acts

* Such at least, it would appear, is the only construction which can be placed upon the language of the "opinion" given by the Attorney-General of New South Wales on the 29th September, 1882, to the effect that "the jurisdiction conferred upon the Supreme Court of the colony by the Act of George the Fourth is much more extensive than that which the Order in Council vests in the High Commissioner's Court, the jurisdiction of which extends to British subjects only." To an ordinary eye, the scope of the Act 9 George IV. seems equally strictly restricted to British subjects.

* Appendix A. † Appendix B.

‡ This has been questioned; but how it can be so is a matter of astonishment to any one having the smallest practical acquaintance with the trade. The fact admits neither denial nor doubt.